Declassified E.O. 12356 Section 3.3/NND No. 785021

ACC 10000/146/49 LSC/210 SYNDICATES + UNIONS NSC RG 946

Dec 1944 - Jan. 1946

0501

Declassified E.O. 12356 Section 3.3/NND No. 785021

1

Dr Gjirioglio

The AMG ordered in the course the freezing of the banking accounts of the suppressed Unions of Rocca as well as the entry of the Regentino ~~ment~~ to a simple retreat accord ordered to the name of Capitain Moffet - Liaison Officer commissary of the Agricultural Commissions for the Rocca province. Following to the transference of the "Banca Del Lavoro I consider the control of the Italian administrations, it [illegible] useful, but in vain, to obtain an authority ~~[illegible]~~ for the transference of the said accounts to the Branch Office of Rocca.

Finally owing to the fact that Agricultural Commissions of the aforesaid Organizations are in urgent need to receive the said amounts the Liaison Officer of Rocca is kindly asking His Future Determination to provide that the requests in order could be transferred from the Branch Office of the "Banca Nazionale Del Lavoro" of Rocca.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

to the Office of Rome. In the mean time the Rue Antoine & send word of reply.

A 5031

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Roma 13 FEB 946. 19

130/210

Ministero del Lavoro
e della Previdenza Sociale
Direzione Generale del Lavoro-Div.III°

Alla COMMISSIONE ALLEATA-Sottocommissione della Finanza
ALLA COMMISSIONE ALLEATA-Sottocommissione del Lavoro

Prot. N. 4222/G.33 Allegati

Risposta al f. N.
del

OGGETTO : Trasferimento a Roma dei saldi dei conti bancari delle disciolte Unioni sindacali di Lucca.-

I Comitati di liquidazione delle soppresse organizzazioni sindacali fasciste hanno fatto presente a questo Ministero che l'ufficio finanziario del Comando Militare Alleato di Lucca dispose a suo tempo, lo sblocco dei conti bancari delle disciolte Unioni di Lucca ed il versamento del relativo importo in un unico conto corrente al nome del Capitano J.H.MOFFITT, commissario liquidatore degli enti sindacali della provincia di Lucca.

Con il passaggio della provincia di Lucca sotto l'amministrazione del governo italiano la filiale della Banca Nazionale del Lavoro di Lucca cercò di ottenere dal Comando Alleato di Genova, l'autorizzazione a trasferire i predetti conti alla sua filiale di Roma, ma nessuna disposizione in merito é pervenuta dal Capitano J.H.MOFFITT il quale risulta irreperibile per quante ricerche siano state fatte sia presso il Comando Militare Alleato, sia presso la Commissione economica alleata, sia presso altri enti. 5247

Premesso quanto sopra e considerato che i Comitati di liquidazione predetti debbono provvedere al ricupero di tutte le attività delle ex organizzazioni sindacali in conformità

Ref. N. 4222/G.33 - Allegati

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Premesso quanto sopra e considerato che i Comitati di liquidazione predetti debbono provvedere al ricupero di tutte le attività delle ex organizzazioni sindacali in conformità alle disposizioni del D.L.Lgt. 23 novembre 1944, n.369, si

MZ/DW

.//.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

prega codesta Commissione di voler disporre il trasferimento dei saldi dei conti bancari delle disciolte Unioni di Lucca dalla filiale della Banca Nazionale del Lavoro di Lucca a quella di Roma.

Si resta in attesa di cortesi comunicazioni al riguardo.

IL MINISTRO

Declassified E.O. 12356 Section 3.3/NND No. 785021

0506

Declassified E.O. 12356 Section 3.3/NND No. 785021

File 210

LSC

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

XJE/rmw

TEL : Ext. 294 30 January 1946

REF : LSC/210

SUBJECT: Liquidation of Syndical Associations

TO : Il Collegio dei Liquidatori
Confederazione degli Industriali
Corso Umberto, 202
Rome

1. In reply to your letter of 27 December, reference N 28218/P, I enclose copy of Allied Military Government General Order No. 23 under which the Fascist Corporate Syndical system was abolished.

2. The General Order was posted on different dates in different Provinces and, as all Italian territory has now been handed back to the administration of the Italian Government, AMG records are not at the moment available for me to supply you with a list of the dates on which the order in question was in fact posted. It is suggested, however, that if you approach the Prefects for the areas in which you are interested they should be in a position to give you the actual dates on which this General Order came into effect.

E. D. BRAINE
Director
Labor Sub-Commission

Encl. 1
as above

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

KJH/rmw

28 GEN 1946

TEL : Ext. 204

18 January 1946

REF : LSC/ /c

SUBJECT: Liquidation of Syndical Association

TO : ~~Legal~~ Sub-Commission

1. The answer to the attached correspondence appears to be a list, by Province, giving the dates on which General Order No. 28 was posted in AMG territory. Such information is not in the possession of this Sub-Commission. Can you please supply; if not by Province, at least by Region?

W. H. BRAINE
Director
Labor Sub-Commission

Encl.
(as above)

→ Labour S.C.

Reg. conversation with Head - Maj Reakes. Papers returned no record is kept by CA. of dates of posting of Orders. Prefect should give a note of all Orders published & the date of publication in the Provinces

28/Jan. Maj Reakes Maj CA. Section

SCAO
DCAO
Chief Counsel
CAO
Italian Section
CLERKS

→ Mr. Thomas
Rec'd. Jan 19/46.

5245

ALLIED COMMISSION 448 HEADQUARTERS

Commissione Direttiva e Sezione Industria - Piazza Esquilino 1
Telefono N° 485503

Sindacato Metallurgici - Via Torino 4
" Edili Via Torino 4
Autoferrotramvieri Piazza Esquilino 1
Vetro Ceramica " " "
Chimici " " "
Nettazza Urbana " " "
Ospedalieri " " "
Arredamento e legno " " "
Alimentazione " " "
Pesca " " "
Ausiliari Traffico " " "
Abbigliamento " " "
Comunicazioni Elettr " " "
Acqua Gas Elettricità" " "
Spettacolo - Via Aurora 31 Telefono N° 481151
Carta Stampa - Viale del Re 37 Telefono 582739
Ferrovieri - Via Bari 22 Telefono N° 863452
Gente dell'Aria - Via Bouncompagni 19 Telefono N° 480151
Autitsti - Piazza Tribuna Tor De' Specchi 18 Telefono 62959
Postetelegrafonici-Via Mercede 96
A.G.I.P. - Via dei Maroniti 40
Sezione Centrale Credito Assicurazioni - Piazza Esquilino 1 Telef.43910
Sindacato Provinciale Bancari - Piazza S.Silvestro 92 telef. 683900
" Assicuratori " " " " " "
" Esattorali Dazieri " " " " " "
Sezione Camerale Pubblico Impiego " " " " " 485503
Sindacato Provinciale Dipendenti Statali - Via Dei Mille 23 Telef.44053
" Parastatali " " " " " "
Provinciali " " " " " "
Magistrali Scuole Elementari - Via 4 Novembre N° 158
Scuola Media - Via Dei Mille 23
Scuola Privata- " " " "
Comunali " " " "
Sezione Camerale Agricoltura - Piazza Esquilino 1 telef. 480216
Sindacato Provinciale Lavoratori Della Terra- Viale Africa 26 telef.581938
Sezione Camerale Commercio - Via Dei Mille 23 telef. 42053
Sindacato Provinciale Tessili e abbigliamento - Via Dei Mille 23
" Libro Carta Affini " " " "
" Metalli Macchine e Derivati " " " "
" Prodotti Chimici " " " "
" Cereali Prodotti per l'Agricoltura " " " "
" Rappresentanti Viaggiatori Piazzisti " " " "
" Auto Moto Cicli " " " "
" Vetro Ceramica " " " "
" Prodotti Artistici e Artigianato " " " "
" Floreali Via Urbana 176
" Alimentazione Miste e Drogherie Via Dei Mille 23
" Spedizioni Magazzeni Generali " " " "

Declassified E.O. 12356 Section 3.3/NND No. 785021

Abbigliamento " " "
Comunicazioni Elettr " " "
Acqua Gas Elettricità" " "
Spettacolo - Via Aurora 31 Telefono N° 481151
Carta Stampa - Viale del Re 37 Telefono 582739
Ferrovieri - Via Bari 22 Telefono N° 863452
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" Cereali Prodotti per l'Agricoltura " " " "
" Rappresentanti Viaggiatori Piazzisti " " " "
" Auto Moto Cicli " " " "
" Vetro Ceramica " " " "
" Prodotti Artistici e Artigianato " " " "
" Floreali Via Urbana 176
" Alimentazione Miste e Drogherie Via Dei Mille 23
" Spedizioni Magazzeni Generali " " " "
" Agenzie Commercio " " " 5244
" Pubblici Esercizi " " " "
" Vagoni Letto " " " "
" Alberghi e Mensa " " " "
" Barbieri e Parrucchieri " " " "
" Istituti Privati di Cura " " " "
" Portieri " " " "
" Pubblica Istruzione " " " "
" Panettieri e Affini Via Degli Zingari 2
" Dolcieri e Affini - Via " " " "
" Vetturini per Recapito SIg.Bianchi Via Del Tritone 142
" Carrozzieri per Recapito Sig.Quagliatti Via Pavia 32 tel.493051

Declassified E.O. 12356 Section 3.3/NND No. 785021

Fornaciai per Recapito - Via Tolemaide 51
Previdenza Sociale per Recapito - Dott.Braida presso Istituto Ramazzini
Rivenditori Giornali - Via Dei Delfini 26

Declassified E.O. 12356 Section 3.3/NND No. 785021

0511

Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

LSO

TRASNLATION.

FROM: Confederation of Industrials (in liquidation).

TO: A.C.H.Q. ES FILE 12.05

THEIR FILE N°.: 32318/P 15 JAN 1946 27th December 1945

Action: Labour S/C

Subject:

CH

This Administration of liquidation of the Confederation of Industrials, established by Legislative Decree on 2nd November 1944 N°.369, published in the Official Gazette on 16th December 1944, has to proceed in the liquidation of the personnel of all Provincial Unions of Industrials, which date of dissolution, in accordance with the instructions of art. 3 of the said decree, will be the date established for the various provinces by the Allied authority.

As the date of disbandment, following the rules of the said article, will be also the dated on which will cease all employment relations with the personnel of various Unions we beg Allied Commission to inform us of the date on which the Syndical Assossiactions in various provinces have been suppressed and to forward to us - if possible-copies of the orders, by which economic treatment of the State employees and public societies, as well as private concerns, has been improved, at the moment of the liberation;

In case Allied Commission is not able to forward copies of these orders regarding increases, we would be grateful to know the dates of disbandment of Syndical Assossiations of various provinces.

Thbking you in advance we reamin with best regards.

5242

College of Liquidation

Jurghu.

Econ Sect.

Confederazione degli Industriali

IN LIQUIDAZIONE

LC/210

N 3238 /P

Roma, 27 Dicembre 1945
Corso Umberto, 303

ALLA COMMISSIONE ALLEATA
HEADQUARTERS

ROMA
Via Vittorio Veneto

Questa Gestione di liquidazione della Confederazione degli Industriali, istituita a' sensi del Decreto Legislativo Luogotenenziale 23 novembre 1944, n. 369, pubblicato nella Gazzetta Ufficiale del 16 dicembre 1944, deve procedere alla liquidazione del personale di tutte le Unioni provinciali degli Industriali, la cui data di scioglimento, in conformità a quanto dispone l'art. 3 di detto decreto, è quella disposta per le varie provincie dalle Autorità Alleate.

Poichè la data di scioglimento, sempre a norma del decreto citato, deve valere anche come data sotto la quale deve considerarsi risolto il rapporto di impiego nei riguardi del personale delle diverse Unioni, si prega codesta Commissione di voler cortesemente comunicare le date in cui sono state soppresse le Associazioni sindacali nelle varie provincie e di rimettere, se possibile, le copie delle ordinanze, con le quali sono stati disposti i miglioramenti del trattamento economico degli impiegati dello Stato e degli enti pubblici, nonchè delle aziende private, all'atto della liberazione.

Nel caso codesta Commissione non avesse la possibilità di rimettere le copie delle ordinanze relative agli aumenti, sarà gradito, comunque, conoscere le date di scioglimento delle associazioni sindacali nelle varie provincie.

Con ringraziamenti anticipati e distinti saluti 5241

IL COLLEGIO DEI LIQUIDATORI

ARTI GRAFICHE G. CAVIETTI & C. - ROMA

Declassified E.O. 12356 Section 3.3/NND No. 785021

N 2238 /I

Roma, 27 Dicembre 1945
Corso Umberto, 303

ALLA COMMISSIONE ALLEATA
HEADQUARTERS

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Con ringraziamenti anticipati e distinti saluti 5241

404

CONFEDERAZIONE DEGLI INDUSTRIALI - ROMA

IL COLLEGIO DEI LIQUIDATORI

514

ARTI GRAFICHE P. CASETTI & C. - ROMA

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

File FP/ae

TEL : 489081 - 493

REF : LSC/210

3 November 1945.

SUBJECT: Joint Production Committees and Works Committees.

TO : Signor Larichiuta,
Socialist Party,
Via Gregoriana, 41,
Rome

1. With reference to the recent call at this office of Signor Lussato, I have pleasure in attaching hereto notes dealing with the formation and constitution of Joint Production Committees and Works Committees.

2. As explained during Signor Lussato's visit, these committees have been in operation in England during the period of the war, and it is hoped and expected that they will continue to operate during peace-time conditions.

F. PROCTOR
Labour Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785021

JOINT PRODUCTION COMMITTEES.

18. The great productive effort called for since the outbreak of war in 1939 has given a stimulus to collaboration and consultation between employers and workpeople. In December, 1940, the Minister of Labour and National Service (Mr. Ernest Bevin) stated in the House of Commons: " It is my considered view that, in order to avoid conditions which cause discontent, there should be established in all industrial establishments standing joint arrangements for regular discussion between managements and properly elected representatives of the workpeople on matters in which they are mutually interested." Soon after France fell steps were taken through the Coal Production Council to encourage the establishment of Pit Production Committees. At this time also action was taken with a view to strengthening and widening the functions of Yard Committees in the Shipbuilding and Shiprepairing Industry. In February, 1942, the Ministry of Supply entered into an Agreement with the Unions concerned to establish in each Royal Ordnance Factory a Consultative and Advisory Committee for the regular exchange of views between the management and the workers on matters relating to the improvement of production, to increase efficiency for this purpose, and to make recommendations thereon. In March, 1942, the Engineering and Allied Employers' National Federation entered into an Agreement with the Unions regarding the constitution of Joint Production Consultative and Advisory Committees in federated Engineering establishments.

19. The Government actively supported these movements and in the case of the Engineering Agreement arrangements were made for the Supply Departments, acting in collaboration, to draw the attention of all their contractors to the Agreement and to the desirability of Production Committees on the lines recommended. In the Building and Civil Engineering Industries also action was taken to encourage contractors and their workpeople to improve production by closer co-operation on the sites of big works. A brief account of the lines upon which the idea of Joint Production Committees was developed in the four industries mentioned is given in the following paragraphs.

Joint Production Consultative and Advisory Com-

cember, 1940, the Minister of Labour and National Service (Mr. Ernest Bevin) stated in the House of Commons: " It is my considered view that, in order to avoid conditions which cause discontent, there should be established in all industrial establishments standing joint arrangements for regular discussion between managements and properly elected representatives of the workpeople on matters in which they are mutually interested." Soon after France fell steps were taken through the Coal Production Council to encourage the establishment of Pit Production Committees. At this time also action was taken with a view to strengthening and widening the functions of Yard Committees in the Shipbuilding and Shiprepairing Industry. In February, 1942, the Ministry of Supply entered into an Agreement with the Unions concerned to establish in each Royal Ordnance Factory a Consultative and Advisory Committee for the regular exchange of views between the management and the workers on matters relating to the improvement of production, to increase efficiency for this purpose, and to make recommendations thereon. In March, 1942, the Engineering and Allied Employers' National Federation entered into an Agreement with the Unions regarding the constitution of Joint Production Consultative and Advisory Committees in federated Engineering establishments.

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Joint Production Consultative and Advisory Committees in the Engineering Industry.

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22. The Agreement reached between the Employers' Federation and Trade Unions in the Engineering Industry, which made provision for Committees to be established in federated establishments for the regular exchange of views between the management and the workers on matters relating to the improve-

Declassified E.O. 12356 Section 3.3/NND No. 785021

27. The functions of Joint Production Committees which were initially set up or extended for the purpose of stimulating war production in individual undertakings, have in some cases been adapted to meet the varying circumstances arising as the war has progressed. For example, where cuts in certain types of production have become necessary, the circumstances are explained to Committees by representatives of the Supply Department concerned so that the workers may understand that the cut is no reflection upon them or the management, and may also appreciate that owing to changed war requirements transfers to other work may be necessary.

28. Apart from production matters, the circumstances of war have emphasised the desirability of close collaboration in the workshop in other ways. In peace time many differences do not come to a head because the worker leaves the employment. During the war freedom to discharge and freedom to seek other employment are necessarily restricted and there is a greater need than ever for full collaboration between employer and workpeople. Also new problems have been created by war conditions, such as difficulties affecting workers transferred from home, distribution of overtime, changes in production, and dilutee and part-time labour and new industrial processes. The opportunities for arriving at a clear understanding of one another's problems by joint discussion resolve, or at least reduce, to their proper proportions, many difficulties and irritations that would otherwise give rise to disputes. Joint consultation in the workshop may thus be a matter of first class importance.

29. The development of workshop collaboration, whether by means of Committees or by other methods, must be a voluntary process based upon goodwill and the recognition of a common interest between management and employees. Experience shows that there is little permanent value in joint machinery which fails to command general consent and support. Also the machinery must be adapted to meet the needs of each industry.

This has been the underlying principle on which joint voluntary arrangements have been developed in Great Britain, and it continues to have the support of organisations of employers and workers as shown by the following extract from the Report of the Committee on Regional Boards appointed by the Minister of Production in February, 1942:-

" We feel that the success of the development (of Joint Production Committees) depends on the goodwill of both sides

Declassified E.O. 12356 Section 3.3/NND No. 785021

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> " We feel that the success of the development (of Joint Production Committees) depends on the goodwill of both sides of industry and that the employers' and workers' organisations in the different industries are the parties best qualified to work out the machinery most suitable for their industries."

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Declassified E.O. 12356 Section 3.3/NND No. 785021

ment of production and to increase efficiency for this purpose is set out in full in Appendix III. Points to be noted in this Agreement are (I) the definite exclusion from the functions of the Committee of matters which are trade questions, such as wages and like subjects covered by agreements with Trade Unions or normally dealt with by the approved machinery of negotiation; (2) the arrangement that no further step need be taken where machinery exists satisfactory to the Federation and the Trade Unions and it is agreed that such machinery should be used; and (3) the limitation of membership of the Committee to adult organised workers, although all workers are entitled to take part in the election.

General

24. The development of Joint Production Committees under the impetus of war conditions and, in some cases, on the basis of nationally agreed arrangements, has made for less variety in the constitutions of such Committees than is apparent in the wide range of Works Committees and Councils set up in many undertakings prior to the war. Nevertheless, many Joint Production Committees do not follow rigidly the provisions of agreements, and it is generally accepted that flexibility is necessary and desireble.

25. In most industries the election of representatives of the workers to Joint Production Committees is by ballot, although in some cases it is by trade union nomination. Ballots are conducted in some undertakings by the Trade Unions concerned, and in others jointly by the Trade Unions and the Management. In some industries voting is open to all workers, while in others it is limited to adult workers. In Royal Dockyards the worker-members of the Committee are nominated by the Trade Union concerned; in private Shipbuilding and Ship-repairing yards they are elected by a ballot undertaken by the District Committee of the Confederation of Shipbuilding and Engineering Unions in respect of each establishment.

As regards eligibility of worker-members, some employers prefer the type of Committee in which membership is open to Unionist and non-Unionist alike, election depending solely on the popular vote. The Unions, however, generally speaking, discourage their members from participation in Committees of this character.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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25. In most industries the election of representatives of the workers to Joint Production Committees is by ballot, although in some cases it is by trade union nomination. Ballots are conducted in some undertakings by the Trade Unions concerned, and in others jointly by the Trade Unions and the Management. In some industries voting is open to all workers, while in others it is limited to adult workers. In Royal Dockyards the worker-members of the Committee are nominated by the Trade Union concerned; in private Shipbuilding and Ship-repairing yards they are elected by a ballot undertaken by the District Committee of the Confederation of Shipbuilding and Engineering Unions in respect of each establishment.

As regards eligibility of worker-members, some employers prefer the type of Committee in which membership is open to Unionist and non-Unionist alike, election depending solely on the popular vote. The Unions, however, generally speaking, discourage their members from participation in Committees of this character.

26. Joint Production Committees normally have some provision 5238 regarding minimum length of service (for example, a year) as a qualification both for voting and for membership of Committees. The size of Committees is generally between five and ten representatives of workers and management respectively. It has not in all cases been considered necessary to have equal numbers on each side, since the discussions are in the nature of round-table conferences.

Declassified E.O. 12356 Section 3.3/NND No. 785021

APPENDIX II.

MINISTRY OF LABOUR.
WORKS COMMITTEES.

SUGGESTIONS PREPARED (IN 1920) BY THE MINISTRY OF LABOUR AS TO THE CONSTITUTION AND FUNCTIONS OF WORKS COMMITTEES IN INDUSTRIES IN WHICH NATIONAL JOINT INDUSTRIAL COUNCILS ARE ESTABLISHED.

The differing circumstances of different industries make it impossible to devise any scheme suitable to every industry. Again, the type of Works Committee suitable will vary with the size of the firm and the form taken by organisation among the employees. In preparing a scheme, therefore, the machinery outlined in the following suggestions may require to be adapted in greater or lesser degree if the general objects for which Works Committees are recommended are to be attained. At the same time, anything that is done - whether or not it is embodied in the Works Rules drawn up by the Works Committee - must be consistent with the principles of the collective agreements accepted by the District and National Authorities. For this reason steps should be taken to secure the closest possible connection between the Works Committee and the District and National Councils.

OBJECTS.

1. The object of the Works Committee is to provide a recognised means of consultation between the management and the employees, and

(i) to give the employees a wider interest in and greater responsibility for the conditions under which their work is performed.
(ii) to enforce the regulations contained in collective agreements drawn up by District and National Authorities.
(iii) to prevent friction and misunderstanding.

FUNCTIONS. 523c

2. Matters to be dealt with by the Works Committee shall include:-

(This list of functions is not meant to be exhaustive. Almost every industry has rules or customs which arise from

Declassified E.O. 12356 Section 3.3/NND No. 785021

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FUNCTIONS.

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2. Matters to be dealt with by the Works Committee shall include:-

(This list of functions is not meant to be exhaustive. Almost every industry has rules or customs which arise from the particular conditions under which the work of the industry is carried on (e.g., the payment of "dirty money", provision of tools, allowances for working away from the works of from home, allowances on standard district piece prices for deficiencies in material or machinery, &c.). In

Declassified E.O. 12356 Section 3.3/NND No. 785021

a well-regulated industry many such matters will be subject to district or national agreements, and the powers of a Works Committee will be limited in the same manner as they will be in regard to the more general questions of district or national agreement (standard rates, piece prices, normal hours, overtime, &c.). No attempt has been made to include such questions as arise only in some industries, for which each National Council concerned will have to decide upon a method of regulation, including the powers to be vested in Works Committees.)

(a) The issue and revision of works rules.
(b) The distribution of working hours; breaks, time recording, &c.
(c) The method of payment of wages (time, form of pay ticket, &c.); explanation of methods of payment; the adjustment of piece prices, subject to district or national agreements; records of piece prices; deductions, &c.
(d) The settlement of grievances.
(e) Holiday arrangements.
(f) Questions of physical welfare (provision of meals, drinking water, lavatories and washing accomodation, cloakrooms, ventilation, heating, lighting and sanitation; accidents, safety appliances, first aid, ambulance, &c.).
(g) Questions of discipline and conduct as between management and workpeople (malingering; bullying; time keeping; publicity in regard to rules; supervision of notice boards, &c.).
(h) Terms of engagement of workpeople.
(i) The training of apprentices and young persons.
(j) Technical library; lectures on the technical and social aspects of the industry.
(k) Suggestions and improvements in method and organisation of work: the testing of suggestions.
(l) Investigation of circumstances tending to reduce efficiency or in any way to interfere with the satisfactory working of the factory.
(m) Collections (for clubs, charities, &c.).
(n) Entertainments and sports.
(o) The provision of facilities for the employees' side of the Joint Committee (or of a departmental committee, if any) to conduct its own work.

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(It may be found necessary to leave certain questions to be settled not by the whole Works Committee, but by a sub-committee

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(m) Collections (for clubs, charities, &c.). 5235
(n) Entertainments and sports.
(o) The provision of facilities for the employees' side of the Joint Committee (or of a departmental committee, if any) to conduct its own work.

(It may be found necessary to leave certain questions to be settled not by the whole Works Committee, but by a sub-committee of it on which the workers' representatives are drawn only from the particular department or section directly concerned, for example, a piece work question in one department of a works which is mainly on timework. The size of the works, also, is a factor which must be taken into account in considering the need for sub-committees. In some instances departmental sub-committees, and in others functional sub-committees (e.g. a "Safety" Commit-

Declassified E.O. 12356 Section 3.3/NND No. 785021

tee or a Welfare Committee) may best suit the circumstances. Even where definite sub-committees are not arranged for, work of the same kind as these would perform may often be carried out by consultation between the representatives of the management and the secretary of the workers' side, along with the representatives of a department.)

3. The Works Committee shall not have any power to come to an agreement inconsistent with the powers or decisions of the District or National Councils or with any agreement between a trade union and the employers' association. Further, any agreement come to by a Works Committee may at any time be superseded by the District or National Council or by agreement between a trade union and the employers' association.

CONSTITUTION.

4. The Works Committee shall consist of.. members, of whom .. shall represent the management and .. shall represent the employees.

(To have an equal number of members on the two sides would in most works be impracticable, and, in view of the suggested procedure, is unnecessary. The number required on the management side will vary, but 2, 3 or 4 is suggested as a suitable number. The number of employees' representatives will vary with the size and complexity of the particular works. Some number from 5 to 12 is suggested as likely to suit most circumstances.).

5. Either side shall have the right to add to its numbers representatives of the particular departments or sections of departments affected by a question under discussion and not directly represented on the Committee. The addition shall be made only for the period during which the question affecting the particular departments or sections of departments is before the Committee.

6. The representatives of the Management on the Committee shall be appointed by the firm.

(Certain members of the managerial staff should ~~form~~ 5234 a constant nucleus of the management side. This nucleus should be made up of such individuals as a Managing Director, the Works Manager, and, where there is such an official, the Labour or Welfare Superintendent.).

7. The employees' side of the Works Committee shall be

Declassified E.O. 12356 Section 3.3/NND No. 785021

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constant nucleus of the management side. This nucleus should be made up of such individuals as a Managing Director, the Works Manager, and, where there is such an official, the Labour or Welfare Superintendent.).

7. The employees' side of the Works Committee shall be Trade Union members, elected as hereinafter provided.

(The National and District Councils are based solely upon the representation of organisations. In the case of the works, in order to secure cohesion of policy as between the Works Committee and the District and National Councils, it is advisable that the Works Committee should normally be based on a recognition of the workpeople's organisations. But, in

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Declassified E.O. 12356 Section 3.3/NND No. 785021

particular factories where the employees are not strongly organised, or where the functions of the Works Committee are such as to require the presence of workers who are not organised, it may be found necessary to depart from the principles laid down above. In these circumstances, however, the shop stewards, or other trade union representatives in the works, should be consulted on all questions affecting district or national agreements. Any deviation from the general scheme should be adopted only after approval by the Industrial Council on a consideration of the merits of the case.).

8. Employee members shall hold office for a period of 12 months ending on the .. day of ..... in each year. On any representative leaving the employment of the firm or resigning his position as member, a successor shall be appointed in the ordinary way by the department or section concerned, to hold office for the remainder of the term.

ELECTIONS.

9. Elections of employees' representatives on the Works Committee shall be held in the month of ..... in each year.

(Each works should draw up a scheme of constituencies and a method of election to suit its own particular conditions. It is suggested that a provisional committee should be appointed for this purpose. The representation should normally be on the basis of departments, due allowance being made for the various sections of workers engaged in any department. In order that this may not sometimes necessitate a Committee of unwieldy size, it is suggested that for large or complex works the employees' side of the Joint Committee should be appointed by and from a larger body of workers' representatives elected from the various departments. In large works it will probably be found desirable to establish departmental committees, with a Works Committee representative of all the departments chosen from the departmental committees. In such cases, the functions of the departmental committees will be confined to matters affecting the departments only, whilst the Works Committee will consider questions affecting more than one department or the whole works. The workers' side of a departmental committee should be so elected as to give representation to each of the various sections of workers engaged in the department.)

10. The election should be by ballot, or by departmental or

Declassified E.O. 12356 Section 3.3/NND No. 785021

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10. The election should be by ballot, or by departmental or sectional meetings specially convened for the purpose.

11. A serving member of the Committee shall be eligible for re-election.

OFFICERS.

12. The Works Committee shall appoint a Chairman and a Vice-Chairman from the two sides respectively. Each side shall appoint its own Secretary.

Declassified E.O. 12356 Section 3.3/NND No. 785021

PROCEDURE.

13. Meetings of the Works Committee shall be held at regular intervals of (two) (four) weeks. The meetings shall be held during working hours.

14. Special meetings of the Works Committee shall be called at ... hours' notice on a request on behalf of one side by its secretary to the secretary of the other side.

15. The agenda of business shall be submitted by the secretaries to each member of the Committee at least ... hours before a meeting, except in the case of special meetings.

16. No business other than that appearing on the agenda shall be transacted at any meeting unless both sides agree to its introduction.

17. When an individual employee desires to bring any question before the Committee, he or she should report to his or her departmental or sectional representative, who in the case of grievances shall endeavour to reach a settlement. Failing a settlement, the representative shall inform the employees' secretary. The latter shall endeavour to arrange a settlement. Failing a settlement, the question shall come before the Works Committee.

18. In the course of his duties the secretary of the employees' side should have the right to enter any department in the works, and the representative of any department or section the right to enter the department in which the secretary is at work.

19. Facilities should be provided for meetings of the employees' side of the Committee in the works, normally after working hours or during meal hours.

20. The workers' representatives should be paid at their ordinary rate for time spent at meetings of the Works Committee.

21. Duplicate books of minutes should be kept, one by the Secretary of each side.

22. Copies of the minutes of all meetings of the Works Committee must be sent to the Secretaries of the District Council within 7 days of the date of meeting. 52 33

23. Decisions shall be arrived at only by agreement between the two sides.

24. The presency of ... members from each side of the Committee shall be necessary to form a quorum.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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24. The presency of ... members from each side of the Committee shall be necessary to form a quorum.

25. In the event of any matter arising which the Committee cannot agree upon, the officials of the trade union or unions concerned shall negotiate with the firm, or, if desired, with the officials of the employers' association. The question may thereafter be referred by either side to the District Council.

26. The recognised district official of any trade union or

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Declassified E.O. 12356 Section 3.3/NND No. 785021

employers' association concerned may attend any meeting in an advisory capacity.

ALTHOUGH THE ABOVE SUGGESTIONS HAVE BEEN PREPARED AS A GUIDE IN FRAMING A CONSTITUTION FOR A WORKS COMMITTEE IT IS RECOGNISED THAT THE DETAILS OF SUCH A CONSTITUTION MUST VARY TO MEET THE CONDITIONS AND REQUIREMENTS OF PARTICULAR WORKS, THE ASSISTANCE OF OFFICERS OF THE MINISTRY OF LABOUR WITH EXPERIENCE OF WORKS COMMITTEES IS AVAILABLE IN CONNECTION WITH THE DRAFTING OF CONSTITUTIONS AND THE SETTING UP OF WORKS COMMITTEES.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

0532

Declassified E.O. 12356 Section 3.3/NND No. 785021

APPENDIX III.

MEMORANDUM OF AGREEMENT

between

ENGINEERING AND ALLIED EMPLOYERS' NATIONAL FEDERATION

and

THE AMALGAMATED ENGINEERING UNION, THE NATIONAL UNION OF FOUNDRY WORKERS and THE CONFEDERATION OF SHIPBUILDING & ENGINEERING UNIONS.

Constitution of Joint Production Consultative and Advisory Committees.

It is hereby mutually agreed as follows:-

I.- **NAME.**

1. The name of the Committee shall be "The Joint Production Consultative and Advisory Committee" (referred to hereinafter as "The Committee").

II. - **OBJECT.**

2. The object is to establish in federated establishments consultative and advisory Committees for the regular exchange of views between the Management and the Workers on matters relating to the improvement of production, to increase efficiency for this purpose and to make recommendations thereon.

Where machinery exists satisfactory to the Federation and the Trade Unions, and where it is agreed that such machinery should be used, no further step need be taken.

The provision of a Production Advisory Committee shall not be considered as necessary, except by mutual desire, in establishments employing less than 150 workpeople.

5230

III. - **FUNCTIONS.**

3. The functions of the Committee shall be to consult and advise on matters relating to production and increased efficiency for this purpose, in order that maximum output may be obtained from the Factory. Illustrative of the questions to be considered and discussed are (a) maximum utilisation of existing machinery; (b) upkeep of fixtures, jigs, tools and gauges; (c) improvement in methods of production; (d) efficient use of the maximum number of productive hours; (e) elimination of defective work and waste; (f) efficient use of material supplies and (g) efficient use of safety precautions and de-

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IV. - LIMITATION OF FUNCTIONS.

4. The Committee shall not discuss matters which are trade questions such as wages, and like subjects, or which are covered by agreements with trade unions or are normally dealt with by the approved machinery of negotiation.

0533
Declassified E.O. 12356 Section 3.3/NND No. 785021

V. - MANAGEMENT REPRESENTATIVES.

5. The Management shall nominate their representatives who shall not exceed the number appointed by the workers.

VI. - WORKERS' REPRESENTATIVES.

6. Number - Representatives of the workers shall be elected by ballot conducted jointly by the management and the Union representatives in the shops, and shall cover, as far as possible, the various shops, departments, or sections of the factory. The Committee shall be as small as possible subject to effective representation and shall not in any case exceed 10 on either side.

7. Eligibility - (a) For membership of the Committee. All adult organised workers with not less than two years' continuous service at the factory concerned shall be eligible for election. In the case of establishments which have been in operation for less than two years, the service qualification may be reduced accordingly.

(b) To vote in the elections - Workpeople's representatives on these Committees shall be elected by ballot as outlined in clause 6 and voting is open to all adult workers.

8. Filling Vacancies - In the event of a worker-representative on the Committee ceasing to be employed in the establishment or being transferred to another Shop or Department or retiring, a successor shall be elected by ballot as provided for in paragraph 6.

9. Power to Co-opt.- The representatives of the management or of the workpeople shall have the right to co-opt, in a consultative capacity, persons employed in the establishment having a particular knowledge of a matter under discussion. Such co-opted persons shall be present for the period only during which the particular question is before the Committee.

5229

VII. - OFFICERS.

10. Chairman - The Chairman of the Committee shall be appointed by the Management and in the event of his being unable on any occasion to act as Chairman, he shall nominate his Deputy.

11. Secretariat - The Management and the Workers' sides of the Committee shall each appoint a Secretary from its respective members of the Committee. Such Secretaries shall act as joint Secretaries to the Committee.

VIII. - MEETINGS OF THE COMMITTEE.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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VIII. - MEETINGS OF THE COMMITTEE.

12. Meetings of the Committee shall be held once a month. Additional meetings shall be held when it is mutually agreed they are necessary.

13. Accomodation for Meetings - Accomodation for holding meetings of the Committee will be provided by the Management.

14. Payment for Attendance - Workers representatives on the Committee shall be paid not less than their time rate of wages

0533
Declassified E.O. 12356 Section 3.3/NND No. 785021

including national bonus for the time spent in attendance at meetings.

IX. - AGENDA FOR MEETINGS OF THE COMMITTEE.

15. Items for the Agenda shall be submitted to the Joint Secretaries not less than four days before a meeting and the Agenda shall be issued by them at least three days before the meeting, except in the case of special meetings.

X. - MINUTES.

16. The Joint Secretaries of the Committee shall prepare and issue to the members of the Committee minutes of its proceedings.

XI. - SUB-COMMITTEES.

17. The Committee shall have power to appoint joint Sub-Committees to deal with any particular question.

The Joint Secretaries of the Committee shall function in connection with the work of any such Sub-Committee and prepare a report or minutes of the proceedings of such Sub-Committee for submission to the Committee.

XII. - RECOMMENDATION.

18. There shall be from the Federation a strong recommendation of these proposals to the Federated Employers.

XIII. - DURATION.

19. This agreement shall terminate at the cessation of hostilities.

The question of any continuance beyond this point shall be the subject of mutual discussion.

Signed on behalf of -

Engineering and Allied Employers' National Federation:

G. E. BAILEY, President.
ALEXANDER RAMSAY, Director.
ALEX.C. LOW, Secretary.

NATIONAL UNION OF FOUNDRY WORKERS:

WM. WALLACE.
A. WILKIE, General Secretary.

5228

AMALGAMATED ENGINEERING UNION:

JACK TANNER, President.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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JACK TANNER, President.
FRED A. SMITH, General Secretary.

CONFEDERATION OF SHIPBUILDING AND ENGINEERING UNIONS:

HARRY N. HARRISON, President.
MARK HODGSON, Group Chairman.

London, 18th March, 1942.

Declassified E.O. 12356 Section 3.3/NND No. 785021

0538

De.classified E.O. 12356 Section 3.3/NND No. 785021

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HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

FP/04

TEL : 489081 - 493

3 November 1945.

REF : LSC/210

SUBJECT : Joint Production Committees and Works Committees.

TO : Sig. Avv. Paolo ARMANI,
Via Regina Elena, 11,
Rome

With reference to your recent call at this office and our discussion regarding the organisation etc. of Production and Works Committees, I have pleasure in enclosing a copy of notes which deal with the organisation and constitution of these committees.

F. PROCTOR
Labour Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

THE ITALIAN GENERAL CONFEDERATION OF LABOR

1. The Italian General Confederation of Labor (Confederazione Generale Italiana del Lavoro) was established in Pari on 27 January 1944. At that time Southern Italy was occupied by Allied forces but Rome had not been liberated. The Confederation was intended to be unification of the two labor confederations that existed before the fascist regime, i.e., the General Confederation of Labor (Confederazione Generale del Lavoro - Socialist/Communist originally founded in 1906) and the Italian Confederation of Workers (Confederazione Italiana dei Lavoratori - Catholic, originally founded in 1918).

2. The first general meeting of the C.G.I.L. was a congress held in Naples from 28 January to 1 February 1945. The congress was attended by 319 delegates representing 994,496 workers and drawn from 12 Regions. At that time membership of the Confederation was approximately 1,200,000.

The aim at the Congress was to affirm the principles of unification of trade unionism and identity of interests of workers of all political colors or religious creeds. Items on the agenda included agricultural problems, social legislation, social security reform, regional and provincial labor offices, sliding scale for wages - and, of prime importance, approval of a Statute of Union.

3. It is of interest to recall the pronouncements made, in these first days of the re-birth of trade unionism, by the men who now control the policies and activities of the C.G.I.L. Di Vittorio (Communist) taking as subject "The results of the Rome Unification Agreement" asserted that trade unions must remain outside the control of political parties although it would not be possible to deny them an interest in politics. This assertion is interesting in the light of Di Vittorio's recent endeavors to assume the leading role in C.G.I.L. under a Communist political banner. His pronouncements both during and after his visit to Russia in August 1945 as leader of an Italian workers' delegation show a clear determination to urge political party aspects rather than the purely economic and industrial. This has not passed unchallenged for Grandi (Christian Democrat) recently issued a warning through the press that unity is threatened by political party prejudices and bias. The Liberal Party, also, withdrew its adherence to the cooperative movement on the grounds that trade unionism and workers economic and industrial organizations are being too consistently made the medium for Communist party propaganda.

Grandi (Christian Democrat) emphasized the unity of interests of all workers employed for wages, whether manual, office or technical - the fascist trade union structure had exaggerated the class distinction between "operai" and "impiegati". He also dwelt at length on agricultural problems, the large estate question, the position of share tenants, reform of tenancy agreements, and general agricultural reform. In this connection it may be recalled that during the last few months the C.G.I.L. has vigorously adopted the cause of the "mezzadria" or share farmer and has led a campaign for revision of the profit allocation as between land owner and tenant; this in spite of the fact that each mezzadria farmer makes his own individual tenancy contract with the

5226

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Declassified E.O. 12356 Section 3.3/NND No. 785021

landowner under well defined rules of the Civil Code and he is, to a large extent, employed on his own account.

Lizzadri (Socialist) referred to the need for providing full employment especially for ex-servicemen, he stated that social insurance and pensions schemes must be adequate and controlled by the workers themselves, he urged that women and juveniles within the employment field should be protected, and he demanded unification and improvement of the social security system. All these items have been prominent in the C.G.I.L. programme and have received the serious attention of the Government.

4. The Congress concluded with the election of Di Vittorio, Grandi and Lizzadri as Joint Secretaries, and with election of a management committee composed of 25 members, one of whom was a woman. A statute was approved and it was made clear that this was only provisional until another general congress at which the industrial North of Italy should be fully represented should ratify.

5. During August and September the difficulties arising from high cost of living and heavy unemployment featured in a special campaign conducted by the C.G.I.L. and culminating in the presentation of a programme and recommendations to the President of the Council of Ministers. The management committee of the C.G.I.L. held an extraordinary meeting in Rome on 21/23 September 1945. During June a Northern Italy Management Committee of 25 members had been formed in Milan and these representatives attended the Rome meeting. The meeting was publicized as the official unification of the C.G.I.L. movement throughout the whole of Italy and it was claimed that 6 million workers were represented. There was no pretence that this meeting was empowered to consider ratification of the statute that had been provisionally adopted at the Naples Congress of January 1945. Under the leadership of Di Vittorio and Lizzadri full discussion and publicity was given to unemployment, the high cost of living, wage policy, problems of employment of women and juveniles, trade union organization, industrial reactivation. The meeting also specially considered the position that would arise when the Milan Wage Agreement (made on 8 July 1945) expired on 30 September. Proposals were made that the ban on dismissal should be modified by permitting the discharge of workers in certain categories, that the working week should be reduced to 40 hours, and that the scheme in its revised form should be extended to the whole of Italy. The proposals were presented to the Government and the Italian Decree that will shortly be issued extending the terms of the Milan Agreement will embody the main suggestions of C.G.I.L.

