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L.S.C. /213

INTERNAL COMMISSION + WORKERS SHARE IN M

Feb. - AUG. 1945

INTERNAL COMMISSION + WORKERS SHARE IN MANAGEMENT

FEB - AUG. 1945

file
LSC/213

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

DCS/st

TEL : Ext. 416

28 August 1945

REF : LSC/403/2/3

SUBJECT: Workers' Internal Commissions.

MEMORANDUM TO: Rear Admiral Ellery W. Stone
(Chief Commissioner)

I have talked to Major Louder who is in full agreement with proposal to eliminate the paragraph in question. The following minute is suggested for back slip:

- "1. I concur in proposed draft except for para 4.
2. Upon reconsideration and to avoid the problems raised in para 2 of tab c, I think that para 4 ought to be eliminated entirely. Labor sub-commission, ALCON and AFLON are in accord with this view."

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DAVID U. SACHS
Deputy Director
Labor Sub-Commission

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

Cross Reference Sheet

File: LSC / 013
Subject: Internal Commissions among Employees of the D.F.
Date: 27 - 6 - 45
To: The Ministry of Ind. Comm. Lab.
From: HQ. LSC
Documents Filed: LSC / 403

5443

FILE

HEADQUARTERS ALLIED COMMISSION
APO 334
LABOR SUB-COMMISSION

ICS/rmw

TEL : Ext. 416
REF : (LSC/906) - WC/213
SUBJECT: Internal Commissions
TO : A.F.L.R.S.
Attention: Major Louden

16 May 1945

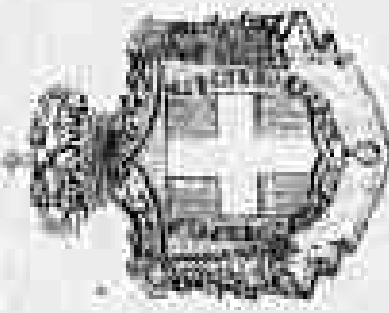
1. Please find enclosed the translation of a letter from the Ministry of Industry, Commerce and Labor with respect to the use of internal commissions for limited purposes among employees of the Allied Forces.

2. Please place this matter upon the agenda for the next meeting of the Labor and Wages Control Committee.

DAVID G. SACHS
Deputy Director
Labor Sub-Commission

Attachment (1)

5442



*Ministero dell'Industria,
del Commercio e del Lavoro*

Direzione gen. del lavoro

Div. I

*Prot. N. 1448-500
Allegato 1
20*

*Risposta all'Alf. N. 2
del*

Oggetto Attività delle Commissioni dei dipendenti nell'interno degli stabilimenti industriali.

1) Con un accordo sindacale, stipulato in data 2 settembre 1943 dalle associazioni nazionali dei datori di lavoro e dei lavoratori dell'industria, di cui si trasmette copia, fu stabilita l'istituzione presso ogni azienda industriale di una Commissione interna, composta dei dipendenti lavoratori.

Le dette commissioni hanno il compito nell'ambito aziendale di assicurare "normali e pacifici rapporti fra le imprese ed i lavoratori" ed in particolare di controllare l'esatta applicazione dei contratti collettivi di lavoro, promuovere la stipulazione di nuovi contratti, esprimere il proprio parere e formulare proposte sui regolamenti interni di fabbrica, ecc.

L'attività di queste commissioni, istituite attualmente presso la quasi totalità degli stabilimenti industriali, si è dimostrata nella pratica molto utile per lo svolgimento normale dell'attività produttiva.

2) Questo Ministero non conosce con esattezza se il sistema delle commissioni interne sia ugualmente diffuso fra le maestranze che prestano la loro opera alle dipendenze degli alleati e se la loro istituzione sia consentita in generale dai comandi alleati.

Si prega pertanto codesta Commissione di voler fornire cortesi

Lse/213

Roma 26.3.43 19

Al la Commissione alleata
Sottocommissione per il lavoro
= ROMA =

Oggetto Attività delle Commissioni dei dipendenti nell'interno degli stabilimenti industriali.

1) Con un accordo sindacale, stipulato in data 2 settembre 1943 dalle associazioni nazionali dei datori di lavoro e dei lavoratori dell'industria, di cui si trasmette copia, fu stabilita l'istituzione presso ogni azienda industriale di una Commissione interna, composta dei dipendenti lavoratori.

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2) Questo Ministero non conosce con esattezza se il sistema delle commissioni interne sia ugualmente diffuso fra le maestranze che prestano la loro opera alle dipendenze degli alleati e se la loro istituzione sia consentita in generale dai comandi alleati.

Si prega pertanto codesta Commissione di voler fornire cortesi notizie al riguardo, affinché lo scrivente possa avere nuovi elemen-

FA/ab.

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ti di giudizio sull'azione di queste particolari rappresentanze operaie nell'interno delle aziende, in relazione ad un'eventuale disciplina legislativa delle dette commissioni.

3) Comunque questo Ministero ritiene in via generale che le commissioni di lavoratori negli stabilimenti alle dipendenze dei comandi di alleati possano svolgere ugualmente una fattiva opera di collaborazione con le autorità preposte alla direzione delle aziende, anche se le loro funzioni debbano essere, per ovvie ragioni, più limitate di quelle stabilite nell'accordo sindacale allegato. Esse potrebbero costituire semplici organi di collegamento fra le maestranze e le dette autorità, con il compito di agevolare il normale svolgimento del lavoro, sia prospettando e vagliando le eventuali richieste dei dipendenti sia svolgendo opera di conciliazione e di persuasione fra i lavoratori.

4) L'opportunità della istituzione di commissioni interne, anche in tali stabilimenti, può ritenersi confermata da alcuni particolari casi di incidenti verificatisi sul lavoro, i quali avrebbero potuto essere facilmente chiariti ed eliminati dall'azione di un organo operaio del genere.

In particolare si segnala per opportuna conoscenza e per le eventuali determinazioni di codesta Commissione il malcontento delle maestranze addette allo stabilimento ex Avis di Castellammare di Stabia, gestito attualmente dalla R.A.F., le quali si lamenterebbero - a quanto è stato riferito a questo Ministero - per il trattamento usato nei loro confronti dai militari alleati, nella maggioranza sud africani.

4) Sia in merito all'accennato problema di carattere generale, relativo all'istituzione delle commissioni interne, sia sul particolare caso di cui al numero precedente, si gradirebbe conoscere il parere di codesta Commissione.

IL MINISTRO

mmh.

razione con le autorità preposte alla direzione delle aziende, anche se le loro funzioni debbano essere, per ovvie ragioni, più limitate di quelle stabilite nell'accordo sindacale allegato. Esse potrebbero costituire semplici organi di collegamento fra le maestranze e le dette autorità, con il compito di agevolare il normale svolgimento del lavoro, sia prospettando e vagliando le eventuali richieste dei dipendenti sia svolgendo opera di conciliazione e di persuasione fra i lavoratori.

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4) Sia in merito all'accennato problema di carattere generale, relativo all'istituzione delle commissioni interne, sia sul particolare caso di cui al numero precedente, si gradirebbe conoscere il parere di codesta Commissione.

IL MINISTRO



COMMISSIONI INTERE

Anni 2 settembre 1943 in Roma, presso il Ministero dell'Industria, del Commercio e del Lavoro; a conclusione delle trattative connotate sotto gli auspici di A.S. il Ministro Dott. Leopoldo Piccarini;

tra la Confederazione degli Industriali, rappresentata dal Comm. Gen. Ing. Giuseppe Mazzini, assistito dal Vice Commissario Ing. Fabio Frigeri

e

la Confederazione Italiana dei Lavoratori dell'Industria rappresentata dal Commissario On. Bruno Duozzi, assistito dai Vice commissari Giovanni Noveda e Giuseppino Quarello;

riconosciuta la opportunità di provvedere al ricambiamento dei criteri che presiedono alla scelta ed alle funzioni dei lavoratori rivestiti di cariche sindacali nelle aziende industriali;

si conviene quanto segue:

Art. 1 - Nelle imprese industriali inquadrare sindacalmente sono istituite commissioni interne:

- a) - per gli impiegati, quando esse abbiano alle proprie dipendenze almeno 20 impiegati escluso il personale avente qualifica di dirigente;
- b) - per gli operai, quando esse abbiano alle proprie dipendenze almeno 20 operai.

