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DRAFT DECREES REGULATING LABOR MATTERS
APR. - DEC. 1944

BEST COPY POSSIBLE

FILE CLOSED 3 December 1944

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File **4014/4** **46A**
HEADQUARTERS ALLIED COMMISSION
Transportation Sub-Commission
APO 394

Dec. 3, 1944

AC/TN/R/68

SUBJECT : Office Memo contracts.

TO : Legal Sub-Commission. ✓

The enclosed form of contract is passed for
your attention.

May it please be "vetted" and any correction
made in order to make it complete from a legal
standpoint.

D. S. Adams
D. S. ADAMS, *Capt.*
Colonel, CE
Director Tn. Sub-Comm.

164

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CIO	
Itation Section	
CL RKS	

5 DEC 1944

478908
Capt Pepper

2 Dec.

To Transpotation Sub Committee.

1. If you will advise exactly what is desired of this sub committee the matter will then have an attention.
2. Returned herewith Executive Memo.
No. —

Thasman RPL
Chief Counsel
Legal Sub Comm

785016

46B

HEADQUARTERS UNITED COMMISSION
Establishment Section

MEMO 004

Dec. 2, 1944

Executive Memo. No.

Subject: Rental of passenger carrying motor vehicles.

1. Passenger carrying motor vehicles may be rented (using contract attached) by Transportation Officer this Headquarters or Regional Commissioners through the Regional Transportation Officer.

2. The following fees are authorized in payment:

For large cars in excellent condition \$3.00 per

day.

For large cars in good condition and medium size cars in excellent condition \$2.50 per day.

For medium size car in good condition or smaller cars in excellent condition \$2.00 per day.

3. Rented cars will normally be operated the same as requisitioned vehicles i.e. given a registration number, an "A" sticker which shows the contract number in lieu of requisitioned number, dispatched out of a motor pool of vehicles with a regular trip ticket and driven by a driver (the owner should be employed for this purpose if feasible).

4. Rented cars will be maintained as indicated in the contract.

5. First echelon maintenance will be done by the driver. Shop facilities will be placed at his disposal. Tyres and batteries may be replaced but they will remain the property of AC.

6. For copy of motor vehicles contract see appax. "A".

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Receipt Sum

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day. For large cars in good condition and medium size cars in excellent condition \$4.00 per day.

For medium size car in good condition or smaller cars in excellent condition \$3.00 per day.

3. Rented cars will normally be operated the same as requisitioned vehicles i.e. given a registration number, an "O" sticker which shows the contract number in lieu of requisitioned number, dispatched out of a motor pool or garage with a regular trip ticket and driven by a driver (the owner should be employed for this purpose if feasible).

4. Rented cars will be maintained as indicated in the contract.

5. First levelon maintenance will be done by the driver. Shop facilities will be placed at his disposal. Tyres and batteries may be replaced out they will remain the property of SO.

6. For copy of motor vehicles contract see appdx. "A".

LEGAL SUB-COM.

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460

1944
 day of
 between REGION, UNITED MILITARY GOVERNMENT,
 (hereinafter called the HIRERS) party of the first part,
 and (hereinafter
 referred to as the OWNER) party of the other part.

WHEREAS the OWNER is the legal owner of the vehicle described in the schedule attached hereto, and registered in accordance with Italian Law under registration ride

No. , and

the
 HIRERS have requested the OWNER to let to them the said vehicle upon the terms and subject to the conditions hereinafter contained:

NOW IT IS HEREBY agreed and declared as follows:

1. The OWNER hereby lets to the HIRERS and the HIRERS take from the OWNER the vehicle described in the schedule hereto from the date hereof until the hiring shall be determined as hereinafter provided. During the continuation of the hiring the vehicle shall be available for the sole and exclusive use of the HIRERS.

2. During the continuation of this agreement the HIRERS shall pay to the OWNER in respect of each 24 hour day the sum of _____ Lire.

3. For the purpose of determining the period for which the OWNER shall be entitled to receive payment, the HIRERS shall issue in respect of each journey made by vehicle, a trip ticket showing the times of commencement by a duly authorized Officer representing the HIRERS, shall be the basis of payment.

4. During the period of hire, the HIRERS shall provide, (a) a circulation permit, restricted to the use of the vehicle for the purpose of the HIRERS;
 (b) free of cost or expense to the OWNER, gasoline and all accessories in quantity sufficient only for the purpose of the HIRERS;
 (c) free of cost or expense to the OWNER, a race space or other suitable accommodation for the vehicle.

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the continuation of the hiring the vehicle shall be available for the sole and exclusive use of the HIRER.

2. During the continuation of this agreement the HIRER shall pay to the OWNER in respect of each 24 hour day the sum of _____ Lire.

3. For the purpose of determining the price for which the OWNER shall be entitled to receive payment, the HIRER shall issue in respect of each journey made by vehicle, a trip ticket showing the times of commencement by a duly authorized Officer representing the HIRER, shall be the mode of payment.

4. During the period of hire, the HIRER shall provide, (a) a circulation permit, restricted to the use of the vehicle for the purpose of the HIRER;

(b) free of cost or expense to the OWNER, gasoline and all lubricants in quantity sufficient only for the purpose of the HIRER.

(c) free of cost or expense to the OWNER, a rage space or other suitable accommodation for the vehicle.

5. The OWNER shall at all times at his own cost charges and expense during the period of this agreement, whether the vehicle be actively engaged on the HIRER'S business or purpose or not, insure and keep insured the vehicle against all risks including liability to the public, subject to the policy of insurance being approved by

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-2-

the HIRERS on or before the signing of this agreement. The said policy of insurance and receipt for the lost premium paid shall be held and retained by the HIRERS during the continuation of this agreement.

6. Accordingly the OWNER shall be liable in respect to all claims and demands made in respect of the vehicle however occasioned and hereby indemnifies the HIRERS in respect thereof and on account of all costs charged and expenses which might arise therefrom.

7. The OWNER shall at all times maintain and keep maintained in a state of good repair and condition the said vehicle to the reasonable satisfaction of the HIRERS. It is a condition of this agreement that the vehicle shall on the signing hereof be in roadworthy condition to the reasonable satisfaction of the HIRERS.

8. The OWNER shall at this own option be at liberty to avail himself of the repairs and maintenance facilities of the HIRERS garages and in that event, he shall on completion of the work, pay therefor forthwith or, at his option, he shall be entitled to have the cost thereof deducted from any sum or sums due to him under this agreement.

9. This agreement shall continue until terminated by either party at any time, giving to the other three days notice in writing.

10. In the event that the rights of either the parties hereto shall be questioned, in between the parties themselves, or shall be in dispute, the matter will be referred to a board of 3 allied officers whose decision in the matter will be final. For the settlement of disputes arising out of the provisions in this agreement WITHIN 30 DAYS OF THE SIGNING OF THIS AGREEMENT, the parties hereto have hereunto subscribed their names the day and year first above written.

per
S. 100

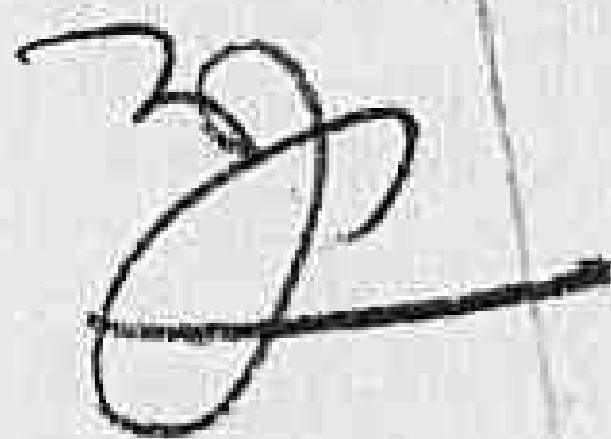
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404/4

6 Dec.

Subject: office Memo contracts
To Transportation Sub. Comm.

1. Ref yours 3 Dec - 1944 AC/TN/R/68.
2. As we informed Capt Pepper 5 Dec 44 it will be necessary that we confer with someone in your sub comm who is familiar with this subject before we can ^{PROFITABLY} proceed with a revision of the contract.



785016

HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
APO 394

Legal s/c

45A

Tel: 478187

GCH/ram

ES/7.02

2 November 1944

SUBJECT: Decree Abolishing Fascist Syndicates

TO : Executive Officer, Economic Section

With reference to the Decree Abolishing Fascist Syndicates, I suggest that you send to the Minister the enclosed letter.

G. G. HAMMAFORD
Lt. Colonel
Legal Sub-Commission

Enclosure (1)
Letter to H. E. Gronchi

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45B

HEADQUARTERS ALLIED COMMISSION
ECONOMIC SECTION
APO 394

GES/mrh

Tel. 550

ES/7.0 2

2 November 1944

SUBJECT: Decree Abolishing Fascist Syndicates.
TO : H. E. Gronchi, Ministry of Industry, Commerce
and Labor.

1. This communication will confirm the telephone conversation between you and the undersigned this morning in reference to the decree suppressing Fascist Syndical Organizations. Two important points were discussed in our conversation relating to the following provisions which should either be incorporated in the decree or accomplished by administrative action.

(a) Continuation of Collocamento and other essential Labor Office functions in Puglia and Sardinia, which areas have never been under AMG.

(b) Preservation and continued administration of the numerous Provident Funds (Fondi di Previdenza) which were administered by semi-autonomous dependencies of the syndicates as special social insurance programs in which all workers have a stake.

2. You indicated that these provisions could best be achieved by administrative action on your part and you advised that you will take the necessary steps to effect that action. We understand that the decree will be considered in its final form at the meeting of the Council of Ministers tomorrow. We do not wish to impose any objection at this time against its passage. We would like, however, assurance from you in writing that the provisions referred to above will be taken care of by administrative action subsequent to the final enactment of the decree.

A. G. ANTOLINI
Acting Deputy Chief of Staff
Economic Section

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

3 October 1944

44A

XS/78

SUBJECT: Draft Decree Superseding the Fascist Syndical Organizations and Liquidating their Respective Estates.

TO : Ministry of Industry, Commerce and Labor.

1. The above draft decree has been carefully examined and thoroughly considered.

2. Our conclusion is that the following general objectives which are desired either have not been accomplished at all by the draft decree, or are insufficiently dealt with.

(a) The decree does not make retrospective the annulment of contributions by members to the organizations which are dissolved thereunder. The obligation to pay syndical contributions should be rescinded as from the date of the publication of the decree, except that in territories formerly occupied by the Allied Powers, such obligation shall cease as of the date on which Allied Military Government abolished syndical contributions or Fascist syndical organization, whichever was earlier.

(b) It is suggested that the decree prescribe substantially the same procedures, methods and safeguards for the liquidations of these properties as are now provided under Italian law for compulsory administrative liquidation in general, as stipulated in RD 16 March 1942, No. 267, Title V, and more specifically in Articles 198 to 201, and Articles 204 to 209, of the same Law, Title V, with only such modifications as the particular conditions require.

(c) It is further suggested that the decree specifically provide for the treatment which is to be given to employees with reference to "Severance Pay" (Indennita' di Licenziamento). The following treatment should be outlined in the draft decree:-

(1) "Severance Pay" (Indennita' di Licenziamento) shall be suspended as to any employee with respect to whom Eruption proceedings have been instituted, and in the event he be not acquitted, the "Notice Pay" (Indennita' di Preavviso) shall be finally denied to him, while "Seniority Pay" (Indennita' di Anticipo) or Quiescenza shall remain suspended until a decision in this respect has been pronounced under the stipulations of the Eruption Laws.

(2) "Severance Pay" (Indennita' di Licenziamento) shall be granted to any employee absorbed by a Government department, following the suppression of the syndical organization theretofore employing him, with the proviso that he shall not, in his new position, be entitled to the "Notice Pay" (Indennita' di Preavviso).

- 2 -

(3) "Severance Pay" (Indennita' di Licenziamento) shall be granted in full to persons entitled thereto except as provided in paragraph (c) 1 and (c) 2.

(d) It is further suggested that the residual proceeds of the property and liquidations be deposited in the Italian Treasury in a special trust account pending their final allocation pursuant to separate legislation defining the "de jure" position of trade unions representing the workers in respect of whom the monies were collected. Reference is made in this connection to the Ministerial letter of Your Excellency dated 30 August.

(e) As to Article 8, it is suggested that syndical acts performed subsequent to 8 September 1943 shall be null and of no effect, only if tainted by fraud or other irregularities.

For the Acting Chief Commissioner:

A. G. Antolini
Acting Head
Economic Section.

COPY

(448)

DRAFT LEGISLATION

Suppressing the Fascist syndical Organizations and liquidating their respective Estates.

(Translation presented by H.E. the Minister of Industry, Commerce and Labor on 26 July 1944)

Art. 1

The "Confederazione Fascista degli Agricoltori", the "Confederazione Fascista degli Industriali", the "Confederazione Fascista dei Commercianti", the "Confederazione Fascista delle Aziende del Credito e delle Assicurazioni", the "Confederazione Fascista dei Lavoratori dell'Agricoltura", the "Confederazione Fascista dei Lavoratori dell'Industria", the "Confederazione Fascista dei Lavoratori del Commercio", the "Confederazione Fascista dei Lavoratori delle Aziende del Credito e dell'Assicurazione", the "Confederazione Fascista dei Professionisti e Artisti", are suppressed.

The "Ente Nazionale Fascista della Cooperazione", the "Federazioni Nazionali Fasciste" and the "Sindacati Nazionali Fascisti", connected to the said confederations are also suppressed.

Art. 2

The syndical contributions, fixed as a consequence of Art. 5 of the Law of April 1926, No. 563, and of the following dispositions, are suppressed.

Art. 3

The estates of the Institutions mentioned in Art. 1, are liquidated by one or more Liquidating Commissioners appointed by the Minister for Industry, Commerce and Labor, by a decree to be published in the "Gazzetta Ufficiale". The liquidation will take place under the vigilance and control of the above said Minister.

Art. 4

The liquidating Commissioner may be authorized by the Minister to appoint some assistants who work according to his directions but, on their own responsibility as for the execution of the directions themselves. The assistants submit every month to the Commissioner a report and a relation about their activity.

Art. 5

The liquidating Commissioners and the assistants are public officials only in exercise of their duties.

Art. 6

The powers of administration and disposition of the property of the suppressed institutions are within exclusive competence of the liquidating Commissioner, and exercised then within the limits put by the law.

-2-

The liquidating Commissioner has the powers of representation, required for the accomplishment of the acts inherent in his attributions and appears in court for the suppressed institutions in the controversies already begun at the time of the appointment.

When more liquidating Commissioners are appointed, the Minister decides if they are to work and appear in court jointly or separately.

Art. 7

Unless the law regulated differently, during the liquidation, no individual actions can be started or pursued by the creditors of the suppressed institutions.

Art. 8

The necessary formalities to make opposable the actions against third parties are ineffective as regards to the creditors, if they have been accomplished after the suppression of the institution.

The mortgages inscribed after the suppressions are also ineffective.

The actions accomplished after September 8th of 1983 are null, if they have caused any prejudice for the institution or its creditors.

Art. 9

The liquidating Commissioner is not allowed, without authorization of the Minister for Industry, Commerce and Labor:

1. To rent real estates for longer than one year;
 2. To sell real estates or personal property in bulk, or personal property of a special quality or valued;
 3. To use the documents and the manuscripts belonging to the suppressed institutions, for aims not directly connected to the liquidation.
- In the case of No. 3, the Minister can condition his authorization to the observance of special rules or caution.

Art. 10

The liquidating Commissioner, as soon as his appointment has been accepted, must:

1. Provide for every necessary action in order to preserve the goods, the archives, the manuscripts and the documents belonging to the suppressed institutions.

2. Ask the last legitimate representative of the institution and take up the above said goods, the archives, the manuscripts and the documents, preparing an inventory of the goods - even in enemy territory - with the intervention of a public notary.

A copy of the inventory is immediately transmitted to the Ministry for Industry, Commerce and Labor, who, within the following fortnight, will also receive a written relation about the patrimonial situation of the institution.

Art. 11

The liquidating Commissioner has the power to pay accounts on credits deriving from work relations with the suppressed institutions, only when the existence, the amount and the liquidity of such credits appear sufficiently verified.

-3-

Art. 12

The goods which will be available after the payments to the creditors will be devolved to the institutions, which will be designated by decree of the Minister of Industry, Commerce and Labor in agreement with the Ministers of the Interior, Treasury and Finance who will prove to have the representation of the correspondent categories, protected by the suppressed institutions.

Art. 13

The Minister of Industry, Commerce and Labor is allowed to issue a decree containing the dispositions to realize and to complete the proceeding rules.

Art. 14

This decree comes into force the same day of its publication in the "Gazette Officielle".

43A
DECRETO LEGISLATIVO LUOGOTENENZIALE CONCERNENTE LA SOP-
PRESSIONE DELLE ORGANIZZAZIONI SINDACALI FASCISTE E LA
LIQUIDAZIONE DEI RISERVI PATRIMONIALI.

UMBERTO DI SAVOIA PRINCE DI PIEMONTE
Luogotenente Generale del Regno

In virtù dell'autorità a Noi delegata;

VISTA la legge 3 aprile 1926, n. 563, sulla disciplina
giuridica dei rapporti collettivi di lavoro;

VISTO il R. Decreto 1 luglio 1926, n. 1130, contenente
norme per l'attuazione della legge predetta;

VISTO il decreto legge luogotenenziale 25 giugno
1944, n. 151, relativo a l'assemblea per la nuova costi-
tuzione dello Stato, al giuramento dei membri del Governo
e alla raccolta del Governo di emanare norme giuridiche;

VISTO il R. Decreto legge 30 ottobre 1943, n. 2/3, modi-
ficato con R.D.L. 29 maggio 1944, n. 141, riguardante la
sospensione delle norme relative all'emanazione, promul-
gazione, registrazione e pubblicazione di Regi Decreti
e di altri provvedimenti;

VISTA la deliberazione del Consiglio dei Ministri;

SULLA proposta del Ministro per l'Industria il Com-
mercio e il Lavoro, di concerto col Ministro per la gra-
cia e giustizia, e con quello per le Finanze e con quello
del Tesoro;

VISTO il R. Decreto 1 luglio 1926, n. 1130, contenente norme per l'attuazione della legge predetta;

VISTO il Decreto Legge Luogotenenziale 15 giugno 1944, n. 151, relativo a l'assemblea per la nuova costituzione dello Stato, al giuramento dei membri del Governo e alla facoltà del "Governo di emanare norme giuridiche;

VISTO il R. Decreto legge 30 ottobre 1943, n. 2/3, modificato con R.D.L. 29 maggio 1944, n. 141, riguardante la sospensione delle norme relative all'emanazione, promulgazione, registrazione e pubblicazione di Regi Decreti e di altri provvedimenti;

VISTA la deliberazione del Consiglio dei Ministri;

CHILLA, proposta del Ministro per l'Industria il Commercio e il Lavoro, di concerto col Ministro per la Giustizia e Giustizia, e con quello per le Finanze e con quello del Tesoro;

ABBIAMO SANZIONATO E PROMULGHATO QUANTO SEGUE:

Art. 1
158

Sono sciolte la Confederazione fascista degli agricoltori, la Confederazione fascista degli industriali, la Confederazione fascista dei Commercianti, la Confederazione fascista delle aziende di credito e dell'assicurazione, la Confederazione fascista dei lavoratori dell'agricoltura, la Confederazione fascista dei lavoratori

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dell'industria, la Confederazione fascista del lavoro, dei tori del commercio, la Confederazione fascista dei lavoratori delle aziende di credito e dell'assicurazione, la Confederazione fascista dei professionisti ed artisti.

Sono pure sciolte l'Ente nazionale fascista della cooperazione, le Federazioni nazional fasciste ed i Sindacati nazionali fascisti aderenti alle Confederazioni indicate nel comma precedente.

Art. 2

I contributi sindacali imposti per effetto della legge 3 aprile 1926, n. 513, e delle successive sue modificazioni sono ^{aboliti} ~~cessati~~ a datare dall'entrata in vigore del presente decreto.

Nei territori già sottoposti al governo militare allento l'obbligo di pagamento dei contributi predetti e cessano a decorrere dal giorno in cui esso fu abolito dal governo prefetto o dal giorno, se al primo anteriore, in cui il governo medesimo vi scioglie le organizzazioni previste nell'art. 1.

Art. 3

Il personale assunto direttamente dalle organizzazioni indicate nell'art. 1 è licenziato a decorrere dall'entrata in vigore del presente decreto.

Per il personale che prestava servizio nei territori già sottoposti al governo militare allento, il li-

Art. 2

I contributi sindacali imposti per effetto della legge 3 aprile 1926, n. 513, e delle successive sue modificazioni sono ^{aboliti} ~~cessati~~ a datare dall'entrata in vigore del presente decreto.

Nei territori già sottoposti al governo militare alleato l'obbligo di pagamento dei contributi predetti cessa a decorrere dal giorno in cui esso fu abolito dal governo predetto o dal giorno, se al primo anteriore, in cui il governo tedesco vi scioglie le organizzazioni previste nell'art. 1.

Art. 3

Il personale assunto direttamente dalle organizzazioni indicate nell'art. 1 è licenziato a decorrere dall'entrata in vigore del presente decreto.

Per il personale che prestava servizio nei territori già sottoposti al governo militare alleato, il licenziamento si intende avvenuto a decorrere dal giorno in cui ebbe effetto il provvedimento con il quale il governo stesso vi scioglie le organizzazioni predette.

Art. 4

Le disposizioni del secondo comma degli art. 2 e 3 si osserveranno anche nei territori che saranno restituiti all'amministrazione italiana dopo l'entrata in vigore del presente decreto.

Art. 5

Il personale indicato nell'art. 2 ha diritto alle indennità di preavviso e di anzianità, secondo le disposizioni delle leggi in vigore.

Il personale dipendente dallo Stato e da altri enti pubblici, comandato presso le dette organizzazioni, rientrerà nei ruoli delle amministrazioni di provenienza.

Art. 6

Il personale assunto direttamente dalle organizzazioni disciolte è soggetto a giudizio di epurazione ai soli effetti dell'accertamento dei diritti alle indennità previste dall'articolo precedente.

Non hanno diritto all'indennità di preavviso i dipendenti che sarebbero stato meritevoli di una qualsiasi delle sanzioni indicate negli articoli 12 e 17 d.l. lt. 27 luglio 1944, n. 159.

Nel caso più gravi può essere disposta la perdita del diritto all'indennità di anzianità.

zioni, rientrerà nei ruoli delle amministrazioni di provenienze .

Art. 6

Il personale esente direttamente dalle organizzazioni sindacali è soggetto a giudizio di epurazione ai soli effetti dell'assunzione del diritto alle indennità previste dall'articolo precedente.

Non hanno diritto all'indennità di preavviso i dipendenti che ex ebreo stato meritavoli di una qualsiasi delle sanzioni indicate negli articoli 12 e 17 d.l.l.t. 27 luglio 1944, n. 159 .

Nel caso più gravi può essere disposta la perdita del diritto all'indennità di anzianità .

1°

Art. 7

Il Ministro per l'Industria, il commercio e il lavoro nomina uno o più commissari liquidatori per ciascuno degli enti indicati nell'art. 1, con decreto da pubblicarsi nella Gazzetta Ufficiale del Regno .

Il Ministro stesso nomina altresì un comitato di sorveglianza di tre o cinque membri, scelti fra

gli appartenenti alla categoria tutelata dall'organizzazione soppressa e fra i creditori.

Art. 8

Nel caso di nomina di più commissari, questi debbono essere a maggioranza, e la rappresentanza è esercitata congiuntamente da due di essi.

Art. 9

Il commissario liquidatore e i membri del comitato di sorveglianza possono essere sostituiti in ogni tempo dal ministro dell'Industria, del commercio e del lavoro, con le forme previste nell'art. 4.

Durante la liquidazione l'azione di responsabilità contro il commissario liquidatore revocato è proposta dal nuovo commissario con l'autorizzazione del ministro.

Art. 10

Il liquidatore esercita personalmente la sua funzione.

Esso può essere autorizzato dal ministro e nominare uno o più coadiutori.

I coadiutori agiscono secondo le istruzioni del commissario, ma sotto la propria responsabilità per quanto riguarda l'esecuzione delle istruzioni stesse.

I coadiutori, alla fine di ogni mese, rimettono al commissario un rendiconto, e una relazione sull'attività svolta.

Durante la liquidazione l'azione di responsabilità contro il commissario liquidatore revocato è proposta dal nuovo commissario con l'autorizzazione del ministro.

Art. 10

Il liquidatore esercita personalmente la sua funzione.

Egli può essere autorizzato dal ministro a nominare suoi coadiutori.

I coadiutori agiscono secondo le istruzioni del commissario, ma sotto la propria responsabilità per quanto riguarda l'esecuzione delle istruzioni stesse.

I coadiutori, alla fine di ogni mese, rimettono al commissario un rendiconto, e una relazione sull'attività svolta.

Art. 11 144

Il commissario liquidatore e i coadiutori sono, per quanto attiene all'esercizio delle loro funzioni, pubblici ufficiali.

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Art. 12

Il commissario liquidatore procede alle operazioni inerenti alle sue funzioni tenendo conto delle direttive del Ministro per l'Industria, il commercio e il lavoro.

Egli è sottoposto alla vigilanza e al controllo del Ministro predetto.

Art. 13

Il commissario liquidatore è dispensato dal formulare il bilancio annuale, ma deve presentare alla fine di ogni semestre al Ministro una relazione sulla situazione patrimoniale dell'ente e sull'andamento della gestione, accompagnata da un rapporto del comitato di sorveglianza.

Art. 14

Il compenso dovuto al commissario e ai collaboratori è stabilito dal Ministro su parere del comitato di sorveglianza.

I membri del comitato di sorveglianza hanno diritto solo al rimborso delle spese.

Art. 15

Il commissario deve tener un registro, preventivo, vidimato senza spese dal pretore, e annotarvi giornalmente le operazioni relative alle

sue amministrazioni.

nare il bilancio annuale, ne deve presentare alla fine di ogni semestre al Ministro ²⁰ una relazione sulla situazione patrimoniale dell'ente e sull'andamento della gestione, accompagnata da un rapporto del comitato di sorveglianza.

Art. 14

Il compenso dovuto al commissario e al coadiutori è stabilito dal ministro su parere del comitato di sorveglianza.

I soci del comitato di sorveglianza hanno diritto solo al rimborso delle spese.

Art. 15

Il commissario deve tener un registro, preventivamente vidimato senza spese del pretore, e annotarvi giorno per giorno le operazioni relative alla sua amministrazione.

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Art. 16

Il comitato di sorveglianza, nella sua prima elezione il presidente. Questi convoca il co to ogni qualvolta ne sia richiesto il parere delle creanze opportune.

Le deliberazioni del Consiglio sono prese a maggioranza di voti dei suoi membri.

Art. 7

Il Comitato di sorveglianza ed ogni membro possono ispezionare le scritture contabili e i documenti del commissario liquidatore e hanno diritto di chiedere gli notizie e chiarimenti.

Art. 18

A decorrere dall'entrata in vigore del presente decreto i poteri di amministrazione e di disposizione dei beni degli enti soppressi passano al commissario liquidatore, che li esercita secondo le norme del presente decreto.

Cessano le funzioni degli organi di amministrazione e di controllo degli enti predetti.

Art. 19

Il commissario liquidatore ha i poteri di rappresentanza richiesti per il compimento degli atti inerenti alle sue attribuzioni e sta in giudizio per gli enti soppressi nelle controversie nelle quali i medesimi abbiano interesse, anche se trattasi di controversie in corso al tempo della nomina.

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Art. 20

Le somme riscosse a qualunque titolo dal commissario liquidatore, su parere del comitato di sorveglianza,

decreto i poteri di amministrazione e di disposizione dei beni degli enti soppressi passano al commissario liquidatore, che li esercita secondo le norme del presente decreto.

Cessano le funzioni degli organi di amministrazione e di controllo degli enti predetti.

Art. 19

I Commissario liquidatore ha i poteri di rappresentanza richiesti per il compimento degli atti inerenti alle sue attribuzioni e sta in giudizio per gli enti soppressi nelle controversie nelle quali i medesimi abbiano interesse, anche se trattasi di controversie in corso al tempo della nomina.

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Art. 20

Le somme riscosse a qualunque titolo dal commissario, ridotto quanto il ministro, al parere del comitato di sorveglianza, dichiara necessario per spese di amministrazione, devono essere depositate presso l'istituto di emissione.

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Il deposito deve essere intestato all'ufficio commissariale, e non può essere ritirato nè in tutto nè in parte senza l'autorizzazione del Ministro.

Art. 21

Il commissario liquidatore non può, senza autorizzazione del Ministro per l'industria, il commercio e il lavoro:

- 1) dare immobili in locazione per tempo superiore ad un anno;
- 2) utilizzare, per scopi non interessanti direttamente la liquidazione, i documenti e le scritture di pertinenza degli enti soppressi.

L'istanza del curatore deve essere accompagnata dal parere del comitato di sorveglianza.

Art. 22

Il commissario liquidatore può consentire riduzione di crediti, fare transazioni, compromessi, rinunzie alle liti e riconoscizioni di diritti di terzi, cancellare ipoteche, restituire pegni, svincolare cauzioni, ed accettare eredità e donazioni. Se l'atto è di valore indeterminato o di valore superiore a L. 50.000, il Commissario deve essere autorizzato dal Ministro.

L'istanza del Commissario deve essere accompagnata da una relazione e dal parere del Comitato di sorveglianza.

mente la liquidazione, i documenti e le scritture di pertinenza degli enti soppressi.

L'istanza del curatore deve essere accompagnata dal parere del comitato di sorveglianza.

Art. 22

Il commissario liquidatore può consentire riduzione di crediti, fare transazioni, compromessi, rinunzie alle liti e riconoscizioni di diritti di terzi, cancellare ipoteche, restituire pegni, svincolare cauzioni, ed accettare eredità e donazioni. Se l'atto è di valore indeterminato o di valore superiore a L. 50.000, il Commissario deve essere autorizzato dal Ministro.

L'istanza del Commissario deve essere accompagnata da una relazione e dal parere del Comitato di sorveglianza.

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Art. 23

Salva diversa disposizione della legge, dal giorno dell'entrata in vigore del presente decreto nessuna azione individuale può essere iniziata o proseguita dai creditori degli enti soppressi.

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Tuttavia i creditori garantiti da pegno o assiet-
ti da privilegio e come degli articoli 2756 e 2761
del codice civile possono chiedere al pretore di es-
sere autorizzati alla vendita. Il pretore, sentito
il commissario e il comitato di sorveglianza, stabi-
lisce con decreto il tempo della vendita, disponendo
se questa debba essere fatta ad offerte private o al-
l'incanto, e determinandone le modalità.

Il pretore può autorizzare il curatore a ripren-
dere le cose sottoposte a pegno o a privilegio pasen-
do il creditore o ad eseguire la vendita nei modi
stabiliti dal caso precedente.

Art. 24

Sono nulli rispetto ai creditori delle organiz-
zazioni sopresse, gli atti o pagamenti che, dopo
l'entrata in vigore del provvedimento di soppres-
sione, non siano stati compiuti od eseguiti dal comi-
ssario liquidatore e i pagamenti che, dopo la data
precedente, non siano stati eseguiti al commissario
stesso.

Art. 25

Come inefficaci rispetto ai creditori le forme-
lità necessarie per rendere opponibili gli atti ai
terzi, se compiute dopo l'entrata in vigore del prov-
vedimento di soppressione dell'ente.