6. Grandi, Christian Democrat, Joint Secretary of C.G.I.L., was not present at the extraordinary meeting owing to sickness. He addressed a letter through the press to his colleagues in the Secretariat (Di Vittorio and Lizzadri). From this letter there seems little doubt that the Confederation is coming to a parting of the ways, its unity is threatened, and the numerous recent suggestions of friction between the Christian Democratic and the extreme left wing elements in the labor field are confirmed by this public utterance. After

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Declassified E.O. 12356 Section 3.3/NND No. 785021

stating that members of his own party have never interpreted C.G.I.L. unity as an automatic obedience to political directives, Grandi asserts that unity is now threatened by fears, jealousies, prejudices and criticism; the Confederation should open its doors to all workers whatever their occupation, politics or religion, and all should have the opportunity of expression and action. Shortly after this press statement information was received from a reliable source that the Christian Democrats may shortly withdraw their support from C.G.I.L. on the grounds that they are not prepared to continue to permit the Communists to make political propaganda from the Confederation's activities. There is some concern among the Socialist element in the C.G.I.L., especially since that party hopes shortly to have plans completed for purging the pro-Communists from its own party ranks. The moderate Socialists, modelling themselves on the British Labor Party fear that unless they can complete their plans and purge the elements desiring fusion with the Communists before the secession of the Christian Democrats the latter act will merely force the moderates into the ambit of Communist influence.

26 Oct. 945.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

/210

THE NEW EMPLOYERS' CONFEDERATIONS IN ITALY

A) TRADE

1. The "Italian General Confederation of Trade" (Confederazione Generale Italiana del Commercio) has fully superseded the old fascist Organization in the trade branch. As well as in the industry branch, only one national employers' organization is now existing, as during the fascist regime, without any rival organization.

The Confederation of trade employers was established in Rome at the end of April 1945: its organization is not yet achieved, because they are still waiting for a complete clearification of the situation in Northern Italy.

2. The Statute (see attachment n. 1) has therefore only a provisional character: according to this statute the Confederation is a voluntary body without any political background. The Confederation is composed of Provincial Associations with a general field of action as well as of National Association for special branches: the most important National Associations having already joined the Confederation are those dealing with fruit and vegetable products, textile (detail sale), textile (gross sale), clothing, trade agents and representatives etc.

The most important aims of the Confederation are: to represent all the trade employers' as a general national branch of industry and in such a capacity to make the appointment of its own representatives to the National Advisory Board (Consulta Nazionale).

The Associations, both the national and the provincial ones, are holding a very wide authonomy and they are responsible for collective bargening, except in the case of provisions of a general and national character (for instance, the granting of the "Liberation Bonus). But still in this last case, there must be a sort of delegation of powers by the Associations to the Confederation.

3. The Confederation is now administrated by a Council of 14 members, who was elected by the General Assembly and by a "Giunta" of 5 members, which was elected in turn by the Council. Mr. Anselmo Castelnuovo is at present the head of the Confederation, but he, as well as the actual Council and Giunta, will remain in office only so long as a new general election, with the participation of Northern Italy traders, will take place.

4. The seat of the Confederation is at Piazza Gioacchino Belli n. 2: ph. 585269.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

This information was given by avv. Fiorentino, who is one of the oldest officers of the trade employers' organization.

B) AGRICULTURE

1. Soon after the liberation of Rome, during the month of July 1944, a new organization of agriculture employers was established with the name of "Italian Federation of Agriculturists" (Federazione Italiana degli Agricoltori) F.I.D.A. The "National Association of Agriculture" (A.N.A.) previously established in Southern Italy joined the F.I.D.A., the statute of which is herewith attached (see attachment n. 2)

After the General Assembly of all the provincial Associations held on 11 January 1945, the F.I.D.A. was transformed in "Italian Confederation of Agriculturists" (Confederazione Italiana degli Agricoltori: CONFIDA), the statute of which is herewith attached (see attachment n. 3), as well as a report on its activity and its aim (see attachment n. 4 and 5).

2. The Confederation has been established on a voluntary and not-political basis: the same principles must be complied with by the Associations which will join the Confederation; these Associations will keep a very wide autonomy in so far as their organization and action are concerned.

These Association have now not a national but a provincial field of action, and they are organizing agriculturists belonging to the following categories: owners and lessees managers; owners and lessees direct cultivators; owners lessors; managers of agricultural establishment; share-tenants.

3. The different administrative bodies provided by the Statute of the Confederation have not yet been appointed because it has been considered as advisable to wait for a general Assembly in which also the interested people of Northern Italy should take part.

For the time being the Confederation has as acting-president, professor Gio Giovanni Carrara, and as general secretary, dott. Alfredo Bonini. Its seat is at Piazza Montecitorio 115 (ph. 61603; 60787)

This information was given by an officer of the Confederation Dott. Filati.

4. In the agriculture field, the Confederation has not the monopoly of the organization of all the interested people, so far as direct cultivators and share-tenants are concerned.

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For these two categories there is also a special national organization, the "National Confederation of direct cultivators and share-tenants" (Confederazione nazionale Coltivatori diretti e mezzadri), the seat of which is in Via del Seminario 113 (ph 61341). The Director of the Confederation is

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Dott. Paolo Bonomi. This Confederation has, although not officially - a political democratic party in order to collaborate to the realization of the program of this party so far as private land property is concerned.

Direct cultivators and share-tenants are also organized by the care of the "Land Workers Federation" (Federazione Lavoratori della Terra; Federterra), which is one of the most important Federation having joined the C.G.I.L.

C) BANK AND CREDIT

In the credit and bank field, for which one Confederation was established during the fascist regime, several associations are now operating: roughly they corresponds to the old fascist Confederation and to the most important Federations previously existing for each special category, with the only difference that they are completely authonomous. It must also be pointed out that all these associations have more an economic rather than a professional ~~character~~ character.

The most important of these Associations is the "National Banking Association" (Associazione bancaria italiana), the seat of which is in Piazza del Gesu' 49 (ph. 63041, 63042); formerly its name was "Ufficio Interbancario" (see attachment n. 6), and it had been established on September 1944 as a advisory body for the discussion and solution of all problems concerning the bank branch. The National Banking Association has, for the time being, no local organization, but only an office in Milan. Pending a general re-organization of the movement including also Northern Italy banks, the temporary President is Stefano Siglienti, Commissioner of I.M.I. (Istituto Mobiliare Italiano); the two acting-Presidents are Dott. Ignazio Capuano, director of the Bank of Sicily, and Avv. Gianluigi Donegà, president of the Administration Committee of Lombardia Saving Banks; the director is dott. Gianfranco Calabrese, who gave this information. The other associations are the following:

a) National Association of Italian Saving Banks (Associazione nazionale fra le Casse di risparmio italiane), representing the revival of an old association which was established on 1911 and abolished by the fascist regime in 1938. The Association has its seat in Via S. Basilio, 15 (ph. 44980; 484406) and its statute (see attachment n. 7) is the same which was approved in 1930. For the time being the Association is managed by a special Committee: with president Mr. Gianluigi Donegà, acting president Avv. Roberto Cevasola and Director Dott. Amedeo Salvano. The new statute will be approved when a local organization will be extended troughout all Italy: at present the Association has only a special "Delegation" (Delegazione) in Milan.

b) Also the Italian Association of Exchange Agents (Associazione

0545

Declassified E.O. 12356 Section 3.3/NND No. 785021

Italiana degli Agenti di Cambio) represents the revival of an Association that existed in Italy since 1911 and was abolished by the fascist regime, during which time the exchange agents were represented first by the Trade Confederation and after by the Banking and Credit Confederation. The new statute (see attachment n. 8) has only a provisional character; it provides for special Supervising Committees (Comitati direttivi) which will be established by each Change and will also exercise some function of public interest under the control of the Treasury Ministry. The Association has its seat in Rome, Via de' Burro' 149 (ph. 62701): the professional managing staff is composed of Dott. Rolli and Comm. Turchetti, directors, and of Avv. Mario Angelini, secretary.

c) National Association of Insurance Companies (Associazione nazionale Imprese assicuratrici), the seat of which is in Via della Frezza, 70 (ph. 683556). The director is Mr. Marolla.

d) National Association of Collectors and Receivers (Associazione nazionale Esattori e Ricevitori), the seat of which is in Via Nazionale 243 (ph. 485961). The director is Mr. Francesco Guazzardi, the Secretary Mr. Silvestrini.

e) National Union of Consumption tax collector's offices contractors (Unione nazionale degli Appaltatori delle Imposte di Consumo), the seat of which is in Via Nazionale 243 (ph. 485764). The Director is Mr. Guglielmo Boursier.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION KJH/rhv

5 October 1945

MEMORANDUM

Subject: Labor and Production Branches of Italian Cooperative Movement.

1. The cooperative movement in Italy dates back to 1854 when the first cooperative store was opened in Turin to combat the effects of famine. Between that date and the rise of Fascism in 1922 not only did consumers' cooperatives develop extensively, but within the framework of the National Federation of Cooperative Societies, there was considerable successful organization of labor and production cooperatives. These associations accepted contracts for work to be performed by their members and it is reported that, at one time, they had such strong Government support that they almost drove private contractors out of business. The Reggio-Crano Railway was constructed by the cooperatives of Reggio who, for approximately ten years prior to the advent of Fascism, were responsible for its management. Labor cooperative associations also carried out extensive land drainage, housing, roads, bridges and harbor schemes, and public works. Activities extended to shipping and the Cooperative Garibaldi, aiming at making Italian ships the property of the men who sailed them, had 28,000 members in 1920 and operated a fleet of 8 ships. Fishermens' cooperatives were well supported, having by 1927 some 106 associations with 15,000 members.

2. Fascism made an early attack on the well-established cooperative movement and in 1922 approximately one-third of the associations affiliated to the National Federation were destroyed. Cooperative wholesales were closed in 1925, the properties of the National Federation were seized in 1925, and the labor cooperatives in their existing form were suppressed. The Fascist regime then sponsored a unified cooperative movement under the party banner and the Fascist National Corporation of Cooperatives was formed. Fascist cooperatives increased rapidly in number and by 1933 there were 19,676 of which 1,869 were labor and production associations. Membership remained comparatively low and in 1936 there were 1,254 non-agricultural labor cooperatives with a total of only 70,000 members, and 350 agricultural cooperatives with a total membership of 45,000. Under the Fascist regime the labor cooperatives assisted in reclamation of the Pontine Marshes, reconstruction of the Appian Way, and extensive road schemes.

0547

Declassified E.O. 12356 Section 3.3/NND No. 785021

3. Along with all other fascist organizations the National Corporation of Cooperatives was dissolved by Allied Military Government but the revival of the cooperative movement on a democratic basis was sponsored. In this revival labor and production cooperatives have been active and in July 1945 these associations numbered 1,764, increasing by August 1945 to 2,378. Their legal status is similar to that of consumer cooperatives being governed by the Civil Code and their Statute must be filed with the Ministry of Labor and Social Security. There are special regulations for labor cooperatives which intended to take part in public works. These cooperatives may have unlimited membership with a minimum of 9 and members must be manual workers. Profits, less 5% for reserve, may be used:

(a) for share-out between members;

(b) for mutual social assistance and educational purposes;

(c) for payment of a dividend on members' share capital, such dividend not to exceed 5% and not to involve more than one-half of the profits earned.

Labor and production cooperatives must be registered with the Provincial Prefect, who before issuing a registration decree, consults an advisory Commission which includes civil engineering and financial experts. The Commission can recommend registration or suspension and is responsible for checking balance sheets and insuring observance of statutes and laws.

4. On 4 September 1945 the first meeting of the reconstituted National Federation of Cooperatives was held in Rome. 538 delegates represented 4,898 cooperatives with 1,461,295 members. The last meeting of the Congress had been in June 1912. All political parties except Christian-Democrats (who have their own firmly established cooperative movement) were represented, and the Italian Government Ministers, Nenni (Socialist Vice President of the Council of Ministers), Romita (Labor Democrat, Minister of Reconstruction), Gullo (Communist, Minister of Agriculture), La Malfa (Action Party, Minister of Transport) and Barbareschi (Socialist, Minister of Labor and Social Security) attended and gave speeches. For three days proposals and suggestions for revitalizing the movement were discussed and the scope and development of labor cooperatives for transport (including railways), agriculture, housing, building and fishing were especially considered. Representations were made that the Government should appoint a Minister for Cooperatives.

0548

Declassified E.O. 12356 Section 3.3/NND No. 785021

5. Towards the end of the Congress the representatives of the Liberal Party began to show dissatisfaction with the political bias of the movement. They alleged that what ought to have been a unified apolitical and non-party organization was being controlled by Communist/Socialist elements and they complained that the Management Council of the National Federation had 8 Communist and 8 Socialist seats in a total of 20, thus giving them a clear majority. For this reason, and after the Congress had terminated the Liberal Party publicly announced their withdrawal from the National Federation and assumption of independence and liberty of action in developing their own party cooperatives. They stressed that labor and production cooperatives figured as largely in their program as consumer associations, and they threw out a challenge to Communist and Socialist parties that the action they proposed to take to develop liberal cooperatives would truly represent the interests of the working masses. Whilst their secession was much publicized, with full explanations, in the Liberal paper, "Risorgimento Liberale", it passed without comment by any other daily paper.

5217

0549

Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

Translation Latorreca

Informal obtained from Italian Ministry of Labour 28 Sept 1945

PRODUCTION AND LABOUR COOPERATIVES

Production and Labour Cooperatives are established by the same rules contemplated by the law governing other kinds of cooperatives. Therefore, as for other commercial companies, they are governed by the Civil Code, which though it establishes a particular discipline, puts them under the same juridical regime of other companies as for as fund allowances, accessory services, assemblies, administrators, mayors, account books, balance and the liquidation are concerned.

The, statute containing the rules and regulations relative to the functioning of the company constitutes an essential part of the constitutional act, to which it must be attached.

Moreover the cooperatives, according to R.D.L. of 11 June 1931, n.998, must, after 30 days of the compliance with the prescription of deposits, transcription and posting up contemplated by articles 91 - 96 - 180 - 194 of the Commercial Code, deposit the social acts at the Ministry of Labour for the publication of the Official Bulletin for limited companies.

Such acts (constitutional act and social statute) must be certified and transmitted directly by the cooperatives, or by a notary, supported by an official approval of the Court or by a certificate proving the deposit in the Chancery.

Particular rules are contemplated for those cooperatives which intend to take part in the public undertakings according to the law 25 June 1909, n.422 and Royal Decree 12 Feb.1911, n.278.

They may be composed of on illimited number of members however not less than 9: the members must be manual workers, they cannot have a member fee higher than 5.000 lire, neither so many shares that exceed such amount.

The profits, minus 5% for reserve fund, may be used for the following:

a) dividing them proportionally by each member;
b) assigning them for mutual, social security, cooperation and education purposes;
c) assigning to the capital deposited by the memb-

5216

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Declassified E.O. 12356 Section 3.3/NND No. 785021

are a divident not over 5% of the name capital and not higher than half of the profits gained.

In order to take part in the public undertaking the production and labour cooperatives must be registered in an appropriate register kept in each Prefecture of the Kingdom. The list of the cooperatives recorded in the register of the Prefecture, is published every six months in the legal announcement sheet.

The Prefect orders, by means of a decree, the registration of the cooperatives in the register of the Prefecture, after having heard the opinion of the Provincial Supervision.Commission presided by the same Prefect and composed of the Engineer head of the Civil Engineering, of the Finance officer as weel as of 3 permanent members and two assistants elected by the cooperatives recorded in the registers of the Prefectures. The Commission, in order to express its opinion, must check upon the Cooperatives to see if they possess all the qualities required by the law as well as by the rules and regulations for the register of the Prefecture. The same Commission provides for the suspensions and cancellations of cooperatives from the register of the Prefecture and also checks upon the balances and the functioning of the cooperatives as far as the observance of the provisions, laws and social statutes is concerned.

The Production and Labour Cooperatives, recorded in the register of the Prefecture may constitute themselves as "consortia" of cooperative companies for the undertaking of Public Works by applying tothe Ministry of Labour.

Upon completion of the requirements contemplated by the regulation approved by R.Decree 12 Feb.1911, n. 270, and after having ascertained the financial power and program of the consortium for the execution of public works, the Ministry of Labour, in accordance with the Ministry of Public Works promotes the decree by means of which the consortium is declared constituted and its statute approved.

Up to 25 July 1943 the number of the Production and Labour Cooperatives amounted to 1764. From then up to 30 August 1945, 609 cooperatives have been constituted.

LSc/210.

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

KJH/fE

Memorandum

11 September 1945

Subject: New Italian Political and Trade Union Organizations

In recent months minor industrial and political organizations have begun to develop independently of the six main political parties or of the General Confederation of Labour. There has been not unjustified criticism that the latter, the "mariage de convenance" of Communist, Socialist, and Demo Christian trade unions is concentrating too much on political issues and that the primary purpose of the Confederation - the industrial problems of the worker - is being overshadowed. Practical opposition to the Confederation, as reflected in the formation of the new organisations referred to below, has of course little weight at present, but should there be an open split in the ranks of the General Confederation these new and independent associations might have a more important role.

Unione Sindacale Italiana dei Lavoratori (U.S.I.L.)

This union was formed in Autumn 1944 by Luigi Scrivo, aged 44, living in Rome who has been active since 1928 as a journalist and director of the magazines "Gioco del Lotto" and "Romanzo per Tutti".

The U.S.I.L. claims to be an apolitical syndicalist movement based on modernised Sorelian principles; it was believed by Scrivo that many workers were not prepared to join forces with the Confederazione Generale Italiana del Lavoro as that Confederation links trade union activity too closely with political parties. Scrivo also took exception to the fact that the Leaders of the Italian General Confederation of Labour had never been democratically elected to their offices, and he alleged that workers not belonging to one of the three political parties controlling the Confederation (Communist, Socialist and Christian Democrat) were discriminated against by their unions. It is reported that U.S.I.L. combines its apoliticity with a sufficiently strong anti-monarchist sentiment to be diffident about fraternizing with British trade Unions - but it is not known how far this attitude may have changed since the formation of the new Government in Britain.

Membership of U.S.I.L. is open to all types of workers but the more active affiliated syndicates appear to be porters, school teachers, theatrical workers and Street car conductors. Organization is on the basis of six national federations (Agriculture, industry, commerce, professional, credit and insurance, artisans). In March 1945 total membership was said to be 50,000 and the claim is now made that this has increased to 300,000. Membership is strongest in the South, Catania having some 37,500 members andMessles 15,000. Funds of the U.S.I.L. are ostensibly obtained from dues paid by the members; these are 60 lire annually plus an initiation fee of 15 lire.

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There is some evidence that this Union is changing its nature, and that the original apolitical policy is being forsaken. There is a

Declassified E.O. 12356 Section 3.3/NND No. 785021

Demo Christian trade unions is concentrating too much on political issues and that the primary purpose of the Confederation - the industrial problems of the worker - is being overshadowed. Practical opposition to the Confederation, as reflected in the formation of the new organisations referred to below, has of course little weight at present, but should there be an open split in the ranks of the General Confederation these new and independent associations might have a more important role.

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There is some evidence that this Union is changing its nature, and that the original apolitical policy is being forsaken. There is a tendency for it to ally with the Partito Democrazia del Lavoro and there is ground for supposition that this political party is commencing to finance U.S.I.L. There are also signs that U.S.I.L. might not now be entirely reluctant to affiliate with the Italian General Confederation of Labour. Ruini who is Italian Minister of Reconstruction, and a Leader of Partito Democrazia del Lavoro is thought to favour the idea of his party controlling a Trade Union which - through the machinery of the General Confederation - can make its voice heard equally with the present three members (Communists, Socialists and Christian Democrats).

Declassified E.O. 12356 Section 3.3/NND No. 785021

It is a fact that, Scrivo, allegedly owing to the tendency of U.S.I.L. to take an interest in politics has seceded to revive the Unione Sindacale Italiana (U.S.I.) Leadership of U.S.I.L. has been assumed by Della Torre who is not opposed to the new trend, and who has been successful in obtaining nomination, as U.S.I.L. representative, to the National Consultative Council (Consulta); it is believed that this nomination may be the result of Buini's efforts.

Unione Sindacale Italiana (U.S.I.)

This organisation was founded in 1906 and had a reasonably successful record until its dissolution under Fascism. Corridoni whom, it may be recalled, was an associate of Mussolini in his early Socialist days, was an active member of this organization.

The policy of U.S.I. had always been firmly non political and although adherents of various political parties were members of U.S.I. it was the aim to distinguish clearly between trade union activity and party politics.

Scrivo has now revived this organisation and has defined his programme as: - complete freedom from political influences, the combat of Marxism and class warfare, moral and social improvement of the conditions under which the worker lives and works, participation in social-economic legislation, "defence of the sacred and inviolable right to work and affirmation of the natural responsibilities of work", and achievement of the most progressive forms of assistance and insurance for workers. Possibly in an attempt to attract the large, and as yet poorly organised agricultural population, the U.S.I. programme offers new and complete regulations for agricultural work and the maximum extension of the mezzadria system. The programme also provides for expediting and developing the cooperative movement in all branches of agriculture, industry, commerce and the consumer services.

As evidence of the non political nature of U.S.I., Scrivo points out that whilst his own political views are Socialist, Dott. Saitto a member of the Executive is a Christian Democrat, and Avv. Galfo, also of the Executive, is a Sicilian Secessionist.

U.S.I. is at present preparing its Statute for registration with the Italian Ministry of Labour and Social Insurance. At present it will not disclose its membership nor its scale of dues.

Organizzazione Sindacale Italiana (O.S.I.)

Under this title the Associazione delle Unioni Libere del Lavoro aspires to coordinate the activities of all the trade union organisations which sprang up independently before the establishment of the Italian General Confederation of Labour, and which, after the formation of the latter body, expressed unwillingness to be affiliated because of disagreement with the C.G.I.L.'s political nature.

The President of O.S.I. is Raffaele Cardillo. Scope for membership of the organisation is the 52 independent unions, not associated with the Italian General Confederation; in July 1944 these Unions were said to have 300,000 members. Actual membership figures for O.S.I. cannot be quoted.

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It is not clear at the moment how far O.S.I. is competent to embark upon normal trade union activities. It includes among its members artisans, small industrial employers, and merchants. It has no authority for negotiat-

Declassified E.O. 12356 Section 3.3/NND No. 785021

The policy of U.S.I. has always been firmly non political and although adherents of various political parties were members of U.S.I. it was the aim to distinguish clearly between trade union activity and party politics.

Scrivo has now revived this organisation and has defined his programme as: - complete freedom from political influences, the combat of Marxism and class warfare, moral and social improvement of the conditions under which the worker lives and works, participation in social-economic legislation, "defence of the sacred and inviolable right to work and affirmation of the natural responsibilities of work", and achievement of the most progressive forms of assistance and insurance for workers. Possibly in an attempt to attract the large, and as yet poorly organised agricultural population, the U.S.I. programme offers new and complete regulations for agricultural work and the maximum extension of the mezzadria system. The programme also provides for expediting and developing the cooperative movement in all branches of agriculture, industry, commerce and the consumer services.

As evidence of the non political nature of U.S.I., Scrivo points out that whilst his own political views are Socialist, Dott. Saitto a member of the Executive is a Christian Democrat, and Avv. Calfo, also of the Executive, is a Sicilian Secessionist.

U.S.I. is at present preparing its Statute for registration with the Italian Ministry of Labour and Social Insurance. At present it will not disclose its membership nor its scale of dues.

Organizzazione Sindacale Italiana (O.S.I.)

Under this title the Associazione delle Unioni Libere del Lavoro aspires to coordinate the activities of all the trade union organisations which sprang up independently before the establishment of the Italian General Confederation of Labour, and which, after the formation of the latter body, expressed unwillingness to be affiliated because of disagreement with the C.G.I.L.'s political nature.

The President of O.S.I. is Raffaele Cardillo. Scope for membership of the organization is the 52 independent unions, not associated with the Italian General Confederation; in July 1944 these Unions were said to have 300,000 members. Actual membership figures for O.S.I. cannot be quoted.

5213

It is not clear at the moment how far O.S.I. is competent to embark upon normal trade union activities. It includes among its members artisans, small industrial employers, and merchants. It has no authority for negotiating collective agreements, and its present activities appear to be limited to the type of assistance it recently gave in Naples where it organised the acquisition of supplies of leather from the Allies and distributed this among local shoemakers.

055.41
Declassified E.O. 12356 Section 3.3/NND No. 785021

Partito Laburista Italiano

This political organization is an off-shoot from Partito Libero Sociale and has absorbed the Unione Laburista Italiana. Upon constitution a committee of 20 people was formed, but this committee recently resigned as they could not agree with the Acting Secretary-General, Carlo Leopoldo Basile. The latter has now taken the position of Secretary-General and has begun a campaign to re-vitalize the party. Membership of the party is, at the moment, very small, being estimated at 4,000.

Basile who was an anti-Fascist, was, it is understood, convicted by the Italian courts on 25 occasions between 1927 and 1941 on charges of embezzlement, forgery, theft and bankruptcy. He was put in political confinement for three years on the grounds that his criminal activities made him a danger to public safety. Since the overthrow of the Fascist Government Basile has quickly become a wealthy man and he appears with ease to be able to purchase newspaper plants. He is director and financier of the weekly newspaper "Roma del Popolo" which he uses to spread party propaganda. In general he advocates the creation of numerous organizations of labour together with cooperatives. He is also the owner of the weekly political and economic paper "Il Riflettore" and the weekly labour paper "Corriere Abruzzese". In addition he cooperates with the director of the pamphlet "Lavoro e Tecnica".

Under Basile there is a Vice-Secretary, Fabiani, and 10 committee members; the party offices are at Galleria Margherita in Rome.

On 26 August this political party held a public meeting in Rome to launch its entry on the political scene. Basile was the main speaker.

5212

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

Chief Clerk
Kit/rmw

8 September 1945

File
US/210

MEMORANDUM

Subject: Activities of the Roman Church in the Labor Field in Italy.

1. The Vatican has obviously followed closely, and with great interest, the attempts of Italian workers to constitute and organize trade unions and associations. Activity by the Church in the labor field is, of course, not a new feature and bodies such as the "Operai Nazionale Assistenza Religiosa Morale Operai" (O.N.A.R.M.O.) have been in existence for many years; in Liguria Province a weekly paper, "Operaio Ligure", sponsored by the Vatican through O.N.A.R.M.O. has been published for some 50 years. In 1943, however, Fascist/Nazi control and oppression of any non-party activity did not spare the Vatican's interest in the life of the worker, and publications such as the "Operaio Ligure" were suppressed. Now, however, the Church finds itself at liberty to resume activity and its attitude seems to be that post-war exuberance and the often-incoherent, sometimes extremist, efforts by workers to organize, create problems for which a mere resumption of the Church's pre-1943 activities are insufficient; a more vigorous and outspoken program is indicated.

2. O.N.A.R.M.O. - This organization founded by the Vatican and directed by Cardinal Raffaello Rossi of the Sacra Congregazione Concistoriale, is being revitalized. Its program is apolitical and appears to be exclusively religious and moral. Its aid has recently been defined as the spreading of the doctrines of the Catholic Church among factory workers by means of Labor Chaplains who have freedom of entry to factories and industrial establishments expressly for furthering their work. In Genova, for example, 18 Priests engaged on this work have access to 80 factories employing some 80,000 workers of both sexes. The program of O.N.A.R.M.O., includes social welfare, contacting workers' families, giving help to those who are ill or in need. Special masses are held in the factories and conferences and meetings are frequently organized. Among the pamphlets and periodicals published by O.N.A.R.M.O., are:

"Due Estremi Liberalismo-Comunismo"

"Direttive Sociali Pontificie" (Enciclica sulla Questione Operaia)

"Catechismo Sociale".

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3. Labor Chaplains - These operate under the direction of

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Declassified E.O. 12356 Section 3.3/NND No. 785021

O.N.A.R.M.O., and their aim is to form and strengthen an alliance between the Church and labor. The Pope recently granted an audience to a number of these Chaplains and his comments are interesting. He is reported to have said that natural alliance between the Church and the workers has been obstructed by modern capitalism, resulting in "a brutal discipline wearing out the body and extinguishing, one by one, the lights of the soul." He commented on the growth of a workers movement opposed to capitalism but equally hostile to the Church. He saw in present day industry and large establishments employing thousands of workers an opportunity and a vital field for apostolic work. A call was made for Priests prepared to adopt this vocation and be industrial missionaries.

4. In this connection it is of interest to note that the scheme for the recruitment of Italian labor for Admiralty establishments in the Far East (now, of course, cancelled), made provision for the inclusion of Chaplains with each party of workers.

5. Wages of Women Workers - It will be recalled that following the Milan Wages Agreement, providing for increased cost-of-living bonus, there was agitation centered round Turin for granting equality of pay to men and women. The Turin women's wage agreement was signed by employers, under duress, and the whole question of the principle of equal pay became urgent and vital, with employer organisations the Confederazione Generale Italiana del Lavoro, the Italian Government and AMG as interested parties. Whilst the question was still a delicate one on which agreement in principle could not be reached, the Pope granted an audience to some 6,000 women members of the Associazione Catholica Lavoratori Italiani. During the address, which was largely directed to spiritual and moral issues, the Pope made two clear and forthright pronouncements on purely industrial questions:

(a) He referred to trade union organization and stated that Catholics had willingly supported the idea of a single Confederation. He indicated, however, that the great expectations that a body such as the CGIL might bring real and lasting benefit for workers were in danger of not being fulfilled. He suggested that the workers' early hopes were likely to be "a useless dream to be dispelled by the winds of political passions", and he exhorted his audience to ensure that working-class organization did not become the instrument of class struggle or party interest.

0559

Declassified E.O. 12356 Section 3.3/NND No. 785021

(b) The Pope stated that the Church had always subscribed to the opinion that women workers when doing equal work with men should receive equal wages. He observed that it would be both unjust and contrary to the common interest to exploit women workers by engaging them at wages lower than men; such would be detrimental both to the women workers and to men who would thereby face unemployment.

In view of the Turin problem described above, this statement from the Vatican was avidly seized upon by the Italian press, in particular the left-wing element. Most daily papers carried headline and welcomed the Church's support. One dissenting voice was UNITA which, recalling the Pope's statement that the Church has always recognized the right of women to equal pay, reviewed the position in Belgium where from 1880-1914 Catholics held power; in Spain where there has been a long succession of Catholic governments, and in Portugal. It suggested that the Church's attitude, as expressed by the Pope, was not reflected in the action of foreign governments, and that further publicity by the Vatican seemed appropriate. UNITA compared the position in these countries with that in Russia -- the only country, in the opinion of the paper, where the inherent rights of the worker are inscribed in the constitution and rigorously applied in fact.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LABOR SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE		
Mr. SACHS	[illegible]	
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

File pending further letter from Italian Govt. 12/8.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Translation Baldazzi /js

LABOUR MINISTRY

Mr BRAINE
Labour Sub-Commission
Rome

Referring to your note of 28 July last, I inform you that I am aware of the existence of a Draft-law Gronchi, concerning the registration of syndical associations, the procedure to be followed for the conciliation of labour controversies, the organization of labour offices, etc, but I do not know it in its details.

But I have been informed that the text in question was much discussed and was not found satisfactory under any point of view.

I have in mind to examine it closely, but so far it was impossible for me to do so, owing to the present committments of my office, in connection with the organization of the Ministry and with the general problems of the country I am to deal with.

I any way, I may assure you that I am concerned also with the question that you have pointed out to me, and that I intend to submit you as soon as possible my exact standpoint on the matter.

BARBARESCHI

N°399/40-G

Il Ministro per l'Industria, il Commercio e il Lavoro

ROMA, 10-8-1945

Uff/210

Caro Signor Braine,

in relazione alla sua nota del 28 luglio u.sc., le comunico che so della esistenza di un progetto di legge Cronchi riguardante la registrazione delle Associazioni sindacali, la procedura per la conciliazione delle vertenze, l'organizzazione degli uffici del lavoro, ecc., ma non lo conosco affatto nei suoi particolari.

Mi risulta che è stato molto discusso e che non ha soddisfatto gli interessati sotto ogni punto di vista.

Mi sono proposto di esaminarlo, ma non ne ho avuta finora alcuna possibilità dati gli impegni del mio ufficio conseguenti al lavoro dell'organizzazione del Ministero e alla esistenza dei gravi problemi generali del Paese.

Assicuro ad ogni modo che mi preoccupo anche del problema da lei indicato e che mi propongo di esserle preciso in merito quanto prima.

Colonnello Braine
Commissione Alleata - Sottocommissione

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283

Declassified E.O. 12356 Section 3.3/NND No. 785021

Caro Signor Braine,

in relazione alla sua nota del 28 luglio u.sc., le comunico che so della esistenza di un progetto di legge Gronchi riguardante la registrazione delle Associazioni sindacali, la procedura per la conciliazione delle vertenze, l'organizzazione degli uffici del lavoro, ecc., ma non lo conosco affatto nei suoi particolari.

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Bonomi

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Colonnello Braine
Commissione Alleata - Sottocommissione
per il Lavoro
R O M A

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Ma/bj

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LEGA NAZIONALE DELLE COOPERATIVE

Ref. 1745 Mtra 31/8/45 MR.

GI/Ap.
Prot. n. 554/XXXX

ROMA, li 17 agosto 1945
PIAZZA POLI, 37 - TELEF. 61.091 - 61.092

Mr. BRAINE
ECONOMIC SECTIONS A.C.
Via Veneto

R O M A

Ci onoriamo di invitare la S.V. ad intervenire al

1° CONGRESSO NAZIONALE DELLA COOPERAZIONE

che sarà tenuto a Roma nei giorni 1 - 2 e 3 settembre c.a.-

Il Congresso costituirà la prima rassegna delle forze cooperative della nuova Italia libera e democratica, ed avrà per scopo l'esame e la trattazione di problemi fondamentali e di attualità della cooperazione nelle sue varie branche, ai fini, essenzialmente, della ricostruzione materiale e morale del Paese.-

Parteciperanno al Congresso rappresentanti e delegati di cooperative di ogni specie e di ogni parte d'Italia; rappresentanti di organizzazioni cooperative di Stati esteri; tecnici; studiosi e amici della cooperazione.-

I lavori del Congresso avranno inizio alle ore 9 di sabato 1° settembre p.v. e si svolgeranno, secondo l'accluso programma, nella Sala delle riunioni (p.t.) dell'Associazione Nazionale dei Mutilati e Invalidi di Guerra (Casa Madre dei Mutilati), in Piazza Adriana.-

Data l'importanza del Congresso e degli argomenti che vi verranno trattati, il Comitato Direttivo della Lega Nazionale delle Cooperative confida nell'intervento della S.V.-

Con osservanza.-

IL SEGRETARIO GENERALE
On. Enrico Dugoni

IL PRESIDENTE
On. Emilio Canevari

n. 1 allegato.-

0565

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LEGA NAZIONALE DELLE COOPERATIVE

Piazza Poli, 37 - ROMA - Telef. 61.091 - 61.092

PRIMO CONGRESSO NAZIONALE DELLA COOPERAZIONE

La S. V. è invitata a partecipare al 1° Congresso Nazionale della Cooperazione che avrà luogo in Roma nei giorni 1, 2 e 3 Settembre 1945, nella sala delle riunioni dell'Associazione Nazionale Mutilati e Invalidi di Guerra - Piazza Adriana.

Il Congresso avrà inizio il 1° Settembre alle ore 9.

IL PRESIDENTE DEL COMITATO DIRETTIVO
On. EMILIO CANEVARI

Al Signor Braine . Economic Sections A.C.
Rome

0566

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LEGA NAZIONALE DELLE COOPERATIVE

ROMA - PIAZZA POLI, 37 - TEL. 61.091 - 61.092

I° CONGRESSO NAZIONALE DELLA COOPERAZIONE

ROMA - 1, 2 e 3 SETTEMBRE 1945

Sala Riunioni Associazione Nazionale Mutilati e Invalidi di Guerra (Casa Madre Mutilati) Piazza Adriana - Telef. 55070.

ORDINE DEL GIORNO

1. - Ore 9 - Apertura del Congresso . . .	ON. EMILIO CANEVARI
2. - Relazione del Comitato Direttivo provvisorio della Lega Nazionale delle Cooperative	ON. ENRICO DUGONI
3. - *a)* Ratifica della costituzione della «LEGA» *b)* Discussione ed approvazione dello Statuto *c)* Nomina delle cariche sociali	DOTT. GUIDO SAETTI
4. - Problemi della cooperazione nelle sue diverse branche:	
a) Cooperazione di consumo	DOTT. GIOVANNI DELLA TORRE PROF. FRANCESCO DRAMIS AVV. OSCAR GAETA
b) Cooperazione di produzione e lavoro .	ON. EMILIO CANEVARI DOTT. FRANCESCO PREVITI
c) Cooperazione agricola	PROF. MARIO CASALINI ON. ENRICO DUGONI PROF. LUIGI MINGUZZI
d) Cooperazione di trasporto	SIG. OSCAR SPINELLI
e) Cooperazione edilizia	RAG. GASPARE GALUPPO DOTT. ALFONSO MANZI
f) Cooperazione della pesca	DOTT. ROCCO MINASI
5. - Mutualità volontaria	DOTT. BATTISTA MAGLIONE
6. - Credito alla cooperazione	AVV. ALBERTO BASEVI
7. - Riforma della legislazione sulla cooperazione	DOTT. EUGENIO DUGONI AVV. ENRICO LA LOGGIA

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Regolamento del Congresso

1. — Il Congresso sarà tenuto in Roma nei giorni 1, 2 e 3 settembre 1945.

2. — Le sedute avranno luogo nella sala delle riunioni dell' *Associazione Nazionale Mutilati ed Invalidi di Guerra* — gentilmente concessa — *Roma, Piazza Adriana Tel. 55070.*

3. — Il Congresso avrà inizio il 1° Settembre 1945, alle ore 9 e sarà aperto dal Presidente del Comitato Direttivo Provvisorio della *Lega Nazionale delle Cooperative.*

4. — Ultimata la seduta inaugurale, il Congresso darà inizio ai suoi lavori ordinari procedendo alla nomina:

a) di un collegio di presidenza di 4 membri;

b) di un collegio di segreteria di 4 membri;

c) di un collegio di scrutatori di 5 membri;

d) di un collegio per la verifica dei poteri di 5 membri.

5. — Possono partecipare al Congresso tutti gli organismi cooperativi italiani legalmente costituiti.

6. — Per essere ammessi alla sala delle adunanze, occorre presentare la tessera di ammissione rilasciata dal Comitato ordinatore, in base alle regolari schede e deleghe pervenutegli o presentategli.

Le tessere potranno essere ritirate sia presso la *Lega Nazionale delle Cooperative* — Roma, Piazza Poli, 37 — sia presso la *Segreteria del Congresso,* nell' antisala delle adunanze.

7. — Alla discussione e alla votazione sui temi tecnici (commi 4, 5, 6, 7 dell'o. d. g.) potranno partecipare tutti gli intervenuti; a quelle sui temi organizzativi della **LEGA** (commi 2 e 3 dell'o. d. g.) solo gli aderenti alla *Lega* stessa.

8. — La votazione sui temi di cui ai commi 4, 5, 6 e 7, avrà luogo di regola per alzata e seduta; quella sui commi 2 e 3 per appello nominale.

Nelle votazioni per alzata e seduta, ogni Cooperativa presente o rappresentata disporrà di un voto per ciascun delegato; nelle votazioni per appello nominale, di un voto per ciascun socio.

9. — Ogni cooperativa avrà diritto a un delegato ogni 300 soci; a tre delegati fino a 5.000 soci e ad un altro delegato per ogni 5.000 soci in più.

10. — Date le difficoltà delle comunicazioni, non è previsto alcun limite al numero delle deleghe di cui potranno essere portatori i partecipanti: le deleghe dovranno essere notificate alla Segreteria del Congresso.

11. — Su ogni tema posto all'ordine del giorno riferiranno uno o più relatori.

12. — Udita la relazione dei relatori e aperta la discussione su vari temi, chi vorrà prendere la parola sui temi stessi, dovrà mandarne richiesta scritta alla Segreteria del Congresso.

13. — Nessuno potrà parlare più di due volte sullo stesso argomento, nè più di dieci minuti per volta.

I relatori avranno per ultimi la parola.

14. — Occorrendo, la discussione sui vari temi potrà essere fatta in distinte se-

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Declassified E.O. 12356 Section 3.3/NND No. 785021

zioni: gli ordini del giorno approvati dalle sezioni saranno presentati, per la votazione, al Congresso nella seduta plenaria di chiusura.

15. — Al Congresso saranno invitati i membri del Governo; le autorità alleate e locali; i rappresentanti del C. L. N., dei partiti e delle organizzazioni sindacali italiane ed estere; i rappresentanti delle organizzazioni cooperative nazionali ed estere; le banche e gli istituti di credito; la stampa e studiosi eminenti del movimento cooperativo.

16. — Le adesioni dovranno pervenire alla Segreteria del Congresso — Roma, Piazza Poli, 37 o all'Ufficio speciale di Segreteria che funzionerà nei locali del Congresso stesso — prima dell'apertura della seduta inaugurale.

17. — I congressisti potranno ottenere ogni utile informazione riguardante i lavori del Congresso, i servizi di mensa, alloggio, viaggio, ecc. dalla Segreteria del Congresso e dagli uffici della *Lega*.

Tip. F. Ferocc - Via della Stelletta, 21-a - Roma

0569

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LEGA NAZIONALE DELLE COOPERATIVE

ROMA - PIAZZA POLI, 37 - TEL. 61.091 - 61.092

Personal Urgente

No. 4 Regulated
ES Mag Cntr.

52363

Mr. Braine

Economic Sections A.C.

Via Veneto

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AGR/1c

LSC/210

TRANSPORTATION SUB-COMMISSION, AC
(RAIL DIVISION)
c/o Transportation (Ex) Main
C.M.F.

Tel. 84.3238
Ref. AC/239/Tn 4

2 August 45

SUBJECT : Request of tyres.

TO : Commerce Sub-Commission
HQ AC

1. Attached hereto is request from Secretary of the Railwaymen's Syndicate for two tyres and tuben for use on car, in order to enable them to travel to various areas.

2. This Sub-Commission confirms the need of the tyres and endorses the use of the car for the purposes stated.

3. Will you please reply direct to the Committee on the subject.

for Director

Copy to: Sindacato Ferrovieri Italiani C.C. 20 Via Boni Roma
Labour Sub-Comm. HQ AC.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LABOR SUB-COMMITTEE
A.C
Routing Slip

	Initials	Date
~~Mr. W.H. BRAINE~~		
Mr. SACHS		
~~Mr. HIRD~~ Seen		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

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0572

Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

Translation Baldwin /ja

From "L'OSSERVATORE ROMANO"
30-31 July 1940

LABOUR SOLIDARITY

The Italian meeting of the C.N.A.S.L.O., held in Rome a few days ago, and ended in a audience granted by the Holy Father, has called once more the public attention to the above quoted sigla which, owing to the dramatic actualness of the war, has taken a very popular and sympatetic character. When we say ONARMO everyone thinks by this time of the most daring and generous initiatives in matter of assistance to refugees, unfortunate men and war victims; every one thinks of the most varied forms of special assistance, of an alimentary character, which manifests itself not only on the plan of charity, but also on that of social co-operation. This assistance has been successful in bringing about an effective solidarity of interests in most different quarters: industrial concerns, ministries and penitential establishments. Who in Italy is not acquainted with the ONARMO soups? And who does not know that the ONARMO keeps itself always in touch with the Italian and Allied Authorities and the most important initiatives of assistance, both in Italy and abroad, not to say with the Pontifical Assistance Commission?