Se il numero dei prestatori di lavoro anzitutto è inferiore a quello suindicato in luogo della Commissione interna viene nominato un fiduciario di impresa. Non si fa luogo alla nomina del fiduciario quando il numero dei prestatori d'opera non è superiore a cinque.

La Commissione è composta di tre membri quando i prestatori di lavoro, escluso il personale dirigente sono in numero non superiore a 100; di sei membri se il numero è superiore a 100 e non a 1500; di nove membri se il numero è superiore a 1500.

Se l'impresa esercisce più stabilimenti o è comunque costituita da più sedi, filiali e uffici, la Commissione è nominata

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per ogni stabilimento, sede, filiale ed ufficio, sempreché in ciascuno di essi siano impiegati almeno venti prestatori di lavoro della categoria cui la commissione si riferisce.

Art. 2 - I componenti delle commissioni interne ed i fiduciari di impresa sono eletti attraverso votazione diretta e segreta alla quale possono partecipare tutti i lavoratori dell'impresa, impiegati ed operai, escluso il personale dirigente, di età superiore ai 18 anni.

Sono eleggibili alla impieghi e gli operai dell'impresa, di cittadinanza italiana di età superiore ai 21 anni se aventi una anzianità, presso l'impresa stessa, di almeno un anno al servizio. Il requisito dell'anzianità di servizio non si applica alle imprese di nuova costituzione.

I componenti delle commissioni durano in carica un anno e possono essere rieletti.

Art. 3 - Le elezioni sono indette dall'associazione sindacale locale dei lavoratori dell'industria, la quale, previo accordo con l'impresa, stabilirà il giorno delle elezioni e le altre modalità eventualmente occorrenti.

Le elezioni hanno luogo nei locali dell'impresa.

Art. 4 - Alle commissioni interne sono attribuiti i seguenti compiti che esse debbono svolgere, indipendentemente all'intento di assicurare normali e pacifici rapporti fra le imprese ed i loro dipendenti:

a) - mantenere il collegamento fra gli organi direttivi dell'associazione sindacale dei lavoratori e i dipendenti dell'impresa;

b) - accertare, attraverso le segnalazioni dei lavoratori, dell'esatta applicazione dei contratti collettivi di lavoro e dei regolamenti interni al fine del tentativo di conciliazione di cui alle lettere c) e d) o dell'opportuna segnalazione alle competenti associazioni sindacali;

c) - tentare la conciliazione delle controversie individuali, senza pregiudizio del tentativo di conciliazione spettante per legge all'Associazione sindacale;

d) - svolgere, previa autorizzazione della locale Associazione

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I componenti delle Commissioni interne ed i sindacati di impresa sono eletti attraverso votazione diretta e segreta alla quale possono partecipare tutti i lavoratori dell'impresa, impiegati ed operai, escluso il personale dirigente, di età superiore ai 16 anni.

Come eleggibili gli impiegati e gli operai dell'impresa, di estrazione italiana di età superiore ai 21 anni ed aventi una anzianità presso l'impresa stessa, di almeno un anno di servizio. Il regolamento dell'elezione di servizio non si applica alle imprese di nuova costituzione.

I componenti delle Commissioni durano in carica un anno e possono essere rieletti.

Art. 3 - Le elezioni sono indette dall'associazione sindacale locale dei lavoratori dell'industria, la quale, previo accordo con l'impresa, stabilirà il giorno delle elezioni e le altre modalità eventualmente occorrenti.

Le elezioni hanno luogo nei locali dell'impresa.

Art. 4 - Alle Commissioni interne sono attribuiti i seguenti compiti che esse debbono svolgere, ispirandosi all'inventario di assunzione normale e pacifici rapporti fra le imprese ed i loro dipendenti:

a) - mantenere il collegamento fra gli organi direttivi dell'associazione sindacale dei lavoratori ed i dipendenti dell'impresa;

b) - accertarsi, attraverso le segnalazioni dei lavoratori, dell'esatta applicazione dei contratti collettivi di lavoro e dei regolamenti interni al fine del tentativo di conciliazione di cui alle lettere c) e d) o dell'opportuna segnalazione alle competenti associazioni sindacali;

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c) - tentare la conciliazione delle controversie individuali, senza pregiudizio del tentativo di conciliazione spettante per legge all'Associazione sindacale;

d) - svolgere, previa autorizzazione della locale Associazione sindacale dei lavoratori, le trattative per la stipulazione dei

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contratti collettivi di lavoro e per la conciliazione delle controversie collettive di lavoro interessanti esclusivamente l'impresa ed il personale dipendente, nei confronti dell'associazione che sindacale dei datori di lavoro e dell'impresa, un caso autorizzato;

e) - esprimere il parere sui regolamenti interni di azienda o di fabbrica;

f) - esprimere, su richiesta della locale associazione sindacale dei lavoratori, il parere in merito alla stipulazione di contratti collettivi interessanti tutta la categoria; e partecipare eventualmente, attraverso propri rappresentanti, alle trattative per la stipulazione dei contratti stessi o per la conciliazione di controversie collettive;

g) - formulare proposte sui sistemi di lavoro e sui procedimenti di fabbricazione raccogliendo, esaminando ed eventualmente trasmettendo alla direzione delle imprese le proposte e i suggerimenti dei lavoratori sui possibili perfezionamenti dei metodi di lavorazione;

h) - partecipare, attraverso propri rappresentanti, all'amministrazione delle istituzioni aziendali di carattere sociale e previdenziale, alimentare anche in parte dai contributi dei lavoratori; e formulare proposte per il perfezionamento della istruzione professionale, dell'assistenza sociale a favore delle lavoratrici dell'impresa e per il miglioramento delle condizioni di lavoro.

i) - esercitare, a mezzo di loro rappresentanti, la vigilanza sul servizio delle mense aziendali, che non abbiano carattere gratuito per i lavoratori.

Art. 5 - I sindacati di impresa svolgono agli stessi compiti assegnati alle commissioni interne ad eccezione di quelli previsti alla lettera d) del precedente articolo. 5438

Art. 6 - I compiti delle commissioni interne e dei sindacati saranno svolti senza ricorrere all'ufficio alla produzione ed al normale andamento del lavoro nell'azienda.

La direzione dell'impresa o stabilimento, sede, filiale, ufficio, che abbia oltre 300 dipendenti metterà a disposizione della commissione interna in ore di straordinario, un ufficio per il quale uno o più membri della commissione possono ricevere le comunicazioni dei lavoratori.

f) - esprimere, su richiesta della locale associazione sindacale dei lavoratori, il parere in merito alla stipulazione di contratti collettivi inter-sindacati sulla base delle osservazioni eventualmente formulate, attraverso l'organo rappresentativo, alle trattative per la stipulazione del contratto stesso o per la conciliazione di controversie collettive;

g) - formulare proposte sui sistemi di lavoro e sui procedimenti di fabbricazione raccogliendo, esaminando ed eventualmente trasmettendo alla direzione delle imprese le proposte e i suggerimenti dei lavoratori sui possibili perfezionamenti dei metodi di lavorazione;

h) - partecipare, attraverso propri rappresentanti, all'amministrazione delle istituzioni aziendali al carattere sociale e previdenziale, alimentare anche in parte dei contributi dei lavoratori; e formulare proposte per il perfezionamento della istruzione professionale, dell'assistenza sociale e lavoro delle madri estraneo dell'impresa e per il miglioramento delle condizioni di lavoro.

i) - esercitare, a mezzo di loro rappresentanti, la vigilanza sul servizio delle mense aziendali, che non abbiano carattere gratuito per i lavoratori.

Art. 2 - I lavoratori di impresa svolgono tutti stessi compiti assegnati alle commissioni interne ad eccezione di quelli previsti alla lettera d) del precedente articolo.