Le iscrizioni e le ipoteche iscritte

dere le cose sottoposte a pegno o a privilegio patan-
do il creditore o ad eseguire la vendita dei modi
stabiliti dal comma precedente .

Art. 24

Sono nulli rispetto ai creditori delle organiz-
zazioni sopratte, gli atti o pagamenti che , dopo
l'entata in vigore del provvedimento di sequestro
ne, non siano stati compiuti od eseguiti dal comita-
to liquidatore e i pagamenti che, dopo la data
precedente , non siano stati eseguiti al commissario
stesso .

Art. 25

Sono inefficaci rispetto ai creditori le forme-
lita necessarie per rendere opponibili gli atti ai
terzi , se compiute dopo l'entrata in vigore del prov-
vedimento al sequestro dell'ente .

Sono egualmente inefficaci le ipoteche iscritte
dopo tale data .

Art. 26

1.3

Il commissario può domandare che siano chia-
rati inefficaci gli atti compiuti dall'ente seppres-
so secondo le norme del codice civile .

L'azione si propone davanti al tribunale del

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luogo ove era la sede dell'ente, sia in confronto del contante immediato, sia in confronto dei suddetti aventi causa, nel caso in cui sia proponibile contro costoro.

Art. 27

Gli amministratori dell'ente sono e tutti loro che, anche senza averne veste legale, abbiano svolto attività di amministrazione relativamente all'ente, devono rendere al commissario il conto della gestione a decorrere dall'ultimo bilancio approvato.

Art. 28

L'azione di responsabilità contro gli amministratori e i componenti degli organi di controllo dell'ente è esercitata dal commissario liquidatore previa autorizzazione del Ministro.

Art. 29

Il Commissario, entro due giorni dalla comunicazione della sua nomina, deve provvedere agli atti necessari per la conservazione dei beni, degli archivi, delle scritture e dei documenti dell'ente soppresso.

Nel successivi otto giorni deve chiedere e prendere in consegna, eventualmente anche con l'intervento della forza pubblica, i beni, gli archivi, le scritture e i documenti preesistenti. Negli stessi giorni, nel ministero di pubblico notaio, se occorre, l'inventario dei beni anche se situati in territorio occupato.

L'azione di responsabilità contro gli amministratori e i componenti degli organi di controllo dell'ente è esercitata dal commissario liquidatore previa autorizzazione del Ministro.

Art. 29

Il Commissario, entro due giorni dalla comunicazione della sua nomina, deve provvedere agli atti necessari per la conservazione dei beni, degli archivi, delle scritture e dei documenti dell'ente soppresso.

Nei successivi otto giorni deve chiedere e prendere in consegna, eventualmente anche con l'intervento della forza pubblica, i beni, gli archivi, le scritture e i documenti presenti. Egli forma, col ministro di pubblico notaio, se occorre, l'inventario dei beni anche se situati in territorio occupato.

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Il commissario, se necessari, nomina uno o più agenti per la valutazione dei beni.

Copia dell'inventario è immediatamente trasmessa al Ministro.

Art. 30

Entro 15 giorni dalla formazione dell'inventario, il commissario liquidatore riferisce al Ministro sulla consistenza dell'attivo e del passivo dell'ente e sulla

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possibilità del pagamento integrale delle passività.

Se il patrimonio non è sufficiente al pagamento stesso il Ministro autorizza il Commissario a procedere alla liquidazione generale dei beni nell'interesse di tutti i creditori.

In ogni altro caso autorizza il commissario al pagamento dei crediti o a liquidare le attività dell'ente nei limiti in cui è necessario.

Art. 31

Il liquidatore comunica ai creditori noti l'autorizzazione prevista nell'articolo precedente.

Entro quindici giorni qualunque creditore può proporre ricorso al Presidente del Tribunale del luogo in cui era la sede dell'ente soppresso. Il Presidente provvede, sentito il commissario liquidatore e il comitato di sorveglianza, con la massima celerità di procedura.

Contro il decreto del presidente del Tribunale non è ammesso alcun reclamo

Art. 32

Se non è necessaria la liquidazione generale del patrimonio dell'ente a favore dei creditori e, decorso il termine previsto nell'articolo precedente non siano proposte opposizioni o queste siano state respinte, il commissario provvede a riscuotere i crediti dell'ente, ed eventualmente alla vendita delle attività che siano ritenute necessarie.

Il commissario provvede altresì per il pagamento dei

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Il commissario provvede altresì per il pagamento dei creditori a misura che si presentano. Egli può soddisfare anche i creditori il cui credito non è attualmente esigibile, e deve predisporre le cautele necessarie per assicurare il pagamento dei creditori condizionali e di quelli che non si siano presentati, se abbiano crediti veri e reali.

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segue art. 32

Il commissario deve inoltre accertare le verità e la realtà dei crediti della cui esistenza abbia comunque notizia, assicurandone il pagamento come nel comma precedente.

Art. 33

Soddisfatti i creditori, il liquidatore forma l'inventario dei beni residui e deposita il conto della gestione nella cancelleria del Tribunale. Al conto deve essere unita una relazione del comitato di sorveglianza.

Dopo quindici giorni da tale deposito, se non vengono proposte opposizioni, il presidente del Tribunale provvede sul rendiconto con decreto stesso in calce al ricorso del commissario.

Copia dell'inventario, del rendiconto, della relazione del comitato di sorveglianza e del decreto di approvazione è trasmessa al commissario al Ministro.

Art. 34

Entro due giorni dal deposito del rendiconto il commissario fa iscrivere le somme residue dopo il pagamento dei creditori in uno speciale conto presso l'Istituto di emissione, che sarà disponibile dopo il decreto previsto nell'art. 35.

Decorati quindici giorni da tale deposito, se vengono proposte opposizioni, il presidente del Tribunale provveda sul rendiconto con decreto steso in calce al ricorso del commissario.

Copia dell'inventario, del rendiconto, della relazione del comitato di sorveglianza e del decreto di approvazione è trasmessa dal commissario al Ministro.

Art. 34

Entro due giorni dal deposito del rendiconto il commissario fa iscrivere le somme residue dopo il pagamento dei creditori in uno speciale conto presso l'Istituto di emissione, che sarà disponibile dopo il decreto previsto nell'art. 35.

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segue art. 34

L'Istituto provvede all'iscrizione sulla sem-
plice esibizione di un certificato del cancellie-
re attestante il deposito del rendiconto, e ne dà
comunicazione al Ministro.

Art. 35

I beni che resteranno disponibili dopo il pa-
gamento dei creditori sono devoluti agli enti che
dimostreranno di avere la rappresentanza delle ca-
tegorie corrispondenti a quelle tutelate dagli en-
ti soppressi.

La devoluzione è fatta con decreto del Ministro
dell'Industria, del commercio e del lavoro, di
concerto con i Ministri dell'Interno, delle finan-
ze e del tesoro.

Art. 36

I creditori che durante la liquidazione non
hanno fatto valere il loro credito, possono chie-
dere il pagamento agli enti ai quali i beni so-
no stati devoluti, entro un anno dalla approvazio-
ne del rendiconto, in proporzione e nei limiti di
ciò che gli enti stessi hanno ricevuto.

Per i creditori residenti in territorio non an-
cora liberato al giorno di tale approvazione, il

dimostreranno di avere la rappresentanza delle categorie corrispondenti a quelle tutelate dagli enti soppressi.

La devoluzione è fatta con decreto del Ministro dell'Industria, del commercio e del lavoro, di concerto con i Ministri dell'Interno, delle finanze e del tesoro.

Art. 36

I creditori che durante la liquidazione non hanno fatto valere il loro credito, possono chiedere il pagamento agli enti ai quali i beni sono stati devoluti, entro un anno dalla approvazione del rendiconto, in proporzione e nei limiti di ciò che gli enti stessi hanno ricevuto.

Per i creditori residenti in territorio non ancora liberato al giorno di tale approvazione, il termine decorre dal passaggio del territorio stesso all'amministrazione italiana.

Art. 37

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Se è necessaria la liquidazione generale nell'interesse dei creditori, si osservano le disposizioni degli articoli seguenti.

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Art. 38

Il commissario, entro quindici giorni dalla scadenza del termine previsto dall'art.31 o dalla data del decreto che rigetta le opposizioni, provvede alle comunicazioni indicate nell'art.207 del R.D. 16 marzo 1942 n.267, e pubblica nella Gazzetta Ufficiale del Regno un avviso contenente l'invito ai creditori e ai terzi di far valere le loro ragioni nel procedimento già iniziato.

Entro quindici giorni dal ricevimento delle comunicazioni e, rispettivamente, entro sessanta giorni dalla pubblicazione dell'avviso i creditori e i terzi possono far pervenire al commissario, mediante raccomandata, le loro osservazioni o istanze e chiedere il riconoscimento dei propri crediti o la restituzione dei loro beni.

Si osservano le disposizioni dell'art.209, primo e secondo comma del R.D. 16 marzo 1942 n.267.

Art. 39

I creditori e i terzi residenti in territorio non ancora liberato possono presentare le loro istanze entro trenta giorni dal passaggio del territorio stesso all'amministrazione italiana.

Tuttavia il commissario, se ha comunque notizia dell'esistenza di tali crediti o di diritti dei terzi e provvede

entro quindici giorni dal ricevimento delle comunicazioni e, rispettivamente, entro sessanta giorni dalla pubblicazione dell'avviso i creditori e i terzi possono far pervenire al commissario, mediante raccomandate, le loro osservazioni o istanze e chiedere il riconoscimento dei propri crediti o la restituzione dei loro beni.

Si osservano le disposizioni dell'art. 209, primo e secondo comma del R.D. 16 marzo 1942 n. 267.

Art. 39

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Tuttavia il commissario, se ha comunque notizia dell'esistenza di tali crediti o di diritti dei terzi, deve accettarne la verità e la realtà e provvedere per assicurarne la realizzazione.

Art. 40

Gli effetti della liquidazione generale sui diritti dei creditori, sui rapporti giuridici preesistenti e sugli atti pregiudiziali ai creditori sono regolati dagli articoli 5 4 5 e seguenti del R.D. 16 marzo 1942, n. 267, in quanto compatibili con le particolarità del procedimento.

Art. 41

Il commissario liquidatore non può vendere immobili, mobili in blocco o mobili di particolare prezzo o valore senza l'autorizzazione del Ministro.

Il Ministro può subordinare tale autorizzazione all'osservanza di particolari norme o cautele.

Art. 42

La ripartizione dell'attivo ha luogo secondo le disposizioni dell'art. 212^{ter} r.d. 16 marzo 1942, n. 267.

Il pagamento di acconti sui crediti deve essere consentito dal comitato di sorveglianza od autorizzato dal Ministro. L'istanza al Ministro deve contenere il parere del comitato di sorveglianza.

Art. 43

Si applicano, ~~sempre~~, nei confronti degli amministratori, dei direttori generali e dei componenti degli organi di controllo le disposizioni degli

Il commissario liquidatore non può vendere immobili, mobili in blocco o mobili di particolare pregio o valore senza l'autorizzazione del Ministro.

Il Ministro può subordinare tale autorizzazione all'osservanza di particolari norme o cautele.

Art. 42

La ripartizione dell'attivo ha luogo secondo le disposizioni dell'art. 212^{del} r.d. 16 marzo 1942, n. 257.

Il pagamento di acconti sui crediti deve essere consentito dal comitato di sorveglianza od autorizzato dal Ministro. L'istanza al Ministro deve contenere il parere del comitato di sorveglianza.

Art. 43

Si applicano, ~~salvo~~, nei confronti degli amministratori, dei direttori generali e dei componenti degli organi di controllo le disposizioni degli artt. 216 a 219 e 223 a 225.

Entro un mese dall'inizio della liquidazione, il commissario presenta al procuratore del Re una relazione sulle responsabilità delle persone indicate nel comma precedente e su quelle degli estranei agli enti soppressi.

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Art. 44

Esaurito il riparto, il liquidatore deposita il conto della sua gestione nella cancelleria del Tribunale.

Si osservano le disposizioni dell'art. 33

Art. 35

Fino a quando non avrà attuazione un nuovo ordinamento sindacale, restano in vigore, per i rapporti collettivi ed individuali le norme contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del lavoro e nelle ordinanze corporative di cui agli artt. 10 e 13 della legge 3 aprile 1926 n. 563, agli artt. 3 e 11 della legge 5 febbraio 1934, n. 163, e agli artt. 4 e 5 del R.D.L. 9 agosto 1943, n. 721.

Art. 46

Il Governo ha facoltà di emanare le norme che si rendessero necessarie per l'integrazione delle disposizioni di questo decreto e per il loro coordinamento con le altre leggi dello Stato.

Art. 47

Il presente decreto entra in vigore nel giorno

mento sindacale, restano in vigore, per i rapporti collettivi ed individuali le norme contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del lavoro e nelle ordinanze corporative di cui agli artt. 10 e 13 della legge 3 aprile 1926 n. 563, agli artt. 6 e 11 della legge 5 febbraio 1934, n. 163, e agli artt. 4 e 5 del R.D.L. 9 agosto 1943, n. 721.

Art. 46

Il Governo ha facoltà di emanare le norme che si rendessero necessarie per l'integrazione delle disposizioni di questo decreto e per il loro coordinamento con le altre leggi dello Stato.

Art. 47

Il presente decreto entra in vigore nel giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale del Regno.

785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APC 334

ACC/4104/4/L.

MJG/ap.
5 October 1944.

SUBJECT : Draft Decree Suppressing the Fascist Syndical
Organizations and Liquidating their Respective Estates.

TO : Labour Sub-Commission.

1. Reference yours of 4 October with respect to draft
of letter to the Ministry of Industry, Commerce and Labour, which
I prepared for Mr. ANTOLINI's signature upon the instruction of
Col. DENSMORE.

2. The foregoing draft letter accurately reflects, I
believe, the policy settled by the Economic Section after dis-
cussions with all the interested Sub-Commissions including Labour.

3. Your suggestion that there be a change in or departure
from that policy is a matter solely for decision of the Economic
Section.

4. Manifestly if there is to be a change of policy, the
draft letter will have to be revised accordingly. If not, I
repeat that in my opinion the letter which I prepared accurately
sets forth the policy as laid down by Col. DENSMORE in his letter
to the Legal Sub-Commission dated 1 October 1944 (ES-7B).


MARC J. GROSSMAN
Lt. Colonel,
Chief Counsel,
for, Chief Legal Advisor.

Copy to : Mr. A.G. ANTOLINI, Acting Head, Economic Section.

(41A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

4 October 1944

SUBJECT: Draft Decree Suppressing the Fascist Syndical Organizations and Liquidating their Respective Estates.

TO : Lt. Col. Grossman, Legal Sub-Commission

THROUGH: Col. J. R. Smith, Acting Director, Labor Sub-Commission.

FROM : Maj. E. J. Seicluna, Labor Relations Officer.

Reference above subject:

1. On the instructions of the Acting Director, Labor Sub-Commission, I am hereunder submitting for your attention and for the consideration of the Acting Head Economic Section certain considerations in respect of the attached draft letter prepared by you for transmission to His Excellency, the Minister of Labor.

2. As the observations are more definitely concerned with policy rather than with the very accurate and concise way in which you expressed the present policy, I submit that it would be advisable to hold a conference with Mr. Antolini in the chair prior to the final draft being prepared by you.

3. Your draft letter for Mr. Antolini's signature has clearly put the present point of view of the Allied Control Commission, but to my mind certain suggestions made are incompatible with present Italian legislation or create an inconsistency in the policy of the Labor Sub-Commission. The following observations are offered:-

(a) Reference your paragraph 2(b):

(1) The procedure suggested could only be made to apply to the liquidation of State property. The Syndicates were not a State organization and as the Minister has had occasion to point out, the Estates of the suppressed syndicates are not State property.

(11) There is existing legislation which could be made to apply with only such modifications as the particular conditions require; viz, the RD 16 March 1942 No. 267 Title V, which governs compulsory administrative liquidation in general.

(111) The Ministry could either refer specifically to this legislation quoting more particularly Title V, Articles 198 to 201, 204 to 209, or in the Draft Law itself specific provisions might establish the norms of procedure following the general trend of the procedure of the said Title V.

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(b) Reference your paragraph 2(c)1:

(1) The policy suggested in this paragraph does not appear to distinguish clearly between the two types of indemnity which form the "Severance Pay". Severance Pay (Indennita di Licenziamento) due to all employees on being discharged splits into two types of payment, viz:

- (a) Indennita di Preavviso---a premium in lieu of Notice, which we might call "Notice Pay"; and
- (b) Indennita di Anzianita o Quiescenza---a premium for services rendered and paid in direct ratio to the years of service, which we might call "Seniority Pay".

(11) It would be not unjust to withhold the "Notice Pay" from employees found guilty by the Eparation Committee, but the "Seniority Pay" which is a form of insurance and for which the employee would have made contributions is not fundamentally the same matter. The financial onus of this indemnity in the case of employees of the abolished syndicates has in most cases been devolved upon Insurance Companies and I am led to believe that in most cases was settled on the authority of the Republican Government. I submit that in the case of the "Seniority Pay", the present law should merely suspend payment, stipulating at the same time that the payment of such indemnities shall be governed by the Laws promulgated in connection with Eparation. This procedure, while guaranteeing that penalties be imposed on the guilty, would avoid discrimination being made to the special detriment of employees of the abolished syndicates.

(c) Reference your paragraph 2(c)2:

(1) The procedure suggested is in direct contrast to existing Civil Service Regulations, which preclude the transference of "Severance Pay" liabilities to Government Departments. The Syndicates were not State organisations, but a form of para-Statal organisation; employees of the syndicates were, therefore, not State employees and the approach in the case of such employees as are absorbed into Government service might be as follows:-

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(a) The question of "Notice Pay" (Indennita di Preavviso) does not arise as no discharge is taking place.

(b) "Seniority Pay" (Indennita di Anzianita o Quiescenza) should be liquidated forthwith out of the Estates of the abolished syndicates.

(d) Reference your paragraph 2(d):

(1) The policy outlined in this paragraph places the residual proceeds of the liquidation absolutely beyond the reach of

- 3 -

any "de facto" or "de jure" workmen's organization, as the proceeds are specifically placed at the disposal of the Treasury.

(11) While it would be unsound policy to allow for the arbitrary final allocation of these funds to any "de facto" organization of today, I consider it to be unwise and unjust to deny the working classes a claim on the larger portion of these residual proceeds which were accumulated for their benefit--provided, of course, that these are made available if and when the workmen's organizations have been incorporated into the framework of National legislation.

(111) The policy outlined herein implies the complete turnover of assets into liquid cash--a mistaken policy even from a point of view of the State, since real property should be placed at the disposal of those State organizations which have taken over some specific responsibilities previously shouldered by the syndicates. Obvious examples are the following:

(a) "Case del Contadino", which by AMI legislation in Sicily were entrusted to the care of the Regional Labor Office and in which farm labourers live, particularly during the migration periods for harvesting.

(b) Furniture, office equipment, stationery, etc. belonging to the Placement of Labor Offices, which have now become the responsibility of the Provincial Labor Offices.

(1V) The most practical approach under present conditions would, therefore, be merely to provide for the liquidation of liabilities, leaving the residual proceeds of the liquidation in trust with the Government. Provision for the final allocation of such residual proceeds would form the subject matter of further legislation, which, of course, could only be undertaken after Trade Union legislation has defined clearly the "de jure" position of the new free independent Trade Unions. This procedure could not be objected to by His Excellency, the Minister, who has conceded the point that final allocation is contingent on a "de jure" definition of the Trade Unions, when in his ministerial letter dated 30 August he states that no prejudice could result from providing for the final allocation of moneys, as "it is certain that the new Trade Union legislation will be promulgated before the liquidation of the suppressed syndicates has been concluded". It were well, to my mind, to recall this statement to the attention of the Minister, if it is decided to adopt the above formula.

4. Finally, I wish to submit that, when a decision on the points I have had occasion to raise is given by the Vice President, Economic Section,

- 4 -

the draft of the letter to His Excellency, the Minister, might once more be undertaken by you in collaboration with a representative of the Labor Sub-Commission.

Scicluna kraj.
E. J. SCICLUNA, MAJOR
Labor Relations Officer
Labor Sub-Commission

Copy to: Mr. A.C. Antolini,
Actg. Head, Economic Section

785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

40A

ACC/4104/4/L.

/ap.
3 October 1944.

SUBJECT : Decree Suppressing Fascist Syndical
Organizations and Assets.

TO : Economic Section.

1. Reference your ES/7B of 1 October 1944.
2. The enclosures to the above mentioned letter
are returned herewith.

MARC J. GROSSMAN,
Lt. Colonel,
Chief Counsel,
for Chief Legal Advisor.

Enclos.

785016

Ente 1 a file

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HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

MJG/es

Acc/4104/4/L

3 October 1944

SUBJECT: Draft Decree Suppressing the Fascist
Syndical Organizations and Liquidating
Their Respective Estates.

TO : Economic Section, Hq., ACC.

1. Reference your ES/7B, herewith as re-
quested is proposed letter to Ministry of Industry,
Commerce and Labor.

MARC J. GROSSMAN
Lieut. Colonel
Chief Consul for *Chap.*
Legal Adviser

Incl - Decree letter

131

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

WJC/es

40c

ES/7B

3 October 1944

SUBJECT: Draft Decree Suppressing the Fascist Syndical Organization and Liquidating their Respective Estates.

TO : Ministry of Industry, Commerce and Labor.

1. The above draft decree has been carefully examined and thoroughly considered.

2. Our conclusion is that the following general objectives which are desired either have not been accomplished at all by the draft decree, or are insufficiently dealt with.

(a) The decree does not make retrospective the annulment of contributions by members to the organizations which are dissolved thereunder. The obligation to pay syndical contributions should be rescinded as from the date of the publication of the decree, except that in territories formerly occupied by the Allied Powers, such obligation shall cease as of the date on which Allied Military Government abolished syndical contributions or Fascist syndical organization, whichever was earlier.

(b) That the decree prescribe substantially the same procedures, methods and safeguards for the liquidations of these properties as are now provided under Italian Law for the administration, sale and liquidation of state properties with only such modifications as the particular conditions require.

(c) 1. That "Severance Pay" (Indennita' Quietanza) shall be suspended as to any employee with respect to whom epuration proceedings have been instituted and shall be finally denied in the event he be not acquitted. 13

2. "Severance Pay" shall be denied to any employee transferred to other government service following the suppression of the syndical organization theretofore employing him, but with the proviso that he shall in his new position be entitled to his already acquired seniority status and that his claim for severance pay be transferred to and assumed by the government agency employing him upon termination of his employment.

- 2 -

3. "Severance Pay" shall be granted to persons entitled thereto except as provided in para(c) 1 and 2.

(d) That the residual proceeds of the liquidations be deposited in the Italian Treasury as miscellaneous receipts, subject only to such limitations of expenditure as are generally prescribed under existing Italian Law with respect to such miscellaneous receipts.

(e) As to Article 8, it is suggested that syndical acts performed subsequent to 8 September 1943 shall be null and of no effect only if tainted by fraud or other irregularities.

For the Acting Chief Commissioner:

A. G. ANTOLINI
Acting Head
Economic Section

785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

LDI/hs

39A

In reply
refer to:
ES-7B

1 October 1944

SUBJECT: Decree Suppressing Fascist Syndical Organizations and Assets.

TO : Legal Sub-Commission.

1. Reference is made to your letter of 27 September 1944. (ACC 4082/1/L) and the subject file from the Economic Section, including a memorandum of 23 September 1944, by Mr. Heizer, which are returned with this memorandum.

2. In commenting on the questions of policy set forth in your paragraph 5, the following is submitted as the view of this section:

a. Article III of the decree requires amendment to provide additional means and methods of administration and liquidation. We would suggest that the procedure of administration and liquidation provided by RDL 16 March 1944, in case of forced liquidated administration, be adopted for this purpose.

b. ACC has a definite interest in the devolution of the funds and proceeds of the liquidated organizations. In consequence, Article XII should be revised to channel all residual assets remaining after liquidation into the Italian Treasury as "Miscellaneous Receipts". Any other policy would be contrary to the best financial interest of Italy and Italian law as we understand it.

So far as determination of beneficiaries is concerned this section believes that ACC has an interest. Article XI should be amended to prevent the payment of verified claims which payment would be contrary to the purpose for which the organization is being suppressed. Illustrative of the administrative action under a provision of this type is the policy which has already been effectuated in conjunction with the Italian government in the liquidation of Fascist organizations in Region II. Here premia were divided into three classes.

(1) Employees of the liquidated organizations who were candidates for epuration received no premia with the ultimate determination contingent on the action of the Commission on epuration.

(2) Employees reemployed by different agencies assuming the governmental functions of the dissolved organizations received

ES-7B To: Legal S/C

1 Oct 44

no premia but the new employer accepted the employee with credit for his tenure in office.

(3) Employees being released completely received full premia. The amendment of Article XI to effectuate this policy need not be long or complicated. A simple amendment would cover the situation so long as the government followed the line of policy adopted above.

c. This section believes that ACC is definitely interested in the devolution of the functions formerly carried out by the suppressed organizations. The ACC has an affirmative obligation under the Armistice terms to prevent fascist-type organizations succeeding to the functions of the suppressed organizations. In consequence it is felt that Article XII would have to be amended to remove the inference that the suppressed organizations will be replaced by state-sponsored organizations except for functions of a governmental character, where the successor would be not a new parastatal organization or government-sponsored ente or syndicate but be a part of the government itself. Examples would be the insurance function carried on by many of these separate organizations, the conciliation of labor disputes, and enforcement of rationing carried on by some of them. Due to these variations in functions of the separate organizations it is impossible to amend Article XII in such a way as to enable automatic devolution of the property assigned to these functions to the new administrations undertaking them. It is suggested if Article XII were simply amended to provide, as mentioned above, that all remaining assets should devolve upon the state as miscellaneous receipts, the reassignment of these assets to enable the performance of the different governmental functions by new organizations or existing governmental agencies could be carried out by administrative action much better than by any mention in a decree.

3. With reference to Article VIII it would be advisable to amend the last sentence (assuming that our translation is accurate) to provide that debts and contracts subsequent to September 8, 1943, may be annulled if they appear as having been made in fraud of the law and of creditors.

4. The above answers to questions raised in your letter are the result of discussions of all interested sub-commissions in our section. It would be appreciated if you would prepare a letter to be sent to the appropriate ministry requesting amendment of the draft decree to reflect these points of view.

L. D. DENSMORE
L. D. DENSMORE
Colonel, Sig. C., CSO
Economic Section

La liquidazione di quanto dovuto agli ex-dipendenti delle
disciolte organizzazioni sindacali avverrà secondo le leggi,
i contratti collettivi ed i regolamenti ad essi applicabili.
L'indennità di preavviso non sarà pagata a quegli ex-dipen-
denti che, senza soluzione di continuità, siano stati reimpie-
gati presso uffici pubblici.

Sarà sospeso qualsiasi pagamento in favore di coloro i
quali rientrino nelle disposizioni per l'epurazione.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(38A)

ACC/4082/1/L.

/ap.
27 September 1944.

SUBJECT : Decree Suppressing Fascist Syndical Organizations
and Assets.

TO : Economic Section (Thru Admin Sec).

1. Reference your ES/TB of 25 Sep 44.

2. The proposed decree has been previously examined
and commented on by the Legal Sub-Commission in letters to the
Labour Sub-Commission which may be seen in their files :-

19 Aug 44 reference ACC/4104/4/L.
24 Aug 44 " " " "
6 Sep 44 " " " "

3. As you will note we have pointed out previously
the looseness of control which in greater detail is dwelt upon
in the memorandum of 23 Sept 1944 of Mr. HEIZER.

4. Article 8 is legally unobjectionable. The
questions raised with respect thereto by Finance and Agriculture
Sub-Commissions are questions solely of policy. Should all
transactions after 8 Sept 1943 be vitiated or only those tainted
by fraud or other irregularities?

5. There appear to be several principal features of
policy :

a. Means and methods of administration and liqui-
dation of property.

b. Devolution of funds and proceeds of liquidated
organizations and determination of beneficiaries.

c. And above all how far ACC believes itself to
be interested in control and devolution and wishes to force
the issue.

6. I think it obvious without some safeguard such
as suggested in our own letters the funds and properties may
be dissipated. They are thought to be very substantial.

785016

As a matter of policy this may be considered by your Section to be a matter with which the Italians should deal as they seem to prefer. The matter of devolution of the funds your Section likewise may feel to be a matter of policy to be determined entirely by the Italian Government without suggestion from ACC.

7. The Legal Sub-Commission will gladly prepare a letter to be sent to the appropriate Minister when it is advised on the inherent matters of policy.

8. Your file is returned herewith.

RICHARD H. WILNER,
Colonel, CAC,
Chief Legal Officer.

Encl.

Copy to : Admin Sec (File ~~encl~~ 4.8/AS).

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785016

37A

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

CWA/ra

Legal
May we have a copy of your
reply for the file
SF 14.8/AS

25 SEP. 1944

ES/7B

24 September 1944

SUBJECT: Decree Suppressing Fascist Syndical Organizations and Assets.

TO : Legal Sub-Commission.

(Thru Adm Section)

1. Enclosed is a copy of a proposed Decree on the above subject transmitted to this HQ by the Minister of Industry, Commerce and Labor.
2. The views of the interested Sub-Commissions of this Section have been requested and their replies are attached.
3. From these it would appear that the Decree needs revision and strengthening in several respects as set out in the memo dated 23 Sept 44. Also, your opinion is desired on the effect of Article 8 of the Decree.
4. Will you please give the opinion asked for and also prepare a letter to the Italian Government as suggested in Sub-Paragraph "f" of the memo.

L. D. Densmore

L. D. DENSMORE,
Colonel, Sig C, CSO,
Economic Section.

Encl: Memo, Eco. Sec. dtd 23 Sept 44
Copy Decree as above.
Ltr. ES/7B dtd 18 Sept 44
Ltr. Agr/11 dtd 21 Sept 44
Ltr ACC/5524/Ind dtd 21 Sept 44
Ltr 13192/F dtd 22 Sept 44
Ltr ACC/5092/Commerce dtd 23 Sept 44
Ltr Lab 4351 dtd 20 Sept 44.

LEGAL SUB-COMMISSION	
CLO	
DCLO	
Chief Counsel	
CJO	
Italian Section	
CLERKS	

785016

HEADQUARTERS
ALL IND CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

36A

file
ACC/4104/4/L./ap.
6 September 1944.

SUBJECT : Draft Law on Suppression and Liquidation
of Syndical Organizations.

TO : Labour Sub-Commission.

In reply to your LAB 091.447 of 4 September 1944
please be advised :-

1. The Legal Sub-Commission did not state that the provisions of Italian law on liquidation of state properties applied to the liquidation of Syndical Associations. Your attention is directed to para 6 of our original letter. It is true that the existing provisions of Italian law do not apply, but it is not true, as the Minister alleges (para 1, third Sub-para) that the rules cannot be extended to the liquidation of Syndical Associations. We understood, when writing our previous opinion, ^{that} you attached considerable importance to this aspect of the case, and we therefore drew attention to the point that certain safeguards could have been made applicable to these liquidations but that such procedure had not been adopted. This position still holds. It is open to the Italian Government to insert into this Decree proper safeguards, along the lines of the provisions for the liquidation of State property with any modifications which the particular conditions may indicate. We again state that the necessity or desirability of this doing so is a matter of policy with which we are not concerned.

