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

ACC 10000/146/314 LSC. /1306 GENERAL ORDER - No 48

(1) June - Oct 1945

Declassified E.O. 12356 Section 3.3/NNE No. 786021

ORDER - NO 48

Oct 1945

General order n. 48

File

LSC/1306

D.L.S.

MINISTERO DEL LAVORO E DELLA P. P. SOCIALE

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONCERNENTE PROVVEDIMENTI PER I LAVORATORI DELL'INDUSTRIA

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

VISTO il decreto legge luogotenenziale 25 giugno 1944, n. 151;

VISTO il decreto legislativo Luogotenenziale 1° febbraio 1945, n.50;

VISTI i contratti collettivi regolanti la Cassa per la integrazione dei guadagni degli operai dell'industria lavoranti a orario ridotto;

VISTO il decreto legislativo Luogotenenziale 21 agosto 1945, n. 523 contenente provvedimenti a favore dei lavoratori dell'alta Italia;

VISTA la deliberazione del Consiglio dei Ministri;

SULLA proposta del Ministro per il lavoro e per la previdenza sociale, di concerto coi Ministri per il tesoro, per l'industria e commercio e la grazia e giustizia;

ABBIAMO SANCITO E PROMULGHIAMO QUANTO SEGUE

Istituzione di una Cassa per l'integrazione dei guadagni degli operai dell'industria

Art. 1

Agli operai dipendenti da imprese industriali, i quali effettuino

1006

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

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONTENENTE PROVVEDIMENTI PER I LAVORATORI DELL'INDUSTRIA.

LUOGOTENENZIALE
PRESIDENZA DEL CONSIGLIO
UFFICIO STUDI, LEGISLAZIONE DEL LAVORO

In virtù dell'autorità a Noi delegata;

VISTO il decreto legge luogotenenziale 25 giugno 1944,n.151;

VISTO il decreto legislativo luogotenenziale 1° febbraio 1945, n.50;

VISTI i contratti collettivi regolanti la Cassa per la integrazione dei guadagni degli operai dell'industria lavoranti a orario ridotto;

VISTO il decreto legislativo luogotenenziale 21 agosto 1945,n.523 contenente provvedimenti a favore dei lavoratori dell'alta Italia;

VISTA la deliberazione del Consiglio dei Ministri;

SULLA proposta del Ministro per il lavoro e per la previdenza sociale,di concerto coi Ministri per il tesoro,per l'industria e commercio e la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGATO E QUANTO SEGUE:

Istituzione di una Cassa per l'integrazione dei guadagni degli operai dell'industria

Art. 1

Gli operai dipendenti da imprese industriali,i quali effettuino

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N.B.Le parole sottolineate contengono innovazioni o modifiche al testo approvato in massima dal Consiglio dei Ministri.--

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

un orario di lavoro inferiore a 40 ore settimanali con conseguente riduzione della retribuzione, è dovuta una integrazione pari ai 2/3 della retribuzione globale che sarebbe ad essi spettata per le ore di lavoro non prestate comprese fra le 24 e le 40 ore settimanali.

Agli operai per i quali siano stabiliti, per disposizione contrattuale e in relazione alle caratteristiche della loro prestazione, particolari orari, l'integrazione è dovuta per le ore effettuate in meno di tali particolari orari e in ogni caso entro i limiti di cui al comma precedente.

Agli operai con retribuzione fissa periodica, la cui retribuzione sia ridotta in conformità di norme contrattuali per effetto di una contrazione di attività, l'integrazione è dovuta entro i limiti di cui al comma 1, ragguagliando ad ora la retribuzione fissa goduta, in rapporto all'orario normalmente praticato dalle imprese industriali.

Art.2

Nel caso in cui la riduzione dell'orario di lavoro sia effettuata con ripartizione dell'orario su periodi ultrasettimanali predeterminati, l'integrazione è dovuta, entro i limiti di cui all'art.1, sulla base della durata media settimanale dell'orario nel periodo ultrasettimanale considerato.

Art. 3

L'integrazione non è dovuta agli operai lavoranti ad orario ridotto per le festività non retribuite e per le assenze che non comportino retribuzione.

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

di orario di lavoro inferiore a 40 ore settimanali con conseguente riduzione della retribuzione, è dovuta una integrazione pari ai 2/3 della retribuzione oraria che sarebbe ad essi spettata per le ore di lavoro non prestate comprese fra le 24 e le 40 ore settimanali.

Agli operai per i quali siano stabiliti, per disposizione contrattuale e in relazione alle caratteristiche della loro prestazione, particolari orari, l'integrazione è dovuta per le ore effettuate in meno di tali particolari orari e in ogni caso entro i limiti di cui al comma precedente.

Agli operai con retribuzione fissa periodica, la cui retribuzione sia ridotta in conformità di norme contrattuali per effetto di una contrazione di attività, l'integrazione è dovuta entro i limiti di cui al comma 1, ragguagliando ad ora la retribuzione fissa goduta, in rapporto all'orario normalmente praticato dalle imprese industriali.

Art. 2

Nel caso in cui la riduzione dell'orario di lavoro sia effettuata con ripartizione dell'orario su periodi ultrasettimanali predeterminati, l'integrazione è dovuta, entro i limiti di cui all'art. 1, sulla base della durata media settimanale dell'orario nel periodo ultrasettimanale considerato.

Art. 3

L'integrazione non è dovuta agli operai lavoranti ad orario ridotto per le festività non retribuite e per le assenze che non comportino retribuzione.

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

Essa non sarà pure corrisposta a quei lavoratori che durante le giornate di riduzione del lavoro si dedichino ad altre attività remunerate.

Art.4

Agli operai ammessi all'integrazione sono dovuti gli assegni familiari nella misura normale a carico della relativa Cassa.

Art.5

Agli effetti dell'integrazione le indennità accessorie alla retribuzione base,corrisposte con riferimento alla giornata lavorativa sono computate secondo i criteri stabiliti dalle disposizioni di legge e di contratto collettivo che regolano le indennità stesse,rapportate a tale ogni caso ad ora la misura delle indennità in rapporto ad un periodo di 8 ore.

Per gli operai retribuiti a cottimo,e per quelli retribuiti in tutto o in parte con premi di produzione,interessenze e simili,l'integrazione è riferita al guadagno medio orario percepito nel periodo di paga per il quale l'integrazione è dovuta.

Con decreto del Ministro del lavoro e della previdenza sociale,sentite le organizzazioni sindacali provinciali dei datori di lavoro e dei lavoratori e previo parere del Comitato di cui al successivo art.7,possono essere fissati particolari criteri,per la determinazione della retribuzione e stabilite apposite tabelle di salari medi per categoria.

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

giornate di riduzione del lavoro si dedichino ad altre attività remunerative.

Art. 4

Agli operai ammessi all'integrazione sono dovuti gli assegni familiari nella misura normale e carico della relativa Cassa.

Art. 5

Agli effetti dell'integrazione le indennità accessorie alla retribuzione base, corrisposte con riferimento alla giornata lavorativa, sono computate secondo i criteri stabiliti dalle disposizioni di legge e di contratto collettivo che regolano le indennità stesse, ragguagliate in ogni caso ad ora la misura delle indennità in rapporto ad un monte di 8 ore.

Per gli operai retribuiti a cottimo e per quelli retribuiti in tutto o in parte con premi di produzione, interessenze e simili, l'integrazione è riferita al guadagno medio orario percepito nel periodo di paga per il quale l'integrazione è dovuta.

Con decreto del Ministro del lavoro e della previdenza sociale, sentite le organizzazioni sindacali provinciali dei datori di lavoro e dei lavoratori e previo parere del Comitato di cui al successivo art. 7, possono essere fissati particolari criteri, per la determinazione della retribuzione e stabilite apposite tabelle di salari medi per categoria.

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Declassified E.O. 12356 Section 3.3/NND No. 786021

Art.6 4)

Per provvedere alla corresponsione delle integrazioni di cui agli articoli precedenti è istituita presso l'Istituto nazionale della previdenza sociale, la "Cassa per l'integrazione dei guadagni degli operai nell'industria".

Art. 7

Sovraintende alla Cassa un Comitato speciale presieduto dal presidente dell'Istituto nazionale della previdenza sociale o in sua vece o impedimento dalla persona designata a sostituirlo secondo le norme che regolano la rappresentanza dell'Istituto stesso, e composto dei seguenti membri:

1) il direttore generale della previdenza e dell'assistenza sociale e il direttore generale del lavoro del Ministero del lavoro e della previdenza sociale;

2) un rappresentante per ciascuno dei Ministeri del tesoro e dell'industria e commercio;

3) tre rappresentanti dei datori di lavoro e tre rappresentanti dei lavoratori.

Il direttore generale dell'Istituto nazionale di previdenza sociale interviene alle riunioni del Comitato con voto consultivo.

Il Comitato è nominato con decreto del Ministro per il lavoro e la previdenza sociale, sentite, per i rappresentanti dei datori di lavoro e dei lavoratori, le rispettive associazioni sindacali nazionali.

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

denza sociale,la "Cassa per l'integrazione dei guadagni degli operai dell'industria".

Art. 7

Sovraintende alla Cassa un Comitato speciale presieduto dal presidente dell'Istituto nazionale della previdenza sociale o in sua vece o impedimento dalla persona designata a sostituirlo secondo le norme di legge che regolano la rappresentanza dell'Istituto stesso e composto dei seguenti membri,

1) il direttore generale della previdenza e dell'assistenza sociale e il direttore generale del lavoro del Ministero del lavoro e della previdenza sociale;

2) un rappresentante per ciascuno dei Ministeri del tesoro e dell'industria e commercio;

3) tre rappresentanti dei datori di lavoro e tre rappresentanti dei lavoratori.

Il direttore generale dell'Istituto nazionale di previdenza sociale interviene alle riunioni del Comitato con voto consultivo.

Il Comitato è nominato con decreto del Ministro per il lavoro e la previdenza sociale,sentite,per i rappresentanti dei datori di lavoro e dei lavoratori,le rispettive associazioni sindacali nazionali.

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

art. 8

Spetta al Comitato:

1) - dare parere sulle questioni che comunque possano sorgere sull'applicazione del presente decreto;

2) - esaminare i bilanci annuali;

3) - decidere sui ricorsi riguardanti le prestazioni e i contributi.

art. 9

Contro le decisioni di cui al n.3 del presente articolo è dato ricorso, entro il termine di trenta giorni dalla comunicazione, al Ministero del lavoro e della previdenza sociale, che decide in via definitiva.

Spetta tuttavia all'interessato l'azione avanti l'Autorità giudiziaria, da proporsi entro trenta giorni dalla comunicazione delle decisioni del Ministero.

Sono in ogni caso escluse dalla competenza dell'Autorità giudiziaria le questioni relative alla determinazione della misura dei contributi e degli assegni.

art. 10

Le mansioni di controllo sulla gestione della Cassa sono esercitate da un Collegio di sindaci composto dal Presidente del Collegio sindacale dell'Istituto nazionale della previdenza sociale, che lo pre-

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

1) - dare parere sulle questioni che comunque possano sorgere sull'applicazione del presente decreto;

2) - esaminare i bilanci annuali;

3) - decidere sui ricorsi riguardanti le prestazioni e i contributi.

Art. 9

Contro le decisioni di cui al n.3 del precedente articolo è dato ricorso, entro il termine di trenta giorni dalla comunicazione, al Ministero del lavoro e della previdenza sociale, che decide in via definitiva.

Spetta tuttavia all'interessato l'azione avanti l'autorità giudiziaria, da proporsi entro trenta giorni dalla comunicazione delle decisioni del Ministero.

Sono in ogni caso escluse dalla competenza dell'autorità giudiziaria le questioni relative alla determinazione della misura dei contributi e degli assegni.

Art.10

Le mansioni di controllo sulla gestione della Cassa sono esercitate da un Collegio di sindaci designato dal Presidente del Collegio sindacale dell'Istituto nazionale della previdenza sociale, che ne p.e-

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1965

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

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

1954

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

sfede, da un rappresentante per ciascuno dei Ministeri del lavoro e della Previdenza sociale e del Tesoro, nonchè da un rappresentante dei datori di lavoro e da uno dei lavoratori, designati dal Ministro per il lavoro e la previdenza sociale, sentite, sui rappresentanti dei datori di lavoro e dei lavoratori, le rispettive confederazioni sindacali nazionali.

Il presidente del Comitato speciale è designato dal Ministro per il lavoro e la previdenza sociale.

Art. 11.

Al pagamento delle prestazioni di cui al presente decreto si provvede con un contributo a carico delle imprese industriali e col concorso dello Stato.

Il contributo a carico delle imprese è fissato nella misura del 9% delle retribuzioni lorde corrisposte agli operai.

Il concorso dello Stato è pari al sestuplo complessivo dei contributi dei datori di lavoro.

In misura del contributo a carico delle imprese non assorbito

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1964

modificata con decreto luogotenenziale su proposta del Ministro per il lavoro e la previdenza sociale di concerto col Ministro per il tesoro.

Per la determinazione e per i limiti della retribuzione soggetta a contributo, nonchè per il pagamento di esso, si applicano le disposizioni vigenti ai fini dei contributi dovuti per gli assegni familiari.

Art. 12

Il pagamento della integrazione sarà effettuato dal datore di lavoro agli operai aventi diritto, alla fine di ogni periodo di paga.

L'importo della integrazione sarà rimborsato dalla Cassa all'impresa secondo le norme per il conguaglio fra contributi dovuti e prestazioni corrisposte, in vigore per le gestioni speciali affidate all'Istituto nazionale della previdenza sociale.

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

modificata con decreto luogotenenziale su proposta del Ministro per il lavoro e la previdenza sociale di concerto col Ministro per il tesoro.

Per la determinazione e per i limiti della retribuzione soggetta a contributo, nonchè per il pagamento di esse, si applicano le disposizioni vigenti ai fini dei contributi dovuti per gli assegni familiari.

Art. 12

Il pagamento della integrazione sarà effettuato dal datore di lavoro agli operai aventi diritto, alla fine di ogni periodo di paga.

L'importo della integrazione sarà rimborsato dalla Cassa all'impresa secondo le norme per il conguaglio fra contributi dovuti e prestazioni corrisposte, in vigore per le gestioni speciali affidate all'Istituto nazionale della previdenza sociale.

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1963

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

Art. 13

E' autorizzata l'anticipazione da parte dello Stato all'Istituto nazionale della previdenza sociale, per conto della Cassa di cui l'precedente art. 6, dei fondi eventualmente necessari alla copertura degli oneri che deriveranno alla Cassa predetta per effetto del presente decreto.

L'anticipazione sarà fatta senza gravame d'interessi. Con decreto del Ministro per il tesoro sarà provveduto alla iscrizione nello stato di previsione della spesa del Ministero del lavoro e della previdenza sociale delle somme occorrenti per il pagamento delle integrazioni di cui al presente decreto.