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Art. 6 - I compiti delle commissioni interne e dei finanziari saranno svolti senza recare intralcio alla produzione ed al normale andamento del lavoro nell'azienda.

La direzione dell'impresa o stabilimento, sede, filiale, ufficio, che abbia oltre 300 dipendenti metterà a disposizione della commissione interna in ore di straordinario, un ufficio per uno o più membri della commissione potendo ricevere le comunicazioni dei lavoratori.

Art. 7 - Ai membri delle commissioni interne ed ai fiduciari di impresa sono estese le garanzie previste dal contratto collettivo 12 ottobre 1939, per la disciplina del trasferimento e del licenziamento dei lavoratori dell'industria che rivestono carattere sindacali.

Art. 8 - Nel primo anno di applicazione del presente accordo un terzo dei componenti delle commissioni interne può essere nominato anche tra prestatori d'opera che non abbiano il requisito dell'anzianità di servizio, previsto dal secondo comma dell'art. 2.

Art. 9 - Il presente accordo ha decorrenza dalla data della sua stipulazione ed va in durata di anni tre.

2. LA CONTROFIRMAZIONE DEGLI INDUSTRIALI

R. to Giuseppe Mazzanti
R. to Fabio Filicori

1. LA CONTROFIRMAZIONE ITALIANA DEI LAVORATORI DELL'INDUSTRIA

R. to Bruno Bozzoli
Giovanni Novati
Giaccone Quarello

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Translation BaldaZZi

/js

MINISTRY OF INDUSTRY, COMMERCE AND LABOUR

General Labour Direction

Division N° 1

500
Prot. N° 1148 20
Enclosures N°1

TO : the ALLIED COMMISSION
Labour Sub-Commission
Rome

SUBJECT: Activity carried out by the
Employees Commissions inside the
industrial establishments.

1) By virtue of a syndical agreement, stipulated on 2 September 1943 by the national associations of both employers and employees in the field of industry, of which we are enclosing a copy, it was decided to establish an Internal Commission formed by workers in the employ of each industrial plant.

The above Commissions are charged with the duty of assuring, inside the respective industrial establishments "normal and peaceful relations between the Firms and the respective employees", and especially of controlling the exact enforcement of collective labour agreements, as well as of fostering the stipulation of new contracts, of expressing their own opinion and submitting proposals concerning the regulations to be enforced inside the plant, etc.

At present these Commissions have been established at the interior of almost all industrial plants, and their activity has shown itself practically useful for the normal development of industrial activity.

2) This Ministry does not know exactly whether the system of Internal Commissions has expanded also among the workers in the employ of Allied forces, and whether the establishment of such Commissions is, as a rule, allowed by the Allied Commands.

Therefore we kindly ask the Allied Commission to secure us information on this matter, so as to

enable this Ministry to gain a more exact notion of the task fulfilled by these Commissions representing the workers inside the plants, with the purpose of issuing - if this should be the case - a law governing the activity of the said Commissions.

3) In any way this Ministry believes that on the whole, the Workers Commissions - also inside the industrial plants placed under control of the Allied Commands - would be able to carry on useful activity, in a spirit of cooperation, and in agreement with the authorities in charge of the above mentioned plants, even if, for obvious reasons, the functions entrusted to the said Commissions, are to be more limited than those established by the above referred syndical agreement. They might perform a liaison rôle between the workers and the Allied authorities, with the purpose of making easier the carrying on of the work in the plant, both by revising and setting forth the requests of the employees and by performing a work of conciliation and persuasion among the same.

4) The utility of establishing the Internal Commissions, even in the industrial plants controlled by the Allies, is being confirmed by a few particular occurrences which have happened in the working places. In fact, it would have been easy to clear up or avoid such incidents, through the action of Workers Commissions of the kind as we have described above.

We call especially your attention, as a matter of information as well as in view of eventual measures to be taken by the Allied Commission, to the situation of discontent existing among the personnel of the Avis Plant of Castellammare di Stabia, actually controlled by the R.A.F. According to the reports received by this Ministry, the dissatisfaction in question is due to the treatment that the said workers are receiving by the Allied military men, most of whom are South Africans.

5) We would like to know the point of view of the Allied Commission, both concerning the general problem of the establishment of Internal Commissions and the particular case as we have set forth under point 4.

THE MINISTER
Gronchi

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Translation Baldazzi

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INTERNAL COMMISSIONS
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On the 2 September 1943 in Rome, at the Ministry of Industry, Commerce and Labour, as a result of negotiations carried on under the auspices of H.Ex. the Minister Dr. Leopoldo Piccardi;

between the Confederation of Manufactures, represented by Ing. Giuseppe Mazzini, Senator, assisted by Ing. Fabio Frigeri, Vice -Commissary

AND

the Italian Confederation of Industrial Workers, represented by On. Bruno Buozzi, assisted by the Vice-Commissaries Giovanni Roveda and Giovacchino Quarello,

recognizing that it is convenient to revise the criterions that have been so far adopted for the appointment of workers vested with syndical offices in the industrial establishments and for the respective functions,

the following terms have been agreed upon:

ART. 1 - Internal Commissions are established inside industrial plants, the personnel of which is organized in the trade unions:

a) for office-employees, whenever a minimum of 20 office-employees, with the exclusion of managing personnel, are in the employ of said plants;

b) for manual-employees, whenever at least 20 manual workers are in the employ of the plants.

Should the number of workers be lower than that specified above, a plant workers' fiduciary shall be appointed instead of the Internal Commission. There shall be no appointment of a fiduciary, whenever the number of workers is not above five.

The Commission shall be composed of three mem-

bers, whenever the number of employees, with exclusion of the managing personnel, is not above 100, of six members, if the same number is above 100 and not above 1500; of nine members if the number is above 1500.

If the Firm is operating more than a single plant, or if it is composed of several branch-establishments or branch-offices, the Internal Commission shall be appointed for each one of the branch-establishments or of branch-offices, provided that each one of them is employing at least 20 workers belonging to the category forming the Commission in question.

ART. 2 - Both the members of the Internal Commissions and the workers' fiduciaries of each plant or office are elected by a direct voting by ballot, in which are entitled to take part all office and manual workers of age above 18 years, excluding the managing personnel. Are eligible to the above office all manual and office-employees of the Firm, who are Italian citizens, with above 21 years of age, and with a length of service with the Firm itself of at least one year. The length of service requirement is not to be applied in the case of new established Firms.

The members of Commissions are holding their office during one year and they are re-eligible.

ART. 3 - Elections are called by the local syndical associations of industrial workers, which, upon previous agreement with the Firm, will fix the date of the elections and draw up the rules, if any, connected with the same.

Elections are to take place in the premises of the Firm.

ART. 4 - Internal Commissions are entrusted with the following tasks, which they must fulfil, with the purpose of maintaining normal and peaceful relations between the Firms and their employees: 5439

a) to maintain a liaison between the heads of the syndical association of industrial workers and the workers in the employ of the Firm;

b) to control, through workers' information, the exact enforcement of all collective labour contracts and of the plant regulations, for the purpose of attempting conciliation as per letter c) and d) or of giving proper information to the competent syndical associations;

c) to attempt a conciliatory settlement of individual controversies, without prejudice of other attempts of conciliation to be carried out under the law by competent syndical associations;

d) to carry out, upon previous authorization of the local syndical association of industrial workers, all negotiations relating to stipulation of collective labour contracts as well as for the conciliatory settlement of collective labour controversies concerning exclusively the Firm and the respective employees; as well as confronting the syndical association of employers and the Firm authorized by the same;

e) to express its own point of view concerning the internal regulations of the plant;

f) to express, on request of the local syndical association of industrial workers its own opinion concerning the stipulation of collective contracts that are interesting the entire category; and to take part, where necessary, with its own representatives, in the negotiations concerning the stipulation of the said contracts or for the conciliatory settlement of collective controversies;

g) to set forth proposals concerning the working system and manufacturing processes, by collecting, considering and, where necessary, by submitting to the interested Firms, the proposals and suggestions made by the workers on all possible improvements of working systems;

h) to take part, through their own representatives, in the administration of social and insurance funds attached to the Firm and maintained also by means of workers' contributions; to set forth proposals for the improvement of the professional education and social assistance on behalf of the employees of the Firm as well as for the betterment of working conditions;

i) to perform, through their own representatives, a control over the employees messes, attached to the plants, whenever they are not of gratuitous character for the said employees.