2. As we understand the Minister's letter he accepts the intention of our proposed amendment but states that it is unnecessary since it is already covered by the existing draft. We would observe :-

(a) The draft does not purport to be retrospective in its operation. The natural interpretation of Arts 1 and 2 is that they take effect from the date of the decree. If in fact (of which we have no knowledge) there has been a previous

decree enacting the suppression of organisations already suppressed by AMG with effect from the date of their original suppression this point is academic : if not, it appears to us desirable to make the position clear.

(b) In some cases AMG orders suppressed the contributions from a date earlier than the suppression of the organisations. The proposed draft does not recognize the continued validity of these orders, although here again there may be other legislations of which we have no knowledge.

(c) Since the Minister agrees to the principle and the inclusion of the amendment can have no room for doubt, we adhere to our original suggestion.

RICHARD H. WILMER,
Colonel, CAC.,
Chief Legal Officer.

6 Sept 1944

July
Draft Law on Suppression and
Liquidation of ~~the~~ Syndical
Organizations.

To Col Wilmer.

1. I concur in the main with
Dr. Chiromenti's memorandum.

~~But~~
2. My specific answer to the two
points raised by Col Bain
in his letter (4 Sept 44 Lab. 091.447)
is as follows.

(a) With respect to Para 2 thereof:
The Italian Ministry would
have been correct in stating
"that the provisions of Italian
Law on liquidation of State
properties do not apply to
the liquidation of Syndical
associations as stated by the
Legal Sub Commission". But
the Italian Ministry
made no such statement.
Nor did the Legal Sub Com.
~~What the Ministry said~~

What the minister
of Finance said was that "the
rules concerning state properties
cannot be extended to the
liquidation of syndical
institutions". To this statement
I dissent, if by it the Minister
means that by appropriate
new legislation the desired
safe guards surrounding the
administration of state funds
cannot be imposed upon the
administration and liquidation
of the assets of the syndical
organization. Obviously by suitable
new decree any desired
~~the~~ limitations and safe guards
may be so imposed.

The whole difficulty arises
out of the attempt of the Labor
Commission to act as its own
counsel. We purposely merely
pointed out that "the

method ~~of~~ administration
any legislation provided in
the decree is a departure
from the procedure prescribed
by the Italian law in
connection with the admin. of
state funds in that certain
safeguards are omitted"

The implication of our
remarks was that altho
the funds were not strictly
specialty state funds, they
did ~~partake~~ of their general
characteristics because of
their source ~~and character~~,
and that it was a
question of policy whether
A.C.C. should require the
Italian Gov. to apply
certain safeguards ~~comparable~~
comparable to those
imposed on state funds
or whether that was a
matter to be left to the

to the Italian state, since
the funds belonged to it.

We advisedly did not
specify what the safeguards
should be. Pursuant to
our general policy that
would be left to the
Italian Gov. to initiate
if we undertook to
interest ourselves in the
matter at all.

But the Labor sub Commission
undertook by ~~pr~~ rhyme
and ruse to tell the
Ministry just what safeguards
were desired and cited
the Italian Regulation
which ~~the~~ it desired
~~incorporated~~ which it presumably
desired ~~the~~ incorporated
in the new decree. This ^{protection}
legal advice to the Ministry.

gave it the basis for many 5
of its objections. Even had
we thought it wise to be
more definitive we would
have refrained from any
such statement as was
made by the Labor Sub
Committee until a
thorough going study of
the Italian Legislation had
been completed covering
the adm. of state funds.

3. As to Para 3 of Cal Bani's
letter, I do not find
that the Ministry specifically
said "that sufficient legal
provision is made to
properly determine the
different dates of termination
to the Syndical Associations"

If however such implication
can be attached to its
remarks, then I believe 11b

the minute, is wrong ⁶
and that it is essential
to provide as we suggested
for retrospective amendment
of contributions.

4 I do not believe further
comment is required
concerning Dr Chiomente's
Memo, with which in
the main I concur.

Magnum

Oggetto:

Protocollo N. / U. I.

Risposta a nota N. del

UFFICIO INFORMAZIONI

FEDERAZIONE DI ROMA

PARTITO FASCISTA REPUBBLICANO

785016

To Col. Wotner.

Subject: Decree on Suppression and Liquidation of Syndical Organization

Reference letter of September 4th, 1944, from Labor Sub-Commission -

1. - The Labor Ministry is correct in stating that the provisions of Labor Law on sale of State properties do not apply to the liquidation of syndical organizations. But it has to be pointed out that legal sub-consumption, with regard to the fact that the assets of the suppressed organizations largely derived from State contributions and from taxes imposed both on employers and employees and to the fact that the system set out in the decree under examination is a ~~particular~~ special system very much similar to the ^{existing} machinery for the sale of State property, only noted that "the method provided in this decree is a departure from the procedure presented by Labor Law in connection with the administration of State funds in that certain safeguards are omitted". Legal sub-consumption, in other

provisions of the law. But it has to be pointed out the liquidation of syndical associations. But it has to be pointed out that legal sub-consumption, with regard to the fact that the assets of the suppressed organizations largely derived from State contributions and from taxes imposed both on employers and employees and to the fact that the system set out in the decree under examination is a ~~particular~~ special system very much similar to the machinery for the sale of State property, only noted that "the method provided in this decree is a departure from the procedure prescribed by the law in connection with the administration of State funds in that certain safeguards are omitted". Legal sub-consumption, in other words, did not state that such procedure is applicable to liquidations of organizations, but suggested that it ~~was~~ rendered applicable: which could easily be done, by saying in the decree that "the administration and the sale of properties belonging to the suppressed organizations shall be governed by the existing laws on the administration and sale of State properties".

785016

(2)

8.22

The Minister of Industry, Commerce and Labor says in his letter of August 30, 1944 (Para 2) that "in drafting the complementary rules to the scheme under examination, it will be taken into consideration the wording of said Decree (the one dealing with the administration and sale of State properties) in all such cases where it may be applied".

This means that he ^{has} ~~will~~ taken into consideration our remark. The only objection to it ~~is~~ ^{is} ~~it~~ ^{derives from what you call my "philosophy"} is it advisable to issue ^{an incomplete} ~~a decree~~ and to defer to a later provision a complete regulation of the subject matter? Would not it be better to examine and to solve all problems once for ever?

2. — With reference to Para (3) of the letter from Labor Sub-Commission, I can only say that I personally much prefer your suggestion that contributions be annulled as of the date of the decree or as of the date on which AMG abolished syndical contributions or Fascist syndical

This means ~~that~~ ^{the} only objection to it ~~is~~ ^{derives from} what you call my philosophy. The only objection to it ~~is~~ ^{an incomplete} and to defer is it advisable to issue a decree ~~on a tentative subject~~ and to defer to a later provision a complete regulation of the subject matter? Would not it be better to examine and to solve all problems once for ever?

2. — With reference to Para (3) of the letter from ~~Lebedev~~ ^{Lebedev} ~~Sub-~~ Commission, I can only say that I personally much prefer your suggestion that contributions be annulled as of the date of the decree or as of the date on which AMG abolished syndical contributions or Fascist syndical organization, whichever was the earlier, to the ~~opposition~~ ^{proposal} of the Italian Ministry (for which see his letter, Para (3), Sub-Paragraph).

785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

FMA/sc

4 September 1944

LAB 091.447

SUBJECT : Draft Law on Suppression and Liquidation of Syndical
Organizations.

TO : Legal Sub-Commission, A.C.C.

1. Attached is letter of 30 August 1944 from the Italian Ministry, together with an English translation. This letter is in response to Labor Sub-Commission letter of 28 August 1944 copy of which is also attached.
2. Is the Italian Ministry correct in stating that the provisions of Italian Law on liquidation of State properties do not apply to the liquidation of Syndical Associations as previously Stated by the Legal Sub-Commission?
3. Is the Italian Ministry correct in stating that sufficient legal provision is made to properly determine the different dates of termination of contributions to Syndical Associations?

LEGAL SUB-COMMISSION
CLO
DCLO
Chief Counsel
CLO
Italian Section
CL R&S

Copy to:

Economic Sub-Commission

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

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785016



*Ministero dell'Industria
del Commercio e del Lavoro*

IL MINISTRO

Prot. N. 585

Allegato

Risposta al f. N. 1435 del 22.8.44

OGGETTO : Soppressione delle organizzazioni sindacali

Roma addì

30 AGO 1944

ALLA COMMISSIONE ALLEATA DI
CONTROLLO = Sottocommissione del
Lavoro = ROMA =

Con riferimento alla nota di cui sopra deve rilevarsi quanto
appresso:

1) - Non si comprende quali siano le norme relative alla ammini-
strazione dei beni dello Stato che dovrebbero essere estese alla
liquidazione delle associazioni sindacali fasciste, e quali siano
le salvaguardie che si dicono omesse.

Se codesta Commissione intende riferirsi alle norme sulla con-
tabilità generale dello Stato, deve osservarsi che queste non
disciplinano alcun processo di liquidazione.

Le norme concernenti l'amministrazione e l'alienazione dei
beni dello Stato non possono poi essere estese alla liquidazione
delle associazioni sindacali. Se per la gestione ordinaria delle
associazioni stesse vigevano le disposizioni del R.D.L. 12 otto-
bre 1933, n. 1399, che erano molto differenti da quelle concen-
nenti le amministrazioni statali, perchè palesemente diversi erano
la loro natura e il loro funzionamento, a fortiori deve essere
regolata in modo speciale la gestione conseguente alla soppres-
sione delle associazioni, che è gestione straordinaria.

2) - Il progetto sulla liquidazione delle associazioni sinda-
cali non ha voluto prescindere da ogni riferimento al R.D. 15 mar-
zo 1942, n. 267; anzi ne ha assorbite le disposizioni che potevano

./.

fin da ora ritenersi applicabili. Gli articoli 3,5,6,7,8,10 sono,infatti,adattamenti degli articoli 198,199,200,201 e 204 del decreto del 1942, per le disposizioni che era possibile immediatamente trasferire nel processo speciale relativo alle associazioni sindacali.

Si è rinviata ad un tempo successivo la determinazione delle disposizioni complementari a quelle adottate,perchè le altre norme del R.D. del 1942 sono dominate dallo spirito fascista, di compressione del diritto individuale; e infatti, non pongono nel dovuto risalto la tutela dei diritti dei creditori,al cui interesse danno invece scarsissima considerazione. Questa tutela va organizzata con indirizzo rispondente alle idealità che sopraffecero il fascismo.

Esigenze peculiari presenta poi la liquidazione delle associazioni sindacali; e scaturiscono dalla opportunità di mantenere integri, fin quando è possibile, i complessi patrimoniali,formati con i contributi di quelle categorie professionali che dovranno trovare rappresentanza nelle libere associazioni, e destinati quindi ad essere conservati per queste associazioni, non dispersi con alienazioni parziali ed antieconomiche. La liquidazione prevista nel R.D.16 marzo 1942, è invece, a tendenza dissolutrice del patrimonio dell'ente, e può sboccare solo in via di eccezione in un concordato,che evidentemente non potrebbe applicarsi al caso delle associazioni sindacali.

Comunque,nella compilazione delle norme di integrazione allo schema in esame sarà tenuto presente il testo del R.decreto predetto nei punti in cui se ne può estendere l'applicazione,così come esso è stato tenuto presente nella formulazione dello schema di regolamento provvisorio per il quale sono stati fatti i rilievi che con la presente nota si esaminano.

785016

Translation: DI TEMPORAMINISTRY OF INDUSTRYCOMMERCE AND LABORTHE MINISTER

Prot. N. 636

SUBJECT: Suppression of Syndical Organisations.-

Rome August 30, 1934

TO THE ALLIED CONTROL COMMISSION

LABOR SUB-COMMISSION

R O M E

Reply to M. 091435 dated Aug. 22/34

Referring to the letter referred to above, we inform you as follows:

1. We do not understand which are the rules concerning the administration of the properties of the State which should be extended to the liquidation of the fascist syndical associations, and which are the safeguards which is said to have been omitted.

If your Commission refers to the rules on the State General accounting, it must be pointed out that they do not regulate any procedure of liquidation.

The rules concerning the administration and the sale of State properties cannot be extended to the liquidation of syndical associations. If for the ordinary administration of said association could be applied the provisions of the R.Decree dated October 12, 1933, M.1390, which were quite different from those referring to State Administrations, because their nature and functions

said to have been omitted.

If your Commission refers to the rules on the State General accounting, it must be pointed out that they do not regulate any procedure of liquidation.

The rules concerning the administration and the sale of State properties cannot be extended to the liquidation of syndical associations. If for the ordinary administration of said association could be applied the provisions of the R.Decree dated October 12, 1933, N.1399, which were quite different from those referring to State Administrations, because their nature and functions were obviously different, is stands to reason that the handling of the suppression of said associations, which is of an extraordinary nature, must be regulated in a special way.

2. The scheme concerning the liquidation of syndical associations has not excluded altogether the R.Decree dated March 15, 1942, N. 267; nay, it has included such provisions as were considered applicable. Articles 3, 5, 6, 7, 8, 10 are as a matter of fact an adaptation of articles 198, 199, 200, 201 and 204 of the Decree 1942 for the provisions that could be applied at once to the special procedure in respect of syndical associations.

The determination of complementary provisions to those already adopted has been postponed to another time, because the other rules contained in the 1942 Decree are inspired by the fascist spirit in detriment of individual rights. And in fact, they do not give sufficient protection for the rights of creditors, to which they give very little consideration. This protection must be organized in accordance with the ideals which worked against fascism.

Furthermore, the liquidation of syndical associations call for other requirements, which must respond to the opportunity of maintaining all patrimonial units in their integrity as much as possible, because they are with the contributions of those professional classes which must be represented in the new free associations, and must therefore be preserved for such associations and not scattered in partial and anti-economical alienations. The liquidation contemplated under the Decree of March 16, 1942, on the contrary tends to dissolve that patrimonial unit, and it may lead only exceptionally to a compromise, which obviously could not be applied in the case of syndical associations.

At any rate, in drafting the complementary rules to the scheme under examination, it will be taken into consideration the wording of said Decree in all such cases where it may be applied, just as it has been borne in mind in drafting the scheme for temporary regulations, in respect to which have been made the remarks which have elicited our present considerations.

liquidation contemplated under the Decree of March 16, 1942, on the contrary tends to dissolve that patrimonial unit, and it may lead only exceptionally to a compromise, which obviously could not be applied in the case of syndical associations.

At any rate, in drafting the complementary rules to the scheme under examination, it will be taken into consideration the wording of said Decree in all such cases where it may be applied, just as it has been borne in mind in drafting the scheme for temporary regulations, in respect to which have been made the remarks which have elicited our present considerations.

3. 2) The suppression of contributions is contemplated in consequence of the suppression of syndical associations. It is therefore obvious that the contributions can no longer be cashed from the date when the associations ceased to exist; that is to say from the day in which the dissolution of these associations was ordered by the Allied Military Government, for the territories subjected to the allied administration, and from the date in which was published the decree under discussion for the territories which have always been under the administration of the Italian Government.

b) Considering that the syndical organisations which is to take place of the fascist organisation is still in the making, it is not possible

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to determine in the provisions concerning the liquidation of the associations which have been abolished what the requirements and formalities must be for the recognition of the new labor organizations. In such provisions, however, the principle has been adopted that the assets, which shall remain available after the creditors have been paid off, shall be devolved in favour of those bodies which, according to the new forms of association adopted, will be able to prove that they represent the classes which were protected by the suppressed associations. The principle which forms the basis of the rules under examination responds to a requirement of justice, namely that patrimonial assets must return to be the property of the same classes of people which contributed to form them.

On the other hand, no inconvenience may result, from the omission under discussion, because, it is certain that the new law on Trade-Unions will be published before the liquidation of the old associations is finished.

4. In view of the above explanations, this Ministry feels justified in asking that your Commission express a favourable opinion as soon as possible, in order that the draft may be turned into law.

Among the various reasons which urge a decision is that of avoiding the discrepancy existing at present among the various zones of liberated territories concerning their obligations in respect to syndical contributions, which obligation has ceased in the territories that have been under the Allied control, but has not ceased in those which have always remained under the

Italian Administration

under discussion, because, it is certain that the new law on Trade-Unions will be published before the liquidation of the old associations is finished.

4. In view of the above explanations, this Ministry feels justified in asking that your Commission express a favourable opinion as soon as possible, in order that the draft may be turned into law.

Among the various reasons which urge a decision is that of avoiding the discrepancy existing at present among the various zones of liberated territories concerning their obligations in respect to syndical contributions, which obligation has ceased in the territories that have been under the Allied control, but has not ceased in those which have always remained under the Italian Administrations

THE MINISTER

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785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

24 140
JTRB/1c

LAB 091.435

22 August 1944

SUBJECT: Draft Decree suppressing Fascist Syndical
Organizations, and liquidating their respective estates.
TO : Ministry of Industry Commerce and Labor.

1. In connection with above Decree, the Legal Sub-Commission has advised: "The method of administration and liquidation provided in this decree is a departure from the procedure prescribed by Italian law in connection with the administration of State funds in that certain safeguards are omitted."

2. The Labor Sub-Commission considers it extremely important that the Ministry make the necessary revisions to provide the safeguards stipulated by Italian law and cite such law (R.D. 16th March 1942, N.267, Articles 198, 199, 200, 201, 204, 205, 206, 207, 208, 209).

3. Two other essential considerations are omitted from the present Draft and should be added:

(a) the annulment of contributions by members to the organizations which are dissolved as of the date of the decree, or as of the date on which AMG abolished syndical contributions, whichever was the earlier.

(b) the machinery for determination or recognition of new labor organizations before liquidation of the assets of the dissolved organizations.

4. When the Ministry has considered these points, the Labor Sub-Commission will be glad to give consideration to a new submission of a Draft Decree on this subject.

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

Copies:
Economic Section
Legal Sub-Commission

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.435

28 August 1944

SUBJECT: Draft Decree suppressing Fascist Syndical Organization, and liquidating their respective estates.

TO : Ministry of Industry, Commerce and Labor.

1. Reference our letter to you dated 22 Aug 44 (LAB 091.435).
2. We direct your attention to omission in 3 (a) thereof. It should read as follows:

The annulment of contributions by members to the organizations which are dissolved as of the date of the decree or as of the date on which AMG abolished syndical contributions, or Fascist syndical organizations, whichever was the earlier.
The omitted words are underlined.

J. T. R. BAER,
Colonel,
Director, Labor Sub-Commission

Copies:

Economic Section
Legal Sub-Commission

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.435

28 August 1944

SUBJECT: Draft Decree suppressing Fascist Syndical Organization, and liquidating their respective estates.

TO : Ministry of Industry, Commerce and Labor.

1. Reference our letter to you dated 22 Aug 44 (LAB 091.435).
2. We direct your attention to omission in 3 (a) thereof. It should read as follows:

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

Copies:

Economic Section
Legal Sub-Commission

LEGAL SUB-COMMISSION	
C.O.	
Sec. O	
Chief Counsel	
Asst. Counsel	
Asst. Sec. O	
Asst. Chief Counsel	
Asst. Asst. Sec. O	
Asst. Asst. Chief Counsel	
Asst. Asst. Asst. Sec. O	
Asst. Asst. Asst. Chief Counsel	

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4104/4/L.

/gb.
24 Aug 44.

SUBJECT : Draft Decree suppressing Fascist Syndical.
Organizations, and liquidating their
respective estates.

TO : Labor Sub-Commission.

1. Reference your letter to Ministry of
Industry & Commerce and Labor 22 Aug 44. (Lab.091.435)

2. We direct you attention to omission in
3 (a) thereof. It should read as follows:

" The annulment of contributions by
members to the organizations which
are dissolved as of the date of the decree
or as of the date on which AMG abolished
syndical contributions, or Fascist
syndical organizations, whichever was the
earlier. The omitted words are underlined.

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

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4104/4

Legal Sub-Commission 32A

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

JTBH/lc

LRS 09-455

22 August 1944

SUBJECT: Draft Decree suppressing Fascist Syndical Organizations, and liquidating their respective estates.

TO : Ministry of Industry Commerce and Labor

1. In connection with above Decree, the Legal Sub-Commission has advised: "The method of administration and liquidation provided in this decree is a departure from the procedure prescribed by Italian law in connection with the administration of State funds in that certain safeguards are omitted."

2. The Labor Sub-Commission considers it extremely important that the Ministry make the necessary revisions to provide the safeguards stipulated by Italian law and cite such law (R.D. 16th March 1942, N.267, Articles 198, 199, 200, 201, 204, 205, 206, 207, 208, 209).

3. Two other essential considerations are omitted from the present Draft and should be added:

(a) the annulment of contributions by members to the organizations which are dissolved as of the date of the decree, or as of the date on which AMG abolished syndical contributions, whichever was the earlier.

(b) the machinery for determination or recognition of new labor organizations before liquidation of the assets of the dissolved organizations.

4. When the Ministry has considered these points, the Labor Sub-Commission will be glad to give consideration to a new submission of a Draft Decree on this subject.

Copies:

Economic Section

Legal Sub-Commission

Chief Counsel

CJO

Italian Section

CL RKS

LEGAL SUB-COMMISSION

J.T.R. BAIN

Colonel,

Director Labor Sub-Commission

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

31A

/rlp
19 August 1944

ACC/4104/4/L.

SUBJECT: Draft Decree Suppressing the Fascist Syndical Organizations and liquidating their respective estates.

TO : Acting Head, Admin Sec.

1. The Legal Sub-Commission has considered the draft decree for the suppression of Fascist Syndical Organizations and liquidation of their assets and also the contentions of Captain Scicluna as contained in his letter of 3 August 1944 to Director, Labor Sub-Commission.

2. The letter of Captain Scicluna indicates that there are at present points of difference between the labor policy of ACC and the labor policy of the Italian Government. With these points of difference and with the underlying policy, the Legal Sub-Commission is in no way concerned. The draft decree represents a move of the Italian Government to develop its own labor policy by the suppression of the fascist national organizations and the liquidation of their assets; it has been considered solely from that point of view.

3. It appears to this sub-commission that this draft decree will effect the desired object and that there is no objection to its terms.

4. No mention is made in the decree of the liquidation and distribution which have already taken place under the auspices of AMG. From the legal point of view, it is not considered that any reference need be so made in this decree, but the subject should be drawn to the attention of the Italian Government in order that the position can be considered.

5. The decree does not make retrospective the annulment of contributions by members to the organizations which are dissolved as of the date of the decree. It is suggested that the obligation to pay syndical contributions be rescinded as from the date of the publication of the decree, or in territories formerly occupied by the Allied Powers as of the date on which AMG abolished syndical contributions or Fascist Syndical Organizations, whichever was the earlier.

6. It should be pointed out that the method of administration and liquidation provided in this decree is a departure from the procedure prescribed by Italian law in connection with the administration of state funds, in that certain safeguards are omitted. Whether this is a subject which should be left entirely to the discretion of the Italian Government or one with respect to which the ACC should concern itself is a matter of policy upon which we express no opinion.

RICHARD H. WILMER,
Colonel, CAC,
Acting Chief Legal Officer.

Copy to: Labor Sub-Commission

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

Legal Sub-Comm.
JTRB/1c (30A)

22 August 1944

SUBJECT: Proposed Italian Labour Decree
for Arbitration

TO : Economic Section

1. The Labor Sub-Commission recommends that A.C.C. disapprove the above Decree, and that the Italian Ministry of Industry, Commerce and Labor be advised by the Economic Section.

2. Although the Legal Sub-Commission finds no objection in law to the Ministry's proposal, the Labor Sub-Commission submits that policy considerations require disapproval of any plan which would give arbitration functions to an Inspection Service or directly to a Labor Office.

3. The Draft Law proposed by the former Ministry and still under consideration by the present Ministry contains an adequate solution to this problem by authorizing Labor Offices to refer to arbitration boards especially chosen under established procedures.

J.T.R. Bain
J.T.R. BAIN,
Colonel,

Director Labor Sub-Commission

Copy:

Legal Sub-Commission

LEGAL SUB-COMMISSION	
CLO	✓
DCLO	✓
Chief Counsel	✓
CJO	✓
Italian Section	✓
CL RKS	✓

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

29A

ACC/ 4104/4/L

RHW/ap
18 Aug. 44

SUBJECT: Proposed Italian Labour Decree for Arbitration.

TO : A/Hd Adm Sec.

1. The Legal Subcommittee has considered the proposed Decree instituting Labour Offices and the inspection divisions of industry and labour as the competent authority to decide controversies over increase of wages under R.D.L. 7 Dec. 1943, 23/B.

2. In our opinion this proposed decree is legally sufficient to accomplish its purpose and there is no legal objection to its terms.

3. We have considered the comments offered by Col. Bain in his letter to Brigadier General O'Dwyer of the 4th Aug. These comments relate in the main to questions of underlying policy with which this Subcommittee is not concerned. We do not agree with Col. Bain's contention that the subject of arbitration itself is of doubtful legality.

R. H. WILMER,
Colonel, CAC.,
Acting Chief Legal Officer.

Copy to: Labour Subcommittee

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(28A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4104/4/L.

/rlp.
19 August 1944.

SUBJECT : Draft Decree suppressing the Fascist Syndical Organizations and liquidating their respective estates.

TO : Acting Head, Admin Sec.

25C

25B — 1. The Legal Sub-Commission has considered the draft decree for the suppression of Fascist Syndical Organizations and liquidation of their assets and also the contentions of Captain Scicluna as contained in his letter of 3 August 1944 to Director, Labor Sub-Commission.

2. The letter of Captain Scicluna indicates that there are at present points of difference between the labor policy of ACC and the labor policy of the Italian Government. With these points of difference and with the underlying policy, the Legal Sub-Commission is in no way concerned. The draft decree represents a move of the Italian Government to develop its own labor policy by the suppression of the fascist national organizations and the liquidation of their assets; it has been considered solely from that point of view.

3. It appears to this sub-commission that this draft decree will effect the desired object and that there is no objection to its terms.

4. No mention is made in the decree of the liquidation and distribution which have already taken place under the auspices of AMG. From the legal point of view, it is not considered that any reference need be so made in this decree, but the subject should be drawn to the attention of the Italian Government in order that the position can be considered.

5. The decree does not make retrospective the annulment of contributions by members to the organizations which are dissolved as of the date of the decree. It is suggested that the obligation to pay syndical contributions be rescinded as from the date of the publication of the decree, or in territories formerly occupied by the Allied Powers as of the date on which AMG abolished syndical contributions or Fascist Syndical Organizations, whichever was the earlier.

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6. It should be pointed out that the method of administration and liquidation provided in this decree is a departure from the procedure prescribed by Italian law in connection with the administration of state funds, in that certain safeguards are omitted. Whether this is a subject which should be left entirely to the discretion of the Italian Government or one with respect to which the ACC should concern itself is a matter of policy upon which we express no opinion.

W. H. Wilmer *CA*

fr RICHARD H. WILMER,
Colonel, CAC,
Acting Chief Legal Officer.

Copy to: Labor Sub-Commission.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

(27A)

ACC/4204/L/L

RHW/ap
18 Aug 44

SUBJECT : Proposed Italian Labour Decree for Arbitration.

TO : A/Hd Adm Sec

24B

1. The Legal Subcommittee has considered the proposed Decree instituting Labour Offices and the inspection divisions of industry and labour as the competent authority to decide controversies over increase of wages under R.D.L. 7 Dec. 1943, 23/B

2. In our opinion this proposed decree is legally sufficient to accomplish its purpose and there is no legal objection to its terms.

24A

3. We have considered the comments offered by Col. Bain in his letter to Brigadier General O'Dwyer of the 4th Aug. These comments relate in the main to questions of underlying policy with which this Subcommittee is not concerned. We do not agree with Col. Bain's contention that the subject of arbitration itself is of doubtful legality.

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for R. H. WILMER,
Colonel, CAC.,
Acting Chief Legal Officer. 9

Copy to: Labour Subcommittee

(26A)

ACC/002/CP

10 August 1944

Memo in re Control of Fascist Property:

1. For Property Control purposes State property (Italian) and Fascist property (Italian) have been considered as having the same status. Both belonged to the Italian Government, and RCPs (prior to the armistice) had a duty to take all such property into their custody, subject to certain conditions. See procs No 6 and 7, and Gen. Admin. Instr No 10. Since the armistice the RCPs have had authority to take control of such property in A.M.G. areas if the property was abandoned or if RCP was directed so to do by RC.

REP 2. Acting pursuant to this duty or authority ~~RCP~~ ^{RCP} has assumed varying degrees of control in the several regions, depending usually upon directions received from SCAO's or Regional Commissioners. In some areas formal custody was taken and in others the control was supervisory only. In general it may be said that liquidation of Fascist property has been carried on by the Italian Government under the supervision of the RCPs. In Region I liquidation has been completed, or substantially so, and all funds released by property Control to agencies of the Italian Government. In Region III Liquidation under supervision of RCP is still going forward. In Region IV RCP is in process of taking control of Fascist property under order of RC. In Region II and VII RCPs have had little or nothing to do with Fascist property and it is understood that in Region II, at least, liquidation was carried on by or under control of Finance Sub-Commission. In Region V and VI Property Control has had nothing to do with Fascist properties.

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E.C. KING
Major, Spec.Res.

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

Phone :
478808

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ref/206/ 65/CA.

9 August 1944

SUBJECT : Labour Matters in Regions.

TO : R.C.'s Regions IV, V, VIII & IX.

LEGAL
11 AUG 1944

A new Labour Decree is now under discussion between HQ. ACC and the Italian Government. Regional Commissioners will therefore before promulgating any new Orders first refer them to this HQ for approval and in order to determine whether they are in accordance with the draft Decree now under consideration.

"G. L. I. Shifep"

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NORMAN E. FISKE
Colonel,
Deputy Executive
Commissioner.

Copy to: Region III for information.
Econ. Section.
Admin Section

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian Section	☐
CL RKS	☐

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(25A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

4 August, 1944

SUBJECT: Submission of Draft Decree -- Labor

TO : Legal ~~Finance, Property Control~~, Subcommissions, ACC

1. Attached are Italian and English Copies of a Decree presented by the Ministry of Industry, Commerce and Labor to the Council of Ministers on 27 July 1944, without the Approval of the ACC. together with copy of observations by Capt. Scicluna, Labour Relations Officer. Copies of the Decree were received by the Labor Sub-Commission on the same day ~~at~~ the Council Meeting.

2. The Ministry has been advised that copies have been sent to Legal, Finance, ~~and~~ Property Central Subcommission, and that ACC approval could not be given until comments have been received.

3. Your views would be appreciated.

J.T.R. Bain

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

EJS/tbw

(25B)

LAB 091.435

3 August, 1944

SUBJECT: Draft Law -- "Abolition of Syndicates and Liquidation of Their Estates"

TO : Director, Labor Sub-Commission

FROM : Captain E. Scicluna, Labor Relations Officer

Reference above subject, my report LAB 091.435 dated 31 July, 1944, applies:

1. The Draft Law in question was submitted, through the Liaison Officer, in triplicate and with an English translation on 26 July, 1944. H.E. Sanzonetti, acting on behalf of H.E. The Minister for Industry, Commerce and Labor, had occasion to broach this subject to me on the evening of 25 July, 1944, explaining that:

a. The Draft was substantially an integral part of the Draft Labor Acts already approved by the Labor Sub-Commission;

b. Since the Minister desired to submit it to the Council of Ministers at the session to be held on 27 July, 1944, the matter should be treated as extremely urgent particularly because provision should be made to forestall Colonel Poletti in the nomination of Commissarii, on the National level, to take charge of the Estates of the Syndicates;

c. It was the intention of the Minister to nominate as Commissarii Mr. Di Vittorio (Communist), Mr. Lizzadri (Socialist) and Mr. Grandi (Democrat), in view of their present role as the central figures of the Trade Union movement.

