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Declassified E.O. 12356 Section 3.3/NND No. 785016

ACC

10000/142/308

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10000/142/308

LABOR DISPUTES
DEC. 1943 - MAR. 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
AFC 394



ACC/4001/2/L

1 March 1944

SUBJECT: Labor Matters.

TO : Executive Commissioner.

I summarize what I understood to be the result of conference on the above mentioned matter on 28 February.

1. General Order No. 17 was published in Region II but was not actually published in Region I as the freedom of labor to organize had already been granted sometime before and that on 27th February 1944 it was published in Region III.

2. SIO, 5th Army stated General Order No. 5 of the same general import as General Order No. 8 for Sicily was published in 15th Army Group Area, but it is still not clear in exactly what portions of such area it was published.

3. Proclamation No. 8 has not been enforced in presently occupied territory as the basic date used in Art II made it impracticable to do so. In future printings of this proclamation the date can be amended by substituting the words "one week prior to the posting hereof" and the Labor Subcommittee wanted the policy of this proclamation to be continued.

4. The Labor Subcommittee has received a draft of a decree which the Italian Government is expected to promulgate in unoccupied territory combining in effect General Orders Nos. 5 and 17 and that either in that decree or a following one there will be an added list of Fascist institutions to be abolished. After the Labor Subcommittee has examined the proposed decree, it will be transmitted to the Legal Subcommittee before final approval, insofar as ACC is concerned, is given. In the meantime, 15 General Orders Nos. 8 and 17 will no longer be published, but the decrees will be made part of the law of occupied territory.

5. Labor Subcommittee have no objection to the Italian Courts continuing their complete jurisdiction in labor disputes.

6. You will consider with the V.P., Economic Section, the question of the revision of General Orders 3, 4 and 5 with a view to bringing them up to date to assist in preventing black market offences. This Subcommittee has already had some correspondence on this matter (our ACC/4027/L of 17 Feb. 44) with the Economic Section and would be happy to attend any conference.

Copy to: Labor Subcommittee
SIO 5th Army.

G. R. Wright
G. R. Wright, Colonel
Chief Legal Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

RMA/msr

To : Legal Sub Commission Lt Col Richard H Wilmer Deputy Chief
From : Labor Sub Commission ACC Rear Hq Capt Robert M Albright
Subject : Jurisdiction in Labor Disputes
Ref. : ACC/4001/2 - 17 Feb 44
Date : 21 February 44

1. Answer to above inquiry has been necessarily delayed pending clearances with Italian Ministry of Labor, Labor Director for Region I, and the Labor Sub Commission Hq in Naples.

2. Neither the Italian Ministry of Labor nor the Labor Sub Commission knows of any act debarring Italian Courts from their previously established jurisdiction in handling labor cases.

The provisions of General Order 8 (Region I) and similar Orders in other territories provide for action by the Regional and the Provisional Labor Offices "to act as conciliators, mediators, or arbitrators in labour disputes". (Art IV (e) and Art V (c)). These provisions are not considered by the Labor Sub Commission to supersede the jurisdiction of the courts. The Italian Government, in territory restored to its control, continues the same organizations and procedures as under Allied Military Government.

3. The jurisdiction of the Italian Courts is set forth in the Co-dice di Procedura Civile (Anno 81, No. 253, 28 Oct 1940) Article 429 copy of which is attached.

4. With specific reference to the case of the small "affitto" or land-tenancy contract, Dr. La Loggia, the Director of the Regional Office of Labor for Sicily has given an additional statement, copy of which is attached. The advice of Dr. Loggia was requested since he has had the longest experience with the procedures of the AMG Labor Offices and his services are now being used by both the Labor Sub Commission and the Italian Ministry of Labor.

5. It is the opinion of the Labor Sub Commission that the same procedure should apply in those forward areas in which Regional and Provincial Labor Offices have been established.

6. The Labor Sub Commission will be glad to receive any advice and suggestions in this matter, and respectfully requests to be consulted and

*Three times four months of further
- since case is subject to
subsequent developments -*

(14)
advised on any rulings or interpretations of the Legal Sub Commission affecting
the Italian Courts in their relationship to labor matters.