Art. 14

Le disposizioni di cui ai precedenti artt. si applicano alle imprese già soggette al contratto collettivo 13 giugno 1941 e agli operai da essi dipendenti, nonchè ai lavoratori inscritti nei ruoli tenuti dalle Autorità preposte alla disciplina del lavoro portuale.

Le compagnie e i gruppi sono autorizzati a rivalersi sull'importo dei contributi dovuti sulle persone ed enti nell'interesse e dei quali sono compiute le operazioni di imbarco, sbarco, trasbordo, deposito e movimento in genere di merci da esse disimpegnate.

Con decreto Luogotenenziale su proposta del Ministro per il lavoro e la previdenza sociale di concerto con il Ministro del tesoro e degli af-

1962

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

Art. 13

E' autorizzata l'anticipazione da parte dello Stato all'Istituto nazionale della previdenza sociale, per conto della Cassa di cui al precedente art. 6, dei fondi eventualmente necessari alla copertura degli oneri che deriveranno alla Cassa predetta per effetto del presente decreto.

L'anticipazione sarà fatta senza gravame d'interessi. Con decreto del ministro per il tesoro sarà provveduto alla iscrizione nello stato di previsione della spesa del ministero del lavoro e della previdenza sociale delle somme occorrenti per il pagamento delle integrazioni di cui al presente decreto.

Art. 14

Le disposizioni di cui ai precedenti artt. si applicano alle imprese già soggette al contratto collettivo 13 giugno 1941 e agli operai da essi dipendenti, nonchè ai lavoratori inscritti nei ruoli tenuti dalla Autorità preposta alla disciplina del lavoro portuale.

Le compagnie e i gruppi sono autorizzati a rivalersi sull'importo dei contributi dovuti sulle persone ed enti nell'interesse dei quali sono compiute le operazioni di imbarco, sbarco, trasbordo, deposito e spedizione in genere di merci da esse disimpegnate.

Con decreto Luogotenenziale su proposto del Ministro per il lavoro e la previdenza sociale di concerto con il Ministro del tesoro e degli altri Ministri interessati le disposizioni stesse possono essere estese ad altre categorie di imprese e di operai e fissate le norme integrative che risultassero necessarie.

1962

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

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

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Art. 5

Si osservano per le [illegible] contributi previsti dal presente decreto, salvo che siano [illegible], le disposizioni del regio decreto-legge 4 ottobre 1935, n. 1827, convertito, con modificazioni, nella legge 6 aprile 1936, n. 1155, sull'esecuzione forzata e cautelare in materia legislativa della previdenza sociale, nonchè quelle sui termini, i privilegi e le esecutorietà relativi.

Art. 6

Il datore di lavoro che non provveda al pagamento dei contributi entro il termine stabilito o vi provveda in misura inferiore alla dovuta è tenuto al pagamento dei contributi o delle parti di contributo non versate, nonchè al versamento di una somma aggiuntiva pari a quella dovuta, ed è punito con l'ammenda da L. 1.000 a L. 5.000.=

Il datore di lavoro e in genere coloro che sono preposti al lavoro, ove si rifiutino di prestarsi alle ispezioni dei funzionari ed agenti incaricati della sorveglianza o di fornire loro i dati e documenti necessari ai fini dell'applicazione del presente decreto o li diano scientemente errati od incompleti, sono puniti con un'ammenda da L. 1.000 a L. 5.000.=

Chiunque fa dichiarazioni false o compie altri atti fraudolenti al fine di procurare indebitamente a sè o ad altri le prestazioni contemplate dal presente decreto è punito con la multa da L. 1.000 a L. 5.000, salvo che il fatto costituisca reato più grave.

I proventi delle pene pecuniarie sono devoluti a beneficio della Cassa di cui al precedente Art. 5.

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decreto legislativo 14 settembre 1945, n. 660, convertito, con modificazioni, nella legge 6 aprile 1946, n. 31, ed ogni altra norma e provvedimento legislativo della previdenza sociale, compresa quella sui contributi, i privilegi e le esenzioni fiscali.

Art. 6

Il datore di lavoro che non provveda al pagamento dei contributi entro il termine stabilito e vi provveda in data successiva alla scadenza è tenuto al pagamento dei contributi e delle quote di contributo non versate, nonchè al versamento di una somma aggiuntiva pari a quella dovuta, ed è punito con l'ammenda da L. 2.000 a L. 5.000.=

Il datore di lavoro e in genere coloro che sono preposti al lavoro, ove si rifiutino di prestarsi alle ispezioni dei funzionari ed agenti incaricati della sorveglianza e di dar loro i dati e documenti necessari ai fini dell'applicazione del presente decreto o li diano scientemente errati od incompleti, sono puniti con un'ammenda da L. 1.000 a L. 3.000.=

Chiunque fa dichiarazioni false o compie altri atti fraudolenti al fine di procurare indebitamente a sè o ad altri le prestazioni contemplate dal presente decreto è punito con la multa da L. 1.000 a L. 3.000, salvo che il fatto costituisca reato più grave.

I proventi delle pene pecuniarie sono devoluti a beneficio della Cassa di cui al precedente Art. 5.

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Declassified E.O. 12356 Section 3.3/NND No. 786021

Art. 17

Nelle contravvenzioni al presente decreto, il contravventore, prima dell'apertura del dibattimento nel giudizio di primo grado, può presentare domanda di oblazione all'Istituto nazionale della previdenza sociale il quale, previo parere del Comitato Speciale di cui all'art.7, determina la somma da pagarsi entro i limiti, minimo e massimo, dell'ammenda stabilita.

Nel caso in cui la contravvenzioni riguardi contributi non pagati, all'Istituto può pure, previo parere del Comitato predetto, ridurre la somma giornaliera dovuta a norma dell'art. precedente, come prima.

DISPOSIZIONI TRANSITORIE PER LE PROVINCIE DELL'ALTA ITALIA

Art. 18

A tutti gli effetti è prorogato fino alla data del 1° ottobre 1945 la validità del decreto legislativo luogotenenziale 21 agosto 1945, n°538, contenente provvedimenti a favore dei lavoratori dell'Alta Italia.

Art. 19 (ex art.21)

Le imprese industriali soggette al decreto legislativo Luogotenenziale 21 agosto 1945, n° 523, sono tenute ad osservare il divieto di cui all'art.1 del decreto stesso fino al 31 dicembre 1945.

Esse però hanno l'obbligo, a decorrere dal 15 ottobre 1945, di licenziare coloro che risultino di avere svolto qualsiasi attività per in-

1906

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

Art. 17

Nelle contravvenzioni al presente decreto, il contravventore, prima dell'apertura del dibattimento del giudizio di primo grado, può presentare domanda di oblazione all'Istituto nazionale della previdenza sociale il quale, previo parere del Comitato Speciale di cui all'art.7, determina la somma da pagarsi entro i limiti, minimo e massimo, dell'ammenda stabilita.

Nel caso in cui la contravvenzioni riguardi contributi non pagati, all'Istituto può pure, previo parere del Comitato predetto, ridurre la somma aggiuntiva dovuta a norma dell'art. precedente, comma primo.

DISPOSIZIONI TRANSITORIE PER LE PROVINCIE DELL'ALTA ITALIA.

Art. 18

A tutti gli effetti è prorogato fino alla data del 1° ottobre 1945 la validità del decreto legislativo luogotenenziale 21 agosto 1945, n°523, contenente provvedimenti a favore dei lavoratori dell'Alta Italia.

Art. 19 (ex art.21)

Le imprese industriali soggette al decreto legislativo Luogotenenziale 21 agosto 1945, n° 523, sono tenute ad osservare il divieto di cui all'art.1 del decreto stesso fino al 31 dicembre 1945.

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Esse però hanno l'obbligo, a decorrere dal 15 ottobre 1945, di licenziare coloro che risultino di avere svolto qualsiasi attività per incarico dell'OVRA o che siano stati colpiti nei provvedimenti di epurazione

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

per motivi di ragnista con una ragionevole di altro tipo.

Le imprese possono inoltre licenziare coloro che siano ricorsi nei casi in cui, per disposizioni di legge o di norme collettive, è ammessa la risoluzione del rapporto di lavoro per fatto del lavoratore o che siano incorsi in ripetuti rifiuti di accettare adatta occupazione che sia loro offerta presso altro datore di lavoro.

Le imprese medesime sono parimenti autorizzate a licenziare i lavoratori esonerati dall'Art. 12 del [illegible] e [illegible] che [illegible] st. [illegible], e cioè che siano loro riservati posti di fiducia.

Ai lavoratori di cui al primo comma del presente articolo non compete alcuna indennità di licenziamento.

Art. 20 (ex Art. 22)

Allo scopo di consentire un alleggerimento delle imprese in ordine al trapasso alla categoria di provenienza dei lavoratori assunti successivamente al 30 giugno 1945, è consentito alle imprese medesime di risolvere il rapporto di lavoro nei confronti dei lavoratori che siano occupati in mansioni diverse da quelle della categoria di normale appartenenza, fatta eccezione dei partigiani, riconosciuti come tali ai sensi delle disposizioni vigenti, dei reduci dai fronti di combattimento, dalla prigionia e dai campi di concentramento, delle vittime e dei perseguitati politici e degli apprendisti di età non superiore ai 21 anni.

Art. 21 (ex Art. 23)

Gli accertamenti delle condizioni che possano dar luogo al [illegible] di

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

le imprese medesime sono inoltre autorizzate a licenziare i lavoratori stessi incorsi nei casi di cui, per disposizioni di legge o di contratto collettivo, è ammessa la risoluzione del rapporto di lavoro per motivo dei lavoratori e che senza nuove assunzioni abbiano diritto di assistere al cui occupazione che sia loro offerta presso altre sedi di lavoro.

Le imprese medesime sono autorizzate a licenziare i lavoratori contemplati dall'Art. 15 del [illegible] e successive integrazioni dalla legge 27 [illegible] 1965, n. 903, e collocati a riposo per loro riserve personali o di altri.

Ai lavoratori di cui al primo comma del presente articolo non compete alcuna indennità di licenziamento.

Art. 20 (ex Art. 22)

Allo scopo di consentire un alleggerimento delle imprese industriali di trapasso alle categorie di provenienza dei lavoratori assunti successivamente al 30 giugno 1943, è consentito alle imprese medesime di risolvere il rapporto di lavoro nei confronti dei lavoratori che si siano occupati in mansioni diverse da quelle della categoria di normale appartenenza, fatta eccezione dei partigiani riconosciuti come tali ai sensi delle disposizioni vigenti, dei reduci dai fronti di combattimento, dalla prigionia e dai campi di concentramento, delle vittime e dei perseguitati politici e degli apprendisti di età non superiore ai 21 anni.

Art. 21 (ex Art. 23)

Gli accertamenti delle condizioni che possano dar luogo ai provvedimenti di cui agli Artt. 21 e 23 sono eseguiti da commissioni composte di due rappresentanti per parte delle organizzazioni [illegible]

1899

Declassified E.O. 12356 Section 3.3/NND No. 786021

tori e dei datori di lavoro. 12)

Le controversie che possono insorgere sono decise da tre arbitri di cui uno in rappresentanza delle organizzazioni locali dei lavoratori, l'altro in rappresentanza di quelle dei datori di lavoro e il terzo scelto d'intesa fra i rappresentanti predetti e in mancanza dal Pretore competente per territorio.

Art.22 (ex art.24)

Ai lavoratori licenziati a tenore dell'art.20, con esclusione del seguente trattamento:

1) l'indennità prevista dai contratti collettivi per la risoluzione del rapporto di lavoro;

2) una indennità mensile di L.30 a carico dell'impresa, sino quando il lavoratore non trovi altra occupazione e comunque per un altro due mesi dalla data di risoluzione del rapporto di lavoro;

3) gli assegni familiari nella misura normale a carico della Cassa relativa per tutto il periodo in cui è corrisposta la indennità di cui al precedente n. 2.

4) il trattamento di disoccupazione previsto dalle vigenti disposizioni, a decorrere dal giorno della risoluzione del rapporto di lavoro.

Art. 23 (ex art.25)

Fino al 31 dicembre 1948 le imprese industriali soggette al decreto legislativo Luogotenenziale 21 agosto 1945, n°523, presso le quali si at-

Declassified E.O. 12356 Section 3.3/NND No. 786021

tori e dei datori di lavoro.

Le controversie che possano insorgere sono decise da tre arbitri di cui uno in rappresentanza delle organizzazioni locali dei lavoratori, l'altro in rappresentanza di quelle dei datori di lavoro e il terzo scelto d'intesa tra i rappresentanti predetti e in mancanza dal Pretore competente per territorio.

Art.23 (ex art.24)

Ai lavoratori licenziati a seguito dell'art.22, compete il seguente trattamento:

1) l'indennità prevista dai contratti collettivi per la risoluzione del rapporto di lavoro;

2) una indennità giornaliera di L.[illegible] a carico dell'impresa, sino a quando il lavoratore non trovi altra occupazione e comunque per non oltre due mesi dalla data di risoluzione del rapporto di lavoro;

3) gli assegni familiari nella misura normale a carico dell'Istituto relativa per tutto il periodo in cui compete la indennità di cui al precedente n. 2.

4) il trattamento di disoccupazione previsto dalle vigenti disposizioni, a decorrere dal giorno della risoluzione del rapporto di lavoro.

Art. 23 (ex art.25)

Fino al 31 dicembre 1945 le imprese industriali soggette al decreto legislativo Luogotenenziale 21 agosto 1945, n°538, presso le quali si attua un orario superiore alle 40 ore settimanali dovranno ridurne la durata entro tale limite, allo scopo di riassorbire i lavoratori disoccupati appartenenti alla categoria per la quale è richiesta l'impiego di lavoro.

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

Fino al 1° dicembre 1945 è rimasto in vigore per le imprese predette il R.D.L. 29 maggio 1937, n.1058, sulla riduzione della settimana lavorativa a 40 ore, convertito nella legge 17 gennaio 1938, n.303.

Nelle assunzioni ai posti che si renderanno disponibili per effetto dell'applicazione della settimana lavorativa di 40 ore, deve essere data la precedenza ai partigiani riconosciuti come tali ai sensi delle disposizioni vigenti, ai reduci dai fronti di combattimento, dalla prigionia e dai campi di concentramento, alle vittime e perseguitati politici.

Art. 24 (nuovo)

Fino al 31 dicembre 1945, la integrazione di cui all'art.1 è dovuta per le ore di lavoro non prestate comprese fra le 0 e le 40 ore settimanali nei confronti dei dipendenti delle imprese soggette al decreto legislativo luogotenenziale 21 agosto 1945 e n.523 anche se rivestenti qualifica impiegatizia.