I explained that however willing the Labor Sub-Commission might be to accommodate the Labor Ministry, the Draft Decree in question was of such far-reaching importance that it needed not only the careful consideration of the Labor Sub-Commission, but also reference to both Legal and Finance Sub-Commissions. The limitation in time which the Labor Ministry is suggesting would obviously preclude the Labor Sub-Commission from following this essential procedure.

2. H.E. Sanzonetti has now informed me -- telephone conversation at 1100 hours on 1 August, 1944 -- that the Draft was after all submitted to and approved by the Council of Ministers at the session held on 27 July, 1944, and also that the Minister was awaiting the "Adhuc obstat" of the Labor Sub-Commission in order to promulgate this law and proceed with the appointment of three Commissarii, namely, Di Vittorio, Lizzadri and Grandi. He suggested that their immediate appointment as Commissarii would very likely exert a beneficial influence on the formal acceptance by the Trade Unions of the Draft Labor Acts and that, therefore, it would be a matter of sound policy to expedite the

LAB 091.435 dtd 3 Apr 44 (Cont'd)

approval of the A.C.C. in respect of this Draft Law. During this telephonic conversation H.E. Sanzonetti also spoke to me of the Draft Labor Acts, stating that the Demo-Cristian Party were in favor of the provision therein contained and that it was the Socialist and Communist elements that were tending to retard their promulgation. This "volte face" is the result of decisions taken at the recent Party meeting of the Demo-Cristians held at Naples over the week-end. Possibly the arguments recently submitted to H.E. Gronchi by Dr. La Loggia and undersigned may have opened their eyes of the Demo-Cristians to the many dangers that beset the future success of free Trade Union organization, if minimum of discipline is not provided by the Law at an early date. I am not in a position to gauge how much reliance the Labor Sub-Commission may place on this new assurance, but I have personally never had occasion to doubt the sincerity and good faith of H.E. Sanzonetti.

3. The Draft law abolishing the Syndical organizations and providing for the liquidation and final destination of the assets raises a number of cogent questions and should not, I am personally convinced, be allowed to go through in its present form or independently of the organic Labor legislation as embodied in the Labor Acts. Apart from the objective reasons, which I propose to outline hereunder, I submit that the Labor Sub-Commission would be forfeiting the most effective lever in obtaining the collaboration and acceptance of the Labor Ministry in respect of fundamental labor legislation, once they have succeeded in obtaining control of the considerable assets of the suppressed Fascist syndicates. In order to obviate the development of any prejudicial situation, however, the Labor Sub-Commission might forthwith adopt the following line of action:

a. Contact the Allied Property Control authorities to ascertain that the Estates of the Syndicates have come under their immediate control; and

b. Make arrangements with Commissioner Rome Region to insure that no "Commissarii" are appointed at the National level except through the Labor Sub-Commission.

4. H.E. The Minister has advanced the plea of urgency in connection with the promulgation of the Draft Decree in which are contained provisions:

- a. To abolish the Syndicates;
- b. To appoint "Commissarii" who would assume responsibility for the Estates;
- c. To liquidate these Estates; and
- d. To allocate to their final destination the assets accruing from the liquidation.

With reference to (a), the promulgation of Italian Government legislation may only be considered necessary and urgent from a political viewpoint; it is not quite so urgent from a practical point of view and these provisions are contained in the Labor Acts, the promulgation of which is being delayed by the Italian Government and not by A.C.C.

With reference to (b), the appointment of "Commissarii" to take over the Syndical Estates may be considered comparatively urgent, but at the same time

LAB 091.453 atd 3 AM 4 (Cont'd)

the administrative responsibilities could equally well be assumed by the Property Control authorities.

With reference to (c), the liquidation should, of course, be undertaken, but this question can hardly be regarded as pressing.

With reference to (d), the final allocation of the assets is definitely not urgent, and should be effected according to very definite criteria.

5. Some idea of the financial importance of these Estates may be gauged from the following facts:

a. The annual contributions amounted to considerable sums, viz:

Lire 442.709.000 for 1938
 " 510.486.000 for 1939
 " 486.990.000 for 1940

These figures are taken from official publications, but at the Ministry of Corporations the appropriate balance sheets should be available for further study. That these sums are of considerable importance may better be appreciated when it is considered that these amounts are greater than those collected annually through the Land Tax (Imposta Fondiaria). One may safely assume that the contributions for 1941, 1942, 1944 still have to be credited to the Italian Government by the Tax Collectors (Esattoria).

Apart from the liquid cash referred to above, the Syndicates have considerable Real Property to their credit -- property which should produce important assets considering the recent increase of value in this field. To these assets must be added those belonging to Parastatal Agencies (Enti Parastatali) that are abolished as a result of the suppression of the Corporative-Syndical System.

6. With reference to the draft law in question the following points are submitted for consideration:

a. The Draft Law entrusts the administration and liquidation to one or more Liquidating Commissioners to be appointed by the Minister for Industry, Commerce and Labor. Article 9 defines the powers of such Liquidators in that authority of the Minister is specifically required in order (1) to let out ~~any~~ any property for more than one year; (2) to sell any real property; (3) to sell personal property (goods and chattels) in bulk (which means that these could be ^{piecemeal} without previous authority); and (4) to sell any personal property of special value. Considering the importance of the liquidation it would be more opportune not to allow such extensive powers in the hands of the Liquidating Commissioners, and to introduce instead those safeguards which are provided for in special legislation governing State liquidations. It would suffice either to make reference to, or to reproduce with relevant modification, the provisions of R.D. 16th March 1942, No. 267, Articles 198, 199, 200, 201, 204, 205, 206, 207, 208, 209.

LMB 091435 dtd 3 Aug 44 (Cont'd)

b. The final allocation of syndical assets should take into consideration:

- (1) The origin of such assets;
- (2) The nature of the suppressed syndical associations;
- (3) The functions and activities of these Syndical Associations.

With regards to the origin or source of the assets, it were well to bear in mind that syndical contributions were in a larger proportion paid by the Employers' Association, only a small part falling on the individual employee. In actual fact these contributions were borne by the consumers at large, since the fascist State allowed these contributions to be included in the assessment of production costs and, therefore, of fixation of retailing prices.

With regards to the nature of the Syndicates, these were, Administrative State Agencies ("Enti pubblici Amministrativi"), equivalent in status to pure-Statal Agencies (Enti Parastatali). From this viewpoint, the syndicates could be well considered an integral part of the State, even though autonomous administratively, from which would, of course, follow that their assets were part and parcel of the patrimony of State.

With regards to the functions and activities of the Syndicates, these carried the responsibility of (1) fostering the economic and moral interests of their members; (2) conciliation of labor disputes; (3) entering for placement of labor, providing for insurance and relief benefits, studying labor problems and similar matters affecting the interest of the members. Considering these essential functions of the Syndical Associations, the allocation of a part or the whole of the assets accruing from the liquidation of the Syndical Estates may be the obvious line to take. This is the spirit behind the provisions of Article 12 of the Draft Decree.

It is submitted, however, that the final allocation of moneys to the Trade Union Associations could never be effected until legislation has been promulgated (1) to provide for the juridical status of these Trade Union Associations to receive the Assets; and (2) to stabilize the criteria of judgment in deciding who are to be considered the legitimate representatives of the Trade Union Associations.

It should also be kept in mind that (1) by AMG legislation, certain property of the abolished Syndicates has been allotted to the Labor Offices; and (2) it is intended to keep the Employment Exchanges as State organizations. In this connection, therefore, provision might be made to meet these legitimate claims on the Syndical Assets.

The present Draft, in fact, does not take into account any AMG provisions. To my mind there should be no objection in providing (1) for the confirmation of such allocations as have been made by AMG during the occupation (2) for the retention as collaborators, of the Provincial Commissarii appointed by AMG.

c. Article 2 abolished the Syndical contributions, but no mention is

LAB 091.435 dtd 3 A set 44 (Cont'd)

made of the retroactive date on which the abolition is to come into force. In this connection, the text of Article 42 of the Labor Acts should be adopted. The consequences that would follow as a result of such an omission are too obvious to require further comment.

E. Scicluna

E. SCICLUNA,
Captain,
Labor Relations Officer.

DISTRIBUTION:

Economic Section ---- 2
Legal Sub-Commission
Finance Sub-Commission

DRAFT DECREE Suppressing the Fascist Syndical organizations and liquidating their respective Estates.

(Translation presented by H.E. the Minister for Industry, Commerce and Labor on 26 July 44)

Art. 1

The "Confederazione Fascista degli Agricoltori", the "Confederazione Fascista degli Industriali", the "Confederazione Fascista dei Commercianti", the "Confederazione Fascista delle Aziende del Credito e dell'Assicurazione", the "Confederazione Fascista dei Lavoratori dell'Agricoltura", the "Confederazione Fascista dei Lavoratori dell'Industria", the "Confederazione Fascista dei Lavoratori del Commercio", the "Confederazione Fascista dei Lavoratori delle Aziende del Credito e dell'Assicurazione", the "Confederazione Fascista dei Professionisti e Artisti", are suppressed.

The "Ente Nazionale Fascista della Cooperazione", the "Federazioni Nazionali Fasciste" and the "Sindacati Nazionali Fascisti", connected to the said confederations are also suppressed.

Art. 2

7 ✓ The syndical contributions, fixed as a consequence of art. 5 of the Law 3 april 1926, n. 563, and of the following dispositions, are suppressed.

Am 6

Art. 3

The estates of the Institutions mentioned in art. 1, are liquidated by one or more liquidating Commissioners appointed by the Minister for Industry, Commerce and Labor, by a decree to be published in the "Gazzetta Ufficiale".

The liquidation will take place under the vigilance and control of the above said Minister.

Art. 4

The liquidating Commissioner may be authorized by the Minister to appoint some assistants who work according to his directions but, on their own responsibility as for the execution of the directions themselves.

The assistants submit every month to the Commissioner a report and a relation about their activity.

Art. 5

The liquidating Commissioners and the Assistants are public officials

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(Enghart)

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only in the exercise of their duties.

Art. 6

The powers of administration and disposition of the property of the suppressed institutions are within exclusive competence of the liquidating Commissioner, who exercises them within the limits put by the law.

The liquidating Commissioner has the powers of representation, required for the accomplishment of the acts inherent in his attributions and appears in court for the suppressed institutions in the controversies already begun at the time of the appointment.

When more liquidating commissioners are appointed, the Minister decides if they are to work and appear in court jointly or separately.

Art. 7

Unless the law regulated differently, during the liquidation no individual actions can be started or pursued by the creditors of the suppressed institutions.

Art. 8

The necessary formalities to make opposable the actions against third parties are ineffective as regards to the creditors, if they have been accomplished after the suppression of the institution.

The mortgages inscribed after the suppressions are also ineffective.

The actions accomplished after September 8th of 1943 are null, if they have caused any prejudice for the institution or its creditors.

Art. 9

The liquidating commissioner is not allowed, without authorization of the Minister for Industry, Commerce and Labor:

1. To rent real estates for longer than one year;
2. To sell real estates or personal property in bulk, or personal property of a special quality or value;
3. To use the documents and the manuscripts belonging to the suppressed institutions, for aims not directly connected to the liquidation.

In the case of N. 2, the Minister can condition his authorization to the observance of special rules or caution.

Art. 10

The liquidating Commissioner, as soon as his appointment has been accepted, must:

1. Provide for every necessary action in order to preserve the goods, the archives, the manuscripts and the documents belonging to the suppressed institution;

2. Ask the last legitimate representative of the institution and take up the above said goods, the archives, the manuscripts and the documents preparing an inventory of the goods - even in enemy territory - with the intervention of a public notary.

A copy of the inventory is immediately transmitted to the Ministry for Industry, Commerce and Labour, who, within the following fortnight, will also receive a written relation about the patrimonial situation of the institution.

Art. 11

The liquidating Commissioner has the power to pay accounts on credits deriving from work relations with the suppressed institutions, only when the existence, the amount and the liquidity of such credits appear sufficiently verified.

Art. 12

The goods which will be available after the payments to the creditors, will be devolved to the institutions, which will be designated by decree of the Minister of Industry, Commerce and Labour in agreement with the Ministers of the Interior, Treasury and Finance who will prove to have the representation of the correspondent categories, protected by the suppressed institutions.

Art. 13

The Minister for Industry, Commerce and Labour is allowed to issue a decree containing the dispositions to realize and to complete the preceding rules. 83

Art. 14

This decree comes into force the same day of its publication in the "Gazzetta Ufficiale".

RELAZIONE AL DISEGNO DI DECRETO LEGGE LUOGOTENENZIALE CONCERNENTE LA
SOPPRESSIONE DELLE ORGANIZZAZIONI SINDACALI FASCISTE E LA LIQUIDAZIONE
DEI RISPETTIVI PATRIMONI. =

Gli organi periferici delle Confederazioni e delle Federazioni sindacali fasciste, che sono stati soppressi con i provvedimenti delle Autorita' Militari Alleate nei territori da esse a mano a mano conquistati e liberati, continuano invece tuttora ad esistere formalmente nelle quattro provincie pugliesi e nelle tre provincie sarde rimaste sempre sotto l'amministrazione del Governo Italiano. =

Recentemente il Commissario Regionale per Roma del Governo Militare Alleato, ha dichiarata anche la soppressione degli organi centrali, che avevano sede nella Capitale. =

Le soppressioni avvenute in modo non sempre uguale e le condizioni assai incerte degli organi periferici, ancora, almeno formalmente, esistenti, richiedono che venga emanato dal Governo Italiano un provvedimento legislativo con il quale si estenda in maniera uniforme a tutto il territorio italiano la soppressione frammentaria gia' avvenuta e consenta di procedere, a mezzo di Commissari e coadiutori responsabili, alla liquidazione con criteri organici e tali da evitare la dispersione dei patrimoni - taluni assai notevoli - delle organizzazioni sopresse. =

Questo provvedimento non e' rinviabile a quando potra' essere regolata organicamente tutta la materia sindacale, perche' ogni ritardo potrebbe essere gravemente pregiudizievole. =

I particolari della procedura da seguire nella liquidazione dovranno essere determinati di accordo con organi vari della Commissione Alleata di Controllo. E' sembrato pertanto opportuno fissarne nel disegno di legge sottoposto alla approvazione del Consiglio dei Ministri le linee e i fondamenti generali, delegando al Ministro dell'Industria, Commercio e Lavoro le norme integrative e di coordinamento, che cosi' potranno essere piu' agevolmente concordate con le Autorita' Alleate. =

250
(Stella)

DECRETO LEGGE Luogotenenziale concernente la soppressione delle organizzazioni sindacali fasciste e la liquidazione dei rispettivi patrimoni.

UMBERTO DI SAVOIA, PRINCIPE DI PIEMONTE
Luogotenente Generale del Regno

In virtù dell'autorità a noi delegata;
Visto il R.D.L. 30 ottobre 1943 n. 2/B;
Visto l'art. 4 del decreto legge luogotenenziale.....
relativo all'assemblea per la nuova costituzione dello Stato, al giuramento dei
membri del governo e alla facoltà del Governo di emanare norme giuridiche;
Vista la deliberazione del Consiglio dei Ministri;
Sulla proposta del ministro segretario di Stato per l'Industria, il Commercio
e il Lavoro;

ABBIAMO SANZIONATO E PROMULGHATO QUANTO SEGUE:

Art. 1

Sono soppressi la Confederazione fascista degli agricoltori, la Confederazione fascista degli industriali, la Confederazione fascista dei Commercianti, la Confederazione fascista delle aziende del credito e dell'assicurazione, la Confederazione fascista dei lavoratori dell'agricoltura, la Confederazione fascista dei lavoratori dell'industria, la Confederazione fascista dei lavoratori del commercio, la Confederazione fascista dei lavoratori delle aziende del credito e dell'assicurazione, la Confederazione fascista dei professionisti e artisti.

Sono pure soppressi l'ente nazionale fascista della cooperazione, la Federazione nazionale fascista dei Sindacati nazionali fascisti aderenti alle Confederazioni indicate nel comma precedente.

Art. 2

I contributi sindacali imposti per effetto dell'art. 5 della legge 3 aprile 1926, n. 563 e successive disposizioni sono soppressi.

Art. 3

I patrimoni degli enti indicati nell'art. 1 sono liquidati da uno o più commissari liquidatori nominati dal ministro per l'Industria, il Commercio e il Lavoro, con decreto da pubblicarsi nella GAZZETTA UFFICIALE.

La liquidazione si svolge sotto la vigilanza e il controllo del ministro predetto.

Art. 4

Il commissario liquidatore può essere autorizzato dal ministro a nominare suoi coadiutori, i quali agiscono secondo le istruzioni di lui, ma, sotto la propria responsabilità per quanto riguarda l'esecuzione di esso.

I coadiutori, alla fine di ogni mese, rimettono al commissario un rendiconto e una relazione sull'attività svolta.

Art. 5

I commissari liquidatori e i coadiutori, per quanto attiene all'esercizio delle loro funzioni, sono pubblici ufficiali.

Art. 6

I poteri di amministrazione e di disposizione dei beni degli enti soppressi spettano esclusivamente al commissario liquidatore, il quale li esercita con le limitazioni previste dalla legge.

Il commissario liquidatore ha i poteri di rappresentanza richiesti per il compimento degli atti inerenti alle sue attribuzioni, e sta in giudizio per gli enti soppressi nelle controversie nelle quali i medesimi abbiano interesse, anche se trattasi di controversie in corso al tempo della nomina.

Nel caso di nomina di più commissari liquidatori, il Ministro determina se essi devono operare e stare in giudizio ~~con~~ congiuntamente o disgiuntamente.

Art. 7

Salva diversa disposizione della legge, durante la liquidazione, nessuna azione individuale può essere iniziata o perseguita dai creditori degli enti soppressi.

Art. 8

Sono inefficaci rispetto ai creditori le formalità necessarie per rendere opponibili gli atti ai terzi, se compiute dopo la soppressione dell'ente.

Sono egualmente inefficaci le ipoteche iscritte dopo tale soppressione.

Sono nulli gli atti compiuti dopo l'8 settembre 1943, se ne sia derivato un pregiudizio per l'ente o per i creditori.

Art. 9

Il commissario liquidatore non può, senza autorizzazione del Ministro per l'Industria il Commercio e il Lavoro:

- 1) dare immobili in locazione per tempo superiore ad un anno;
- 2) vendere immobili ovvero mobili in blocco o mobili di particolare pregio o valore;
- 3) utilizzare, per scopi non interessanti direttamente la liquidazione, i documenti e le scritture di pertinenza degli enti soppressi.

Nel caso previsto nel numero 2, il Ministro può subordinare l'autorizzazione all'osservanza di particolari norme o cautele.

Art. 10

Il commissario liquidatore, appena accettata la nomina, deve:

- 1) provvedere agli atti necessari per la conservazione dei beni, degli archivi, delle scritture e dei documenti dell'ente soppresso;
- 2) chiedere e prendere in consegna dall'ultimo legittimo rappresentante dell'ente i beni, gli archivi, le scritture e i documenti predetti, formando, in concorso e contraddittorio con detto rappresentante, ovvero, se occorra, col ministero di pubblico notaio, l'inventario dei beni, anche se situati nel territorio occupato.

Copia dell'inventario è immediatamente trasmessa al Ministero, per l'Industria, il commercio e il lavoro, al quale, nei quindici giorni successivi, sarà anche fatta relazione scritta sulla situazione patrimoniale dell'ente.

Art. 11

Il commissario liquidatore ha facoltà di pagare acconti su crediti dipendenti da rapporti di lavoro con gli enti soppressi, sempre che di tali crediti risulti sufficientemente accertata l'esistenza, l'ammontare e la liquidità.

Art. 12

I beni che resteranno disponibili dopo il pagamento dei creditori saranno devoluti agli enti, da designarsi con decreto del Ministro dell'Industria, commercio e lavoro, d'intesa con i Ministri dell'Interno, del Tesoro e delle Finanze, che dimostreranno di avere la rappresentanza delle corrispondenti categorie tutelate dagli Enti soppressi.

Art. 13

Il Ministro per l'industria, commercio e lavoro è autorizzato ad emanare con suo decreto, le disposizioni integrative e di attuazione delle norme che precedono.

Art. 14

Il presente decreto entra in vigore nello stesso giorno della sua pubblicazione nella Gazzetta Ufficiale.

Ordiniamo, a chiunque spetti, di osservare il presente decreto, e di farlo osservare come legge dello Stato.

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(24A)

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

Recd
Lefallubran
11 Aug 1944
PHE

4 August, 1944

SUBJECT: Legislation by the Italian Government

TO : Col. William O' Dwyer

1. A previous memorandum has raised questions concerning the policy of A.C.C. in approving Italian proposals for Decree Laws.

2. Attached are Italian and English copies of one of the legislative proposals mentioned in the previous memorandum as having been submitted to the Council of Ministers without prior Submission to the A.C.C.

3. The following comments are offered with specific reference to this Decree and also with general application to the policy question involved.

- a) - Knowledge of this Decree came to the attention of the ACC only upon request of the Labor Sub-Commission after reading a notice in the Italian press concerning its passage.
This was true in spite of the fact that the Labor Sub-Commission maintains daily liaison with the Italian Ministry to facilitate prior clearance of such matters.
- b) - Although it is understood that approval of the A.C.C. is necessary before publication in the Gazzetta Ufficiale, it is submitted that passage by the Council of Ministers and publication in the Italian press prior to such approval is likely to have unfortunate results.
- c) - The Decree itself appears objectionable or questionable in several aspects:
 - 1 - The Labor Offices would be given the duty of direct arbitration whereas their present powers under A.M.C. orders and proposed Italian legislation extend only to the duty to refer to arbitration.
 - 2 - Where Labor Offices do not exist, the power of direct arbitration would be given to the Inspection Service, which as the "Policeman" of the Ministry should not be involved in arbitration.
 - 3 - The subject of arbitration itself is of doubtful legality since the Decree Law of 7 December 1943 permitted increases within established limits but did not require them. The

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Decree implies compulsion since the arbitrators would be given final powers to decide upon the application of the increases.

4. The Italian Ministry has been advised that the Decree is not approved and that further consideration is necessary before a formal reply can be given.

Copies of this memorandum have been sent to the Legal and Finance Sub-Commissions for information.

J. T. R. Bain

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

LEGAL SUBCOMMISSION	
→	
1. Council	
2. Section	
CLERKS	

DRAFT OF LIEUTENANCY DECREE-LAW IN REFERENCE TO THE DECISION
OF CONTROVERSIES WHICH HAVE ARISEN UPON APPLICATION OF R.D.L.
7 DECEMBER 1943, N° 23/B.

UMBERTO OF SAVOIA, PRINCE OF PIEMONTE
LIEUTENANT GENERAL OF THE KINGDOM

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(248)

By virtue of powers delegated to us ;
IN VIEW OF the R.D.L. 7 December 1943, N° 23/B;
IN VIEW OF the Lieutenantcy Decree-Law of 25 June 1944, N° 151;
IN VIEW OF the deliberation on the part of the Council of
Ministers;

FOLLOWING proposal by the Minister of Industry, Commerce
and Labor;

WE HAVE SANCTIONED AND DO PROMULGATE AS FOLLOWS :

Art. 1

Controversies which may arise in regard to the application
of R.D.L. 7 December 1943 N° 23/B, containing dispositions for
increases in remunerations on a continuous basis to workers who
come under the norms of collective work agreements, shall be
decided by competent labor offices, within the districts in
which the latter exist, and by the inspection division of industry
and labor, where there are no labor offices.

Against the decisions mentioned in the above paragraph
no appeal; either from a jurisdictional or from an administra-
tive point of view, shall be made.

Art. 2

The present decree shall have force on the same day of its
publication in the Official Gazette of the Kingdom.

We order; etc.

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(Incl)

SCHEMA DI DECRETO LEGGE LUOGOTENENZIALE SULLA DECISIONE DELLE
CONTROVERSIE SORTITE IN APPLICAZIONE DEL R.D. LEGGE 7 DICEMBRE 1943
n. 23/B

UMBERTO DI SAVOIA PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL RECHIO

IN virtù dei poteri a noi delegati;
VISTO il R.D. Legge 7 dicembre 1943 n. 23/B;
VISTO il Decreto legge luogotenenziale 25 giugno 1944 n. 151;
VISTA la deliberazione del Consiglio dei Ministri;
SULLA proposta del Ministro per l'Industria, il Commercio e il

Lavoro;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Le controversie che possono sorgere in ordine all'applicazione del
R.D. Legge 7 dicembre 1943 n. 3/B, contenente disposizioni per l'aumen-
to delle retribuzioni di carattere continuativo ai prestatori d'opera
soggetti alla disciplina dei rapporti collettivi di lavoro, sono deci-
se dagli uffici provinciali del lavoro nelle località in cui questi
esistono, ovvero dall'ispettorato dell'industria e del lavoro. ^{7/}

Contro la decisione di cui al precedente comma non sono ammesse
impugnazioni nè in sede giurisdizionale, nè in sede amministrativa.

Art. 2

SULLA proposta del Ministro per l'Industria, il Commercio e il Lavoro;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Le controversie che possono sorgere in ordine all'applicazione del R. D. Legge 7 dicembre 1943 n. 3/B, contenente disposizioni per l'aumento delle retribuzioni di carattere continuativo ai prestatori d'opera soggetti alla disciplina dei rapporti collettivi di lavoro, sono decise dagli uffici provinciali del lavoro nelle località in cui questi esistono, ovvero dall'ispettorato dell'industria e del lavoro. ⁷¹

Contro la decisione di cui al precedente comma non sono ammesse impugnazioni nè in sede giurisdizionale, nè in sede amministrativa.

Art. 2

Il presente decreto entra in vigore nel giorno stesso della sua pubblicazione nella Gazzetta Ufficiale del Regno.

Ordiniamo ecc.

* regionali e

Ri.

② in manovra d'ajc.

* aggiunte suggerite dall'ist. Commerciale del Lavoro

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7/6
HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommission
APO 394

GRU/GRF

ACG/4204/44L

4 June 1944

SUBJECT: Labour Acts.

TO : Chief Commissioner.

1. I have considered the translation of a proposed Italian decree dealing with the c/m matter, received yesterday, and have the following comments to offer.

2. The new decree (although in fact embodying many articles verbatim of the original draft prepared by the Labour Subcommission) is understood now to be a draft of the Italian Government (See para 2 of Col. Buina letter dated 27 May 44) for which the Minister accepts full responsibility. Therefore, although in my opinion there are many points which to the Anglo-American mind would lead to confusion, uncertainty of intention and administrative difficulty (some of these points were set out in my Memo dated 26 April 44) I do not propose to deal with them, for to do so would amount to a rewrite of the decree, but to adopt the attitude that the Italians must be the best judges of how to incorporate their policy into a decree.

3. The decree contains the following features to which your attention should expressly be drawn.

(a) It gives the right to employers as well as employees to organize and form trade unions (See Art. 2 & Art. 15) which you will recall was a matter of acute controversy at your conference at the end of April.

(b) Collective Contracts (See Art. 39 ff) are continued although this is understood to be a fascist idea.

(c) The decree provides for arbitration in addition to mediation (See Art. 12) also a matter of acute controversy at your conference.

(d) Fourthly and most important, the decree provides for a Commission or Trade Union to represent a whole industry (Art. 28 ff), a concept entirely fascist in origin which goes far beyond anything tolerated in U.S.S.R. labour relations and which deserves your very careful consideration.

(e) Provides (Art. 35 ff) for Internal Commissions also an Italian institution which also deserves your close consideration.

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now to be a draft of the Italian Government (See para 2 of Col. Palma letter dated 27 May 44) for which the Minister accepts full responsibility. Therefore, although in my opinion there are many points which to the Anglo-American mind would lead to confusion, uncertainty of intention and administrative difficulty (some of these points were set out in my Memo dated 26 April 44) I do not propose to deal with them, for to do so would amount to a rewrite of the decree, but to adopt the attitude that the Italians must be the best judges of how to incorporate their policy into a decree.

3. The decree contains the following features to which your attention should especially be drawn.

(a) It gives the right to employers as well as employees to organize and form trade unions (See Art. 2 & Art. 15) which you will recall was a matter of acute controversy at your conference at the end of April.

(b) Collective Contracts (See Art. 39 ff) are contained although this is understood to be a fascist idea.

(c) The decree provides for arbitration in addition to mediation (See Art. 12) also a matter of acute controversy at your conference.

(d) Fourthly and most important, the decree provides for a Commission or Trade Union to represent a whole industry (Art. 20 ff), a concept entirely fascist in origin which goes far beyond anything tolerated in U.S./U.K. labour relations and which deserves your very careful consideration.

(e) It provides (Art. 35 ff) for Internal Commissions also an Italian idea which is also a matter for close consideration.

4. The new draft goes far beyond anything contained in your letter dated 19 May to Marshal Badoglio. Indeed the draft decree appears to have been pre-

- 2 -

pared (from the date appearing thereon) on the 18th May and therefore not in response to your letter. It is suggested, therefore, that it might be wise to make it plain to the Marshal as soon as possible that this decree is regarded by the AGC as being entirely an Italian experiment which containing many excellent features contains some very controversial ones and that Italian opinion both within and without the Cabinet should be very carefully canvassed before the decree is finally settled.

G. R. URQUHART, Colonel
Chief Legal Officer.

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ES/7

19 May 1944

My Dear Marshall

As Your Excellency is no doubt aware, labour legislation was the subject of extended discussions between the Allied Control Commission and the Ministry of Industry, Commerce and Labour, for several months before the present Minister took office. Regretably, no final conclusions were reached although there was complete agreement that in order to ensure the maximum of industrial peace essential to the most vigorous prosecution of the war, new labour legislation was required.

Briefly stated, the chief objectives sought to be accomplished are as follows:

- a. The dissolution of the Fascist Corporative System and the repeal of the Fascist labour charter.
- b. Pending more permanent wartime labour legislation, the enactment of such immediate interim or stop gap legislation as would provide:
 - (1) For the continued functioning of the labour offices and professional associations heretofore set up under the auspices of the Allied Military Government, and their present establishment where not now in operation,
 - (2) The creation of suitable machinery for the adjustment of labour controversies and disputes so as to preclude any wartime stoppage of work.
- c. The enactment as soon as practicable of the more permanent legislation necessary for a wartime system of labour relationships best calculated to prevent work stoppages and to ensure the greatest degree of industrial peace and maximum utilization of the nation's productive capacity.

The enclosed memorandum suggests possible means and methods of implementing these broad principles.

- 2 -

I know that Your Excellency and I are in agreement that the exigencies of war require a prompt despatch of this urgent matter and I understand that your government are taking energetic action. The advice of my experts in these questions is as always at your disposal whenever required.

Yours sincerely & cordially

NOEL MASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

H.E. Marshal Pietro Badoglio
President of the Council of Ministers

MEMORANDUM:

The following are more definitive suggestions as possible means and methods of implementing the broad principles set forth in my letter of 19 May. ES/7.