But perhaps there are not very few those who have forgotten, or who have never known that the sigla ONARMO mean: "National Institution for religious and moral assistance to workers". About a fourt of century ago, a young clergyman coming from the "Marche" region, undertook to establish in Rome the above mentioned institution, aiming at the most characteristic activities of modern industrial life: the plant, factory and the large mining industry. Then the activity and history of the Church was henceforth growing rich with a new chapter: labour. As a matter of fact, under its double notion of duty and right belonging to all free men, labour was born twenty centuries ago, at the same time as Christianity and was risen at a civilized status by the Cross, throughout a long vicissitude of times and events in all the world, so that one could say that Labour was born Christian just as the Church we born endowed with toiling virtues. However, the strong and natural alliance between Church and Labour was later on spoiled by modern capitalismo to such an extent that factories, as well as ship building yards where the uproars of machines are resounding and the tentacular cities of electricity and coal,

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Declassified E.O. 12356 Section 3.3/NND No. 785021

were born, so to say, without God. Under these conditions, the workers were constrained to observe a brutal discipline, wearing to death the body and extinguishing, one after another, the lights of the soul.

So we saw the rising of a "Labour World" outside and against the Church. The forces and impulses impelling this world found their origin and development in ideals wholly stranger and hostile to the Church. Just as the Capitalism, so the anti-capitalist reaction were doing without God in their ideological and economic presuppositions. So the practical materialism of unscrupulous employers had its counter part in the "dialectical" materialism of Marx.

The Church, then, in the factory and the priest of Christ by side of the worker.

May be it is convenient to stop a little and consider another aspect of the question: in the Labour Chaplain one should not see an extemporization suggested by the emergencies of the usual passing hour . The seniority of the CHARIC is in itself a confirmation of it, with its 25 years of experiences pursued with an intelligent perseverance. But to convince ourselves of it we may go back to the very origin of the workers' movement in all the countries where the organization of large industries for the first time came forth: to begin about a century ago in Germany from the Prelate Kettéler, and the priests Desbach, Kolping, Hitze up to Sonnenschein, in Belgium from the Prelate Pontrelaux to Prelate Pottier to Father Lutten; in France from Leon Harmel to the young men of the SILLON and the EQUIPES SOCIALES. There are men and things, which under the most different forms, are bringing into realization the most immediate contact between the Church and the labour world.

* * * * *

The Labour Chaplain was by that time appearing to us in the frame of a civilization which seemed far away from Italy, but to-day in our Northern regions there are industrial establishments with some tenths of thousand workers. What a large field for carrying out an apostleship work! A factory, an industrial plant, a mine are worth a parish! The chaplain is parson of this original

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Declassified E.O. 12356 Section 3.3/NND No. 785021

parish. He takes care, above all, of the spiritual life of the workers who are positively professing and practising the Faith, then, and=we would almost say more intensely = he will take care of the sin, the abandonment or the hazard have kept away from the Church. And because these souls, in a good many places are the majority, the chaplain is called up to play a role of missioner in an environment, which very often reminds the parish infidelium. Here lays the peculiar character of his activity. A number of priests have spoken at the Romo' meeting about a vocation for the apostleship activity in the factory. Be it so. But it is an essentially missionary vocation, which presupposes all the wisdom and fearless, all renounciations = even the most painful ones = and all the generosities of a missioner.

souls whom the

0575

Declassified E.O. 12356 Section 3.3/NND No. 785021

File LSC/210

HEADQUARTERS ALLIED COMMISSION
APO 534
LABOR SUB-COMMISSION

KH/rmw

TEL : Ext. 704

REF : LSC/210+1002

28 July 1945

Dear Signor Barbareschi:

On 4th June Minister Gronchi sent to me copy of a draft labor law dealing with registration of syndical associations, the procedure for conciliation, and the organization and functions of a central labor council and the Regional and Provincial Labor Offices. Minister Gronchi said that this draft was only provisional and would require much revision and modification.

I wonder whether you have decided to continue with the issue of a decree of this nature, and, if so, whether its present form differs materially from the draft sent to me by Minister Gronchi. There are one or two points in the draft sent to me on 4 June that I would have liked to comment on, or perhaps discuss with you, but I should be obliged if you would first let me know whether you are still proceeding with the decree, and whether its form has been materially changed.

Yours very truly,

W. H. DRAKE
Director
Labor Sub-Commission

Signor Gaetano Barbareschi
Minister of Industry and Social
Welfare
Italian Government
Rome

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

KH/pm

Tel. : Ext. 204

28 Luglio 1945

Ref. : LSC/210

Caro Signor Barbareschi,

In data 4 Giugno u.s., il Ministro Gronchi mi fece pervenire copia di un progetto di legge riguardante la registrazione delle associazioni sindacali, la procedura per la conciliazione delle vertenze, l'organizzazione e le funzioni di un Consiglio Centrale del Lavoro, nonché degli Uffici regionali e provinciali del lavoro. Il Ministro Gronchi mi scrisse che il progetto di cui si tratta era soltanto provvisorio e che avrebbe richiesto un considerevole lavoro di revisione e di modifiche.

Sarei curioso di sapere se intendente perseverare nel proposito di promulgare un decreto di tal genere e, in caso affermativo, se la presente forma dello stesso differirà radicalmente dal testo del progetto di legge inviatomi dal Ministro Gronchi. Vi sono alcuni punti del decreto inviatomi in data 4 Giugno u.s., sui quali mi piacerebbe fare alcuni commenti e forse anche discutere con Voi, ma vi sarei grato di farmi sapere preventivamente se continuate a lavorare sulla base del progetto di decreto in parola, oppure se la forma del medesimo è stata radicalmente alterata.

Sinceramente Vostro,

W. H. BRAINE
Director
Labour Sub-Commission

5195

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

11 July 1945

MEMORANDUM TO MR. BRAINE

SUBJECT : Draft Decree dealing with Trade Unions and Associations.

1. In a memorandum dated 26th October 1944 (on file ES/7.02) dealing with a May 1944 draft Decree to regulate Trade Unions and Industrial Relations, AFHQ instructed us"to ensure that any labour legislation or proposals liable to similar criticism do not receive your support". AFHQ and War Department specifically criticized proposals that

a gave labour offices incompatible functions. "The administration of a system of public employment exchanges, social insurance, the collection of statistics, cannot be successfully combined in the same agency with the regulation of Unions and the compulsory arbitration of labour disputes. The confidence of labour and employers in the impartial performance of technical functions would be undermined by the injection of the same administration into highly controversial labour disputes".

b gave a State administrative office authority over employers' and workers' organisations and permitted the State office to revoke the right to bargain or negotiate.

2. The present draft Decree may in theory be open to criticism under both the above headings. The ufficio del Lavoro becomes responsible for registration of Associations(Art.12), for granting or withdrawing legal recognition of Associations (Art.15), for extending the application of collective agreement (Art.28), for issuing regulations which have the force of collective agreements(Art.30), for conciliation of disputes(Art.49), and for appointing arbitrators if so requested by the parties to the disputes(Art.55). At first sight no doubt these functions could be termed"incompatible", and the too close identification of wage negotiation, conciliation and arbitration, with an Office that is responsible for placing work and the development and enforcement of economic and social security, regulations, and education, might undermine public confidence in impartial administration.

519

On the other hand, the terms of the present decree are far

Declassified E.O. 12356 Section 3.3/NND No. 785021

1. In a memorandum dated 26th October 1944 (on file ZS/7.02) dealing with a May 1944 draft Decree to regulate Trade Unions and Industriel Relations, AFHQ instructed us"to ensure that any labour legislation or proposals liable to similer criticism do not receive your support". AFHQ and War Department specificelly criticized proposels that

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On the other hand, the terms of the present decree are far less imperious than those of the May decree. With sensible administration and execution the present decree should not lead to greater difficulties than result from existing practice in other countries where State Labour Administration has an equally wide scope. Experience has shown that it is an advantage for Administration to be consulted- in an advisory capacity, for information, or as an oiler of wheels- in all questions that involve employment or industrial relations. The proposed variety of functions of the Ufficio del Lavoro need only be "incompatible" if the individual administrator is either a rogue or a nincompoop.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Within the detailed Articles of the decree there is ample scope for discounting general criticisms on the lines of 1(a) and (b) above, by showing that the varying functions and responsibilities of the Ufficio del Lavoro are not restrictive (eg. right of appeal, the principle of freedom to negotiate, and the use of Advisory Committees, are fully accepted as means of avoiding bureaucratic rule).

3. The following are comments on specific items in the draft decree

Article 11(2) If Italian Unions can make proportional representation practical they will be entitled to the admiration and respect of the world. This is a democratic ideal that the new Italy is perhaps too immature to embody in legislation. Suggest "..... to all members and adequate expression of minority views."

Article 12 It is not clear how far entitlement to registration (Art.11) makes the act of registration automatic. The procedure for rejection appears to be for the provincial labour office to advise the regional labour council and the latter gives the decision. Appeal against this decision goes to Central Labour Council on which, inter alia, are 75 representatives of "registered national Associations". Unless Art.11 is sufficient to ensure the act of registration provided the three requirements are fulfilled, there is a loophole not only for ~~bureaucratic~~ obstruction but also for powerful Associations that are already organised, "registered" and represented on the Central Council, to obstruct the formation of new Associations. Perhaps Legal Section can advise.

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Article 15 The power to revoke registration is in the hands of the Ufficio del Lavoro, to whom (under Art.16) any appeal must be submitted. Appeals against revocation are forwarded by Ufficio del Lavoro to the Regional Labour Council.

There is apparently no provision for appeal against revocation to Central Labour Council. Suggest the procedure for revocation of registration should be identical with pro-

Declassified E.O. 12356 Section 3.3/NND No. 785021

sentation practical they will be entitled to the admiration and respect of the world. This is a democratic ideal that the new Italy is perhaps too immature to embody in legislation. Suggest "..... to all members and adequate expression of minority views."

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There is apparently no provision for appeal against revocation to Central Labour Council. Suggest the procedure for revocation of registration should be identical with procedure for refusing initial registration.

Article 19

(a) Election of the Internal Commission is by separate ballot of manual and office workers.

Declassified E.O. 12356 Section 3.3/NND No. 785021

(b) A member of the Commission can be dismissed during his one year term of office "by the majority of the workers in the employ of the Firm."

This second provision appears to cancel out what is, in effect, a minority privilege given by (a).

Article 21(5) "To denounce..... all infringements....." is phraseology with unpleasant associations. Suggest "to assist in ensuring observance of the social and labour laws....."

Article 30 In the absence of a registered Association the Labour Council can make collective agreements - but the members of the Labour Council are predominantly representatives of "registered" Associations. A non registered Association (which is permitted under Art.27 to negotiate an agreement) may find this right usurped by opposing interests on the Labour Council.

Article 41 Regional Labour Councils are to be composed of:-

12 members representing associations of employers (& professions)
12 " " " of direct land cultivators.
7 " voted for by all employers shown on regional census.
7 " " " " " workers, artisans and direct land cultivators recorded on regional census.

There seems no equal worker/employer balance.

Article 44 The Decree gives the Ufficio del Lavoro enough work without adding this statistical job of recording every engagement or discharge. It should be sufficient to provide for the registration of workers need work and/or benefit. 5192

Article 49 It is not clear whether this means compulsory notification (by registered letter) of trade disputes -or whether such notification is only necessary where the parties to the dispute require the Ufficio del Lavoro to arrange conciliation and arbitration.

Article 51 If conciliation fails the local Ufficio del Lavoro is to prepare minutes of the conciliation meetings, to define the agreement as far as it had been reached, and to specify the credit that can be given to either

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Article 51 If conciliation fails the local Ufficio del Lavoro is to prepare minutes of the conciliation meetings, to define the agreement as far as it had been reached, and to specify the credit that can be given to either party.

This seems to make the local official himself arbitrator.

Article 62(13) Since a separate Ministry of Labour and Social Welfare has been formed, is this reference to Inspectorate still appropriate?

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

DCS:sb

MEMORANDUM TO MR. BRAINE

10 July 1945

SUBJECT: Draft Labor Decree.

1. The following constitutes my comments on the proposed labor decree.

2. Article X. This provides that a person may belong to only one syndicate. Such a provision may be unwise in the case of a worker who augments his income by engaging in after-hour employment such as playing a musical instrument in an orchestra and who might want to become a member of the musicians union.

3. Article 9. This fails to set forth the type of activity which might be incompatible with duties arising out of public employment.

4. Article 11, Para 2. I am not too sure about the wisdom of requiring proportionate representation as a matter of law. Many of our experiments in proportionate representation in the political field have not been too successful. I think this should be left to the unions themselves.

5. Article 12. Although I am not sure as to the consequences of the rejection of a registration request, I object strongly to any provision whereby such a request could be refused for any reason other than compliance with the formal requirements set forth in Article 11. Such a provision is, I think, an unreasonable restriction upon the free right to association and may prove a barrier to genuine rank and file movements.

6. Article 13. I see no need of requiring labor unions to register their membership and this may be used for political or economic reprisals.

7. Article 18. I think that the requirement that a petition for an internal commission be signed by one-fifth of the employees is too high.

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8. Article 27. This provision is rather ambiguous. If there is a registered union which has a collective agreement and is duly representative of the employees, such a union should have exclusive bargaining rights and its authority should not be undermined by

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Declassified E.O. 12356 Section 3.3/NND No. 785021

another union with power to act for members only. If, on the other hand, there is no registered union having authority to represent the workers, there would seem to be no objection to the operation of a non-registered union representing members only.

9. Article 28. I think that three-fifths is too high for exclusive representation. A majority would seem to be adequate.

10. Article 31. I am not too sure about making registration of collective contracts a prerequisite to legal validity.

11. Article 33. It seems to me that the question of when a notice to terminate can be given should be left to the parties rather than have an ironclad three month rule.

12. Article 35. Reference here and throughout the draft to the Ministry of Industry, Commerce and Labor should be changed now, of course, to the Ministry of Labor and Social Welfare.

13. Article 44. I am not in accord with this provision. It seems unnecessary to require persons who are employed to register except for reasons of social insurance nor would there appear to be any reason to require notice of every new hiring and termination.

14. Article 45. This gives the Labor Offices exclusive rights as labor exchanges. I wonder if this is sound in ordinary peace time?

15. Article 48. This Article is not clear to me. Does it mean that labor disputes are to be submitted to the ordinary judicial system?

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Copia
Traduzione originale

Riservata

Il Ministro per l'Industria
il Commercio ed il Lavoro

Roma, 4 giugno 1945

Caro Sig. Braine,

Le mando, qui unito, una copia del progetto di legge sul lavoro, redatto a seguito di numerose sedute e discussioni, perchè Lei ne prenda conoscenza.

Si tratta di una bozza, beninteso, che va riveduta, modificata, integrata: ma che serve tuttavia a darLe una idea del mio orientamento personale sulla materia.

Gradirò molto conoscere il Suo pensiero al riguardo: e frattanto La saluto con cordialità.

Bruch.

Sig. W.R. BRAINE
Commissione Alleata
Sotto Commissione Lavoro
R O M A

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Declassified E.O. 12356 Section 3.3/NND No. 785021

TRANSLATION

REGISTERED

4 June 1945

The Minister of
Industry, Commerce and Labour

Dear Mr. Braine,

Attached for your information please find copy of draft Labour law drawn up following many meetings and discussions.

It must be understood that this is a draft which must be revised, modified and completed, but will serve to give you an idea of my personal inclination on the subject.

I will be very pleased to have your consideration on this matter and in the meantime, send you my cordial greetings,

/s/ Cronchi

TO: Mr. W.H. Braine
Labour Sub-Commission
Allied Commission
Rome.

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SCHEMA

CAPO I°

DEI SINDACATI E DELLE ASSOCIAZIONI SINDACALI

ART. 1. -

Tutti gli appartenenti ad una categoria di liberi esercenti una professione o di prestatori d'opera subordinata o di esercenti un arte o un mestiere o di datori di lavoro compongono un ordine, un collegio o un sindacato professionale, secondo le disposizioni della legge.

L'ordine, il collegio, il sindacato di ciascuna categoria pro_ fessionale rappresenta gli appartenenti alla categoria stessa, nei limiti delle funzioni ad esso conferite.

Art. 2. -

Tra appartenenti ad una stessa categoria professionale possono costituirsi associazioni sindacali, che rappresentano solo i loro associati, secondo le disposizioni delle leggi e dei rispettivi statuti.

Art. 3. -

Sino e quando la costituzione, la organizzazione e le funzio_ ni del sindacato nonché le nuove funzioni degli ordini e dei col_ legi, non saranno regolate dalla legge, si osserveranno, per le associazioni sindacali, le disposizioni degli articoli che seguo_ no.

Art. 4. -

Le associazioni sindacali devono essere costituite con atto scritto.

Esse devono proporsi esclusivamente il fine della tutela de_ gli interessi di categoria, economici e morali, degli associati.

Le associazioni sindacali possono essere nazionali o locali.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 5. -

Le associazioni sindacali acquistano la personalità giuridica con la registrazione, secondo le disposizioni del presente decreto.

Art. 6. -

Possono costituirsi associazioni fra associazioni sindacali registrate.

Art. 7. -

Possono fare parte delle associazioni sindacali i lavoratori che hanno la capacità giuridica di stipulare contratti di lavoro.

Le Amministrazioni dello Stato, anche se ad ordinamento autonomo, delle Provincie e dei Comuni non possono far parte di associazioni sindacali.

Gli altri enti pubblici possono partecipare alle associazioni sindacali registrate se ne siano autorizzati con decreto luogotenenziale.

I dipendenti dello Stato e degli altri enti pubblici possono far parte di associazioni sindacali registrate, ad eccezione degli appartenenti a corpi armati, dei magistrati degli ordini giudiziario ed amministrativo, dei funzionari delle amministrazioni militari, dei funzionari delle amministrazioni degli affari esteri, dell'interno e del lavoro e dei funzionari delle amministrazioni centrali preposte alla disciplina della pubblica economia.

Art. 8. - 5188

E' vietato di appartenere a più associazioni della stessa categoria.

Art. 9. -

Nell'atto costitutivo e nello statuto delle associazioni

Declassified E.O. 12356 Section 3.3/NND No. 785021

sindacali di dipendenti dello Stato e di altri pubblici enti deve essere espressamente vietata ogni attività delle associa_ zioni e dei singoli associati, che sia incompatibile con i doveri nascenti dal rapporto di pubblico impiego.

Art. IO. -

Nello statuto delle associazioni fra associazioni sindacali registrate deve essere stabilito che ogni associazione parteci_ pi in ragione del numero dei propri associati.

Art. 11. -

Le associazioni sindacali possono essere registrate se l'at_ to costitutivo e lo statuto:

1) riconoscono parità di diritti a tutti gli associati e permet_ tono la partecipazione all'associazione ad ogni appartenente al_ la categoria, senza alcuna distinzione;

2) regolano la elezione dei rappresentanti e dei componenti de_ gli organi collegiali, mediante disposizioni che garantiscano il diritto di voto a tutti gli associati e assicurino la rappre_ sentanza proporzionale delle minoranze;

3) assoggettano all'approvazione degli associati il bilancio annuale ed ogni modificazione dello statuto dell'associazione.

Art. 12. -

La registrazione é chiesta al competente ufficio del lavoro 5185 del luogo ove ha sede la associazione sindacale e può essere rifiutata su conforme parere del Consiglio del Lavoro competente.

La registrazione e il rifiuto di registrazione devono essere notificati ai rappresentanti della associazione.

Contro il provvedimento dell'ufficio del lavoro che consente

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Declassified E.O. 12356 Section 3.3/NND No. 785021

o rifiuta la registrazione, le associazioni interessate possono ricorrere al Consiglio di Stato, anche per il merito.

Art. 13. -

Le associazioni registrate debbono tenere il libro degli associati, che deve essere vidimato, prima dell'uso, dall'ufficio del lavoro.

Il libro deve contenere tutte le indicazioni atte a identificare gli associati e a accertarne la capacità di stipulare contratti di lavoro.

Le associazioni registrate devono comunicare all'ufficio del lavoro, alla fine di ciascun semestre, le variazioni fra i propri iscritti.

Art. 14. -

Le deliberazioni che modificano lo statuto di associazioni registrate sono soggette a registrazione secondo le disposizioni del presente capo.

Art. 15. -

Se vengono a mancare i requisiti per la registrazione delle associazioni sindacali, l'ufficio del lavoro ne pronuncia la revoca.

Se risultino violate le disposizioni della legge o degli statuti delle associazioni, l'ufficio del lavoro pronuncia la revoca della registrazione salvo che l'associazione si uniformi, entro 10 giorni, alle disposizioni violate.

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Art. 16. -

Contro la iscrizione ad una associazione sindacale registrata e contro la radiazione o il rifiuto di iscrizione, gli interessati possono ricorrere all'ufficio del lavoro, il quale provvede, su conforme parere del Comitato permanente del Consiglio regionale del lavoro.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Il provvedimento dell'Ufficio é definitivo.

CAPO II

DELLE COMMISSIONI INTERNE NELLE IMPRESE

Art. 17. -

Nelle imprese nelle quali prestino opera subordinata non meno di trenta lavoratori, può essere nominata una commissione interna.

Se il numero dei lavoratori é inferiore a 30 ma non minore di 10, i lavoratori possono nominare un fiduciario.

Se una stessa impresa abbia più sedi, filiali, stabilimenti e uffici, la commissione interne e il fiduciario sono nominati per ciascuna sede, filiale, stabilimento o ufficio, sempre che in ognuno di essi il numero dei lavoratori non sia rispettivamente inferiore a 30 e a 10.

La commissione interna é unica, ma deve essere composta da rappresentanti degli impiegati e da rappresentanti degli operai, in relazione al numero dei componenti di ciascuno dei due gruppi.

Art. 18. -

5183

La richiesta di nomina della commissione interna o del fiduciario deve essere fatta da almeno 1/5 dei lavoratori addetti alla sede, filiale, stabilimento o ufficio.

La richiesta é comunicata all'ufficio del lavoro, il quale dispone la convocazione dei lavoratori, se la direzione non vi abbia provveduto entro il termine di 5 giorni dalla comunicazione.

Art. 19. -

La elezione della commissione interna o del fiduciario é fatta mediante votazione a scrutinio segreto della maggioranza dei

Declassified E.O. 12356 Section 3.3/NND No. 785021

lavoratori , che prestano l'opera nella sede, filiale, stabili_
mento o ufficio.

La elezione della commissione interna é fatta mediante votazione separata degli impiegati e degli operai.

In ogni caso i lavoratori non possono farsi rappresentare nella adunanza.

La commissione o il fiduciario restano in carica per un anno, sono rieleggibili e possono essere sostituiti prima del termine, per gravi motivi. La sostituzione é deliberata con il voto favorevo_
le della maggioranza dei lavoratori, che prestano la loro opera nella sede, filiale, stabilimento o ufficio.

Art. 20. -

La elezione e la revoca devono essere comunicati all'ufficio del lavoro.

Avverso la relativa deliberazione può prodursi opposizione, entro dieci giorni dalla comunicazione, al Consiglio regionale del lavoro. Questo può indire una nuova assemblea, e disporre che ad essa sia presente un suo delegato.

Art. 21. - 5182

La commissione interna e i fiduciari possono:

1) collaborare con i dirigenti per il migliore andamento dei servi_
zi, formulando proposte sui sistemi di lavoro e sui provvedimenti di fabbricazione e trasmettere alla Direzione le proposte dei lavo_
ratori sui possibili perfezionamenti dei metodi di lavorazione;

2) esprimere il proprio parere sui regolamenti interni;

3) tentare il componimento delle vertenze che sorgano nel corso della attività lavorativa;

4) collaborare alla determinazione delle condizioni dei contratti collettivi di lavoro fra l'imprenditore e i lavoratori dell'impre_
sa;

5) denunziare agli organi competenti le infrazioni alle leggi so

Declassified E.O. 12356 Section 3.3/NND No. 785021

separate degli impiegati e degli operai.

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5182

La commissione interna e i fiduciari possono:

1) collaborare con i dirigenti per il migliore andamento dei servizi, formulando proposte sui sistemi di lavoro e sui provvedimenti di fabbricazione e trasmettere alla Direzione le proposte dei lavoratori sui possibili perfezionamenti dei metodi di lavorazione;

2) esprimere il proprio parere sui regolamenti interni;

3) tentare il componimento delle vertenze che sorgano nel corso della attività lavorativa;

4) collaborare alla determinazione delle condizioni dei contratti collettivi di lavoro fra l'imprenditore e i lavoratori dell'impresa;

5) denunziare agli organi competenti le infrazioni alle leggi so-

Declassified E.O. 12356 Section 3.3/NND No. 785021

ciali, ai contratti collettivi e ai regolamenti interni;
6) vigilare sul funzionamento delle istituzioni di assistenza e previdenza costituite per i lavoratori della impresa.

La Commissione interna, può, inoltre, nei casi previsti dalle leggi o dallo statuto delle imprese, designare la rappresentanza dei lavoratori nella gestione, alla quale i lavoratori stessi siano ammessi a partecipare.

CAPO III°

DEI CONTRATTI E DEI REGOLAMENTI COLLETTIVI DI LAVORO

Art. 22.-

Col contratto collettivo le parti determinano le clausole che dovranno regolare i rapporti di lavoro ai quali esso espressamente si riferisce.

Esso deve contenere le indicazioni del territorio e del tempo della sua efficacia.

I contratti conclusi dalle associazioni sindacali per determinati territori possono, previa l'autorizzazione del Consiglio Centrale del Lavoro, contenere clausole contrarie a quelle dichiarate inderogabili nei contratti conclusi dalle associazioni sindacali per l'intero territorio nazionale.

Art. 23. -

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Ai contratti collettivi di lavoro si applicano le disposizioni di legge relative ai contratti, in quanto compatibili con quelle del presente decreto.

Art. 24. -

Il contratto deve essere redatto per iscritto, sotto pena di nullità.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 25. -

Il contratto collettivo può essere concluso fra una o più associazioni di imprenditori della medesima categoria e una o più associazioni sindacali di lavoratori della categoria corrispondente.

Può essere altresì concluso fra uno o più imprenditori della medesima categoria e una o più associazioni di lavoratori della categoria corrispondente.

Art. 26.-

Il contratto collettico deve essere concluso da rappresentanti delle associazioni sindacali, che ne abbiano ricevuto specifico mandato.

Art. 27. -

Il contratto di lavoro collettivo concluso da associazioni sindacali non registrate ha effetto soltanto per coloro che al tempo della conclusione risultino iscritti alle associazioni contraenti e solo per le clausole più favorevoli ai lavoratori rispetto alle altre convenzioni e norme in vigore.

Art. 28. - 5189

Gli effetti del contratto collettivo di lavoro concluso da associazioni sindacali registrate possono essere estesi alle intere categorie contraenti:

1) con provvedimento dell'ufficio del lavoro, se il contratto é concluso fra associazioni sindacali registrate che al tempo della conclusione comprendano fra i propri iscritti non meno di tre quinti degli appartenenti alla categoria, secondo le risultanze dell'anagrafe del lavoro;

2) con provvedimento del Consiglio del Lavoro, in ogni altro caso.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 29.-

Il contratto collettivo di lavoro concluso da associazioni registrate ha effetto rispetto a tutti gli iscritti alle associazioni, anche se vi aderiscono successivamente.

Gli effetti del contratto possono retroagire fino alla data della sua conclusione, se ciò vi sia stato espressamente convenuto.

Art.30.-

In mancanza di associazioni sindacali registrate di categoria, il Consiglio del lavoro può emanare un regolamento collettivo di lavoro avente contenuto ed efficacia di contratto collettivo.

Art.31.-

Il contratto e il regolamento collettivo di lavoro e il provvedimento di estensione di cui all'art.28 acquistano efficacia mediante la registrazione e pubblicazione fattane da l'ufficio del lavoro.

La registrazione e la pubblicazione possono essere rifiutate se il contratto manchi dei requisiti essenziali richiesti per la sua validità o contenga clausole contrarie a norme di legge o a patti contrattuali inderogabili.

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Art.32.-

Contro la registrazione o il rifiuto di registrazione e contro i provvedimenti prescritti dal nº1 dell'art.28, si può ricorrere al Consiglio del Lavoro, anche per motivi di merito.

Il ricorso può essere proposto soltanto da un'associazione sindacale registrata delle categorie alle quali si riferisce il contratto.

Art.33.-

La denunzia del contratto collettivo deve farsi almeno 3 mesi prima della scadenza.

Il contratto, anche quando sia stato denunziato, continua a

Declassified E.O. 12356 Section 3.3/NND No. 785021

Gli effetti del contratto possono retrougire fino alla data della sua conclusione, se ciò vi sia stato espressamente convenuto.

Art.30.-

In mancanza di associazioni sindacali registrate di categoria, il Consiglio del lavoro può emanare un regolamento collettivo di lavoro avente contenuto ed efficacia di contratto collettivo.

Art.31.-

Il contratto e il regolamento collettivo di lavoro e il provvedimento di estensione di cui all'art.28 acquistano efficacia mediante la registrazione e pubblicazione fattane da l'ufficio del lavoro.

La registrazione e la pubblicazione possono essere rifiutate se il contratto manchi dei requisiti essenziali richiesti per la sua validità o contenga clausole contrarie a norme di legge o a patti contrattuali inderogabili.

5179

Art.32.-

Contro la registrazione o il rifiuto di registrazione e contro i provvedimenti prescritti dal nº1 dell'art.28, si può ricorrere al Consiglio del Lavoro, anche per motivi di merito.

Il ricorso può essere proposto soltanto da un'associazione sindacale registrata delle categorie alle quali si riferisce il contratto.

art.33.-

La denunzia del contratto collettivo deve farsi almeno 3 mesi prima della scadenza.

Il contratto, anche quando sia stato denunziato, continua a produrre i suoi effetti dopo la scadenza, fino a quando non sia stato registrato un nuovo contratto o regolamento collettivo.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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CAPO IV

DEL CONSIGLIO DEL LAVORO

Art.34

E'istituito il Consiglio Centrale del Lavoro.

Esso ha le seguenti funzioni:

1) studia le questioni che interessano il lavoro sotto l'aspetto sociale economico e professionale e a tal fine promuove indagini e rilievi statistici sulle condizioni e sullo svolgimento della produzione;

2) dà al governo parere sulle proposte d'ordinamento riguardanti il lavoro, la previdenza, l'assistenza sociale e l'istruzione professionale, compresse quelle relative all'anagrafe del lavoro e al collocamento, nonchè sui quesiti proposti dalle pubbliche amministrazioni relativamente ai rapporti di lavoro son i loro dipendenti;

3) dà parere sulle proposte dell'ufficio del lavoro di rifiuto di registrazione delle associazioni sindacali nazionali;

4) decide i ricorsi relativi al rifiuto di registrazione ed alla obbligatorietà dei contratti nazionali indicati al n°1 dell'art.28 del presente decreto;

5) estende la efficacia dei contratti collettivi nazionali si sensi del n.2 dell'art.28 del presente decreto; 5178

6) autorizza le deroghe previste all'art.26 per determinati territori;

7) delibera i regolamenti collettivi di lavoro previsti all'art.30 del presente decreto;

8) approva l'albo degli arbitri per la risoluzione delle controversie collettive di lavoro di carattere nazionale.

Art.35

Il Consiglio Centrale del Lavoro è presieduto dal Ministro dell'industria, commercio e lavoro o in sua vece da uno dei Sottosegretari di Stato.

Declassified E.O. 12356 Section 3.3/NND No. 785021

è istituito il Consiglio Centrale del lavoro.

Esso ha le seguenti funzioni:

1) studia le questioni che interessano il lavoro sotto l'aspetto sociale economico e professionale e a tal fine promuove indagini e rilievi statistici sulle condizioni e sullo svolgimento della produzione;

2) dà al governo parere sulle proposte d'ordinamento riguardanti il lavoro, la previdenza, l'assistenza sociale e l'istruzione professionale, comprese quelle relative all'anagrafe del lavoro e al collocamento, nonchè sui quesiti proposti dalle pubbliche amministrazioni relativamente ai rapporti di lavoro con i loro dipendenti;

3) dà parere sulle proposte dell'ufficio del lavoro di rifiuto di registrazione delle associazioni sindacali nazionali;

4) decide i ricorsi relativi al rifiuto di registrazione ed alla obbligatorietà dei contratti nazionali indicati al n°1 dell'art.28 del presente decreto;

5) estende la efficacia dei contratti collettivi nazionali si sensi del n.2 dell'art.28 del presente decreto; 5178

6) autorizza le deroghe previste all'art.26 per determinati territori;

7) delibera i regolamenti collettivi di lavoro previsti all'art.30 del presente decreto;

8) approva l'albo degli arbitri per la risoluzione delle controversie collettive di lavoro di carattere nazionale.

Art.35

Il Consiglio Centrale del Lavoro è presieduto dal Ministro dell'industria, commercio e lavoro o in sua vece da uno dei Sottosegretari di Stato.

Il Consiglio Centrale del Lavoro è composto:

- da 75 rappresentanti designati alle associazioni nazionali registrate in conformità della tabella A annessa al presente decreto;

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Declassified E.O. 12356 Section 3.3/NND No. 785021

- da due esperti in materia di cooperazione;
- da due rappresentanti di ciascun Consiglio regionale del Lavoro, di cui uno per i datori di lavoro e l'altro per i lavoratori.

Fanno parte di diritto del Consiglio:

- i Sottosegretari di Stato al Ministero dell'Industria, del Commercio e lavoro;
- i Direttori Generali del Ministero dell'Industria, del commercio e del lavoro preposti alla materia del lavoro e della previdenza;
- 12 Direttori generali delle amministrazioni centrali dello Stato in conformità della tabella B) annessa al presente decreto;
- un rappresentante d'ognuno degli istituti nazionali della Previdenza Sociale, delle Assicurazioni Infortuni, dell'Assicurazione malattia ;
- i Direttori degli Uffici Regionali del Lavoro;

Art. 37.-

I membri del Consiglio Regionale del Lavoro debbono avere la cittadinanza italiana, l'esercizio dei diritti civili e politici e una età non inferiore ai 25 anni.

Essi durano in carica 3 anni e si rinnovano per intero alla scadenza del triennio, salvo che siano membri di diritto.

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Art. 38.-

In seno al Consiglio Centrale del lavoro é istituito un Comitato permanente presieduto dal Ministero o dal Sottosegretario che ne fa le veci e composto dai Presidenti e Vice Presidenti di sezione di cui al successivo articolo e dai direttori generali del Ministero dell'Industria,Commercio e Lavoro di cui all'art.35.

Art.39.-

Il Consiglio Centrale del Lavoro é diviso in quattro sezioni:
-una per l'agricoltura, una per l'industria, una per il commercio, il credito e l'assicurazione e una per il pubblico impiego, e le libere professioni e le arti e mestieri.

Ciascuna sezione elegge un Presidente e due Vice Presidenti e co=

Declassified E.O. 12356 Section 3.3/NND No. 785021

e lavoro;
- i Direttori Generali del Ministero dell'Industria, del commercio e del lavoro preposti alla materia del lavoro e della previdenza;
- 12 Direttori generali delle amministrazioni centrali dello Stato in conformità della tabella B) annessa al presente decreto;
- un rappresentante d'ognuno degli istituti nazionali della Previdenza Sociale, delle Assicurazioni Infortuni, dell'Assicurazione malattie ;
- i Direttori degli Uffici Regionali del Lavoro;

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I membri del Consiglio Regionale del Lavoro debbono avere la cittadinanza italiana, l'esercizio dei diritti civili e politici e una età non inferiore ai 25 anni.

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Ciascuna sezione elegge un Presidente e due Vice Presidenti e co=

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Declassified E.O. 12356 Section 3.3/NND No. 785021

stituisce nel suo seno un Comitato di Regione, secondo le norme che saranno stabilite con decreto luogotenenziale.

Art. 39. -

In seno al Consiglio Centrale é istituito un Comitato di vigilanza che sovraintende alla gestione del fondo per i servizi del lavoro, di cui all'articolo 64.

~~Le funzioni di segretaria~~

Art. 40. -

In ogni regione é costituito un Consiglio Regionale del Lavoro.

Esso ha le seguenti funzioni :

1 - studia le questioni che interessano il lavoro sotto l'aspetto sociale, economico e professionale nell'ambito della regione;

2 - dà parere sui provvedimenti delle autorità locali che interessino le dette materie;

3 - dà parere sulle proposte presentate dall'ufficio del lavoro per rifiuto di registrazione delle associazioni sindacali locali;

4 - decide i ricorsi relativi al rifiuto di registrazione e alla obbligatorietà dei contratti collettivi locali indicati nel n.1 dell'art.28 del presente decreto;

5 - estende la efficacia dei contratti collettivi locali di cui al n.2 dell'art.28 del presente decreto;

6)-delibera i regolamenti collettivi di lavoro ad efficacia locale, secondo le disposizioni dell'art.30 del presente decreto;

7)- approva l'albo degli arbitri per la soluzione delle controversie collettive di lavoro di carattere locale;

8 - indica i criteri che gli uffici del lavoro devono seguire per la formazione degli elenchi dei lavoratori aventi diritto alle prestazioni previdenziale e assistenziali, salvi i ricorsi contro gli elenchi stessi ai competenti organi giurisdizionali.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

In seno al Consiglio Centrale é istituito un Comitato di Vigilanza che sovraintende alla gestione del fondo per i servizi del lavoro, di cui all'articolo 64.

~~Le funzioni di segreteria~~

Art. 40. -

In ogni regione é costituito un Consiglio Regionale del Lavoro.

Esso ha le seguenti funzioni :

1 - studia le questioni che interessano il lavoro sotto l'aspetto sociale,economico e professionale nell'ambito della regione;

2 - dà parere sui provvedimenti delle autorità locali che interessino le dette materie;

3 - dà parere sulle proposte presentate dall'ufficio del lavoro per rifiuto di registrazione delle associazioni sindacali locali;

4 - decide i ricorsi relativi al rifiuto di registrazione e alla obbligatorietà dei contratti collettivi locali indicati nel n.1 dell'art.28 del presente decreto;

5 - estende la efficacia dei contratti collettivi locali di cui al n.2 dell'art.28 del presente decreto;

6)-delibera i regolamenti collettivi di lavoro ad efficacia locale,secondo le disposizioni dell'art.30 del presente decreto;

7)- approva l'albo degli arbitri per la soluzione delle controversie collettive di lavoro di carattere locale;

8 - indica i criteri che gli uffici del lavoro devono seguire per la formazione degli elenchi dei lavoratori aventi diritto alle prestazioni previdenziale e assistenziali,salvi i ricorsi contro gli elenchi stessi ai competenti organi giurisdizionali.

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Art. 41. -

Il Consiglio Regionale del Lavoro é composto:

1 - dal direttore dell'ufficio regionale del lavoro e dai capi degli uffici provinciali del lavoro della regione;

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Declassified E.O. 12356 Section 3.3/NND No. 785021

2 - da 12 membri designati delle Associazioni regionali registrate dei datori di lavoro e dei liberi esercenti una professione o una arte;

3 - da 12 membri designati dalle Associazioni regionali dei coltivatori diretti;

4 - da 14 membri eletti col sistema della rappresentanza proporzionale, per metà da tutti i lavoratori, artigiani e coltivatori diretti iscritti all'anagrafe del lavoro e per metà da tutti i datori di lavoro e liberi esercenti un'arte o una professione iscritti all'anagrafe del lavoro.

Il Consiglio elegge fra i suoi componenti un presidente e due vice presidenti, in modo che siano rappresentati i datori di lavoro, i liberi esercenti e i lavoratori.

Con successivo decreto legislativo luogotenenziale saranno stabilite le norme per l'elezione dei membri di cui al n.4 del precedente comma e la ripartizione per ciascuna regione dei rappresentanti delle categorie indicate nei n.2 e 3 del predetto comma.

Art. 42. -

In seno al Consiglio Regionale del Lavoro é costituito un Comitato permanente composto dal Presidente e dai Vice Presidenti del Consiglio Regionale del Lavoro e dal Direttore dell'Ufficio regionale.

I Consigli Regionali del Lavoro si rinnovano ogni tre anni.

CAPO V

DALL'ANAGRAFE DEL LAVORO E DEL COLLOCAMENTO 5175

Art. 43. -

L'anagrafe del lavoro é formata mediante registrazione obbligatoria di tutti i datori di lavoro e di tutti i lavoratori di qualsiasi categoria.

L'anagrafe del lavoro indica l'appartenenza dell'iscritto ad una categoria professionale.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Il Consiglio elegge fra i suoi componenti un presidente e due vice presidenti,in modo che siano rappresentati i datori di lavoro, i liberi esercenti e i lavoratori.

Con successivo decreto legislativo luogotenenziale saranno stabilite le norme per l'elezione dei membri di cui al n.4 del precedente comma e la ripartizione per ciascuna regione dei rappresentanti delle categorie indicate nei n.2 e 3 del predetto comma.

Art. 42. -

In seno al Consiglio Regionale del Lavoro é costituito un Comitato permanente composto dal Presidente e dai Vice Presidenti del Consiglio Regionale del Lavoro e dal Direttore dell'Ufficio regionale.

I Consigli Regionali del Lavoro si rinnovano ogni tre anni.

CAPO V

DALL'ANAGRAFE DEL LAVORO E DEL COLLOCAMENTO

5175

Art. 43. -

L'anagrafe del lavoro é formata mediante registrazione obbligatoria di tutti i datori di lavoro e di tutti i lavoratori di qualsiasi categoria.

L'anagrafe del lavoro indica l'appartenenza dell'iscritto ad una categoria professionale.

Sono salve le disposizioni del D.L.luogotenenziale..... sugli ordini e i collegi professionali.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 44. -

I datori di lavoro e i lavoratori sono tenuti a denunziare entro 15 giorni all'anagrafe del lavoro del luogo ove svolgono la loro attività, ogni assunsione al lavoro e ogni cessazione del rapporto di lavoro.

Art. 45. -

Il collocamento dei lavoratori é funzione degli uffici del lavoro ai quali spetta di promuovere le misure necessarie ad assicurare il lavoro ai disoccupati.

Ogni altra intermediazione nel collocamento é proibita anche se esercitata a titolo gratuito.

Art. 46. -

I regolamenti generali relativi al collocamento dovranno essere emanati su conforme parere del Consiglio Centrale del lavoro; quelli che hanno efficacia locale, dovranno essere emanati su conforme parere dei Consigli regionali del lavoro.

