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

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EPURATION IN PRIVATE INDUSTRY
MAY 1945

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FILE CLOSED 25 May 1945

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HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

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AG/4082/11/1.

WEB/lc.
25 May 1945.

SUBJECT : "Lpuration" in Private Industry.

TO : Regional Commissioners (Attn: Regional Legal Officer),
EMILIA, LIGURIA, PIEMONTE, VENEZIA Regions.

1. Experience in Lombardia has shown that many private industrial organizations in Milan are carrying out a form of local "separation" which consists mainly in the removal of subordinate officials in the organization concerned professedly on the ground that they are fascists but really as a means of paying off old scores or of creating a vacancy in the hierarchy of the organization.

2. This situation obviously had to be checked and the attached order was accordingly devised for publication in any organization in which it was required.

3. The order was prepared purely as a practical measure and it is not suggested that it is wholly satisfactory from a legal point of view.

4. Should a similar situation occur within your region and similar action be required, the same form of order should be used so as to ensure uniformity throughout AMG territory.

By command of Rear Admiral STONE:

W. E. BREWERS, . .
Colonel
Deputy Chief Legal Advisor

Copy to : Regional Commissioner (Attn: Regional Legal Officer),
Lombardia Region.
CA 300.

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Whereas it is necessary that persons in private industry who through fascist activities or for fascist motives or for the purpose of collaboration with the fascist Republican Government have abused their positions in such industry shall be removed from any office of responsibility in such industry.

And whereas it is necessary that such removals shall be carried out in accordance with the principles of justice and good order;

Now therefore I

hereby order as follows:-

1. This order shall apply to the company (firm) of situated at which is hereinafter called the said firm.
2. No person who is now or who may be hereafter employed by the said firm may be dismissed or suspended from his employment with the said firm in consequence of any act neglect or omission which was earlier in date than the date of this order unless the order for such dismissal or suspension is made in writing and is signed by the manager/receiver of the said firm.
Any person other than such manager/receiver or his duly authorized agent who gives to any employee an order purporting to dismiss or suspend him from employment or who otherwise prevents or endeavours to prevent him from continuing in that employment shall be guilty of an offence.
3. Where it is necessary that a person who now is or who may hereafter be employed by the said firm should be dismissed or suspended from his said employment on account of any act neglect or omission which resulted from fascist activities or from fascist motives or from collaboration with the fascist Republican Government the procedure set out in this order shall be followed and the order of dismissal or suspension of the said employee shall be made by the manager/receiver of the said firm in accordance with this procedure and not otherwise.
4. There is hereby appointed a Commission for the determination of all complaints against all persons of the nature hereinafore mentioned.
The Commission shall consist of a President to be nominated in writing by the Allied Military Government and of two members of whom one shall be appointed by the workers of the said firm and the other by representatives of employers of the industry in which the said firm is engaged.
No Commission other than the said Commission appointed as aforesaid shall exercise any power purporting to affect the employment of any employee with the said firm.
5. The office of the said Commission shall be at the office of the said firm.
6. Any complaint against any person of the nature hereinafore mentioned shall be made in writing and signed and addressed to the said Commission at the said office and shall state in detail the act neglect or omission of which complaint is made.

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7. Within 24 hours after receipt of a complaint the Commission shall inform the person accused either verbally or in writing of the fact that such complaint is made and of the substance thereof and shall notify that person that unless he is willing for an order of dismissal or suspension to be made against him he must attend before the said Commission to answer the said complaint.
8. If the person accused is not willing for such an order to be made against him the Commission shall proceed within 5 days to investigate and hear the said complaint. At such hearing the Commission shall hear such relevant evidence as the complainant and the person accused may wish to give or call before it.
9. At such hearing the Commission shall apply by analogy the principles established in Article II of U.S. 123 of 27 July 1944 and as a result of such hearing the Commission shall decide (if necessary by a majority vote) and shall report in writing to the manager/receiver of the said firm and to the complainant and to the person accused
 - a) whether the complaint is found to be proved; and if so
 - b) whether the Commission recommends that the person accused be dismissed from his said employment or suspended therefrom without any salary or allowance and in this last case the period of such suspension.
10. Upon receipt of the said report the manager/receiver of the said firm shall make in writing and serve upon the person accused an order in accordance with the said report.
 Any such order shall be valid and of full force and effect in law notwithstanding any provisions to the contrary in any contract of service between the person accused and the said firm and the said firm shall incur no liability at law or otherwise to the person accused by reason thereof.
11. Any person who since the 26th April 1945 and before the date of this order has been dismissed from employment with the said firm on any of the grounds mentioned in this order and who claims to be entitled to reinstatement may apply to the said Commission for such reinstatement. The said Commission shall thereupon give public notice of such application and unless within 5 days after such notice the said Commission receives a complaint as laid down in paragraph 6 hereof the said Commission shall recommend and the manager/receiver of the said firm shall order such reinstatement.
 If any such complaint is received the case shall be investigated as hereinafter mentioned.
12. There shall be no appeal from any decision of the said Commission in respect of any of the matters mentioned in this order.