Oltre al contributo per gli operai, di cui all'art.11 del presente decreto, è dovuto dalle imprese predette un contributo nei confronti degli impiegati nella misura del 5% degli stipendi al lordo corrisposti, con decorrenza dal 1° ottobre al 31 dicembre 1945.

Per il computo dei contributi dovuti dalle imprese stesse nei confronti degli operai e degli impiegati non si applicano fino al 31 dicembre 1945 i limiti per la retribuzione previsti dall'ultimo comma dell'art.11 succitato.

DISPOSIZIONI FINALI

Art.25 (ex art. 19)

1897

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

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Per il computo dei contributi dovuti dalle imprese stesse nei confronti degli operai e degli impiegati non si applicano fino al 31 dicembre 1945 i limiti per la retribuzione previsti dall'ultimo comma dell'art.11 succitato.

DISPOSIZIONI FINALI

1897

Art.25 (ex art. 18)

I contratti collettivi di lavoro 13 giugno 1941 e 29 luglio 1941, relativi alla cassa integrazione dei guadagni degli operai

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

dell'industria lavoranti a cottimo ridotto, sono abrogati.

Cessano i rimborsi posti a carico della Cassa stessa di indennità e di assegni previsti da contratti collettivi di lavoro, fermo restando l'obbligo da parte delle aziende di corrispondere a proprio carico ai lavoratori aventi diritto le indennità e gli assegni previsti da tali contratti.

Le richieste di prestazioni da parte degli aventi diritto a carico della Cassa medesima di rimborsi da parte dei datori di lavoro e di contributi ma quali dovuti che si riferiscono a periodi anteriori alla data di entrata in vigore del presente decreto dovranno essere fatte sotto pena di decadenza entro sei mesi dalla data predetta.

art. 26 (ex art. 20)

Con la data del 14 ottobre 1945 è chiusa la gestione relativa alla Cassa di cui al precedente articolo ed è istituita per essa una gestione di stralcio presso l'Istituto nazionale della previdenza sociale sotto la vigilanza del comitato, di cui all'art. 7 del presente decreto.

I saldi attivi e passivi della gestione predetta saranno devoluti alla Cassa di cui all'art. 6 del presente decreto.

Le operazioni inerenti alla integrazione salariale previste dal decreto legislativo Luogotenenziale 21 agosto 1945, n. 523, e quelle compiute in esecuzione del presente decreto fino al 31 dicembre 1945 nelle provincie soggette al decreto legislativo predetto, costituiscono una distinta gestione per la quale con decreto Luogotenenziale promosso dal Ministro per il lavoro e la previdenza sociale di concerto con il Ministro del tesoro,

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

ferme restando l'obbligo da parte delle aziende di corrispondere a proprio carico ai lavoratori aventi diritto le indennità e gli assegni previsti da tali contratti.

Le richieste di prestazioni da parte degli aventi diritto a carico della Cassa medesima di rimborsi da parte dei datori di lavoro e di contributi da questi dovuti che si riferiscono a periodi anteriori alla data di entrata in vigore del presente decreto dovranno essere fatte sotto pena di decadenza entro sei mesi dalla data predetta.

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

eventuali disavanzi e per la devoluzione degli eventuali residui attivi, sentito il Comitato suindicato.

Art. 27

La vigilanza per l'applicazione del presente decreto è esercitata dal Ministero del lavoro e della previdenza sociale a mezzo dei funzionari dell'Ispettorato del Lavoro.

Art. 28

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

Esso avrà effetto per le provincie soggette al decreto Legislativo Luogotenenziale 21 agosto 1945, n. 523, dal 15 ottobre 1945 per quelle restituite all'amministrazione del Governo Italiano, e per le altre dalla data della quale il Governo Militare Alleato ne disporrà l'applicabilità.

1893

Declassified E.O. 12356 Section 3.3/NND No. 785621

Final draft

MINISTRY OF LABOUR AND SOCIAL SECURITY

DRAFT OF LEGISLATIVE DECREE OF LIUTENANT GENERAL CONTAINING PROVISIONS FOR WORKERS IN INDUSTRY

UMBERTO DI SAVOIA
Prince of Piedmont
LIEUTENANT GENERAL OF THE REALM

By virtue of the authority vested in us;

Having seen the lieutenancy law decree of 25 June 1944, No. 151;

Having seen the lieutenancy decree of 1 February 1945, No. 58;

Having seen the collective contracts regulating the fund for additional payment of wages to workers in industry working part time;

Having seen the legislative decree of the Lieutenant General of 21 August 1945, No. 523 containing provisions for workers in Northern Italy;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

WE HAVE SANCTIONED AND WE
PROMULGATE AS FOLLOWS:

Art. 1

Workers employed by industrial undertakings, who work for less than 40 hours a week, thereby suffering a reduction in wages, are entitled to additional payment equal to 2/3 of the global wage to which they would have been entitled, for the number of hours between 24 and 40 per week, during which they did not work.

Workers for whom special working hours are laid down, either by contract clauses or by reason of the kind of work, are entitled to additional payment for time not worked in such particular working hours, and in every case, within the limits

Declassified E.O. 12356 Section 3.3/NND No. 786021

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Workers for whom special working hours are laid down, either by contract clauses or by reason of the kind of work, are entitled to additional payment for time not worked in such particular working hours, and in every case, within the limits prescribed in the above para.

Workers with fixed wages on a time basis, whose wages are reduced because of reduced activity, are entitled to additional payment within the limits established by para 1, the wage received being adjusted on an hourly basis, in accordance to the working hours normally laid down by the industrial undertakings;

Art. 2

Where reduction of working hours is made, by extending the working hours over forestablished periods longer than a week, additional payment is due within limits of Art. 1, on the

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

basis of the average weekly duration of the hours worked during the extended period in question.

Art. 3

Additional payment is not due to workers employed for reduced hours by reason of unpaid holidays or absence from work involving loss of pay.

It will also not be paid to those workers who, during part-time working days, undertake other salaried activities.

Art. 4

Workers entitled to additional payment are entitled to Family Allowance in the normal manner to be paid by the Fund (Cassa) concerned.

Art. 5

In calculating the additional payment, supplementary indemnities to the basic wage that are payable in relation to a daysbwork are computed according to the principles laid down by law and collective agreement which govern the said indemnities, the amount of the indemnity for a working period of 8 hours being in any case adjusted on a hourly basis.

For workers on a piecework basis and for those paid entirely or in part in production premiums, co-partnership and such like, additional payment is in proportion to the average hourly earnings during the working period for which supplementation is due.

The Minister for Labour and Social Security, after having heard the employers' and workers' provincial Trade Union organisations as well as the special Committee provided by the following art. 7, can lay down, by decree separate principles for the fixing of wages, and eventually can establish special tables of average wages for each category.

Art. 6

A "Fund for Supplementation of Wages for Industrial Workers" has been established at the National Institute for Social Security to provide for payment of the additional sums mentioned in above articles.

Art. 7

The fund is supervised by a special committee, at the head of which is the President of the National Institute for

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

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The fund is supervised by a special committee, at the head of which is the President of the National Institute for Social Security or in lieu of this or in case of impediment, the Committee is presided over by the person appointed as deputy by the laws, which regulate the representation of the said Institute; the Committee is comprised of the following members:

(1) the Director General for Social Security and Social Welfare and the Director General of Labour of the Ministry of Labour and Social Security;

(2) a representative of the Treasury;

(3) three employers' representatives and three workers' representatives;

(4) the Director General of the National Institute of

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

Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

Art. 8

It is the duty of the Committee:

(1) to express an opinion on questions which may in any way arise on the application of the present decree;

(2) examine the annual balance;

(3) take decisions on claims concerning contributions and benefits.

Art. 9

Against decisions as per (3) of above article, appeal is allowed within a limit of 30 days of notification, appeal to be made to the Ministry of Labour and Social Security, for a definite decision.

The person concerned may, however, take action at Law to be initiated within 30 days of notification of the decision reached by the Ministry.

In any case, questions concerning the establishing of contributions and allowances are excluded from the competence of the Judicial Authorities.

Art. 10

The duties of supervising the management of the Fund are exercised by a Control Committee composed of the Chairman of the Control Committee of the National Institute of Social Security who presides, a representative for each of the Ministries of Labour and Social Security and the Treasury, and a representative of employers and one of workers, to be nominated by the Minister of Labour and Social Security in consultation with the respective national Union associations with regard to employers' and workers' representatives.

The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

1092

Art. 11

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

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The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

1092

Art. 11

The supplementary payment referred to in this decree is derived from a contribution from industrial undertakings, together with aid from the State.

Contribution to be made by firms is laid down at 5% of gross wages paid to workers.

State contribution is equal to the total contribution to be paid by the employers.

The proportion of contribution to be made by firms can be modified by decree of the Lieutenant General upon proposal of the Minister for Labour and Social Security in agreement with the Minister for the Treasury.

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

For the determinating and prescribing the wages which are subject to contribution, and for payment thereof, the current provisions will apply regarding contributions to be made for Family Allowance.

Art. 12

Supplementary payment will be made by the employer to workers entitled thereto at the end of each pay period.

The sun total of the supplementary payment will be refunded to the firm by the Fund (Cassa) according to the rules for adjustment between contributions owed and benefits received, that are in force for the special organisations for which the National Institute of Social Security is responsible.

Art. 13

The State is authorized to make advance payments to the National Institute for Social Security on behalf of the Cassa as per above Art. 6. These payments will relate to the amount necessary to meet the expenses of the Cassa in the application of the present decree.

No interest will be charged on the above advance payments. The Minister of the Treasury will provide by decree for including the amounts necessary for the supplementary payments established by the present decree in the budget estimates of the Ministry of Labour and Social Security.

Art. 14

The provisions as per above articles will apply to the establishments already subject to the collective agreement of 13 June 1941 and to the workers employed by then as well as to the workers registered in the lists established by the supervising authorities for port workers.

The port companies are authorised to recover the amount of the contribution to be paid from the persons or organisations for which the loading, unloading, transfer, storing and general transport of merchandise are carried out.

The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Security in agreement with the Minister of the Treasury and with other Ministers concerned.

Art. 15

1691

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

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The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Security in agreement with the Minister of the Treasury and with other Ministers concerned.

Art. 15 1891

The provisions of R.D.L. N. 1827 of 4 October 1945, converted into law and amended by the law n. 1155 of 6 April 1936 for the improvement and legal coordination of social security will be observed insofar as the benefits and contributions contemplated in the present decree are concerned. The provisions relating to fiscal benefits, privileges and exemptions will also be observed.

Art. 16

Employers who fail to pay contributions within the time established or who pay less than the due amount, will pay the

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

contributions or the part of contributions which have not been paid, plus an additional sum of the same amount, and will be punished with a fine of 100 lire to 5,000 lire.

The employer and in general all persons supervising the work will be punished with a fine of 100 lire to 5,000 lire for refusal to collaborate with inspecting officers and agents, for failure to supply information and documents necessary for the application of the present decree, or for having knowingly given wrong or incomplete information.

Whosoever makes a false statement or commits other fraudulent action for the illegal purpose of obtaining the benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merit.

All the above fines will be available for the Cassa as per above Art. 6.

Art. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under Paragraph one of the proceeding article.

PROVISIONAL PROVISIONS FOR NORTHERN ITALY PROVINCES

Art. 18

The validity of D.L.L. No. 523 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

1890

Art. 19

The industrial establishments subject to D.L.L. n. 523 of 21 August 1945 must comply with the prohibition contained in Art. 1 of the same decree up to 31 December 1945.

Nevertheless the same establishments are permitted to

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

fraudulent action for the illegal purpose of [illegible]
benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merit.

All the above fines will be available for the Cassa as per above Art. 6.

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In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

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Art. 19

The industrial establishments subject to D.L.L. n. 523 of 21 August 1945 must comply with the prohibition contained in Art. 1 of the same decree up to 31 December 1945.

Nevertheless the same establishments are permitted to dismiss as from the 15 October 1945:

(a) Workers who have engaged in any activity connected with the O.V.R.A.;

(b) Workers who may have been involved in an "epuration" selection, carrying a suspension of at least three months;

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

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

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers as per Art. 18 of Decree n. 528 of 21 August 1945.

The workers considered in letters (a) and (b) of this article will not be entitled to any dismissal bonus.

Art. 20

In order to lighten the burden of industrial establishments and permit the transfer to their original occupation of workers engaged after 30 June 1945, the same establishments are permitted to dismiss:

(a) Workers who have other personal or a family income;

(b) Workers employed on work different from their usual occupation, except partisans acknowledged as such in accordance with present provisions; veterans coming back from the front, captivity and concentration camps; political victims and persecuted people; apprentices under 21 years of age.

Art. 21

The application of the conditions giving effect to the provisions established by Art. 21 and 22 will be made by special Commissions compsed of representatives of employers' and workers' local Unions.

Disputes which may arise will be decided by arbitration by three arbitrators, of whom one representing the local workers Unions, one representing the employers' Unions and one selected by agreement of the two parties or, if agreement is not reached, by the concerned local judge (pretore).

Art. 22

The workers dismissed as per Art. 20 will receive the following benefits: 1889

(1) the bonus provided by collective agreement in case of determination of the labor contract;

(2) a daily indemnity of 30 lire to be paid by the

Declassified E.O. 12356 Section 3.3/NND No. 788021

workers engaged after 30 [illegible] permitted to dismiss:

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Art. 22

The workers dismissed as per Art. 20 will receive the following benefits: 1589

(1) the bonus provided by collective agreement in case of determination of the labor contract;

(2) a daily indemnity of 30 lire to be paid by the employer, until the worker finds other employment and in any case for not more than two months from the date of the resolution of the labour contract;

(3) family allowance at normal rates to be borne by the appropriate Fund for the whole period for which the indemnity as per n. 2 above is payable.

(4) the unemployment indemnity as per current provisions from the date of the resolution of the labour contract.

Art. 23

Up to 31 December 1945 industrial establishments

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

subject to the decree n. 523 of 21 August 1945 with a working period of more than 40 hours per week, must reduce it to this limit, in order to reabsorb the unemployed workers belonging to the categories for which work is available.

Up to 31 December 1945 R.D.L. n. 1768 for the reduction of the weekly working period to 40 hours (converted into the law n. 203 of 13 January 1938) will be again effective for the above mentioned establishments.

For the vacancies resulting from the application of the 40 hours week, priority will be given to partisans acknoledged as such in accordance with present provisions, to veterans coming back from the front, captivity and concentration camps, to political victims and persecuted people.

Art. 24

Up to 31 December 1945, the integration as per Art. 1 will be paid for the hours of not effective work from 0 up to 40 per week to the personnel (office workers included) of the establishments subject to D.L.L. n. 523 of 31 August 1945.

In addition to the contribution for the workers as per Art. 11 of the present decree, the same establishments will pay a contributions for their personnel of 5% of the total wages paid starting from 1st October up to 31 December 1945.