Art. 47. -

Presso gli uffici del lavoro sono costituite Commissioni composte di delegati delle associazioni sindacali registrate dei datori di lavoro e dei lavoratori e presiedute da funzionari dell'Ufficio, le quali danno parere e vigilano sulla registrazione nell'anagrafe e sulla determinazione delle qualifiche ai fini dell'avviamento al lavoro.

CAPO VI

5174

DELLE CONTROVERSIE DEL LAVORO

Art.48. -

Le controversie individuali relative a rapporti di impiego e di lavoro sono di competenza dell'autorità giudiziaria ordinaria, salve le disposizioni che devolvono ad altro giudice i rapporti di lavoro

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 45. -

Il collocamento dei lavoratori é funzione degli uffici del lavoro ai quali spetta di promuovere le misure necessarie ad assicurare il lavoro ai disoccupati.

Ogni altra intermediazione nel collocamento é proibita anche se esercitata a titolo gratuito.

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I regolamenti generali relativi al collocamento dovranno essere emanati su conforme parere del Consiglio Centrale del lavoro; quelli che hanno efficacia locale, dovranno essere emanati su conforme parere dei Consigli regionali del lavoro.

Art. 47. -

Presso gli uffici del lavoro sono costituite Commissioni composte di delegati delle associazioni sindacali registrate dei datori di lavoro e dei lavoratori e presiedute da funzionari dell'Ufficio, le quali danno parere e vigilano sulla registrazione nell'anagrafe e sulla determinazione delle qualifiche ai fini dell'avviamento al lavoro.

CAPO VI

5174

DELLE CONTROVERSIE DEL LAVORO

Art.48. -

Le controversie individuali relative a rapporti di impiego e di lavoro sono di competenza dell'autorità giudiziaria ordinaria, salve le disposizioni che devolvono ad altro giudice i rapporti di lavoro dei dipendenti di enti pubblici.

Le parti possono far decidere da arbitri le controversie stesse.

La nomina degli arbitri é fatta dalle parti se non ritengono di deferirla all'Ufficio del lavoro.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 49. -

Chi intende proporre, in giudizio, una domanda relativa ai rapporti previsti nell'articolo precedente, deve farne denuncia, anche a mezzo di lettera raccomandata, all'ufficio del lavoro competente.

L'ufficio, ricevuta la denunzia, interpone la sua opera per la conciliazione.

Art. 50. -

Se la conciliazione riesce, si forma processo verbale, che deve essere sottoscritto dalle parti e dal funzionario dell'ufficio del lavoro all'uopo incaricato.

Il processo verbale, ha valore di scrittura privata autenticata e acquista forza di titolo esecutivo, su richiesta di una delle parti, mediante decreto del pretore, che ne accerta la regolarità formale.

Art. 51. -

Se la conciliazione non riesce, l'ufficio formerà processo verbale, dal quale deve risultare il mancato componimento.

Nel processo verbale l'ufficio indica la soluzione nella quale eventualmente le parti concordino precisando, quando è possibile, l'ammontare del credito che in conseguenza spetterebbe, a suo avviso, a una delle parti.

In questo caso il processo verbale costituisce documento idoneo per ottenere decreto di ingiunzione di pagamento della somma, che vi si trova indicata.

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Art. 52. -

Il giudizio arbitrale deve svolgersi presso l'ufficio del lavoro, nella cui circoscrizione ha vigore il contratto o il regolamento collettivo.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art.53

Il giudice, se non risulta che sia stata fatta la denunzia, a norma dell'art.49, sospende, anche di ufficio, il procedimento e fissa all'attore un termine perentorio per riassumere la causa.

Eguale provvedimento il giudice può dare quando siano proposte domande riconvenzionali, fondate su uno dei rapporti previsti dall'art.48.

Art.54

Le controversie collettive che sorgano in relazione a regolamenti di lavoro o a contratti la cui efficacia sia stata estesa a tutte le categorie, a norma dell'art.28 del presente decreto, sono decise da collegi arbitrali.

Art.55

La nomina degli arbitri, per la decisione delle controversie di cui all'articolo precedente, è fatta dalle parti, se non ritengono di deferirla all'Ufficio del lavoro.

Se la controversia riguarda una categoria per la quale non esiste alcuna associazione o le associazioni esistenti non siano registrate, l'Ufficio del lavoro nomina un curatore o un collegio di curatori in rappresentanza della categoria.

Gli arbitri sono nominati dall'ufficio del lavoro, se non sia possibile costituire il collegio arbitrale entro venti giorni dal ricorso per la nomina degli arbitri.

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Art.56

Gli arbitri sono scelti negli albi formati ai termini degli artt.34 e 40 del presente decreto.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art.57

La domanda relativa a una delle controversie di cui all'art.54 può essere proposta dopo che è stata tentata la conciliazione davanti all'ufficio del lavoro competente.

L'associazione, che propone la domanda, deve produrre il processo verbale dal quale risulta l'esperimento del tentativo di conciliazione.

Art.58

Gli arbitri, in materia di controversie individuali e collettive di lavoro, decidono senza la osservanza di speciali forme procedurali.

Art.59

Nei giudizi arbitrali relativi a controversie collettive di lavoro, il lodo deve essere depositato presso l'ufficio del lavoro competente entro 15 giorni dalla decisione.

Esso è pubblicato, limitatamente al dispositivo, a cura dello ufficio del lavoro ed ha efficacia con la sua pubblicazione.

Nei giudizi arbitrali relativi a controversie individuali, il lodo deve essere depositato in conformità alle disposizioni del codice di procedura civile; ma il termine del deposito è di 15 giorni.

Art.60

La sentenza arbitrale che decide controversie individuali e collettive di lavoro è soggetta soltanto alla impugnazione per nullità e a quella per revocazione.

5171

Declassified E.O. 12356 Section 3.3/NND No. 785021

Capo VII°

DEGLI UFFICI DEL LAVORO

Art.61

Le funzioni previste nella legge 22/12/1912 n. 361 del presente decreto e delle altre leggi e regolamenti relativi al lavoro e alla previdenza e assistenza sociale sono esercitate dal Ministero dell'industria, del commercio e del lavoro mediante uffici centrali e locali.

La spesa relativa, per la parte che non sia già a carico del bilancio dello Stato, graverà sul fondo di cui all'art.64.

Art.62

Gli Uffici del lavoro, nell'ambito della rispettiva competenza territoriale, esercitano, in particolare le seguenti funzioni:

1 - registrano le associazioni sindacali che ne facciano domanda;

2)- registrano e pubblicano i contratti collettivi di lavoro;

3 - compiono opera di conciliazione nelle controversie di lavoro

4 - predispongono gli albi degli arbitri per la decisione delle controversie del lavoro e, quando occorra, designano gli arbitri per la risoluzione delle controversie;

5 - compiono indagini statistiche e studi sulle questioni di lavoro, sulla disoccupazione, sui salari e sui prezzi e su ogni altro aspetto della vita economica sociale;

5170

6 - istituiscono e tengono aggiornata l'anagrafe del lavoro;

7 - rilasciano i libretti di lavoro ai sensi della legge 1° gennaio 1935, n.112 e i certificati di disoccupazione;

8 - provvedono al collocamento dei lavoratori, in conformità alle norme approvate dai Consigli del lavoro, ed alle migrazioni dei lavoratori;

Declassified E.O. 12356 Section 3.3/NND No. 785021

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La spesa relativa, per la parte che non sia già a carico del bilancio dello Stato, graverà sul fondo di cui all'art.64.

Art.63

Gli Uffici del lavoro, nell'ambito della rispettiva competenza territoriale, esercitano, in particolare, le seguenti funzioni:

1 - registrano le associazioni sindacali che ne facciano domanda;

2)- registrano e pubblicano i contratti collettivi di lavoro;

3 - compiono opera di conciliazione nelle controversie di lavoro

4 - predispongono gli albi degli arbitri per la decisione delle controversie del lavoro e, quando occorra, designano gli arbitri per la risoluzione delle controversie;

5 - compiono indagini statistiche e studi sulle questioni di lavoro, sulla disoccupazione, sui salari e sui prezzi e su ogni altro aspetto della vita economica sociale;

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6 - istituiscono e tengono aggiornata l'anagrafe del lavoro;

7 - rilasciano i libretti di lavoro ai sensi della legge 1° gennaio 1935, n.112 e i certificati di disoccupazione;

8 - provvedono al collocamento dei lavoratori, in conformità alle norme approvate dai Consigli del lavoro, ed alle migrazioni dei lavoratori;

9 - vidimano i certificati di licenziamento, di cui all'art.45

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Declassified E.O. 12356 Section 3.3/NND No. 785021

del R.D.7 dicembre 1924, n.2270;

10 - vigilano sull'applicazione delle leggi e dei regolamenti sul lavoro, ~~sulla~~ previdenza e assistenza sociale e dei contratti collettivi;

11 - promuovono la previdenza, l'assistenza sociale e l'istruzione professionale e vigilano sui relativi istituti;

12 - compilano gli elenchi dei lavoratori agricoli aventi diritto alle prestazioni assicurative e assistenziali;

13 - assolvono tutti i compiti affidati agli Ispettorati dell'industria e del lavoro per l'osservanza delle leggi sociali.

Art.63

Le norme sull'ordinamento degli uffici centrali di cui all'art.61 sono stabilite con decreto luogotenenziale su proposta del Ministro dell'Industria del commercio e del lavoro.

In ogni regione è istituito un Ufficio regionale del lavoro e in ogni capoluogo di provincia, quale sezione del detto Ufficio, un ufficio provinciale del lavoro.

Uffici del lavoro possono essere istituiti anche in altri comuni.

Nei comuni ove non si ritenga opportuno di istituire un ufficio del lavoro, funzioni dell'ufficio potranno essere affidate a rappresentanti locali, con facoltà dell'Ufficio regionale di avvalersi all'uopo delle segreterie comunali.

Art.64

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E' istituito un ruolo del personale degli Uffici del Lavoro.

Con decreto luogotenenziale verrà stabilito l'ordinamento di detto personale e saranno assunte norme transitorie:

1 - per il passaggio in detto ruolo del personale dell'Ispettorato dell'industria e del lavoro;

Declassified E.O. 12356 Section 3.3/NND No. 785021

tivi;

11 - promuovono la previdenza, l'assistenza sociale e l'istruzione professionale e vigilano sui relativi istituti;

12 - compilano gli elenchi dei lavoratori agricoli aventi diritto alle prestazioni assicurative e assistenziali;

13 - assolvono tutti i compiti affidati agli Ispettorati dell'industria e del lavoro per l'osservanza delle leggi sociali.

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Con decreto luogotenenziale verrà stabilito l'ordinamento di detto personale e saranno assunte norme transitorie:

1 - per il passaggio in detto ruolo del personale dell'Ispettorato dell'industria e del lavoro;

2 - per il passaggio in detto ruolo di personale di altri ruoli del Ministero dell'Industria del Commercio e del Lavoro;

3 - per il passaggio di funzionari del ruolo dell'Ispettorato del-

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Declassified E.O. 12356 Section 3.3/NND No. 785021

l'industria e del lavoro in altri ruoli del Ministero dell'industria, del commercio e del lavoro;

4 - per la nomina del personale incaricato in servizio presso gli uffici del lavoro;

5 - per apportare nei ruoli del personale dell'amministrazione centrale le variazioni dipendenti dall'attuazione del presente decreto.

Art.65

Alla spesa per il funzionamento dei Consigli, dei Collegi arbitrali e degli Uffici del lavoro sarà provveduto con un fondo costituito:

1 - con i contributi previsti per l'Ispettorato dell'Industria e del lavoro;

2 - con i contributi stabiliti per i servizi della disoccupazione;

3 - con l'addizionale prevista dall'art.9 del R.D.24 settembre 1940, n.1949;

4 - con un contributo a carico del bilancio dello Stato.

Le spese per le sedi degli uffici locali fanno carico alle rispettive amministrazioni provinciali e comunali.

Il Comitato di Vigilanza costituito con decreto del Ministro per l'Industria, il Commercio ed il Lavoro in seno al Consiglio Nazionale del Lavoro, ai sensi dell'art.37, provvede alla gestione del fondo, avvalendosi dell'Ufficio centrale dei servizi del lavoro presso il Ministero dell'Industria, commercio e lavoro.

CAPO VIII

DISPOSIZIONI FINALI E TRANSITORIE

Art.66

5169

Sino a quando non sia possibile la designazione e la elezione dei rappresentanti dei datori di lavoro e dei lavoratori, in conformità

Declassified E.O. 12356 Section 3.3/NND No. 785021

5 - per apportare nei ruoli del personale dell'amministrazione centrale le variazioni dipendenti dall'attuazione del presente decreto.

Art.65

Alla spesa per il funzionamento dei Consigli, dei Collegi arbitrali e degli Uffici del lavoro sarà provveduto con un fondo costituito:

1 - con i contributi previsti per l'Ispettorato dell'Industria e del lavoro;

2 - con i contributi stabiliti per i servizi della disoccupazione;

3 - con l'addizionale prevista dall'art.9 del R.D.24 settembre 1940, n.1949;

4 - con un contributo a carico del bilancio dello Stato.

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Il Comitato di Vigilanza costituito con decreto del Ministro per l'Industria, il Commercio ed il Lavoro in seno al Consiglio Nazionale del Lavoro, ai sensi dell'art.37, provvede alla gestione del fondo, avvalendosi dell'Ufficio centrale dei servizi del lavoro presso il Ministero dell'Industria, commercio e lavoro.

CAPO VIII

DISPOSIZIONI FINALI E TRANSITORIE

Art.66

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Sino a quando non sia possibile la designazione e la elezione dei rappresentanti dei datori di lavoro e dei lavoratori, in conformità degli articoli 35 e 45, le nomine sono fatte dal Ministro dell'Indu-

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Declassified E.O. 12356 Section 3.3/NND No. 785021

stria commercio e del lavoro ai sensi dell'art.3 del Decreto legislativo luogotenenziale 2 novembre 1944 n.340 e del decreto legislativo....

Art.67

Gli atti e le formalità per la costituzione delle associazioni sindacali e per la loro registrazione, quelli per la stipulazione e registrazione o pubblicazione dei contratti collettivi e gli atti dei giudizi arbitrali sono esenti da qualsiasi tassa di registro o di bollo.

Art.68

Sono abrogati la L.3.4.1926,n.563, il R.D.1.7.1926,n.1130 e le disposizioni di ogni altra legge e regolamento incompatibili con quello del presente decreto.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Declassified E.O. 12356 Section 3.3/NND No. 785021

Syndical Associations are entitled to obtain the registration, whenever their constitutive Deed and Statute answer the following requirements:

1) to acknowledge a parity of rights among all members and to allow to each member of a category to take part in the Association, with no distinction whatever;

2) to direct the election of the representatives and members of the Association Board of directors, by means of provisions apt to guarantee the right of vote to all members and to assure a proportional representation to the minorities;

3) to submit to the approval of the members the annual balance and all proposals of changement of the Association' Statute.

ART. 12 516

The registration request is made by the competent

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Labour Office of the place where the Syndical Association has its seat, and it might be rejected as a result of a concordant decision taken by the competent Labour Council.

Both the registration proper and registration refusal must be notified to the Association' representatives.

Against the decision of the Labour Office allowing or rejecting the registration, the interested Associations are entitled to appeal to the State council, even for the purpose of examining the subject fully.

ART. 13

The registered Associations shall keep in order the members' book, which before being used must be certified by the Labour Office.

The book in question must contain all information apt to identify the members and ascertain that they possess all requirements needed for the stipulation of labour agreements.

The registered Associations are under obligation to notify to the Labour Office by the end of every half-year period, all variations that have place with regard to their members.

ART.14

All decisions modifying the Statute of the registered Associations are subject to registration, according to the dispositions of this paragraph.

ART.15

Whenever it appears that the essential requirements for the registration of syndical Associations are wanting, the Labour Office proclaims the revocation of the registration in question.

Whenever it appears that either the provisions of the law or of the Statutes of the said Associations have been infringed, the Labour Office shall proclaim the revocation of the registration, unless the Association, within a 10 days period, is complying itself with the infringed provisions.

0621

Declassified E.O. 12356 Section 3.3/NND No. 785021

ART.16

Against the entry of a member in the list of a registered syndical Association, as well as against the striking of a member's name from the list or the entry refusal, the interested parties are allowed to appeal to the Labour Office, who will take the necessary steps, in agreement with the Permanent Committee of the Regional Labour Council.

The action decided upon by the Office has a definite character.

PART IX

INTERNAL COMMISSIONS OF CONCERNS

ART. 17

In the concerns employing no less than thirty workers, an Internal Commission may be appointed.
If the number of employees is lower than 30, but not less than 10, the workers may appoint a workers' fiduciary.

If a Firm is operating more offices, branch-establishments or branch-houses, the Internal Commission and the workers' fiduciary are appointed by the respective offices, branch-establishments or branch-houses provided that in every one of them the number of workers is not less than 30 and 10.

Only one Internal Commission is allowed, which, however, must be formed by representatives of office - and manual-employees, in proportion to the number of each group.

ART.18

The request of appointment of the Internal Commission or of the fiduciary must be made by at least 1/5 of the workers in the employ of the Firm or branch--house, establishment or office.
The said request must be notified to the Labour Office, which must take the decision of calling toghether the workers, unless the management of the Firm has already done so within the scheduled time of 5 day from the notification date.

ART. 19

The appointment of the Internal Commission of

0622

Declassified E.O. 12356 Section 3.3/NND No. 785021

the Fiduciary is made by ballot of the majority of workers in the employ of the Firm or branch-house, establishment or office.

The election of the Internal Commission is made by a separate ballot of the office-personnel and of the manual-employees.

In no case the workers will be allowed to be represented by proxy at the meeting.

The Commission or the fiduciary remain in charge during a year, they are re-eligible and are liable to be dismissed before the expiration of this term, for serious motive. The dismissal must be decided upon by the majority of workers in the employ of the Firm or branch-house, establishment or office.

ART.20

The election and the dismissal must be notified to the Labour Office.

Against the respective decision it may be apposed an appeal, within a 10 days period from the date of notification, to the Regional Labour Council. The latter is empowered to call a new meeting, and to decide that a delegate of its own will attend it.

ART. 21

The Internal Commissions and the fiduciaries are empowered:

1) to work together with the management of the respective Firm for the best working of the various services of the latter, by submitting to the management itself eventual proposals, even on the part of the workers, concerning improvement of working or manufacturing systems;

2) to make known their points of view on the internal rules and regulations of the establishment, branch--house or office;

3) to attempt a settlement of the labour controversies which may arise during the working activity;

4) to co-operate to the drawing up of the collective labour agreement to be stipulated between the employer and the employees of the Firm;

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0623

Declassified E.O. 12356 Section 3.3/NND No. 785021

b) to denounce to the competent Agencies all infringements of the social and labour laws, as well as of collective agreements and of internal rules and regulations;

c) to watch over the regular working of the assistance and insurance organisations established on behalf of the employees of the Firm.

Moreover, the Internal Commission is empowered, whenever it is specified by the law or by the Statute of the Firm, to appoint the representatives of the workers in the management of the Firm, whenever the employees are allowed to participate in it.

PART III

COLLECTIVE LABOUR AGREEMENTS AND LABOUR RULES AND REGULATIONS

ART.22

In the collective labour agreement, the contracting parties are empowered to insert clauses governing labour relations, to which the agreement itself is related.

The agreement in question must specify its territorial area and the duration of its validity.

The agreements stipulated by Syndical Associations for special territories, may contain, by authority received from the Central Labour Council, clauses contrary to those that may not be derogated, according to the agreements stipulated by the Syndical Associations for the entire national territory.

ART.23

The law provisions concerning labour agreements are to be applied to the collective labour contracts, in so far as they are consistent with the present decree.

ART. 24

The labour contract must be drawn up by writing, under pain of invalidity.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

ART.25

The collective agreement may be stipulated between one or more Associations of employers of the same labour category and one or more Syndical Associations of workers of the related category.

It can be stipulated even between one or more employers of the same category and one or more workers' associations of the related category.

ART. 26

The collective agreement must be stipulated by representatives of Syndical Associations, who have been vested with special authority to do so.

ART. 27

The collective labour agreement stipulated by non-registered Syndical Associations is valid only for those who, by the time of the stipulation are members of the contracting Associations, and only for the clauses more favourable to the workers with respect to other conventions or rules already in force.

ART. 28

The effects of the collective labour agreement may be extended to the whole of the contracting categories:

1) by an order of the Labour Office, if the agreement was stipulated by registered syndical associations, provided that by the time of the respective stipulation the membership of the said Associations numbered at least three fifths of the people belonging to the respective category, according to the data of a labour survey;

2) by an order of the Labour Council in all other cases.

ART.29

The collective labour agreement stipulated by registered associations is valid with reppect to all the members of the Associations, even if they are joining later on the same Associations.

There may be a retroactivity in the effects of the agreement up to the date of its stipulation, if this has been agreed upon.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

ART.30

Through lack of registered Syndical Associations of a given category, the Labour Council is empowered to issue a collective labour regulation, with exactly the same contents and validity as those of a collective agreement.

ART.31

The agreement, the collective labour regulation and its extension effect as contemplated in Art. 28, are acquiring legal validity by means of their registration and publication, which are to be made by the Labour Office.

Both registration and publication may be refused if the agreement is lacking the essential requirements needed for its validity or if it contains certain clauses in contrast with the law provisions in force or in opposition to such agreements from which it is not permitted to derogate.

ART.32

Against the registration or against the refusal of registration as well as against the extension effect as contemplated by N° 1 of Art.28, an appeal may be submitted to the Labour Council even with the object of examining the subject fully.

The appeal can be proposed only by a registered syndical association of the same category which the agreement is referring to.

ART.33

The denunciation of a collective agreement must take place at least three months before its expiration.

Even following to its denunciation, a labour agreement continues to be valid even after its expiration, until such time as a new agreement has been registered or a collective regulation has been issued.

PART IV
THE LABOUR COUNCIL

ART.34
A Central Labour Council is formed.
Its duties are as follows:

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Declassified E.O. 12356 Section 3.3/NND No. 785021

1) to consider the labour questions under the social, economical and professional standpoints, and with these ends in view to promote inquiries and statistical surveys concerning the conditions and improvement of production;

2) to advise the Government with respect to the proposals concerning labour, social security, social assistance and professional education, including the problems related to the membership of syndical associations and to labour exchange offices, as well as to give advice to the government on the questions submitted to it by public administrations concerning the labour relations of the latter with their own employees;

3) to advise the labour offices on such questions as the refusal of registration of national syndical associations;

4) to take a decision on the appeals concerning the refusal of registration and the compulsory character of national labour contracts as indicated in Art.28, N° 1 of the present decree;

5) to extend the validity of national collective agreements as referred to in Art.28, N°2 of the present decree;

6) to authorize such derogations as contemplated in Art.26 for a number of specified territories;

7) to decide on the collective labour regulations as contemplated in Art.30 of the present decree;

8) to approve the official list of arbitrators for the settling of collective labour controversies of a national character;

ART.35

The Central Labour Council is presided over by the Minister of Industry, Commerce and Labour, or in his place, by a competent State Sub-secretary.

The Central Labour Council is composed as follows:

- of a number of 75 representatives appointed by registered national associations, according to table A, attached to the present decree;

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Declassified E.O. 12356 Section 3.3/NND No. 785021

- of two experts in matters of co-operation;
- of two representatives of each Regional Labour Council, of whom one for the employers and the other for the employees.

The following persons are entitled to membership in the Council:

1) The Under-Secretary of State at the Ministry of Industry, Commerce and Labour;

2) The General Directors of the Ministry of Industry, Commerce and Labour in charge of labour and social security matters;

3) 12 General Directors of the Central State Administrations, as indicated in table B annexed to the present decree;

4) a representative of each one of the National Institutes of Social Security, of Industrial Injury Insurance, of Sickness Insurance;

5) the directors of Regional Labour Offices.

ART.36

All the members of the Regional Labour Council must be Italian citizens, entitled to the enjoyment of civic and political rights. They must not be under 25 years of age.

They remain in office during a 3 years term and are to be renewed at the expiration of this period, save where they are entitled by right to be members of the Regional Labour Council.

ART.37

Within the General Labour Council there is established a Permanent Committee presided over by the Minister or by the Under-Secretary acting as Minister, and composed of the Presidents and Vice-Presidents of the respective sections as indicated in the following article, as well as composed of the General directors of the Ministry of Industry, Commerce and Labour, as referred to in Art.36.

ART.38

The Central Labour Council comprises four sections:

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Declassified E.O. 12356 Section 3.3/NND No. 785021

one for agriculture, another for industry, another for commerce, credit and insurance and another for public employment, free professions, arts and trades.

Each section shall appoint a President, two Vice-Presidents and shall establish within itself a Sectional Committee according to the rules and regulations to be set forth in a special Lieutenant's decree.

ART.39

Within the Central Council a Superintending Committee is formed, with the object of superintending the management of the fund for labour services, as indicated in Art.64.

ART.40

In all the regions of Italy, a Regional Labour Council shall be formed.

Its duties will be the following:

1. to study the labour questions under their social, economic and professional aspects within the ambit of each region,

2. to advise on the measures taken by local authorities on matters interesting the above mentioned questions;

3. to advise on the proposals submitted by the labour office regarding the refusal of registration for local syndical associations;

4. to take a decision regarding the refusal of registration and the enforcement of local labour collective agreements, as indicated in paragraph 1 of Art. 28 of the present decree;

5. to extend the validity of local collective labour contracts, as indicated in paragraph 2 of Art. 25 of the present decree;

6. to take a decision regarding the collective labour regulations with local validity according to the provisions contemplated in Art.30 of the present decree;

7. to approve the official lists of arbitrators

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Declassified E.O. 12356 Section 3.3/NND No. 785021

for the settlement of labour collective controversies of a local character;

3. to set forth the criterions that the Labour Offices must follow for the drawing up of the lists of workers entitled to benefit by insurance and assistance aids, save an appeal against the same lists to be addressed to the competent juridical agencies.

ART.41

The Regional Labour Council shall be composed as follows:

1) of the Director of the Regional Labour Office and of the heads of the Provincial Labour Offices of the region;

2) of 12 members appointed by the registered regional associations of employers, professional men and women and artists;

3) of 12 members appointed by the regional associations of direct land cultivators;

4) of 14 members appointed through the election system based on a proportional representation, that is: by half by all the workers, artisan and direct land cultivators registered in the labour census and by the other half by all the employers, as well as by people freely practicing an art or a profession, who have been entered in the respective labour census.

The Council appoints from amongst its members a president and two vice-presidents, in such a way as to afford an adequate representation to the employers, the professional peoples and the workers.

By a further Lieutenant's legislative decree, 5156 the rules governing the appointment of members as specified in N°4 of the preceding paragraph will be laid down, and the apportionment to each regions of the representatives of the respective categories will be likewise fixed as specified in N° 2 and 3 of the aforesaid paragraph.

ART.42

Within the Regional Labour Council, a Permanent Committee is established, composed of the President as well as of the Vice-Presidents and the Director of the Regional Labour Office.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

The renewal of the Regional Labour Councils is taking place every three years.

PART. V

LABOUR AND LABOUR EXCHANGE OFFICES CENSUS

The labour census is formed by a compulsory registration of all employers as well as of all categories of employees.

The labour census will serve to show the special professional category, which each worker belons to.

Exception is made for the provisions of the Lieutenant's decree concerning the orders and colleges of the different professions.

ART.44

Both employers and employees are under obligation to declare, within a fortnight period, to the labour census of the place where they are displaying their activity, every new engagement of personnel and every discontinuance of employment of the same personnel.

ART.45

The placement of workers is a function of the Labour Offices, which have the duty to take proper measures for providing work to the workers out of employment.

Any other form of mediation in matters of labour exchange is forbidden; even if it is rendered gratuitously.

ART.46

The general rules and regulations governing the placement of workers must be issued on the basis of common agreement of the Central Labour Council, while those with local validity must be based on a common agreement of the Regional Labour Councils.

ART.47

Commissions formed by delegates of the registered Syndical Associations of workers and employers and presided over by an officer of the competent Office,

5155

Declassified E.O. 12356 Section 3.3/NND No. 785021

shall be established at the respective Labour Offices. The duty of these Commissions shall be to give advices and to watch over the entry in the labour census and the fixing of exact qualifications for the engagement of workers in an employment.

PART VI

LABOUR CONTROVERSIES

ART.48

Individual controversies concerning labour and employment relations are falling within the competence of the common judiciary authority, except for legal provisions whereby another judge is vested with authority to deal with labour relations of workers in the employ of public agencies.

The parties to the dispute are allowed to have the controversies settled by arbitrators.

The appointment of arbitrators is made by the parties to the dispute, whenever they do not deem convenient to commit this function to the Labour Office.

ART.49

Whoever intends to submit a request for the purpose that a judgement should be passed on the labour relations as referred to in the foregoing article, shall make a declaration on the subject, by registered letter, to the competent Labour Office.

The said Office, after having received the declaration, will take an action for the conciliation of the controversy.

ART.50

If the conciliation is successful, the respective minutes are to be drawn up, and they must be subscribed by the parties to the dispute, as well as by the officer of the Labour Office charged for that purpose.

The minutes are worth as much as an authenticated private deed, and acquire the power of an executive instrument, on the request of one of the parties to the dispute through a decree issued by the praetor, who will verify their formal regularity.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

ART.51

Should the conciliation fail, the Office will draw up the minutes, from which the failure of the attempt at conciliation must appear.

The Labour Office will point out in the same minutes the solution, if any, upon which the parties to the dispute are agreeing, and will also specify, whenever possible, the amount of credit that, according to its own opinion, should be assigned to one of the parties.

In such a case, the same minutes will constitute a document suitable to obtain an injunction decree, for the payment of the specified sum.

ART.52

The arbitral decision must take place at the Labour Office seat, in the district of which the collective agreement or regulation is valid.

ART.53

If it does not appear that the announcement has been made, the judge shall stop the proceedings, as per Art.48, even ex officeo, and he will fix to the plaintiff a peremptory term to resume the proceedings.

The judge is allowed to take the same step, whenever requests are submitted for the purpose of entering upon a new suit, founded on one of the relations alluded to in Art.48.

ART.54

Collective controversies arising out of labour regulations or agreements, the validity of which has been extended to all the contracting categories, as indicated in Art.28 of the present decree, must be decided by arbitral boards.

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ART.55

The appointment of arbitrators for the decision of controversies, as indicated in the foregoing article, is made by the parties to the dispute, unless they prefer to commit it to the Labour Office.

Should the controversy concern a category for which

0633

Declassified E.O. 12356 Section 3.3/NND No. 785021

there exist no Association, or should the registration of the existing Associations be lacking, the Labour Office shall appoint a curator or a board of curators in a capacity of representative of the category in question.

Arbitrators are appointed by the Labour Office, whenever it appears impossible to set up an arbitral board within a 20 days term, from the date of the appeal for the appointment of arbitrators.

ART.57

The requests relating to one of the controversies specified in Art. 54 may be submitted after that an attempt at conciliation has been made before the competent Labour Office.

The Association which is submitting the request must exhibit the minutes showing that an attempt at conciliation has already been made.

ART.58

In matters of individual and collective controversies, the arbitrators are taking their decisions quite irrespective for any special procedure.

ART.59

Following the arbitral decisions concerning collective labour controversies, the respective award must be filed with the competent Labour Office, not later than 15 days from the date of the decision.

The said award must be published, limitedly to the purview, by the care of the Labour Office and shall become effective on the day of its publication.

For the arbitral decisions concerning individual controversies, the award must be filed according to the provisions of the code of civic procedure, but the filing term is fixed to a maximum of 15 days from the date of the decision.

ART.60

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The arbitral sentence, by which the individual and collective labour controversies are settled, is subject only to a disclaimer for invalidity or revocation.

0634

Declassified E.O. 12356 Section 3.3/NND No. 785021

PART VII

LABOUR OFFICES

ART.61

The functions contemplated in the law of 22.12.1918 N° 1361 as well as in the present decree and in other laws and regulations concerning labour, social insurance and assistance, are performed by the Ministry of Industry, commerce and labour, by means of central and local offices.

The respective expenditure, for the part which is not already on charge of the State budget will be a burden to the special Fund indicated in Art.64.

ART.62

The Labour Offices, within the ambit of their own territorial competence, are especially performing the following functions;

1. to register the syndical associations that are applying for registration;

2. to register and publish the collective labour agreement;

3. to carry out conciliation activity in the labour controversies;

4. to draw up the official lists of arbitrators for the decision of labour controversies, and, where necessary, to appoint arbitrators for the decision of labour controversies;

5. to carry out statistical surveys and studies on the labour questions, on unemployment, wages, prices, and all other aspects of the economic and social life;

6. to establish and to bring up-to-date the labour census;

7. to deliver the unemployment certificate and the personal labour booklets in compliance with the law of 1st January 1935, N° 112;

5151

0635

Declassified E.O. 12356 Section 3.3/NND No. 785021

8. to provide to the workers' placement, in conformity with regulations approved by the Labour Councils, and to take care of the migrations of workers;

9. to certify the dismissal certificates, as indicated in Art.45 of the Royal Decree Law of 7 December 1924, N° 2270;

10. to watch over the enforcement of labour laws and regulations, as well as the provisions on social security and social assistance and of labour agreements;

11. to promote social security, social assistance, professional education and to watch over the respective institutes;

12. to draw up the lists of agricultural workers entitled to receive insurance benefits and social assistance;

13. to fulfil all the tasks entrusted to the Industry and Labour Inspectorates for the observance of social laws.

ART.63

The rules governing the organization of central offices as indicated in Art.61, will be laid down by a Lieutenant's decree on proposal of the Minister of Industry, Commerce and Labour.

A Regional Labour Office is established in every region, and as a branch of the said office, a Provincial Labour Office is established in every chief-town of province.

Labour offices may be established also in other communes.

In such communes where it is not seen fit to establish a Labour Office, the functions of the office might be entrusted to the local representatives. The Regional Labour Office, however, is empowered to make use of the communal secretaryships for that purpose.

ART.64

A list of the permanent personnel of the Labour Offices is compiled.

Declassified E.O. 12356 Section 3.3/NND No. 785021

By a Lieutenant's decree, the organic rules governing the classification of the same personnel will be set forth, and also transitory regulations will be issued for the following purpose:

1. for the transference to the above list of the personnel of the Industry and Labour Inspectorate;

2. for the transference to the above list of the personnel of other lists of the Ministry of Industry, Commerce and Labour;

3. for the tranference of permanent officers of the Industry and Labour Inspectorate to other lists of the personnel in the employ of the Ministry of Industry, Commerce and Labour;

4. for the appointment of the personnel in the employ of Labour Offices;

5. for the purpose of setting into the lists of permanent personnel of the central administration the changes dependent on the enforcement of the present decree.

ART.66

To meet the expenses connected with the operation of the Councils, of Arbitrators Boards and of Labour Officers, it will be provided by means of a Fund formed as follows:

1. by the contributions provided for the Industry and Labour Inspectorate;

2. by the contributions fixed for the unemployment services;

3. by the additional contribution contemplated in Art.9 of the R.D. of 24 September 1940, N° 1949;

4. by a special contribution on charge of the State' budget.

The expenditure to cover the cost of local offices shall weigh on the respective provincial and communal administrations.

The Superintending Committee set up by a decree of the Industry, Commerce and Labour Minister within

5149

0637

Declassified E.O. 12356 Section 3.3/NND No. 785021

the National Labour Council, as indicated in Art.37, shall take care of the administration of the Fund, by employing the Central Office of Labour Services at the Ministry of Industry, Commerce and Labour.

ART.VIII

FINAL AND TRANSITORY PROVISIONS

ART.66

Until such time as the appointment and election of the representatives of employers and employees are possible, in conformity with Art.36 and 45, the respective appointments shall be made by the Ministry of Industry, Commerce and Labour, as indicated in the Lieutenant's Legislative Decree of 7 November 1944, N° 340, as well as of the Legislative Decree.

ART.67

The deeds and procedural forms concerning the establishment of syndical associations and their registration, as well their stipulation and registration or the publication of collective agreements and the deeds of judgements by arbitration are exempt form all registration or seal duty.

ART.68

The law of 3.4.1926, N° 563, the R.D. of 1.7.1926, N° 1130 as well as all other laws and regulations inconsistent with the provisions of the present decree are abrogated.

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0638

Declassified E.O. 12356 Section 3.3/NND No. 785021

Translation: Latorraca

From "Il Globo"

19 April 1945

Shall Syndical Associations be under State Control again?

According to information received by "Il Globo",a new draft decree is being prepared concerning a new regulation of the juridical status of Syndical Associations, the efficacy of collective contracts as well as the State services regarding labour problems.

The Syndical Associations, which have freely sprung up again after the suppression of Fascist legislation, would be once more subject to State Control.

A National Council

In fact, the aforementioned decree contains a generic statement of free syndical association, but establishes for some syndicates the possibility of a registration which would invest them with a public juridical status thus extending the efficacy of the collective labour contracts to the whole category.

Collective contracts stipulated by the nonregistered syndical associations would engage the responsibility of the members alone whereas registered associations, which have among their members 3/5 of the category, would compulsorily engage the responsibility even of the others. It is evident that, in these conditions, the freely formed associations lose their importance.

The draft decree contemplates the constitution of a National Labour Council composed of 23 employers, 30 workers, 6 artisans, 2 farmers, 3 public employees, 4 firm managers and 2 members appointed by the regional labour councils.

5147

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Declassified E.O. 12356 Section 3.3/NND No. 785021

The Council, which is to be presided by the Minister of Industry, Commerce and Labour, will have the following members: labour undersecretaries and general directors, a general director of Agriculture as well as directors of the regional offices.

The Council will comprise four sections: Agriculture, Industry, Commerce and Credit as well as Insurance.

The Council is supposed to study various labour problems, give information regarding labour matters and issue news.

Regional offices

In each regional chief town a regional labour council would be established similarly to that of the National Labour Council. Its functions would be about the same.

The draft decree also contemplates a compulsory labour census, a unique State employment office as well as system of arbitrating labour disputes which is to be carried out by the members registered at the regional councils.

The Labour Magistracy would be suppressed and substituted by the Ordinary Magistracy.

The Industrial and Labour inspectorates would also be suppressed.

Perplexities

The interested circles are wondering if the importance and significance of the decree in question have been duly valued by the compilers and above all if it is the proper moment to face such a delicate problem before all Italians be able to express their opinion.

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UNRESTRICTED

DRAFT OF PROPOSED LABOR LEGISLATION

CHAPTER I

UNIONS AND WORKERS' ASSOCIATIONS

Art. 1

The union (sindacato), composed of all members of a category of laborers, professional people, artists, or employers, represents the entire category.

Professional associations (asociazioni sindacali), however, represent only their members.

Art. 2

The regulations of the present decree relative to professional associations, to Labor Councils and Labor Offices, to collective agreements and labor disputes, will be applied to the unions as well until the functions of the union are established by law.

Art. 3

The constitution of professional associations, of workers, professional people, or employers, is free and requires no authorization.

The constitution should be the result of a written act.

Art. 4

Professional associations may request registration at the central Labor Office if they are national in scope, or at the regional Labor Office where they intend to carry on their activities, if they have only a regional, provincial or local character.

Art. 5

Professional associations which are comprised only of workers or only of management or only or professional people may be registered under the regulations of the present decree if they meet the following requirements:

a. The protection of the professional, economic, and moral interests of the members is their only purpose.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Art. 5

Professional associations which are comprised only of workers or only of management or only of professional people may be registered under the regulations of the present decree if they meet the following requirements:

a. The protection of the professional, economic, and moral interests of the members is their only purpose.

b. The equal rights of all members are recognized and every member of the category without discrimination of any kind is permitted to join the association, excepting those who are already inscribed in another association in the same category. (Concurrent membership in more than one association representing the same category is prohibited.)

c.

Declassified E.O. 12356 Section 3.3/NND No. 785021

c. The representatives of the associations are chosen by the members by an elective system which guarantees everyone the right to vote and assures proportional representation of minorities in the councils of executive committees.

d. The financial statements of the associations are made public to all the members.

e. Every modification of the constitution of the association is approved by the members' assembly.

Art. 6

By means of registration the professional associations acquire legal personality.

Art. 7

Requests for registration should be signed by the legal representatives of the association or by other persons to whom is delegated this function by the constitution. They should be accompanied by the following documents:

a. An authentic copy of the constitution.

b. A list of the members of the association who have joined since its constitution, with identifying data.

c. A list of the legal representatives of the association.

Art. 8

Registration may be denied only for formal defects in the requirements prescribed in the preceding Article or for substantial defects in the requirements established in Article 5 of the present decree.

Recourse to either the regional or national Labor Council, depending on the scope of the association, is provided against the acceptance or rejection of the request for registration.

The decision of a regional Council may be appealed to the national Council.

The decision of the national Council is not subject to reversal.

Art. 9

514

Upon receipt of a request and upon verification of t existence of the requirements established in the present cree, the competent Labor Office effects registration and

immediately

Declassified E.O. 12356 Section 3.3/NND No. 785021

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immediately

Declassified E.O. 12356 Section 3.3/NND No. 785021

immediately so notifies the legal representatives of the association.

Notification of a denial of a request for registration should also be sent.

Art. 10

Every modification of the constitution and every variation in the offices of an association must be registered in the manner established in the preceding articles.

Art. 11

The legal representatives of the association are personally responsible for reporting every six months to the competent Labor Office changes in the association's membership.

Failure to observe the regulations in Articles 5, 10 and the first paragraph of 11 will void the act of registration of the association.

Art. 12

In establishments where not less than 30 workers are employed, factory committees representing the workers may be established. When the number of workers is less than 30 but not less than 10 they may elect a spokesman (fiduciario).

Factory committees and spokesmen are elected for each place of work regardless of whether the same management controls more than one such place of work.

Art. 13

The election of factory committees and spokesmen will be carried out by secret ballot.

Factory committees must be elected by a system of proportional representation.

A single factory committee represents both clerical and manual workers but each group must be represented proportionately.

5143

Spokesmen and members of the factory committee are elected for a one-year period and are eligible for reelection. They can be removed before the end of their term of office by the assembly of the workers.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Art. 14

Election and removal of members of factory committees or of spokesmen must be reported to the competent Labor Office. Recourse against the election or removal may be

had

Declassified E.O. 12356 Section 3.3/NND No. 785021

had within 10 days of the official notification to the regional Labor Council, which may order a new election.

Art. 15

The factory committees and the spokesmen will perform the following functions:

a. Collaborating with management for better service by formulating proposals on labor systems and on manufacturing methods.

b. Designating labor representation in management in those cases where labor is permitted such representation.

c. Expressing personal opinions on factory regulations.

d. Resolving labor conflicts which may arise within the establishment.

e. Collaborating on collective labor agreements within the establishment.

f. Presenting collective labor disputes within the establishment.

g. Assuring the observation of labor laws and factory regulations and reporting infractions thereof.

h. Administering and controlling the factory's social security institutions.