*Robert M. Allington, Capt
AUS.*

14

cc to : Labor Sub Commission Hq Naples
Italian Ministry of Industry, Commerce & Labor
Capt. Robert Frazer, Labor Officer, Region II

OF THE INDIVIDUAL LABOR DISPUTES

Section 1 - General Dispositions

Art. 429

Individual Labor Disputes

The dispositions of the present art. are applied to the following disputes:

- 1.) relations of labor and capital, that are or can be coordinated by collective contract or by similar rules.
- 2.) relations regarding metairie, partial farm and small rents.
- 3.) relations regarding employees of public utilities who are members of sindacal associations.
- 4.) relations regarding the employees of public utilities who, by the law, cannot be dealt by any other judge.

CODE OF CIVIL PROCEDURE

(12)

1. The Labor Offices are interested only of labor relations.
2. Rents are not in the general labor relations.
3. Small agricultural rents are assimilated to the labor relations. (See Code of Civil Procedure.
4. By small rents is meant that it absorbs the labor strength of the leaseholder and his family.
5. The labor office may take care of the disputes regarding the small agricultural rents.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

/gmf

11

17 February 1944.

ACC/4001/2

SUBJECT: Labor Disputes.

TO : FLO Region II.

1. Reference your letter of 9 Feb. 1944 and enclosures (Ref 2201/57/1).

2. In view of the restoration of territory to the Italian Government.
I assume the matter is no longer of interest to you, but I have written to the
Labor Subcommittee about it as a matter of interest in forward area.

RICHARD H. SIMER
Lt. Col.
Deputy Chief Legal Officer.

11

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394.

(10) /enf

17 February 1944.

ACC/4001/2

SUBJECT: Labor Disputes.

TO : Labor Subcommittee, ACC

1. With further reference to my letter to you dated 3 February 1944 (Ref ACC/4001/2/1) I am enclosing a copy of a letter from the RLO Region II dated 9 February 1944 and the translation of an Arbitration Verbaal enclosed.

2. While these matters are no longer of interest in Region II, they are of definite interest in forward areas.

3. This Subcommittee would like to have your views.

RICHARD H. WILMER
Lt. Col.
Deputy Chief Legal Officer.

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HEADQUARTERS
UNITED CONTROL COMMISSION
REGION II

9 Feb 44

(4)

Ref: 2201/57/1

Subject: Labour Disputes

To : CLO ACC Salerno (*copy of attached letter)
Copy to L.O. Salerno

1. Further to this HQ letter of 28-1-44, the attached is copy of a letter from arbitrators appointed by the Labour Officer Salerno, to arbitrate in a so called "Labour Dispute".

2. It is submitted that the dispute is primarily one affecting tenancy of land, and should have been tried in Court and not subjected to any scrutiny by arbitrators appointed by AMG Labour Officials.

3. But the case illustrates the confusion prevalent as to
- (a) What is the definition of a Labour Suit
 - (b) To what extent the ordinary Italian Courts are debarred from trying Labour disputes.

4. A directive on the matter would be greatly appreciated since considerable hardship is being caused through the present uncertainty.

*MacKinnon Major**Mr* D.S.S. COUSINS, Lt. Col.
RCLO
Region 2

UFFICIO PROVINCIALE DEL LAVORO DI SALERNO

N. _____ OGGETTO: Arbitration verbale

Salerno, li 2 February 1944

On the 29th day of January nineteenfortyfour, in Salerno, at the Provincial Labor Office.

Before me Cav. Giuseppe Villani, Judge of Salerno Tribunale, appointed by letter of the Director of the Labor Office, dated 13 January 1944, as an arbitrator between Cav. Vicedomini Francesco and Amodio Generoso have appeared the following persons:

- 1) Amodio Generoso assisted by Avvocato Giovanni Primicerio.
- 2) Vicedomini Francesco, assisted by Avvocato Antonio Trezza.

I have invited the parties to a friendly settlement of the affair, in view of the fact that the agricultural season has already begun and that the farmer, Amodio, has already planted seeds and toiled the land. I have made pressure upon the landlord Sig. Vicedomini, to grant the farmer that lease be extended till the end of this year, as required by Amodio; Vicedomini has requested, as a main point, that sentenced by Pretore of Amalfi should be enforced, and, secondly, that only in consideration to my pressures and in view of the present difficulties of life, he was willing to keep farmer in the land only for the present year, without any benefit of extension at termination of contract and with the understanding that farmer must pay in nature the following produces, according to an esteem made by Dr. Passaggio, dated 3 October 1939 to wit: 13 Ettolitre of wine, 1 (one) quintale of corn, 1,75 qli; of wheat. Farmer has right to keep all the other produces.

At this point, the parties, after having discussed both the proposals, agreed as follows:

Visto IL DIRETTORE DELL'UFFICIO PROV. DEL LAVORO
(AVV. Raffaele Petiti).