For the calculation of the contributions to be paid by the above mentioned establishments for their office and manual workers, the maximum amounts of the remuneration established by the last paragraph of Art. 11 above will not apply up to 31 December 1945.

Art. 25

Collective agreements of 13 June 1941 and 29 July 1941 regarding the Fund for supplementary payments to industrial workers working reduced hours are repealed.

All reimbursements borne by the same Fund relating to indemnities and bonuses provided by collective agreements will cease. Employers will continue to pay, at their own expense, the indemnities and bonuses provided by such agreements to the workers entitled to them.

The application entitled people for payments to be made by the same Funds for reimbursements or contributions to be paid by the employers with reference to periods prior the

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

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The application entitled people for payments to be made by the same Funds for reimbursements or contributions to be paid by the employers with reference to periods prior the effective date of the present decree, must be made within six months from this date and will be void after. 1888

Art. 26

The administration of the Fund in accordance with the preceeding article will terminate on 14 October 1945 and a special liquidating administration will be established by the National Institute for Social Security under the supervision of the Committee as per art. 7 of this decree.

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

The operations for wage integration provided by D.L.L. n. 523 of 21 August 1945 as well as the operations carried on for the execution of this decree up to 31 December 1945 in the provinces subject to the above mentioned D.L.L. will constitude a special administration for which the Minister of Labour and Social Security in agreement with the Minister of the Treasury will lay down, by D.L., the necessary provisions for the coverage of deficits and for the transfer of eventual profits. After having heard the above mentione Committee.

Art. 27

The Ministry of Labor and Social Security will ensure the application of the present decree through the "Ispettorato del Lavoro".

Art. 28

The present decree will be effective the day after its publication in the "Gazzetta Ufficiale"; for the provinces restored to the administration of the Italian Government it will operate from the 15 October 1945, and for the other provinces from the date established by A.M.G.

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

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Art. 28

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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. 786021

FILE

HEAD QUARTERS ALLIED COMMISSION
AFO 394
LABOUR SUB COMMISSION

DCH/ca

16 November 1945

REF. : 315

REF : LSC/1506

SUBJECT: Implementation of DLL. "Contenente Provvedimenti per i Lavoratori dell'Industria".

TO : Legal Sub-Commission
Attention Judge Thomas

1. This will confirm our telephone conversation (Mr. Sachs - Judge Thomas) of today.

2. The above-captioned Decree which we understand was signed by the Lieutenant General on 10th November 1945 will take the place of DLL. of 21 August 1945 NO. 523 which expired on 30th September in accordance with its' provisions.

3. Please arrange if possible to have the implementation order appear in the same issue of the Gazzetta Ufficiale as the original Decree. If this is not possible it is suggested that the implementation should appear in the issue next following.

4. We have requested the Italian Government to communicate with you for the purpose of effectuating the above.

5. Art. 28 of the Decree provides that it will be effective from 15 October 1945 in Italian Government territory and in AMG territory from the date established by AMG. It is suggested that implementation be with effect from 15th October 1945.

DAVID H. SACHS
Deputy Director
Labour Sub-Commission

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

FP/00

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

29 October 1945.

TEL : 489081 - 204
REF : LSC/1306.
SUBJECT: Provision for Surplus Workers in Northern Italy.
TO : Regional Commissioner, Piemonte Region (attention: Regional Labour Officer)

1. Reference your Memorandum PR/LA.31/491 of 27th Oct.1945.

2. No decision has yet been taken by the Council of Ministers on the question of payment of workers between 0 and 23 hours.

3. It is assumed that you have now received cable N° 7765 of to-day's date on this subject.

4. It is hoped that the meeting to be held in Rome on Monday, the 5th November, will be able to arrive at a satisfactory solution of the problem. In any event you will be advised of the position, as soon as it is known, following the close of the meeting in question.

W.H. BRAINE
Director
Labour Sub-Commission

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

E 5 c/1806

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
PIEMONTE REGION
LABOUR DIVISION
A.P.O.394 U.S. ARMY

REF. : PR/LA/31/491 27 October 1945

SUBJECT: Provision for surplus workers in Northern Italy

TO : Labour Sub-Commission ALCOM

1.- Reference is Labour Sub-Commission memo 1306 OF 15th October para 6 and para 4 of subsequent cable on provision for surplus workers in Northern Italy.-

2.- May this Region be informed urgently of decision of Council of Ministers on question of payment 0 to 23 hours.-

R. Scott.

R. SCOTT
Regional Labour Officer

File
Reading File
Pending File

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1308

Declassified E.O. 12356 Section 3.3/NND No. 789021

LABOR SUB COMMISSION
A. C.
Routing Slip

	Initials	Date
Mr. W. H. BRAINE	.	
Mr. SACHS		
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR ←	[signature]	2/9/70
Miss STEVENSON		
Miss SANSEVERINO		
Chief Clerk		

REMARKS:

Please see me about
the Sick Pay thing and
me. Perhaps Sir Wm
Braine & Pat be invited

1883

File general order n. 48

MINISTRY OF LABOUR AND SOCIAL SECURITY

DRAFT OF LEGISLATIVE DECREE OF LIEUTENANT GENERAL CONTAINING PROVISIONS FOR WORKERS IN INDUSTRY

UMBERTO DI SAVOIA
Prince of Piedmont
LIEUTENANT GENERAL OF THE REALM

By virtue of the authority vested in us;

Having seen the lieutenancy law decree of 25 June 1944, No. 151;

Having seen the lieutenancy decree of 1 February 1945, No. 58;

Having seen the collective contracts regulating the fund for additional payment of wages to workers in industry working part time;

Having seen the legislative decree of the Lieutenant General of 21 August 1945, No. 523 containing provisions for workers in Northern Italy;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

WE HAVE SANCTIONED AND DE
PROMULGATE AS FOLLOWS:

Art. 1

Workers employed by industrial undertakings, who work for less than 40 hours a week, thereby suffering a reduction in wages, are entitled to additional payment equal to 2/3 of the global wage to which they would have been entitled, for the number of hours between 34 and 40 per week, during which they did not work.

Workers for whom special working hours are laid down, either by contract clauses or by reason of the kind of work, are entitled to additional payment for time not worked in such particular working hours, and in every case within the limits [illegible]

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

By virtue of the authority vested in us;

Having seen the lieutenancy law decree of 25 June 1944, No. 151;

Having seen the lieutenancy decree of 1 February 1945, No. 58;

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Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

WE HAVE SANCTIONED AND WE
PROMULGATE AS FOLLOWS:

Art. 1

Workers employed by industrial undertakings, who work for less than 40 hours a week, thereby suffering a reduction in wages, are entitled to additional payment equal to 2/3 of the global wage to which they would have been entitled, for the number of hours between 24 and 40 per week, during which they did not work.

Workers for whom special working hours are laid down, either by contract clauses or by reason of the kind of work, are entitled to additional payment for time not worked in such particular working hours, and in every case within the limits prescribed in the above para.

Workers with fixed wages on a time basis, whose wages are reduced because of reduced activity, are entitled to additional payment within the limits established by para 1, the wage received being adjusted on an hourly basis, in accordance to the working hours normally laid down by the industrial undertakings;

Art. 2

Where reduction of working hours is made, by extending the working hours over foreestablished periods longer than a week, additional payment is due within limits of Art. 1, on the

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

basis of the average weekly duration of the hours worked during the extended period in question.

Art. 3

Additional payment is not due to workers employed for reduced hours by reason of unpaid holidays or absence from work involving loss of pay.

It will also not be paid to those workers who, during part-time working days, undertake other salaried activities.

Art. 4

Workers entitled to additional payment are entitled to Family Allowance in the normal manner to be paid by the Fund (Cassa) concerned.

Art. 5

In calculating the additional payment, supplementary indemnities to the basic wage that are payable in relation to a days work are computed according to the principles laid down by law and collective agreement which govern the said indemnities, the amount of the indemnity for a working period of 8 hours being in any case adjusted on a hourly basis.

For workers on a piecework basis and for those paid entirely or in part in production premiums, co-partnership and such like, additional payment is in proportion to the average hourly earnings during the working period for which supplementation is due.

The Minister for Labour and Social Security, after having heard the employers' and workers' provincial Trade Union organisations as well as the special Committee provided by the following art. 7, can lay down, by decree separate principles for the fixing of wages, and eventually can establish special tables of average wages for each category.

Art. 6

A "Fund for Supplementation of Wages for Industrial Workers" has been established at the National Institute for Social Security to provide for payment of the additional sums mentioned in above articles.

Art. 7

The fund is supervised by a special committee, at the head of which is the President of the National Institute for Social Security or in lieu of this or in case of impediment,

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

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The fund is supervised by a special committee, at the head of which is the President of the National Institute for Social Security or in lieu of this or in case of impediment, the Committee is presided over by the person appointed as deputy by the laws, which regulate the representation of the said Institutes; the Committee is comprised of the following members:

(1) the Director General for Social Security and Social Welfare and the Director General of Labour of the Ministry of Labour and Social Security;

(2) a representative of the Treasury;

(3) three employers' representatives and three workers' representatives;

(4) the Director General of the National Institute of

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

Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

Art. 8

It is the duty of the Committee:

(1) to express an opinion on questions which may in any way arise on the application of the present decree;

(2) examine the annual balance;

(3) take decisions on claims concerning contributions and benefits.

Art. 9

Against decisions as per (3) of above article, appeal is allowed within a limit of 30 days of notification, appeal to be made to the Ministry of Labour and Social Security, for a definite decision.

The person concerned may, however, take action at Law to be initiated within 30 days of notification of the decision reached by the Ministry.

In any case, questions concerning the establishing of contributions and allowances are excluded from the competence of the Judicial Authorities.

Art. 10

The duties of supervising the management of the Fund are exercised by a Control Committee composed of the Chairman of the Control Committee of the National Institute of Social Security who presides, a representative for each of the Ministries of Labour and Social Security and the Treasury, and a representative of employers and one of workers, to be nominated by the Minister of Labour and Social Security in consultation with the respective national Union associations with regard to employers' and workers' representatives.

The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

Art. 11

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

decree;

(2) examine the annual balance;

(3) take decisions on claims concerning contributions and benefits.

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Against decisions as per (3) of above article, appeal is allowed within a limit of 30 days of notification, appeal to be made to the Ministry of Labour and Social Security, for a definite decision.

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The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

Art. 11

The supplementary payment referred to in this decree is derived from a contribution from industrial undertakings, together with aid from the State.

Contribution to be made by firms is laid down at 5% of gross wages paid to workers.

State contribution is equal to the total contribution to be paid by the employers.

The proportion of contribution to be made by firms can be modified by decree of the Lieutenant General upon proposal of the Minister for Labour and Social Security in agreement with the Minister for the Treasury.

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

For the determinating and prescribing the wages which are subject to contribution, and for payment thereof, the current provisions will apply regarding contributions to be made for Family Allowance.

Art. 12

Supplementary payment will be made by the employer to workers entitled thereto at the end of each pay period.

The sum total of the supplementary payment will be refunded to the Firm by the Fund (Cassa) according to the rules for adjustment between contributions owed and benefits received, that are in force for the special organisations for which the National Institute of Social Security is responsible.

Art. 13

The State is authorized to make advance payments to the National Institute for Social Security on behalf of the Cassa as per above Art. 6. These payments will relate to the amount necessary to meet the expenses of the Cassa in the application of the present decree.

No interest will be charged on the above advence payments. The Minister of the Treasury will provide by decree for including the amounts necessary for the supplementary payments established by the present decree in the budget estimates of the Ministry of Labour and Social Security.

Art. 14

The provisions as per above articles will apply to the establishments already subject to the collective agreement of 13 June 1941 and to the workers employed by them as well as to the workers registered in the lists established by the supervising authorities for port workers.

The port companies are authorised to recover the amount of the contribution to be paid from the persons or organisations for which the loading, unloading, transfer, storing and general transport of merchandise are carried out.

The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Securityin agreement with the Minister of the Treasury and with other Ministers concerned.

Art. 15

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

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The port companies are authorised to recover the amount of the contribution to be paid from the persons or organisations for which the loading, unloading, transfer, storing and general transport of merchandise are carried out.

The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Securityin agreement with the Minister of the Treasury and with other Ministers concerned.

Art. 15

The provisions of R.D.L. N. 1827 of 4 October 1945, converted into law and amended by the law n. 1155 of 6 April 1936 for the improvement and legal coordination of social security will be observed insofar as the benefits and contributions contemplated in the present decree are concerned. The provisions relating to fiscal benefits, privileges and exemptions will also be observed.

Art. 16

Employers who fail to pay contributions within the time established or who pay less than the due amount, will pay the

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

contributions or the part of contributions which have not been paid, plus an additional sum of the same amount, and will be punished with a fine of 100 lire to 5,000 lire.

The employer and in general all persons supervising the work will be punished with a fine of 100 lire to 5,000 lire for refusal to collaborate with inspecting officers and agents, for failure to supply information and documents necessary for the application of the present decree, or for having knowingly given wrong or incomplete information.

Whosoever makes a false statement or commits other fraudulent action for the illegal purpose of obtaining the benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merit

All the above fines will be available for the Cassa as per above Art. 6.

Art. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under Paragraph one of the proceeding article.

PROVISIONAL PROVISIONS FOR NORTHERN ITALY PROVINCES

Art. 18

The validity of D.L.L. No. 523 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

Art. 19

The industrial establishments subject to D.L.L. n. 523 of 21 August 1945 must comply with the prohibition contained in Art. 1 of the same decree up to 31 December 1945.

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

Whosoever makes a false statement or commits other fraudulent action for the illegal purpose of obtaining the benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merits

All the above fines will be available for the Cassa as per above Art. 6.

Art. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under Paragraph one of the proceeding article.

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Art. 19

The industrial establishments subject to D.L.L. n. 523 of 21 August 1945 must comply with the prohibition contained in Art. 1 of the same decree up to 31 December 1945.

Nevertheless the same establishments are permitted to dismiss as from the 15 October 1945:

(a) Workers who have engaged in any activity connected with the C.V.L.A.;

(b) Workers who may have been involved in an "epuration" selection, carrying a suspension of at least three months;

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

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

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers as per Art. 18 of Decree n. 525 of 21 August 1945.

The workers considered in letters (a) and (b) of this article will not be entitled to any dismissal bonus.

Art. 20

In order to lighten the burden of industrial establishments and permit the transfer to their original occupation of workers engaged after 30 June 1945, the same establishments are permitted to dismiss:

(a) Workers who have other personal or a family income;

(b) Workers employed on work different from their usual occupation, except partisans acknowledged as such in accordance with present provisions; veterans coming back from the front, captivity and concentration camps; political victims and persecuted people; apprentices under 21 years of age.