It is suggested that:

1. The dissolution of the Fascist Corporative System and the repeal of the Fascist Labour Charter should include the repeal of the law of 3rd April 1926, No. 563, the Royal Decree of 1st July 1926, No. 1136, and the law _____ establishing the labour magistracy together with the repeal of all regulations subsequently issued in connection therewith.
2. Provision be made for the disposition of the estates of the dissolved bodies, and for the suppression of compulsory syndical contributions.
3. Provision be made for the protection of various rights established between employers and employees under previously executed collective agreements pending the enactment of the requisite legislation with respect thereto.
4. The continued functioning of the system of labour offices set up by the Allied Military Government in territory formerly occupied by the Allied Forces and a like interim programme to be introduced in Apulia and Sardinia would form a good basis on which to function.
5. Provision for the continuation of the professional associations set up under the auspices of Allied Military Government in territory formerly occupied and for their establishment where none such now exist should be very seriously considered.
6. The right freely, and without restriction or limitation by reason of race, religion, nationality or political affiliation, to organise, hold meetings, select representatives and to engage in collective bargaining be established together with the machinery necessary to determine the appropriate bargaining unit.
7. Labour offices be created with such jurisdiction and duties as may be prescribed with the following functions among others:
 - (a) Control and coordination of the services of registration and placement of labour; its immigration, migration and emigration.
 - (b) Conciliation, mediation and such other devices for the settlement of labour disputes as may be prescribed.
 - (c) Promotion, development, coordination and control of the services concerned with social insurance, old age pensions, unemployment and health insurance and related labour services together with the supervision of trade instruction and training of work people.

(d) Compilation and publication of reports and statistics on employment, unemployment, labour disputes, wages and salaries, hours of work, conditions of employment and related matters.

(e) Labour inspection service.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

HS/sen

HQ ACC, APO 394

Sec'y Gen.

Rec'd 20 May 1945

19 May 44

By

ES/7

SUBJECT: Labour Legislation

TO : Chief Commissioner

1. As a result of the Labour Conference which took place on 1st May, the attached draft letter and memorandum to Marshal Badoglio is forwarded for your approval.
2. This has been prepared after careful consideration by the Legal and Labour Sub-commissions.

D. S. Adams
D. S. ADAMS
Colonel, C. E.
Executive Officer
Economic Section

Colonel Adams
Colonel Adams

OK as amended
W. W. W.

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DRAFT

HEADQUARTERS ALLIED CONTROL COMMISSION

Office of the Deputy President

APO 394

19 May 1944

As your Excellency is no doubt aware, labour legislation was the subject of extended discussions between the Allied Control Commission and the Ministry of Industry, Commerce and Labour, for several months before the present Minister took office. Regrettably, no final conclusions were reached although there was complete agreement that in order to insure the maximum of industrial peace essential to the most vigorous prosecution of the war, new labour legislation was required.

Briefly stated, the chief objectives sought to be accomplished are as follows:

- a. The dissolution of the Fascist Corporative System and the repeal of the fascist labour charter.
- b. Pending more permanent ~~war-time~~ ^{wartime} labour legislation, the enactment of such immediate interim or stop gap legislation as would provide:
 - (1) For the continued functioning of the labour offices and professional associations heretofore set up under the auspices of the Allied Military Government, and their present establishment where not now in operation,
 - (2) The creation of suitable machinery for the adjustment of labour controversies and disputes so as to preclude any wartime stoppage of work.
- c. The enactment as soon as practicable of the more permanent legislation necessary for a wartime system of labour relationships best calculated to prevent work stoppages and to ensure the greatest degree of industrial peace and maximum utilization of the nation's productive capacity.

The enclosed memorandum suggests possible means and methods of implementing these broad principles.

I ~~am sure~~ ^{know that} Your Excellency and I are in agreement that the exigencies of war require a prompt despatch of this urgent matter and I, ~~therefore,~~ ^{request that you kindly submit to me not later than} May, a draft of the legislation proposed by your government to meet this wartime emergency.

understand ~~that your government~~ ^{are taking} ~~energetic action.~~ ^{energetic action.} The advice of my experts in these questions is always at your disposal.

S. E. Marshal Pietro Badoglio
Capo del Governo

NORR MASON MACFARLANE
Lieutenant General
Chief Commissioner

disposal
whenever
required.

- 2 -

7. Labour offices be created with such jurisdiction and duties as may be prescribed with the following functions among others:

- (a) Control and coordination of the services or registration and placement of labour; its immigration, migration and emigration.
- (b) Conciliation, mediation and such other devices for the settlement of labour disputes as may be prescribed.
- (c) Promotion, development, coordination and control of the services concerned with social insurance, old age pensions, unemployment and health insurance and related labour services together with the supervision of trade instruction and training of work people.
- (d) Compilation and publication of reports and statistics on employment, unemployment, labour disputes, wages and salaries, hours of work, conditions of employment and related matters.
- (e) Labour inspection service.

registration and placement of labour; its immigration, migration and emigration.

(b) Conciliation, mediation and such other devices for the settlement of labour disputes as may be prescribed.

(c) Promotion, development, coordination and control of the services concerned with social insurance, old age pensions, unemployment and health insurance and related labour services together with the supervision of trade instruction and training of work people.

(d) Compilation and publication of reports and statistics on employment, unemployment, labour disputes, wages and salaries, hours of work, conditions of employment and related matters.

(e) Labour inspection service.

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MEMORANDUM:

The following are more definitive suggestions as possible means and methods of implementing the broad principles set forth in my letter of 19 May

It is suggested that:

1. The dissolution of the Fascist Corporative System and the repeal of the Fascist Labour Charter should include the repeal of the Law of 3rd April 1926, No. 563, the Royal Decree of 1st of July 1926, No. 1136 and the Law _____ establishing the labour magistracy together with the repeal of all regulations subsequently issued in connection therewith.
2. Provision be made for the disposition of the estates of the dissolved bodies, and for the suppression of compulsory syndical contributions.
3. Provision be made for the protection of various rights established between employers and employees under previously executed collective agreements pending the enactment of the requisite legislation with respect thereto.
4. ~~Provision be made for the~~ ^{The} continued functioning of the system of labour offices set up by the Allied Military Government in territory formerly occupied by the Allied

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2. Provision be made for the disposition of the estates of the dissolved bodies, and for the suppression of compulsory syndical contributions.
3. Provision be made for the protection of various rights established between employers and employees under previously executed collective agreements pending the enactment of the requisite legislation with respect thereto.
4. ~~Provision be made for the~~ *The* continued functioning of the system of labour offices set up by the Allied Military Government in territory formerly occupied by the Allied Forces and ~~also~~ *as a like provision programme has been established in* Apulia and Sardinia. *would form a good basis on which to function.*
5. Provision ~~be made~~ for the continuation of the professional associations set up under the auspices of Allied Military Government in territory formerly occupied and for their establishment where none such now exist. *as such was previously considered.*
6. The right freely, and without restriction or limitation by reason of race, religion, nationality or political affiliation, to organize, hold meetings, select representatives and to engage in collective bargaining be established together with the machinery necessary to determine the appropriate bargaining unit.

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2. Provision be made for the disposition of the estates of the dissolved bodies, and for the suppression of compulsory syndical contributions.
3. Provision be made for the protection of various rights established between employers and employees under previously executed collective agreements pending the enactment of the requisite legislation with respect thereto.
4. ~~Provision be made for the~~ *The* continued functioning of the system of labour offices set up by the Allied Military Government in territory formerly occupied by the Allied Forces and ~~that~~ *inclusion programme to be introduced* a like ~~system~~ *regime* be established in Sicily and Sardinia. *on which to function.*
5. Provision ~~be made~~ for the continuation of the professional associations set up under the auspices of Allied Military Government in territory formerly occupied and for their establishment where none such now exist. *as soon as possible.*
6. The right freely, and without restriction or limitation by reason of race, religion, nationality or political affiliation, to organize, hold meetings, select representatives and to engage in collective bargaining be established together with the machinery necessary to determine the appropriate bargaining unit.

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REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

19A

ACC/4104/4/L.

/rlp.
12 May 1944.

SUBJECT : Labor Legislation.
TO : Economic Section.

1. Reference yours ES/7 10 May 1944.
2. The following comments with respect to letter Labor Sub-Commission LAB 091.4351 5 May 1944.

- a. We agree as to your para. 2(a). We suggest that Item 6 of Memorandum be revised by inserting after the word "freely" the following: "and without restriction or limitation by reason of race, religion, nationality or political affiliation."
- b. We believe the suggestions contained in your para. 2(b) are too detailed for the present purpose. They would properly be the subject of discussion with the Italian Government at a later stage.
- c. With respect to your comments in your para. 3: our characterization of the proposed legislation as "interim or stop gap" and "more permanent war time" was in accordance, as we understood it, with the mandate of the Chief Commissioner's meeting. If you have a contrary view, will you refer the matter to him.
- d. Further in respect to your para. 3 and the suggestion that it be stressed that the proposed legislation shall apply to Apulia and Sardinia, be advised that such emphasis would seem unnecessary since the Italian decree would become automatically operative in all Italian controlled territory.

GERALD R. UPJOHN,
Colonel,
Chief Legal Officer.

64

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20A

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GGH/gmf

ACC/4104/4/L

13 May 1944

SUBJECT: Professional Association of Accountants.

TO : H.M. The Minister of Pardon and Justice.

Reference letter Prot. N. 21448.

1. There is no objection from this Subcommittee to the reorganization of the Professional Association of accountants under the provisions of the Law of 15 July 1906.

2. It appears however that this should not be accomplished without the agreement of the Labour authorities as it is understood that various projects of law are now in preparation dealing with such associations and other labour organizations.

G. G. H.

G. G. HANNAFORD, Major
Officer i/c Italian Branch
for Chief Legal Officer.

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4104/4

MINISTERO DI GRAZIA E GIUSTIZIA
DIREZIONE GENERALE DEGLI AFFARI CIVILI

Salerno

10 maggio 1906

Alla Onorevole Commissione
Alliata di Controllo.
Sottocommissione Legale.
P.M.394

Ufficio

Prot. N.

21448

Risposta al foglio del

Div. — Sez. — N.

OGGETTO. Ricostituzione degli Ordini professionali dei
Ragionieri.

Si ha il pregio di trasmettere l'unita copia della
l'esposto del presidente della commissione nomi-
nata dall'assemblea generale dei Ragionieri di
Napoli, perche voglia, codesta Onorevole Commis-
sione, far conoscere il proprio avviso in ordine
alle richieste formulate, significando che ques-
to Ministero è favorevole alla ricostituzione
dei collegi professionali dei ragionieri, ai sen-
si della legge 15 luglio 1906 n.327, e del rela-
tivo regolamento di esecuzione, approvato col
regio decreto 9 dicembre 1906 n.715.

Il Ministro

U. Arzuffi (Rus)

*Recomandato
n. 6 da "Chardet"*

file

66

18B

C O P I A

A Sua Eccellenza

il Guardasigilli Ministro per la Giustizia

S A L E R N O

L' esercizio pubblico della professione del Ragioniere venne disciplinato dalla legge 15 luglio 1906 N.327 e dal relativo Regolamento 9-12-1906 N.715 che dettero luogo alla costituzione dei Collegi e dei relativi Albi professionali.

Con la legge 25 aprile 1938 N.897 venne confermata che per l'esercizio della professione occorreva la iscrizione all'Albo professionale, da effettuarsi con le norme della legge 15-7-1906, ma vennero abilitati i Collegi, tra di cui attribuzioni furono deferite ai direttori dei Sindacati periferici di categoria.

Disciolte il sistema Sindacale corporativo fascista con l'Ordinanza Regionale N.I del 10 Dicembre 1943

63

L' esercizio pubblico della professione del Regie-
niere venne disciplinato dalla legge 15 luglio 1906
N.327 e dal relativo Regolamento 9-12-1906 N.715 che
dottero luogo alla costituzione dei Collegi e dei
relativi Albi professionali.

Con la legge 25 aprile 1938 N.897 venne confermata
che per l'esercizio della professione occorreva la
iscrizione all'Albo professionale, da effettuarsi con
le norme della legge 15-7-1906, ma vennero aboliti i
Collegi, le cui attribuzioni furono deferite ai
direttori dei Sindacati periferici di categoria.

Disciolto il sistema Sindacale corporativo fascista
con l'Ordinanza Regionale N.1 del 10 Dicembre 1943
del Comando Militare Alleato, allo stato, manca l'Orga-
no per la tenuta dell'Albo professionale e manca la
rappresentanza legale della Classe.

Da ciò deriva la urgente ed inderogabile necessità
di abolire la richiamata legge 25 aprile 1938 N.897
e ordinare la ricostituzione dei Collegi profes-
sionali in virtù della legge 15-7-1906 N.327, mai abolita.

I Ragionieri iscritti all'Albo professionale della
Corte di Appello di Napoli, rappresentati dalla Commissione
siene nominata dall'Assemblea Generale dei Ragionieri
del 14 Febbraio 1944, invocano tale provvedimento per
riprendere serenamente la loro attività nell'orbita
delle leggi dello Stato, e per la tutela delle loro
stesse funzioni, che trovano nel Collegio disciplina
e tutela.

Napoli, 12 Aprile 1944

IL PRESIDENTE DELLA COMMISSIONE

(Dott. Rag. Luigi Guarino)

785016

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

GMS/ml

17A

ES/7

10 May 1944

SUBJECT : Labor Legislation.

TO : Legal Sub-Commission - thru - Admin. Section.

1. Herewith copy LAB 091.4351, 5 May 44, commenting on
ACC/4104/4/L, 4th of May 44.

2. It is particularly desirable that the terms of item 6 of
the memorandum should be widened so as to include terms of para 2a
of the Labor letter.

LEGAL SUB-COMMISSION	
CLO	☒
DCLO	☐
Chief Counsel	☐
CJO	☐
Italian - Section	☐
CL RKS	☐

1 - incl: LAB 091.4351

D. S. Adams
D. S. ADAMS
Colonel, C.E.
Executive Officer
Economic Section

Draft/Reply

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WAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

JTB/tbw

178

5 May 1944

LAB/C9I.4351

MEMORANDUM

SUBJECT : Labor Legislation

TO : Economic Section, A.C.C.

1. Attached herewith are draft documents submitted by Colonel Upjohn of the Legal Sub-Commission, relative to our recently proposed Labor Legislation. This Sub-Commission is in general accord with the procedure suggested, but must point out that any draft of labor legislation proposed by the Italian Government shall be submitted to the Labor Sub-Commission for approval before vetting by the Legal Sub-Commission.

2. Certain specific broad principles have not been included in the suggestions offered to the Italian Government. Most important are the following :

a) Item 6. "freely" should be elaborated to include Article IV of our draft of 14 April 1944 -- "Membership in any of the above associations and the right of exercising a vote shall not be denied to any person because of race, religion, nationality, or political affiliation."

b) Item 7. Provision be made specifically for a National Department of Labor responsible only to the Minister for Industry, Commerce and Labor; and Article XVII of our draft of 14 April 1944-- "All appointments to posts in the aforementioned labor agencies shall be made in accordance with civil service procedure".

3. It is also suggested that proposed labor legislation not be set up on an "interim or stop gap" basis, but be considered from a long-term viewpoint. It is also necessary to stress, wherever necessary, that new changes as set forth in this legislation definitely shall apply to Apulia and Sardinia .

(sgd) J. T. R. RAIN,
Colonel,
Director, Labor Sub-Comm.

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716
REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

(16A)

ACC/14104/14/L.

4 May 1944.

SUBJECT: Labour Legislation.

TO : Labour Sub-Commission.

1. As arranged at the Conference on Monday, I enclose a draft of a proposed letter and aide memoire for your consideration.
2. If you approve its contents you will no doubt ask the Chief Commissioner to sign it.
3. I draw your attention to Art. 502 of the Penal Code which in any event virtually prohibits strikes.

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

Copy to: Secretary General.

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HEAD HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

4 May 1944.

ACC/4204/4/L.

SUBJECT:

TO : H.E. Marshall of Italy, Pietro Badoglio.

1. As Your Excellency is no doubt aware, labour legislation was the subject of extended discussions between the Allied Control Commission and the Ministry of Industry, Commerce and Labour, for several months before the present Minister took office. Regrettably, no final conclusions were reached although there was complete agreement that in order to insure the maximum of industrial peace essential to the most vigorous prosecution of the war, new labour legislation was required.

2. Briefly stated, the chief objectives sought to be accomplished are as follows :

- a. The dissolution of the Fascist Corporative System and the repeal of the Fascist Labour charter.
- b. Pending more permanent wartime labour legislation, the enactment of such immediate interim or stop gap legislation as would provide :
 - (1) For the continued functioning of the labour offices and professional associations heretofore set up under the auspices of the Allied Military Government, and their present establishment where not now in operation,
 - (2) The creation of suitable machinery for the adjustment of labour controversies and disputes so as to preclude any wartime stoppage of work.
- c. The enactment as soon as practicable of the more permanent legislation necessary for a wartime system of labour relations ships best calculated to prevent work stoppages and to insure the greatest degree of industrial peace and the maximum utilisation of the nation's productive capacity.

3. The enclosed memorandum suggests possible means and methods of

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- a. The dissolution of the Fascist Corporative System and the repeal of the Fascist Labour charter.
- b. Pending more permanent wartime legislation, the enactment of such immediate interim or stop gap legislation as would provide :
 - (1) For the continued functioning of the labour offices and professional associations heretofore set up under the auspices of the Allied Military Government, and their present establishment where not now in operation,
 - (2) The creation of suitable machinery for the adjustment of labour controversies and disputes so as to preclude any wartime stoppage of work.
- c. The enactment as soon as practicable of the more permanent legislation necessary for a wartime system of labour relations best calculated to prevent work stoppages and to insure the greatest degree of industrial peace and the maximum utilization of the nation's productive capacity.
- d. The enclosed memorandum suggests possible means and methods of implementing these broad principles.

I am sure Your Excellency and I are in agreement that the exigencies of war require a prompt despatch of this urgent matter and I therefore request that you kindly submit to me not later than May, a draft of the legislation proposed by your government to meet this wartime emergency.

NOEL HASON MACFARLANE,
Lieutenant-General,
Chief Commissioner.

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MEMORANDUM:

The following are more definitive suggestions as possible means and methods of implementing the broad principles set forth in my letter of

It is suggested that:

1. The dissolution of the Fascist Corporative System and the repeal of the Fascist Labour Charter should include the repeal of the Law of 3rd April 1926, No. 563, the Royal Decree of 1st of July 1926, No. 1136 and the Law _____ establishing the Labour magistracy together with the repeal of all regulations subsequently issued in connection therewith.
2. Provision be made for the disposition of the estates of the dissolved bodies, and for the suppression of compulsory syndical contributions.
3. Provision be made for the protection of various rights established between employers and employees under previously executed collective agreements pending the enactment of the requisite legislation with respect thereto.
4. Provision be made for the continued functioning of the system of labour offices set up by the Allied Military Government in territory formerly occupied by the Allied Forces and that a like interim programme be established in Apulia and Sardinia.
5. Provision be made for the continuation of the professional military

3. Provision be made for the establishment of a system of labor relations between employers and employees under previously established between employers and employees pending the enactment of the executed collective agreements pending the enactment of the system requisite legislation with respect thereto.
4. Provision be made for the continued functioning of the system of labor offices set up by the Allied Military Government in territory formerly occupied by the Allied Forces and that a like interim programs be established in Apulia and Sardinia.
5. Provision be made for the continuation of the professional associations set up under the auspices of Allied Military Government in territory formerly occupied and for their establishment where none such now exist.
6. The right freely to organize, hold meetings, select representatives and to engage in collective bargaining be established together with the machinery necessary to determine the appropriate bargaining unit.

-2-

7. Labour offices be created with such jurisdiction and duties as may be prescribed with the following functions among others:
- (a) Control and coordination of the services of registration and placement of labour its immigration, migration and emigration.
 - (b) Conciliation, mediation and such other devices for the settlement of labour disputes as may be prescribed.
 - (c) Promotion, development, coordination and control of the services concerned with social insurance, old age pensions, unemployment and health insurance and related labour services together with the supervision of trade instruction and training of work people.
 - (d) Compilation and publication of reports and statistics on employment, unemployment, labour disputes, wages and salaries, hours of work, conditions of employment and related matters.
 - (e) Labour inspection services.

- a. c. Promotion, development, coordination and control of the services concerned with social work, old age pensions, unemployment and health insurance and related labor services together with the supervision of trade unionism and training of work people.
- d. Compilation and publication of reports and statistics on employment, unemployment, labor disputes, wages and salaries, hours of work, conditions of employment ~~etc~~ and related matters.
- e. Labor inspection service.

W. J. Cannon

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Wray Cannon

E. Labor inspection service.

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has about 700, business directory, city and
over 1000 houses in every block in
but from information gathered by the
SAINT LOUIS
MAINED CONTROL COMMISSION
Legal Subcommittee has advised
HQ 394

7/6104/6007
10 April 1974

SUBJECT: Gazettes Officielles No. 16 of 29 March 1944. *unpublished*
to be kept in mind. Please to
see distribution list.

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The above mentioned Minister of Cassation, Urviale contains the following legislation:

(a) 2. Decree Law 16 March 1914, No. 89. Extension of time limits within which ordinary meetings of companies must be called and balance sheets of bodies and institutes under public law approved.
The above time limits are extended for 6 months.

(b) P. Decree Law 16 March 1944, No. 90. Rules complementing A. Decree Law 27 Jan. 1944, No. 21 on the establishment of the Civil Commissariat for Sandinia.

The Law No. 21 is amended so as to withdraw from the High Commissioner the power to "direct" the administration of the island and activities of the Prefects leaving him with supervisory and coordinating powers in regard to local administration and with the authority to exercise if necessary all attributes of the various Ministries. The Commissioner is given the right to attend without privilege of vote meetings of the Council of Ministers upon invitation of the Chief of Government when matters pertaining to Sardinia are on the agenda.

(c) R. Decree May 16 March 1944, No. 91. Establishment of a High Civil Commissariat for Sicily.

The High Commissioner is given substantially equal powers to those of the High Commissioner for Sardinia (see above under b). The power to appoint, dismiss, promote and transfer officials is expressly reserved for the organs competent under valid law.

(d) R. Deacon Inv. 29 March 1974, No. 32. A sixty minutes advance of the normal time beginning at 0200 hours on 2 April 1974.

ote: Subcommissions recommending decrease to be included in the indorsement in the "Cazzetta Ufficiale" will also be included not later than by 1700 hours.

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(a) R. Decree Law 16 March 1944, No. 89. Extension of time limits within which ordinary meetings of companies must be called and balance sheets of bodies and institutes under public law approved.

The above time limits are extended for 6 months.

(b) R. Decree Law 16 March 1944, No. 20. Rules complementing R. Decree Law 27 Jan. 1944, No. 21 on the establishment of the High Commissariat for Sardinia.

The law No. 21 is extended so as to withdraw from the High Commissioner Prefects leaving him with supervisory and coordinating powers in regard to local administration and with the authority to exercise if necessary all attributes of the various Ministries. The Commissioner is given the right to attend without privilege of vote meetings of the Council of Ministers upon invitation of the Chief of Government when matters pertaining to Sardinia are on the agenda.

(c) R. Decree Law 16 March 1944, No. 91. Establishment of a High Civil Commissariat for Sicily.

The High Commissioner is given substantially equal powers to those of the High Commissioner for Sardinia (see above under b). The power to appoint, dismiss, promote and transfer officials is expressly reserved for the organs competent under valid law.

(d) R. Decree Law 29 March 1944, No. 92. A sixty minutes advance of the normal time beginning at 0200 hours on 2 April 1944.

Note: Subcommissions recommending decrees to be included in the indorsement in the "Gazzetta Ufficiale" will make their return not later than by 1700 hours, Friday, 14 April 1944. The return will be made by Subcommissions at Salerno, to the Administrative Section and by Subcommissions at Naples to the Executive Commissioner through the competent section. All returns will be rendered.

U. S. N. - V.)
S. C. R. HARRISON, Major
Officer i/c Italian Section
for Chief Legal Officer.

785016

File

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

14A

ACC/4104/4/L

30 April 1944

SUBJECT: Increase of wages in particular industries.

TO : Director, Labour Subcommittee.

1. The question has today been discussed with you as to the legal formalities required to authorize an immediate increase of wages in certain particular industrial undertakings.

2. As regards occupied territory, I confirm that no General or Provincial Order is required. It is within your power, acting on the authority of the Chief Commissioner, to alter the rates of wages fixed by Article II of Proclamation 8; and you may properly do this by letter addressed to specific industrial corporations or undertakings, or by giving them your verbal authority.

3. As regards unoccupied territory, the Italian decree No. 32 of 11 February 1944 applies. The Italian Government should accordingly be informed of your action and should be required to issue parallel instructions in order to ensure uniformity throughout southern Italy.

G. R. UPTON
Colonel
Chief Legal Officer.

Original Attached to Col. Bair

12 30 63 30/4/44

[Signature]

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785016

4/10/44
MEMORANDUM.
Let our file
(13A)

Subject : Ispettorato Corporativo.

To : Chief Legal Officer.

1. The Ispettorato Corporativo was constituted by R.D. 14 Nov 1929 No. 2183 to replace the dissolved Inspectorate of Industry and Labour (set up in 1912) and the Technical Inspectorate for Industry. The establishment of a single Inspectorate reflects the desire to centralize State control over the field of labour relations, production and social insurance in a single agency.

2. The Ispettorato Corporativo consists of :-

- (a) a nucleus of central corporative inspectors.
- (b) regional or interprovincial offices (e.g. at Naples, Bari, Catania, Palermo, Cagliari)
- (c) Medical Inspectorate at Rome.
- (d) sections of interprovincial offices (with jurisdiction extending normally over one province).

3. The costs of operation of the Ispettorato are covered by State subsidies (420,000 Lire yearly) and contributions collected from social insurance institutions.

4. The Under-Secretary of State for Corporazioni presides over the Administrative Council of the Ispettorato. This Council is composed of the Director General of Corporazioni, chief of the personnel office of the Ministry of Corporazioni, of the official of the Ispettorato in charge of the administration and of two corporative regional inspectors of not lower than 6th career grade.

5. The Ispettorato Corporativo is essentially a controlling agency. In addition to the supervisory functions exercised by the two aforementioned dissolved inspectorates it

- (a) supervises the performance of collective labour contracting and controls the "enti" (bodies) within the competence of the Ministry of Corporazioni.
- (b) gathers information and carries out investigations as requested by the Ministry of Corporazioni or by the "magistratura di lavoro" concerning the conditions and development of the national production (such data cannot be published).
- (c) supervises in the interest of the workers all welfare, insurance and sanitary activities in both private and public undertakings except where directly conducted by the State, Provinces or communes for the benefit of their own employees.

2.

- (d) performs any other function conferred upon it by the laws and regulations and by the National Council of Corporazioni.

ES. 26 April, 1944.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
OR SUB-COMMISSION
APO 394

1030 Sum.
28 April 1944

12A

LABOR 091.471

SUBJECT: Wage Adjustment - Public Utilities

TO: Captain Moore, Legal Sub-Commission, Fatima (Rear)

1. The following material, in substance, should be drafted into an authorizing letter addressed to the Regional Commissioner, Region III for the signature of M. S. LUSH, Brigadier, Executive Commissioner.

"a. The General Order freezing wages is to be further amended so as to permit wage negotiation between employees and employers in all public utilities subject to the following provisions:

- (1) All such proposals which provide for an upward adjustment in wages and salaries must be submitted to A.M.C. before being adopted.
- (2) Any agreement providing for an upward adjustment of wages and salaries must not result in the receipt of a net wage or salary which will be higher than L. 5 or its equivalent per ordinary working day less than the maximum wage or salary received for comparable or equivalent skills as set by the Allied Local Resources Board, Hq., A.A.I., Naples Basic Rate, Administrative Instruction No. 24, dated 24 January, 1944, and amendments thereto.
- (3) Any finally approved upward adjustment in wages or salaries will become effective as of 1 April, 1944."

2. For your information the following definitions and items of information are submitted:

a. The term "Public Utilities" for purposes of this letter should refer only to electric power, gas, water, and telephone and telegraph companies.

b. The phrase "ordinary working day" in 1 (a) (2) above is to be based on the provisions of the collective contract covering any one of the specific industries. In the case of the gas companies, it is known to be six hours, whereas, in the case of the telephone company, the "ordinary working day" is eight hours.

c. "Net wage" is composed as follows: the contractual base wage, adjustments to the base wage, indemnities ordinary and extraordinary and "assegni familiari" or family allowances all added together to form the "gross wage" from which is to be subtracted employees' payments for social insurances. Deductions for taxes are not to be considered in arriving at the "net wage".

d. The regular base wage shall be the remuneration a worker receives for his labors, based upon the legal collective rate, pertinent A.C.C. wage increase orders and in accordance with percentages and computations.

Where no such rate is available, a deemed comparable rate may be used, upon A.C.C. approval.

e. "Assegni familiari" is variable, but all wage calculations in the Armed Forces are based on the allowance for a worker, his wife, and three dependents. The payment for this "standard family" of five is usually 11.50 lire per day.

f. "Comparable or equivalent skills" as used in para. 1 (a) (2) above is so used because the Armed Forces have not set wages for all occupations found in the industries concerned, but they have set a sufficiently large number of wages for various occupations so as to permit of reasonable and workable definitions on a comparable or equivalent basis.

g. "Maximum wage or salary" as used in para. 1 (a) (2) refers to the upper limits of the range of wage permitted for direct employees of the Armed Forces. All Armed Force wages provide for both a minimum and a maximum.

4. The proposed authorizing letter should instruct the Regional Commissioner of Region III to submit plans for upward adjustment of wages to A.C.C. Labor Sub-Commission for final approval.



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

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20. Jule
HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

HA

ACC/ALC/L/L.

/rlp.
26 April 1944.

SUBJECT : Draft Decree Instituting Labor Offices, etc.
TO : Director, Labor Sub-Commission.

Reference your LAB 091.4351 dated 10 April 1944. I have seen the Chief Commissioner on this matter and he informs me that he will shortly be convening a meeting to consider the Draft Decree before submitting it to the Ministry of Labor and Commerce. In the meantime I enclose for your consideration a memorandum on the Draft Decree as it stands at present.

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

Copy to: Secretary General.

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REAR HEADQUARTERS
ARMED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394.

ACC/4104/4/L.

26 April 1944.

SUBJECT : Draft Decree Establishing Trade Unions and Labor Offices.

The Legal Sub-Commission has considered the Draft Decree attached to letter dated 15 April 1944 (LAB 091.4351) relating to the above matter and has prepared the following memorandum for consideration before the meeting to consider the decree which, it is understood, will be convened by the Chief Commissioner at the beginning of next week.

1. The Draft Decree as it stands at present is neither a short declaration of policy on the one hand, nor a declaration of policy coupled with the machinery for carrying that policy into execution on the other hand, but falls midway between the two. It seems to this Sub-Commission that the decree should either be a short two or three article decree setting out merely the policy and leaving it to a further decree to work the matter out in detail or the whole policy and machinery should be set up in this decree.

2. This Sub-Commission has the following comments in detail:

ARTICLE I

We think that the societies, associations, confederations, and federations should be set out in detail especially in view of the vagueness of Article III. Further, although it is a small point, we think that the labor magistracy should be further defined by reference to the statute setting it up.

ARTICLE II

It will be a matter of policy for the Chief Commissioner to decide whether the draft decree should include employers as well as employees in Article II. With regard to the last sentence, if trade unions are to be mentioned they should be defined and set up in the decree.

ARTICLE III

So far as is known the only professional association set up by AMG was the Bar Association which must be expressly excluded from this decree as it is subject matter of another pending decree. If there have been any other professional organizations set up locally by or with the approval of the local AMG Administration, it would seem desirable to investigate the basis and nature

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ARTICLE III

So far as is known the only professional association set up by AMG was the Bar Association which must be expressly excluded from this decree as it is subject matter of another pending decree. If there have been any other professional organisations set up locally by or with the approval of the local AMG Administration, it would seem desirable to investigate the basis and nature of these organisations before giving them juridical recognition.