Art. 16

The representatives of registered workers' associations and members of factory committees and spokesmen cannot be dismissed by management without authorization of the regional Labor Office. Recourse may be had to the regional Labor Council against the decision of the regional Labor Office.

CHAPTER II

COLLECTIVE LABOR AGREEMENTS 5142

Art. 17

Professional associations, whether registered or not, are competent to reach collective labor agreements through their legal representatives.

Art. 18

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 18

The right to represent professional associations in negotiations for collective labor agreements should be conferred from time to time by an act of the assembly of the members or at least by an act of the Council or the Executive Committee.

Art. 19

Collective labor agreements are either in writing or they are void.

Art. 20

Collective labor agreements may regulate labor relations freely, establishing any conditions within legal limits.

They indicate their period of effectiveness.

Art. 21

Collective labor agreements reached with unregistered professional associations are binding only upon those persons who at the moment the agreement is reached are members of the contracting association.

Collective labor agreements reached by registered professional associations are legally binding upon all members of the contracting categories whenever the contracting parties comprise among their members not less than 3/5 of all persons within the category at the moment the agreement is reached. The number of members of the category is determined from official labor statistics.

Collective labor agreements reached between two or more registered professional associations whose membership totals at least 3/5 of all members of the category likewise are legally binding on all members of the category. In the cases in the second and third paragraphs, however, interested parties can appeal the agreement even on substantial questions within a period of 30 days from the publication of the agreement.

The appeal is made by recourse to the competent regional or national Council.

5141

The appeal is admissible only if it is brought by a representative of at least 10 per cent of all the members of one of the contracting categories.

Revision or modification of all or part of the collective agreement may be requested in the appeal.

The decision of the Labor Council has effect with re-

Declassified E.O. 12356 Section 3.3/NND No. 785021

the members or at least by an act of the Council or the Executive Committee.

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The appeal is admissible only if it is brought by a representative of at least 10 per cent of all the members of one of the contracting categories.

Revision or modification of all or part of the collective agreement may be requested in the appeal.

The decision of the Labor Council has effect with respect to all the workers and cannot be appealed.

Art. 22

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 22

When registered professional associations whose membership does not comprise 3/5 of the number of the members of the interested categories reach a collective agreement, this agreement may be declared legally binding on all workers and employers within its sphere of application, provided that it is approved by the competent regional or national Labor Council.

Such approval may be requested by the contracting parties or by the regional or central Labor Office.

Art. 23

In case a collective agreement cannot be reached because there is no competent professional association in existence, regulations having the same effect as collective labor agreements may be issued on the request of an interested party or on the initiative of a Labor Office.

These regulations must be approved by the regional Labor Council and are issued by the competent central or regional Labor Office.

Art. 24

Collective labor agreements reached by non-registered professional associations are legally binding only if they establish more favorable working conditions than those established by other collective agreements or regulations in effect.

Art. 25

Collective labor agreements, however reached, must be registered with the competent central or regional Labor Office, which will provide for their publication.

They take effect on the date of publication, but their effect may be antedated if this is expressly provided.

Art. 26

5140

Collective labor agreements must be presented in triplicate to the competent Labor Office by one of the contracting parties for registration. One copy will be kept by the Labor Office and the others returned with an indication that they have been duly registered and published.

Art. 27

Collective labor agreements are published by means of insertion in the competent labor bulletin.

Art. 28

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Art. 28

Registration and publication may be denied whenever the

agreement

Declassified E.O. 12356 Section 3.3/NND No. 785021

agreement lacks essential requisites for its validity or whenever any of its clauses are contrary to law. Recourse against a denial of registration and publication may be had to the competent national or regional Labor Council.

CHAPTER III

LABOR COUNCILS AND LABOR OFFICES

Art. 29

The National Council of Labor (Consiglio nazionale del lavoro) is established.

It has the following functions:

a. To study all questions which interest labor in its economic, social, instructional and hygienic aspects and to make proposals to the Ministry of Industry, Commerce and Labor relative thereto;

b. To gather from the Labor Offices statistical data on industry, labor and production;

c. To gather and publish information on labor and social legislation in Italy and abroad;

d. To give its opinion on bills which concern labor, social security and professional education;

e. To hear complaints within its competence on denial of registration to professional associations and collective agreements;

f. To hear complaints concerning the binding nature of collective agreements of national scope according to Article 21 of the present decree;

g. To declare the effectiveness of collective agreements of national scope according to Article 22 of the present decree;

h. To approve collective labor regulations according to article 23 of the present decree;

i. To exercise through the inspectorial functions of the Labor Offices vigilance over the observation of social legislation and collective labor agreements;

5139

l. To approve the other arbitrator for the resolution of collective labor conflicts of national scope, to be chosen from among the persons who are particularly expert in economic and labor questions and who can be

Declassified E.O. 12356 Section 3.3/NND No. 785021

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g. To declare the effectiveness of collective agreements of national scope according to Article 22 of the present decree;

h. To approve collective labor regulations according to Article 23 of the present decree;

i. To exercise through the inspectorial functions of the Labor Offices vigilance over the observation of social legislation and collective labor agreements;

5139

l. To approve the other arbitrator for the resolution of collective labor conflicts of national scope, to be chosen from among the persons who are particularly expert in economic and labor questions and who can be trusted to show complete objectivity and independence;

m.

Declassified E.O. 12356 Section 3.3/NND No. 785021

m. To approve regulations relative to workers' enrollment and employment;

n. To handle all other questions which are submitted to it by the Ministry of Industry, Commerce and Labor on questions of labor and social legislation.

Art. 30

The National Labor Council is composed:

Of 12 members designated by the registered national associations of employers in industry;

Of 5 members of the registered national associations of employers in commerce, banking and insurance;

Of 6 members of the registered national associations of agriculture;

Of 16 members designated by the registered national associations of industrial workers;

Of 6 members designated by the registered national associations of commercial banking and insurance workers;

Of 9 members designated by the registered national associations of agricultural workers;

Of 6 members designated by the registered national associations of artisans;

Of 9 members designated by the registered national associations of small farmers (coltivatori diretti);

Of 3 members designated by the registered national associations of government employees;

Of 4 members designated by the registered national associations of managers;

Of 2 members who are experts in the field of cooperatives;

Of 2 members designated by each regional Labor Council.

The following people are members of the Council ex officio:

5138

The undersecretaries at the Ministry of Industry, Commerce and Labor;

The General Directors of Labor and Social Security at the same Ministry;

Declassified E.O. 12356 Section 3.3/NND No. 785021

of Labor and Social Legislation.

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Of 12 members designated by the registered national associations of employers in industry;

Of 5 members of the registered national associations of employers in commerce, banking and insurance;

Of 6 members of the registered national associations of agriculture;

Of 16 members designated by the registered national associations of industrial workers;

Of 6 members designated by the registered national associations of commercial banking and insurance workers;

Of 8 members designated by the registered national associations of agricultural workers;

Of 6 members designated by the registered national associations of artisans;

Of 9 members designated by the registered national associations of small farmers (coltivatori diretti);

Of 3 members designated by the registered national associations of government employees;

Of 4 members designated by the registered national associations of managers;

Of 2 members who are experts in the field of cooperatives;

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The following people are members of the Council ex officio:

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The undersecretaries at the Ministry of Industry, Commerce and Labor;

The General Directors of Labor and Social Security at the same Ministry;

A Director General designated by the Ministry of Agriculture and Forests;

The

Declassified E.O. 12356 Section 3.3/NND No. 785021

The Director of the central Labor Office;

The Directors of the regional Labor Offices.

All the elected members must be Italian citizens not less than 25 years old who enjoy full civil and political rights.

They will remain in office for three years, after which time all members will be subject to reelection.

Art. 30a

The Minister of Industry, Commerce and Labor is the presiding officer of the National Council of Labor. He may delegate this authority to one of the undersecretaries.

Art. 31

The National Council of Labor is divided into four sections:

Agriculture
Industry
Commerce, banking and insurance
Liberal professions, arts and crafts

Each section elects a president and two vice-presidents. Each voter votes for two names; the candidate receiving the highest number of votes becomes president, and the candidates receiving the second and third highest number of votes become the vice-presidents.

The General Directors of Labor and Social Security at the Ministry of Industry, Commerce and Labor and the Director of the central Labor Office are ex officio members of all four sections.

Art. 32

The National Council of Labor deliberates in plenary session on every question of general interest to labor, and all complaints concerning the registration of professional associations.

For the examination of special questions within their competence the sections may call in experts, who will have a consultative vote.

5137

Art. 32a

The competence of the National Labor Council with respect to government-controlled industries is limited to the questions which the administration will place before the Council.

Declassified E.O. 12356 Section 3.3/NND No. 785021

less than 25 years old who enjoy full civil and political rights.

They will remain in office for three years, after which time all members will be subject to reelection.

Art. 30.

The Minister of Industry, Commerce and Labor is the presiding officer of the National Council of Labor. He may delegate this authority to one of the undersecretaries.

Art. 31

The National Council of Labor is divided into four sections:

Agriculture
Industry
Commerce, banking and insurance
Liberal professions, arts and crafts

Each section elects a president and two vice-presidents. Each voter votes for two names; the candidate receiving the highest number of votes becomes president, and the candidates receiving the second and third highest number of votes become the vice-presidents.

The General Directors of Labor and Social Security at the Ministry of Industry, Commerce and Labor and the Director of the central Labor Office are ex officio members of all four sections.

Art. 32

The National Council of Labor deliberates in plenary session on every question of general interest to labor, and all complaints concerning the registration of professional associations.

For the examination of special questions within their competence the sections may call in experts, who will have a consultative vote.

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Art. 32a

The competence of the National Labor Council with respect to government-controlled industries is limited to the questions which the administration will place before the Council.

The Council has the power, however, to watch over the enforcement of laws for social security with respect to government employees.

Art. 33

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 33

The National Council of Labor meets every three months in regular session. The president may convene an extraordinary session at will.

The Council is assisted by a committee (Ufficio di previdenza) which is composed of the presidents of the four sections.

Each section is convened by its own president or at the request of one-third of its members.

Art. 33a

Within the National Labor Council a Permanent Committee (Comitato permanente) under the presidency of the Minister of Industry, Commerce and Labor is established.

It is composed of the presidents and vice presidents of the four sections and of the General Directors of Labor and Social Security at the Ministry of Industry, Commerce and Labor. The undersecretaries at the same Ministry have the right to attend the sessions of the committee.

Secretarial functions of the National Council and of the Permanent Committee will be borne by the Director of the central Labor Office.

Art. 34

In the chief city of each region a regional Labor Council (Consiglio nazionale (1) del lavoro) is established.

It is composed:

a. Of 18 members designated by the registered regional associations of workers, artisans and small farmers;

b. Of 12 members designated by the registered regional associations of employers, professional men and artists;

c. Of 14 members elected by proportional representation, half by all workers, artisans and small farmers in the region and half by all employers, professional men and artists in the region, according to the labor census.

The proportion among the representatives in the categories indicated in a and b will be established specifically

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(1) Apparently "regionale" is intended.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(1) Apparently "regionale" is intended.

513 For

Declassified E.O. 12356 Section 3.3/NND No. 785021

for each region by a decree of the Ministry of Industry, Commerce and Labor after consultation with the Permanent Committee of the National Council of Labor.

Art. 35

Functionaries of other government organizations and representatives of social security institutions may take part in the meetings of the regional Labor Councils, but they have no vote.

Art. 36

The regional Council of Labor has the same functions within the region which the National Council performs on a national scale. It also expresses its opinion on the establishment of sections in the principal labor centers other than the provincial capital.

It hears complaints against the elections of factory committees. It treats all questions concerning labor outside of social security and professional education and all questions which are submitted to it by the regional Labor Office.

Art. 37

Members of the regional Labor Councils will be elected every two years.

Art. 38

A central Labor Office is established at the Ministry of Industry, Commerce and Labor. It will perform the following functions:

a. Register the professional associations of national scope which request registration;

b. Register and publish collective labor agreements of national character; 5135

c. Supervise inter-regional employment;

d. Act as mediator and conciliator in collective labor disputes of national scope;

e. Prepare the lists for the constitution of arbitration boards to resolve collective labor disputes of national scope;

f. Set up when necessary arbitration boards for collective labor disputes of national scope;

g. Encourage social security and watch over so-

Declassified E.O. 12356 Section 3.3/NND No. 785021

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f. Set up when necessary arbitration boards for collective labor disputes of national scope;

g. Encourage social security and watch over social security organizations;

h.

Declassified E.O. 12356 Section 3.3/NND No. 785021

h. Prepare statistical data and studies on labor questions of employment, prices and all other aspects of economic and social life;

i. Put into effect the resolutions of the National Labor Council.

Art. 39

In each region a regional Labor Office is established. Either directly or through its provincial sections or communal representatives it is called upon to perform the following functions:

a. Register the professional associations of regional, provincial and communal scope which request registration;

b. Register and publish collective labor agreements of regional, provincial and communal scope, or those applying to a single concern;

c. Institute and keep up to date a labor census of all employers of all categories;

d. Act as an employment agency (in conformity with regulations approved by the regional Labor Council);

e. Assure application of social security legislation and collective labor agreements;

f. Encourage social security and to keep a check on social security organizations within the region;

g. Compile a list of workers having a right to assistance and insurance (to submit to the regional Labor Council for approval);

h. Prepare lists of experts (for the approval of the regional Labor Council for the constitution of arbitration boards) and, when necessary, appoint arbitration boards for the resolution of labor disputes; 5134

i. Put into effect the resolutions of the regional Labor Council;

l. Prepare statistical data and studies on labor questions, unemployment, price and all other aspects of economic and social life;

m. Act as a mediator and conciliator of labor disputes;

n. Perform all the functions entrusted to industrial inspectors for the observation of social legislation.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Art. 40

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 40

The regional Labor Office will have an office in every provincial capital, which will be under the direction of a provincial Labor Director. Other sections may be established in other cities when that seems advisable. The municipal Labor Offices will function as delegates of the regional Office within their own territory.

Art. 41

In cities where it does not appear necessary to establish a Labor Office, the representation of the regional Office may be entrusted by the regional Director to the municipal secretaries, who under the supervision of the directives of the regional Office will carry out the services of the Office, specifically those of the labor census and employment.

Art. 42

The municipal Labor Offices are called upon to perform the following functions:

a. Institute and keep up to date a municipal census of employers and workers in every category;

b. Aid in the employment of workers;

c. Issue certificates of unemployment;

d. Receive notification of individual labor disputes and attempt their conciliation;

e. Perform any other duties the regional Labor Office assigns them.

CHAPTER IV

LABOR CENSUS

5139

Art. 43

The labor census (l'anagrafe del lavoro), by which will be determined to what professional category a person belongs, is acquired through registration and is obligatory for all employers and employees of every category. The forms and information required in this registration, along with all other regulations, will be established for each territory by the directors of the regional Labor Offices with the approval of the regional Council.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Art. 44

No worker can receive social security benefits if he is not registered in the labor census.

Art. 45

Declassified E.O. 12356 Section 3.3/NND No. 785021

Art. 45

Employers and employees are required to notify the local labor census immediately of any interruption(1) or suspension in work or reduction in part-time work.

Art. 46

The establishment of employment agencies is an exclusive function of the Labor Offices. Its aim is to assure work to all workers.

Employment agencies, even if free of charge, established by private citizens, associations or other government institutions, are prohibited.

Art. 47

The general regulations relative to employment must be approved by the National Labor Council. Particular regulations of local application must be approved by the regional Offices.

Art. 48

At every Labor Office, section, and municipal representation permanent councils will be established, composed of delegates of the registered professional associations of workers and employers, under the presidency of functionaries of the regional Office. They will determine the qualifications of the workers for the purposes of registration and the labor census and for supplying work to the unemployed.

CHAPTER V

LABOR DISPUTES

5132

Art. 49

In the case of individual disputes, the complaint covered by Article 430, Code of Civil Procedure, should be made before the provincial section of the regional Labor Office of the place where it is intended to start suit. The Labor Office, on receiving the complaint, should immediately call the parties together for conciliation. The Labor Office will then prepare a written statement as to whether conciliation was successful according to and for the purposes of Articles 431 and 432 of the Code of Civil Procedure.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(1) "Interpretazione" is written; it is assumed "interruzione" is intended.

Whenever

Declassified E.O. 12356 Section 3.3/NND No. 785021

Whenever conciliation is not successful, parties may place the dispute before an arbitration board which shall judge according to equity and without procedure of formality. They may designate the arbitrator or delegate the nomination of the arbitrators to the regional Labor Office.

Art. 50

Collective labor disputes, if they are not conciliated directly by the representatives of the registered professional associations of the interested categories, are referred, on the request of one of the parties, to a decision of an arbitration board composed of two members, one of whom is nominated by each of the parties, and of a third member, who shall preside and who is nominated by agreement between the parties. If for any reason the arbitrators are not nominated, such nomination is made by the competent central or regional Labor Office, depending on whether the dispute is national or regional in scope.

Art. 51

The arbitrators will be selected from the lists prepared according to Articles 37 and 38 of the present decree.

Art. 52

Before a collective labor dispute reaches an arbitration board, complaint must be made to the competent Labor Office, which shall call the parties together before it for conciliation.

The Labor Office will prepare a written statement as to whether conciliation was successful.

Art. 53

Arbitration boards for both individual and collective labor disputes will judge according to equity and without special procedural forms.

The Labor Office will carry out the secretarial functions of the arbitration board.

Art. 54

The Labor Tribunal is abolished. When conciliation has failed, the ordinary judicial authority is competent in the case of individual labor disputes.

This provision does not apply when individual labor disputes have been taken before an arbitration board.

Art. 55

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Collective labor disputes, if they are not conciliated directly by the representatives of the registered professional associations of the interested categories, are referred, on the request of one of the parties, to a decision of an arbitration board composed of two members, one of whom is nominated by each of the parties, and of a third member, who shall preside and who is nominated by agreement between the parties. If for any reason the arbitrators are not nominated, such nomination is made by the competent central or regional Labor Office, depending on whether the dispute is national or regional in scope.

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Art. 55

In the case of collective labor disputes, the arbitral award must be deposited at the competent Labor Office within

Declassified E.O. 12356 Section 3.3/NND No. 785021

within 30 days of the decision. It will be published in the regional Labor Office bulletin and will take immediate effect.

In the case of individual labor disputes, the award must be deposited in conformity with the dispositions of the Code of Civil Procedure, but the time limit for depositing is 30 days.

Art. 56

The arbitral award which decides a collective labor dispute cannot be appealed.

Art. 57

Any person who fails to present himself before the Labor Office on invitation for the conciliation of a labor dispute may be punished with a fine up to 10,000 lire.

Art. 58

The industrial inspectors and the relative civil service status are abolished. The functions set forth in the Law of 22 December 1912, No. 1361, and of the successive legislative provisions will be assumed by the central and regional Labor Offices where an inspection service will be established according to regulations to be determined later.

Art. 59

A special civil service status (ruolo speciale di personale) will be established within the Ministry of Industry, Commerce and Labor for the services of the Labor Offices.

The present industrial inspectors, as well as the personnel considered competent who are now employed by the Labor Offices, may be transferred into this civil service status and will maintain their present grade.

Vacant posts will be filled according to the law for nomination of government employees.

The personnel of the abolished economic offices may also be transferred to the Labor Offices. Besides the personnel with a civil service status (di ruolo) nominated by the method provided in the second paragraph of this article, temporary employees (personale avventizio) may be employed by ministerial decree within the limits of the annual budget of each regional Office as approved by the Ministry of Industry, Commerce and Labor.

Art. 60

The expenses of the Labor Offices and their personnel

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Art. 60

The expenses of the Labor Offices and their personnel will be met:

a.

Declassified E.O. 12356 Section 3.3/NND No. 785021

a. By contributions provided for the industrial inspectorate, by the Royal Decree of 30 December 1923, No. 3345, and by the Royal Decree of 5 January 1926, No. 79;

b. By reimbursements from the Government.

Art. 61

Temporarily and until the National Council and the regional Councils are established in the method provided for in Articles 29 and 34 of the present decree, the Ministry of Industry, Commerce and Labor can provide for their constitution by decree.

Art. 62

The acts and formalities for the establishment of professional associations and for their registration and for the registration and publication of collective agreements and the arbitral awards are free from all registration taxes and stamps.

Art. 63

The Law of 3 April 1926, No. 563, the Royal Decree of 1 July 1926, No. 1130, and every other regulation incompatible with the present decree are abrogated.

Declassified E.O. 12356 Section 3.3/NND No. 785021

CIVIL CENSORSHIP GROUP - ITALY

Mod. 6

RISERVATA

UFFICIO DI CENSURA

LUOGO Roma

N. di prot. 12409

MITT.	DEST.
DISIND Via Birago 14 Roma	MANELI Barbara Viale Villa Massimo 36 Roma.

Indicare il luogo del timbro postale quando manca l'indirizzo.

DATA DI COMUNICAZIONE O DEL TIMBRO POSTALE SE LA LETTERA È SENZA DATA	TIPO DI POSTA	NUMERO DELLA RACCOMANDATA	LINGUA	PERVENUTA CENSURATA DA	ALLEGATO
14/5/45	ordin.	=	Ital.	=	=

ANNOTAZIONI PRECEDENTI	SEGNALAZIONI LOCALI	SEGNALAZIONI DEL C. C. S.	PROVVEDIMENTO ADOTTATO:
nessuna	Info. Div. AC		TRATTENUTA RECISA FOTOGRAFATA INVIATA CON COMMENTI A: INOLTRATA I TOLTA DAL CORSO AL MITTENTE

ORIGINE

CENSURA ITALIANA X

CENSURA ALLEATA

OSSERVAZIONI

I. LABOUR

COSTITUZIONE SINDACATO APOLITICO DI DISEGNATORI

Caro collega,
stiamo organizzando la costituzione di un Sindacato apolitico di disegnatori, il quale avrà lo scopo di difendere gli interessi della nostra categoria presso i datori di lavoro.....

CONSTITUTION OF NON-POLITICAL SYNDICATE FOR DRAFTSMEN

Dear colleggue
We are organizing the constitution of a non-political syndicate for draftsmen , the aim of which is to defend the interests of our category in respect of employers.....

5128

Signed : Giobbe IGNECO VERDINI

Declassified E.O. 12356 Section 3.3/NND No. 785021

Via Birago 14
Roma

MANELI Barbara
Viale Villa Massimo 36
Roma.

Indicare il luogo del timbro postale quando manca l'indirizzo.

DATA DI COMUNICAZIONE O DEL TIMBRO POSTALE SE LA LETTERA È SENZA DATA	TIPO DI POSTA	NUMERO DELLA RACCOMANDATA	LINGUA	PERVENUTA CENSURATA DA	ALLEGATO
14/5/45	ordin.	=	Ital.	=	=

ANNOTAZIONI PRECEDENTI	SEGNALAZIONI LOCALI	SEGNALAZIONI DEL C. C. S.	PROVVEDIMENTO ADOTTATO:
nessuna	Info. Div. AC		TRATTENUTA · RECISA · FOTOGRAFATA · INVIATA CON COMMENTI A: · INOLTRATA I · TOLTA DAL CORSO · AL MITTENTE

ORIGINE
CENSURA ITALIANA X
CENSURA ALLEATA

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Signed : Giobbe NIGRECO VERDINI

5128

CENSORE 4176/4142 REVISORE ACCO Rome Data d'esame 18/5/45

Avviso speciale RISERVATA

Declassified E.O. 12356 Section 3.3/NND No. 785021

0674

Declassified E.O. 12356 Section 3.3/NND No. 785021

LABOR SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE	WHB	2/5
Mr. ~~SACHS~~		
Mr. DI FEDE		
Mr. AIREY		
Mr. SCOTT		
Mr. PROCTOR		
Mr. STEVENSON		
Chief Clerk		

0675

Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
Office of the Chief Commissioner
APO 394

JAQ/hjp
LSC/210

28 April 1945

TO: Labor Sub-Commission, Hq A.C.

The attached copy of a letter to Col. Bain from Mr. Schevenels, General Secretary of the International Federation of Trade Unions, has been sent to the Chief Commissioner by the late Head of the Labor Sub-Commission and is now forwarded to you so that the thanks conveyed in the last paragraph may be noted by those concerned.

J. A. QUAYLE
Major, R. A.
Staff Officer to CC

1 Incl:
Ltr, I.F.T.U.,
Ref SCH/MB/5318, 25 Sep 44

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Declassified E.O. 12356 Section 3.3/NND No. 785021

COPY/

INTERNATIONAL FEDERATION OF TRADE UNIONS,

TRANSPORT HOUSE,
SMITH SQUARE,
LONDON, S.W.1.

Our Ref: SCH/MB/5318.

25th September, 1944.

Colonel J.T.R.Bain,
Director,
Allied Control Commission,
Labour Sub-Commission,
Rome, Italy.

My dear Joe,

I have much pleasure in informing you that I returned to London safely last Saturday after experiencing a few incidents delaying my arrival for at least three days. But we had better forget all those troubles with the consoling thought that 'all is well that ends well.'

I wish on this occasion to thank you again for all the trouble you and your colleagues went to in order to make it possible for the International Trade Union Delegation to fulfil its mission in Italy under the best possible conditions. Not only have you and your regional colleagues looked after our physical comfort and well-being in a manner that cannot be surpassed but your assistance in finding our way in the political maze of the present Italy cannot be appreciated too highly. In one word, our collaboration in those three weeks was perfect and, no doubt, contributed to a great extent to the success of our mission. On top of all this, we made a number of good friends in Italy.

I would be very grateful to you if you would also convey our sincere thanks to all your colleagues in Rome and elsewhere for their kind and valuable collaboration.

With kindest regards,

Yours sincerely,

5125

(sgd.) W. Schevenels,
General Secretary.

0677

Declassified E.O. 12356 Section 3.3/NND No. 785021

LABOR SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE		
Lt.Col.BABCOCK		
Capt. HOFF		
Mr. SACHS		
Mr. DI FEDE	J. D.	1/5
Mr. AIREY		
Mr. SCOTT	RS	3/5
Mr. PROCTOR		
Miss STEVENSON		
Chief Clerk		

CSC/210

Labour Branch,
Headquarters,
Rome Area Allied Command,
C.M.F.

Subject: Civil Labour.

DADL (Civil),
No. 2902 Civil Labour Unit.

CONFIDENTIAL.
Ref:CLG/10/446

17 April 1945.

Labour Relations.

1. Further to this office letter CLG/10/534 dated 16 February 1945, copy of which is attached.

2. It will be within your knowledge that individual Italian workers are being encouraged to organise into collective federations, and that such organisations are recognised by the Allied Forces as mediums for negotiation and arbitration.

3. Cases have recently occurred in which federation officials have presented petitions relative to conditions of employment, direct to employing units and Services, and without reference to this Branch, which representing the Commanding-General and Labour Directorate, AFHQ, is responsible for matters relating to policy.

4. It is also understood that contrary to the instructions contained in the above-quoted letter, certain labour organisations continue to seek an improvement of conditions, to present petitions, and to lodge grievances through your office without prior reference to this Branch.

5. In the interests of effective coordination it is increasingly important that all representations from recognised collective organisations should be directed to this office, and that direct approach to units which can only result in misunderstanding and friction should be discouraged.

6. Please repeat the action you have previously taken to inform labour organisations in direct liaison with your Unit, of the necessity for the correct procedure, please.

7. ACK.

C.M.F.

WJR/FF.

W.J. Rattray Lt. Colonel,
Assistant Director of Labour,
HQ Rome Area.

COPIES: Labor Sub-Commission, A.C.
G-1 (Br) HQ Rome Area Allied Command.
G-1 (US) HQ Rome Area Allied Command.

5123

0678
Declassified E.O. 12356 Section 3.3/NND No. 785021

Labour Branch (Br),
Headquarters,
Rome Area Allied Command,
C.M.F.

Subject: Liaison with Labour Organisations.

Ref: CLC/10/534

DADL(Civil),
No. 2902 Civil Labour Unit.

CONFIDENTIAL
16 February 1945.

1. It is known that from time to time representations have been made by national and local labour organisations on subjects referring to the conditions of employment of Italian Civilians employed by the Allied Forces, and that in the absence of any contrary directive, such matters have been dealt with by yourOffice directly.

2. It is now considered preferable that all matters of a general nature having reference to policy and conditions of employment should be the subject for direct consultation between labour organisations and ADL representing Labour Directorate A.F.H.Q.

3. Consequently in future all representations by, or, communications from such collective organisations, will be addressed directly to this office, and will be fully considered by A.D. Labour before executive action is instituted.

4. Please take such steps as are necessary to inform any labour organisations who may have become accustomed to consult your office, of the arrangements outlined above. 5122

C.M.F.

W. J. BOSTOCK.
Lt. Colonel,
Assistant Director of Labour (Br),
H.Q. Rome Area.

WJB/CM

COPY TO: Labour Directorate, AFHQ.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LABOR SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE		
Lt. Col.BABCOCK		
~~Capt. DORF~~		
Capt. TOPLISS		
Mr. SACHS		
Mr. DI FEDE		
~~Mr. AIREY~~		
Mr. SCOTT		
Mr. PROCTOR		
Miss STEVENSON		
~~Chief Clerk~~		

File L8C/210

ISTITUTO DI STUDI SUL LAVORO

VIA NAZIONALE, 89 - ROMA - TELEF. 40815 - 41833

Roma, 7 Aprile 1945

Mr. W.H. BRAINE
Direttore della Sottocommissione del Lavoro
Commissione Alleata

R o m a

Le ricordo che la prossima riunione della Commissione di studio per i problemi della emigrazione è stata fissata per mercoledì 11 corr., alle ore 17, presso la sede dell'Istituto.

IL SEGRETARIO GENERALE
(Prof. Pier Fausto Palumbo)
Pierfausto Palumbo

C/s. da ricupero della sua gentile del 24 corr/o. Ho effettivamente per errore dimenticato di telefonare per potermi incontrare. Cordialmente f.to.

5129

Declassified E.O. 12356 Section 3.3/NND No. 785021

FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB COMMISSION

REF : LSC/210 29 Marzo 1945

AL : Prof. Giuseppe Togni,
Presidente dell'Associazione Nazionale
Dirigenti di Aziende Industriali,
Roma, Via dei Maroniti 12.

Gent. Prof. Togni,

La ringrazio sentitamente per la sua lettera ed i primi due numeri de "Il Dirigente di Aziende Industriali".

Apprezzo molto il pensiero dell'Associazione la quale, attraverso Lei, ha offerto i suoi servizi alla Sottocommissione del Lavoro, e non mancherò di seguire con interesse lo svolgimento del programma dell'Associazione.

Cordiali saluti,

W. H. BRAINE
Direttore della
Sottocommissione del Lavoro.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Declassified E.O. 12356 Section 3.3/NND No. 785021

File LSC/210

Translation Baldazzi /js

NATIONAL ASSOCIATION OF MANAGERS OF INDUSTRIAL CONCERNS

Rome, 4 April 1945

Prot.N°523

TO : Mr.W.H.BRAINE
Director
Labour Sub-Commission
Rome

Acknowledging receipt of your kind letter of 29 March, Protocol LSC/210; I thank you with all my heart for the attention paid to the subject of my preceding letter, as well as for the kind appreciation you have shown regarding the collaboration that this National Association has offered to the Labour Sub-Commission, placed under your remarkable leadership.

I shall not fail to keep you thoroughly informed of the activity that the Association of Managers of Industrial Concerns is carrying on, with the purpose of bringing to the economic reconstruction of this Country, the valuable and heartfelt tribute of a category endowed with keen technical capacities and of an indisputable professional preparedness and which = owing to its particular position in the industrial process = is of the highest importance, even from a social standpoint.

Thanking you again, also on behalf of the entire category of my colleagues, I beg you to accept my cordial regards.

Yours very faithfully

Prof. Giuseppe Togni
President

511°

ASSOCIAZIONE NAZIONALE DIRIGENTI DI AZIENDE INDUSTRIALI

Roma, 4 aprile 1945
Via dei Maroniti, 12 (Largo Tritone)
Telefono: 63864

prot/n. 523

LSC/210

Mister W.H.Braine
Director Labor Sub Commission
Via Veneto
R o m a

Ho ricevuto la Sua cortese lettera in data 29 marzo prot.LSC/210 e desidero ringraziarLa nel modo più vivo per l'attenzione che Ella ha riservato a quanto Le avevo esposto nella precedente lettera e per il cortese apprezzamento della collaborazione che questa Associazione Nazionale ha offerta alla Sottocommissione da Lei egregiamente diretta.

Non mancherò di tenerLa al corrente dell'opera svolta dall'Associazione dei Dirigenti Industriali per portare alla ricostruzione economica del Paese il valido ed appassionato contributo di una categoria che possiede spiccate attitudini tecniche congiunte ad una indiscussa preparazione professionale e che,per la sua posizione nel processo produttivo,assume un rilievo del tutto particolare,anche da un punto di vista sociale.

RingraziandoLa nuovamente,anche a nome della categoria,Le invio distinti saluti.

5117

IL PRESIDENTE
(Togni prof. Giuseppe)

Declassified E.O. 12356 Section 3.3/NND No. 785021

prot/n. 523

LSC/210

Mister W.H.Braine
Director Labor Sub Commission
Via Veneto

R o m a

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5117

IL PRESIDENTE
(Togni prof.Giuseppe)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

HEADQUARTERS ALLIED COMMISSION
APO 534
ECONOMIC SECTION

Es/14.04

28 March 1945

SUBJECT: Encouragement of Trade Union Development in AMG Territory.

TO : Director, Labor Sub-Commission

1. Reference your LSC/210 dated 20 March 1945, and confirming conversation (Mr. Braine - Lt. Col. Thompson) the following points arise on the recommendations contained in the ~~letter~~ a/g letter.

a. Army Areas

1. Communications - All such correspondence must be passed through Labor Sub-Commission to Army AMG. If approved by the Labor Officer with Army AMG it is then passed to the addressee.

2. Visits - Permission for civilians to visit Army Areas must be requested from AMG Armies, with your recommendation and full justification for the visit.

3. General Order No. 2a - The decision whether the terms of a General Order are to be enforced in Army AMG territory rests solely with the SCAO concerned. On Labor matters he is advised by the Labor officer on his staff.

b. Regional Military Government Territory

1. General Orders are immediately effective in such territory.

2. Visits are permitted subject to the conditions of Executive Memorandum No. 77 dated 31 August 1944, as amended.

3. Communications - All such correspondence must be passed through Labor Sub-Commission to Regional Hq. If approved it is then passed to the addressee.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

2. In light of the above points it is requested that this Section be informed whether you wish any further action to be taken.

L H Densmore

L. D. DENSMORE,
Colonel, F.A.
Chief Staff Officer
Economic Section

~~Ene. Labor S/C Letter~~
~~LSC/710 — 10 March 1945 (.)~~

0 6 8 8

Declassified E.O. 12356 Section 3.3/NND No. 785021

LABOR SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE		
Lt. Col. BABCOCK		10/4
Capt. DORF		
Capt. TOPLISS		
Mr. SACHS		
Mr. DI FEDE		
Mr. AIREY		13/4
Mr. SCOTT	RA	12/4
Mr. PROCTOR		
Miss STEVENSON		
Chief Clerk		

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Declassified E.O. 12356 Section 3.3/NND No. 785021

FILE

HEADQUARTERS ALLIED COMMISSION
APO 324
LABOUR SUB COMMISSION

24 Marzo 1945

LSC/210.

Prof. Pier Fausto Palumbo,
Segretario Generale,
Istituto di Studi sul Lavoro.

Gent. Sig. Palumbo,

La ringrazio cordialmente per la sua lettera nonche' l'accluso elenco dei presenti alla riunione di Giovedi' scorso, ed il testo del rapporto presentato dal Conte Secco Biardo.

Sara' felice di avere un prossimo scambio di idee sugli argomenti di comune interesse, ed attendo che Lei stabilisca la data del colloquio.

Cordiali saluti,

W.H. BRAINE
Direttore della
Sottocommissione del Lavoro.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
AFO 394
LABOUR SUB-COMMISSION

JDF/cf

REF. : LSC/210 March 21, 1945

SUBJECT: List of National Trade-Union Associations which have been organized.

TO : MR. W.H. BRAINE,
Director Labour Sub-Commission.

1. The following trade-union associations have been organized up to the present time:

1. Federazione Assicuratori - Piazza S. Silvestro, 92, Roma.
2. Federazione Bancari - Piazza S. Silvestro, 92, Roma.
3. Federazione Esattoriali - Piazza S. Silvestro, 92, Roma.
4. Federazione Lavoratori del Mare - Via Boncompagni, 19, Roma.
5. Federazione Lavoratori Chimici - Via Boncompagni, 19, Roma.
6. Federazione Lavoratori Terra - Via Boncompagni, 19, Roma.
7. Federazione Lavoratori Aziende Elettriche - Via Boncompagni 19, Roma.
8. Federazione F.I.D.A.E. - Via Boncompagni 19, Roma.
9. Federazione Ferrotramvieri - Via Boncompagni 19, Roma.
10. Federazione Imp. Op. Tessili (F.I.O.T.) - Via Boncompagni 19, Roma.
11. Federazione Add. Comunic. Elettriche - Via Boncompagni 19, Roma.
12. Federazione Postelegrafonici - Piazza San Macuto, Roma.
13. Federazione Dip. Statali - Via Modena 37-A, Roma.
14. Federazione Lavoratori Spettacolo - Via Aurora 31, Roma.
15. Federazione Scuola - Via dei Mille.
16. Federazione del Libro - Piazza Sidney Sonnino.
17. Federazione Lav. Alimentazione -
18. Federazione Lav. Legno -
19. Federazione Lav. Edili -
20. Federazione Lav. Autotrasporti -
21. Federazione Lav. Ind. Vetraria -
22. Federazione Op. Facticceri, gel. -
23. Federazione Lav. Acquedotti -
24. Federazione Minatori -

2. The trade-union associations indicated in numbers 17 through 24 have not yet established permanent quarters. They hold meetings at the C.G.I.L. and Rome Camera del Lavoro offices.

JOSEPH DI FEDE
Labour Relations Adviser

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

20 March 1945

TEL. : ext. 204

REF. : L3C/210

SUBJECT : Policy-Encouragement of Trade Union development in AMG territory.

To : Col. A.D. Densmore,
CSO Economic Section.

1. With reference to your letter dated 3rd March 1945, I have given further consideration to this matter in the light of the correspondence summarized in Maj. Murtagh's memorandum and desire to make the following recommendations:

ARMY AREAS

(a) That recognized trade union officials be permitted to communicate with persons within Army territory. If deemed necessary, all such communications could be passed through the Labor Officer concerned or other official channels.

These facilities would, no doubt, be welcomed by the unions concerned as a means of contacting their former members and likely representatives of the work-people in the particular district. As the armies move forward there will be a real need for this.

(b) That visits by recognized trade union representatives on labor matters be permitted subject to operational and security considerations and prior approval of the application by the Labor Sub-Commission if satisfied that the visit would be in the general interest.

It would appear from the comments made by the Regional Commissioner, Emilia Region, - as quoted in par. 8 of Maj. Murtagh's memorandum - that Army security regulations governing communications and travel through Army territory are relaxed for other Italian agencies such as insurance companies and banks.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

(c) That General Order No. 28, including Article II which concedes to employees the right to organize, hold meetings, and select representatives of their own choosing for the purpose of collective bargaining, be made effective at the time a Provincial Commissioner is installed, whether or not the territory remains under Army control. Permission for the holding of trade union meetings could be given subject to prior approval by the Provincial Commissioner or Civil Affairs Officer.

AMG TERRITORY

(a) That General Order No. 28, including Article II, be made effective in all territory subject to Regional control.

(b) That visits by recognized trade union officials be permitted subject only to the usual conditions governing such visits.

(c) That communications between AMG territory and Italian Government territory be allowed.

Civil Affairs Section has recommended that communications between AMG territory and Italian Government territory should be passed through the Sub-Commission concerned and through the Provincial Commissioner. This however, might cause considerable delay in the delivery of correspondence and as time may well be a vital factor in such circumstances, it is felt that the procedure suggested should not be insisted upon if this can be avoided. Would not the position be met by having such correspondence passed through the Labor Officer concerned?

W.H. BRAINE
Director,
Labour Sub-Commission

R.C.A./cf

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Pm

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Declassified E.O. 12356 Section 3.3/NND No. 785021

FILE

HEAD QUARTERS ALLIED COMMISSION
AC/394
LABOUR SUB COMMISSION

REF : LSC/ 210 7 Marzo 1945

AL : Segretario Generale
Sig. Giulio Pastore,
Associazioni Cristiane Lavoratori Italiani
Via Aracoeli 5,
Roma.

Cent. Sig. Pastore,

La ringrazio sentitamente per il cortese invito a presenziare il Convegno promosso per le provincie e le diocesi liberate.

Le invio i miei piu' sinceri auguri per il successo del Convegno nella soluzione dei problemi che in questo momento confrontano le Associazioni dei Lavoratori Italiani.

Purtroppo, urgenti impegni precedentemente assunti mi impediscono di partecipare al Convegno il quale, mi auguro, otterra' il successo sperato.

Cordiali saluti,

W. H. BRAINE,
Direttore della
Sottocommissione del Lavoro

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ASSOCIAZIONI CRISTIANE
LAVORATORI ITALIANI

Il C/C postale delle A.C.L.I.
porta il N. 1/1647

SEDE
CENTRALE

ROMA 5 Marzo 1945
VIA ARACOELI N. 3
TEL. 65-136 - 65-139 - 65-528

Prot. n. 1042 PG/gm

Al Maggior Generale
BRAINE
Allied Commission Labor
Via Veneto

R O M A

Ho l'onore di rivolgerLe a nome della Presidenza delle Associazioni Cristiane dei Lavoratori Italiani l'invito a presenziare al Convegno promosso per le provincie e diocesi liberate, di cui allego il programma.

Qualora i suoi molti impegni le vietassero di essere presente a tutto il Convegno, le saremo particolarmente grati se vorrà onorare della sua presenza la seduta inaugurale.

Con i sensi della più alta stima

5108

Suo

IL SEGRETARIO GENERALE
(Giulio Pastore)

Declassified E.O. 12356 Section 3.3/NND No. 785021

Il C/C postale delle A.C.L.I.
porta il N. 1/1647

SEDE CENTRALE

ROMA 5 Marzo 1945
VIA ARACOELI N. 3
TEL. 65-136 - 65-139 - 65-528

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Con i sensi della più alta stima

5108

Suo

IL SEGRETARIO GENERALE
(Giulio Pastore)

1 all.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

ASSOCIAZIONI
CRISTIANE
LAVORATORI
ITALIANI

PER UNA MAGGIORE
E PIÙ CONSAPEVOLE
PARTECIPAZIONE DEI
CATTOLICI ALLA
VITA SINDACALE

Convegno per l'Italia liberata

ROMA - 7 MARZO - 12 MARZO 1945

7 marzo - Arrivi a Roma.

8-9-10 marzo - Sedute di lavoro, ordinamento e organizzative.

11 marzo - Commemorazione di G. Toniolo.