Art. 21

The application of the conditions giving effect to the provisions established by Art. 21 and 22 will be made by special Commissions composed of representatives of employers' and workers' local Unions.

Disputes which may arise will be decided by arbitration by three arbitrators, of whom one representing the local workers Unions, one representing the employers' Unions and one selected by agreement of the two parties or, if agreement is not reached, by the concerned local judge (pretore).

Art. 23

The workers dismissed as per Art. 20 will receive the following benefits:

(1) the bonus provided by collective agreement in case of determination of the labor contract;

(2) a daily indemnity of 30 lire to be paid by the

1877

Declassified E.O. 12356 Section 3.3/NND No. 760021

workers engaged after 30 June 1945, the same establishments are permitted to dismiss:

(a) Workers who have other personal or a family income;

(b) Workers employed on work different from their usual occupation, except partisans acknowledged as such in accordance with present provisions; veterans coming back from the front, captivity and concentration camps; political victims and persecuted people; apprentices under 21 years of age.

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Disputes which may arise will be decided by arbitration by three arbitrators, of whom one representing the local workers Unions, one representing the employers' Unions and one selected by agreement of the two parties or, if agreement is not reached, by the concerned local judge (pretore).

Art. 23

The workers dismissed as per Art. 20 will receive the following benefits:

(1) the bonus provided by collective agreement in case of determination of the labor contract;

(2) a daily indemnity of 10 lire to be paid by the employer, until the worker finds other employment and in any case for not more than two months from the date of the resolution of the labour contract;

(3) family allowance at normal rates to be borne by the appropriate Fund for the whole period for which the indemnity as per n. 2 above is payable.

(4) the unemployment indemnity as per current provisions from the date of the resolution of the labour contract.

Art. 24

By to 31 December 1945 industrial establishments

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

subject to the decree n. 581 of 21 August 1945 with a working period of more than 40 hours per week, must reduce it to this limit, in order to reabsorb the unemployed workers belonging to the categories for which work is available.

Up to 31 December 1945 R.D.L. n. 1768 for the reduction of the weekly working period to 40 hours (converted into the law n. 303 of 13 January 1946) will be again effective for the above mentioned establishments.

For the vacancies resulting from the application of the 40 hours week, priority will be given to partisans acknoledged as such in accordance with present provisions, to veterans coming back from the front, captivity and concentration camps, to political victims and persecuted people.

Art. 24

Up to 31 December 1945, the integration as per Art. 1 will be paid for the hours of not effective work from 0 up to 40 per week to the personnel (office workers included) of the establishments subject to R.D.L. n. 523 of 31 August 1945.

In addition to the contribution for the workers as per Art. 11 of the present decree, the same establishments will pay a contributions for their personnel of 5% of the total wages paid starting from 1st October up to 31 December 1945.

For the calculation of the contributions to be paid by the above mentioned establishments for their office and manual workers, the minimum amounts of the remuneration established by the last paragraph of Art. 11 above will not apply up to 31 December 1945.

Art. 25

Collective agreements of 13 June 1941 and 29 July 1941 regarding the Fund for supplementary payments to industrial workers working reduced hours are repealed.

All reimbursements borne by the same Fund relating to indemnities and bonuses provided by collective agreements will cease. Employers will continue to pay, at their own expense, the indemnities and bonuses provided by such agreements to the workers entitled to them.

The application entitled people for payments to be made by the same Funds for reimbursements or contributions to be paid by the employers with reference to periods after the

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

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Art. 26

The administration of the Fund in accordance with the preceding article will terminate on 14 October 1945 and a special liquidating administration will be established by the National Institute for Social Security under the supervision of the Committee as per art. 7 of this decree.

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

The operations for wage integration provided by D.L.L. n. 523 of 21 August 1945 as well as the operations carried on for the execution of this decree up to 31 December 1945 in the provinces subject to the above mentioned D.L.L. will constitute a special administration for which the Minister of Labour and Social Security in agreement with the Minister of the Treasury will lay down, by D.L., the necessary provisions for the coverage of deficits and for the transfer of eventual profits. After having heard the above mentione Committee.

Art. 27

The Ministry of Labor and Social Security will ensure the application of the present decree through the "Ispettorato del Lavoro".

Art. 28

The present decree will be effective the day after its publication in the "Gazzetta Ufficiale"; for the provinces restored to the administration of the Italian Government it will operate from the 15 October 1945, and for the other provinces from the date established by A.M.G.

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. 786021

HEADQUARTERS ALLIED COMMISSION
APO 534
LABOR SUB-COMMISSION

PP/rmr

TEL : Ext. 604

12 October 1945

REF : LSC/1706

SUBJECT: Provisions for Surplus Workers in Northern Italy.

TO : Executive Commissioner

1. Attached is a copy of a cable which is today being dispatched to Regional Commissioners.

2. This position has arisen as a result of the draft Decree to take the place of Decree 532 which expired on 14 October. The new draft Decree differs from the agreement which was arrived at in Rome on 27 September, and which was signed by the Italian Government and representatives of employers and workers.

3. The possibility of unrest and/or strikes arising out of the provisions of the draft Decree has been pointed out to the Italian Government.

4. The Italian Government have arranged to give further consideration to the matter at the next meeting of the Council of Ministers to be held on Tuesday next, 23 October.

A. H. BRAINS
Director
Labor Sub-Commission

cc: Chief Commissioner
Vice President, A/C

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

UNCLASSIFIED

PIEMONTE REGION - LOMBARDIA REGION - LIGURIA REGION
VENEZIA REGION - INFO VENEZIA GIULIA REGION
7409 19 OCTOBER 1945 ROUTINE

UNCLASSIFIED PD
PARA ONE PD SUBJECT IS PROVISIONS FOR SURPLUS WORKERS IN NORTHERN ITALY PD
PARA TWO PD REFERENCE SUB COMMISSION SLANT ONE THREE ZERO SIX OF THIRD OCTOBER STATED IN PARA EIGHT THAT NEW PROPOSALS WOULD PROVIDE FOR PAYMENT OF TWO SLANT THIRDS WAGES FOR TIME NOT WORKED UP TO FOURTY HOURS PD
PARA THREE PD AGREEMENT BETWEEN GOVERNMENT AND REPRESENTATIVES OF EMPLOYERS AND WORKERS MADE AT ROME TWENTY SEVEN SEPTEMBER ALSO SUGGESTED TWO SLANT THIRDS WAGES FOR TIME NOT WORKED UP TO FOURTY HOURS PD
PARA FOUR PD ATTENTION IS DRAWN TO MEMO LABOUR SUB COMMISSION SLANT ONE THREE ZERO SIX OF FIFTEENTH OCTOBER PARA SIX PD DRAFT DECREE NOW PREPARED BY MINISTRY PROPOSES NO PAYMENT FOR TIME NOT WORKED FROM ZERO TO TWENTY FOUR HOURS PER WEEK PD IT IS EXPECTED THAT THIS IMPORTANT MODIFICATION OF ROME AGREEMENT WILL NOT BE

LABOUR SUBCOMMISSION
20

G. J. LEONE
CWO USA
ASST ADJUTANT

1321

Declassified E.O. 12356 Section 3.3/NND No. 786021

UNCLASSIFIED

7409 19 OCTOBER 1945

ACCEPTABLE TO EMPLOYERS OR TO WORKERS PD WORKERS WILL EXPECT SOME PAYMENT FROM ZERO TO TWENTY FOUR HOURS BUT EMPLOYERS WILL NOT BE PREPARED TO MAKE PAYMENT WITHOUT ASSISTANCE FROM CASSA INTEGRAZIONE WHICH IS NOT AT PRESENT CONTEMPLATED PD

PARA FIVE PD YOU SHOULD THEREFORE BE PREPARED FOR MANIFESTATIONS OF DISCONTENT WHEN PROPOSALS BECOME KNOWN AND SHOULD NOTE THAT QUESTION IS BEING REFERRED TO COUNCIL OF MINISTERS AT ROME TUESDAY TWENTY THREE OCTOBER PD REPRESENTATIVES SHOULD BE URGED TO RESTRAIN MANIFESTATIONS UNTIL DECISION OF COUNCIL OF MINISTERS IS KNOWN PD

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LABOUR SUB COMMISSION

204

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB COMMISSION 19 October 1945

740.1a

CABLE TO: All Regional Commissioners

SUBJECT : Provisions for Surplus Workers in Northern Italy

1. Memo LSC/1306 of 3rd October stated in para 8 that new proposals would provide for payment of 2/3 wages for time not worked up to 40 hours.

2. Agreement between Government and representatives of employers and workers made at Rome 27 September also suggested 2/3 wages for time not worked up to 40 hours.

3. Attention is drawn to memo LSC/1306 of 15 October para 6. Draft Decree now prepared by Ministry proposes no payment for time not worked from 0 to 24 hours per week. It is expected that this important modification of Rome agreement will not be acceptable to employers or to workers. Workers will expect some payment from 0 to 24 hours but employers will not be prepared to make payment without assistance from Cassa Integrazione which is not at present contemplated.

4. You should therefore be prepared for manifestations of discontent when proposals become known and should note that question is being referred to Council of Ministers at Rome Tuesday 23 October. Representatives should be urged to restrain manifestations until decision of Council of Ministers is known.

1871

LEGISLATIVE DECREE OF THE LIEUTENANT GENERAL 21 AUGUST 1945 No. 523
PROVISIONS FOR WORKERS OF NORTHERN ITALY

UMBERTO DI SAVOIA
Prince of Piedmont
LIEUTENANT GENERAL OF THE REALM

By virtue of the authority vested in us;

Having seen the lieutenancy law decree of 25 June 1944, n. 151;

Having seen the lieutenancy law decree of 1 February 1945, n. 58;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

WE HAVE SANCTIONED AND WE
PROMULGATE AS FOLLOWS:

ART. 1

All industrial firms, to which the present decree is applied by the terms of article 17, cannot dismiss their work people up to 30 September 1945.

This ban does not apply to

a. workers who without well justified reason, refuse to accept alternative work that may be offered by another employer;

b. cases in which termination of employment is agreed by collective contract or by legal provisions and is due to the worker's own fault.

Disputes that may arise as a result of the provisions contained in the above paragraph shall when they cannot be settled by the intervention of the internal commission, be temporarily decided by executive action of the appropriate Labour Inspectorate, without prejudice to action in the Law Courts.

ART. 2

Industrial firms, which find themselves compelled by circumstance to reduce the number of workers in active employment, must institute a workers' "waiting list".

On this list shall be recorded the names of workers attached to the firm who are registered on the "temporarily available list" and who have not been reemployed in active employment on the date on which the

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

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Having seen the decision of the Council of Ministers;

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On this list shall be recorded the names of workers attached to the firm who are registered on the "temporarily available list" and who have not been reemployed in active employment at the date on which the present decree enters into force.

In addition workers who from time to time are nominated by mutual agreement between the management of the firm and the Internal Commission or, failing agreement are nominated by the appropriate Provincial Labour Office, may be registered on the forementioned list.

ART. 3

Workers registered on the "waiting list", even if temporarily employed within the terms of article 7, maintain all seniority service rights prescribed by legal provisions or collective contracts in force.

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

ART. 4

Workers registered on the "waiting list" are entitled to the following economic benefits:

a. a daily allowance, to be paid by the employer, of 10 lire for males over 18 years of age; of 7 lire for females over 18 years of age; 4 lire for juveniles not over 18, without prejudice to more favourable provisions prescribed by local agreements;

b. the family allowances eventually due, to be paid by the "Cassa Unica" (Family Allowance Fund);

c. a daily allowance, to be paid by the "Assicurazione contro la disoccupazione" (Unemployment Fund), of 20 lire for males over 18 years of age; 14 lire for females over 18; 8 lire for juveniles not over 18 years of age.

ART. 5

Firms are required to send to the local office of the Istituto Nazionale Previdenza Sociale and to the appropriate Provincial Labour Office, not later than the third day after the present decree becomes effective, a copy of the "waiting list". Variations of the "Waiting List" must be notified every 15 days.

ART. 6

A worker, registered on the "waiting list", should he resign from his employment, is entitled to liquidation of the seniority service indemnity in accordance with existing legal provisions and collective contracts.

ART. 7

Provincial Labour Offices are required to take necessary action to secure temporary employment either in agriculture, public works or other employment for workers registered on the "waiting list" as well as for workers who are temporarily suspended from work, the latter having been proposed by the internal commission and the firm.

ART. 8

Workers who are temporarily suspended from work or who work less than 40 hours each week, shall be paid:

a. for each hour actually worked the global rate of pay per hour including all indemnities;

b. for the number of hours not worked between 0 and 48 hours weekly at the rate of 75% of the global pay including the contingency indemnity and calculated on an hourly basis.

The Confederal Labour Chambers and the Industrial Unions for each Province may establish, by means of syndical agreements criteria for determining the total pay and eventually may establish tables of average wages for each category.

ART. 9

Payment of benefits in accordance with articles 4 and 8, is dependent on the [illegible] of the rules and regulations which will be

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

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ART. 8

Workers who are temporarily suspended from work or who work less than 48 hours each week, shall be paid:

a. for each hour actually worked the global rate of pay per hour including all indemnities;

b. for the number of hours not worked between 0 and 48 hours weekly at the rate of 75% of the global pay including the contingency indemnity and calculated on an hourly basis.

The Confederal Labour Chambers and the Industrial Unions for each Province may establish, by means of syndical agreements criteria for determining the total pay and eventually may establish tables of average wages for each category.

ART. 9

Payment of benefits in accordance with articles 4 and 8, is dependent on the observance, on the part of the worker, of the rules and regulations which will be prescribed by the Provincial Labour Offices and by the Istituto Nazionale Previdenza Sociale, in consultation with the syndical organisations concerned.

The forementioned economic benefits are not payable to workers on the "waiting list" or suspended from work who are employed, even temporarily, by another employer, for the whole duration of such alternative employment.

ART. 10

Manual workers who are suspended or who are working at reduced hours and for whom special working hours are established by contract or by virtue of their terms of service, are entitled to benefits under Article 8 for such hours, being less than the normal working hours, during which no work was performed, and in any case not exceeding 48 hours per week.

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

For manual workers on datal or fixed wage rates, and for office workers, the foregoing benefits are calculated on the basis of the amount of normal earnings.

ART. 11

With regard to computation of earnings and calculation of working hours, in those cases where reduction of working hours has been given effect by adjustment of the working week, the rules specified in the collective agreement of 13 June 1941, concerning the implementation of wages to be paid to workers in the employ of industrial undertakings working on a short-time basis will apply insofar as the said rules are not inconsistent with the present decree.

ART. 12

The provisions of Art. 8 do not apply to workers employed for reduced hours as regards unpaid holidays or absence from work involving loss of pay.

ART. 13

The provisions of Art. 8 are payable by the industrial undertaking.