ART.5 - The plant workers' fiduciaries are fulfilling the same tasks as those entrusted to the Internal Commissions, save for the tasks contemplated under let-

ter d) of the preceding article.

ART. 6 - The tasks fulfilled by plant workers' fiduciaries and by Internal Commissions shall not interfere with the plant output and with the normal progress of the work of the Firm.

Those in charge of a plant or industrial establishment, or of a branch-office with more than 300 employees, shall put at the disposal of the Internal Commission a suitable bureau, in order that one or more members of the same Commission may receive all information given by the workers.

ART. 7 - All the guarantees contemplated by the collective contract of 12 October 1939, concerning the removal and dismissal of industrial workers entrusted with syndical offices, are extended to the members of the Internal Commissions and to the plant workers' fiduciaries.

ART. 8 - During the first year of the enforcement of the present agreement, a third of the members of the Internal Commissions may be appointed even from amongst the workers who are deprived of the length of service contemplated by the second paragraph of Art.2.

The present agreement becomes effective on the day of its stipulation and has a three years validity.

for the MANUFACTURERS' CONFEDERATION: (signed)
Giuseppe Mazzini
Fabio Priggeri

for the ITALIAN CONFEDERATION OF INDUSTRIAL WORKERS (signed)
Bruno Buozi
Giovanni Roveda
Gioscchino Quarello

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LC/213

/js

Translation Balduzzi

MINISTRY OF INDUSTRY, COMMERCE AND LABOUR

Rome, 26 March 45

General Labour Direction

Division N° 1

500
Prot. N° 1148-20
Enclosures N°1

TO : the ALLIED COMMISSION
Labour Sub-Commission
Rome

SUBJECT: Activity carried out by the
Employees Commissions inside the
industrial establishments.

1) By virtue of a syndical agreement, stipulated on 2 September 1943 by the national associations of both employers and employees in the field of industry, of which we are enclosing a copy, it was decided to establish an Internal Commission formed by workers in the employ of each industrial plant.

The above Commissions are charged with the duty of assuring, inside the respective industrial establishments "normal and peaceful relations between the Firms and the respective employees, and especially of controlling the exact enforcement of collective labour agreements, as well as of fostering the stipulation of new contracts, of expressing their own opinion and submitting proposals concerning the regulations to be enforced inside the plant, etc. 5430

At present these Commissions have been established at the interior of almost all industrial plants, and their activity has shown itself practically useful for the normal development of industrial activity.

2) This Ministry does not know exactly whether the system of Internal Commissions has expanded also among the workers in the employ of Allied forces, and whether the establishment of such Commissions is, as a rule, allowed by the Allied Commands.

Therefore we kindly ask the Allied Commission to secure us information on this matter, so as to

enable this Ministry to gain a more exact notion of the task fulfilled by these Commissions representing the workers inside the plants, with the purpose of issuing - if this should be the case - a law governing the activity of the said Commissions.

3) In any way this Ministry believes that on the whole, the Workers Commissions - also inside the industrial plants placed under control of the Allied Commands - would be able to carry on useful activity, in a spirit of cooperation, and in agreement with the authorities in charge of the above mentioned plants, even if, for obvious reasons, the functions entrusted to the said Commissions, are to be more limited than those established by the above referred syndical agreement. They might perform a liaison rôle between the workers and the Allied authorities, with the purpose of making easier the carrying on of the work in the plant, both by revising and setting forth the requests of the employees and by performing a work of conciliation and persuasion among the same.

4) The utility of establishing the Internal Commissions, even in the industrial plants controlled by the Allies, is being confirmed by a few particular occurrences which have happened in the working places. In fact, it would have been easy to clear up or avoid such incidents, through the action of Workers Commissions of the kind as we have described above.

We call especially your attention, as a matter of information as well as in view of eventual measures to be taken by the Allied Commission, to the situation of discontent existing among the personnel of the Avis Plant of Castellammare di Stabia, ~~actually~~ controlled by the R.A.F. According to the reports received by this Ministry, the dissatisfaction in question is due to the treatment that the said workers are receiving by the Allied military men, most of whom are South Africans. 5420

5) We would like to know the point of view of the Allied Commission, both concerning the general problem of the establishment of Internal Commissions and the particular case as we have set forth under point 4.

THE MINISTER
Gronchi

Translation Baldazzi

/js

INTERNAL COMMISSIONS

On the 2 September 1943 in Rome, at the Ministry of Industry, Commerce and Labour, as a result of negotiations carried on under the auspices of H. Ex. the Minister Dr. Leopoldo Piccardi,

between the Confederation of Manufacturers, represented by Ing. Giuseppe Mazzini, Senator, assisted by Ing. Fabio Frigeri, Vice-Commissary

AND

the Italian Confederation of Industrial Workers, represented by On. Bruno Buozzi, assisted by the Vice-Commissaries Giovanni Roveda and Gioacchino Quarallo,

recognizing that it is convenient to revise the criterions that have been so far adopted for the appointment of workers vested with syndical offices in the industrial establishments and for the respective functions,

the following terms have been agreed upon:

ART. 1 - Internal Commissions are established inside industrial plants, the personnel of which is organized in the trade unions:

5429

a) for office-employees, whenever a minimum of 20 office-employees, with the exclusion of managing personnel, are in the employ of said plants;

b) for manual-employees, whenever at least 20 manual workers are in the employ of the plants.

Should the number of workers be lower than that specified above, a plant workers' fiduciary shall be appointed instead of the Internal Commission. There shall be no appointment of a fiduciary, whenever the number of workers is not above five.

The Commission shall be composed of three mem-

bers, whenever the number of employees, with exclusion of the managing personnel, is not above 100, of six members, if the same number is above 100 and not above 1500; of nine members if the number is above 1500.

If the Firm is operating more than a single plant, or if it is composed of several branch-establishments or branch-offices, the Internal Commission shall be appointed for each one of the branch-establishments or of branch-offices, provided that each one of them is employing at least 20 workers belonging to the category forming the Commission in question.

ART. 2 - Both the members of the Internal Commissions and the workers' fiduciaries of each plant or office are elected by a direct voting by ballot, in which are entitled to take part all office and manual workers of age above 18 years, excluding the managing personnel. Are eligible to the above office all manual and office-employees of the Firm, who are Italian citizens, with above 21 years of age, and with a length of service with the Firm itself of at least one year. The length of service requirement is not to be applied in the case of new established Firms.

The members of Commissions are holding their office during one year and they are re-elegible.

ART. 3 - Elections are called by the local syndical associations of industrial workers, which, upon previous agreement with the Firm, will fix the date of the elections and draw up the rules, if any, connected with the same.

Elections are to take place in the premises of the Firm.

ART. 4 - Internal Commissions are entrusted with the following tasks, which they must fulfil, with the purpose of maintaining normal and peaceful relations between the Firms and their employees:

a) to maintain a liaison between the heads of the syndical association of industrial workers and the workers in the employ of the Firm;

b) to control, through workers' information, the exact enforcement of all collective labour contracts and of the plant regulations, for the purpose of attempting conciliation as per letter c) and d) or of giving proper information to the competent syndical associations;

c) to attempt a conciliatory settlement of individual controversies, without prejudice of other attempts of conciliation to be carried out under the law by competent syndical associations;

d) to carry out, upon previous authorization of the local syndical association of industrial workers, all negotiations relating to stipulation of collective labour contracts as well as for the conciliatory settlement of collective labour controversies concerning exclusively the Firm and the respective employees, as well as confronting the syndical association of employers and the Firm authorized by the same;

e) to express its own point of view concerning the internal regulations of the plant;

f) to express, on request of the local syndical association of industrial workers its own opinion concerning the stipulation of collective contracts that are interesting the entire category; and to take part, where necessary, with its own representatives, in the negotiations concerning the stipulation of the said contracts or for the conciliatory settlement of collective controversies;

g) to set forth proposals concerning the working systems and manufacturing processes, by collecting, considering and, where necessary, by submitting to the interested Firms, the proposals and suggestions made by the workers on all possible improvements of working systems;

h) to take part, through their own representatives, in the administration of social and insurance funds attached to the Firm and maintained also by means of workers' contributions; to set forth proposals for the improvement of the professional education and social assistance on behalf of the employees of the Firm as well as for the betterment of working conditions;

i) to perform, through their own representatives, a control over the employees' messes, attached to the plants, whenever they are not of a gratuitous character for the said employees.