ARTICLE IV

This again supports our observations in paragraph I.

ARTICLE V

A purely drafting comment. Instead of "turn over by the AMG" read "formerly occupied by the Allied Forces".

ARTICLE VI

This is a very important and difficult article providing for wage scales, etc. during the interim period and the views of the Italian Government therefore will be extremely important. It is suggested that after the phrase "shall continue to be binding" the words "between employers and employees"

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-2-

should be inserted and that the retention of the word "collective" after the words "newly executed" will require much consideration.

ARTICLE VII

The principle of this article is unexceptionable but is a matter for the Italian Government to work out the mechanism for the preservation and care of the properties and State, pending final disposal. It must be made clear that the Italian State is liable for payment of the discharge indemnity.

ARTICLE VIII

No comments.

ARTICLES IX-XII
INCLUSIVE

The definition of the respective jurisdictions and embits of regional and provincial labour offices appear to be obscure to the extreme. It would seem that the provisions should be made unmistakably clear to the Italian lay mind since important consequences follow upon a correct determination by the disputants of which of the two labor offices has jurisdiction of any particular controversy disputants. Further the "regolamento" referred to in Article IX has not yet been prepared and it seems that on any footing these articles are therefore incomplete. It may be that the further definition required can be made by reference to the Code of Civil Procedure or preferably by forming a clearer picture of what is intended to be the respective jurisdictions of regional and provincial labor offices and stating this in clear and unambiguous language in the Draft Decree.

In Article XI some further definition of what is a competent labor office is required, and in the second paragraph of that article surely machinery should be set up providing for the place of delivery of notices.

It also seems that in Article XII the phrase "collective labor disputes" should receive some further definition.

ARTICLE XIII

It should be made clear that the reference to arbitration in individual labor disputes is under Titolo 4. Capo 2, especially Articles 455-458 of the Code of Civil Procedure. With regard to collective labor disputes it is by no means clear under Article XIII and Article XI exactly how arbitration is to be carried out as the arbitration provisions in the laws of 1926 have been repealed. This matter requires clarification.

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to in articles has not yet been prepared and it seems that on any footing these articles are therefore incomplete. It may be that the further definition required can be made by reference to the Code of Civil Procedure of preferably by forming a clearer picture of what is intended to be the respective jurisdictions of regional and provincial labor offices and stating this in clear and unambiguous language in the Draft Decree.

In Article XI some further definition of what is a competent labor office is required, and in the second paragraph of that article surely machinery should be set up providing for the place of delivery of notices.

It also seems that in Article XII the phrase "collective labor disputes" should receive some further definition.

ARTICLE XIII

It should be made clear that the reference to arbitration in individual labor disputes is under Titolo 4, Capo 2, especially Articles 455-458 of the Code of Civil Procedure. With regard to collective labor disputes it is by no means clear under Article XIII and Article XI exactly how arbitration is to be carried out as the arbitration provisions in the laws of 1926 have been repealed. This matter requires clarification.

ARTICLES XIV, XV and XVI.

The recommendation of the existing corporative inspectorate under a new name appears to raise a question of policy. We are preparing a short statement of its powers.

ARTICLES XVIII and XIX

No comments.

ARTICLE XX

This supports our original observation of paragraph I.

3 In conclusion, this is a highly contentious and intricate piece of legislation and quite apart from large questions of policy involved, it would be extremely unwise to endeavour to force intricate provisions on the Italian Government unless they agree that its provisions form a workable machinery.

GERALD R. URJOHN,
Colonel,

Chief Legal Officer.

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

EJS/tbw

LAB 091.4351

25 April, 1944

SUBJECT: Draft Decree Instituting Labor Offices, Regulating Labor Relations, etc.

TO : Director, Legal Sub-Commission

FROM : Capt. E. Scicluna, Labor Relations Officer, Labor Sub-Commission.

Reference above:

1. Herewith attached Draft Decree as finally altered on 24 April, 1944 in conjunction with Major Grossman and Major Hannaford of the Legal Sub-Commission.

2. The Italian Text, which must be regarded as the fundamental document for presentation to the Ministry of Industry, Commerce and Labor, has been duly changed in conformity with the amendments introduced in the English Text.

3. May arrangements please be made to inform this Sub-Commission at the earliest possible time whether this text may now be considered as approved by the Legal Sub-Commission.

E. Scicluna
E. SCICLUNA,

Captain,
Labor Relations Officer,
Labor Sub-Commission.

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2 OR SUB-COMMISSION

April 25, 1944

DRAFT ROYAL DECREE ABOLISHING THE FASCIST SYNDICAL CORPORATIVE
SYSTEM, AUTHORIZING THE ESTABLISHMENT OF TRADE UNIONS AND OF
LABOR OFFICES, AND GOVERNING LABOR RELATIONS

Whereas the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto; and

Whereas the Royal Decree of 1st July, 1926, No. 1130, and regulations issued pursuant thereto; and

Whereas Book II, Title IV of the Code of Civil Procedure approved by the Royal Decree of 28th October, 1940, No. 1443; and

Whereas Article 18 of the Law of 19th January, 1939, No. 129; and

Whereas the Royal Decree of 30th October, 1943, No. 275; and

Whereas it is considered necessary owing to the existing state of war;

Having heard the Council of Ministers on the proposal of the "Head of the Government, Prime Minister Secretary of State" and of the "Minister for Industry, Commerce and Labor";

We hereby decree as follows:-

ARTICLE I

The Law of 3rd April, 1926, No. 563, and the Royal Decree of 1st July, 1926, No. 1130, dealing with the juridical code governing collective labor relations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed.

Consequently, all Syndical Associations of Employers, Workmen, Professional Men and Artists, Syndical Cooperative Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations juridically recognized in conformity with the two abovementioned laws are, therefore, dissolved: The special Labor Magistracy is also abolished.

ARTICLE II

Employees and employers and persons who engage in independent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for any or all of the purposes set out below, and, in

of a whole industry or craft

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The Law of 3rd April, 1926, dealing with the juridical code governing collective relations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed.

Consequently, all Syndical Associations of Employers, Workmen, Professional Men and Artists, Syndical Cooperative Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations and federations resulting from the amalgamation of several Syndical Associations, are hereby repealed. The special Labor Magistracy is also abolished.

ARTICLE II

Employees and employers and persons who engage in independent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for any or all of the purposes set out below, and, in the interest of members or of a whole industry or craft

- a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;
- b) To further mutual social and economic assistance.

The registration and juridical recognition of the Trade Unions and their representative bodies shall be regulated by separate legislation.

ARTICLE III

Pending publication of special regulations governing the re-institution of the "Ordini e Collegi di liberi professionisti", juridical recognition is hereby given to those organizations that have been established or approved by competent authority during Allied Occupation. Wherever these have not been instituted, Commissioners shall take over the respective archives of the dissolved Fascist Syndicates of professional men and artists.

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ARTICLE IV

Membership in any Trade Union and the right of exercising a vote shall not be denied to any person because of race, religion, nationality or political affiliation.

ARTICLE V

The obligation to pay syndical contributions (in conformity with Article 5 of the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in territories turned over by the A.M.G. as from the date on which the Allied Military Government abolished Syndical Contributions or Fascist Syndical Organization, whichever was the earlier.

fully exempted by the Allied Forces

ARTICLE VI

In Collective and Individual Labor Relations, the conditions, regulations, wage scales contained in collective contracts, in economic agreements, in sentences delivered by the Special Labor Magistracy, and in corporative ordinance, in conformity with Article 10 and Article 13 of the Law of 5th February, 1934, No. 163, and of Article 4 and Article 5 of the Royal Decree of 9th August, 1943, No. 721, shall continue to be binding until revised further by Decree, arbitration awards, or newly executed collective agreements and contracts.

ARTICLE VII

The Ministry of Finance shall be responsible, in every Province and through the "Intendenza di Finanza", to provide for the administration and preservation of the estates belonging to the Associations, Federations and Confederations as referred to in Article I above, pending further decisions respecting their final allocation. Through a Royal Decree, on the proposal of the Minister for Industry, Commerce and Labor in concert with the Minister of Finance, regulations shall be issued for the definite disposal of the aforementioned estates, provision being made in the case of estates belonging to workmen's organizations for their disposal to the advantage of the working classes.

Regarding the payment of "Discharge Indemnity" (Indennita' di quiescenza) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with existing regulations for the personnel of each organization, except for such liquidations as are due by other institutions as a result of special insurance contracts.

ARTICLE VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

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The Ministry of Finance shall be responsible, in every Province and through the "Intendencia de Finanzas", to provide for the administration and preservation of the estates belonging to the Associations, Federations and Confederations as referred to in Article I above, pending further decisions respecting their final allocation. Through a Royal Decree, on the proposal of the Minister for Industry, Commerce and Labor in concert with the Minister of Finance, regulations shall be issued for the definite disposal of the aforementioned estates, provision being made in the case of estates belonging to workers' organizations for their disposal to the advantage of the working classes.

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Article VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

- a) Control and coordination of the services of the registration and placement of Labor, of the Immigration, migration and emigration of Labor;
- b) Mediation, conciliation, and reference to arbitration of labor disputes;
- c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervision of Trade instruction and training of work people;
- d) Compilation and publication of reports and statistics on employment, unemployment, labor disputes, wages and salaries, hours of work, conditions of employment and related matters;

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- e) Provision for the registration, maintenance and publication of lists of Trade Unions;
- f) Registration and publication of collective contracts;
- g) Discharge of such other functions as may be entrusted to it by decree and legislation.

ARTICLE IX

In every Region, which will be defined by the "Regolamento" of the present Act, there shall be instituted within the Ministry of Industry, Commerce and Labor, a Regional Labor Office which shall exercise, within the limits of the Region, the following functions:

- a) Supervision of the Provincial Labor Offices, with a view to coordinating their activities;
- b) Coordination of placement of labor and provision for the migration of labor from one Province to another;
- c) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;
- d) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;
- e) Promotion and development of Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervision of ~~Trade~~ Trade instructions and training of work people;
- f) Compilation of information and statistics on labor;
- g) Study and investigation (of Labor matters) and discharge of any other labor duties as may be devolved upon it.

ARTICLE X

In every Province there shall be instituted within the Ministry of Industry, Commerce and Labor, a Provincial Labor Office which shall exercise, within the limits of the Province, the following functions:

- a) Provision of registration and placement of labor;
- b) Mediation, Conciliation, and reference to arbitration of labor disputes;
- c) Promotion and development of Social Insurance, and related labor

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e) Promotion and development of Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervision of ~~the~~ Trade instructions and training of work people;

f) Compilation of information and statistics on labor;

g) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

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- a) Provision of registration and placement of labor;
- b) Mediation, Conciliation, and reference to arbitration of labor disputes;
- c) Promotion and development of Social Insurance, and related labor services as well as ~~supervise~~ ^{Trade Instruction and training of work people;} ^{supervision of}
- d) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

ARTICLE XI

Whenever a Labor Dispute has been notified to the competent Labor Office by an interested party, it shall be the responsibility of that office to attempt conciliation.

In addition to such other circumstances in which they are prohibited, strikes and lock-outs shall be prohibited in the event of failure to report the labor dispute or when resorted to before twenty-one days from the notification of the dispute.

For individual labor disputes the appropriate provisions of Article 431 et sequentia of the Code of Civil Procedure remain in force.

Such cases as are not settled by conciliation -- on the joint request of the interested parties -- shall be referred by the Labor Office to an Arbitration Board, which shall be set up for the occasion by the Labor Office, the individual members being selected from the appropriate panels of arbitrators.

ARTICLE XII

Collective Labor Disputes shall fall under the jurisdiction of the Provincial Labor Office within the ambit of which the Collective Contract in question is in force or the adjustment of Labor Relationship is under consideration.

Whenever the Collective Contract or Labor Relationship affects more than one Province within a Region, then Collective Labor Disputes shall fall under the jurisdiction of the Regional Labor Office, and under the Minister of Industry, Commerce and Labor if they affect either two or more Regions, or Provinces of different Regions.

Individual Labor Disputes shall fall under the jurisdiction of the Provincial Labor Office within the ambit of which is to be found the competent judicial authority to decide such Disputes.

The Minister of Industry, Commerce and Labor and the Director of any Regional Labor Office concerned shall be empowered, on the request of one of the interested parties or on his own initiative, to transfer for consideration of his office any case of conciliation or of reference to arbitration in any labor dispute of an office at a lower level.

ARTICLE XIII

Whenever an individual labor dispute has not been submitted for arbitration, either of the interested parties shall be free to refer their controversy to the competent Magistracy, in accordance with existing legislation on the matter.

In collective labor disputes, however, arbitration through the Labor Offices shall be compulsory in such cases as only involve the interpretation of a collective contract and in such cases and at such times as strike and lock-out are prohibited by law.

ARTICLE XIV

Arbitration awards in labor matters shall be made in equity, and shall be final.

These awards shall have the binding force of a judicial sentence, and may be issued in executive form, subject to previous registration with the judicial authorities in accordance with existing regulations contained in the

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ARTICLE XIV

Arbitration awards in labor matters shall be made in equity, and shall be final.

These awards shall have the binding force of a judicial sentence, and may be issued in executive form, subject to previous registration with the judicial authorities in accordance with existing regulations contained in the "Code of Civil Procedure".

Arbitration awards in respect of disputes dealt with by Provincial Labor Offices shall be filed in the "Tribunale" of the Provincial Capital, those dealt with by the Regional Office in the Court of Appeal of the area in which the seat of the Office is located, those in respect of National disputes in the Court of Appeal of the National Capital.

Arbitration awards shall not be subject to the provisions contained in Article 825 of the Code of Civil Procedure.

The Labor Offices shall forward to the Minister of Industry, Commerce and Labor a copy of the arbitration awards in respect of labor disputes, except for such types of individual labor disputes as the Minister for Industry, Commerce and Labor may direct.

All acts and documents pursuant to arbitration awards in respect of labor questions shall be exempt from Stamp Tax and Registration Tax, except those awards that are liable to a fixed registration fee.

ARTICLE XV

On the formal request of a Labor Office to attempt conciliation in a labor dispute, whoever refuses or fails to present himself, without showing just cause, shall be liable to fine of not more than Lire 10,000.

ARTICLE XVI

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 299 and Article 301 of the Code of Civil Procedure shall be applied to such controversies as are still pending before the Courts.

ARTICLE XVII

The Corporative Inspectorate shall be known as the "Inspectorate of Labor", and shall be under the jurisdiction of the Minister of Industry, Commerce and Labor. The Inspectorate shall locally exercise its functions under the direction of the Regional Labor Offices, of which it shall be the specific organization for the supervision and enforcement of regulations governing labor, social services and the application of Collective Contracts. The Inspectorate shall continue to enjoy the powers conferred upon it by the Royal Decrees of 30 December, 1923, No. 3245, of 28th December, 1931, No. 1684, of 4th October, 1935, No. 1827, and by Royal Decree of 17th August, 1935, No. 1765.

ARTICLE XVIII

All appointments to posts in the aforementioned labor agencies shall be made in accordance with civil service procedure.

ARTICLE XIX

The expenditure involved in the running of the National, Regional and Provincial Labor Offices and in defraying the salaries of personnel attached thereto, shall be the responsibility of the State.

The Ministry of Finance is authorized, therefore, to meet this expenditure.

ARTICLE XX

All legislation contrary to the present law is hereby rescinded. The King's Government shall have the authority to enact, by Royal Decree, the complementary and integrating provisions and regulations for the execution of the present decree, for its coordination to the Civil and Penal Codes, to the Code of Civil Procedure and any other legislation of the State.

ARTICLE XXI

The present decree shall enter into force on the date of publication in

ARTICLE XIX

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The Ministry of Finance is authorized, therefore, to meet this expenditure.

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ARTICLE XXI

The present decree shall enter into force on the date of publication in the Official State Gazette -- Special Series. This decree shall be presented to the Legislative Assembly for conversion into law.

The Head of the Government, Prime Minister Secretary of State, and the Minister for Industry, Commerce and Labor, joint sponsors, are authorized to submit the relevant Draft Law.

We order, all concerned, to obey the present decree and to enforce the same as state legislation.

Given in Salerno

April, 1944

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This is not seen the letter to
argue it - but I think again
and I should discuss with Col. Ben
Lester - the Commission of Enquiry
for this discrepancy. It is discrepancy
and other provisions should be made
later if necessary.

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COPY

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

COPY

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LAE 091.4351

15 April, 1944

SUBJECT: Draft of Royal Decree Abolishing the Fascist Syndical Corporative System, Authorizing the Establishment of Trade Unions and of Labor Offices, and Governing Labor Relations.

TO : Chief Commissioner, A.C.C.

1. The attached copy of a Royal Decree abolishing the Fascist Syndical Corporative System, authorizing the establishment of Trade Unions and of Labor Offices, and governing Labor Relations, is the final result of many months of careful study of, and examination into, the Italian labor structure as it has evolved from pre-Fascist days through 22 years of restrictive regimentation, nearly 9 months of ACO/ASO administration and of a temporary but liberalized Italian Government. It has become readily apparent how that structure must be changed so that the Italian worker may at long last legally be given the use of democratic processes and can, with his fellows, work out his proper destiny and place in the labor world.

2. Many drafts have been exchanged between the Labor Sub-Commission and the Ministry of Industry, Commerce and Labor. Each conference has led to complete agreement on disputed points, only to be followed by draft submission of the Italian Government which either deleted important democratic principles, or restated them in unsatisfactory Fascist language. The time is too short to play such an indefinite and non-progressive game; following Dr. Corbino's most recent draft, which again failed to confirm principles previously agreed upon, the members of your Labor Sub-Commission, aided by expert Italian legal advice, have evolved this final document which must be accepted and promulgated by the Italian Government without further delay or parley.

3. The document gives to the Italian worker an instrument for organization and procedure, based on the best in British and American labor experience. It is in fact a Magna Carta for Italian labor -- a veritable Declaration of Independence for which Italy may well give everlasting thanks.

4. If this document meets with your approval, it is requested that immediate presentation be made to Marshal Badoglio.

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for enactment into Royal Decree. It would be eminently fitting and appropriate that such enactment issue on May 1, Labor's greatest international holiday.

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

TRB/mr/tbw

5 Incls:

- (a) Draft of Decree submitted by Dr. Corbino to Labor Sub-Commission "incorporating" suggestions agreed upon 16 March 1944.
- (b) Comments by Dr. Corbino on March 16 draft.
- (c) Final Draft by Labor Sub-Commission, 14 April 1944.
(English version)
- (d) Final Draft by Labor Sub-Commission, 14 April 1944.
(Italian version)
- (e) Comments by Captain Scieluna on Labor Sub-Commission Final Draft.

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(Presented to General MacFarlane 16 April 1944)

(A)

SCHEMA DI R. DECRETO LEGGE

Draft of Labor decree submitted by Doctor Corbino to the Labor Sub-Commission
"Incorporating" suggestions agreed upon 16 March 1944.

VITTORIO EMANUELE III
Per grazio di Dio e volonta' della Nazione
RE D'ITALIA

Vista la legge 3 aprile 1926, no. 563, e successive disposizioni;
Visto il R. Decreto 1 luglio 1926, n. 1130, e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato
con R. decreto 28 ottobre 1940, n. 1443;
Visto l'art. 18 della legge 19 gennaio 1939, n. 129;
Visto il R. decreto legge 30 ottobre 1943, n. 2/B;
Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, Primo Ministro Segretario di Stato,
e del Ministro per l'Industria, il Commercio e il Lavoro, d'intesa con i
Ministri per l'interno, per la grazia e giustizia e per le finanze.

ABBIAMO DECRETATO E DECRETIAMO:

Art. 1

La legge 3 aprile 1926 n. 563, il R. decreto 1 luglio 1926 n. 1130 sulla disciplina giuridica dei rapporti collettivi di lavoro, e tutte le norme emanate per l'attuazione di dette leggi sono abrogate.
Sono sciolte le associazioni sindacali di datori di lavoro, di Lavoratori e di professionisti e artisti, le federazioni e unioni di piu' associazioni e le confederazioni di piu' federazioni, giuridicamente riconosciute a norma delle leggi stesse.

Art. 2

I lavoratori, i datori di lavoro e i liberi esercenti un'arte o una professione possono organizzarsi liberamente e scegliere propri rappresentanti per tutelare gli interessi economici e morali degli organizzati e perseguire finalita' di previdenza, di assistenza, di istruzione e di educazione a favore dei medesimi.

Art. 3

Cessa per i datori di lavoro, i lavoratori e i professionisti e artisti l'obbligo del versamento dei contributi sindacali imposti per effetto dell'art. 5 della legge 3 aprile 1926 n. 563 e successive disposizioni, e maturati posteriormente alla data di entrata in vigore del presente decreto.

Art. 4

Restano in vigore per i rapporti di lavoro collettivi ed individuali, i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici e nelle ordinanze corporative, di cui all'art. 10 della legge 3 aprile 1926 n. 563, gli art. 8 e II della legge 5 febbraio 1934 n. 163 e agli art. 4 e 5 del R. decreto-legge 9 agosto 1943 n. 721 fino alla emanazione di nuove disposizioni.

Art. 5

Il Ministero per le finanze e' incaricato di provvedere in ciascuna provincia, a mezzo delle intendenze di finanza, alla conservazione e all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni e confederazioni di cui all'art. I, in attesa che con R. decreto su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro delle finanze si disponga sulla loro destinazione.

Per quanto riguarda in trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni o carico di enti dovute a contratti assicurativi.

Art. 6

In ciascuna provincia e' istituito, alle dipendenze del Ministero dell'Industria del Commercio e del Lavoro, un Ufficio Provinciale del Lavoro cui spetta:

- a)- vigilare sull'applicazione delle leggi e delle altre norme che tutelano il lavoro;
- b)- provvedere alla registrazione e al collocamento dei prestatori d'opera disponibili;
- c)- svolgere, nell'ambito della provincia, azione di conciliazione e di arbitrato in materia di controversie individuali di lavoro ai sensi del successivo articolo 8;
- d)- promuovere lo sviluppo di attivita' previdenziali, assistenziali, istruttive e educative a favore dei lavoratori;
- e)- effettuare rilevazioni e indagini e compiere ogni altra funzione che ad esso venga demandata per disposizioni di legge in materia di lavoro.

Art. 7

Ai fini del coordinamento delle funzioni degli Uffici Provinciali del Lavoro, in ciascuna regione e' istituito, alle dipendenze del Ministero dell'Industria, del Commercio e del Lavoro, un Ufficio Regionale del Lavoro cui spetta:

- a)- sovrintendere all'attivita' degli Uffici Provinciali del Lavoro esistenti nella regione;
- b)- trattare i problemi interessanti il lavoro della regione;
- c)- svolgere azione di conciliazione e di arbitrato in materia di controversie individuali di lavoro di speciale importanza economica e d'interesse per il'intera regione, ai sensi del successivo articolo 8;
- d)- effettuare rilevazioni e indagini e compiere ogni altra funzione che ad esso venga demandata per disposizione di legge in materia di lavoro.

Art. 8

L'Ufficio Provinciale del Lavoro e, per i casi di cui alla lettera c) dell'art. che precede, l'ufficio regionale del lavoro tentano, con la procedura stabilita dagli articoli 431 e 432 C.P.C. e in luogo delle assicurazioni sindacali in detti articoli menzionate, la conciliazione delle controversie individuali di lavoro di cui all'art. 429 c.p.c.

Se la conciliazione non riesce, le parti-in deroga al disposto dell'art. 306 c.p.c. - possono far decidere la controversia da arbitri scelti in appositi elbi e nominativi in numero dispari dalle parti stesse e dal capo dell'ufficio del lavoro.

Qualora le parti non ritengano di fare ricorso all'arbitrato, la controversia e' devoluta alla cognizione del giudice competente. Il provvedimento di cui agli articoli 431, 434, 436 ed a quelli delle sezioni II e III capo IV titolo IV libro II del c.p.c. In detti articoli alle associazioni sindacali e al capo dell'Ispettorato Corporativo debbono intendersi sostituiti rispettivamente agli Uffici del Lavoro e il capo dei medesimi. Tutti gli atti e documenti del giudizio sono esenti dalle tasse di bollo e registro, eccetto la sentenza che e' sottoposto a tassa fissa.

Art. 9

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformita' al disposto dell'art. 435 cpc, si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 299 e 301 c.p.c.

Restano ferme le norme sulla competenza dell'ufficio del lavoro portuale a termini del codice della navigazione e quelle generali sulla procedura e sulla competenza in caso di fallimento.

Art. 10

La spesa per gli Uffici Provinciali e Regionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a carico dello Stato.

Il Ministro per le finanze e' all'uopo autorizzato alle conseguenti impostazioni in bilancio.

Art. 11

Le funzioni e i poteri conferiti all'Ispettorato dell'Industria e del Lavoro coi RR.DD.LL. 30 dicembre 1923 n. 3245, 28 dicembre 1931 n. 1684, 4 ottobre 1935 n. 1827, e col R decreto 17 agosto 1935 n. 1765, relativi alla vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociale e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate, nonche' alla prevenzione e pacifica risoluzione dei conflitti del lavoro, sono devoluti agli uffici provinciali e regionali del lavoro. Alla sistemazione degli Uffici e del personale dell'ispettorato dell'industria e del lavoro sara' provveduto con successive norme.

Art. 12

Restano abrogate tutte le disposizioni contrarie alla presente legge. Il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, interrogative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civili, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 13

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale -
Esso sara' presentato alle assemblee Legislative per la conversione in legge. Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.

Ordiniamo, a chiunque petti, di osservare il presente segreto e di farlo osservare come legge dello Stato.

Dato a Salerno.....marzo 1944

"B"

NOTES ON THE CHANGES MADE TO THE SCHEME OF ROYAL DECREE LAW ON THE
INSTITUTION OF A NEW LABOR ORGANIZATION IN ITALY.

(COMMENTARY MADE BY DOCTOR CORBINO ON HIS DRAFT OF 16 MARCH 1944)

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ARTICLE I: In conformity with the suggestions made by ACC, a paragraph referring to the re-institution of the old collegi e ordini professionali, which had been converted into syndical associations, while the law of 1 April 1926, No. 563, was in force, has been suppressed. It is considered, however, that this problem cannot be left unsolved, and that in fact the re-institution of the old professional collegi and ordini cannot be delayed until specific regulations are issued in due course. It must be brought about by provisions simultaneous, if separate, to the decree in question. It is, in fact, absolutely essential to provide for the systematization of certain categories of free professionals (lawyers, solicitors, doctors, notaries, etc.) without a break in continuity from the time of the dissolution of the syndical associations to the time when regulations re-instituting the old collegi professionali e ordini are promulgated. The functions of keeping up to date the "professional panels" and of enforcing professional rules governing membership (duties which devolve by statute on the greater part of the associations of free professions), no less than the importance connected with such functions in the public interest should preclude any delay, however short. The professions in respect of the independent professional classes -- professions which would be published simultaneously with the present decree -- apart from re-instituting the ordini and collegi in conformity with former structure, should contain a reservation in respect of those professions that achieved their first organization through the syndical associations. This reservation would be to the effect that special regulations shall be issued governing the institution of new ordini and collegi, providing at the same time for the temporary continuance of the existing syndical associations through the appointment by the Ministry of Special Commissioners to be elected at a meeting of the members.

ARTICLE II: In order to give a more juridical form to the contents of Article II, it has not been possible to accept the suggestion of ACC, namely, of enumerating, in any great detail, the activities which may be pursued by the representatives of workmen and employers, who have organized. The expression "economical and moral interests of the organized" which is technically more to the point, would undoubtedly cover all that is connected with what workmen should use, wages, grievances, working conditions and any individual disputes.

On the other hand, "social insurance" has been added to the list of pursuits that concern the organized associations, both in view of the special importance which insurance has recently assumed and of the interest which employers and employees, equally, attached to the same.

ARTICLE III: As a result of the fundamental laws of the State, Italian citizens enjoy equal rights irrespective of the race to which they may belong, the religion they may profess, or the political faith they may have, such professions as are contained in Article I of the new Civil Code and which imposed juridical limitations for racial reasons have already been

- 2 -

rescinded by Royal Decree 20 January 1944, No. 25, for which reason it would seem superfluous to include in this law a provision aiming at the reaffirmation of a concept of equality.

Article III has instead been used to enunciate the principle that the obligation to pay syndical contributions imposed by the Law, 3 April 1926, No. 563, shall cease as from the date on which this Decree enters into force.

Contrary to the opinion of ACC, it has been found necessary to define the exact period from which contributors shall be exonerated from paying syndical contributions so that -- as has already been pointed out in a previous commentary -- defaulters may not be rewarded. The obligation to affect payments, therefore, would refer exclusively to contributions that would have been due as from the date on which this Decree came into force, while obligation to affect payments shall remain in respect of those who were due to make these contributions and had failed to do so.

ARTICLE IV: The contents of Article IV are substantially the same as those of Article V in the preceding draft; but it has now been made clearer that collective and individual labor relations, agreements, regulations and wage schedules contained in collective contracts, in economic agreements and in corporative ordinances now rescinded, shall remain in force not only provisionally but definitely until the promulgation of further legislative measures -- as has been suggested by ACC.

ARTICLE V: While a more juridical form has been given to this article than in the previous draft, it has been considered opportune to insert a provision which would save guard the payment of the *indennita' di quiescenza* to the personnel employed by the dissolved organization. This has been done in order to meet a legitimate desire of the interested parties who so far had not received any guarantee of such rights as they derived as employees and which were guaranteed to them by the law.

ARTICLE VI: In the Draft Decree prepared by ACC, a whole article (Article VII) has been devoted to a definition of the powers and functions of the Ministry as a result of the new labor structure.

In point of fact, these attributes, while they figure as an amplification of the powers of the ministry, are in substance, not more than a limitation of its functions, since the Ministry istituti already embraces the entire field of labor; moreover, the detailed definition contained in Article VII, suggested by ACC, would be contrary to Italian legislative practice. It were well to add, furthermore, that one fails to understand how the Ministry may be expected to provide directly for the registration and placement of labor, or to engage directly in conciliation, mediation, and arbitration in labor disputes. In order to follow better the classical Italian legal traditions, it has been considered more convenient to divide into two articles (VI and VII) the contents of Article VIII suggested by ACC, so that one article might exclusively apply to the provincial labor offices and the other to the regional. It has been suggested that amongst other powers, the Provincial and Regional Labor Offices should, in respect of labor disputes, have in addition to the functions of conciliation, also that of mediation. It were well, however, to point out that the concept of mediation in the field of Italian Civil Procedure, does not exist and

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that while it would not be easy to create it, it would also be equally difficult to give it a definite form and standing in a special law such as this which concerns the new labor structure. It has, therefore, been found necessary to omit this innovation which would have brought a dangerous confusion into the field of procedure.

It has also been found necessary to limit conciliation, mediation, and arbitration to individual labor disputes as one could not see how collective disputes could be dealt with by the Labor Offices and by the Magistracy, considering that the juridical recognition conceded to the syndical organizations by the Law 3 April 1926, No. 563, is revoked, and the associations (in fact and not in law), which shall come into being as provided for in Article II will not be able to claim representation of an industry or craft, once deprived of their juridical recognition.

In order to have a collective labor dispute, it is necessary that the represented parties, during an attempt at conciliation or arbitration, as well as during judgment, should be juridical representatives of the interested industry or craft, a matter which will no longer be possible after the promulgation of the present decree and until the enactment of a new law governing the juridical recognition of the free trade unions. It is thought, however, that the regulation of collective labor disputes could be made the subject of a new legislative measure when concrete proposals are put up by A.C.C. -- as has already been verbally suggested -- in respect of the juridical recognition of trade unions now being formed. These provisions are in fact, if it is considered convenient, could be included in the same law that will recognize the trade unions.