Two-thirds of the benefits described in (b) of Art. 8 are refunded to the industrial undertaking by the "Cassa Integrazione" for earnings of industrial workers.

ART. 14

Workers who are suspended or are working on a short-time basis are entitled to receive family allowances at normal rates.

ART. 15

With regard to the refund referred to in Art. 13 the rules for adjustment as prescribed in the collective agreement of 13 June 1941, are to be enforced.

1869

ART. 16

The Istituto Nazionale Previdenza Sociale is authorised to advance under conditions to be determined by the Institute, the funds needed by industrial undertakings which owing to their financial situation do not possess the amounts needed for the payment of the benefits prescribed by the present decree.

Such financial advances are limited to the anticipated amount that will be forrefund by the "Cassa d'Integrazione".

The sums advanced cannot be used for payments other than those for which they are intended.

To recover such monetary advances as have not been absorbed by payments made by the "Cassa d'Integrazione", the Istituto Nazionale Previdenza Sociale may, in case of non-refund, file injunction for payment against the industrial undertaking concerned in accordance with the procedure established by R. Decree of 14 April 1910, n. 639.

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

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The credits of the "Cassa" have the same privileges as State credits.

ART. 17

The provisions of the preceding articles are applicable to industrial undertakings subject to the collective agreement of 13 June 1941, and to their employees, and are limited to industrial establishments and offices

Declassified E.O. 12356 Section 3.3/NND No. 785621

located in the following provinces: Genova, Imperia, Savona, La Spezia, Apuania, Torino, Aosta, Cuneo, Alessandria, Vercelli, Novara, Asti, Milano, Como, Varese, Mantova, Bergamo, Brescia, Cremona, Pavia, Sondrio, Venezia, Belluno, Padova, Vicenza, Rovigo, Treviso, Udine, Verona, Trento, Bolzano, Bologna, Modena, Parma, Reggio Emilia, Ferrara, Ravenna, Forli' and Piacenza.

ART. 18

The present decree shall not apply to:

a) workers whose employment began after 25 April 1945;

b) workers employed in seasonal work or engaged under a limited contract or casual duties.

c) workers who, although employed by an industrial undertaking, are considered by the appropriate Provincial Labour Office as normally engaged in agricultural employment.

ART. 19

Authorization is granted for the State to advance to the Istituto Nazionale Previdenza Sociale, for the account of the Cassa Integrazione dealing with the earnings of industrial workers, funds up to a maximum of 4 miliard lire that will eventually be needed to meet the burden that will be borne by the Cassa as a result of the present decree.

By decree of the Minister of the Treasury provision will be made for charge upon the State of the financial provisions of the Minister of Labour and Social Security regarding the sums needed for execution of this decree.

By subsequent decree the procedure for partial or total reimbursement of financial advances made by the State will be established. In any case the addition of interest is excluded.

Refund of the amounts that are due to the State from the Cassa Integrazione is guaranteed by the availability of funds derived from contributions due to the Cassa under the collective agreement of 13 June 1941. For this reason the amount of contribution due to the Cassa may be increased in the provinces in which the present decree is applied, by decree of the Minister of Labour and Social Security acting in agreement with the Minister of the Treasury.

Should an industrial undertaking be reorganised or cease activity for any reason, the amounts already advanced to the undertaking by the Cassa Integrazione in accordance with this decree, and including the proportion that is the responsibility of the Cassa, shall constitute, in every respect, privileged State funds.

Should an industrial undertaking become bankrupt, privileged State funds are determined by the proportion of the States financial advances that have been

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

a) workers whose employment began after 25 April 1945;

b) workers employed in seasonal work or engaged under a limited contract or casual duties.

c) workers who, although employed by an industrial undertaking, are considered by the appropriate Provincial Labour Office as normally engaged in agricultural employment.

ART. 19

Authorization is granted for the State to advance to the Istituto Nazionale Previdenza Sociale, for the account of the Casse Integrazione dealing with the earnings of industrial workers, funds up to a maximum of 4 milliard lire that will eventually be needed to meet the burden that will be borne by the Casse as a result of the present decree.

By decree of the Minister of the Treasury provision will be made for charge upon the State of the financial provisions of the Minister of Labour and Social Security regarding the sums needed for execution of this decree.

By subsequent decree the procedure for partial or total reimbursement of financial advances made by the State will be established. In any case the addition of interest is excluded.

Refund of the amounts that are due to the State from the Casse Integrazione is guaranteed by the availability of funds derived from contributions due to the Casse under the collective agreement of 13 June 1941. For this reason the amount of contribution due to the Casse may be increased in the provinces in which the present decree is applied, by decree of the Minister of Labour and Social Security acting in agreement with the Minister of the Treasury.

Should an industrial undertaking be reorganised or cease activity for any reason, the amounts already advanced to the undertaking by the Casse Integrazione in accordance with this decree, and including the proportion that is the responsibility of the Casse, shall constitute, in every respect, privileged State funds.

Should an industrial undertaking become bankrupt, privileged State funds are determined by the proportion of the States financial advances that have been granted by the Casse to the undertaking.

ART. 20

The present decree enters into force on the day following that of its publication in the "Gazzetta Ufficiale" and shall be valid in the provinces mentioned in art. 17 up to the 30th of September 1945, with retroactive effect from 25 June 1945 for the provinces restored to the administration of the Italian Government, and for the other provinces from the date on which Allied Military Government shall order its enforcement.

Declassified E.O. 12356 Section 3.3/NND No. 786021

We order that the present decree, bearing the State Seal shall be inserted in the official record of laws and decrees of the Italian State, commending all concerned to observe it and to ensure its observance as a law of the State.

Dated at Rome 21st August 1945.

UMBERTO DI SAVOIA

Signed PARRI - President of Council of Ministers
BARBARESCHI - Minister of Labour and Social Security
RICCI - Minister of Treasury
GRONCHI - Minister of Industry and Commerce
TOGLIATTI - Minister of Justice and Keeper of the Seal.

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

Signed PARRI - President of Council of Ministers
BARBARESCHI - Minister of Labour and Social Security
RICCI - Minister of Treasury
GRONCHI - Minister of Industry and Commerce
TODLIATTI - Minister of Justice and Keeper of the Seal.

8931

Declassified E.O. 12356 Section 3.3/NND No. 786021

1339

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

FT/fg

REF : L30/1306

15 October 1945

SUBJECT: Provisions for Surplus Workers in Northern Italy

TO : Regional Commissioners: Liguria, Piemonte, Lombardia, Venezia (and Venezia Giulia for information)
Attention Regional Labour Officers and Regional Finance Officers.

1. Reference is made to memorandum L30/1306 of 3rd October 1945 and to cable No. 7091 which was dispatched on 13th October 1945.

2. The full terms of the new agreement which is effective as from 15th October 1945, and which replaces the provisions of R.L.L. No. 523, have now been transcribed in the form of a draft decree. Two copies of the draft decree are attached for information.

3. It will be noted that the prolongation of the validity of R.L.L. No. 523 up to 14th October 1945 is confirmed.

4. Labour Sub-Commission in consultation with and with the agreement of Finance Sub-Commission concur in the provisions of the agreement.

5. The draft decree contains points additional to those described in memorandum L30/1306 of 3rd October 1945 as follows:

a. Extends the provisions of the agreement to Port Workers and repeals R.D.L. No. 1545 of 5th Dec. 1941 which provided for the payment of an efficiency bonus and similar benefits to Port Workers. 1867

b. Reveals the provisions of R.D.L. No. 125 of 20th March 1941 which established working hours for the duration of the war.

6. With reference to para 4 of memorandum of 3rd October 1945, it will be seen that the draft decree provides that workers employed by industrial establishments will receive a payment equal to two thirds of their pay for the number of hours between 24 and 40 hours per week during which they do not actually perform work.

7. Finance Sub-Commission will, if necessary, issue separate instructions.

W. H. BRAINE
Director
Labour Sub-Commission

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

ART. 1

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

ART. 4

Workers entitled to additional payment are entitled to Family Allowance in the normal manner to be paid by the Fund (Cassa) concerned.

ART. 5

In calculating the additional payment, supplementary indemnities to the basic wage that are payable in relation to 6 days work are computed according to the principles laid down by law and collective agreement which govern the said indemnities.

For workers on a piecework basis and for those paid entirely or in part in production premiums, co-partnership and such like, additional payment is in proportion to the average hourly earnings during the working period for which supplementation is due.

Employers' and workers' provincial Trade Union organisations can lay down separate principles for the fixing of wages, and eventually can establish special tables of average wages for each category.

ART. 6

A "Fund for Supplementation of Wages for Industrial Workers" has been established at the National Institute for Social Security to provide for payment of the additional sums mentioned in above articles.

ART. 7

The fund is supervised by a special committee, at the head of which is the President of the National Institute for Social Security or in lieu of this or in case of impediment, the Committee is presided over by the person appointed as deputy by the laws, which regulate the representation of the said Institute; the Committee is comprised of the following members:

(1) the Director General for Social Security and Social Welfare and the Director General of Labour of the Ministry of Labour and Social Security;

(2) a representative of the Treasury;

(3) three employers' representatives and three workers' representatives;

(4) the Director General of the National Institute of Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

ART. 8

It is the duty of the Committee:

(1) to express an opinion on questions which may in any way arise on the application of the present decree;

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

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(4) the Director General of the National Institute of Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

ART. 8

It is the duty of the Committee:

(1) to express an opinion on questions which may in any way arise on the application of the present decree;

(2) examine the annual balance;

(3) take decisions on claims concerning contributions and benefits.

ART. 9

Against decisions as per (3) of above article, appeal is allowed within a limit of 30 days of notification, appeal to be made to the Ministry of Labour and

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

Social Security, for a definite decision.

The person concerned may, however, take action at Law to be initiated within 30 days of notification of the decision reached by the Ministry.

In any case, questions concerning the establishing of contributions and allowances are excluded from the competence of the Judicial Authorities.

ART. 10

The duties of supervising the management of the Fund are exercised by a Control Committee composed of the Chairman of the Control Committee of the National Institute of Social Security who presides, a representative for each of the Ministries of Labour and Social Security and the Treasury, and a representative of employers and one of workers, to be nominated by the Minister of Labour and Social Security in consultation with the respective national Union associations with regard to employers' and workers' representatives.

The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

ART. 11

The supplementary payment referred to in this decree is derived from a contribution from industrial undertakings, together with aid from the State.

Contribution to be made by firms is laid down at 6% of gross wages paid to workers.

State contribution is equal to the difference between the total of supplementary payments made and that of contributions received, and cannot in any way exceed the amount of the contributions themselves.

The proportion of contributions to be made by firms can be modified by decree of the Lieutenant General upon proposal of the Minister for Labour and Social Security in agreement with the Minister for the Treasury.

For the determining and prescribing the wages which are subject to contribution, and for payment thereof, the current provisions will apply regarding contributions to be made for Family Allowance.

ART. 12

Supplementary payment will be made by the employer to workers entitled thereto at the end of each pay period.

1865

The sum total of the supplementary payment will be refunded to the firm by the Fund (Cassa) according to the rules for adjustment between contributions owed and benefits received, that are in force for the special organizations for which the National Institute of Social Security is responsible.

ART. 13

The State is authorized to make advance payments to the National Institute for Social Security on behalf of the Cassa as per above Art.6. These payments will relate to the amount necessary to meet the expenses of the Cassa in the application of the present decree.

No interest will be charged on the above advance payments. The Minister of the Treasury will provide by decree for including the amounts necessary for the

Declassified E.O. 12356 Section 3.3/NND No. 789027

ative of employers and one of workers, [illegible]
and Social Security in consultation with the respective national Union associations with regard to employers' and workers' representatives.

The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

ART. 11

The supplementary payment referred to in this decree is derived from a contribution from industrial undertakings, together with aid from the State.

Contribution to be made by firms is laid down at 9% of gross wages paid to workers.

State contribution is equal to the difference between the total of supplementary payments made and that of contributions received, and cannot in any way exceed the amount of the contributions themselves.

The proportion of contribution to be made by firms can be modified by decree of the Lieutenant General upon proposal of the Minister for Labour and Social Security in agreement with the Minister for the Treasury.

For the determining and prescribing the wages which are subject to contribution, and for payment thereof, the current provisions will apply regarding contributions to be made for Family Allowance.

ART. 12

Supplementary payment will be made by the employer to workers entitled thereto at the end of each pay period.

1865

The sum total of the supplementary payment will be refunded to the firm by the Fund (Caisse) according to the rules for adjustment between contributions owed and benefits received, that are in force for the special organisations for which the National Institute of Social Security is responsible.

ART. 13

The State is authorized to make advance payments to the National Institute for Social Security on behalf of the Caisse as per above Art.6. These payments will relate to the amount necessary to meet the expenses of the Caisse in the application of the present decree.

No interest will be charged on the above advance payments. The Minister of the Treasury will provide by decree for including the amounts necessary for the supplementary payments established by the present decree in the budget estimates of the Ministry of Labour and Social Security.

ART. 14

The provisions as per above articles will apply to the establishments already subject to the collective agreement of 28 June 1941 and to the workers employed by them as well as to the port companies and to their registered members other than office workers.

The port companies are authorized to recover the amount of the contribution to be paid from the persons or organisations for which the loading, unloading, transfer, storing and general transport of merchandise are carried out.

The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Security.

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

in agreement with the Minister of the Treasury and with other Ministers concerned.

ART. 15

The provisions of R.D.L. n. 1827 of 4 October 1935, converted into law and amended by the law n. 1155 of 6 April 1936 for the improvement and legal coordination of social security will be observed insofar as the benefits and contributions contemplated in the present decree are concerned. The provisions relating to fiscal benefits, privileges and exemptions will also be observed.

ART. 16

Employers who fail to pay contributions within the time established or who pay less then the due amount, will pay the contributions or the part of contributions which have not been paid, plus an additional sum of the same amount, and will be punished with a fine of 100 lire to 5,000 lire.

The employer and in general all persons supervising the work will be punished with a fine of 100 lire to 5,000 lire for refusal to collaborate with inspecting officers and agents, for failure to supply information and documents necessary for the application of the present decree, or for having knowingly given wrong or incomplete information.

Whosoever makes a false statement or commits other fraudulent action for the illegal purpose of obtaining the benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merit.

All the above fines will be available for the Cassa as per above Art. 6.

ART. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under paragraph one of the proceeding article.

ART. 18

The validity of D.L.L. n. 523 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

ART. 19

Collective agreements of 13 June 1941 and 29 July 1941 regarding the [illegible] to industrial workers working reduced hours are

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

Employers who fail to pay contributions or the [illegible] or who pay less than the due amount, will pay the contributions or the [illegible] of contributions which have not been paid, plus an additional sum of the same amount, and will be punished with a fine of 100 lire to 5,000 lire.