Amodio is oblig^d from present date to leave farm at free disposal of owner, while he has the right to stay in the house another month obliging himself to leave at the end of February. Vicedomini is obliged to pay 2000 liras net of every rent he may have title to for 1943 rental year, to the farmer evicted. Said amount is due for the planting of seeds, labour rendered and judicial expenses paid by Vicedomini, who won case against Amodio by sentence of Pretore dated 17 December 1943.

Expenses of present arbitration are charged to both parties, in equal amounts.

Amodio Generoso does not sign because he is illiterate.

Read, agreed and undersigned.

signed Francesco Vicedomini
" Avv. Trezza
" " Primicerio
" " Villani

Expenses for present arbitration

preparatory work	Lire	100,00
hearing	Lire	100,00

Total expenses	Lire	200,00
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Salerno 1 January 1944

Arbitrator
Giuseppe Villani

UFFICIO PROVINCIALE DEL LAVORO DI SALERNON. 184 OGGETTO: Arbitration Verbale

Salerno, li 2 February 1944

I enclose herewith arbitration verbale, dated 29 January 1944, concerning a labour litigation between Amedeo Generoso and Vicedomini Francesco, arbitrated by Cav. Giuseppe Villani, judge of Salerno Tribunale. I respectfully request approval thereof according to letter c), Art. 6 of plans and instructions for labor offices, under Regional Order No. 5.

Very respectfully yours,

CHIEF CIVIL AFFAIRS OFFICER
~~EX.~~ ALLIED MILITARY GOVERNMENT
S A L E R N O
=====

Il Direttore dell'Ufficio Provinciale
del Lavoro.

(Avv. Raimondo Petti)

R. Petti

UFFICIO PROVINCIALE DEL LAVORO DI SALERNO

N. _____ OGGETTO: _____

Salerno, li 29 Gennaio 1944

VERBALE DI ARBITRAMENTO

L'Anno millenovecentoquarantaquattro il giorno ventinove gennaio in Salerno nell'Ufficio Provinciale del Lavoro.
Innanzi a noi Cav. Giuseppe Villani Giudice del Tribunale di Salerno nella qualità di arbitro nella controversia di lavoro tra Amodio Generoso fu Carmine e Vicedomini Francesco fu Matteo, nominato con nota 13 gennaio dal Direttore dell'Ufficio del Lavoro. Sono comparsi:

- 1) Amodio Generoso assistito dall'Avv. Giovanni Primicerio;
- 2) Vicedomini Francesco, assistito dall'Avv. Antonio Trezza.

Noi abbiamo invitato le parti ad un bonario componimento specialmente per il motivo che l'annata agraria è già iniziata ed inoltrata ed il colono Amodio ha pure eseguito lavori e semine. Particolarmente abbiamo rivolto viva premura al proprietario sig. Vicedomini di consentire la continuazione della locazione per la sola annata corrente, come è anche richiesta dall'Amodio.

Il Vicedomini in linea principale ha chiesto darsi esecuzione alla sentenza di sfratto del Pretore di Amalfi; in linea subordinata e solo per aderire alle nostre premure, in vista delle necessità di vita, volendo venire incontro ancora una volta al lavoratore ha proposto, senza ~~mentre~~ appunto accettare una proroga, di far rimanere l'Amodio nel fondo per la corrente annata purché corrisponda ad esso proprietario in natura i seguenti generi, in conformità di una perizia del Dr. Passeggia del 3 ottobre 1939 i seguenti generi: Vino ett. 13; Granone q/li L. grano q/li 1,75 rimanendo a beneficio del colono tutti gli altri prodotti. A questo punto a seguito di discussione sulle reciproche proposte le parti sono addivenute, con il nostro consenso ad un bonario componimento nei seguenti termini:

L'Amodio si obbliga a lasciare il fondo alla libera disponibilità del proprietario Vicedomini fin da oggi, trattando l'uso dell'abitazione della casa colonica sita nel fondo per un altro mese da oggi, obbligandosi a lasciarla libera a fine febbraio ed il proprietario Vicedomini si obbliga pagare al colono uscente la somma di L. 2000,00 (duemila) al netto di ogni suo dare per canone di affitto della ricorsa annata 1943 e tale somma in rimborso dei lavori e delle semine già eseguite ed in transazione delle spese giudiziarie finora sostenute dal Vicedomini e di cui egli riportò condanna con la sentenza del Pretore del 17 dicembre 1943 il sig. Amodio.