ARTICLE VII: In order to render uniform the coordination of all Provincial Labor Offices and to insure that in every Region there should be an office upon which might be devolved the more important labor problems, it has been decided that the Regional Labor Offices should be instituted in every Region "ope legis" and that it should not be left to the initiative and at the discretion of the Ministry. In this fashion would be guaranteed the full regulation of individual labor disputes of special economic importance and of interest to the entire Region. These individual disputes would, following an attempt at conciliation at the Regional Labor Office, be referred for arbitration or brought before the ordinary Magistracy, in accordance with the wishes of the contending parties in conformity with what has already been stated in connection with Article VI, as regards the jurisdiction of the Regional Office in labor disputes, this is limited only to individual disputes.

ARTICLE VIII: To the twofold attempt at conciliation in individual labor disputes has been substituted a single attempt at conciliation. This has been done not only to retain in full functions the procedure contained in the code of civil procedure with reference to such disputes, but also in order to burden excessively the conciliation machinery which, in itself, must be expedite and elastic. It has, therefore, been sufficient to substitute in conciliation procedure the Regional and Provincial Labor Offices to the syndical associations. With reference to the suggestion by A.C.C. of making arbitration compulsory in connection with labor disputes that have not been settled by conciliation, it were well to keep in mind that in Italian legislation, compulsory arbitration does not exist since contending parties may, and are not obliged to obtain decisions through

- 4 -

arbitrators of any dispute which may arise. The more so because once the process of arbitration has been chosen, the parties may no longer refer the matter to the Ordinary Magistracy as judgment by the "Ordinary Magistrate" is precluded in the case of disputes that had been referred for arbitration. In fact, it is necessary to point out that Article 806 of the Code of Civil Procedure explicitly prohibits the reference to arbitration procedure of individual labor disputes and of controversies in respect of Social Insurance and compulsory assistance. This dis-allowance has, however, been overcome by the provisions of Article VIII of the draft under consideration, though it has not been found possible to depart from the principle rooted in Italian procedure namely, that once a dispute has been referred for decision by arbitration, it can no longer be submitted for decision to the ordinary judge.

For the settlement of individual labor disputes, therefore, the parties, once conciliation fails, may choose between arbitration and the Ordinary Court -- it being, however, firmly established that reference to arbitration and to the Ordinary Magistracy exclude the preclude one another. Moreover, it has not been considered opportune to modify the procedure established by the Code of Civil Procedure, both for arbitration and for reference to the Ordinary Magistrate in so far as the former is the Italian tradition and the latter -- the so-called special rite -- is considered to be to the full advantage of the worker and in the interest of the settlement of the dispute itself.

Finally, with reference to the proposal by ACC that the Ministry should have the right of dealing directly or through persons expressly delegated for the purpose with those disputes which appear to be of particular importance and interest, it would appear that this could be better weighed when the question will be considered creating at the disposal of the Ministry a central labor organization, which would complete the labor structure which is now in the process of formation.

ARTICLE IX: Article IX refers exclusively to those labor disputes which are still in progress and is a regulation of a purely transitory nature.

ARTICLES X AND XI: Since many of the functions entrusted to the Provincial and Regional Labor Offices by virtue of Articles VI and VII, are at present performed by the Inspectorate of Industry and Labor, it has been deemed opportune -- in order not to create confusion and duplication in the allotment of duties -- that these functions be definitely transferred to the new Labor Offices so that the Ministry may shape the Inspectorate differently, detaching it from its present duties and designating it to become a technical industrial organization.

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LABOR SUB-COMMISSION
April 14, 1944

DRAFT ROYAL DECREE ABOLISHING THE FASCIST SYNDICAL CORPORATIVE SYSTEM, AUTHORIZING THE ESTABLISHMENT OF TRADE UNIONS AND OF LABOR OFFICES, AND GOVERNING LABOR RELATIONS

Whereas Article 16 of the Law of 19th January, 1939, No. 129; and

Whereas the Royal Decree of 30th October, 1943, No. 2/B; and

Whereas the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto; and

Whereas the Royal Decree of 1st July, 1926, No. 1130, and regulations issued pursuant thereto; and

Whereas it is considered necessary owing to the existing state of war;

Having heard the Council of Ministers on the proposal of the "Head of the Government, Prime Minister Secretary of State" and of the Minister for Industry, Commerce and Labor;

We hereby decree as follows:-

ARTICLE I

The Law of 3rd April, 1926, No. 563, and the Royal Decree of 1st July, 1926, No. 1130, dealing with the juridical code governing collective labor relations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed.

Compatibility All Syndical Associations of Employers, Workmen, Professional Men and Artists, Syndical Cooperative Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations juridically recognized in conformity with the two abovementioned laws are therefore repealed: The special Labor Magistracy is also abolished.

ARTICLE II

abolished *and* Employees, employers and persons who engage in independent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for any or all of the purposes set out below, and, in the interest of members or of a whole industry or craft

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, advances

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17 April 1944
Mr. G. L. ...
Mr. ...

The Law of 3rd April, 1926, No. 563, and the Royal Decree of 1st July, 1926, No. 1130, dealing with the juridical code governing collective labor relations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed.

All Syndical Associations of Employers, Workmen, Professional Men and Artists, Syndical Cooperative Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations juridically recognized in conformity with the two abovementioned laws are therefore repealed: The special Labor Magistracy is also abolished.

ARTICLE II

Employees, employers and persons who engage in independent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for any or all of the purposes set out below, and, in the interest of members or of a whole industry or craft

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;

b) To further mutual social and economic assistance.

The registration and juridical recognition of the Trade Unions and their representative bodies shall be regulated by separate legislation.

ARTICLE III

Pending publication of special regulations governing the re-institution of the "Ordini o Collegi di liberi professionisti", recognition is hereby given to those organizations that have been established by A.M.G. ordinances. Wherever these have not been instituted, Commissioners shall take over the respective archives of the dissolved Fascist Syndicates of professional men and artists.

ARTICLE IV

Membership in any of the ~~new~~ ^{all} Trade Unions and the right of exercising a vote shall not be denied to any person because of race, religion, nationality or political affiliation.

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ARTICLE V

The obligation to pay syndical contributions (in conformity with ^{Article 5} of the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in territories turned over by the A.M.G. as from the date on which the Allied Military Government abolished Syndical Contributions or Fascist Syndical Organization.

which can data first occurred

ARTICLE VI

In Collective and Individual Labor Relations, the conditions, regulations, wage scales contained in collective contracts, in economic agreements, in sentences delivered by the Special Labor Magistracy, and in corporative ordinance, in conformity with Article 10 and Article 13 of the Law of 5th February, 1934, No. 163, and of Article 4 and Article 5 of the Royal Decree of 9th August, 1943, No. 721, shall continue to be binding until revised further by Decree, arbitration awards, or newly executed collective agreements and contracts.

ARTICLE VII

The Ministry of Finance shall be responsible, in every Province and through the "Intendenza di Finanza", to provide for the administration and preservation of the estates belonging to the Associations, Federations and Confederations as provided by Article I above, pending further decisions respecting their final allocation. Through a Royal Decree, on the proposal of the Minister for Industry, Commerce and Labor in concert with the Minister of Finance, regulations shall be issued for the definite disposal of the aforementioned estates, provision being made in the case of estates belonging to workers' organizations for their disposal to the advantage of the working classes.

Regarding the payment of "Discharge Indemnity" (*Indennita' di quiescenza*) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with existing regulations for the personnel of each organization, except for such liquidations as are due by other institutions as a result of special insurance contracts.

ARTICLE VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

- a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;
- b) Mediation, conciliation, and reference to arbitration of labor disputes;

and control of the services

Regarding the payment of "Discharge Indemnity" (Indennita' di disassenza) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with existing regulations for the personnel of each organization, except for such liquidations as are due by other institutions as a result of special insurance contracts.

ARTICLE VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

- a) Control and coordination of the services of the registration and placement of labor, of the immigration, migration and emigration of labor;
- b) Mediation, conciliation, and reference to arbitration of labor disputes;
- c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old age pensions, unemployment and health insurance and related labor services as well as supervise Trade instruction and training of work people;
- d) Compilation and publication of reports and statistics on employment, unemployment, labor disputes, wages and salaries, hours of work, conditions of employment and related matters;
- e) Provision for the registration, maintenance and publication of lists of Trade Unions;
- f) Registration and publication of collective contracts;
- g) Discharge of such other functions as may be entrusted to it by decree and legislation.

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Defining region

ARTICLE IX

with determination of provinces

In every Region there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Regional Labor Office which shall exercise, within the limits of the Region, the following functions:

- a) Supervision of the Provincial Labor Offices, with a view to coordinating their activities;
- b) Coordination of placement of labor and provision for the migration of labor from one Province to another;
- c) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;
- d) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;
- e) Protection and development of Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervise Trade instructions and training of work people;
- f) Compilation of information and statistics on labor;
- g) Study and investigation (of Labor matters) and discharge of any other labor duties as may be devolved upon it.

within

ARTICLE X

In every Province there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Provincial Labor Office which shall exercise, within the limits of the Province, the following functions:

- a) Provision of registration and placement of labor;
- b) Mediation, Conciliation, and reference to arbitration of labor disputes; *affecting workers only from provinces within the Province*
- c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;
- d) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

Immediate upon filing

ARTICLE XI

Labor Disputes shall be referred to the competent Labor Offices, whose function it shall be to attempt conciliation.

ARTICLE X

In every Province there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Provincial Labor Office which shall exercise, within the limits of the Province, the following functions:

- a) Provision of registration and placement of labor;
- b) Mediation, Conciliation, and reference to arbitration of labor disputes; *affecting workers only, the Government within the Province*
- c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;
- d) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

Provincial Labor Office

Labor Disputes shall be referred to the competent Labor Offices, whose responsibility it shall be to attempt conciliation. *by parties*

In addition to such other circumstances in which they are prohibited, strikes and lock-outs shall be prohibited in the event of failure to report the labor dispute or when resorted to before twenty-one days from the notification of the dispute. *notice to be filed to appropriate labor office*

For Individual Labor Disputes the appropriate provisions of article 431 et sequentia of the Code of Civil Procedure remain in force.

Such cases as are not settled by conciliation on the joint request of the interested parties shall be referred by the Labor Office to an Arbitration Board, which shall be set up for the occasion by the Labor Office, the individual members being selected from the appropriate panels of arbitrators.

The Minister of Industry, Commerce and Labor and the Director of any Regional Labor Office concerned shall be empowered, on the request of one of the interested parties or on his own initiative, to transfer for consideration of his office any case of conciliation or of reference to arbitration in any labor dispute of an office at a lower level.

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ARTICLE XII

Whenever an individual labor dispute has not been submitted for arbitration, interested parties shall be free to refer their controversy to the competent Magistracy, in accordance with existing legislation on the matter.

In collective labor disputes, ^{public} arbitration through the Labor Offices shall be compulsory in such cases as only involve the interpretation of a collective contract and in such cases and at such times as strike and lock-out are prohibited by law.

ARTICLE XIII

Arbitration awards in labor matters ^{shall be made in equity, and shall be final.}

These awards shall have the binding force of a judicial sentence, and may be issued in executive form, subject to previous registration with the judicial authorities in accordance with existing regulations contained in "Code of Civil Procedure".

Arbitration awards in respect of disputes dealt with by Provincial Labor Offices shall be filed in the High Court of the Provincial Capital, those dealt with by the Regional Office in the Court of Appeal of the area in which the seat of the Office is located, those in respect of National disputes in the Court of Appeal of the National Capital.

Arbitration awards shall not be subject to the provisions contained in Article 625 of the Code of Civil Procedure.

The Labor Offices shall forward to the Minister of Industry, Commerce and Labor a copy of the arbitration awards in respect of labor disputes, except for such types of individual labor disputes as the Minister for Industry, Commerce and Labor may direct.

All acts and documents pursuant to arbitration awards in respect of labor questions shall be exempt from Stamp Tax and Registration Tax, except those awards that are liable to a fixed registration fee.

ARTICLE XIV

On the formal request of a Labor Office to attempt conciliation in a labor dispute, whoever refuses or fails to present himself, without showing just cause, shall be liable to fine of not more than one hundred.

ARTICLE XV

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 299 and Article 301 of the Code of Civil Procedure, before the Court,

The Labor Offices shall forward to the Minister of Industry, Commerce and Labor a copy of the arbitration awards in respect of labor disputes, except for such types of individual labor disputes as the Minister for Industry, Commerce and Labor may direct.

All acts and documents pursuant to arbitration awards in respect of labor questions shall be exempt from Stamp Tax and Registration Tax, except those awards that are liable to a fixed registration fee.

ARTICLE XIV

On the formal request of a Labor Office to attempt conciliation in a labor dispute, whoever refuses or fails to present himself, without showing just cause, shall be liable to fine of not more than lire 10,000.

ARTICLE XV

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 299 and Article 301 of the Code of Civil Procedure shall be applied to such controversies as are still pending before the Court.

ARTICLE XVI

The Corporative Inspectorate shall be known as the "Inspectorate of Labor" and shall be under the jurisdiction of the Minister of Industry, Commerce and Labor. The Inspectorate shall locally exercise its functions under the direction of the Regional Labor Offices, of which it shall be the specific organization for the supervision and enforcement of regulations governing labor, social services and the application of Collective Contracts. The Inspectorate shall continue to enjoy the powers conferred upon it by the Royal Decree of 30 December, 1923, No. 3245, of 28th December, 1931, No. 1684, of 4th October, 1935, No. 1827, and by Royal Decree of 17th August, 1935, No. 1765.

ARTICLE XVII

All appointments to posts in the aforementioned labor agencies shall be made in accordance with civil service procedure.

ARTICLE XVIII

The expenditure involved in the running of the National, Regional and Provincial Labor Offices and in defraying the salaries of personnel attached thereto, shall be the responsibility of the State.

The Ministry of Finance is authorized, therefore, to meet this expenditure.

ARTICLE XIX

All legislation contrary to the present law is hereby rescinded. The King's Government shall have the authority to enact, by Royal Decree, the complementary and integrating provisions and regulations for the execution of the present decree, for its coordination to the Civil and Penal Codes, to the Code of Civil Procedure and any other legislation of the State.

ARTICLE XX

The present decrees shall enter into force on the date of publication in the Official State Gazette -- Special Series. This decree shall be presented to the Legislative Assembly for conversion into law.

The Head of the Government, Prime Minister Secretary of State, and the Minister for Industry, Commerce and Labor, joint sponsors, are authorized to submit the relevant Draft Law.

We order, all concerned, to obey the present decrees and to enforce the same as State Legislation.

Given in Salerno

April, 1944

Pinella

Pinella

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The Head of the Government, Prime Minister Secretary of State, and the Minister for Industry, Commerce and Labor, joint sponsors, are authorized to submit the relevant Draft Law.

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

Given in Salerno

April, 1944

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April, 1944

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James O'Brien

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Given in Solano

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the order, all concerned, to obey the present laws and to enforce the same as State legislation.

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SCHEMA DI R. DECRETO LEGGE

Abolizione del sistema sindacale-corporativo fascista, autorizzazione a costituire associazioni sindacali, istituzione degli Uffici del Lavoro e regolamento dei rapporti di lavoro.

VITTORIO EMANUELE III

Per grazia di Dio e per volontà della Nazione
Re d'Italia

Vista la legge 3 aprile 1926 N. 563, e successive disposizioni;
Visto il R. Decreto 1 luglio 1926 N. 1130 e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato con R.D. 28 ottobre 1940 N. 1443;
Visto l'art. 18 della legge 19 gennaio 1939 N. 129;
Visto il R. Decreto legge 30 ottobre 1943 N. 2/8;

Ritenuto che si versa in istato di necessità per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, primo Ministro Segretario di Stato;
e del Ministro per l'Industria, il Commercio e il Lavoro, d'intesa con i Ministri per l'interno, per la grazia e giustizia e per le finanze.

ABBIAMO DECRETATO E DECRETIAMO:

Art. I

La legge 3 aprile 1926, N. 563, il R. D. 1 luglio 1926, N. 1130 sulla disciplina giuridica dei rapporti collettivi di lavoro e tutte le norme successive emanate per l'attuazione delle predette leggi sono abrogate.

Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di società cooperative, le federazioni e le unioni di più associazioni e le confederazioni di più federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed è abolita la Magistratura del lavoro.

Art. 2

I lavoratori, i datori di lavoro, i liberi esercenti un'arte o una professione o un mestiere hanno il diritto di organizzarsi in associazioni, di tenere riunioni, di eleggere propri rappresentanti per la finalità di cui appresso, e, nell'interesse degli associati o della intera categoria:

(a) di negoziare e stipulare contratti ed accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro, ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;

(b) di svolgere attività mutualistica e di assistenza sociale ed economica.

Successive disposizioni regoleranno la registrazione ed il riconoscimento giuridico delle Associazioni Sindacali e delle commissioni rappresentative.

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Art. 3

In attesa della emanazione di speciali norme per il ripristino degli ordini e collegi di liberi professionisti, restano fermi quelli che sono stati costituiti in forza di ordinanze del Governo Militare Alleato. Laddove non sono stati costituiti, saranno nominati commissari straordinari per la tenuta degli albi e l'applicazione delle leggi e regolamenti professionali. Tali commissari prenderanno in consegna gli archivi dei rispettivi disciolti sindacati fascisti di professionisti e artisti.

Art. 4

L'ammissione nelle associazioni sindacali e la partecipazione ad elezioni non saranno negati agli appartenenti alla categoria interessata, per ragioni di razza, di religione, di nazionalità o di ideologia politica.

Art. 5

Cessa per i datori di lavoro, i lavoratori e i professionisti e artisti l'obbligo del versamento dei contributi sindacali imposti per effetto dell'art. 5 della L. 3 aprile 1926, N. 563 e successive disposizioni, maturati posteriormente alla data dell'entrata in vigore del presente decreto, o alla data in cui nei territori già occupati con provvedimento del Governo Militare Alleato i detti contributi siano stati aboliti e le organizzazioni sindacali fasciste siano state sciolte.

Art. 6

Restano in vigore per i rapporti di lavoro collettivi ed individuali i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del lavoro e nelle ordinanze corporative, di cui agli art. 10 e 13 della legge 3 aprile 1926 n. 563, agli art. 8 e II della legge 5 febbraio 1934 n. 163 e agli art. 4 e 5 del R.D.L. 9 agosto 1943, n. 721, fino a quando non siano modificate da ulteriori decreti, sentenze arbitrali, o da nuovi contratti o accordi collettivi.

Art. 7

Il Ministero per le finanze è incaricato di provvedere in ciascuna provincia, a mezzo delle intendenze di finanza, alla conservazione e all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni e confederazioni di cui all'art. 1, in attesa che con R.D., su proposta del Ministero per l'industria, il Commercio e il Lavoro, di concerto col Ministro per le finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici.

Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sarà effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le

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eventuali liquidazioni dovute da altri enti in forza di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro eserciterà, attraverso un suo apposito Ufficio, le seguenti funzioni:

- (a) Il controllo e il coordinamento dei servizi di registrazione e collocamento della mano d'opera, e della migrazione, immigrazione ed emigrazione dei lavoratori.
- (b) la mediazione, la conciliazione e il deferimento a collegi arbitrali delle controversie di lavoro.
- (c) promuovere, sviluppare, coordinare e controllare i servizi di assicurazione, di previdenza e di assistenza sociale, e sorvegliare le attività istruttive professionali a favore dei prestatori d'opera.
- (d) compilare e pubblicare rapporti e statistiche sulla occupazione, disoccupazione, controversie di lavoro, paghe e salari, orari di lavoro, condizioni di lavoro e materie simili.
- (e) provvedere alla registrazione delle associazioni sindacali e alla pubblicazione dell'elenco di esse.
- (f) provvedere alla registrazione e pubblicazione dei contratti collettivi.
- (g) compiere quant'altro sarà ad esso demandato in forza di disposizioni legislative.

Art. 9

In ciascuna regione è istituito, alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Regionale del Lavoro, cui spetta nell'ambito della regione:

- a) sovrintendere agli Uffici Provinciali del Lavoro, coordinandone l'attività.
- b) coordinare i servizi di collocamento dei prestatori d'opera, e curare quanto attiene alle migrazioni di mano d'opera da provincia a provincia.
- c) pubblicare i contratti collettivi interessanti soltanto la regione nei casi in cui sarà disposto dal Ministero per l'Industria, il Commercio e il Lavoro.
- d) svolgere azione di mediazione e conciliare e deferire a Collegi Arbitrali le controversie di lavoro che interessino più province oppure di speciale importanza.
- e) promuovere lo sviluppo di attività previdenziale, assistenziale, istruttiva ed educativa a favore dei prestatori d'opera.
- f) compilare relazioni e statistiche in materia di lavoro.
- g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata.

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Art. 10

In ciascuna provincia è istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia:

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- (a) Provvedere alla registrazione e al collocamento dei prestatori d'opera.
- (b) svolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro.
- (c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera.
- (d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

Art. 11

Le controversie di lavoro dovranno essere denunziate agli Uffici del Lavoro competenti, che espletteranno il tentativo di conciliazione. Oltre i casi speciali in cui lo Sciopero e la Serrata fossero vietati, saranno anche considerati illegali in mancanza di preventiva denuncia o prima che sia decorso il termine di giorni ventuno da essa.

Restano ferme per le controversie individuali di lavoro le disposizioni dell'ar. 43 e seguenti del C.P.C., in quanto applicabili.

Non realizzandosi la conciliazione, gli Uffici del Lavoro, su concorde richiesta delle parti, rimetteranno le controversie alla decisione di un Collegio Arbitrale, alla cui costituzione provvederanno, scegliendone di regola i membri negli appositi "albo degli Arbitri del Lavoro".

I Ministri per l'Industria, il Commercio e il Lavoro e i Direttori degli Uffici Regionali del Lavoro, possono, a richiesta di parte o di Ufficio, avocare a se il tentativo di conciliazione e il deferimento a un Collegio Arbitrale delle controversie individuali o collettive di Lavoro di competenza di un Ufficio sottoposto.

Art. 12

Allorquando le controversie individuali non siano deferite alla decisione arbitrale, le parti sono libere di rivolgersi alla competente Magistratura, secondo la vigente legislazione in materia. Per le controversie collettive di lavoro l'arbitrato presso gli Uffici del Lavoro e' obbligatorio nei casi in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nei casi e per il tempo in cui lo Sciopero e la Serrata siano legalmente vietati.

Art. 13

Le decisioni arbitrali in materia di lavoro saranno pronunziate secondo equita' e saranno inappellabili. Esse avranno forza vincolante di sentenza, e potranno essere spedite in forma esecutiva, previo deposito presso l'Autorita' Giudiziaria, agli effetti delle vigenti norme del C.P.C.

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Le decisioni arbitrali delle controversie di competenza degli Uffici Provinciali del Lavoro saranno depositate presso il Tribunale del Capoluogo di Provincia. Quelle di competenza degli Uffici Regionali del Lavoro, presso la Corte d'Appello nella cui giurisdizione e' la sede dell'Ufficio. Quelle in materia di controversie nazionali presso la Corte d'Appello della Capitale del Regno. Non si applica alle sentenze arbitrali di lavoro la disposizione di cui all'art. 825 del C.P.C. relativa al termine di deposito.

Gli Uffici Del Lavoro rimetteranno al Ministero per l'Industria, il Commercio e il Lavoro copia delle decisioni arbitrali delle controversie di lavoro, eccetto per quelle categorie di controversie individuali che saranno determinate dal Ministero.

Tutti gli atti e documenti dei giudizi arbitrali in materia di lavoro sono esenti dalle tasse di bollo e di registro, eccetto la sentenza che e' sottoposta a tassa fissa di registro.

Art. 14

Chiunque, formalmente invitato da un Ufficio di Lavoro, per l'esperimento di un tentativo di conciliazione di una controversia di lavoro, non si presenti o rifiuti di presentarsi senza legittimo motivo, e' passibile di un'ammenda fino a lire diecimila.

Art. 15

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformita' al disposto dell'art. 495 C.P.C. si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 299 e 301 C.P.C.

Art. 16

Gli Ispettorati Corporativi assumono la denominazione di "Ispettorati di Lavoro" sotto la giurisdizione del Ministero per l'Industria, Commercio e Lavoro. Essi svolgeranno localmente la loro attivita' alle dipendenze degli Uffici Regionali del Lavoro, di cui divengono organi specifici per la vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociali, e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate. Restano fermi i poteri a essi conferiti coi RR.DD.LL. 30 dicembre 1923, n. 3245, 23 dicembre 1931, n. 1648, 4 ottobre 1935, n. 1827 e col R.D. 17 agosto 1935, n. 1765.

Art. 17

Tutte le nomine del personale dei sopra indicati uffici saranno fatte in conformita' delle disposizioni che regolano l'assunzione del personale statale.

Art. 18

La spesa per gli Uffici Provinciali, Regionali e Nazionali del Lavoro

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e quella per il trattamento economico del personale in servizio presso di essi saranno a carico dello Stato.

Il Ministro per le finanze e' all'uopo autorizzato alle conseguenti impostazioni in bilancio.

Art. 19

Restano abrogate tutte le disposizioni contrarie alla presente legge, il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, integrative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civile, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 20

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale.

Esso sara' presentato alle assemblee legislative per la conversione in legge.

Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.

Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Salerno

Aprile 1944

(Presented to General MacFarlane 16 April 1944)

(E)

Notes on the Draft Royal Decree "Abolishing the Fascist Syndical-Corporative System, authorizing the Establishment of Trade Unions and of Labor Offices, and governing Labor Relations".

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I

1. The Draft Decree in its present form abolishes the Fascist Corporative System in Italy, sanctions the situation created in fact and in law by the Allied Military Occupation and guarantees to the people of Italy certain fundamental labor principles. The suppression of the Syndical-Corporative System is effected by the provisions contained in Article I, which rescinds the basic laws of 1926. In the second sub-section of this article, a detailed enumeration is made of the various institutions that have been abolished and it were well to note that in the present draft the Syndical Cooperative Societies and the Special Labor Magistracy have been included in the list.

2. The abolition of the Corporative System contained in Article I has, of course, necessitated the inclusion of such provisions as would meet the various contingencies consequent on this dissolution, and more specifically in respect of:-

- a. The re-establishment of the Collegi Professionali (Article 3);
- b. The suppression of the compulsory syndical contributions (Article 5);
- c. The disposal of the estates of syndical organizations. (Article 7);
- d. The continued enforcement of conditions of employment stipulated in existing collective contracts (Article 6);
- e. The procedure to be followed in such pending individual labor controversies for which the contending parties were represented by their respective syndicates (Article 15);
- f. The settlement of indemnities for discharge due to the personnel of the dissolved syndicates (Article 7);
- g. The reference of individual labor controversies in conformity with Article 431 of the Code of Civil Procedure (Article 11).

II

1. The suppression of the Corporative System has naturally given rise to the urgent necessity of creating effective machinery to deal with the problems of Labor Relations.

The basic principle underlying the Syndical System was ostensibly the subordination of the economic forces to the political exigencies of the nation. But in actual fact the essential characteristic which emerged was an untenable and confused situation in which, for the settlement of

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labor disputes and labor problems in general, the right and responsibilities of the three factors that came into play were never clearly defined, either in fact or in law.

The syndicates which in theory were autonomous, became almost entirely state administrative agencies--partly as a result of legislative control, partly as a result of arbitrary officious interference. Thus collective contracts were only contracts in name since in reality these became merely 'administrative acts'. This represents the situation which the Labor Sub-Commission desires to remedy through the establishment of democratic principles in labor organization and through the creation of a system that would definitely exclude the authoritarian approach to labor problems.

Italian labor legislation prior to the advent of Fascism was not sufficiently advanced to warrant a return to the status quo ante. It should be enough to point out that before 1922, trade unions in Italy were only accepted in fact and not recognized as of right--a situation that had been overcome in Great Britain in 1871, in France in 1884, and in U.S.A. in 1890. Moreover, during the twenty years of Fascist rule in Italy, labor relation machinery has undergone, both in Great Britain and in U. S. A., considerable progressive changes and this machinery has since been brought into line to meet the present exigencies of war.

2. The main objective of the present Draft Decree has been that of creating an effective and expeditious Labor Agency through which Labor Relations might satisfactorily be regulated, with a minimum of interference or imposition by the State. It is thought that the machinery brought into being by this particular Draft does not only provide an organic whole in itself, but it also sets up a structure equal to the present difficult, if historic, situation in which we have to face the task of replacing totalitarian dogma by democratic principles.

In the formulation of the present project, the Labor Sub-Commission has naturally drawn extensively on Labor experience in U.S.A. and Great Britain, but in the meantime the essential necessity of throwing this against the traditional legislative background of the Italian Nation has been constantly borne in mind.

The principal features of the project are the following:-

a. The Labor Offices are instituted as the specific State organization through which all labor problems are studied and controlled. In these Offices will be centered, directly or indirectly, those functions which are the competence of the State, in the Labor Field. (Articles 8, 9, 10)

b. A definite procedure for Mediation, conciliation and Arbitration has been created for the settlement of labor disputes. (Articles 11, 12, 13)

c. The right to organize and pursue activities of Collective Bargaining and improvement of Economic and Social standards has been guaranteed to the working class. (Article 2)

d. Freedom to seek membership in the Trade Unions irrespective of race, religion and political affiliation has been safeguarded. (Article 4)

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e. The Labor Offices have been vested with special powers to intervene efficiently and in good time any Labor Controversy or problem that might arise. (Article 14)

f. The "Ispettorati Corporative" have been transformed into "Ispettorati del Lavoro", which, under the direction and guidance of the Labor Offices, will have the specific duties of supervising the proper application of labor legislation.

III

1. A number of substantial differences emerge from a comparison of the attached Draft Decree and the last Draft forwarded to this Sub-Commission by His Excellency, The Minister for Industry, Commerce and Labor. Of these, the most outstanding is undoubtedly the question of Collective Labor Disputes which, as is considered, have been effectively catered for under the former Draft, but are somewhat summarily disposed of by the Ministerial Decree. A matter of such moment must, of course, be regulated by specific legislation and not left at the mercy of an elastic policy only to be clearly defined on the spur of the moment when a crisis has arisen. The serious situations that might develop as a result of such an omission are too obvious to require further elucidation. Preference has been given to the system of "reference to Arbitration Boards" (to be constituted from previously prepared Panels) in view of the very convincing result achieved both in Great Britain and U. S. A., The Fascist method of submitting Labor Disputes to a Special Labor Magistracy appears to have had certain handicaps which do not crop up under the "Board" system. Owing to the obvious professional outlook of the Magistrates and the rather cumbersome procedure, quite in keeping with Court traditions, the solution of Collective Labor Controversies, in fact, do not appear to have been brought about with that rapidity and objectiveness which such matters require and particularly in those instances where the formulation of new conditions of employment was involved. In this Draft, it has been found possible to allow all Individual Labor Disputes to be referred to Arbitration Boards on a voluntary basis: In respect of Collective Labor Disputes, Arbitration has been generally laid down as voluntary and is only compulsory

a. At all times, in questions affecting the interpretation of Collective Contracts; and

b. temporarily, at such times and under such conditions when strike and lock-out have been prohibited--as for example during a State War.