ART. 5 - The plant workers' fiduciaries are fulfilling the same tasks as those entrusted to the Internal Commissions, save for the tasks contemplated under let-

ter d) of the preceding article.

ART. 6 - The tasks fulfilled by plant workers' fiduciaries and by Internal Commissions shall not interfere with the plant output and with the normal progress of the work of the Fima.

Those in charge of a plant or industrial establishment, or of a branch-office with more than 500 employees, shall put at the disposal of the Internal Commission a suitable bureau, in order that one or more members of the same Commission may receive all information given by the workers.

ART. 7 - All the guarantees contemplated by the collective contract of 12 October 1939, concerning the removal and dismissal of industrial workers entrusted with syndical offices, are extended to the members of the Internal Commissions and to the plant workers' fiduciaries.

ART. 8 - During the first year of the enforcement of the present agreement, a third of the members of the Internal Commissions may be appointed even from amongst the workers who are deprived of the length of service contemplated by the second paragraph of Art. 2.

The present agreement becomes effective on the day of its stipulation and has a three years validity.

for the MANUFACTURERS' CONFEDERATION: (signed)
Giuseppe Mazzini
Pablo Priggeri

for the ITALIAN CONFEDERATION OF INDUSTRIAL WORKERS (signed)
Bruno Buozzi
Giovanni Roveda
Giosobino Quarello

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WBS/rwv

1 March 1946

DRAFT OF LETTER TO REGIONAL COMMISSIONERS
TOSCANA, LOMBARDIA, PIEMONTE, SICILIA
AND VENETIA

Subject: Association of State employees
and establishment of Internal
Commissions in non-industrial
Government and public establish-
ments.

1. Correspondence is in progress
with the Italian Government following the
question raised by the Prefect of Florence
regarding the recognition of Internal
Commissions in non-industrial State and
public establishments.

2. The Italian Government have
expressed the opinion that such Commissions
should not be allowed to function and in
informal conversations the view has been
expressed by Italian Government represen-
tatives that State officials should not be
allowed to form associations.

3. Allied Commission has ex-
pressed the opinion that while Internal
Commissions as operating in private indus-
try are not appropriate to State non-
industrial establishments, State employees
should be allowed freedom of organization
for the normal purposes of workers'
associations although the right to strike
should be withheld and additional safe-
guards might be necessary regarding
police and security services. 5421

4. The Italian Government has
been invited to agree on policy which can
be put into operation by Allied Military
Government in territory at present under
AMG and in Northern territory as it
becomes liberated. Regional Commissioners
will wish to know of this interchange and
will be kept informed of developments so
that they may know how to deal with situ-
ations which may arise.

5. The above statements of
principle are without prejudice to the
general question of Internal Commissions
in non-Government industrial establish-

1. Correspondence is in progress with the Italian Government following the question raised by the Prefect of Florence regarding the recognition of Internal Commissions in non-industrial State and public establishments.

3. The Italian Government have expressed the opinion that such Commissions should not be allowed to function and in informal conversations the view has been expressed by Italian Government representatives that State officials should not be allowed to form associations.

2. Allied Commission has expressed the opinion that while Internal Commissions are operating in private industry are not appropriate to State non-industrial establishments, State employees should be allowed freedom of organization for the normal purposes of workers' associations although the right to strike should be withheld and additional safeguards might be necessary regarding police and security services. 5421

4. The Italian Government has been invited to agree on policy which can be put into operation by Allied Military Government in territory at present under AMG and in Northern territory as it becomes liberated. Regional Commissioners will wish to know of this interchange and will be kept informed of developments so that they may know how to deal with situations which may arise.

5. The above statements of principle are without prejudice to the general question of Internal Commissions in non-Government industrial establishments and to the attitude to be adopted where workers have been given an active share in management under the neo-Fascist regime in Northern Italy. Instructions on these particular points will be issued separately.

Brigadier-General H. B. McKinley
Acting Vice President
Economic Section

DRAFT OF LETTER TO PAUL KIMMEL

Sir:

In your letter of 11 January 1945, you referred to an inquiry from the Prefect of Florence regarding the institution of Internal Commissions in State offices and in establishments under the control of the State, and you indicated that the Italian Government does not approve the institution of such Commissions in non-industrial establishments under Government control.

This Allied Commission agrees with your view that Internal Commissions as operating in industrial establishments are not appropriate to non-industrial Government establishments. I think it opportune to mention, however, that it appears to be proper to allow freedom of organization of professional, technical, administrative and clerical Government employees for the normal purposes of workers associations. Obviously, for State employees the right to strike should be withheld and additional restrictions should be placed on members of the police and security forces.

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Apart from the particular question raised by the Prefect of Florence, Allied Military Government will encounter the question of the association of Government non-industrial employees and Internal Commissions in areas now under Allied Military Government and in the North of Italy when it becomes liberated. It is desirable, therefore, that there should be agreement with the Italian Government on the policy to be observed, and I should be glad to learn the extent to which Your Excellency is in agreement with the general principles mentioned in Paragraph 2.

Brigadier-General P. E. McKinley
Acting Vice President
Economic Section

control of the State, and you indicated that the Italian Government does not approve the institution of such Commissions in non-industrial establishments under Government control.

This Allied Commission agrees with your view that Internal Commissions are operating in industrial establishments are not appropriate to non-industrial Government establishments. I think it opportune to mention, however, that it appears to be proper to allow freedom of organization of professional, technical, administrative and clerical Government employees for the normal purposes of workers associations. Obviously, for State employees the right to strike should be withheld and additional restrictions should be placed on members of the police and security forces.

5422

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Brigadier-General E. B. McKinley
Acting Vice President
Economic Section

FILE

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB COMMISSION

WHH/ao

REF : LSC/210

1 March 1945

SUBJECT: Internal Commissions in Northern Italy -
- Workers' share in Management.

TO : Col. Benzoni

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 in view of planning for northern Italy.

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S. M. BRAINE
Director,
Labour Sub-Commission

Translation Letorraca

/tr

From: IL LAVORO

18 February 1945

RADIO EMPLOYEES WILL TAKE PART IN THE MANAGEMENT
OF R.A.I.

Yesterday afternoon R.A.I. employees held a general meeting. Representatives of the Theatrical Federation also attended the meeting, during which the most important problems concerning the new Italian Radio and the economic situation of R.A.I. employees were discussed. The plant commission (commissione interna) gave an explanation of its interview with the C.G.I.L. secretaries and the commissioner of I.R.I., H.E. Piccardi.

The plant commission proposed an order of the day which was unanimously approved by the assembly. The order of day contained a request to effect that the Government and I.R.I. (Istituto Ricostruzione Industriale) give all their support for the improvement of the actual and future situation of R.A.I.

The assembly expressed its satisfaction in learning that H.E. Piccardi had assured the radio employees that their representatives would take part in the managing council of R.A.I.

R.A.I. employees are particularly hopeful that H.E. Piccardi will do his best in assigning new, honest and capable men at the head of R.A.I. and that economic improvements will be soon granted to all employees.

The assembly, with its order of the day, deplored the fact that the most responsible posts were already assigned while many individuals are still under the Nazi-Fascist domination.

Other questions were also discussed among which the regulation of the plant commission, a temporary agreement regarding economic improvements and the adoption of a sole collective contract for all radio workers.

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Other questions were also discussed among which the regulation of the plant commission, a temporary agreement regarding economic improvements and the adoption of a sole collective contract for all radio workers.