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ART. 18

The validity of D.L.L. no 523 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

ART. 19

Collective agreements of 13 June 1941 and 29 July 1941 regarding the Fund for supplementary payments to industrial workers working reduced hours are repealed.

All reimbursements borne by the same Fund relating to indemnities and bonuses provided by collective agreements will cease. Employers will continue to pay, at their own expense, the indemnities and bonuses provided by such agreements to the workers entitled to them.

Declassified E.O. 12356 Section 3.3/NND No. 786021

The R.D.L. n. 1545 of 5 December 1941 regarding the granting of a special efficiency bonus and similar benefits to port workers is repealed.

ART. 20

The administration of the Fund in accordance with the preceeding article will terminate on 14 October 1945.

A Lieutenancy Decree prepared by the Minister of Labor and Social Security, in agreement with the Minister of the Treasury, will establish the necessary provisions for the coverage of deficits and for the transfer of surpluses after consultation with the special Committee as per art. 7 above.

ART. 21

The industrial establishments subject to D.L.L. n. 529 of 21 August 1945 must comply with the prohibition contained in Art. 1 of the same decree up to 31 December 1945.

Nevertheless the same establishments are permitted to dismiss as from the 15 October 1945:

(a) Workers who have engaged in any activity connected with the O.V.R...;

(b) Workers who may have been involved in an "epuration" selection, carrying a suspension of at least three months;

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

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(e) Workers as per art. 18 of Decree n. 528 of 21 August 1945.

ART. 22

In order to lighten the burden of industrial establishments and permit the transfer to their original occupation of workers engaged after 1st July 1943, the same establishments are permitted to dismiss:

(a) Workers who have other personal or a family income;

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

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Nevertheless the same establishments are permitted to dismiss as from the 15 October 1945:

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(b) Workers who may have been involved in an "epuration" selection, carrying a suspension of at least three months;

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers as per Art. 18 of Decree n. 528 of 21 August 1945.

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ART. 22

In order to lighten the burden of industrial establishments and permit the transfer to their original occupation of workers engaged after 1st July 1943, the same establishments are permitted to dismiss:

(a) Workers who have other personal or a family income;

(b) Workers employed on work different from their usual occupation, except veterans having taken part in military operations; partisans acknowledged as such in accordance with present provisions; political victims and persecuted people; apprentices under 21 years of age.

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

ART. 23

The application of the conditions giving effect to the provisions established by Art. 21 and 22 will be made by special Commissions composed of representatives of employers' and workers' local Unions.

Disputes which may arise will be decided by arbitration by a third member selected by agreement of the two parties or, if agreement is not reached, by a judge.

ART. 24

The workers as per Art. 22 (b) will receive the following benefits:

(1) the bonus provided by collective agreement in case of termination of the labor contract;

(2) a daily indemnity of 30 lire to be paid by the employer, until the worker finds other employment and in any case for not more than two months from 15 October 1945;

(3) family allowance at normal rates to be borne by the appropriate Fund for the whole period for which the indemnity as per n. 2 above is payable.

ART. 25

Industrial establishments with a working period of more than 40 hours per week, must reduce it to this limit, save in exceptional cases for special technical reasons.

In proportion to the reduction of the working period as per above paragraph, the same establishments must engage unemployed workers in the occupations for which work is available, with priority for veterans having taken part in military operations, for partisans acknowledged as such in accordance with present provisions, political victims and persecuted people.

The provisions of R.D.L. n. 125 of 20 March 1941 establishing the working hours for the duration of the war are repealed.

ART. 26

The Ministry of Labor and Social Security will ensure the application of the present decree through the "Ispettorato del Lavoro".

Declassified E.O. 12355 Section 3.3/NND No. 785021

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ART. 26

The Ministry of Labor and Social Security will ensure the application of the present decree through the "Ispettorato del Lavoro".

ART. 27

The present decree will be effective the day after its publication in the "Gazzetta Ufficiale"; for the provinces restored to the administration of the Italian Government it will operate from the 15 October 1945, and for the other provinces from the date to be established by A.M.G.

Declassified E.O. 12356 Section 3.3/NND No. 786021

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UNCLASSIFIED

LIGURIA REGION - PIEMONTE REGION - LOMBARDIA REGION -
VENEZIA REGION - VENEZIA GIULIA REGION

7091 13 OCTOBER 1945 ROUTINE

UNCLASSIFIED PD

PARA ONE PD SUBJECT IS PROVISIONS FOR INDUSTRIAL WORKERS IN NORTHERN ITALY PD MEMORANDUM LOVE SUGAR CHARLIE ONE THREE ZERO SIX OF THIRD OCTOBER NINETEEN FORTYFIVE REFERS PD

PAREN TO REGIONAL LABOUR AND FINANCE OFFICERS LIGURIA REGION CMA REGIONAL LABOUR AND FINANCE OFFICERS LOMBARDIA REGION CMA REGIONAL LABOUR AND FINANCE OFFICERS VENEZIA REGION CMA REGIONAL LABOUR AND FINANCE OFFICERS PIEMONTE REGION CMA AND FOR INFORMATION TO REGIONAL LABOUR AND FINANCE OFFICERS VENEZIA GIULIA REGION FROM ALCOM HEADQUARTERS CITE AC LAB PAREN

PARA TWO PD CONTINUANCE OF DOG LOVE LOVE NUMBER FIVE TWO THREE UNTIL FORTEENTH OCTOBER NINETEEN FORTYFIVE HAS NOW BEEN CONFIRMED BY ITALIAN COUNCIL OF MINISTERS AS WELL AS THE NEW AGREEMENT CMA TO TAKE EFFECT AS FROM FIFTEENTH OCTOBER NINETEEN FORTYFIVE ON THE LINES INDICATED IN MEMORANDUM REFERRED TO IN PARA ONE ABOVE PD

PARA THREE PD LABOUR AND FINANCE SUBCOMMISSIONS CONCUR IN THESE AGREEMENTS PD A COPY OF THE FULL TEXT OF THE AGREEMENT WILL BE DESPATCHED TO YOU AS EARLY AS POSSIBLE PENDING FINAL DRAFTING OF DECREE WHICH WILL GIVE LEGAL EFFECT TO THE AGREEMENT PD THE DECREE WILL BE PUBLISHED IN GAZZETTA UFFICIALE AND IMPLEMENTED IN ANO TERRITORY IN DUE COURSE PD

LABOUR SUB COMMISSION

204

G.J. LEONE
CWO, USA
Asst Adjutant

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Declassified E.O. 12356 Section 3.3/NND No. 786021

Translation

LRS/ce

MINISTRY OF LABOUR AND SOCIAL SECURITY

Gen.Dir.for Social Security

- - - - -

Nº 616 Sgr.

Rome, 13/10/1945

To: ALLIED COMMISSION
Labour Sub-Commission
Finance Sub-Commission (Soc.Ass.)

SUBJECT: Provisions for industrial workers in Northern Italy, to be effective from 15th October 1945.

1. On 14th Oct. will expire the delay of the D.L.L.nº523 of 21st August 1945 (Provisions in favour of workers in Northern Italy) already unofficially authorized, which gives effect to the recent syndical agreement of 27th Sept.1945, and which is considered in a provision having the purpose of giving to the above agreement the form of a law, and already approved by the Council of Ministers.

2. It is now necessary to establish the rules to be applied to the same workers from the 15th of this month.

3. For this purpose this Ministry is of the opinion that immediate application must be given to the above provision (which has already been sent to you with our letter of 29th Sept. and some copies of which are herewith attached), pending its final drafting and publication.

4. This Ministry, therefore, ask Labour Sub-Commission to consider the convenience of a similar provision and to instruct the Regional Military Government in the provinces not yet restored to the Italian administration, in order that the necessary provisions will be adopted.

5. Trusting that no objection will be made by your Sub-Commission, this Ministry has already given in the attached letter the necessary instructions to the "Istituto Nazionale della Previdenza Sociale", in order to secure the payment of wage integration in accordance with the new rules of the draft provision.

6. We will very much appreciate if your agreement could be given as soon as possible.

By order of the Minister
THE CHIEF OF CABINET
sgd. Angelelli

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Roma 13. 10. 1945

Ministero ~~dell'Industria~~ del Lavoro
E DELLA PREVIDENZA SOCIALE
Direzione Gener. Previdenza e Assist. sociale

All'ON. COMMISSIONE ALLEATA
Sottocommissione del Lavoro
—Sottocommissione finanziaria (Ass.soc.)

Prot. N.° 616 Lav. Allegati I

Risposta al f.° N.°
del

OGGETTO Disposizioni per i lavoratori dell'industria in Alta Italia dal 15 ottobre 1945

1) Con il 14 corr.mese viene a scadere la proroga del D.L.L. 21 agosto 1945,n.523,per le provvidenze a favore dei lavoratori del Nord Italia,già autorizzata in via breve,in attuazione del recente accordo sindacale del 27 settembre u.s. e prevista dal provvedimento in corso,già approvato dal Consiglio dei Ministri per la trasformazione in legge dell'accordo stesso.

2) Occorre ora stabilire la regolamentazione da applicarsi per i lavoratori stessi a decorrere dal 15 corr.mese.

3) A tal fine questo Ministero,nell'attesa che detto provvedimento - già trasmesso con lettera 29 settembre u.s. - e del quale ad ogni buon fine si rimettono altre copie - venga perfezionato e pubblicato, è d'avviso che abbia immediata applicazione.

4) Questo Ministero prega perciò codesta Commissione di volere considerare la opportunità che si provveda nel senso predetto e di voler interessare il Governo militare regionale delle provincie non ancora restituite all'amministrazione italiana perchè siano adottate le disposizioni occorrenti.

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5) Nella fiducia che nulla osti da parte di codesta Commis-

Declassified E.O. 12356 Section 3.3/NND No. 788021

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Prot. N.° 616 Gab. Allegati I Risposta all'f. N.° del

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5) Nella fiducia che nulla osti da parte di codesta Commissione questo Ministero ha già impartito con l'unita lettera all'Istituto nazionale della previdenza sociale apposite istruzioni ai fini della corresponsione della integrazione salariale se-

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condo le nuove norme dello schema di provvedimento.

6) Tornerà gradito a questo Ministero un cortese solleci_
to cenno di adesione alla presente.

D'ordine del Ministro
IL CAPO DI GABINETTO
f.to Augelli

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

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HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION

1 October 1945

Ins 505/F

SUBJECT : Extension of Dole to Surplus Workers.

TO : Joint Directors.

1. A collective agreement (copy attached) has just been reached, dated 27 September 1945, making provision for surplus workers in North Italy up to 31 December. A draft decree to validate this as regards the Treasury's obligations has been approved in principle by the Council of Ministers on 28 September.

2. The agreement is subject to final approval and signature by the employers' and workers' Confederations, such action to take place before 14 October.

3. Pending that date the Ministry is asking continuance in force of D.L.L. 523 of 21 August 1945 which provided belatedly the legal basis for the Milan agreements of 23 June and 8 July, expires on 30 September. AC was asked to provide for this, but we were assured by Legal Sub-Commission that no formal order could be prepared in time. Labour Sub-Commission with our agreement has sentmcable, and an instruction will follow to bridge the gap until the new agreement will enter into force.

4. The new agreement relaxes slightly the restraints on the power to dismiss. Groups which may be dismissed are:
a)all former members of OVRA;
b)all those in a state of suspension for over 3 months on Charges of Fascism;
c)all workers capable of supporting themselves.

5. The responsibility of employers for emergency workers has been lightened. Workers employed after 23 June 1943 are to be returned to their normal pursuits unless belonging to certain categories, notably partisans.

6. Special supplemental benefits are provided for workers now separated from their jobs under the terms of the new agreement. These include:
a)a dismissal indemnity
b)a daily indemnity of Lit.30 for up to 2 months
c)family allowances for the same period.

7. The basic work week under the new agreement will be 40 hours instead of 48 hours. The ratio of compensation for time not worked to that for time worked is lowered from 75% to 66 2/3 %. The word "integration" will not in

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b) all those in a state of suspension for over 3 months on Charges of Fascism;
c) all workers capable of supporting themselves.

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a) a dismissal indemnity
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c) family allowances for the same period.

7. The basic work week under the new agreement will be 40 hours instead of 48 hours. The ratio of compensation for time not worked to that for time worked is lowered from 75% to 66 2/3 %. The wage "integration" will not in future be payable to those who have done other work for remuneration. All of the "integrations" will become the burden of the Cassa Integrazione Salariale to which in future the employer will make a regular contribution of 5% of his payroll. These measures clearly reduce the employer's burden in respect of surplus workers.

8. It would appear, on the other hand, that employers of full-time workers would have their burden in respect of such workers increased. They must now, it seems, pay the same amount for 40 hours' work which they formerly paid for 48 hours.

9. Although the agreement is stipulated for Northern Italy, its extension to Central and Southern Italy is clearly foreshadowed. This may be arranged before 14 October at a conference contemplated as soon to occur between employers' and employees' representatives.

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

10. For another limited period (till 31 December) a dole to surplus workers is continued under conditions slightly more favourable to employers. The public works program which was to have made its continuance unnecessary, is still in process of formulation. There is nothing to indicate that the dole can be ended on 31 December when public works projects even if ready, will be hampered by unfavourable weather conditions and when midwinter suffering will disincline the authorities to curtail any such payments.

11. The program, or something like it, is undoubtedly a political necessity. One cannot escape the fact, nevertheless, that to make substantial payments for unproductive time is inflationary. It may be conceded that, with present shortages of fuel and materials, some considerable idleness is unavoidable. The slowness with which the works program has been handled, however, is open to strong condemnations. So is the attitude of the Government which now, as in July, has pliantly accepted the outcome of the negotiations between the two contracting parties with no effort to reduce the burden to the State Treasury nor to increase the gap between pay for time worked and for time not worked.

12. Such influence as is still within the power of Allied Commission should be thrown into the scales on the side of increasing productive employment as opposed to special compensation for idle time. Specifically the Commission should

a) seek to encourage the completion and launching of projects to provide work opportunities, and

b) seek to increase to the maximum level possible the flow of essential fuel and materials into Italy. As regards the first objective, expression of interest and offer of counsel at headquarters should be supplemented by direct cooperation wherever we remain in authority. As regards the second objective we should work in harmony with U.N.R.R.A. and should investigate with them and with the Allied Command, the possibilities of utilization of military equipment and supplies now in this country.

A.H.Reede

A.H.Reede
Major, A.U.S.
Social Insurance Officer

Copy to:
Economic Section
Labour Sub-Commission
Industry Sub-Commission.

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

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A. H. Reede

A.H.Reede
Major, A.U.S.
Social Insurance Officer

Copy to:
Economic Section
Labour Sub-Commission ✓
Industry Sub-Commission.

AHR/ar

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HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

FP:pm

TEL. : 204

REF. : LSC/1306

3 October 1945

SUBJECT : D.L.L. 21 August 1945, n. 523
Surplus Workers in Northern Italy.