12 marzo - Partenze da Roma.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

8 Marzo

Mattino

Ore 7,30 - S. Messa nella Cappella del Collegio Pio Latino americano - Inizio del convegno - Parole di Mons. **Luigi Civardi** assistente centrale delle Acli.

Ore 9 - **Discorso inaugurale del Ministro dell'Industria Commercio e Lavoro - S.E. l'on. Giovanni Gronchi.**

Ore 9,30 - **I Cattolici nell'unità sindacale.**
(relatore: On. **Achille Grandi** - Segretario della Confederazione Generale Italiana del Lavoro)

Ore 10,45 - **Funzioni, compiti, caratteristiche del Sindacato.**
(relatore: **Renato Cappugi** - Segretario della Camera Confederale del Lavoro di Firenze)

Pomeriggio

Ore 15,30 - **La preparazione degli organizzatori sindacali e loro compiti nelle Camere Confederali e nei Sindacati di categoria.**
(relatore: **Lamberto Giannitelli** - dello Segreteria Generale delle ACLI)

Ore 17 - **Seduta dedicata ai problemi redazionali e di propaganda del "Giornale dei Lavoratori".**
(relatore: **Dott. Argeo Sanlucci** - della redazione del "Giornale dei Lavoratori")

9 Marzo

Mattino

Ore 7,30 - Convegno a S. Giovanni in Laterano - S. Messa ed omaggio alla tomba di Leone XIII e al monumento alla "Rerum Novarum" - Parole di Sua Ecc. Mon. **Luigi Traglia** - Vice Gerente del Vicariato di Roma.

Ore 9 - **Le ACLI: Continuazione della tradizione sociale dei cattolici.**
(relatore: Avv. **Ludovico Montini** - della Presidenza Centrale delle ACLI)

Ore 10,30 - **Le Acli, loro ordinamento, funzioni e scopi.**
(relatore: **Giulio Pastore** - Segretario Generale delle ACLI)

Pomeriggio

Ore 15,30 - **Il Circolo lavoratori.**
(relatore: Prof. **Pier Costante Righini** - della Commissione Centrale delle ACLI)

Ore 17 - **I Nuclei Aziendali e i "pionieri".**
(relatore: Dott. **Roberto Cuzzanili** - Segretario della Camera Confederale del Lavoro di Roma)

Ore 18 - **Seduta riservata agli Assistenti Ecclesiastici delle Acli.**

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Declassified E.O. 12356 Section 3.3/NND No. 785021

10 Marzo

Mattino

Ore 7,30 - S. Messa nella Cappella del Collegio Pio Latino Americano Parole di S. E. Mons. **Gilla Gremigni** Vescovo di Teramo.

Ore 9 - **Partecipazione della donna alla vita sindacale.**

(relatore: Sig.ra **Maria Federici** - della Presidenza Centrale delle ACLI).

Ore 10,30 - **Iniziative per la formazione e tutela morale e sociale del lavoratore.**

(relatore: Avv. **Savoini Virginio**)

Pomeriggio

Ore 15,30 - Relazione sul tema: **Ricreazione e sport.**

(Relatore: Avv. **Carlo Trabucco**)

Ore 17 - **Apostolato di categoria.**

(Relatore: Sig. **Domenico Colasanto** - della Presidenza Centrale delle ACLI).

11 Marzo

Mattino

Ore 8,30 - Convegno alla Basilica di S. Pietro - S. Messa e omaggio alla tomba degli Apostoli.

Ore 10,30 - **Sedute organizzative.**

Pomeriggio

Ore 16 - **Partecipazione alla solenne Commemorazione del Centenario della nascita di G. Toniolo** - Nell'aula del Palazzo della Cancelleria Apostolica.

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oratore: Conte GIUSEPPE DALLA TORRE - Direttore dell'" Osservatore Romano ".

Declassified E.O. 12356 Section 3.3/NND No. 785021

NORME

— *Coloro che intendono partecipare al Convegno devono far pervenire subito l'adesione a Roma, Via Ara Coeli, 3 usando il mezzo più celere (lettera espresso, telegramma, corriere, ecc.).*

— *Per le prime 50 adesioni è assicurato vitto e alloggio al Collegio Pio Latino Americano in via Gioacchino Belli n. 3, sede del Convegno. Per le adesioni successive sarà provveduto per l'alloggio presso Istituti religiosi e per il vitto presso trattorie, semprechè giunga presto l'iscrizione alla Segreteria del Convegno. La spesa per l'alloggio è a carico delle ACLI; per il vitto è a carico dei partecipanti e la quota che si spera di mantenere entro limiti relativamente modesti sarà comunicata al momento del rilascio della tessera da congressista.*

— *Le sedute avranno luogo al Collegio Pio Latino Americano in Via Gioacchino Belli, 3 (Prati). Per accedervi sarà necessaria una tessera che verrà rilasciata di presenza presso la Segreteria delle ACLI, in Roma, Via Ara Coeli, 3.*

— *Al Collegio si può arrivare con le due circolari sia la Nera che la Rossa. La Segreteria del Convegno spera di organizzare, almeno per il ritorno, un trasporto collettivo per la funzione che avrà luogo la mattina del 9 marzo alla Basilica Lateranense.*

— *Al Convegno sono invitati i Presidenti, gli Assistenti, i Segretari provinciali delle ACLI; i Corrispondenti diocesani delle ACLI; i rappresentanti della corrente cristiana delle Camere Confederali del Lavoro e nei Sindacati di categoria e nelle Commissioni Interne; i Delegati del lavoro; i Delegati diocesani dell'ICAS e tutti coloro che pensano di dedicare le loro attività alle ACLI e all'azione sindacale e sociale tra i lavoratori.*

L'arrivo a Roma è consigliabile avvenga nel pomeriggio del 7 marzo.

— *Arrivando a Roma ciascuno si indirizzi alla Sede delle ACLI, Via Ara Coeli, 3. Allo stesso indirizzo si chiedano eventuali notizie e informazioni anche per corrispondenza o telegraficamente.*

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

/cf

Tel. 478828

REF. : LSC/210

2 Marzo 1945

OGGETTO : Generi alimentari per delegati

AL : Sig. Giulio Pastore, A.C.L.I.
Via Aracoeli 3, Roma.

1. Ci siamo messi in rapporto con il Maggiore Horn che è l'ufficiale incaricato della distribuzione di generi alimentari per la quarta regione (Roma) e gli abbiamo chiesto di provvedere, come è stato richiesto nella sua lettera del 22 Febbraio, i generi alimentari necessari per i suoi delegati.

2. Il Maggiore Horn ha preso accordi con la S.E.P.R.A.L. di Roma per l'assegnazione di questi generi e la S.E.P.R.A.L. ha acconsentito di mettere da parte la quantità di generi alimentari che sarà necessaria per il suddetto scopo.

3. Non appena lei sarà sicuro del numero di delegati che sarà qui, la consigliamo di mettersi direttamente in contatto con la S.E.P.R.A.L. per tutti gli accordi necessari.

W.H. BRAINE
Director,
Labour Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
AFO 394
LABOUR SUB COMMISSION

File

WHB/ac

REF : LSC/210 1 March 1945

SUBJECT: Internal Commissions in Northern Italy -
- Workers' share in Management.

TO : Col. Densmore

1. In several earlier memoranda (e.g. commenting on establishment of Internal Commissions in State establishments and commenting on appointment of receivers in northern industrial establishments) I have drawn attention to the neo-Fascist policy of appointing workers' representatives to management boards. I have said that this will present a problem when Allied authorities start to administer Military Government and that the success of whatever policy is determined upon will have its effect in the remainder of liberated Italy.

2. Dealings with workers' representatives on these issues will be an important factor in relation with industrial and labour unrest and I think it necessary to ask for a definition of the policy which will be followed in this respect.

3. The question is urgent inview of planning for northern Italy.

W. H. Braine

W. H. BRAINE
Director,
Labour Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LAC/210

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

/of

16 February 1945

SUBJECT : "Unione dei Commercianti"
of the Province of Rome.

TO : W.H. BRAINE,
Director Labour Sub-Commission

1. The "Unione dei Commercianti" for the Province of Rome was organized in October 1944 as a service organization for the various commercial firms of Rome and its province. It parallels the union of the industrialists and the union of the large land-owners. It is not an employees' union but a union of employers.

2. The "Commercianti" of Rome and province had formed several unions based on the categories of merchandise they dealt with. So that we have "Unione dei Commercianti di Vino", "Unione dei Commercianti di Olio", etc. The "Unione dei Commercianti" is a central organization to which all the other unions belong. It is a sort of Central Trade Board or Exchange. It is set up to provide legal counsel to its members and to supply them with commercial data. The central body undertakes to place the wishes and represent the interests of the commercial groups at the Government level.

3. "Unione dei Commercianti" fulfills the same functions as the C.G.I.L. in the labour field. A copy of the constitution of this Commercial Organization will be sent to us in a day or two.

JOSEPH DI FEDE
Labour Relations Adviser

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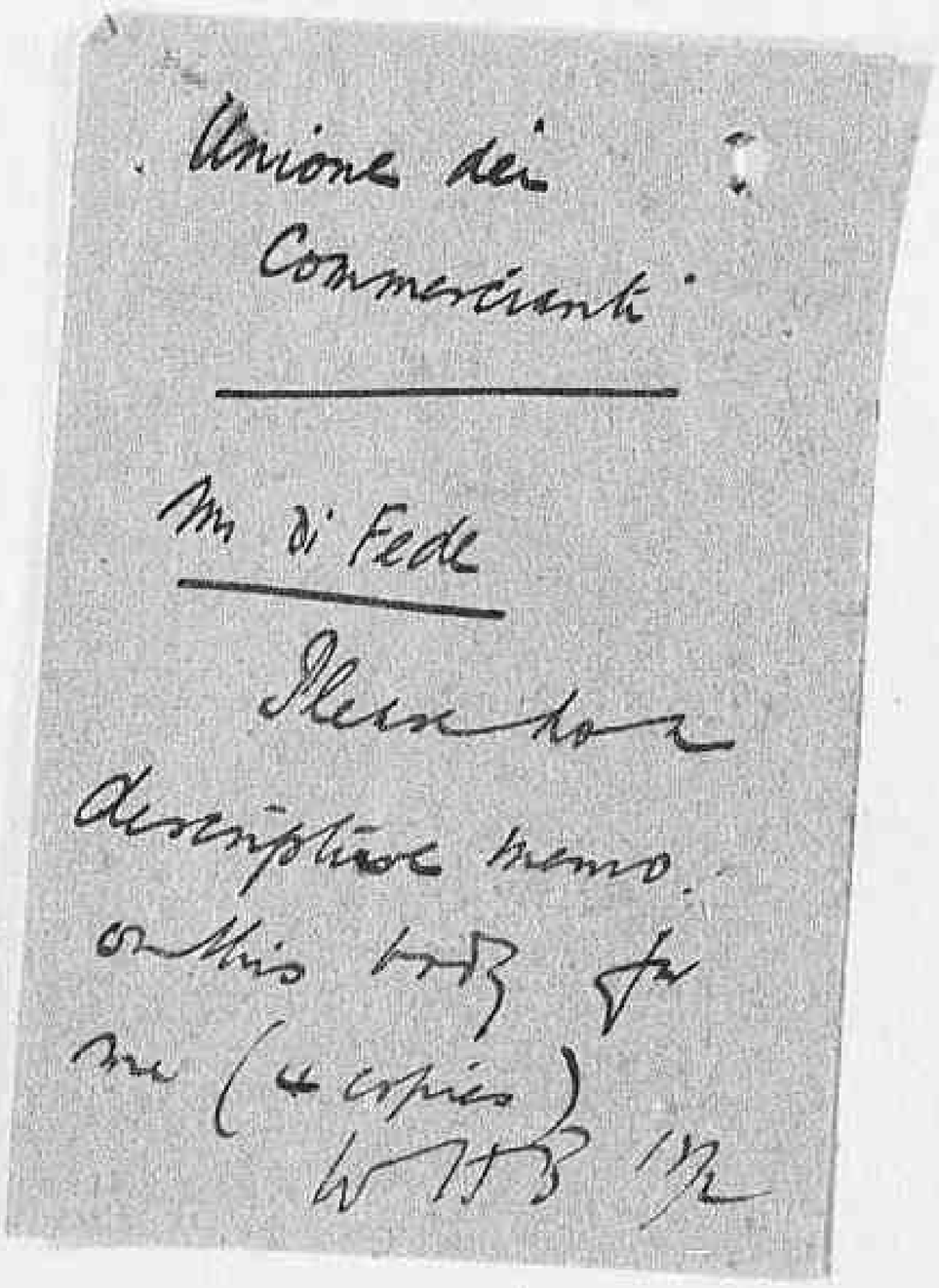
Unione dei
Commercianti

Sig. di Fede

Alessandro
descrizione breve.
Archivio [illegible] da
me (4 copie)
[illegible]

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Declassified E.O. 12356 Section 3.3/NND No. 785021

1

LABOUR S C

"The" Tradesmen Union" of Rome informs the RC about the election of the new Council of the Union, promoted by a special meeting of the Union's members, which was held on January 29th last.

During that meeting were elected the following councellors:

Bernardini Licinio, Castelmurro Rustlus ect. ect.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

UNIONE DEI COMMERCIANTI
AGENTI E RAPPRESENTANTI DI COMMERCIO
DELLA PROVINCIA DI ROMA Li/ds

ROMA FEB 1945
CORSO VITTORIO EMANUELE, 101
Telefoni - 53249-52461-53361-51073

Prot. N. 0219
(da citare nella risposta)

ALLIED CENTRAL COMMISSION

R O M A

OGGETTO : Nuovo Consiglio dell'Unione dei Commercianti.-

Si ha il pregio di comunicare che l'Assemblea Generale straordinaria, tenutasi il giorno 29 gennaio u.s., ha proceduto alla elezione del nuovo Consiglio dell'Unione.

Sono stati eletti Consiglieri i Sigg.:

BERNARDIN LICINIO = CASTELNUOVO ANSELMO = COLLEMASSI PASQUALE = CONTI MARIO = CORTELLESI GIOVANNI = D'ALESSANDRI FERNANDO = DANESI MARIO = DE CATALDO RICCARDO = DIOTALLEVI ALDO = D'OVA ALFONSO = GOZZI POMPEO = LAGOMARSINO LUIGI = PALOMBINI GIOVANNI = ROSSO MASSIMO = TUCCIMEI GIOVANNI

Sindaci effettivi: FILIPPELLI FILIPPO = MASTROPAOLO LUIGI = ROSSETTI RENATO.

Sindaci supplenti: AJELLO ARMANDO = COSTA GUIDO.

A Presidente dell'Unione è stato eletto l'Ing. RICCARDO DE CATALDO.

I Sigg. MARIO CONTI e ALFONSO D'OVA sono stati nominati Vice Presidenti.

Con osservanza.

IL PRESIDENTE
(Ing.Riccardo De Cataldo)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Confidential

UNSCOP SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. BRAINE	WMJ	11/2
Colonel SMITH	JWK	
Lt.Col.BABCOCK		
Major SCICLUNA		
Capt. DORF	J	11/2
Capt. TOPLISS		
Capt.SOLLENBERGER		
Mr. SACHS	KCS	
Mr. DI FEDE		
Mr. CERRITO		
Dr. LA LOGGIA		
Chief Clerk		

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Declassified E.O. 12356 Section 3.3/NND No. 785021

ECONOMIC BOARD

Date 12/3/45

Internal

Fr.		To
	Vice President	
	Col. Densmore	
	Mr. Cleveland	
	Maj. Doe	
	Maj. Richardson	
	Maj. Dooby	
	Maj. Green	
	Capt. Lemmitzer	
	Capt. Murphy	
	Lieut. Atkins	
	Mr. Bakken	
	Mr. Stauffer	
	Mr. Lehman	
	Chief Clerk	

Fr.		To
	ECONOMIC SECTION	
	AGRICULTURE SUB-COMMISSION	
	COMMERCE " "	
	FINANCE " "	
	FOOD " "	
	INDUSTRY " "	
	LABOR " "	✓
	U.N.R.R.A. "	
	MINES COMMISSION "	
	CHIEF COMMISSIONER	
	CHIEF OF STAFF	
	DEPUTY CHIEF OF STAFF	
	CIVIL AFFAIRS SECTION	
	PUBLICATIONS SECTION	

For Appropriate Action	Routing & Retention
Remarks/Recommendation	Signature
Dispatch	Investigation & Report
Information	File Copy
Circulation Return	Noting & Return

Remarks:

NOTE: When the attached piece of correspondence is ready for file - please write the word "FILE" and initial the correspondence - NOT the Buck-Slip. It is suggested that pertinent remarks showing continuity of action should be noted on the letter itself, i.e. the margins, rather than on the Buck Slip which will be destroyed when letter is filed.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Translation Latorraca /js

T R A D E R S ' U N I O N

Rome, 11 February 1945

SUBJECT: New Council of Traders' Union.

TO : Allied Command.
Civil Affairs - Rome.

I am informing you that the General Extraordinary Assembly, held on 29 Jan.1945, has elected the New Council of the Traders' Union.

The following were elected councellors:

BERNARDINI LICINIO - CASTELNUOVO ANSELMO - COLLEMASSI PASQUALE CONTI MARIO - CORTELLESI GIOVANNI - D'ALESSANDRI FERNANDO - DANESI MARIO - DE CATALDO RICCARDO - DIOTALLEVI ALDO - D'OVA ALFONSO - GOZZI POMPEO - LAGOMARSINO LUIGI - PALOMBINI GIOVANNI - ROSSO MASSIMO - TUCCIMEI GIOVANNI -

Mr. FILIPPELLI FILIPPO , Mr. MASTROPAOLO LUIGI and Mr.ROSSETTI RENATO were elected mayors.

Mr.AJELLO ARMANDO and Mr.COSTA GUIDO were elected deputy mayors.

Ing. RICCARDO DE CATALDO was elected president of the Union.

Mr. MARIO CONTI and Mr.ALFONSO D'OVA were appointed as vice presidents.

THE PRESIDENT
(signed)
(Ing.Riccardo De Cataldo)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

LSC/210

UNIONE DEI COMMERCIANTI
AGENTI E RAPPRESENTANTI DI COMMERCIO
DELLA PROVINCIA DI ROMA Li/ds

ROMA 11. 2. 45
CORSO VITTORIO EMANUELE, 101
Telefoni - 53249-52461-53361-51073

Prot. N. 0[illegible]90
(da citare nella risposta)

AL COMANDO ALLEATO
Sezione Affari Civili

R O M A

OGGETTO : Nuovo Consiglio dell'Unione dei Commercianti.-

Si ha il pregio di comunicare che l'Assemblea Generale straordinaria, tenutasi il giorno 29 gennaio u.s., ha proceduto alla elezione del nuovo Consiglio dell'Unione.

Sono stati eletti Consiglieri i Sigg.:

BERNARDINI LICINIO = CASTELNUOVO ANSELMO = COLLEMASSI PASQUALE = CONTI MARIO = CORTELLESI GIOVANNI = D'ALESSANDRI FERNANDO = DANESI MARIO = DE CATALDO RICCARDO = DIOTALLEVI ALDO = D'OVA ALFONSO = GOZZI POMPEO = LAGOMARSINO LUIGI = PALOMBINI GIOVANNI = ROSSO MASSIMO = TUCCIMEI GIOVANNI

Sindaci effettivi : FILIPPELLI FILIPPO = MASTROPAOLO LUIGI = ROSSETTI RENATO.

Sindaci supplenti : AJELLO ARMANDO = COSTA GUIDO.

A Presidente dell'Unione è stato eletto l(Ing. RICCARDO DE CATALDO.

I Sigg. MARIO CONTI e ALFONSO D'OVA sono stati nominati Vice Presidenti.

Con osservanza.

IL PRESIDENTE
(Ing.Riccardo De Cataldo)

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LSC/210

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
A.P.O: 394
PUBLIC SAFETY SUB COMMISSION
SECURITY DIVISION

REF : SD/199.20

13 February 1945

SUBJECT : Investigation on functions of Political Association:
" Unione Proletaria"

TO : Director, Labour Sub Commission.

1. With reference to your LSC/210, dated 5 February 1945, the following information is submitted on the activities of the above mentioned political organisation.

2. "L'Unione Proletaria" was formed shortly after the arrival of the Allies in Rome by Umberto SALVAREZZA, a reputed Communist with a criminal record and a former member of the "Movimento Comunista d'Italia". This latter organisation is a dissident Communist body which absorbed a fanatical group of Trotskyist tendencies.

3. SALVAREZZA's organisation claimed Monarchial sympathies but in actual fact was nothing more or less than a cloak for "black mailing" activities. This party published a newspaper "L'Unione Proletaria". Much of its money came from wealthy ex-Fascists to prevent threatened exposure in the columns of this paper. It is realiably reported that its leaders were closely connected with the "black market".

4. The offices of this party were recently search by the CC.RR. and a number of arms, grenades etc.were removed. It is also alleged that SALVAREZZA was concerned in the supply of arms etc. to dissident organi sations in Sicily, this matter is now being investigated by the Italian authorities.

5. SALVAREZZA was recently arrested on charges preferred by the Italian Government for stealing and selling the furniture and fittings from the offices of the ex-Fascist Youth which he, SALVAREZZA, used as the Headquarters of his party. This organisation has not a large membership, many were recruited from the criminal classes.

6. The policy of this Organisation was Chiefly extortion and interests in the lesser profitable field of labour activities did not [illegible]

Declassified E.O. 12356 Section 3.3/NND No. 785021

REF SD/199.20 13 February 1945

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" Unione Proletaria"

TO : Director, Labour Sub Commission.

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6. The policy of this Organisation was Chiefly extortion and interests in the lesser profitable field of labour activities did not exist.

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JOHN W. CHAPMAN,
Colonel J.A.G.D.,
Director Public Safety,
Sub Commission.

AHE/nb

CONFIDENTIAL

492

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

Cross Reference Sheet

File: LSC/210

Subject: Proposed Legislation to regulate Italian Trade Unions and Industrial Relations

Date: 7 Feb. 45

To: A.F.H. G-5 Sect.

From: Economic Sect.

Documents Filed: LSC/607

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Declassified E.O. 12356 Section 3.3/NND No. 785021

FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB COMMISSION

REF : LSC/210 5 February 1945

SUBJECT: Investigation on functions of Political Association: "Unione Proletaria".

TO : The Director, Public Safety Sub-Commission, Security Division.

1. An article was published in the newspaper "Il Popolo" on 3 February 1945 called "Nuove Rivelazioni su Umberto Sal aressa" (New discoveries about Umberto Salvaressa), in which mention is made of the disbanding of the armed group known as the "Unione Proletaria" being requested by the Allied Authorities.

2. I should be glad to learn from the Security Division of Public Safety Sub-Commission the functions of this band, and particularly whether the "Unione Proletaria" had any policy affecting Labour activities and interests.

W. F. BRAINE
Director,
Labour Sub-Commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

IL POPOLO
3 Febbraio 1945

Nuove rivelazioni
su Umberto Salvarezza

Ancora silenzio intorno a Salvarezza. C'è chi afferma di averlo veduto percorrere le vie di Roma con la massima calma, senza il minimo timore. E' strano, ma non ci stupirebbe!

Frattanto siamo venuti a sapere che alcune personalità alleate hanno domandato ad autorità italiane una spiegazione circa il mancato scioglimento della banda armata dell'« Unione Proletaria ». Ed esse avrebbero risposto che non potevano farlo dato che esistevano, ed esistono tuttora, bande armate di ben quattro Partiti al Governo.

Circa quello che abbiamo detto ieri sul sig. Vaselli e l'ing. Vavalli, abbiamo ricevuto una lettera del dott. Palermi, in cui rileva che il sig. Mario Vaselli è a lui conosciuto, e che in ogni caso non poteva essere insignito di un grado che viene conferito solamente dopo lunga carriera nell'Ordine. Secondo il Palermi il Vaselli entrato in un'altra organizzazione massonica, chiese che gli si computassero le 100 mila lire. Il che non sposta molto quanto abbiamo pubblicato, e dimostra come di quella nobile società che va sotto il nome di massoneria si possano ottenere gradi sborsando più o meno cospicue somme. Il dott. Palermi potrà ad ogni modo essere ragguagliato sulla faccenda Vaselli-Vavalli dal signor Maresealchi che ha condotto l'inchiesta.

C'è da aggiungere oggi che Mario Vaselli ha mandato a chiamare l'avv. Melito per una smentita e che il Melito si è nettamente rifiutato di farla. Aggiungiamo per la cronaca che il Vaselli è anche sotto inchiesta presso la Commissione per l'epurazione!

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HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

REF : LSC/210 2 February 1945

SUBJECT: Investigation on Source of Funds of Unione Sindacale Italiana dei Lavoratori.

TO : The Director, Public Safety Sub-Commission Security Division.

1. This Sub-Commission received a visit from Sig. Scrivo, representative of the Unione Sindacale Italiana dei Lavoratori. According to his statement, funds for the Union activities and propaganda are obtained through subscriptions and fees for membership cards.

2. A request is therefore made to the Security Division of Public Safety Sub-Commission for a more reliable and detailed report to be made as to the actual source of the above-mentioned funds, as the activities of this Union are of interest to the Labour Sub-Commission.

H. H. KAHN
Director,
Labour Sub-Commission

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB COMMISSION

LSC 410

2 February 1945

SUBJECT: Interview with Sig. Scrivo, Representative of the Unione Sindacale Italiana dei Lavoratori.

1. This Union came into existence in 1918 and continued its activities until 1925, when it was suppressed. During this period it was known as Unione Sindacale Italiana del Lavoro. In 1943-44 during the German occupation, the Union was formed under the name of Federazione Generale Italiana dei Lavoratori, and existed during the underground period. Since the liberation of Italian territory, it is known as Unione Sindacale Italiana dei Lavoratori, with branches at Naples, Ancona, Bari, Taranto, Agrigento and a few other centres in Sicily. These branches have been opened from October 1944 to January 1945.

2. This Union is completely apolitical, and in directo opposition to the CGIL, whose leaders are representatives of distinct political parties, therefore the functions of the Unione are duplicating those of the Confederazione, in many instances.

3. The Unione Sindacale dei Lavoratori is planning the publication of a paper: "Italia Sindacale", but so far the Italian Press Office has obstructed the issue of this newspaper, therefore the Unione uses as its organs the following current papers:

Ricostruzione
La Voce Repubblicana
L'Italia Nuova
L'Indipendente
Il Momento.

4. Sig. Scrivo will furnish us a complete list of the categories of workers who have so far joined this Union, he mentioned for the time being the Entertainement workers and the Porters, these latter obtained the majority of their claims, according to Sig. Scrivo, through the Unione Sindacale Italiana dei Lavoratori, after having failed to do so through the CGIL.

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5. Sig. Scrivo, as representative of the Unione, wishes to enter into contact with British and American Trade Unions, and when it was suggested that he should do so through the ordinary post or throught the Italian Government and its representatives in London and Washington, he objected that the Italian Government is at present

0717

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formed by persons too deeply political to encourage a Union the aims of which are absolutely apolitical. For this same reason, the Union's newspaper has so far not been allowed pubblication.

Mr. Sorivo appeared to be very anxious to obtain support from the Labour Sub-Commission, and was disappointed at his lack of success in "double-crossing" the CGIL, and going behind the back of the Italian Government.

6. Mr. Braine ended by stating that the Labour Sub-Comaission was pleased to learn of the existence of the Unione and would watch with interest its activities.

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FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB COMMISSION

JRS/ac

REF : LSC/210

29 January 1945

SUBJECT: Reply to General Spofford's letter of November 22, 1944, re U.S. Criticism of Proposed Labor Law.

TO : Mr. Braine.

1. I am attaching herewith material prepared by Major Scialoia, intended for a second letter to G-5 AFHQ, to follow that dated 8 December 1944, (which has been held up by Col. Bonsmore pending your arrival and consideration).

2. I consider the attached material a very important and accurate digest of what the proposed draft involves and in which manner the critics erred.

3. As far as possible I have brought my scanty information on higher policy in A.C. to date. In the light of such knowledge as I have I can see no reason why the initial letter of 8 December plus an additional letter epitomising the attached material, or a combination letter, should not be despatched at once in answer to General Spofford's query of 22 November. Criticism by certain individuals in the War Department is directed at the actions of the Labor Sub-Commission and at certain alleged fallacies in the draft decree. It is considered that the decree itself has been wrongfully interpreted and more specially, that the veracity and motives of the Labor Sub-Commission prior to your incumbency as Director, have been most seriously impugned.

4. From the foregoing I submit that the basic right of replying to a false accusation must not be denied the agency or the persons accused. The question as to the position of the new Italian Government on the decree is entirely new business and an irrelevancy in this consideration. I therefore recommend your affirmative action in approving the proposed reply to General Spofford's letter. with respect to

Julius P. Smith

JULIUS P. SMITH
Colonel, GSC
Deputy Director,
Labor Sub-Commission.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

ALLIED COMMISSION
AUS Italy
LABOR SUB-COMMISSION

DRAFT

KFS/nc

Tel: 478509

REF : 091.447

18 December 1944

SUBJECT: Memorandum on M. D. Analysis and Criticism of May Draft Decree.

TO : Col. Junius E. Smith, Acting Director
A.C. Labor Sub-Commission

FROM : Maj. K. J. Scicluna, Labor Relations Officer.
A.C. Labor Sub-Commission.

Ref: above subject.

1. Herewith Draft Memorandum on the M. D. Analysis and Criticism of the May Draft Decree.

2. The Memorandum is subdivided into three parts, viz:-

Part I General Observations

" II General Observations on the major issues raised in the analysis and criticism of the May Draft Decree

" III Observations on certain specific points raised in the analysis and criticism of the May Draft Decree.

3. I would suggest that the report on the Draft Decree prepared by Dr. La Loggia (Copy attached) for H.E. Bronchi be also forwarded for translation and attention of the War Department.

K. J. Scicluna
Major,
Labor Relations Officer,
Labor Sub-Commission.

18/12/44

SUBJECT: Proposed Law Italy to regulate unions and Industrial relations.

5089

TO : The Director, Civil Affairs Division W.D.G.S.
Attention: Col. W. S. Brennan Jr.
General Staff Corps Chief Labor Branch.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

I. GENERAL OBSERVATIONS

1. Reference is made to Col. Brennan's Memorandum dated 26 October 1944 and to Brig. General C. H. Stafford's letter dated 22 November 1944, the trend of which appear to be consequent on the anonymous "analysis of the proposed law on Industrial Relations". The Labor Sub-Commission would, of course, have no option but to regard as altogether justified the observations and conclusions contained in the two former documents provided it were established that the said analysis represented a correct interpretation of the Draft under consideration.

2. It is our contention however, that this report - far from providing a sound and reliable medium of guidance - may be said to betray:-

(i) - a preconceived and tendentious hostility to the Draft - predicated perhaps by the misleading picture presented by the O.S.S. Memorandum 29;

(ii) - a lack of appreciation of the present legislative position in the Italian labor field: and

(iii) - an insufficient and superficial study of the Draft itself.

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3. In substantiation of this sweeping statement, it is proposed to reply both on broad general lines in respect of the major issues raised, as well as, seriatim, to certain statements contained in the War Department Memorandum of 26 October 1944.

II. GENERAL OBSERVATIONS ON THE MAJOR ISSUES RAISED IN THE ANALYSIS AND CRITICISM OF THE MAY DRAFT DECREE.

1. Synopsis of Adverse Criticism.

The fundamental adverse criticism levelled against the May Draft Decree may be said to focus on the following three points, namely:-

(i) The proposed law devolves on the Labor Offices "incompatible functions".

(ii) The proposed law would impose "rigid governmental controls" on the Trade Union organizations; and

(iii) The Trade Unions have been precluded from participation, in advisory capacity, in the administration of (a) Social Services, (b) placement of Labor, (c) Arbitration.

It is possible for the Labor Sub-Commission to prove conclusively that each of these statements is not a correct rendering of the provisions contained in the May Draft Decree.

2. "Incompatibility of Functions".

With reference to the question of "incompatible functions", the observations made are based on a misinterpretation of Articles 3, 4, 5 and 6. The following points are submitted for consideration:-

(a) It has been obviously overlooked that the functions of the Ministry and of the Labor Offices are here stated in generic terms, as is the practice in Italian legislation which provides for:

(i) a "fundamental law", covering only basic principles and

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(a) It has been obviously overlooked that the functions of the Ministry and of the Labor Offices are here stated in generic terms, as is the practice in Italian legislation which provides for:

(i) a "fundamental law", covering only basic principles and general provisions;

(ii) Supplementary decrees, which follow on the fundamental law whenever any general provision therein contained requires any specific elaboration; and

5087

(iii) the "Regolamento", which provides the key to the practical

Declassified E.O. 12356 Section 3.3/NND No. 785021

application of the "fundamental law",

(b) The erroneous impression appears to have been gained that the Labor Offices are saddled with the direct responsibility of controlling and directing simultaneously: (i) relief, insurance and other social services, (ii) placement of labor, (iii) arbitration, and (iv) enforcement of labor legislation.

This is quite incorrect.

The only direct responsibilities of the Labor Offices (Regional and Provincial) may be summarised as follows:-

(i) Compilation of relevant statistics and economic study of Labor problems;

(ii) Conciliation and mediation in respect of disputes (for procedure vide Appendix "A").

(iii) Placement of labor.

(iv) Registration and legal recognition of Trade Unions on voluntary application by same.

(v) Enforcement of labor legislation and labor inspection through the "Ispettorato del Lavoro".

(c) In order to judge whether any of those functions are incompatible it were well to bear in mind that:

(i) Regional and Provincial Labor Offices are not in any way con-

Declassified E.O. 12356 Section 3.3/NND No. 785021

labor legislation.

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(iii) Placement of labor.

(iv) Registration and legal recognition of Trade Unions on voluntary application by same.

(v) Enforcement of labor legislation and labor inspection through the "Ispettorato del Lavoro".

(c) In order to judge whether any of those functions are incompatible it were well to bear in mind that:

(i) Regional and Provincial Labor Offices are not in any way connected with the administration or control of services concerned with social insurance;

(ii) Regional Labor Offices are not concerned with the registration of Trade Unions or with the policing duties of the "Ispettorato del Lavoro".

Declassified E.O. 12356 Section 3.3/NND No. 785021

(iv) The "Ispettorato del Lavoro" though under the direction of the Regional Labor Office, is a distinct and independent organization and the Regional Labor Office merely correlates the inspectional and enforcement duties of the "Ispettorato" to the other activities for which the Labor Offices are responsible in the Labor field.

(v) Labor Offices are only directly interested with mediation and conciliation and merely act as servicing agency for arbitration, which would be conducted according to the usual practice of nominating not less than three arbitrators of whom two would be representing employers and employees respectively.

The foregoing considerations should suffice to show that the alleged incompatibility of functions does not exist since no logical or functional clashes emerge from the duties respectively devolved on the Regional and Provincial Offices, which are set up in conformity with the practice and organisation of such services in other democratic countries.

(d) In connection with Social Services it should be clearly understood that the Labor Offices have no direct administrative responsibility. No such provision could possibly be found in the text of the proposed law.

Social Insurance in Italy is, in point of fact, administered by three para-statal institutions, viz: "Istituto Nazionale Assicurazione Infortuni sul Lavoro";

"Istituto della Previdenza Sociale",

"Istituto per le Malattie dei Lavoratori"

Existing legislation places these Institutes under the jurisdiction of the Ministry of Industry, Commerce and Labor, which enjoys wide powers

Declassified E.O. 12356 Section 3.3/NND No. 785021

(v) Labor Offices are only directly interested with mediation and conciliation and merely act as servicing agency for arbitration, which would be conducted according to the usual practice of nominating not less than three arbitrators of whom two would be representing employers and employees respectively.

The foregoing considerations should suffice to show that the alleged incompatibility of functions does not exist since no logical or functional clashes emerge from the duties respectively devolved on the Regional and Provincial Offices, which are set up in conformity with the practice and organisation of such services in other democratic countries.

(d) In connection with Social Services it should be clearly understood that the Labor Offices have no direct administrative responsibility. No such provision could possibly be found in the text of the proposed law.

Social Insurance in Italy is, in point of fact, administered by three para-statal institutions, viz: "Istituto Nazionale Assicurazione Infortuni sul Lavoro";

"Istituto della Previdenza Sociale",

"Istituto per le Malattie dei Lavoratori"

Existing legislation places these Institutes under the jurisdiction of the Ministry of Industry, Commerce and Labor, which enjoys wide powers over them. Apart from these three Institutes there also exist, as a limited and localised activity, some mutual-aid societies ("mutue volontarie" or "casse mutue") for workmen. These do not fall under any compulsory legislative directive but are, in fact, the result of private initiative and are complementary to the activities of the National para-statal institutes. The May Draft Decree does not include any special provisions respecting the afore-

Declassified E.O. 12356 Section 3.3/NND No. 785021

mentioned National Insurance Institutes; it merely re-states what is already provided in other laws, namely that the Ministry is concerned with the "promotion, development, coordination and control of the services concerned with social insurance etc.". The Ministry enjoys this jurisdiction - as well as other more specific powers - independently of this stimulation in the May Draft Decree.

According to Art. 4 (f), the functions of Labor Offices in this connection are defined in the following terms: "promotion and development of social Insurance", omitting therefore any reference to "control". Moreover, as the three Insurance Institutes were already organised on a National basis, the Regional and Provincial Labor Offices could not be allowed any direct administrative interference and the provision made in the proposed law refers in fact to the encouragement and help that should be afforded to private initiative in this field without in any way conceeding the Labor Offices the right of interference, administrative or otherwise.

As may be seen from the aforementioned considerations, therefore, the Labor Offices have no administrative or other direct responsibilities in the field of Social Insurance.

(e) As a final consideration with regards to the functions of the Labor Offices, it should be borne in mind that:

(i) Conditions in Italy do not warrant the creation of independent agencies for every branch of activity in the Labor field in the first place because this would involve an expenditure that the State can ill-afford to bear and secondly because many regions are not sufficiently industrialised to require such an organisation.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(i) Conditions in Italy do not warrant the creation of independent agencies for every branch of activity in the Labor field in the first place because this would involve an expenditure that the State can ill-afford to bear and secondly because many regions are not sufficiently industrialised to require such an organisation.

(ii) The Labor Offices represent the Ministry in the field in connection with all the activities and responsibilities that have been devolved on it by law.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

3. "Rigid Governmental Controls".

Reference is made to the statement that: "the proposed regulations would in effect subject employer's associations and unions" ..... "to rigid governmental controls which would permit them little opportunity to develope as independent institutions". Such an impression could solely have been gained from a misinterpretation of the Draft, which actually provides for no more governmental interference with organised Labor than in strictly in conformity with the practice in democratic countries or with Italian pre-fascist traditions and with existing pre-fascist legislation. An examination of the various forms of "controls" contained in the May Draft Decree appears to be necessary in order to establish, beyond serious contention, the Labor Sub-Commission stand on this point. The following considerations are therefore submitted for your attention:-

(a) Registration of Trade Unions (Art. 15 to 23, 27, 32 to 34) according to the May Draft Decree, registration of any Trade Union is not obligatory as is the case in certain democratic countries: it is undertaken by the State whenever an Association, of its own free choice, wishes to claim from the State a legal status or "juridical personality". In this connection, it should be remembered that according to existing Italian legislation as well as according to pre-fascist legislation Trade Union organisations do not acquire automatically a "juridical personality" and, in fact, if a Trade Union Association desired a legal status it would have to submit to the provisions of the Civil Code which stipulate very stringent formalities and impose equally exacting governmental control (see Art. 11-35 of the Civil Code). In this respect, the provisions of the proposed law would provide the Trade Unions an opportunity of obtaining a legal status under more favourable conditions than those imposed by the common law now in force. It may not be out of place to recall that the last democratic Government

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(b) Deposition of Balance Sheet and maintenance of certain books. The deposition of an annual balance sheet with the Labor Office which effected

Declassified E.O. 12356 Section 3.3/NND No. 785021

the registration of i Trade Union, is stipulated exclusively in the interest of members who should have an access to the financial statement and these provisions do not go beyond what is now the practice in USA and Great Britain. There is no mention whatsoever of any form of audit or inspection on the part of the Labor Offices. The responsibility of maintaining certain registers and other books which is made incumbent on the Trade Unions, is only a part of the responsibilities which are made to devolve by existing legislation on any constituted commercial enterprise or organisation. These provisions were considered justified in view of the guarantee they afforded in the fixation of legitimacy of Trade Union representation (a) for collective bargaining; (b) for the conclusion of collective contracts, and (c) on such Boards, Commissions or Committees as are foreseen in the proposed law. The Labor Sub-Commission, however, has never considered the conditions prescribed by Articles 22 and 23 as an essential feature of the proposed law and when certain objections were raised in this respect by the left-wing section of CGIL, that point of view was clearly expressed. It is significant to note, however, that the demo-christian Joint Secretary of CGIL declared himself unequivocably in favour of the articles in question.

(c) Revocation of the right of collective bargaining (Art ....) The statement that "the right to bargain could, for example, be revoked if a union disobeyed the provisions in regard to disputes" is absolutely unfounded. No such statement exists either expressly or by inference in the proposed law and, in spite of very thorough scrutinisation, it has not been possible to discover how this misconception might have arisen.

(d) State Controls over Trade Unions in Democratic Countries. It would be opportune to gloss over the legislation of some democratic countries in respect of such formalities and controls as are brought to bear on Trade

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(d) State Controls over Trade Unions in Democratic Countries. It would be opportune to gloss over the legislation of some democratic countries in respect of such formalities and controls as are brought to bear on Trade Union organisation since only a comparison of that sort can provide an objective study and a full appreciation of the provisions contained in the proposed law. The observations submitted in this respect are contingent on the legislative position of 1934, thus excluding any laws that may have been promulgated in European countries as suitable measures to face up to impending international complications.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

The registrati of Trade Unions was compulsory a certain countries as in Austria prior to Nazi occupation and Lithuania. It is put forward as compulsory in the Draft Model Ordinance for Trade Union Organisation in British Colonies and quasi-Dominions though, of course, in this case it is left entirely to the local legislature to alter the "Model" ordinance to meet the requirements and aspirations of the country concerned. In other democratic countries registration is optional except when a "legal status" is demanded of the State, in which event it becomes obligatory, e.g.: Estonia Latvia, Roumania, Argentina, Belgium, Finland, pre-Nazi Germany, Great Britain and Holland. The May Draft Decree provides for the second type of registration.

The compulsory deposition of Trade Union "Statutes and Constitutions" was provided for, in Chili, Brazil, pre-Falangist Spain and in other democratic countries. In the case of Spain, prior to the advent of the Franco Regime, provision was made for the compulsory tenure of special registers as well as accountancy and other books. Both in Belgium and in pre-Nazi Germany, it was incumbent on Trade Unions to file with a State Agency periodical reports stating the organisational tables of the Directorate as well as the membership of the Association. In Chekoslovakia, Spain and pre-Nazi Austria, Trade Unions had to submit reports on their activities and their financial position. State controls were also stipulated in respect of (i) general meetings and assemblies called by Trade Unions in Chekoslovakia, Roumania and in Austria, and (ii) all financial transactions made by Trade Unions in Belgium, Greece and Hungary.