The discussions were carried out under the chairmanship of Esule Sella. Among the attendants were Calvi, Lupi, Paolozzi, Arista, Lametta, Blasucci, Olmeda, Greci, Conti, Granata, Meuro, Bocolari, Calarocco and Luschi.

IL LAVORO
18 Febbraio 1945

I lavoratori della radio parteciperanno alla gestione della R.A.I.

I lavoratori della R.A.I. hanno tenuto ieri nel pomeriggio un'assemblea generale, alla presenza dei rappresentanti della Federazione dello spettacolo, nella quale sono stati esaminati e precisati in maniera costruttiva i più importanti problemi relativi alla nuova radio italiana e al trattamento dei dipendenti della R.A.I. La commissione interna ha riferito intorno ai colloqui avuti, d'accordo con i rappresentanti sindacali, con la segreteria della CGDL e con il commissario straordinario dell'I.R.I., S. E. Piccardi.

La commissione interna ha quindi proposto un ordine del giorno che è stato approvato dall'assemblea all'unanimità. L'ordine del giorno chiede che lo Stato e l'I.R.I. dedichino la massima cura all'attuale situazione e all'avvenire della R.A.I., le

cui difficoltà finanziarie vanno risolte al di fuori di qualsiasi estraneo intervento capitalistico o senza alcuna decisione di alienazione o trasformazione. L'assemblea dei lavoratori della radio, continua l'ordine del giorno, «prende con compiacimento atto delle assicurazioni date da S. E. Piccardi circa la costituzione al più presto possibile degli organi ordinari di amministrazione e di controllo, con la partecipazione al consiglio di amministrazione di rappresentanti delle categorie di lavoratori. I lavoratori della radio confermano a S. E. Piccardi la fiducia nella sua opera intesa a mettere alla testa dell'azienda uomini nuovi, onesti e competenti, che ispirino fiducia a tutti dentro e fuori l'Ente, ed auspicano che si abbia a provvedere con la massima urgenza al miglioramento delle condizioni economiche dei lavoratori».

L'assemblea nel suo ordine del giorno ha anche deplorato che, in gestione commissariale, che è di carattere eccezionale, e mentre ancora molti elementi si trovano sotto il dominio nazi-fascista, siano assegnati i posti di maggiore responsabilità.

Successivamente sono stati discussi diversi argomenti tra i quali il regolamento della commissione interna, l'accordo temperaneo di compromesso per il trattamento economico e la possibilità di un contratto collettivo unico per tutte le categorie di lavoratori della radio. Alla discussione che è stata diretta da Esule Sella, hanno partecipato numerosi lavoratori tra cui Calvi, Lupi, Paolozzi, Ariosta, Lauretta, Blasucci, Olmeda, Greci, Conti, Graunata, Mauro, Bocolari, Colarocco e Lucchi.

5420

File LSL/213

Translation Baldassari and Istorrace

/js

TEXT OF A DECREE ON THE SOCIALIZATION AND STATE MANAGE-
MENT OF CONCERNS

Text of Legislative Decree of 12 February 1944
on the Socialization of Concerns:

The "Duce" of the Italian Social Republic,
Having seen the Labour Chart; having seen the
preamble to the new economic-social State structure,
as approved by the Council of Ministers on 13 Ja-
nuary 1944,

Having heard the Council of Ministers,
on proposal of the Minister for Corporative Eco-
nomy, in agreement with the Ministers of Finance and
Justice, is issuing the following decree:

TITLE IOn the socialized management of the Concerns

Art. 1 - (Management of concerns) - The man-
agement of concerns, whether the latter are under State
or personal ownership, is socialized. Labour is direct-
ly taking part in the management of the same.

The organization of socialized concerns is govern-
ed by this decree, as well as by the Statute or Regula-
tions of each concern and by the rules of Civil Code
and the special laws existing in the matter, in so far
as they are not in contrast with the provisions of this
decree.

Art. 2 - (Agencies for the management of concerns)
- The following are the agents and agencies for the man-
agement of concerns:

a) for private concerns under the form of a joint
stock company or of limited partnership with at least
one million capital: the Head of the concern, the Assem-
bly, the Administration (management) Council and the
Trade Union Board;

b) for private concerns organized along other
partnership lines: the Head of the concern and the
Administration (management) Council;

c) for concerns under personal ownership: the
Head of the concern and the Management Council;

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6) for concerns under State ownership: the Head of the concern, the Management Council and the Trade Union Board.

SECTION I

Management of concerns under personal ownership

Paragraph 1 - Management of concerns with corporate capital.

Art. 3 - (Agencies for the management of Joint stock Companies and of Companies with limited liability of corporate stock holders (limited partnership)).- In the Joint stock Companies and in those with limited partnership possessing at least one million capital, also the representatives appointed by the personnel of each concern shall take part in the working of the mechanism of collective management, that is: manual workers as well as administrative, technical and management employees.

Art. 4 - (Assembly, Management Council, Trade Union Board). - While the provisions of Articles 3368 and following of the Civil Code remain unchanged as well as those relating to the powers of the Assembly, the workers' representatives shall take part in the same Assembly with a number of votes equal to that of the attendant representatives of the capital.

The Assembly shall appoint a Management Council formed by half by the stockholders representatives and by the other half by the representatives of the workers.

The Assembly shall appoint also an Auditors Board, which must comprise among its members at least an Auditor in office and a substituting Auditor designed by the workers' representatives, while the provisions of the Civil Code for the appointment of Trade Union Boards remain unchanged.

Art. 5 - (Voting) - At a parity of votes, both in the voting of the Assembly and of the Management Council, there shall prevail the vote of the Head of the concern, who is personally entitled to preside over the said managing agencies.

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Art. 6 - (Management Council of Companies other than under form of a joint stock or of limited partnership). - In the companies not contemplated in the preceding Art. 3, with at least one million capital or at least 100 workers in their employ, the Management Council will be formed by stockholders and by an equal number of re-

representatives appointed by the workers in the employ of each concern.

Art. 7 - (Powers of the Management Council) - The Management Council of private concerns organized along partnership lines shall fulfil the following tasks, on the basis of a periodical and systematic survey of the technical, economic and financial elements of the management:

a) to take a decision on all questions relating to the existence of the concern, as well as to the scope and expansion of productive activity within the framework of the national plan established by competent State agencies;

b) to make known its standpoint on the stipulation of labour agreements relating to each concern, in connection with the Syndical Associations affiliated to the Unique Confederation of Labour, Technique and Arts, and on any other question connected with the discipline and protection of labour within each concern;

c) to exercise, in general, within the respective concern, all the powers delegated to the Management Council by the Statute, as well as those contemplated by the laws actually in force pertaining to the activity of administrators, provided that such Statute and laws are not in contract with the provisions of this decree;

d) to draw the balance sheet of the concern and to propose the division of profits of the concern, according to the provisions of the present decree and of Civil Code.

Art. 8 - (Bail for the members of the Management Council). - The members of the Management Council appointed by the workers are dispensed from the obligation of giving bail.

Art. 9 - (The Head of Concern). - In the Joint stock Companies and in those with limited partnership with at least one million capital, the Head of the concern is appointed by the Assembly.

In all other concerns with corporate capital, the Head of the concern is appointed by the members of the Company, in accordance with provisions contemplated in the Foundation Acts, Statute and Regulations of the Company itself.

Art. 10 - (Powers of the Head of concern) - The Head of the concern calls and presides over the Assembly, in the concerns where the latter exists; likewise

It presides over the meetings of the Management Council and represents the concern in its relations with third parties.

On him are falling the responsibilities and duties specified in Art. 21 and following, and he is exercising all the powers delegated to himself by the Statute, as well as those contemplated by the laws actually in force, in so far as they are not in contrast with the provisions of the present decree.

Chapter 2 - Management of private concerns with personal capital.

Art. 11 - (Management Council). - Within the private concern, provided that the invested capital is of at least one million, or the number of employed workers is at least of 100, it shall be established a Management Council composed of at least 3 members, to be appointed, according to the regulations governing the concern, by the different categories of workers: manual workers, administrative, technical and managing employees.