Le spese dell'attuale controversia restano a carico metà per ciascuno.

L'Amodio Generoso non sottoscrive perchè analfabeta.

Letto, confermato e sottoscritto.

Giovanni Primicerio

Francesco Vicedomini
Arm. Villani

VO IL DIRETTORE DELL'UFFICIO DEL LAVORO

(Avv. Raffaele Petiti)

es

R. Petiti

2. *investigazione interviata arbitral*
Studio preparatorio lire 100.00
Relazione *100.00*
Totale *200.00*

Salerno 1-2-1944

L' Arbitro
Giuseppe P. Piani

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION II

RULES AND REGULATIONS WITH REGARD TO LABOR OFFICES ISSUED
PURSUANT TO EXECUTIVE ORDER NO. 1

THE REGIONAL LABOR OFFICE FOR REGION II, DOMINICA AND THE
PROVINCE OF KILBURN

1. The Regional Labor Office for Region II shall be established in the City and Province of Kibera or at such other city or town as the Regional Civil Affairs Officer may direct.
2. The Regional Labor Office for Region II shall be in the charge of a civilian director to be known as the Director of Labor for Region Two to be appointed by the Regional Civil Affairs Officer or an officer duly empowered by him in that behalf. His staff shall be composed of civilian clerical staff, labor economists, labor investigators and such other selected personnel as he may require and the Regional Civil Affairs Officer may approve.
3. The powers, duties and functions of the Regional Labor Office for Region II will be as follows:-
 - (a) To co-ordinate the functions and activities of the various Provincial Labor Offices.
 - (b) To act in an advisory capacity to Provincial Labor Offices.
 - (c) To compile statistical information on employment, child labor, wages and labor relations (including, but not limited to, mediation, conciliation and arbitration) in Region II, such statistical information to be based upon information supplied by the Provincial Labor Offices and checked and compared with all other available information.
 - (d) To report monthly to the Regional Civil Affairs Officer on the labor situation generally in Region II.
 - (e) To publish annually in the form of a report to the Regional Civil Affairs Officer a summary of and deductions from the statistical information so compiled and to make such report available for inspection by and publication to the public.
 - (f) To act as or as special conciliators, mediators or arbitrators in any labor disputes referred to it by any Provincial Labor Office or by the Regional Civil Affairs Officer, but so aware that any conciliation, mediation, arbitration or other decision given by any such officers shall be submitted for approval by the RCMO. any decision which appears adverse to affect the interests of the Allied Forces in the territory, or which is in conflict with any policy affecting the public interest in the territory may at the discretion of the RCMO be reviewed or reopened by him for further evidence and consideration.

(g) To consider forthwith the most practicable and expeditious method of re-establishing and assuring freedom of labor organization and representation throughout Region II.

(h) To deal with such other matters relevant to labor and labor relations in Region II as the Regional Civil Affairs Officer may refer to it.

PROVINCIAL LABOR OFFICES

4. The Provincial Labor Office for each province will be established in the capital city or town of the province or in such other city or town as the Provincial Civil Affairs Officer may direct.

5. Each Provincial Labor Office will be in the charge of a civilian director to be known as the Director of Labor to be appointed by the Prefetto and approved by the Provincial Civil Affairs Officer. His staff shall consist of clerical employees and such labor economists and investigators as he may require.

6. The powers, duties and functions of a Provincial Labor Office will be as follows:

(a) To compile statistical information on employment, unemployment, child labor and wages in the province.

(b) To establish central employment offices as and where necessary and there to:-

- (i) Register all unemployed labor by craft and skill;
- (ii) Furnish labor (on application) to the Allied Forces;
- (iii) Furnish labor (on application) to civilian employers.

(c) To act as or to appoint conciliators, mediators or arbitrators in labor disputes but so always that any conciliation, mediation, arbitration or other decision given in any such dispute shall be submitted for approval to the Regional Civil Affairs Officer through the Provincial Civil Affairs Officer. Any decision which appears adversely to affect the interests of the Allied Forces in the Territory, or which is in conflict with any policy affecting the public interest in the territory may at the discretion of the RCMO, be reviewed or reopened by him for further evidence and consideration.

(d) To report monthly to the Prefetto and the Provincial Civil Affairs Officer on its work in the past month and on the labor situation generally in the province.

(e) To institute forthwith a study of wages in the province.

(f) To establish such sub-offices and to appoint such representatives as efficient administration may require.

(g) To deal with such other matters relevant to provincial labor and labor relations as the Prefetto or the Provincial Civil Affairs Officer may refer to it.