The right of inspection of all acts and documents pertaining to Trade Unions was reserved to the State in Poland, in pre-falangist Spain and in Chili. In Canada, Spain, Malta, France, Greece and Cekoslovakia, Trade Unions could be dissolved by the State Agency on the following grounds:-

(i) inadequate membership;

(ii) failure to comply with the conditions stipulated

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(i) inadequate membership;

(ii) failure to comply with the conditions stipulated for legitimate or legal existence;

(iii) insolvency.

In France and Roumania, Trade Unions could be dissolved by the State if they followed activities or aims - especially political - which were

Declassified E.O. 12356 Section 3.3/NND No. 785021

not considered legitimate by the State.

The May Draft Decree does not provide for the dissolution of Trade Unions by any State Agency but merely revokes registration (Art. 32) and only in specific circumstances, viz.: (i) when the registration is obviously "null and void", according to existing legislation, as in the case of a registration effected, under false pretences or of a Trade-Union having no legal existence; (ii) When the Trade Union requests its own dissolution; (iii) when there is an infringement of the legal formalities or conditions prescribed by the articles governing registration of Trade Unions.

(e) Collective Contracts binding on a whole industry.

One of the points requiring particular attention is the question of Collective Contracts concluded on a National or Regional basis by a legally recognised Trade Union and binding on the whole Industry within the ambit of the Trade Union stipulating the contract.

The enforcement of minimum "working conditions" in the Labor field in general is realised today in practically every modern State, even if the approach to the solution of this problem varies from country to country. It is general practice, for example, to fix minimum wages either through direct State intervention or through special Trade Boards composed of representatives of Employers, Employees and of impartial representatives of "public opinion". In some States the line is adopted of applying on a general scale the conditions of a Collective Contract that has been concluded between some important Trade Union and an Employer's Association. In USA the Labor Office may be called upon to decide on the "basic unit" of industry or craft or factory which may conclude a collective contract that is binding on all those who belong to that recognized "unit". The system set up by the May Draft Decree provides a novel procedure which attains the

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Since political and economic conditions in Italy called for urgent and practical legislative provisions, the Labor Sub-Commission, considering it inopportune to put forward a different system or procedure for Collective Contracts, limited itself to drawing the attention of H.E. the Minister to

Declassified E.O. 12356 Section 3.3/NND No. 785021

this divergence and forming His Excellency that objection would be withdrawn if the Italian Government as a whole advocated the adoption as in the best interests of the Italian people. The attitude of the Labor Sub-Commission, as is relevant from the letter of 3 July 1944 to the Ministry, should place beyond any shadow of doubt the particular care and consideration with which the Italian view point was used in the examination of the May Draft Decree.

4. Exclusion of independent Labor and Employer's Organizations, in an advisory capacity, from the administration of various State agencies. The allegation that employers and employees have been precluded from participation in the administration of social insurance and employment offices or from representation in Arbitration Boards is altogether unfounded. The following points are submitted for consideration:-

(a) Social Insurance. The proposed law makes no attempt at governing the activities of Private or State Social Insurance agencies as this field is covered by separate existing legislation enacted partly during and partly prior to the Fascist Regime. This legislation provides, under various forms, for the representation of organized labor in the organization and administration of social insurance. This, however, is the formal position since, in effect, with the suppression of the Fascist system, there now exist no Labor Organizations, having a status "in law", who can provide legitimate representatives. At present the three para-statal Institutes are, therefore, administered solely in conformity with Governmental directives.

Since the May Draft Decree solves the question of "legal status" in respect of Trade Unions, it would not be presumptions to assume that within a relatively short time from its promulgation Trade Union organizations would have claimed their legitimate right of representation - in an advisory or even directive capacity - in the administration of social insurance. From

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(b) Arbitration Boards - The only reference to the composition of

Declassified E.O. 12356 Section 3.3/NND No. 785021

Arbitration Boards the procedure for Arbitration ... in Article 12, where it is stated that such cases as are not settled by conciliation shall be referred "to an Arbitration Board, which shall be set up for the occasion, the individual members being elected from the appropriate panels of arbitrators."

The procedure for setting up the aforementioned "panels" was a matter to be settled in the "Regolamento"; in this connection it was already understood that the accepted practice of having three panels, one for representatives of employees, one for employers, and a third for impartial referees, was to be followed. It was further agreed that the contending parties in a dispute would have each nominated a member of the Arbitration Board from their respective panels while the third would have been appointed by the Director of the Labor Office whose jurisdiction it was to look after the settlement of the Labor dispute in question. From the foregoing considerations it should be obvious that while the proposed law does not make any specific provision on the mistaken lines suggested in the analysis and criticism, it does on the other hand give a definite indication that contending parties would have been represented on Arbitration Boards.

(c) Employment Offices - The same observations submitted in connection with (b) above apply in respect of participation of independent labor and employers organizations in the administration of Employment Offices. The May Draft Decree does not define the mode of organization or of procedure in the administration of Employment Offices but merely establishes that the registration and placement of labor is a State responsibility. Separate supplementary legislation would fix the norms and responsibilities of these placement offices. There is no suggestion in the proposed legislation that representatives of Employers or Employees were to be precluded from participation and, in fact, it was understood that an Advisory Committee would have been constituted at each Placement Office with the specific task of collaborating with the

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Director in the formulation of policy and in the fair and efficient administration of the Office. Substantially, the May Draft Decree legislation in respect of placement of Labor does not go beyond establishing the principle that it must remain a State responsibility and this is in conformity with (i) the decision taken at the Washington International Conference in 1919; (ii) the policy adopted by the International Labor Union; (iii) the decisions of the 26th Congress of the International Labor Union held this year in Philadelphia.

Declassified E.O. 12356 Section 3.3/NND No. 785021

It is significant that in connection with the question of placement of Labor, the Joint Secretaries of the CGIL are at complete variance with one another. Mr. Grandi (Demo-Christian Secretary) has consistently regarded this activity as being the responsibility of the State unless employers and employees undertook it conjointly; Mr. Di Vittorio (Communist Secretary) on the other hand insists that it should be solely the function of organised Labor without any interference whatsoever from the State or the Employers organisations. (Di Vittorio at the same time was not prepared to concede any say in the matter to Trade Unions which were not part and parcel of his organization (CGIL). It would be superfluous to state that in either case the placement of labor is being considered as a means of pressure on the individual workman to seek membership in a particular Trade Union organisation.

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

III OBSERVATIONS ON CERTAIN SPECIFIC POINTS RAISED IN THE ANALYSIS AND CRITICISM OF THE MAY DRAFT DECREE.

1. In assuming that the Labor Sub-Commission's letter to Assistant Chief of Staff G-5 AFHQ CMF (dated 8 Dec. 1944) may be regarded as an integral part of this Memorandum, it is proposed to dispense with commenting on those aspects of the O.S.S. Memorandum (Digest) that have been dealt with by the aforementioned letter, it being understood that:

(a) We consider as inaccurate and ill-founded the Statements:

(i) That the proposed law was drafted last May by the Labor Sub-Commission; and

(ii) That ACC prevailed upon the Ministry of Industry, Commerce and Labor in the third Badoglio Cabinet to issue the proposal as a draft of a Royal Decree.

(The Labor Sub-Commission was certainly a contributing factor in the gradual evolution of the May Draft Decree, in view of its consistent policy of collaboration and advice. Equally indisputable, however, remains the fact that the Sub-Commission had no say whatsoever in the ultimate compilation, procedure of adoption and presentation to Allied Control Commission of the May Draft Decree by H.E. Minister Di Napoli)

(b) We have no option but to regard as misleading and contrary to fact the statements:

(i) that the Bonomi Government has consistently objected to the document, which has also been opposed by the Italian General Confederation of Labor.

(The Draft was never even broached to the Bonomi Cabinet. At

Declassified E.O. 12356 Section 3.3/NND No. 785021

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(i) That the proposed law was drafted last May by the Labor Sub-Commission; and

(ii) That ACC prevailed upon the Ministry of Industry, Commerce and Labor in the third Badoglio Cabinet to issue the proposal as a draft of a Royal Decree.
(The Labor Sub-Commission was certainly a contributing factor in the gradual evolution of the May Draft Decree, in view of its consistent policy of collaboration and advice. Equally indisputable, however, remains the fact that the Sub-Commission had no say whatsoever in the ultimate compilation, procedure of adoption and presentation to Allied Control Commission of the May Draft Decree by H.E. Minister Di Napoli)

(b) We have no option but to regard as misleading and contrary to fact the statements:

(i) that the Bonomi Government has consistently objected to the document, which has also been opposed by the Italian General Confederation of Labor.
(The Draft was never even broached to the Bonomi Cabinet. At the same time, Gronchi, if only outwardly yet consistently, 5076 professed himself to be favourably inclined towards the Draft, except that he till had to reckon with the determined opposition of the CGIL Communist Joint Secretary (Di Vittorio). In the light of several meetings held with the three CGIL Secretaries to discuss in detail the provisions of the Draft in question, we

Declassified E.O. 12356 Section 3.3/NND No. 785021

can state categorically that a marked cleavage between the three political currents represented is what definitely transpired therefrom).

(ii) that the Labor Sub-Commission attempted to bring pressure to bear upon the CGIL to accept the Draft by refusing consent to wage increases.

(The Labor SubeCommission received its "hold the line" policy on wages from a higher level than even Allied Control Commission and, moreover, had a secondary role to play vis a vis Finance Sub-Commission whose direct concern it was to cope with the dangers of a "spiral inflation". This unsubstantiated allegation is an unparalleled affront to this Sub-Commission, which has certainly earned the credit of having faced up to a thankless and difficult task with little support from within or without ACC. If any undue delay occurred in the promulgation of the relative Decree, the cause must be sought in the ineptness of the ministerial burocracy that failed to provide a practicable legislative formula to bring the proposed general wage increase into compulsory operation).

Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

2. A number of points raised in the letter and Appendix of the War Department Memorandum dated 26 October 1944, require special attention. A reply to each of these is submitted hereunder:-

(a) The May Draft Decree is "alleged to represent the distillation of AMG's experience in Italy since the occupation". (Digest of O.S.S. Memorandum 29.)

If the proposed legislation were the result of AMG's experience in Italy, this would, in our opinion, be a merit rather than a demerit. As the Draft, however, was not prepared by the Labor Sub-Commission - whose contribution was merely that of fostering, examining and, with some reservations, accepting the Draft - the credit must therefore go to whom it is due, namely H.E. Di Napoli. A more accurate representation of facts would have been the following: the Labor Sub-Commission in its collaboration with the Ministry, in its examination of the Draft, in offering suggestions and advice, as well as in granting approval to the same, took full cognizance of the experience gained during the preceding months of direct contact with the actual realities of Italian political and social life as well as with Italian traditions in legislation. In following this course, far from deserving censure, the Labor Sub-Commission was only discharging its duties intelligently, it being concede that a "blueprint" which is born in one country cannot blindfoldedly be applied to another country and for another people.

(b) The May Draft Decree "would put into permanent form" the principal" etc... (Digest of O.S.S. Memorandum 29)

The assumption that the May Draft Decree was to represent the permanent form of Italian legislation is quite unjustified. All legislative enactments that have been or are likely to be promulgated in Italy prior to the constitution of a regular representative Assembly could only be of a temporary character: this in itself is

Declassified E.O. 12356 Section 3.3/NND No. 785021

If the proposed legislation were the result of AMG's experience in Italy, this would, in our opinion, be a merit rather than a demerit. As the Draft, however, was not prepared by the Labor Sub-Commission - whose contribution was merely that of fostering, examining and, with some reservations, accepting the Draft - the credit must therefore go to whom it is due, namely H.E. Di Maroli. A more accurate representation of facts would have been the following: the Labor Sub-Commission in its collaboration with the Ministry, in its examination of the Draft, in offering suggestions and advice, as well as in granting approval to the same, took full cognizance of the experience gained during the preceding months of direct contact with the actual realities of Italian political and social life as well as with Italian traditions in legislation. In following this course, far from deserving censure, the Labor Sub-Commission was only discharging its duties intelligently, it being conceded that a "blueprint" which is born in one country cannot blindfoldedly be applied to another country and for another people.

(b) <u>The May Draft Decree "would put into permanent form" the principal" etc...</u>

<u>(Digest of O.S.S. Memorandum 29)</u>

The assumption that the May Draft Decree was to represent the <u>permanent form</u> of Italian legislation is quite unjustified. All legislative enactments that have been or are likely to be promulgated in Italy prior to the constitution of a regular representative Assembly could only be of a <u>temporary character</u>: this in itself is axiomatic but with special reference to the May Draft Decree it was agreed that a place would be found in the "Preamble" to state:- 5074

(i) the reasons prompting the promulgation of the Decree; and

(ii) the temporary nature of the Decree, which in due course would have to be submitted to the Constituent Assembly "for further elaboration or amendment in

Declassified E.O. 12356 Section 3.3/NND No. 785021

the light of experien gained in its application" or for replacement by some other form of Labor Legislation". During the detailed examination of the Draft with the CGIL Secretariat the proposed contents of the "Preamble" were discussed in detail, though the text has never been actually prepared by the Ministry.

(c) ..."a growing section of Italian public opinion, which does not agree" ... (Digest O.S.S. Memorandum 29)

Neither the Press nor the public were even aware of the May Draft Decree and it therefore remains to be seen how "public opinion" could have expressed its hostility to the Draft when its contents were not even known. One can only take this to mean that the opinion of the author of O.S.S. Memorandum 29 should be identified with "public opinion".

(d) "the supporters' claim that such a law would put Italy 20 years ahead of the rest of the world in labor legislation" (Digest O.S.S. Memorandum 29.)

The above statement is, of course, a reference to the expression of personal opinions on the proposed law; that personal reactions to the May Draft Decree should have been attributed to the Labor Sub-Commission taken as a whole is an unwarranted liberty and reflects but little seriousness of mind and considerable pettiness on the person who made this blunder. It is an undeniable fact, on the other hand, that the abolition of Fascist Labor Laws has set Italy back to the position of 20 years ago and that, therefore, the enactment of any form of democratic labor legislation would certainly mean over 20 years of immediate progress achieved and possibly an opportunity of placing Italy on the same level as other progressive Nations. The author of O.S.S. Memorandum 29 has obviously failed to appreciate this point and has instead considered sarcasm as the only effective means of decrying the provisions of the May Draft Decree.

Declassified E.O. 12356 Section 3.3/NND No. 785021

Agree" ... (Digest O.S.S. Memorandum 29)

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(e) "Strikes and lockouts are legal only between the time the dispute is submitted to arbitration and the time the decision of the arbitrator is rendered" (Analysis of the Proposed Law - Appendix to Memorandum dated 26 Oct. 44). 5072

The above statement contained in the Analysis of the proposed law on

Declassified E.O. 12356 Section 3.3/NND No. 785021

Industrial Relations is a gross misinterpretation or an unpardonable mistake. It is frivolous to think that even the most incompetent legislator could consider the possibility of creating such an absurd situation - a situation, in which strike and lock-out only become legal just when the dispute is "sub-judice", that is at the very time when such action is neither necessary nor justified. The May Draft Decree, in fact, re-establishes the principle that strike and lock-out are at all times legal economic instruments for the settlement of Labor disputes: it also makes it incumbent on the Government to declare them illegal, through legislative action, whenever exceptional conditions of crisis, in the interest of the Nation as a whole as during a state of war, warrants such an attitude. The proposed law (Art. 10) limits itself to declaring strike and lockout as illegal at all times in the following eventualities:-

(i) when the contending parties fail to give notice of the dispute; and

(ii) for a period of 15 days from such notice being given.

The reason for such provisions is to render possible an attempt at conciliation or mediation, thus avoiding irresponsible resort to these economic measures which often involve very serious damage to Industry. The advisability of taking some such precaution can only be fully gauged by those who know

(i) the temper and sense of irresponsibility of the average Italian workman of today; and

(ii) the present undeveloped Trade Union conscience in Italy.

A careful study of the proposed law would show that on the lapse of 15 days and in the event of failure to reach an agreement - be it even on the matter of referring the dispute to Arbitration - strike and lock-out become once more legal instruments for the settlement of the dispute in

Declassified E.O. 12356 Section 3.3/NND No. 785021

strike and lock-out are at all times legal economic instruments for the settlement of Labor disputes: it also makes it incumbent on the Government to declare them illegal, through legislative action, whenever exceptional conditions of crisis, in the interest of the Nation as a whole as during a state of war, warrants such an attitude. The proposed law (Art. 10) limits itself to declaring strike and lockout as illegal at all times in the following eventualities:-

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A careful study of the proposed law would show that on the lapse of 15 days and in the event of failure to reach an agreement - be it even on the matter of referring the dispute to Arbitration - strike and lock-out become once more legal instruments for the settlement of the dispute in question. In the light of the foregoing explanations, it is evident that the May Draft Decree provides for just the very opposite to what has been stated in the Analysis about the conditions under which strike and lock-out are legal or otherwise.

5072

Declassified E.O. 12356 Section 3.3/NND No. 785021

0753

Declassified E.O. 12356 Section 3.3/NND No. 785021

PROCEDURE FOR AND TREATMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES, IN CONFORMITY WITH THE

(SUBMITTED TO THE LABOUR SUB-COMMISSION BY H.E. DI NAPOLI, MINISTER FOR INDUSTRY, COMMERCE AND LA

E/CN.4/Sub.2/17

ACTION OR JURISDICTION	INDIVIDUAL DISPUTES	
1. Notification of dispute	Quasi - commulsory, in view of consequence (art. XI (1))	Quasi - com ouences (a
2. Consequences in default of Notification of Dispute	Court proceedings may not be instituted before 15 days from notification (art. XI (iii))	Strike or lo at all time 15 days from
3. Office to receive notification of Dispute (Jurisdiction)	The Provincial Labour Office under whose jurisdiction the case should fall (art. XII (iii))	The Provinci Office, acco falls withi or National (art.
4. Action of Labour Office on being notified of Dispute	Attempt at Conciliation - Attendance of parties to the dispute being compulsory (Art. XI (i))	Attempt at C Attendance o being Compul
5. Sanctions in default of attendance for mediation and for Conciliation	Fine not exceeding 10000 lire to be imposed by Ordinary Magistracy (Art, XV)	Fine not exc imposed by O (A
6. Reference to Arbitration by the Labour Offices	Always voluntary (art. XIII (i)) (art. XI (IV))	Voluntary ar Compulsory lock-out and (b) the int contract is

0754

Declassified E.O. 12356 Section 3.3/NND No. 785021

Appendix "A"

FOR AND TREATMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES, IN CONFORMITY WITH THE MAY DRAFT DECREE

TO THE LABOUR SUB-COMMISSION BY H.E. DI NAPOLI, MINISTER FOR INDUSTRY, COMMERCE AND LABOR)

ON	INDIVIDUAL DISPUTES	COLLECTIVE DISPUTES
	Quasi - commulsory, in view of consequence (art. XI (1))	Quasi - compulsory in view of consequences (art. XI (1)
	Court proceedings may not be instituted before 15 days from notification (art. XI (111))	Strike or lock-out would be illegal at all times only if resorted to before 15 days from notification (art. XI (11)
tion	The Provincial Labour Office under whose jurisdiction the case should fall (art. XII (111))	The Provincial or Regional or National Office, according to whether the case falls within a Provincial or Regional or National ambit of jurisdiction. (art. XII (1) and (11))
	Attempt at Conciliation - Attendance of parties to the dispute being compulsory (Art. XI (1))	Attempt at Mediation and or Conciliation Attendance of parties to the dispute being Compulsory (Art. XI (1))
tendance iliation	Fine not exceeding 10000 lire to be imposed by Ordinary Magistracy (Art, XV)	Fine not exceeding 10000 lire to be imposed by Ordinary Magistracy (Art. XV)
the	Always voluntary (art. XIII (1)) (art. XI (IV))	Voluntary as a rule (art. XI (IV) Compulsory whenever (a) Strike and lock-out are illegal (art. 13 (11) (b) the interpretation of a collective contract is in dispute (art. 13 (11))

0753

Declassified E.O. 12356 Section 3.3/NND No. 785021

ACTION OR JURISDICTION	INDIVIDUAL DISPUTES	COLL
7. Jurisdiction when Dispute is not submitted to the Labour Offices for reference to arbitration	The ordinary Magistracy (art. 13 (1))	No judicial Cour out are legal: t by "test of stre (Reference to ar Offices is com (art. 1
8. Jurisdiction for decisions of validity in Arbitration	Ordinary Magistracy (Regulated by Code of Civil Procedure Art. 827)	Ordinary Magistr Civil Procedure
9. Jurisdiction over Arbitration cases declared null and word.	The case would be reopened voluntarily before the Labour Office or might be submitted before the Ordinary Magistracy (Regulated by Code of Civil Procedure art. 830)	The case is reop Labour Office, and lock-out are strike and lock- art. 13 (1

0750

Declassified E.O. 12356 Section 3.3/NND No. 785021

ICTION	INDIVIDUAL DISPUTES	COLLECTIVE DISPUTES
te is not Offices for on	The ordinary Magistracy (art. 13 (1))	No judicial Court when strike and lock-out are legal: the dispute is settled by "test of strength" (art. I (ii)) (Reference to arbitration by the Labor Offices is compulsory in all other case (art. 13 (ii))
lons bion	Ordinary Magistracy (Regulated by Code of Civil Procedure Art. 827)	Ordinary Magistracy (Regulated by Code of Civil Procedure Art. 827).
tration cases	The case would be reopened voluntarily before the Labour Office or might be submitted before the Ordinary Magistracy (Regulated by Code of Civil Procedure art. 830)	The case is reopened before the competent Labour Office, voluntarily, when Strike and lock-out are legal, compulsory when strike and lock-out are illegal art. 13 (ii)

0757

Declassified E.O. 12356 Section 3.3/NND No. 785021

LA NUOVA LEGISLAZIONE SUL LAVORO

" Relazione dell'Avv. Enrico La Loggia Jr, Direttore dell'Ufficio Regionale del Lavoro della Sicilia, a S.E. Gronchi, Ministro dell'Industria del Commercio e del Lavoro."

1. Il crollo del regime fascista ha posto subito sul tappeto il problema del nuovo ordinamento dei rapporti di lavoro e degli interventi dello stato nella loro regolamentazione. Il problema presentava carattteri di urgenza in quanto il settore del lavoro offre nella attuale fase storica i problemi sociali, più acuti. Lo stato di guerra imponeva l'adozione di provvedimenti immediati, sia pure a carattere provvisorio.
Due vie si aprivano innanzi al legislatore. La prima via consisteva nel mantenimento della struttura sindacale fascista, eliminando da essa quanto appariva in contrasto con i principi di una sana democrazia. Invero nel campo sindacale si riscontrava ancora una volta una delle caratteristiche essenziali del fascismo: la contraddizione fra forma e sostanza, fra i principi conclamati e la loro attuazione, fra l'elaborazione giuridica e la prassi politica. Secondo le disposizioni legislative fondamentali emanate nel 1926 l'organizzazione sindacale era formalmente "libera", cioé esisteva la libertà di costituzione di essa, di adesione e di recesso del singolo; era "autonoma", cioé era indipendente dallo stato; era "democratica", cioé esprimeva i suoi organi direttivi e rappresentativi attraverso libere elezioni cui partecipavano tutti gli aderenti. In effetti le organizzazioni sindacali venivano fatte e disfatte per disposizione governativa, e a nessun italiano era praticamente concessa la possibilità di creare una qualsiasi organizzazione sindacale diversa da quelle volute dallo stato. Le quali d'altra parte erano tutt'altro che"auto-

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Declassified E.O. 12356 Section 3.3/NND No. 785021

nome". Non solo i presidenti delle confederazioni erano di nomina governativa, ma anche le nomine dei dirigenti le federazioni nazionali sebbene apparentemente elettive, erano sottoposte a ratifica ministeriale. Al nucleo di nomi dirigenti così costituito era devoluto il controllo delle nomine alle cariche minori e periferiche; e poichè per legge uno dei requisiti essenziali era "la sicura fede nazionale", nessuna possibilità di emergere dal basso era lasciata a chi fosse al di fuori dell'indirizzo governativo. A ciò si aggiungeva, specie per le organizzazioni sindacali operaie, la prevalenza dei poteri e della attività dei funzionari sindacali sulle cariche rappresentative. Incombeva su tutto e su tutti il controllo diretto e indiretto del partito fascista, che con un semplice ritiro di tessera poteva estromettere da qualsiasi attività sindacale chi non si prestasse ligio alle sue direttive. In queste condizioni la elettività democratica delle cariche era null'altro che una volgare menzogna. In base alle caratteristiche sopradisposte la dottrina giuridica italiana prevalente elaborò la concezione del sindacato quale persona giuridica pubblica amministrativa e qualche giurista (Presutti) si spinse a considerarlo addirittura organo dell'amministrazione statale.

Durante il fascismo si poteva pensare di eliminare tutte le interferenze governative, stabilire una veramente libera elettività delle cariche, dare alle organizzazioni sindacali un contenuto sinceramente volontario, adeguando la sostanza alle forme, l'attuazione pratica ai principi solennemente proclamati. Su questa via si pose il governo Badoglio, con l'ausilio di uomini come Bruno Buozzi, Romeda, Mazzini, etc., che rappresentavano quanto di meglio offriva l'antifascismo più puro nel campo tecnico sindacale. I vantaggi offerti da una simile soluzione possono essere riassunti nel

0759

Declassified E.O. 12356 Section 3.3/NND No. 785021

seguenti termini: Utilizzazione integrale di una organizzazione sindacale unica, con caratteri di diritto pubblico, inserita nei vari settori della vita e delle organizzazioni della nazione, munita di una vasta e potente attrezzatura, ricca di notevoli patrimoni.

Per contro erano da considerarsi alcuni svantaggi, ed in primo luogo la diffidenza delle masse verso organismi che non erano espressione della loro volontà e dei loro interessi. Ostili apparivano in generale le correnti politiche di sinistra, socialiste e comuniste, onde per il predominio di uomini che, tornando nella vita politica dopo un'assenza ventennale, si rifacevano alle esperienze italiane anteriori al fascismo, per le quali i sindacati nonché avere una personalità giuridica di diritto pubblico, non avevano nemmeno quella di diritto privato. La burocrazia sindacale fascista ferroginosa e mal selezionata, negli alti gradi, (tranne qualche lodevole eccezione che sotto il sindacalismo fascista mascherava tendenze e concezioni socialistiche) era troppo legata al passato regime. Nei gradi inferiori essa aveva in generale una mentalità impiegatizia inadatta a comprendere la missione politico-sociale del sindacalismo libero. Onde il problema della sua epurazione ed utilizzazione presentava difficoltà gravissime.

Il Governo Militare Alleato (A.M.G.O.T.) in Sicilia, di fronte al problema dell'ordinamento dei rapporti di lavoro, decise di battere una strada diversa da quella adottata dal governo Badoglio sciogliendo totalmente le organizzazioni sindacali fasciste (a).

(a) Ordine generale n. 8 del 24 settembre 1943, valevole per la Sicilia (Region I). Eguali disposizioni sono state emanate il 7 Dic. 43 con o.g. n.5 per la Basilicata e Calabria; (Region II); il 10 Dic. 43 con o.g. n. 1 per la Campania (Region III)

0760

Declassified E.O. 12356 Section 3.3/NND No. 785021

Non è stato estraneo a tale decisione, oltre le considerazioni sopra esposte, la concezione privatistica del sindacalismo dominante in Gran Bretagna e negli U.S.A., che ripugnava da un sindacalismo di diritto pubblico in cui esempi più appariscenti si avevano nella Russia Sovietica e nell'Italia fascista. Ma è da supporre ragionevolmente che alla adozione della soluzione abolitiva abbia spinto anche la considerazione politica della opportunità di un taglio netto e clamoroso con il passato.

2. L'abolizione del sistema sindacale fascista non poteva significare ritorno puro e semplice alla situazione anteriore al 28 ottobre 1922. Allora la legislazione italiana in materia era una delle più arretrate e insufficienti. Le associazioni sindacali erano lecite, ma erano e restano società di fatto; laddove in Inghilterra era loro riconosciuta la personalità giuridica con gli Atti 1871-1876, in Francia con la legge del 1884, negli Stati Uniti d'America sin dal 1890.
La conciliazione delle controversie collettive di lavoro non era organicamente prevista, laddove in altri paesi democratici il problema era stato affrontato e risolto di fatto e di diritto con una certa larghezza. In generale lo Stato italiano anteriore al 1922 non soltanto non interferiva nel movimento sindacale, nemmeno per quel tanto necessario e sufficiente per incanalarlo entro forme e garanzie giuridiche, ma lo ignorava e ne era ignorato, o addirittura era considerato come un avversario da combattere quale espressione esclusiva di una classe dominante. Nel ventennio in cui l'Italia era rimasta sotto la dominazione fascista le grandi democrazie industriali avevano realizzato ulteriori progressi

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0761

Declassified E.O. 12356 Section 3.3/NND No. 785021

nel campo del diritto sindacale. In particolare negli U.S.A. si era svolto il grandioso esperimento Roosevelt, attraverso un insieme di organiche disposizioni legislative. Due principi fondamentali erano stati affermati dalla legislazione americana. In primo luogo essere interesse pubblico il regolamento pacifico dei rapporti di lavoro attraverso contratti collettivi. Il che fra l'altro postulava il sorgere di sane ed efficienti organizzazioni sindacali di lavoratori. In secondo luogo essere necessario che lo Stato, al di fuori dei conflitti di classe e di categoria, intervenisse per equilibrare, regolare, tutelare la libera contrattazione collettiva per conciliare ed eventualmente risolvere arbitralmente le dispute collettive di lavoro. Da ciò derivava la necessità della creazione di organi statali specifici, che in un primo tempo furono il "National Labor Board", e in un secondo tempo il "Nation Labor Relations Board", con le loro propaggini locali e regionali. L'Ordine Generale n. 8 e gli altri ordini non sono emanati nelle altre Regioni, si rifanno alle esperienze americane, stabilendo la creazione di uffici provinciali ed Uffici Regionali del Lavoro. I compiti dei primi sono così fissati:

(a) La compilazione di rapporti informativi e statistiche in materia di lavoro;

(b) La costituzione di uffici per la registrazione e il collocamento della mano d'opera;

(c) Funzionare quali conciliatori, mediatori od arbitri di materie di controversie sul lavoro; e

(d) Compiere generalmente tutte le altre funzioni connesse con i problemi del lavoro nei limiti delle rispettive provincie come può essere richiesto.

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0762

Declassified E.O. 12356 Section 3.3/NND No. 785021

I compiti dell'Ufficio Regionale sono i seguenti:

(a) Prendere immediatamente in esame il sistema più pratico e spedito per ristabilire e per assicurare la libertà di organizzazioni e di rappresentanza del lavoro;

(b) Il coordinamento del lavoro degli Uffici Provinciali del Lavoro e delle informazioni e statistiche da essi fornite;

(c) La compilazione di simili informazioni e statistiche per l'isola di Sicilia;

(d) La pubblicazione di relazioni periodiche e di bollettini su problemi del lavoro per la distribuzione al pubblico od altrimenti;

(e) Funzionare quale conciliatore mediatore od arbitro, in materia di controversie sul lavoro, che siano di speciale importanza economica o di interesse per l'intera regione;

(f) Compiere generalmente tutte le altre funzioni connesse con i problemi del lavoro entro l'isola di Sicilia come può essere richiesto.

L'Ordine Generale n. 8 può essere considerato come una enunciazione di principi e di direttive di massima, da tradurre in più concrete e specifiche disposizioni legislative. L'Ufficio Regionale del Lavoro della Sicilia, in coerenza ai compiti ad esso affidati, elaborò alcuni progetti di ordini generali in materia di uffici del lavoro e di controversie di lavoro collettive ed individuali di arbitrati, di collocamento, di associazioni sindacali etc.; progetti che furono preliminarmente discussi con la Sottocommissione del Lavoro dell'A.C.C. Sopravvenuto il ritorno delle Regioni I e II all'amministrazione del Governo

0763

Declassified E.O. 12356 Section 3.3/NND No. 785021

Italiano si rese necessario riportare l'elaborazione sul campo nazionale. Su iniziativa del Ministro e del Sottosegretario dell'Industria, del Commercio e del Lavoro dell'epoca si ritenne opportuno procedere alla formulazione di una legge unica, che affrontasse tutti i fondamentali problemi nascenti dai rapporti di lavoro, utilizzando quanto era stato preparato dall'Ufficio Regionale del Lavoro della Sicilia d'accordo con l'A.C.C. Venne così predisposto il progetto di legge, il cui contenuto ci proponiamo di illustrare, progetto che venne ufficialmente presentato all'A.C.C. il 20 maggio 1944.

II ESAME DEL PROGETTO DI LEGGE

Titolo I.- Abolizione del sistema sindacale fascista e reintegrazione della libertà sindacale.

I motivi che consigliano la completa abolizione del sistema sindacale fascista (ad 1) sono stati illustrati nell'introduzione e non occorre ripeterli.

L'affermazione del principio della libertà di associazione (art. 2) è necessaria sia dal punto di vista politico, come reazione ai sistemi restrittivi adottati dal fascismo; sia dal punto di vista giuridico in quanto la politica fascista limitativa del diritto di associazione non si esaurisce con la legislazione sindacale del 1926, ma ha altre manifestazioni in altre leggi e regolamenti.

Come avviene in tutti i casi in cui la libertà sindacale ha un riconoscimento esplicito, gli scopi delle associazioni sindacali sono determinati in forma positiva. Prima fra tutte le

0764

Declassified E.O. 12356 Section 3.3/NND No. 785021

attività sindacali è quella della contrattazione collettiva in cui preminentemente si afferma l'unità degli interessi associati, differenziandosi dagli interessi contrapposti, esplicandosi in forme e con effetti giuridicamente rilevanti.

Il problema di consentire il diritto di associazione sindacale non soltanto ai lavoratori, ma anche ai datori di lavoro è stato risolto positivamente dal progetto per le seguenti considerazioni.

(a) La libertà di associazione è una delle libertà fondamentali della democrazia, ed ogni distinzione soggettiva fra categorie di cittadini rappresenterebbe una violazione di tale libertà.

(b) La prassi e la legislazione italiana anteriori al fascismo consentivano anche le associazioni dei datori di lavoro.

(c) Soltanto negli Stati Uniti d'America si riscontra una tendenza ostile alle associazioni di industriali senza che per altro possa affermarsi che esse siano sempre e sotto qualsiasi forma considerate illegali. Però è da notare che le associazioni di industriali che più hanno richiamato l'attenzione erano quelle che si proponevano soprattutto finalità economiche (trusts, cartelli, etc.). Il progetto in esame ha avuto cura di escludere tale genere di attività, eliminando quindi i pericoli insiti in essa (art. 18, comma h).

(d) Lo spezzettamento delle industrie, dei commerci e della proprietà agricola in Italia, rende utile, anzi necessario all'interesse stesso dei lavoratori, che i datori di lavoro delle singole categorie possano contrattare, e quindi essere vin-

0765

Declassified E.O. 12356 Section 3.3/NND No. 785021

colati, come un insieme, e non individualmente. E' noto, per esempio, che nell'Italia Meridionale il numero degli esercenti commerciali supera il numero dei dipendenti, impiegati ed operai.

Titolo II.- Uffici del Lavoro

Nell'introduzione abbiamo rilevato che il precedente immediato di tali organi statali va ricercato nei National Labor Relations Boards degli U.S.A. Ma anche in Inghilterra ed in altri stati democratici esistono uffici del lavoro con funzioni simili.

Nella struttura fascista lo Stato interveniva nei conflitti delle classi e delle categorie agendo nell'interno stesso delle organizzazioni sindacali, attraverso i legami e le interferenze che abbiamo a suo luogo segnalati. Ma svincolate le associazioni sindacali dalle pastoie statali, data ad esse una struttura essenzialmente privatistica, lo Stato rimarrebbe estraneo ai problemi del lavoro, al loro svolgimento ed alla loro soluzione, ove non creasse degli organi specifici, munendoli di opportuni poteri. Ora, finchè vige un ordinamento democratico, in una società differenziata in classi e categorie, l'intervento statale è necessario per convogliare entro forme legali i contrasti di interesse e per superare il punto morto del loro contrapposto equilibrio. Sorgono così gli "Uffici del Lavoro" che possono essere definiti "gli organi che lo Stato proietta nel campo del lavoro, per percepirne i problemi, studiarli, risolverli direttamente per quanto di competenza statali, agevolarne la soluzione per quanto di competenza dei privati interessi".

0766

Declassified E.O. 12356 Section 3.3/NND No. 785021

I compiti specifici degli Uffici del Lavoro, compiti che nel campo nazionale sono esplicati dal competente Ministero, risultano chiaramente dall'elencazione contenuta negli articoli 3, 4 e 5. Naturalmente la creazione di specifici organi periferici del Ministero per il lavoro porta all'accertamento in essi di funzioni prima affidate ad altri organi o uffici. Prima per tutte quelle un tempo esercitate dagli "Ispettorati corporativi". E' da ricordare in proposito che nelle regioni occupate dagli Alleati tali uffici sono stati trasformati in "Ispettorati del Lavoro, togliendo loro le poche funzioni estranee al campo del lavoro, e sono stati posti alle dipendenze degli Uffici Regionali del Lavoro, di cui formano parte integrante.

La "Commissione Consultiva del Lavoro" di cui all'art. 9, trova il suo precedente italiano nelle leggi del 1922, abolite o non applicate nel regime fascista. Organi di questo tipo si riscontrano in quasi tutti i paesi del mondo, generalmente formati con rappresentanze sindacali dei lavoratori e dei datori di lavoro, con esperti e con pubblici funzionari. Primo in ordine di tempo quello creato in Belgio sin dal 1892, riformato nel 1920. In Inghilterra nel 1930 è stato creato l'Economic Advisory Council. Organi simili funzionano in Francia, Svezia, Olanda, Cecoslovacchia, Danimarca, etc. Negli U.S.A. alla formulazione e all'applicazione della legislazione sociale Roosevelt presiedono speciali comitati, fra gli altri il "Labor Advisory Board".

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Titolo III.- Controversie di lavoro

1. Le controversie di lavoro sono distinte in collettive ed individuali, distinzione chiaramente elaborata e fissata dalla dottrina giuridica. Per ambedue le categorie di controversie è obbligatoria la preventiva denunzia ai competenti Uffici del Lavoro per l'esplicazione del tentativo di conciliazione. E' invero interesse generale che sia eliminato in forma amichevole il maggior numero di contrasti, prima che essi sbocchino in liti giudiziarie o in conflitti di lavoro (scioperi e serrate).

Le attività che gli Uffici del Lavoro possono e debbono esplicare in materia di controversie individuali di lavoro sono: la conciliazione e l'arbitrato.

In materia di controversie collettive invece sono: la mediazione, la conciliazione e l'arbitrato.

Invero le controversie individuali di lavoro sono dirette al riconoscimento di un diritto, e quindi non vi è luogo per una attività di mediazione, istituto effettivamente estraneo al campo processuale.

Le controversie collettive di lavoro possono invece essere dirette alla creazione di nuove norme contrattuali e pertanto può benissimo essere svolta una attività di mediazione, istituto perfettamente inquadrato nel campo contrattuale e destinato proprio a facilitare la conclusione di contratti. Naturalmente l'organo che si occuperà della "mediazione" sarà diverso da quello che si occupa degli arbitrati. La prima funzione sarà esplicata direttamente dall'Ufficio del Lavoro; la seconda a mezzo di Collegi Arbitrali, formati secondo speciali norme.

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0768

Declassified E.O. 12356 Section 3.3/NND No. 785021

Per quanto riguarda l'arbitrato delle controversie individuali si osserva che esiste l'organo giudiziario competente per la soluzione di esse (e cioè la Magistratura ordinaria e per le controversie di lavoro marittimo e portuale le Capitanerie di Porto); e che non vi è alcun motivo per modificare tale stato di diritto. E' invece opportuno che le parti contendenti siano poste in condizione di potere fare ricorso ad una procedura più snella, rapida e conclusiva, quando lo desiderano, e ciò avviene generalmente in alcuni tipi di controversie individuali.

2. Diversa è la situazione per quanto riguarda le controversie collettive di lavoro.

Con l'abolizione della Magistratura del Lavoro creata dalla legislazione fascista del 1926 manca un organo giudiziario che possa affrontare e risolvere le controversie collettive che hanno come contenuto la determinazione di nuove condizioni di lavoro. Ne consegue che per tali controversie collettive unico sbocco legale è la richiesta di arbitrato agli uffici del lavoro.

Tale arbitrato è normalmente libero e volontario, il che significa che normalmente le parti contendenti possano, invece di ricorrere all'arbitrato, usare del diritto di sciopero o di serrata. I quali non vanno considerati fenomeni patologici; ma una forma lecita di contrattazione. Patologici sono invece gli scioperi e le serrate quando escono dall'ambito dell'azione sindacale per realizzare finalità di carattere politico. Ma l'eliminazione di tali fenomeni trascende i limiti della presente legge.

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La soppressione totale o parziale, transitoria o definitiva del diritto di sciopero o di serrata, rende l'arbitrato

0769

Declassified E.O. 12356 Section 3.3/NND No. 785021

una necessità e lo trasforma da volontario in obbligatorio. Il che significa che in tale caso l'arbitrato può avere luogo su richiesta di una sola delle parti contendenti.

Taluno ritiene che l'arbitrato obbligatorio sia un Istituto estraneo alla legislazione italiana. Ciò è inesatto. Basta consultare in proposito lo studio di uno dei maggiori giuristi viventi, il Calamandrei, sullo "arbitraggio necessario", scritto nel 1924 e riferentesi alla legge 26 giugno 1913 n. 702, nel quale è benissimo delineata la differenza fra "giurisdizione speciale" e arbitrato obbligatorio o necessario. Altri esempi di arbitrati obbligatori possono essere rintracciati nella legislazione italiana anteriore al fascismo proprio nel campo delle controversie di lavoro.

L'applicazione di tale istituto giuridico alle controversie di lavoro nei casi eccezionali di divieto di sciopero è di serrata è la soluzione giuridicamente più corretta che possa adottarsi. La Magistratura togata, cui il fascismo aveva affidato la decisione delle controversie collettive di lavoro non è la più idonea al compito di un ordinamento nel quale queste presentano caratteri di urgenza e di vivacità maggiori, mancando quella gamma di interferenze, di azioni e di pressioni interne ed esterne che lo Stato Fascista era in grado di esercitare sulle organizzazioni sindacali. Collegi arbitrali costituiti ad hoc, che amministrino giustizia magari sul luogo del conflitto, senza formalità eccessive e senza lungaggini, pronunziando secondo equità, si adattano molto meglio alla natura delle controversie che vanno risolte.