Art. 12 - (Head of concern). - (Powers of the Management Council). - Within each private concern, the employer, to whom it is acknowledged a legal position as Head of the concern, with the responsibilities and duties as specified in articles 21 and following, is being assisted in the management of the concern itself, by the Management Council, which is under obligation to conform its activity with the leading principles of the social policy of the State.

The Employer, Head of the concern, is under obligation to call at least once in a month a meeting of the Council, in order to submit to the consideration of the same all questions concerning the productive activity of the concern, and to call another meeting, at least once in a year, at the closing of balance sheet, for the approval of the same and the division of profits.

SECTION II

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Management of concerns under State ownership

Art. 13 - (Head of concern). - The Head of concern under State ownership is appointed, by a decree enacted by the Minister of Corporative Economy in agreement with the Minister of Finance, on proposal of the Management and Financing Institute, from amongst the members of the Management Council of the concern, or from amongst other members of the concern belonging to the same sector of

productive activity, provided that the appointed person is deserving trust for his technical and administrative ability.

On the Head of concern are falling the responsibilities and duties specified in Art. 21 and following and he is exercising all the powers delegated to himself by the Statute of each concern.

ART. 14 - (Management Council) - The Management Council is presided over by the Head of the concern and is being formed by representatives appointed by the various categories of workers in the employ of the concern: manual workers, technical, administrative and managing employees, as well as by at least a representative proposed by the Management and Financing Institute and appointed by the Minister of Corporative Economy, in agreement with the Minister of Finance.

The rules governing the election of the Council and the number of the members of the latter, will be fixed by the Statute of each concern.

No special reward, save the refunding of expenses, is due for their activity, to the members of the Council.

ART. 15 - (Powers of the Management Council). - For the powers entrusted with the Management Councils of concerns under State ownership, the rules specified in the preceding Art. 7 are to be considered as valid.

ART. 16 - (Trade Union Board) - Trade Union Board of concerns under State ownership are established by a decree of the Minister of Corporative Economy, in agreement with the Minister of Finance, on proposal of the Management and Financing Institute. The reward to be paid to the Auditors is fixed by the Management and Financing Institute.

ART. 17 - (Approval of the balance sheet and division of profits - Decisions exceeding the scope of usual administration). - The balance sheet of concerns under State ownership, as well as the scheme of the division of profits, the increase or diminution of capital, not less than the amalgamations, concentration, dissolving and selling off of concerns under State ownership, are proposed by the Management and Financing Institute, following an hearing of the Management Council of the interested concerns, with the approval of the Minister for Corporative Economy, in agreement with the Minister of Finance and with the other interested Ministers.

SECTION IIIProvisions common to the preceding Sections

Art. 18 - (Foundation and statutory Acts of concerns under State ownership). - Foundation and statutory acts concerning the concerns under State ownership, as well as every alteration of the same acts are approved by a decree of the Minister for Corporative Economy, in agreement with the Minister of Finance.

Art. 19 - (Statutes and regulations of concerns under private ownership). - Within the date of 30 June 1944, all concerns under private ownership, must provide to conform their Statutes to the provisions contemplated in the present decree. Also personal concerns, not governed by a Statute, must draw up a text of regulations within the above mentioned date.

Both Statutes and regulations must be submitted, within a 30 days period, to the homologation of the tribunal, which, following the ascertainment of their regularity and conformity with the provisions of the present decree and the other laws actually in force, shall order their transcription in the concerns' register.

Art. 20 - (Rules governing the election of workers' representatives). - Representatives of the workers invited to form part of the organization of socialized concerns, whether the latter are under State or private ownership, are to be elected with secret vote by all the workers in the employ of the concern, viz: manual workers, technical, administrative and managing employees, from a list drawn up by communal trade unions of the different labour categories. The list in question shall comprise a number of workers multiple of that of the representatives to be elected and proportionate to the different categories of workers in the employ of the concern.

SECTION IVResponsibility of the Head of the concern and of the administrators.

Art. 21 - (Responsibility of the Head of the concern). - The Head of the concern, whether the latter is under State or private ownership, is personally responsible to the State of the progress of working activity within the concern. He is liable to be dismissed or replaced by another Head, according to the provisions of

the following articles, as well as whenever his activity is not in line with the general production plans and with leading principles of the social policy of the State, in such cases as contemplated by laws actually in force.

Art. 22 - (Replacement of the Head of concern under State ownership). - In concerns under State ownership, the replacement of the Head of concern is ordered by the Minister of Corporative Economy, in agreement with the Minister of Finance, either officially or on proposal of the Management and Financing Institute or of the Management Council or of the Auditors, after that all due ascertainties on the matter have been made.

Art. 23 - (Replacement of the Head of private concerns with corporate capitals). - In the Joint stock Companies the replacement of the Head of the concern is decided upon by the Assembly. In all other concerns with corporate capital, the replacement of the Head of concern is governed by the Foundation Acts, as well as by the Statutes and Regulations of it may be proposed by the Management Council, according to the same procedure contemplated by Articles 21 and following concerning private concerns under personal ownership.

The Minister for Corporative Economy is empowered to replace ex officio the Head of concern, whenever the latter shows to be deprived of a sense of responsibility and to disregard his duties, as mentioned in Art. 21.

Art. 24 - (Replacement of the Head of a concern under private ownership). - In private concerns with capital under personal ownership, the employer Head of the concern, may be replaced only as a result of a sentence issued the Labour Magistracy, fixing the responsibility of the said Head.

The action of placing the responsibility as above, may be promoted by the Management Council of the concern, or by the Management and Financing Institute or by the Minister of Corporative Economy, by means of a petition forwarded to the State-Attorney of the Court of Appeal of the competent territory.

Art. 25 - The Labour Magistracy, after ⁵⁴¹⁹ heard the employer, the Public Prosecutor, the Management Council of the concern as well as the Management and Financing Institute, and following a due ascertainment of facts, shall issue a sentence on the responsibility of the employer.

It is allowed an appeal against the sentence to the Supreme Court, as per Art. 426 of the Code of Civil procedure.

Art. 26 - (Sanctions against the Head of concerns)- Following the sentence that declares the responsibility of the employer, the Minister of Corporative Economy adopts those administrative provisions which he judges fit for the case and, if necessary, entrusts the management of the concern to a cooperative to be organized by the attached personnel of the concern.

Art. 27 - (Cautionary Measures) - Pending the action as per preceding articles, the Minister of Corporative Economy may suspend the employer, Head of concern, from his activity and appoint a commissioner for the temporary management of the concern.

Art. 28 - (Responsibilities of the members of the managing council) - Whenever the managing council of a concern under State or private ownership does not show enough sense of responsibility in carrying on the functions concerning the improvement of the concern's activity, which must be in conformity with the production plans and social policy of the Republic, the Minister of Corporative Economy in accordance with the Minister of Finance may dissolve the council and appoint a commissioner for the temporary management of the concern.

The intervention of the Minister of Corporative Economy may take place officially, on request of the managing and financing Institute, if interested, or on request of the Head of concern as well as of the assembly or of the majors.

Art. 29 - (Penal Sanctions) - All penal sanctions, contemplated by the laws governing employers and managers of commercial companies, may be applied to the Head of concern and to the members of the managing council of concerns under State or private ownership.

TITLE II

5412

Concerns under State Ownership

Art. 30 - (The passing of concerns under State ownership) - The ownership of concerns in connection with the basic sectors of the politic and economic independence of the country, as well as concerns which supply raw materials or which perform indispensable services for the development of social life, may be assumed by the State according to the rules of the present decree.

When a concern embraces firms having different producing activities, the State may assume the ownership of only a part of the same concern. The State may also have a part in the formation of the capital of private concerns.

Art. 31 - (Ascertainment of a concern to be passed under State ownership) - From time to time the concerns which are to be passed under State ownership will be determined by decree of the Head of the State, on hearing the managing council, on proposal of the Minister of Corporative Economy and in accordance with the Minister of Finance.