Whereas it is necessary that persons in private industry who through fascist activities or for fascist motives or for the purpose of collaboration with the Fascist Republican Government have abused their positions in such industry shall be removed from any office of responsibility in such industry. 1A

And whereas it is necessary that such removals shall be carried out in accordance with the principles of justice and good order.

Now therefore I hereby order as follows:-

1. This order shall apply to the company (firm) of situated at which is hereinafter called the said firm.

2. No person who is now or who may be hereafter employed by the said firm may be dismissed or suspended from his employment with the said firm in consequence of any act neglect or omission which was earlier in date than the date of this order unless the order for such dismissal or suspension is made in writing and is signed by the manager/receiver of the said firm;

Any person other than such manager/receiver or his duly authorised agent who gives to any employee an order purporting to dismiss or suspend him from employment or who otherwise prevents or endeavours to prevent him from continuing in that employment shall be guilty of an offence.

3. Where it is necessary that a person who now is or who may hereafter be employed by the said firm should be dismissed or suspended from his said employment on account of any act neglect or omission which resulted from fascist activities or from fascist motives or from collaboration with the Fascist Republican Government the procedure set out in this order shall be followed and the order of dismissal or suspension of the said employee shall be made by the manager/receiver of the said firm in accordance with this procedure and not otherwise.

4. There is hereby appointed a Commission for the determination of all complaints against all persons of the nature hereinbefore mentioned.

The Commission shall consist of a President to be nominated in writing by the Allied Military Government and of two members of whom one shall be appointed by the workers of the said firm and the other by representatives of employers of the industry in which the said firm is engaged.

5. No Commission other than the said Commission appointed as aforesaid shall exercise any power purporting to affect the employment of any employee with the said firm.

6. The office of the said Commission shall be at the office of the said firm.

7. Any complaint against any person of the nature hereinbefore mentioned shall be made in writing and signed and addressed to the said Commission at the said office and shall state in detail the act neglect or omission of which complaint is made.

8. Within 2 days after receipt of a complaint the Commission shall inform the person accused either verbally or in writing of the fact that such complaint is made and of the substance thereof and shall notify that person that unless he is willing for an order of dismissal or suspension to be made against him he must attend before the said Commission to answer the said complaint.

9. If the person accused is not willing for such an order to be made

against him the Commission shall proceed within 5 days to investigate and hear the said complaint. At such hearing the Commission shall hear such relevant evidence as the complainant and the person accused may wish to give or call before it.

9. At such hearing the Commission shall apply by analogy the principles established in Title II of D.L. 151 of 27 July 1944 and as a result of such hearing the Commission shall decide (if necessary by a majority vote) and shall report in writing to the manager/receiver of the said firm and to the complainant and to the person accused

- a) whether the complaint is found to be proved; and if so
- b) whether the Commission recommends that the person accused be dismissed from his said employment or suspended therefrom without any salary or allowance and in this last case the period of such suspension.

10. Upon receipt of the said report the manager/receiver of the said firm shall make in writing and serve upon the person accused an order in accordance with the said report.

Any such order shall be valid and of full force and effect in law notwithstanding any provisions to the contrary in any contract of service between the person accused and the said firm and the said firm shall incur no liability at law or otherwise to the person accused by reason thereof.

11. Any person who since the 26th April 1945 and before the date of this order has been dismissed from employment with the said firm on any of the grounds mentioned in this order and who claims to be entitled to reinstatement may apply to the said Commission for such reinstatement. The said Commission shall thereupon give public notice of such application and unless within 3 days after such notice the said Commission receives a complaint as laid down in paragraph 5 hereof the said Commission shall recommend and the manager/receiver of the said firm shall order such reinstatement;

If any such complaint is received the same shall be investigated as hereinbefore mentioned.

12. There shall be no appeal from any decision of the said Commission in respect of any of the matters mentioned in this order.

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