0770

Declassified E.O. 12356 Section 3.3/NND No. 785021

Poichè non è agevole, necessario od opportuno usare un trattamento diverso alle controversie collettive giuridiche, aventi cioè come oggetto una dichiarazione di diritto, anche perchè qualsiasi dichiarazione, riferendosi ad un contratto collettivo, a valore normativo, è stato stabilito che anche questo ultimo tipo di controversie sia sottoposto all'arbitrato obbligatorio con le stesse forme e cautele stabilite per le controversie collettive aventi contenuto economico (nuove condizioni di lavoro).

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Declassified E.O. 12356 Section 3.3/NND No. 785021

TITOLO IV - ASSOCIAZIONI SINDACALI

1. Precedenti storici

Prima del fascismo in Italia le associazioni sindacali erano lecite ed ammesse, ma non avevano personalità giuridica; esse cioè esistevano e funzionavano come associazioni di fatto. Nessuno speciale riconoscimento e nessuna formalità di registrazione erano previsti. Soltanto l'ultimo governo liberale (Facta) aveva approvato un incerto e timido decreto relativo alla registrazione delle associazioni sindacali, decreto che porta la data del 29 ottobre 1922, e che per la contemporanea presa del potere dalla parte del fascismo, non ha avuto mai applicazione e non è stato mai considerato effettivamente in vigore. L'esigenza di una regolamentazione giuridica della materia era sentita da quanti se ne occupavano da un punto di vista democratico; ma i vari progetti di legge preparati non vennero realizzati, soprattutto per l'opposizione del preponderante movimento sindacale socialista, che temeva di perdere l'impulso rivoluzionario, inserendosi nell'ordinamento giuridico dello Stato;

Ricordiamo che diversa da tempo era la situazione nella maggioranza degli stati democratici dove le associazioni sindacali avevano la possibilità di acquistare la personalità giuridica. (In Inghilterra fin dagli atti del 1871 - 1876, in Francia fin dal 1886).

Con la legislazione sindacale fascista del 1926 le associazioni sindacali, attraverso il riconoscimento non soltanto acquistano la personalità giuridica, ma diventano persone giuridiche di diritto pubblico; anzi addirittura persone giuridiche pubbliche amministrative, e, come tali, parte ed espressione della struttura statale.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

L'abolizione del sistema sindacale fascista distrugge questa costruzione. Ma evidentemente non si può tornare alla situazione giuridica precedente al 1922, ponendo l'Italia in una situazione arretrata rispetto all'evoluzione del fenomeno sindacale in tutto il mondo civile.

2. La classificazione delle associazioni sindacali secondo il progetto.

Secondo le linee fondamentali del progetto in esame il fenomeno associativo sindacale presenta tre forme, graduate gerarchicamente come segue: (a) associazioni di fatto; (b) associazioni registrate e riconosciute quali rappresentanti una intera categoria per determinati effetti giuridici.

(a) Il principio della libertà di associazione importa il diritto dei cittadini a raggrupparsi in associazioni sindacali di fatto per seguire finalità comuni. Tali associazioni ricadono sotto la regolamentazione del diritto privato comune. Esse sono sprovviste di personalità giuridica e non possono quindi conseguire alcun effetto nel campo più importante dell'attività sindacale, cioè nella contrattazione collettiva.

(b) Con la registrazione invece le associazioni sindacali acquistano la personalità giuridica (art. 15 del progetto). Secondo l'ordinamento giuridico italiano la personalità giuridica deriva da un atto di volontà dello Stato (art. 12 c.c.) ed è sottoposta alla formalità della registrazione (art. 31 e segg. c.c.)

Pur mantenendo le linee fondamentali della struttura giuridica del codice civile, il progetto in esame ha tenuto conto delle caratteristiche del fenomeno sindacale ed ha disposto la istituzione di uno speciale registro delle associazioni

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sindacali e il conferimento dei poteri di disporre la registrazione - e quindi di riconoscere la personalità giuridica - al Ministero per l'Industria il Commercio e il Lavoro. Tali poteri, per quanto riguarda le associazioni aventi un ambito territoriale, che rientra nell'ambito di una regione, sono delegati ex lege agli Uffici Regionali del Lavoro. Ricordiamo che la possibilità di delega dei poteri di riconoscimento della personalità giuridica ad organi statali periferici è esplicitamente prevista dall'art. 12 c.c.

L'associazione sindacale registrata conseguentemente potrà stipulare contratti collettivi, vincolanti gli associati e soltanto essi; e potrà generalmente agire come una unità in rappresentanza degli associati, entro i limiti dello statuto e delle norme del diritto privato.

(c) Infine è previsto che un'associazione sindacale registrata, o un insieme di associazioni sindacali registrate, possono sotto determinate condizioni e nei casi stabiliti tassativamente dalla legge, rappresentare un'intera categoria (art. 28 del progetto). Perchè ciò avvenga occorre un'ulteriore manifestazione della volontà statale, manifestazione che è circondata di particolari cautele.

(d) Le associazioni sindacali registrate possono essere di diverso tipo e di diversa estensione territoriale.

Ecco alcune classificazioni:

Secondo l'ambito territoriale:

a) provinciali

b) interprovinciali

c) regionali

d) interegionali

e) nazionali

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Secondo il genere di associati:

a) per categoria di attività economica

b) per mestiere

c) di 1° grado (verticali (federazioni regionali, interregionali o nazionali

d) di 2° grado orizzontali (organismi intersindacali, provinciali, regionali, nazionali.

3. Condizioni per la registrazione delle associazioni sindacali e limiti della loro attività.

Naturalmente il conferimento della personalità è sottoposto al riscontro di determinate specifiche condizioni, che sono fissate dagli art. 18 e 19 del progetto. Alcune di queste condizioni riguardano l'esistenza nell'interno dell'associazione sindacale di una effettiva democrazia (art. 18, comma a), b) e d), con esclusione di interferenze reciproche fra datori di lavoro e lavoratori (art. 19). Altre riflettono le finalità e l'attività delle associazioni, che debbono concretarsi soprattutto nella tutela degli interessi morali ed economici degli associati (art. 18 comma c.); ma con esclusione di ogni attività economica diretta (comma 4); altre riguardano elementi formali; quali la denominazione, la circoscrizione e la sede (comma e ed f) altre le modalità di amministrazione (comma g).

Le associazioni sindacali registrate, nello svolgimento delle loro attività debbono uniformarsi ad alcune regole, che sono determinate negli art. 22, 23, 26 e 27 del progetto.

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4. Rappresentanza di una intera categoria

La tutela dei lavoratori sarebbe insufficiente ove non si pervenisse alla regolamentazione dei rapporti di lavoro

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di una categoria, intesa come un'unità concettuale. Pertanto è prevista la possibilità della creazione di una rappresentanza di categoria ai fini della contrattazione collettiva e delle relative controversie collettive, e della nomina di rappresentanti in enti pubblici e in genere in organizzazioni nazionali e internazionali (art. 28).

La rappresentanza può essere affidata: (a) ad una associazione sindacale registrata che si manifesti particolarmente idonea, (b) ad una speciale "commissione rappresentativa". Questa è formata come espressione di più associazioni sindacali. Quando queste manchino o siano irrilevanti, essa è formata dallo Stato attraverso i suoi organi specifici (art. 30 del progetto).

La possibilità della stipula di contratti collettivi aventi efficacia generale obbligatoria è stata esclusivamente sancita per la prima volta dalla legislazione sovietica. La legislazione sindacale fascista aveva plagiato anche in questo punto la russa. Però il bisogno di una regolamentazione generale dei rapporti di lavoro di una intera categoria è sentito anche in altri paesi. Nella Gran Brettagna, come è noto, i contratti collettivi non sono che gentlemen agreements, il cui rispetto è affidato alla lealtà delle parti. Ma con speciali disposizioni legislative vengono qua e là creati comitati e commissioni, a formazione paritetica con aggiunta di membri imparziali, i quali hanno i poteri di determinare i minimi salariali da corrispondere ai lavoratori di determinate branche, minimi obbligatori e garantiti finanche da disposizioni penali (vedi fra gli altri il "Agriculture Wages Regulation Act. -

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Scotland del 1937). Certamente le determinazioni di tali comitati non hanno carattere contrattuale; ma, data la loro composizione, la differenza pratica non è rilevante. Negli Stati Uniti d'America la rappresentanza union di categoria è stata pienamente riconosciuta dalle leggi, anche se nella pratica vi sono stati contrasti e perplessità. Infatti il "National Labor Relations Act" del 1935 esplicitamente dispone alla Sezione 9ª:

" I rappresentanti designati o detti dalla maggioranza dei prestatori d'opera entro una unità atta a questo scopo saranno i rappresentanti esclusivi di tutti i prestatori d'opera di tale unità per le trattative collettive riguardanti i salari, gli stipendi, le ore di lavoro o altre condizioni di lavoro....."

La stessa sezione chiarisce che l'unità adatta ai fini delle trattative collettive può essere quella dell'azienda, della professione, di una fabbrica o di una suddivisione di questa, secondo le decisioni che caso per caso saranno prese dagli Uffici del Lavoro.

5. Disposizioni varie.

Speciali disposizioni regolano: (a) la revoca o la cancellazione delle registrazioni (art. 32); (b) i rimedi contro i provvedimenti in materia di registrazione o riconoscimento (art. 34); (c) la tutela dei dirigenti sindacali dalle rappresaglie dei datori di lavoro; (d) la durata e la rinnovazione del riconoscimento.

6. Commissioni interne.

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Dopo il colpo di Stato del 25 luglio 1943 il Governo Badoglio pose a capo delle organizzazioni sindacali ex fasciste dei commissari scelti nel campo degli anti-fascisti. La Confederazione dei Lavoratori dell'Industria venne affidata ad uno dei

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Declassified E.O. 12356 Section 3.3/NND No. 785021

più autorevoli leader sindacale socialista, l'On.le Buozzi; e la Confederazione degli Industriali all'On.le Mazzini. Fra questi rappresentanti le due grandi organizzazioni venne stipulato in data 3 settembre 1943 un accordo per la istituzione di "Commissioni interne di Fabbrica". Queste Commissioni, che ebbero qualche cosa di simile ai "workers committees", hanno assunto notevole sviluppo in buona parte delle zone occupate, specialmente in Napoli, estendendosi nella pratica non soltanto alle aziende industriali, ma anche ad aziende di altra natura, ed Enti Pubblici, parastatali e finanche ad uffici statali. Nessuna applicazione invece l'accordo Buozzi-Mazzini ha avuto in Sicilia, la quale era stata già invasa all'atto della stipulazione di esso.

Col venir meno del sistema sindacale fascista l'accordo suddetto resterebbe privo di base per la costituzione dei soggetti stipulanti. E poichè esso nella pratica ha dato risultati interessanti, è sembrato opportuno fissare per legge le linee fondamentali dell'istituto, inserendolo nel nuovo sistema sindacale e prevedendo l'intervento degli Uffici del Lavoro in determinate circostanze. Trattandosi di un istituto non ancora cristallizzato da una sufficiente esperienza e tuttavia in evoluzione, il progetto si è limitato a fissare alcune linee generali. Si è considerato pericoloso scendere a maggiori dettagli, ma egualmente pericoloso sarebbe stato ignorare il fatto e lasciare che si sviluppasse addirittura al di fuori della sfera di indiretta vigilanza dello Stato.

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TITOLO V - DEI CONTRATTI COLLETTIVI DI LAVORO

1. L'abolizione della legislazione sindacale fascista

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Declassified E.O. 12356 Section 3.3/NND No. 785021

del 1926 e successive disposizioni lasciava scoperto il settore della contrattazione collettiva.

Sotto vari titoli del progetto in esame i contratti collettivi sono richiamati. Così nell'art. 2, comma A, la contrattazione collettiva è indicata come una dei fondamentali scopi delle associazioni sindacali. Fra le funzioni degli Uffici del Lavoro è indicata la registrazione dei contratti collettivi (art. 3, 4). Il concetto di contratto collettivo è richiamato nell'art. 11 per definire ciò che si intende per controversia collettiva di lavoro. Negli art. 28, 29 e 30 è delineata la possibilità di stipulazione di contratti collettivi di lavoro aventi efficacia generale obbligatoria. Nell'art. 45 è stabilita la transitoria efficacia dei contratti collettivi stipulati in passato. Occorreva però regolare alcuni punti importanti della materia, e sopratutto i rapporti di valore giuridico fra i diversi tipi di contratti collettivi di lavoro, le forme essenziali di esse, la registrazione e in certi casi la pubblicazione, i limiti del controllo da effettuare prima di procedere alla registrazione. Ciò è stato fatto col titolo V art. 39 - 44 del progetto.

2. I contratti collettivi possono essere classificati come segue:

A. Dal punto di vista della loro efficacia:

(a) c.c. di lavoro aventi efficacia soltanto nei confronti degli associati alle associazioni stipulanti.

(b) c.c. di lavoro aventi efficacia per tutti i membri di una categoria di attività economica o di mestiere.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

A questa distinzione corrisponde la distinzione fra associazioni sindacali semplicemente registrate e associazioni sindacali o commissioni rappresentanti una intera categoria.

B. Dal punto di vista della estensione:

(a) c.c. 1. nazionali
(b) regionali
(c) provinciali
(d) aziendali

3. I rapporti fra i diversi tipi di contratti collettivi sono regolati come segue.

I contratti collettivi della categoria A (b), prevalgono su quelli della categoria A (a), tranne che per le clausole di questi ultimi più favorevoli ai lavoratori. Lo stesso avviene fra i contratti collettivi della categoria B, nella quale quelli stipulati da associazioni sindacali di grado superiore prevalgono su quelli stipulati da associazioni di grado inferiore, eccetto che per le clausole più favorevoli ai lavoratori.

4. L'efficacia dei contratti collettivi è subordinata alla loro registrazione, che per quanto riguarda la competenza è regolata con lo stesso criterio della registrazione delle associazioni sindacali. Prima di procedere alla registrazione i competenti uffici fanno un controllo di legittimità. La forma scritta è richiesta a pena di nullità. L'efficacia dei contratti collettivi della categoria A (b) è anche subordinata alla pubblicazione, il che dipende dalla loro natura, in quanto debbono avere efficacia generale obbligatoria.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Contro i provvedimenti in materia di registrazione di contratti collettivi sono concessi gli stessi rimedi stabiliti dal progetto in materia di registrazione di associazioni sindacali.

III - CONCLUSIONE

Come emerge dalla superiore rapida scorsa, il progetto di legge in esame rappresenta una unione delle esperienze anglo-americane con l'elaborazione giuridica italiana di alcuni istituti fondamentali nel campo del lavoro.

Il progetto è informato ad una concezione democratica, per la quale gli interventi dello Stato nel campo dei rapporti di lavoro e dei fenomeni associativi è limitato al lato formale ed è per il resto subordinato alla volontaria richiesta delle parti interessate. In sostanza nel progetto è affermato il principio che lo Stato, se non deve interferire in campi riservati alla libera attività dei cittadini, deve tale libertà tutelare ed essere pronto ad interventi idonei, ogni qualvolta ne sia richiesto.

Naturalmente i risultati di una simile legislazione sono condizionati dalla maturità delle classi lavoratrici. Appunto per questo la legge offre gli strumenti adatti a favorire il sorgere di libere unitarie organizzazioni sindacali; in quanto soltanto con la libertà e l'unità del movimento sindacale può essere realizzato l'inserimento delle classi lavoratrici nell'ordinamento democratico della Nazione.

Roma, 16 Luglio 1944

Avv. ENRICO LA LOGGIA J.

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FILE COPY

HEADQUARTERS ALLIED COMMISSION
APO 794
LABOR SUB-COMMISSION

OAC/rmw

27 January 1945

TEL : Ext. 204

REF : (LSC/118)/LSC/210

SUBJECT: Factory OMD at S.Paolo - Rome.

TO : Major A. Ping
Transportation Sub-Commission

1. This file is being returned to you in accordance with telephone conversation of today.

2. This property is now under the control of the Transportation Sub-Commission and is being used by said Sub-Commission.

3. It is for the Transportation Sub-Commission to decide whether or not this property should be released.

W. H. Blake
Director
Labor Sub-Commission

Encl. 1

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Declassified E.O. 12356 Section 3.3/NND No. 785021

PRESIDENCE OF THE
COUNCIL OF MINISTERS

CABINET

N.17808 /10008/3/3.6

T R A N S L A T I O N

To the Special Commission for
National Dopolavoro

Tc the Ministry of Transports
liaison office with the
Sub/Commission

Subject:
De-requisition of the factory at Via della Vasca Navale - S.Paolo

With reference to the request contained in your letter to Mr Fenoaltea of oct. 25th ult. this Presidence already contacted Allied Authorities in order to obtain that the de-requisition of above mentioned Factory be granted on account of the reasons whereof a/m letter.

The Italian Liaison Office with RAAC has submitted following report.

"From an inspection carried out by capt.Browne of the Real Estate Section, in undersigned's presence, it resulted what follows:

1) Dopolavoro warehouses and its Direction, in spite of being constrained into less premises, are still satisfactorily operating; arrangements have been made to safeguard the material contained in the warehouses.

2) Direction's personnel as well as the personnel charged with watching and maintenance of the warehouses, totalling abt. 20 people, have free access to the factory in order to carry out their duties.

3) The carpenter's section, where the furniture is manufactured and repaired, is not occupied and it could be easily put in operating condition again if Allied Authorities would grant 25 workers free access to the factory.

Real Estate Section, after having carefully investigated, above report, told me on 3rd ult. that a de-requisition of the factory, even a partial one, is not possible; in so far as the access of the workers is concerned, the authorization must be applied for to Allied Commission.

It is therefore left up to you to decide whether further

./.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

demarches with Allied Authorities are suitable and effective; in this case please supply Presidence with further elements for an eventual intervention.

At any rate please apply to the S/Commission through Ministry of Transports, for the admission pass for the workers, according to the last sub-para of above report.

The Chief of the Cabinet

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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HEAD JUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO UMBRIA REGION
APO.394

16th January 1945

LSC/210

Subject : Est of the OND at S.PAOLO- Rome

To : Labor Sub-Commission -Hq.AC

From : Labor Division -Lazio Umbria Region

1.- Attention is directed to basic correspondence which is addressed to Transportation S/c; and also that we are informed by Real Estate Section RAAC, that this is a matter for decision by the Transportation S/c AC.Hq. who are the present users of the requisitioned property and who alone can grant the request asked.

2.- Action necessary is required of Transportation S/c.

NED.A.HOLSTEN
Captain QMC
Chief Labor Division

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Declassified E.O. 12356 Section 3.3/NND No. 785021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

JT/js

Tel.478904
11 January 1945

L3C/210

SUBJECT: Est of the OND at S.PAOLO - Rome

TO : HQ LAZIO REGION (Labour Officer)

Attached correspondence is forwarded to you for action.

JUNIUS R.SMITH
Colonel, QMC
Acting Director

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LSC/210

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CG/ic

TRANSPORTATION SUB-COMMISSION, AC.
(RAIL SECTION)
C/o Transportation Increment
C.M.F.

Tel: 483238
Our Reference: AC/169/Tn

21 December 44.

TO : Labour Sub-Commission
HQ AC

SUBJECT : Establishment of the OND at S.Paolo - Rome.
Via Vasca Navali No 58

1. Attached letter from the Director of Opera Nazionale Dopolavoro is passed to you for action.

O.H.LINDBERG
Lt.Col. R.E.,
Chief, Rail Section

843258

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Opera Nazionale Dopolavoro

PRESIDENZA NAZIONALE

Prot 138634

ROMA 18 DIC. 1944
Via Sardegna 36 - Tel:41277

Alla "TRANSPORTATION SUB COMMISSION
R O M A
Via Veneto - Palazzo ex Corporazioni -

Oggetto: Stab.to O.N.D.
S.Paolo - Roma -

e per conoscenza:

Sig. LEPRI' 66403
Rappresentante del Governo Italiano nel
Real Estate Board
R O M A

A seguito degli accordi verbali con la Real Estate Board, questa Opera domanda a codesto Ufficio di voler autorizzare a n. 51 operai addetti alle nostre officine il libero accesso allo Stabilimento allo scopo di poter continuare il lavoro iniziato all'atto della requisizione e quello da iniziare per la riorganizzazione dell'Ente.

Reparto Automobilistico

IL DIRETTORE GENERALE
(Aldo Vergano)
Aldo Vergano

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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/aa

TRANSLATION

OPERA NAZIONALE DOPOLAVORO

Rome, 18th Dec. 1944

Ref : 138634

TO : Transportation Sub-Commission
Rome
Via Veneto

SUBJECT : Establishement of the OND at S. Paolo - Rome -

Reference to our conversations with the Real Estate Board, this Union asks to that Office to authorize 51 workmen of our workshops to enter in the Establishement, in order to continue the work they had to suspend owing to the requisition, and help in this way the reorganization of this Union.

The General Director

(sgd. Aldo Vergano)

Copy to : Mr. Lepri
Representative of the Italian Government
c/o Real Estate Board
Rome

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FILE COPY

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

VHB/rnw

25 January 1945

TEL : Ext. 204

REF : LSc/210

SUBJECT: Policy - Encouragement of Trade Union Development in AMG Territory.

TO : Economic Section

1. This is a request for advice and for a statement of policy from higher authority.

2. Colonel Hartley, for Officer Commanding AMG 8th Army, drew attention on 18 January 1945 to a communication sent from the General Confederation of Italian Labor, Rome, which was addressed to the Camera del Lavoro of Pesaro, but which was sent to the Camera del Lavoro of Forli in 8th Army territory. The communication contains substance which is open to criticism, but this aspect is being taken up separately.

3. In his report, Colonel Hartley says that the communication was sent "secretly and without authority", and following is an extract of his report:

"General Order No. 23 will not be published while the territory remains under Army control and Unions will not be permitted to hold meetings, demonstrations, etc., or to bargain concerning employment by the Allied Forces. Naturally, the unions are not permitted to receive or to send communications directly to persons or agencies outside the area, and it will be appreciated if this fact is brought forcefully to the attention of the Pesaro Camera del Lavoro."

4. If the underlying reasons are military security reasons, there is nothing to be said. But if military security is not the reason for the policy indicated above, I should be glad to know whether A.C. policy is the same as this AMG policy.

5. It is agreed that Fascist syndicates should be abolished and that the formation of free labor unions should be permitted. If, however, the newly born, free labor unions are not to be allowed to receive communications from the officially recognized General Confederation of Italian Labor, they may develop on unorthodox lines; and in particular, if the advice and guidance of moderating influences are withheld, the newly established unions are open to influence from subversive elements, and the later regulation of labor relations may be severely impeded in consequence.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

6. I recognize that military considerations are paramount. Subject to this, however, my recommendation is that as much encouragement and stimulation as possible be given to the growth of free labor unions in liberated territory; that this advice should be given by moderate and recognized agencies in order to avoid capture of these unions by subversive elements, and that so far from prohibiting intercourse by letter, or otherwise, with these newly established unions, there should be officially recognized Trade Union organizers who should be allowed to go forward and arrange the development of the unions on a proper basis. This is, however, a matter of policy for higher authority to decide and I should be glad if a decision on this point could be obtained.

W. H. BRAINE

W. H. BRAINE
Director
Labor Sub-Commission

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LAZIO UMBRIA REGION
APO 394
LABOR DIVISION

LSC/210

18.JAN.1945

SUBJECT: Gente dell'Aria
TO : Labor Sub-Commission-A.C.Headquarters.

1. From time to time there has appeared in Rome news - papers advertisements of a Union by Name "Gente Dell'Aria" More specifically on 24 Dec.1944 in Unità and on 14 Jan. 1945 in Corriere di Roma. These latter asked that skilled tractor and crane operators desiring to work for the American Air Force report to 19 Via Boncompagni which is location of Union Headquarters in addition to being location od National Headquarters of Italian General Confederation of Labor.

2. This Labor Office called on this union to explain circumstance of their being involved in the hiring of civilian employees,for U.S.Army,without our knowledge inasmuch as Par.2 b of Adm.Memo. No 47 AFHQ specifically states that American Installations and Units will clear applications for employees through AMG/AC Labor Offices.

3. Dott. Rutigliano of this union explained that they know nothing of the details but their offices were used by American Officers that came here from Bari whose names and organization he did not know. I told him that no Italian union organization would enter into the transactions for the hiring of civilian for American Military units and therefore influence and control to the benefit of the union membership. Consequently I prohibited the union from further advertising to get labor for American Military Units. Upon which he suddenly discovered that he had to go to see a Capt. Iaccoucci and would tell him what I said.

4. Today a Lt Daubin called at my office with Dott. Ing. Giovanni Sabatiello. Lt Daubin was sent over here to get 50 skilled Aeronautical workers by a Maj.Polk at Air Force General Depot No5 of the IIth Air Depot Group APO 528 of

5035

Declassified E.O. 12356 Section 3.3/NND No. 785021

which organization Capt.C.L.Iacoucci is the Civilian Personnel Officer.

5. Lt Daubin explained that this was his first time here but that others had been here and that the prople they were hiring were highly skilled aeronautical workers,that this arrangement Dott. Ing.Sabatiello had made with union was highly convenient,and that Capt. Iacoucci knew nothing of orders which required units to clear through AMG/AC Labor Office. I reminded him that the advertisements referred to interpreters ,tractor and crane operators,which while skilled could all be supplied through ~~an~~ Labor Supply Office. I called his attention to fact that for every hundred persons that were hired through Union Employment Office that was 100 new members for them which well paid the Union for its time and trouble but which also put a burden on the workers namely,that of belonging to this particular union in order to obtain employment with American Air Forces. He stated he knew nothing of that phase but that this Dott.Ing. Sabatiello did.

6. I spoke with Dott. Ing. Sabatiello for more than an hour to get at heart of situation and his statements are as follows:

a) That the Union established this. Collocamento Office two months ago of which an Ing.Menis is the head,that there are three sub-offices,one at Naples,one at Bari,and one at Brindisi which they call "Groups".

b) That he is the head of the "Bari Group" and that a Ragioniere Mascolo is the Liason between the"Bari Group" and the"Collocamento Office" in Rome. That they are all on the Army Air Force payroll. That at Bari their organization is broken down into other subsections each with its own head. That they have an Assistenza Program and all employees are informally organized in what might be called an "Employees Association". That this Assistenza Program which is centralized through Collocamento Office here in Rome include Housing,Clothing,Feeding,Insurance,Family and Financial problems. That he is technical advisor to Major Polk and that he is also the mouthpiece of Capt. Iacoucci with the workers,as well as for the workers with Capt.Iacoucci.

c) That they are similarly organized with "Naples" Grups" and "Brindisi Group" with central control here in Rome of Collocamento Office of "Gente Dell'Aria"Union.

5034

Declassified E.O. 12356 Section 3.3/NND No. 785021

d) That this Collocamento Office is autonomous,and not a part of Union and that not all persons employed for these groups are eligible for membership in the Union because of the highly technical skill requirements of its membership.

e) That their plans include formation of other such "Groups" at such future locations as American Air Force and Royal Air Force establich,similarly organized all with central office in Rome.

7. I explained the above to Lt.Daubin who stated he did not believe that either Capt. Iacoucci or Maj.Polk knew that the Union had so well organized the Air Force employees of Italy.

8. I then determined that in the Collocamento of Provincial Labor Office there are registered all the technical Aeronautical Workers for which he at present needs,in addition an advertisement was putin the paper exactly as done heretofore except in stead of telling workers to report to Union Office.They were to report to Provincial Labor Office the responses to the advertisement was so great that Lt.Daubin had a better selection than heretofore.

9. There are these concluding observations:

a) That very obviously there are Labor Leaders on Army payroll who are using their position to improve the atatus and memberships of this Union.

b) That these Labor Leaders have achieved alla the semblance of Union organization of these employees of the armed Forces in form of an "Employees Association" aponsored by the "Union Gente Dell'Aria" through its Collocamento Office in Rome.

c) While no doubt originally they had a membership of highly technically skilled aeronautical workers,they have passed the saturation point of their ability to supply from their own memberships and have to resort now to the old fachioned method of an employment office in same situation which is to fill their requests from responses to newspaper advertisements. These advertisements because they are calling for employees for Allied Forces have been without cost to the union,have been a source of good piblicity for the union and, though denied,results in increase membership for the union. In order to fill this present request for fifty aeronautical technicians they would have had to advertise in the newspapers not having any members in union available.

3032

Declassified E.O. 12356 Section 3.3/NND No. 785021

IO. While the procedure through this Labor Office to follow in future has been explained to Lt.Daubin and is acceptable, he is not the responsible officer,so it is recommended that his Commanding Officer be informed.

Furtermore,it is recommended that the statements in Par 6 of Ing. Sabatiello be investigated and such remedial action be taken to eliminate this Unions exclusive preferential position among civilian employees of Allied Air Forces.

Ned A Holsten

Ned A.Holsten
Captain QMC
Chief Labor Division

Declassified E.O. 12356 Section 3.3/NND No. 785021

130/210

TO : HQ. AC. Labour Sub Commission

FROM : HQ. AMG/AC. Abruzzi-Marche Region Regional Labour Officer

SUBJECT : Camera del Lavoro, Ancona Province

REF. : R5/5I9/9

DATE : 6 January 1945

1. Attached is a report of unions that have been organised in Ancona Province, to date, and have become federated units of the Camera del Lavoro, Ancona Province.

Unions that are confederated with the Camera del Lavoro must require their members to hold membership in the Camera and pay a fee of 15 lire. Of the monthly union dues collected from members (averaging 5 lire a month), a maximum of 2 lire must be paid to the Camera which acts as secretary for all confederated unions.

2. The Camera del Lavoro, Ancona, claim to be in compliance with General Order N° 28; specifically Art. II, "Right of Organisation"; that they have the right to assist groups of workers in organisation of unions, and in return the workers have chosen to confederate themselves with the Camera.

By this confederation the Camera is authorised to act for the unions in all matters of collective bargaining with respect to matters pertaining to or connected with their employment, including such matters as concern hours, wages, working conditions, grievances, disputes and mutual social and economic assistance. (A copy of a letter to a unit of the R.N. from the Camera on this subject is attached.)

3. On this basis the Camera del Lavoro, Ancona, believe they have the right to operate collocamenti offices, set rates for wages and salaries, (without reference to AC or AMG for approval) act as conciliators, mediators or arbitrators in labour disputes, act as consultants for union members with their employers, and handle social assistance.

4. Many of the functions claimed by the Camera are set out as functions of the Provincial Labour Office in Gen. Order N° 28, and a statement outlining the relations between the Labour Office and the Camera, when the latter controls through a federation agreement a member of unions, which places the welfare of many workers in the hands of a few officials, these officials being

Declassified E.O. 12356 Section 3.3/NND No. 785021

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3. On this basis the Camera del Lavoro, Ancona, believe they have the right to operate collocamenti offices, set rates for wages and salaries, (without reference to AC or ANC for approval) act as conciliators, mediators or arbitrators in labour disputes, act as consultants for union members with their employers, and handle social assistance.

4. Many of the functions claimed by the Camera are set out as functions of the Provincial Labour Office in Gen. Order N° 28, and a statement outlining the relations between the Labour Office and the Camera, when the latter controls through a federation agreement a member of unions, which places the welfare of many workers in the hands of a few officials, these officials being representatives of political parties; would be most helpful.

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FOR THE REGIONAL COMMISSIONER :

T. R. FISHER,
Major,
Regional Labor Officer.

Declassified E.O. 12356 Section 3.3/NND No. 785021

T R A N S L A T I O N

R. PREFETTURA DI ANCONA

Division Cab.No. Prot.3564 Ancona, 8 Nov.1944.
Subject: Unions.

H.H. Nichols - Lieut Colonel
Provincial Commissioner Ancona Province

As agreed, I submit to you the list of Associated Unions formed and the Unions being constituted in the Province of Ancona.

a) Constituted Confederated Unions.

1) "Confederated Camera del Lavoro" in which is constituted or is being constituted the Unions and Co-operatives listed in letters b,c,and d.

2) Association of Industrialists, with a temporary secretary at Piazza Roma N.1, named Dr.Nicoletti, who is organising all the industrialists of Ancona Province. Pacifico Carotti, Mayor of Jesi is the President.

b) Unions Constituted (confederated with the Camera del Lavoro):

Railroad Union (including all classes of workers)
Portworkers Union (lightermen)
Building workers Union (bricklayers and all associates)
Bakers Union (oven men, mixers, etc.)
Metal workers Union (including all workers of metals)
Farmers Union.
Clay Products workers Union (furnace workers, cement workers, chalk workers)
Bank Clerks Union (including all classes of bank employees)
Comunal Workers Union (clerks, families, street cleaners, city police, clerks of Consorzio, technical personnel, limited service personnel, highway maintenance workers, cemetery workers, grave diggers, slaughterhouse employees)
Water, Gas and Light workers Union (clerks, collectors and workers)
T.I.M.O. Union (clerks, collectors, operators, messengers, and workers of the telephone company)
Postal and Telegraph Workers Union (clerks, telegraphers, lettercarriers, messengers)
Tobacco Manufacturing Workers Union (raw tobacco workers,

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Unions formed and the Unions being constituted in the Province of Ancona.

a) Constituted Confederated Unions.

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b) Unions Constituted (confederated with the Camera del Lavoro):

Railroad Union (including all classes of workers)
Portworkers Union (lightermen)
Building workers Union (bricklayers and all associates)
Bakers Union (oven men, mixers, etc.)
Metal workers Union (including all workers of metals)
Farmers Union.
Clay Products workers Union (furnace workers, cement workers, chalk workers)
Bank Clerks Union (including all classes of bank employees)
Communal Workers Union (clerks, families, street cleaners, city police, clerks of Consorzio, technical personnel, limited service personnel, highway maintenance workers, cemetery workers, grave diggers, slaughterhouse employees)
Water, Gas and Light workers Union (clerks, collectors and workers)
T.I.M.O. Union (clerks, collectors, operators, messengers, and workers of the telephone company)
Postal and Telegraph Workers Union (clerks, telegraphers, lettercarriers, messengers)
Tobacco Manufacturing Workers Union (raw tobacco workers, treated tobacco workers)
Miners Union (including all classes of miners)
Woodworkers Union (carpenters, etc.)
Cabinet workers Union (rubbers and polishers, veneerers, etc)
Artisans Union League (all classes)
Private Clerks Union (clerks with degrees, "administrative"; subornate clerks, clerks with diplomas, typists)

c) Unions being constituted (to be confederated with the Camera del Lavoro)

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Declassified E.O. 12356 Section 3.3/NND No. 785021

School teachers Union (male and female teachers, professors)
Hospital Workers Union (nurses, laundryworkers, clerks, doctors, doctors assistants, and kitchen personnel)
Hotel Workers Union (including Restaurants) (waiters, cooks, and helpers)
Free Professionists Union.
Chauffers Union.
Retailers Union (retailers of State Monopoly commodities)
Butchers Union (slaughters, cutters, all clerks and general helpers)
Marine Workers Union (machinists, licensed steam engineers, helm-men, sailors, firemen, cadets, mess personnel)

d) Constituted Co-operatives (confederated with the Camera del Lavoro)
Cooperative for sale of foods; Bricklayers, shoemakers, general porters, dock porters, station porters, butchers, freight checkers, pilots, deckhands.

P.IL PREFETTO REGGENTE
Avv. Tesini

5029

Declassified E.O. 12356 Section 3.3/NND No. 785021

Marine Workers Union (machinists, licensed steam engineers, helm-men, sailors, firemen, cadets, mess personnel)

d) Constituted Co-operatives (confederated with the Camera del Lavoro)
Cooperative for sale of foods; Bricklayers, shoemakers, general porters, dock porters, station porters, butchers, freight checkers, pilots, deckhands.

p.IL PREFETTO REGGENTE
Avv. Tasini

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/jm

Declassified E.O. 12356 Section 3.3/NND No. 785021

ELENCO DELLE LEGHE FORMATE AD ANCONA E PROVINCIA

ANCONA

Sindacato Impiegati privati
" Medici
" Beattoriali
" Macellai
" Riv.Gen.Monopolio
" Dipend.Spettacolo
" Maestri e Maestre
" Impiegati Municipali
" Imp.Ditta Rossi
" " " Angelini
" " Ist.Naz.Ass.
" Tipografi
" U.E.S.
" T.I.M.O.
" Impiegati Bancari
" Cantieri Navali Riuniti
" Az.Munic.Gas e Acquedot.
" Ferrovieri
" Ospedalieri
" Vigili del fuoco
" Postelegrafonici
" Metallurgici
" Liberi professionisti
" Calzolai
" Edili
" Tranvieri
" Portuali
" Pescatori
" Panettieri
"

OSIMO

Lega Dipendenti Comunali n.16
" Facchini n.14
" Contadini n.21
" Fornaciai n.24
" Infermieri n.16
" Organettai n.30
" Metallurgici n.33
" Calzolai n.66
" Muratori n.103
" Autisti n.10
" Impiegati n.15
" Falegnami n.27
" Sarti n.67

FALCONARA

Lega Manovali n.197
" Metallurgici n.110
" Contadini n.21
" Artigiani n.35
" Muratori n.43
" Calzolai n.14
" Autista n.29
" Pescatori n.18
" Impiegati n.125
" Comm. e vend.ambulanti n 25
" Professionisti n.20
" Assistenti n.10
" Elettric.Rad.Tecn. n.13
" Cuochi Camerieri Post. n11
" Falegnami n.16
" Fabbri n.15

PORTONOVO

Lega Minatori S.A.I.C.A.

PIETRALACROCE

Lega Contadini

CASTELFERRETTI

Lega Edili con n.67
Lega Metallurgici n.9

M.S.VITO

Lega Contadini

GENGA

Lega Minatori e Lav.Edili con n.54
Lega Metallurgici con n.7
Lega Impiegati con n.6

CHIARAVALLE

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Declassified E.O. 12356 Section 3.3/NND No. 785021

"	" Ist.Naz.Ass.	"	Impiegati n.15
"	Tipografi	"	Falegnami n.27
"	U.E.S.	"	Sarti n.67
"	T.I.M.O.		
"	Impiegati Bancari		
"	Cantieri Navali Riuniti		
"	Az.Munic.Gas e Acquedot.		F A L C O N A R A
"	Ferrovieri	Lega	Manovali n.197
"	Ospedalieri	"	Metallurgici n.110
"	Vigili del fuoco	"	Contadini n.51
"	Postelegrafonici	"	Artigiani n.35
"	Metallurgici	"	Muratori n.42
"	Liberi professionisti	"	Calzolai n.14
"	Calzolai	"	Autista n.29
"	Edili	"	Pescatori n.18
"	Tranvieri	"	Impiegati n.125
"	Portuali	"	Comm. e vend.ambulanti n 25
"	Pescatori	"	Professionisti n.20
"	Panettieri	"	Assistenti n.10
"		"	Elettric.Rad.Tecn. n.13
		"	Cuochi Camerieri Post. n11
		"	Falegnami n.16
		"	Fabbri n.15

PORTONOVO

Lega Minatori S.A.I.C.A.

PIETRALACROCE

Lega Contadini

CASTELFERRETTI

Lega Edili con n.67
Lega Metallurgici n.9

M.S.VITO

Lega Contadini

GENGA

Lega Minatori e Lav.Edili con n.54
Lega Metallurgici con n.7
Lega Impiegati con n.6

CHIARAVALLE

Lega Edili con n.76
Lega Facchini Stazione con n.8

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Declassified E.O. 12356 Section 3.3/NND No. 785021

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Declassified E.O. 12356 Section 3.3/NND No. 785021

T R A N S L A T I O N

CAMERA DEL LAVORO DI ANCONA E PROVINCIA

Corso Stamira N. 3

Ancona 14 December 1944

Secretary's Office
Ref. : 624:13 v;

Subject : Commission.

TO: COMMANDER HEADQUARTERS

R. E. SALVAGE

of ANCONA.

We are bringing to your attention that the groups of workers in your establishments have organised and they have democratically elected a Commission of Interior Constructors composed of the following:

BADALONI ARCHIMEDE
GAMBINI ENRICO
ROSSINI IDILLIO

We now let you know that the above Commission of Interior Constructors would like to be received by your Headquarters to discuss conditions and questions regarding the work and interests of the groups of workers they represent.

We are sure you will receive and recognise this Commission; with very best regards.-

LA SEGRETERIA PROVVISORIA
/s/ ? ? ? ? ?

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CAMERA CONFEDERALE DEL LAVORO

ANCONA.

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Declassified E.O. 12356 Section 3.3/NND No. 785021

Labour Ref
LSC/210
Ref
Labor
S/C

HEADQUARTERS ALLIED COMMISSION
APO 394
ECONOMIC SECTION

7.02/ES LDD/es

2 January 1945

SUBJECT: Proposed Legislation to Regulate Italian Trade Unions and Industrial Relations.

TO : AFHQ G-5
Attention: Major H. Y. Anderson

1. Reference is made to your G31.4-1 of 22 November 1944 and of 9 December 1944 above subject.

2. A full reply has been prepared by the Labor Sub-Commission of Allied Commission, however it is being withheld since it has been found that additional information is required with respect to the position of the present Italian Government in connection with the matter. Also it is expected that a new Director of the Labor Sub-Commission (a British civilian) will shortly be assigned. It is felt that the matter should be reviewed by the new Director prior to final reply to your letter of 22 November.

3. It is anticipated that we will be in position to make final reply by January 15.

For the Chief Commissioner:

L. D. DENSMORE
Colonel, F A
Acting Deputy Chief of Staff
Economic Section

5026

(1) Admitted!
(2) Irrelevant
(3) Cannot alter the facts

0805

Declassified E.O. 12356 Section 3.3/NND No. 785021

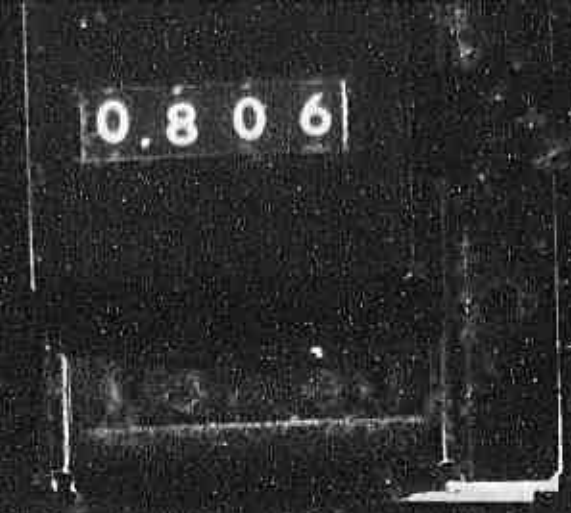
LABOR SUB-COMMISSION

A. C.

Rputing Slip

	Initials	Date
Colonel SMITH	TRS	
Lt.Col. BABCOCK		
Major SCICLUNA		
Capt. DORF		
Capt. TOPLISS		
Capt. SOLENBERGER		
Mr. SACHS		
Mr. DI FEDE		
Mr. CERRITO		
Dr. LA LOGGIA		
Chief Clerk		

5025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