Art. 32 - (Controlling management. Appointment of inspectors and Government Commissioners). - By means of the same decree as per preceding article or by means of following decrees, concerns which have been chosen to pass under State ownership are subject to control as per procedure contemplated by the law of 17 July 1942, No 1100. The same decree contemplates the appointment of inspectors. The temporary management of a concern may be given to one of the managers of a concern who will function as commissioner of the Government.

Art. 33 (Voidance of businesses that modify the legal status of capital ownership) - All businesses among living persons which modify the legal status of capital ownership in regards to securities representing the capital of concerns which are to be passed under State ownership are considered null from the day on which the passing of ownership is effected.

Art. 34 (Management of capital of concerns under State ownership) - The capital of concerns under State ownership is administered by a managing and financing Institute. The establishment of the Institute and the approval of its respective statute will be fixed by means of separate provisions.

Art. 35 - (Tasks of the managing and financing Institute) - The managing and financing Institute controls the activities of a concern as per Art. 29, according to instructions of the Minister of Corporative Economy and it also administers the shares of private concerns owned by the State.

Art. 36 - (Transformation of capital quotas) - Capital quotas formerly invested in private concerns which pass under State ownership are substituted by credit

quotas which are apportioned to the different shareholders by the managing and financing Institute. These quotas of credit are represented by securities which are issued by the same Institute according to the following article 40.

Art. 37 - (Transfer of capital quotas) - The substitution of capital quotas formerly invested in each concern which passes under State ownership with securities of the managing and financing Institute is effected by an amount equal to the effective value of the aforementioned quotas.

Art. 38 (Fixing of the value of capital quotas) - The effective value of capital of concerns to be passed under State ownership is fixed by a decree of the Minister of Cooperative Economy in accordance with the Minister of Finance and on proposal of the managing and financing Institute in contradiction with the managers of the concern.

The managers of the concern may appeal to the State Council against the Minister's decree within 60 days of its issue.

Art. 39 - (Characteristics of securities of the managing and financing Institute) - The securities of the managing and financing Institute are personal, negotiable, transferable and their incomes are liable to changes.

The securities are issued in different series according to the various sectors of production. The Committee of Ministers appointed for the protection of savings and credit management annually fixes the income series, on proposal of the managing and financing Institute, by keeping account of the producing sectors and of the production viewed as a whole.

Art. 40 - (Limitation of the negotiability) of securities) - It is requested that the Committee of Ministers, appointed for the protection of savings and credit management, limit the negotiability of securities of the managing and financing Institute issued in substitution of capital quotas. It is also requested that the aforementioned Committee registers in the books of the Institute the credits of the securities of each capital quota without delivering the securities.

Art. 41 (Modalities concerning the passing of concerns under State ownership) - Together with the decree that establishes the passing of private concerns under State ownership there will be also issued a number of additional rules governing the passing of the same concerns as well as other rules governing the transfer

of capital to the State and the distribution of securities of the managing and financing Institute to those who are entitled to them.

T I T L E I I I

Fixation and Division of Profits

Art. 42 - (Fixation of Profits) - The net profits of concerns are shown by the complete balance according to the rules of the Civil Code and on the basis of a firm's bookkeeping which may successively be unified by opportune law provisions.

Art. 43 - (Remuneration of capital) - After the setting aside of reserve--funds according to the laws and after the constitution of eventual special reserves that will be established by statutes and regulations these will be allowed a small profit on the capital invested in the concern; such a profit is to be fixed by the ministerial committee, appointed for the protection of savings and credit management, for the different productive sectors.

Art. 44 - (Allotment of Profits to Workers) - Residual Profits available after the allotments given to capitalists as per above art. 43, will be shared among the office, manual and technical workers proportionate to the amount of pay received during the year.

Such an allotment cannot however exceed the 30% of the total net pays granted to workers during the year.

Surplus profits will be deposited in a compensation fund (Cassa di compensazione) administered by the managing and financing Institute which will use the surplus amount for social and productive scopes.

The regulation of the abovesmentioned fund by means of a provision issued by the Minister of Corporative Economy in accordance with the Minister of Finance.

Art. 45 - (Profit Shares)- The profit share of a concern with capital under private ownership to be given to workers must be proportionate to the percentage of the ascertained income in connection with the income tax.

Art. 46 - The present decree, which will be published in the "Gazzetta Ufficiale d'Italia" is registered in the official collection of laws and decrees and it bears the seal of the State.

The present decree will become effective on the day that will be fixed by a following decree of the Duce.

THE MANAGING AND FINANCING INSTITUTE

Here is the text of the decree concerning the establishment of the managing and financing Institute:

Art. 1 - The managing and financing Institute is established in Rome as an organization having a legal status.

Art. 2 - The managing and financing Institute has the following scopes:

- a) to administer the capital of concerns under State ownership;
- b) to have a part in the formation of the capital of private concerns;
- c) to take charge of the selling off of shares which do not interest the State;
- d) to provide the financing of concerns under private or State ownership.

Art. 3 - The Managing and financing Institute has two sections:

- a) management section for the purpose as per above letters a, b, c, of art.2;
- b) finance section for the purpose as per above letter b of article 2;

Each section has a legal status and its own balance as well as its own capital assets.

Art.4 - The Istituto per la Ricostruzione Industriale (I.R.I. = Industrial Reconstruction Institute) and the Istituto Mobiliare Italiano (I.M.I.) constitute the two sections mentioned in the above article.

The Istituto per la Ricostruzione Industriale (I.R.I.) forms part of the management section and it is called

Istituto per la Ricostruzione Industriale (I.R.I.) -
Section of the managing and financing Institute.

The Istituto Mobiliare Italiano (I.M.I.) forms part
of the finance section and is called Istituto Mobiliare
Italiano (I.M.I.) - Section of the managing and financing
Institute.

Art. 6 - The management and finance sections of
the Institute are composed of the following:

a) president of the Istituto for Industrial Recon-
struction (I.R.I.) and for the Istituto Mobiliare Ita-
liano (I.M.I.) save provisions contained in the follow-
ing articles 7, 8, 9.

With a following decree of the Minister of Corpo-
rative Economy, in accordance with the Minister of Fi-
nance, if necessary modifications will be made to the
Statutes of the Istituto Mobiliare Italiano.

(Translation of this article is not clear because
italian text lacks of a whole sentence).

Art. 6 - In derogation from the contents of ar-
ticle 16 of the Statute of I.R.I., the managing council,
management section, is composed of the following:

a) president of the managing and financing Insti-
tute;

b) vice-president of the managing and financing
Institute appointed for such position in connection with
the management section;

c) 8 members of which 5 are appointed by the Corpo-
rative Economy, 2 by the Ministry of Public Works, one
by the Ministry of Communications and 2 by the Confedera-
tion of Labour and Arts.

Art. 7 - In derogation from the contents of arti-
cle 18 of the Statute of I.R.I., the managing council,
finance section, is composed of the following:

a) president of the managing and financing Insti-
tute;

b) vice-president of the managing and financing
Institute appointed for such a position in connection
with finance section;

c) 8 members of which 2 appointed by the Ministry
of Finance, 3 by the affiliated institutes, 2 by the Mi-
nistry of Corporative Economy, one by the Ministry of
Communications and one by the Confederation of Labour
and Arts.

Art. 8 - In derogation from the contents of article
18 of the Statute of I.R.I. and of article 27 of the Sta-
tute of I.M.I., the executive board of the industrial re-

Construction Institute (I.R.I.) and the executive committee of the Istituto Mobiliare Italiano (I.M.I.) are respectively composed of the President of the Institute, of the vice-presidents of both sections and of 5 members appointed by their respective managing council.

Article 9 - The Minister of Corporative Economy in accordance with the Minister of Finance, appoints the President and the two vice-presidents of the managing and financing Institute, establishing the section for each of the two vice-presidents.

Article 10 - The attached Statute of the managing and financing Institute is approved.

All provisions contained in the Statutes of the two sections and the following modifications are abolished if contrary to the present decree and to the Statute of the managing and financing Institute.

The present decree, which will be published in the "Gazzetta Ufficiale d'Italia" is registered in the official collection of laws and decrees, enters in force on the day of its publication.

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