(4)

RECORDS AND FILES OF DISSOLVED INSTITUTIONS

7. The records and files of the Institutions dissolved by Article I of Regional Order No. 5 shall be delivered to the Director of Labor for Region II or as he shall direct.

ASSETS OF DISSOLVED INSTITUTIONS

8. (a) Provincial Civil Affairs Officers will furnish to the Regional Controller of Property a list of all property of the said institutions and inventories of contents, stating:-

- (i) The physical condition of the property and
- (ii) Its disposition, i.e. whether occupied by the Armed Forces, AMG, Italian Government Officials, or leased to third parties etc.

Upon receipt of the above information the Controller of Property will take formal control of such property.

(b) The Controller of Property may permit the Regional Labor Office for Region II and the Provincial Labor Offices to use all or any of the buildings and premises of the said Institutions together with the furniture and equipment therein belonging to the said institutions and no payment of rent or compensation for such use shall be made; and

(c) No monies of the said Institutions shall be applied without the specific direction of the Regional Finance Officer for any purpose of the Regional or Provincial Labor Offices.

By Order of Lt. Col. McCaffrey:

7 December 1943

4

E. G. FRICKER
Major, GSO I,
Reg. 2.

PART 788

4.001/2

(3)

FARGO
SECRET
PRIORITY

7 FEB 44

10050 BUCKLELANE

PROMISE (ACTION) HQ AGENT (1970)

IN CONNECTION WITH RECENT TROUBLE AND THREAT
OF TROUBLE AT TORONTO AND POSSIBILITY OF SIMILAR DIFFICULTIES ELSE-
WHERE I THINK THAT IT MIGHT BE USEFUL TO CONSIDER POSSIBILITY OF
ESTABLISHMENT IF AND WHEN NECESSARY OF LOCAL ARBITRATION COMMITTEES
TO DEAL WITH QUESTIONS AFFECTING LABOUR CONDITIONS AND PERHAPS PAREN
FARGO FROM MACFARLANE PERSONAL PAREN TO APTD FOR HIS FOR GENERAL
CANNEL FOR MACMILLAN AND CIVIL AFFAIRS RPTD HQ AGENT ^{FOR INFO} PD CITE FARGO
SEVEN EIGHT EIGHT PD PLEASE LET ME KNOW EARLIEST POSSIBLE IF YOU
AGREE TO MY APPROACHING ITALIAN GOVERNMENT ON THIS QUESTION

3

copy to:
LEGAL Sub-Comm.

Political Sec.
Legal Sub Comm.
Adm V.P.
Recn V.P.

L.F. NICHOL
Lt. Col. AGD
Adjutant General

SECRET

869

HEADQUARTERS
ALLIED CONTROL COMMISSION
(SALERNO DETACHMENT)
LEGAL SUB-COMMISSION
APO 394

2

#CC/4001/2/L.

3 February 1944.

SUBJECT : Labor Disputes.

TO : Labor Sub-Commission, ACC. ①

I enclose copy of letter dated 28 Jan 1944 with reference 2201/54/D from CLO, Region II. This appears to raise questions of policy rather than law and your views would be appreciated. In view of the impending restoration of Region II to the Italian Government the question is academic so far as they are concerned, but it remains of importance in the forward areas.

GERALD B. UPJOHN,
Colonel,
Chief Legal Officer.

Copy to: CLO, AMG, Region 2.

4001/2
HEADQUARTERS
ALLIED MILITARY GOVERNMENT
REGION II

28 Jan 44

Ref: 2201/54/B

Subject: Labour Disputes.

To : CIO AMG Legal Sub-Comm, Brindisi

1. Considerable hardship is reported from the provinces, through the continued absence of any Judicial tribunals capable of hearing labour disputes.

2. On the one hand, the ordinary Italian Courts have not yet been empowered to try such suits. On the other, AMG Labour Division provides local officers who can act as mediators and arbitrators in many labour disputes.

3. But where a dispute is in the nature of a claim for arrears of wages, or of the interpretation of a contract of Labour under Italian Law, clearly the labour officers have ~~within~~ ^{neither} the capacity to adjudicate, nor even if they did, to compel execution.

4. Action to provide machinery for settling such disputes has presumably been delayed, owing to the long expected transfer of Region II to the Italian government. But since lapse of time has caused hardship to poor employees, may the Italian Courts now please be empowered at least to try suits for arrears of wages.

D.E.S. Cousins
D.E.S. COUSINS, Lt. Col.,
RCIO