2. Other differences between the two Drafts are the following:-

a. In Article I of the present draft, the "Syndical Cooperative Societies" and the "Special Labor Magistracy" have been added to the list of suppressed Fascist organizations. This was necessary to complete the detailed enumeration also contained in the Ministerial Article I.

b. In Article II, special emphasis has been made on the right of collective bargaining and of stipulating collective contracts, in respect of which the possibility of representation of an entire industry or craft has been foreseen. Separate legislative measures will, of course,

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determine whether trade union representatives, in concluding an agreement, would be acting on behalf of an entire Industry or Craft, or merely on behalf of a particular group of workmen.

A separate Decree governing the registration of Trade Unions and their juridical recognition is being prepared; it is sufficient in the present Decree to establish the principle, in general.

c. In Article III, the re-institution of the "Ordini e Collegi Professionale" has been catered for on the lines previously suggested by the Ministerial Draft, provision being also made for the transitional period.

d. In Article IV, which was omitted in the Ministerial Draft, the principle of free membership to the Trade Unions has been established, irrespective of religion, race or political affiliation. This Article is considered of paramount importance in view of past and present tendency in Italy to set up Trade Unions on a political basis. It is true that in pre-Fascist Italian legislation, no discrimination was made on religious, racial or political grounds, but since this only safeguards the principle of equality of citizenship and in no way precludes the inclusion of discriminatory clauses in the constitution of a Trade Union organization, it has been considered necessary to clarify the position from a point of view of "the workman and his labor organizations".

e. In Article V, provision has been made for the abolition of Syndical Contribution as from the date on which A.M.G. had suppressed the Syndical System, in those territories which were previously occupied by the Allied Government. The Ministerial Article III would have made workmen liable to the payment of Syndical contributions for the intervening period, namely, between the date on which AMG abolished the Syndical System or the contributions and the date on which the present Decree shall be published.

f. In Article VI, the decisions of the Special Labor Magistracy have been added to the acts that shall remain in force in respect of conditions of employment in Collective Contracts. This had been omitted in the Ministerial Article IV.

The stipulation of new Collective Contracts, moreover, has been included as a possible condition for the lapse of existing contracts.

g. In Article VII, provision has been made for estates belonging to the dissolved workmen's organization to be disposed of to the advantage of the working classes. This was not covered by the Ministerial Article V.

h. In Article VIII, a National Labor Office has been created in order to enable the Ministry to discharge executive functions on a National level. This had been omitted in the Ministerial Draft.

i. Articles IX and X, which correspond to the Ministerial Articles VI and VII, define the functions of the Regional and Provincial Labor Offices. The principal divergence from the Ministerial Draft has been sufficiently clarified in III 2 above.

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Amongst the duties of these offices is the registration of Trade Unions and of Collective Contracts which is of paramount importance in any juridical system and which, of course, would have to be regulated by separate legislation.

j. The provisions of Articles XI and XII differ somewhat from those of the Ministerial Article VIII--a matter which has already been dealt with in III 2 above.

k. Article XIII, which is only partially covered by the final subsection of the Ministerial Article VIII, lays down an expeditious procedure to be followed in respect of Arbitration awards, so that these decisions may become operative irrespective of any future promulgation of more conclusive legislative measures in this matter.

l. Article XIV, which has no counterpart in the Ministerial draft, aims at rendering more effective any attempts at conciliation and lends authority to the Labor Offices in obtaining the cooperation of contending parties in the settlement of a Labor Dispute.

m. Article XV corresponds to the Ministerial Article IX; the last sub-section in the Ministerial Article has been considered as superfluous, since the present Decree in no way interferes with the judicial competence of the "Ufficio del Lavoro Portuale", the "Capitaneria del Porto" and the "Tribunale Fallimentare", all of which were set up by legislation that has not been rescinded.

n. In Article XVI, which corresponds to the Ministerial Article XI, the "Ispettorato Corporativo" has been transformed once more into the "Ispettorato del Lavoro", which was in existence under a different name before the advent of Fascism. It was considered inopportune that an organization adequately equipped, staffed by experienced personnel, and in possession of important records, should be dispersed or transformed into an "Industrial Organization". Moreover, it were well that the functions of supervision over the execution of Labor Legislation--strictly analogous to those of a "Labor Police"--should remain the responsibility of this special organization instead of being transferred to a newly formed Agency with many other important duties to perform.

o. Article XVII, which has no corresponding article in the Ministerial Draft, has been included in order to ascertain that all appointments in the Labor Offices are made strictly in accordance with civil service procedure - as opposed to the precedent created in previously occupied territories where the appointment of Directors had been temporarily devolved on the Prefects.

15 April 1944

E. J. SCICLUNA,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

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785016

Spere *1st Draft (6A)*
DRAFT ROYAL DECREE ABOLISHING THE FASCIST SYNDICAL-CO-OPERATIVE SYSTEM, AUTHORIZING THE ESTABLISHMENT OF TRADE UNIONS AND OF LABOR OFFICES, AND GOVERNING LABOR RELATIONS.

Whereas Article 15 of the Law of 19th January, 1939, No. 129; and

Whereas the Royal Decree of 30th October, 1943, No. 2/B; and

Whereas the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto; and

Whereas the Royal Decree of 1st July, 1926, No. 1130, and regulations issued pursuant thereto; and

Whereas it is considered necessary owing to the existing state of war;

Having heard the Council of Ministers on the proposal of the Head of the Government, Prime Minister Secretary of State" and of the Minister for Industry, Commerce and Labor;

We hereby decree as follows:-

ARTICLE I

The Law of 3rd April, 1926, No. 563, and the Royal Decree of 1st July, 1926, No. 1130, dealing with the juridical code governing collective labor relations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed.

Trade Union
 All ~~Syndical Associations~~ of Employers, Workmen, Professional Men and Artists, Syndical Cooperative Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations juridically recognized in conformity with the two abovementioned laws are ~~therefore~~ repealed: The special labor Magistracy is also abolished.

ARTICLE II

and
 Employees, employers and persons who engage in independent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for any or all of the purposes set out below, and, in the interest of members or of a whole industry or craft

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;

The Law of 3rd April, 1926, No. 563, and the Royal Decree of 1st July, 1926, No. 1130, dealing with the juridical code governing collective labor relations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed.

Trade Union
All Syndical Associations of Employers, Workmen, Professional Men and Artists, Syndical Cooperative Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations juridically recognized in conformity with the two abovementioned laws are therefore repealed: The special Labor Magistracy is also abolished.

ARTICLE II

Employees, employers and persons who engage in independent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for any or all of the purposes set out below, and, in the interest of members or of a whole industry or craft

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances.

b) To further mutual social and economic assistance.

The registration and juridical recognition of the Trade Unions and their representative bodies shall be regulated by separate legislation.

ARTICLE III

Pending publication of special regulations governing the re-institution of the "Ordini e Collegi di liberi professionisti", recognition is hereby given to those organizations that have been established by R.M.G. ordinances. Wherever these have not been instituted, Commissioners shall take over the respective archives of the dissolved Fascist Syndicates of professional men and artists.

ARTICLE IV

Membership in any of the above Associations and the right of exercising a vote shall not be denied to any person because of race, religion, nationality or political affiliation.

ARTICLE V

The obligation to pay syndical contributions (in conformity with Article 5 of the Law of 3rd April, 1926, No. 563, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in territories turned over by the A.M.C. as from the date on which the Allied Military Government abolished Syndical Contributions or Fascist Syndical Organization.

ARTICLE VI

In Collective and Individual Labor Relations, the conditions, regulations, wage scales contained in collective contracts, in economic agreements, in sentences delivered by the Special Labor Magistracy, and in corporative ordinance, in conformity with Article 10 and Article 13 of the Law of 5th February, 1934, No. 163, and of Article 4 and Article 5 of the Royal Decree of 9th August, 1943, No. 721, shall continue to be binding until revised further by Decree, arbitration awards, or newly executed collective agreements and contracts.

ARTICLE VII

The Ministry of Finance shall be responsible, in every Province and through the "Intendenza di Finanza", to provide for the administration and preservation of the estates belonging to the associations, Federations and Confederations as provided by Article I above, pending further decisions respecting their final allocation. Through a Royal Decree, on the proposal of the Minister for Industry, Commerce and Labor in concert with the Minister of Finance, regulations shall be issued for the definite disposal of the aforementioned estates, provision being made in the case of estates belonging to workers' organizations for their disposal to the advantage of the working classes.

Regarding the payment of "Discharge Indemnity" (Indennita' di Giescenza) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with existing regulations for the personnel of each organization, except for such liquidations as are due by other institutions as a result of special insurance contracts.

ARTICLE VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

- a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;

Industry, Commerce and Labor in connection with the disposal of the aforementioned estates, shall be issued for the definite disposal of the aforementioned estates, provision being made in the case of estates belonging to workers' organizations for their disposal to the advantage of the working classes.

Regarding the payment of "Discharge Indemnity" (Indennita' di licenziamento) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with existing regulations for the personnel of each organization, except for such liquidations as are due by other institutions as a result of special insurance contracts.

ARTICLE VIII

The Ministry for Industry, Commerce and Labor, through an appropriate National Office, shall exercise the following functions:

- a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;
- b) Mediation, conciliation, and reference to arbitration of labor disputes;
- c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old age pensions, unemployment and health insurance and related labor services as well as supervise Trade instruction and training of work people;
- d) Compilation and publication of reports and statistics on employment, unemployment, labor disputes, wages and salaries, hours of work, conditions of employment and related matters;
- e) Provision for the registration, maintenance and publication of lists of Trade Unions;
- f) Registration and publication of collective contracts;
- g) Discharge of such other functions as may be entrusted to it by decree and legislation.

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which will be determined by the "Regulations" of the present act.

Article 20

Article 20

In every Region there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Regional Labor Office which shall exercise, within the limits of the Region, the following functions:

- e) Supervision of the Provincial Labor Offices, with a view to coordinating their activities;
- f) Coordination of placement of labor and provision for the migration of labor from one Province to another;
- g) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;
- h) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;
- i) Promotion and development of Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervise Trade instructions and training of work people;
- j) Compilation of information and statistics on labor;
- k) Study and investigation (of Labor matters) and discharge of any other labor duties as may be devolved upon it.

ARTICLE X

In every Province there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Provincial Labor Office which shall exercise, within the limits of the Province, the following functions:

- a) Provision of registration and placement of labor;
- b) Mediation, Conciliation, and reference to arbitration of labor disputes;
- c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;
- d) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

ARTICLE XI

Other labor duties as may be devolved upon it.

within the Department
ARTICLE X

In every Province there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Provincial Labor Office which shall exercise, within the limits of the Province, the following functions:

- a) Provision of registration and placement of labor;
- b) Mediation, Conciliation, and reference to arbitration of labor disputes;
- c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;
- d) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

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ARTICLE XI

notified
Labor Disputes shall be referred to the ~~competent~~ Labor Offices, whose responsibility it shall be to attempt conciliation.

In addition to such other circumstances in which they are prohibited, strikes and lock-outs shall be prohibited in the event of failure to report the labor dispute or when resorted to before twenty-one days from the notification of the dispute.

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For Individual Labor Disputes the appropriate provisions of Article 431 et sequentia of the Code of Civil Procedure remain in force.

Such cases as are not settled by conciliation on the joint request of the interested parties shall be referred by the Labor Office to an Arbitration Board, which shall be set up for the occasion by the Labor Office, the individual members being selected from the appropriate panels of arbitrators.

Board of Conciliation
The Minister of Industry, Commerce and Labor and the Director of any Regional Labor Office concerned shall be empowered, on the request of one of the interested parties or on his own initiative, to transfer for consideration of his office any case of conciliation or of reference to arbitration in any labor dispute of an office at a lower level.

ARTICLE XIII

Whenever an individual labor dispute has not been submitted for arbitration, interested parties shall be free to refer their controversy to the competent Magistracy, in accordance with existing legislation on the matter.

In collective labor disputes, arbitration through the Labor Offices shall be compulsory in such cases as only involve the interpretation of a collective contract and in such cases and at such times as strike and lock-out are prohibited by law.

ARTICLE XIII

Arbitration awards in labor matters shall be made in equity, and shall be final.

These awards shall have the binding force of a judicial sentence, and may be issued in executive form, subject to previous registration with the judicial authorities in accordance with existing regulations contained in "Code of Civil Procedure".

Arbitration awards in respect of disputes dealt with by Provincial Labor Offices shall be filed in the High Court of the Provincial Capital, those dealt with by the Regional Office in the Court of Appeal of the area in which the seat of the Office is located, those in respect of National disputes in the Court of Appeal of the National Capital.

Arbitration awards shall not be subject to the provisions contained in Article 625 of the Code of Civil Procedure.

The Labor Offices shall forward to the Minister of Industry, Commerce and Labor a copy of the arbitration awards in respect of labor disputes, except for such types of individual labor disputes as the Minister for Industry, Commerce and Labor may direct.

All acts and documents pursuant to arbitration awards in respect of labor questions shall be exempt from Stamp Tax and Registration Tax, except those awards that are liable to a fixed registration fee.

ARTICLE XIV

On the formal request of a Labor Office to attempt conciliation in a labor dispute, whoever refuses or fails to present himself, without showing just cause, shall be liable to fine of not more than lire 10,000.

ARTICLE XV

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 625

The Labor Offices shall forward to the Minister of Industry, Commerce and Labor a copy of the arbitration awards in respect of labor disputes, except for such types of individual labor disputes as the Minister for Industry, Commerce and Labor may direct.

All acts and documents pursuant to arbitration awards in respect of labor questions shall be exempt from Stamp Tax and Registration Tax, except those awards that are liable to a fixed registration fee.

ARTICLE XIV

On the formal request of a Labor Office to attempt conciliation in a labor dispute, whoever refuses or fails to present himself, without showing just cause, shall be liable to fine of not more than Lire 10,000.

ARTICLE XV

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 299 and Article 301 of the Code of Civil Procedure shall be applied to such controversies as are still pending before the Courts.

ARTICLE XVI

The Corporative Inspectorate shall be known as the "Inspectorate of Labor" and shall be under the jurisdiction of the Minister of Industry, Commerce and Labor. The Inspectorate shall locally exercise its functions under the direction of the Regional Labor Offices, of which it shall be the specific organization for the supervision and enforcement of regulations governing labor, social services and the application of Collective Contracts. The Inspectorate shall continue to enjoy the powers conferred upon it by the Royal Decree of 30 December, 1923, No. 3245, of 25th December, 1931, No. 1634, of 4th October, 1935, No. 1827, and by Royal Decree of 17th August, 1935, No. 1765.

ARTICLE XVII

All appointments to posts in the aforementioned labor agencies shall be made in accordance with civil service procedure.

ARTICLE XVIII

The expenditure involved in the running of the National, Regional and Provincial Labor Offices and in defraying the salaries of personnel attached thereto, shall be the responsibility of the State.

The Ministry of Finance is authorized, therefore, to meet this expenditure.

ARTICLE XIX

All legislation contrary to the present law is hereby rescinded. The King's Government shall have the authority to enact, by Royal Decree, the complementary and integrating provisions and regulations for the execution of the present decree, for its coordination to the Civil and Penal Codes, to the Code of Civil Procedure and any other legislation of the State.

ARTICLE XX

The present decree shall enter into force on the date of publication in the Official State Gazette -- Special Series. This decree shall be presented to the Legislative Assembly for conversion into law.

The Head of the Government, Prime Minister Secretary of State, and the Minister for Industry, Commerce and Labor, joint sponsors, are authorized to submit the relevant Draft Law.

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

Given in Salerno

April, 1944

Minister for Industry, Commerce and Labor, joint sponsors, are authorized to submit the relevant Draft Law.

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

Given in Salerno

April, 1944

SCHEMA DI R.DECRETO LEGGE

Abolizione del sistema sindacale-corporativo fascista, autorizzazione a costituire associazioni sindacali, istituzione degli Uffici del Lavoro e regolamento dei rapporti di lavoro.

VITTORIO EMANUELE III

Per grazia di Dio e per volontà della Nazione
Re d'Italia

Vista la legge 3 aprile 1926 N.563, e successive disposizioni;
Visto il R.Decreto 1 luglio 1926 N.1130 e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato con R.D.28 ottobre 1940 N.1443;
Visto l'art.18 della legge 19 gennaio 1939 N.129;
Visto il R.Decreto Legge 30 ottobre 1943 N.2/B;

Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, primo Ministro Segretario di Stato; e del Ministro per l'Industria, il commercio e il lavoro, d'intesa con i Ministri per l'interno, per la grazia e giustizia e per le finanze;

ABBIAMO DECRETATO E DECRETIAMO:

Art. I

La legge 3 aprile 1926, N.563, il R.D. 1 luglio 1926, N.1130 sulla disciplina giuridica dei rapporti collettivi di lavoro e tutte le norme successive emanate per l'attuazione delle predette leggi sono abrogate.

Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di società cooperative, le federazioni e le unioni di tutti le associazioni e le confederazioni di più federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed è abolita la Magistratura del Lavoro.

Art. 2

I lavoratori, i datori di lavoro, i liberi esercenti un'arte o una professione o un mestiere hanno il diritto di organizzarsi in associazioni, di tenere riunioni, di eleggere propri rappresentanti per le finalità di cui appresso, e, nell'interesse degli associati o della intera categoria:

(a) di negoziare e stipulare contratti ^{ed} accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro, ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;
(b) di svolgere attività mutualistica e di assistenza sociale.

La legge 3 aprile 1926, N. 563, il R.D. 1 luglio 1926, N. 1130 sulla disciplina giuridica dei rapporti collettivi di lavoro e tutte le norme successive emanate per l'attuazione delle predette leggi sono abrogate.

Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di società cooperative, le federazioni e le unioni di più associazioni e le confederazioni di più federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed è abolita la Magistratura del Lavoro.

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(a) di negoziare e stipulare contratti ^{di} accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro, ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;

(b) di svolgere attività mutualistica e di assistenza sociale ed economica.

Successive disposizioni regoleranno la registrazione ed il riconoscimento giuridico delle Associazioni Sindacali e delle commissioni rappresentative.

Art. 3

In attesa della emanazione di speciali norme per il ripristino degli ordini e collegi di liberi professionisti, restano fermi quelli che nei territori liberati sono stati costituiti o riconosciuti dalle competenti autorità. Laddove non sono stati costituiti, saranno nominati commissari straordinari per la tenuta degli albi e l'applicazione delle leggi e regolamenti professionali. Tali commissari prenderanno in consegna gli archivi dei rispettivi disciolti sindacati fascisti di professionisti e artisti.

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Art. 4

L'ammissione nelle associazioni sindacali e la partecipazione ad elezioni non saranno negati agli appartenenti alla categoria interessata, per ragioni di razza, di religione, di nazionalità o di ideologia politica.

Art. 5

Cessa per i datori di lavoro, i lavoratori e i professionisti e artisti l'obbligo del versamento dei contributi sindacali imposti per effetto dell'art. 5 della L. 3 aprile 1926, N. 563 e successive disposizioni, maturati posteriormente alla data dell'entrata in vigore del presente decreto, a quella precedente data in cui nei territori già occupati con provvedimento del Governo Militare Alleato i detti contributi siano stati aboliti o le organizzazioni sindacali fasciste siano state sciolte.

Art. 6

Restano in vigore per i rapporti di lavoro collettivi ed individuali i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del Lavoro e nelle ordinanze corporative, di cui agli art. 10 e 13 della legge 3 aprile 1926 N. 563, agli art. 8 e 11 della legge 5 febbraio 1934 N. 163 e agli art. 4 e 5 del R.D.L. 9 agosto 1943, N. 721, fino a quando non siano modificate da ulteriori decreti, sentenze arbitrali, o da nuovi contratti o accordi collettivi.

Art. 7

Il Ministero per le Finanze e' incaricato di provvedere in ciascuna Provincia, a mezzo delle Intendenze di Finanza, alla conservazione ed all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni o confederazioni di cui all'art. 1 in attesa che con R.D., su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro per le Finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici. Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni dovute da altri enti in forza di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro eserciterà,

Art. 7

Il Ministero per le Finanze e' incaricato di provvedere in ciascuna Provincia, a mezzo delle Intendenze di Finanza, alla conservazione ed all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni o confederazioni di cui all'art. 1 in attesa che con R.D., su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro per le finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici. Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni dovute da altri enti in forza di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro esercitera', attraverso un suo apposito Ufficio, le seguenti funzioni:

- (a) Il controllo e il coordinamento dei servizi di registrazione e collocamento della mano d'opera, e della migrazione, immigrazione ed emigrazione dei lavoratori;
- (b) la mediazione, la conciliazione e il deferimento a collegi arbitrali delle controversie di lavoro;
- (c) promuovere, sviluppare, coordinare e controllare i servizi di assicurazione, di previdenza e di assistenza sociale, e sorvegliare le attivita' istruttive professionali a favore dei prestatori d'opera;
- (d) compilare e pubblicare rapporti e statistiche sulla occupazione, disoccupazione, controversie di lavoro, paghe e salari, orari di

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lavoro, condizioni di lavoro e materie simili;
 (e) provvedere alla registrazione delle associazioni sindacali e alla pubblicazione dell'elenco di esse;
 (f) provvedere alla registrazione e pubblicazione dei contratti collettivi;
 (g) compiere quant'altro sara' ad esso demandato in forza di disposizioni legislative.

Art. 9

In ciascuna regione, i cui limiti saranno determinati dal regolamento alla presente legge, e' istituito, alla dipendenza del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Regionale del Lavoro, cui spetta nell'ambito della regione:

- a) sovraintendere agli Uffici Provinciali del Lavoro, coordinandone l'attivita';
- b) coordinare i servizi di collocamento dei prestatori d'opera, e curare quanto attiene alle migrazioni di mano d'opera da provincia a provincia;
- c) pubblicare i contratti collettivi interessanti soltanto la regione nei casi in cui sara' disposto dal Ministero per l'Industria, il Commercio e il Lavoro;
- d) svolgere azione di mediazione e conciliare e deferire a Collegi Arbitrali le controversie di lavoro che interessino piu' provincie eppure di speciale importanza;
- e) promuovere lo sviluppo di attivita' previdenziale, assistenziale, istruttive ed educative a favore dei prestatori d'opera;
- f) compilare relazioni e statistiche in materia di lavoro;
- g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

Art. 10

In ciascuna provincia e' istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia:

- (a) provvedere alla registrazione e al collocamento dei prestatori d'opera;
- (b) avolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro;
- (c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera;
- (d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro;

f) compilare relazioni e statistiche in materia di lavoro;
g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

Art. 10

In ciascuna provincia e' istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia:

- (a) provvedere alla registrazione e al collocamento dei prestatori d'opera;
- (b) svolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro;
- (c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera;
- (d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro;

Art. 11

Su denuncia di una parte interessata gli Uffici del Lavoro competenti espletano il tentativo di conciliazione delle controversie del Lavoro.

Oltre i casi speciali in cui lo Sciopero e la Serrata fossero vietati, saranno anche considerati illegali in mancanza di preventiva denuncia o prima che sia decorso il termine di giorni ventuno da essa. Restano ferme per le controversie individuali di lavoro le disposizioni dell'art. 43 e seguenti del C.P.C., in quanto applicabili. Non realizzandosi la conciliazione, gli Uffici del Lavoro, su concorde richiesta delle parti, rimetteranno le controversie alla decisione di un Collegio Arbitrale, alla cui costituzione provvederanno, scegliendo

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done di regola i membri negli appositi "albi degli Arbitri del Lavoro".

Art. 12

Per le controversie collettive di Lavoro e' competente l'Ufficio Provinciale del Lavoro nella cui circoscrizione ha vigore il contratto collettivo da applicare o in cui si svolgono i rapporti di lavoro da regolare. Se il contratto collettivo o i rapporti di lavoro riguardano piu' province di una regione e' competente l'Ufficio Regionale del Lavoro. Se riguardano invece due o piu' regioni o province di diverse regioni e' competente il Ministero per l'Industria, il Commercio e il Lavoro. Per le controversie individuali di lavoro e' competente l'Ufficio Provinciale del Lavoro nella cui circoscrizione e' compresa l'Autorita' Giudiziarla competente a conoscere della controversia.

Il Ministro per l'Industria, il Commercio e il Lavoro e i Direttori degli Uffici Regionali del Lavoro possono, a richiesta di parte o di ufficio, avocare a se il Tentativo di conciliazione e il deferimento a un Collegio Arbitrale delle controversie individuali o collettive di lavoro di competenza di un ufficio sottoposto.

Art. 13

Allorquando le controversie individuali non siano deferite alla decisione arbitrale, le parti sono libere di rivolgersi alla competente Magistratura, secondo la vigente legislazione in materia. Per le controversie collettive di lavoro l'arbitrato presso gli Uffici del Lavoro e' obbligatorio nei casi in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nei casi e per il tempo in cui lo sciopero e la serrata siano legalmente vietati.

Art. 14

Le decisioni arbitrali in materia di lavoro saranno pronunziate secondo equita' e saranno inappellabili. Esse avranno forza vincolante di sentenza, e potranno essere spedite in forma esecutiva, previo deposito presso l'Autorita' Giudiziarla, agli effetti delle vigenti norme del C.P.C. Le decisioni arbitrali delle controversie di competenza degli Uffici Provinciali del Lavoro saranno depositate presso il Tribunale del Capoluogo di Provincia. Quelle di competenza degli Uffici Regionali del Lavoro, presso la Corte d'Appello nella cui giuri-

decisione arbitrale, le parti sono libere di rivolgersi alla competente Magistratura, secondo la vigente legislazione in materia. Per le controversie collettive di lavoro l'arbitrato presso gli Uffici del Lavoro e' obbligatorio nei casi in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nei casi e per il tempo in cui lo sciopero e la serra-
ta siano legalmente vietati.

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Art. 15

Chiunque, formalmente invitato da un Ufficio del Lavoro, per lo sperimento di un tentativo di conciliazione di una controversia di lavoro, non si presenti o rifiuti di presentarsi senza legittimo motivo, e' passibile di un'ammenda fino a lire diecimila.

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Art. 16

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformità al disposto dell'art. 435 C.P.C. si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 299 e 301 C.P.C.

Art. 17

Gli Ispettorati Corporativi assumono la denominazione di "Ispettorati di Lavoro" sotto la giurisdizione del Ministero per l'Industria, Commercio e Lavoro. Essi svolgeranno localmente la loro attività alle dipendenze degli Uffici Regionali del Lavoro, di cui divengono organi specifici per la vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociali, e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate. Restano fermi i poteri a essi conferiti col R.D. 30 dicembre 1923, n. 3245, 28 dicembre 1933 n. 1648, 4 ottobre 1935, n. 1827 e col R.D. 17 agosto 1935, n. 1765.

Art. 18

Tutte le nomine del personale dei sopra indicati uffici saranno fatte in conformità delle disposizioni che regolano l'assunzione del personale statale.

Art. 19

La spesa per gli Uffici Provinciali, Regionali e Nazionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a cari o dello Stato. Il Ministro per le Finanze è all'uopo autorizzato alle conseguenti impostazioni in bilancio.

Art. 20

Restano abrogate tutte le disposizioni contrarie alla presente legge. Il Governo del Re è autorizzato a dare per Regio Decreto le disposizioni complementari, integrative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civile, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 21

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale. - Esso sarà presentato alle assemblee legislative per la conversione in legge.

Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati

Art. 19

La spesa per gli Uffici Provinciali, Regionali e Nazionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a cari o dello Stato.
Il Ministro per le Finanze e' all'uopo autorizzato alle conseguenti impostazioni in bilancio.

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Restano abrogate tutte le disposizioni contrarie alla presente legge.
Il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, integrative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civile, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 21

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale. -
Esso sara' presentato alle assemblee legislative per la conversione in legge.
Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.
Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

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Dato a Salerno

Aprile 1944

785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

GCH/gmf

4A

ACC/4104/4/L

30 March 1944.

SUBJECT: Existing Italian War Legislation in relation to illicit rise in wages.

TO : Labour Subcommittee
Finance Subcommittee

1. The enclosed extracts of existing Italian legislation are forwarded to you for the information of your Subcommittee and other branches concerned.

G. G. HANNAFORD, Major
Officer i/c Italian Section
for Chief Legal Officer.

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785016

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
Legal Subcommittee
APO 394

PHW/gmf

ACC/4104/4/L

29 March 1944.

SUBJECT: Labour Wages.

TO : RLO Region 1 (thru RC).

1. When I was recently in your region Lt. Moffet spoke to me about labor being induced from Allied Army and Navy work by offers of higher wages elsewhere.

2. RDL 11 Feb. 1944 No. 32, published in Gazzetta Ufficiale, 16 Feb. 1944, seems to offer the only basis for holding wages in line, but whether that will be effective depends upon how efficiently the law is enforced.

RICHARD H. WILMER
Lt. Colonel CAC
Deputy Chief Legal Officer.

4104/4

File

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TRANSLATION

The Head of the Government states that legislative provisions are in course of preparation which will be effective as from 11 February with a view to regulating all matters of Labour in conformity with the ordinances enacted by Allied authorities creating Provincial and Regional Labour Offices to settle individual and collective disputes, organize labour exchanges, etc.

In the same enactment, provisions shall be made to give economic and juridical status to the above mentioned offices in pursuance of the terms of Art. 1 of the Royal Decree of 11.2.44 No. 31. In consequence whereof the functioning of these offices, pending the enactment of such legislation, shall remain undisturbed. It is further stated that in accordance with RDL of 11 Feb. 44 No. 32 wages, prices and tariffs shall remain at the scale in force on 11 Feb. 44 and any contravention to the existing regulations shall be punished in conformity with the rules governing the defence of the Nation in time of war.

The labour classes will readily understand that their own condition and the country's welfare can only be improved by an increase in production and not by a ~~protective~~ raise in existing wages.

Chapter 8 of specially

Art 509 - of C.P. and also Art 650 of same code -

15 pce (19)

Il Capo del Governo rende noto che è in corso di preparazione un provvedimento legislativo con effetto dall'11 febbraio che regolerà tutta la materia del lavoro in conformità delle ordinanze precedenti emanate dalle Autorità Alleate circa gli Uffici Provinciali e Regionali del Lavoro in modo di componimento delle controversie individuali e collettive, il collocamento della mano d'opera, ecc. Con lo stesso provvedimento sarà provveduto per lo stato economico e giuridico dei predetti Uffici ai termini dell'art. 1 del R. decreto 11-2-1944, n. 31. Conseguenzialmente, in attesa delle future disposizioni in materia il funzionamento di quegli Uffici rimarrà invariato.

Ricorda inoltre che in base al R. decreto-legge 11 febbraio 1944 n. 32 i salari, i prezzi, e le tariffe devono restare invariati nella misura in vigore all'11 febbraio 1944 e che pertanto qualunque infrazione a questa norma è contraria alle disposizioni vigenti, e sarà punita in base alle norme sulla disciplina della Nazione in guerra.

Le classi lavoratrici comprenderanno che è nell'incremento della massa dei prodotti e non in illusori aumenti di salario che potrà trovarsi la via di un reale miglioramento delle condizioni economiche loro e del Paese.

Ricorda inoltre che in base al R. decreto-legge 11 febbraio 1944 n.32 i salari, i prezzi, e le tariffe devono restare immutati nella misura in vigore all'11 febbraio 1944 e che pertanto qualunque infrazione a questa norma è contraria alle disposizioni vigenti, e sarà punita in base alle norme sulla disciplina della Nazione in guerra.

Le classi lavoratrici comprenderanno che è nell'incremento della massa dei prodotti e non in illusori aumenti di salario che potrà trovarsi la via di un reale miglioramento delle condizioni economiche loro e del Paese.