TO : Regional Commissioners: Liguria, Piemonte, Lombardia, Venezia (and Venezia Giulia for information)
Attention: Regional Finance and Regional Labour Officers).

1. Representatives of Labour and Industry have during the past week been in session in Rome, together with the Italian Government, for the purpose of providing a new arrangement to take the place of the provisions of Decree 523 which expired, by its own terms, on 30th Sept. 1945. An agreement was reached and was approved in principle by the Council of Ministers on Friday 28th September 1945 - vide cable No. 6293 from this Sub-Commission dated 29th September 1945.

2. Dismissals.-

(I) The agreement provides, inter alia, for certain relaxations of the ban on dismissals. Amongst those whom it will be permissible to dismiss as from 15th October 1945 are:

(a) Workers who have engaged in any activity connected with the O.V.R.A.;

(b) Workers who may have been involved in an "epuration" proceeding, carrying a suspension of at least three months;

(c) Workers dismissed for misconduct in accordance with law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment

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

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(b) Workers who may have been involved in an "epuration" proceeding, carrying a suspension of at least three months;

(c) Workers dismissed for misconduct in accordance with law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers who were engaged after 10th June 1943.

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(II) Exceptions from (e) above include repatriated prisoners of war, partisans, political victims and apprentices less than 21 years of age.

(III) Workers who are discharged under the provisions of (e) above will receive dismissal benefits provided for by collective contract, and in addition a daily indemnity of 30 lire for a period not to exceed two months, together with

Declassified E.O. 12356 Section 3.3/NND No. 786021

family allowance. The daily indemnity will be paid by the employer.

3. Work week.

The duration of the working week is reduced to 40 hours for the purpose of spreading the work, priority being given to prisoners of war, partisans and political victims.

4. Workers Suspended or Working Reduced Hours.

Workers employed by industrial undertakings who work for less than 40 hours a week, will receive a payment equal to two thirds of their pay for the number of hours during which they did not work up to 40. This will be paid out of Cassa Integrazione. This payment is, however, not applicable if the worker is engaged in other remunerative activity.

(I) The employer will continue the 5% contribution to the Cassa Integrazione, and the Government will assist in the make-up of the sums necessary, to the extent which will be provided for in subsequent legislation.

5. The agreement is applicable to Northern Italy, but may eventually be applicable to Central and Southern Italy.

6. The agreement will be operative from 15 October to 31 December 1945.

7. Decree No. 523 which was in force up to the 30th September will be extended in its operation to cover the period from 1st to 14th October 1945.

8. It will be noted that the proposals contained in the agreement provide for some measure of relaxation of the prohibition against the dismissal of workers. It will also be noted that the compensation payable to those not working or those working reduced hours has been decreased to two thirds of time not worked up to 40 hours as against 75% of time lord up to 48 hours which is provided for in decree 523. In addition, the full two thirds is payable out of the Cassa Integrazione fund, though a 5% contribution remains payable by the employers, whereas under the old scheme 25% is payable by the employer.

9. As soon as the terms of the new decree confirming the agreement have been confirmed, full details will be communicated to Regional Commissioners.

Signed

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

Cassa Integrazione. This payment is, however, not applicable if the worker is engaged in other remunerative activity.

(I) The employer will continue the 5% contribution to the Cassa Integrazione, and the Government will assist in the make-up of the sums necessary, to the extent which will be provided for in subsequent legislation.

5. The agreement is applicable to Northern Italy, but may eventually be applicable to Central and Southern Italy.

6. The agreement will be operative from 15 October to 31 December 1945.

7. Decree No. 523 which was in force up to the 30th September will be extended in its operation to cover the period from 1st to 14th October 1945.

8. It will be noted that the proposals contained in the agreement provide for some measure of relaxation of the prohibition against the dismissal of workers. It will also be noted that the compensation payable to those not working or those working reduced hours has been decreased to two thirds of time not worked up to 40 hours as against 75% of time lord up to 48 hours which is provided for in decree 523. In addition, the full two thirds is payable out of the Cassa Integrazione fund, though a 5% contribution remains payable by the employers, whereas under the old scheme 25% is payable by the employer.

9. As soon as the terms of the new decree confirming the agreement have been confirmed, full details will be communicated to Regional Commissioners.

1857

David C. SACHS
Deputy Director
Labor Sub-Commission

Copy to:

Economic Section
Executive Commissioner
Chief Commissioner
Finance Sub-Commission
Industry Sub-Commission.

Declassified E.O. 12356 Section 3.3/NND No. 759021

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

By virtue of the authority vested in us:

Having seen the Lieutenancy law decree of 25 June 1944, No. 151;

Having seen the lieutenancy decree of 1 February 1945, No. 52;

Having seen the collective contracts regulating the fund for additional payment of wages to workers in industry working part time;

Having seen the legislative decree of the Lieutenant General of 21 August 1945, No. 525 containing provisions for workers in Northern Italy;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

WE HAVE SANCTIONED AND
"DECREED" AS FOLLOWS :

ART. 1

Workers employed by industrial undertakings, who work for less than 40 hours a week, thereby suffering a reduction in wages, are entitled to additional payment equal to 8/4 of the global wage to which they would have been entitled, for the number of hours between 24 and 40 per week, during which they did not work.

Workers for whom special working hours are laid down, either by contract clauses or by reason of the kind of work, are entitled to additional payment for time not worked in such particular working hours, and in every case, within the limits prescribed in the above para.

Workers with fixed wages on a time basis, whose wages are reduced because of reduced activity, are entitled to additional payment within the limits established by para 1, the wage received being adjusted on an hourly basis.

ART. 2

Where reduction of working hours is made, by extending the working hours over fore-established periods longer than a week, additional payment is within limits of Art. 1, on the basis of the average weekly duration of the hours worked during the extended period in question.

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ART. 3

Additional payment is not due to workers employed for reduced hours by reason of unpaid holidays or absence from work involving loss of pay.

It will also not be paid to those workers who, during part-time working hours, undertake other salaried activities.

- 1 -

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

ART. 4

Workers entitled to additional payment are entitled to Family Allowance in the normal manner to be paid by the Fund (Cassa) concerned.

ART. 5

In calculating the additional payment, supplementary indemnities to the basic wage that are payable in relation to a days work are computed according to the principles laid down by law and collective agreement which govern the said indemnities.

For workers on a piece-work basis and for those paid entirely or in part in production premiums, co-partnership and such like, additional payment is in proportion to the average hourly earnings during the working period for which supplementation is due.

Employers' and workers' provincial Trade Union organisations can lay down separate principles for the fixing of wages, and eventually can establish special tables of average wages for each category.

ART. 6

A "Fund for Supplementation of Wages for Industrial Workers" has been established at the National Institute for Social Security to provide for payment of the additional sums mentioned in above articles.

ART. 7

The fund is supervised by a special committee, at the head of which is the President of the National Institute for Social Security or in lieu of this or in case of impediment, the Committee is presided over by the person appointed as Deputy by the laws, which regulate the representation of the said Institute; the Committee is comprised of the following members:

(1) the Director General for Social Security and Social Welfare and the Director General of Labour of the Ministry of Labour and Social Security;

(2) a representative of the Treasury;

(3) three employers' representatives and three workers' representatives;

(4) the Director General of the National Institute of Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

It is the duty of the Committee:

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

For workers on a piece-work basis and for those paid entirely or in part in production premiums, co-partnership and such like, additional payment is in proportion to the average hourly earnings during the working period for which supplementation is due.

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(1) the Director General for Social Security and Social Welfare and the Director General of Labour of the Ministry of Labour and Social Security;

(2) a representative of the Treasury;

(3) three employers' representatives and three workers' representatives;

(4) the Director General of the National Institute of Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

ART. 8

It is the duty of the Committee:

(1) to express an opinion on questions which may in any way arise on the application of the present decree;

(2) examine the annual balance;

(3) take decisions on claims concerning contributions and benefits.

ART. 9

Against decisions as per (3) of above article, appeal is allowed within limit of 30 days of notification, appeal to be made to the Minister of Labour and

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

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

tions with regard to employers' and workers' representatives.

The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

ART. 11

The supplementary payment referred to in this decree is derived from a contribution from industrial undertakings, together with aid from the State.

Contribution to be made by firms is laid down at 5% of gross wages paid to workers.

State contribution is equal to the difference between the total of supplementary payments made and that of contributions received, and cannot in any way exceed the amount of the contributions themselves.

The proportion of contributions to be made by firms can be modified by decree of the Lieutenant General upon proposal of the Minister for Labour and Social Security in agreement with the Minister for the Treasury.

For the determining and recording the wages which are subject to contribution, and for payment thereof, the current provisions will apply regarding contributions to be made for Family Allowance.

ART. 12

Supplementary payment will be made by the employer to workers entitled thereto at the end of each pay period.

The sum total of the supplementary payment will be refunded to the firm by the Fund (Caisse) according to the rules for adjustment between contributions owed and benefits received, that are in force for the special organizations for which the National Institute of Social Security is responsible.

ART. 13

The State is authorized to make advance payments to the National Institute for Social Security on behalf of the Caisse as per above Art.6. These payments will relate to the amount necessary to meet the expenses of the Caisse in the application of the present decree.

No interest will be charged on the above advance payments. The Minister of the Treasury will provide by decree for including the amounts necessary for the supplementary payments established by the present decree in the budget estimates of the Ministry of Labour and Social Security.

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ART. 14

The provisions of the above articles will apply to the establishments already subject to the collective agreement of 14 Jan 1942 and to the workers employed by them as well as to the port companies and to their registered members other than office workers.

The port companies are authorized to recover the amount of the contribution to be paid from the persons or organizations for which the loading, unloading, transfer, storing and general transport of merchandise are carried out.

The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Security.

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

in agreement with the Minister of the Treasury and with other Ministers concerned.

ART. 15

The provisions of R.D.L. n. 1827 of 4 October 1935, converted into law and amended by the law n. 1155 of 6 April 1936 for the improvement and legal coordination of social security will be observed insofar as the benefits and contributions contemplated in the present decree are concerned. The provisions relating to fiscal benefits, privileges and exemptions will also be observed.

ART. 16

Employers who fail to pay contributions within the time established or who pay less than the due amount, will pay the contributions or the part of contributions which have not been paid, plus an additional sum of the same amount, and will be punished with a fine of 100 lire to 5,000 lire.

The employer and in general all persons supervising the work will be punished with a fine of 100 lire to 5,000 lire for refusal to collaborate with inspecting officers and agents, for failure to supply information and documents necessary for the application of the present decree, or for having knowingly given wrong or incomplete information.

Whosoever makes a false statement or commits other fraudulent action for the illegal purpose of obtaining the benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merit.

All the above fines will be available for the Cause as per above Art. 6.

ART. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under Paragraph one of the preceding article.

ART. 18

The validity of D.L.L. n. 523 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

ART. 19

[illegible] 1941 and 28 July 1941 regarding the

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

be observed.

ART. 16

Employers who fail to pay contributions within the time established or who pay less than the due amount, will pay the contributions or the part of contributions which have not been paid, plus an additional sum of the same amount, and will be punished with a fine of 100 lire to 5,000 lire.

The employer and in general all persons supervising the work will be punished with a fine of 100 lire to 5,000 lire for refusal to collaborate with inspecting officers and agents, for failure to supply information and documents necessary for the application of the present decree, or for having knowingly given wrong or incomplete information.

Whosoever makes a false statement or commits other fraudulent action for the illegal purpose of obtaining the benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merit.

All the above fines will be available for the Cassa as per above Art. 6.

ART. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under Paragraph one of the preceding article.

ART. 18

The validity of D.L.L. n. 523 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

ART. 19

Collective agreements of 13 June 1941 and 29 July 1941 regarding the Fund for supplementary payments to industrial workers working reduced hours are repealed.

All reimbursements borne by the same Fund relating to indemnities and bonuses provided by collective agreements will cease. Employers will continue to pay, at their own expense, the indemnities and bonuses provided by such agreements to the workers entitled to them.

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

The R.D.L. n. 1545 of 5 December 1941 regarding the granting of a special efficiency bonus and similar benefits to port workers is repealed.

ART. 20

The administration of the Fund in accordance with the preceding article will terminate on 14 October 1945.

A Lieutenancy Decree prepared by the Minister of Labor and Social Security, in agreement with the Minister of the Treasury, will establish the necessary provisions for the coverage of deficits and for the transfer of surpluses after consultation with the special Committee as per art. 7 above.

ART. 21

The industrial establishments subject to D.L.L. n. 523 of 21 August 1945 must comply with the prohibition contained in art. 1 of the same decree up to 31 December 1945.

Nevertheless the same establishments are permitted to dismiss as from the 15 October 1945:

(a) Workers who have engaged in any activity connected with the C.V.R....;

(b) Workers who may have been involved in an "epuration" selection, carrying a suspension of at least three months;

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers as per art. 18 of Decree n. 528 of 21 August 1945.

ART. 22

In order to lighten the burden of industrial establishments and permit the transfer to their original occupation of workers engaged after 1st July 1943, the same establishments are permitted to dismiss:

(a) Workers who have other personal or family income;

(b) Workers employed on work different from their usual occupation

1854

Declassified E.O. 12356 Section 3.3/NND No. 750021

the necessary provisions for the coverage of deficits and for the transfer of surpluses after consultation with the special Committee as per Art. 7 above.

ART. 21

The industrial establishments subject to D.L.L. n. 523 of 21 August 1945 must comply with the prohibition contained in Art. 1 of the same decree up to 31 December 1945.

Nevertheless the same establishments are permitted to dismiss as from the 15 October 1945:

(a) Workers who have engaged in any activity connected with the C.V.L.N.;

(b) Workers who may have been involved in an "epuration" selection, carrying a suspension of at least three months;

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers as per Art. 18 of Decree n. 528 of 21 August 1945.

ART. 22

In order to lighten the burden of industrial establishments and permit the transfer to their original occupation of workers engaged after 1st July 1943, the same establishments are permitted to dismiss:

(a) Workers who have other personnel or a family income;

1854

(b) Workers employed on work different from their usual occupation, except veterans having taken part in military operations; partisans acknowledged as such in accordance with present provisions; political victims and persecuted people; apprentices under 21 years of age.

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

ART. 23

The application of the conditions giving effect to the provisions established by Art. 21 and 22 will be made by special Commissions composed of representatives of employers' and workers' local Unions.

Disputes which may arise will be decided by arbitration by a third member selected by agreement of the two parties or, if agreement is not reached, by a judge.

ART. 24

The workers as per Art. 22 (b) will receive the following benefits:

(1) the bonus provided by collective agreement in case of termination of the labor contract;

(2) a daily indemnity of 30 lire to be paid by the employer, until the worker finds other employment and in any case for not more than two months from 15 October 1945;

(3) family allowance at normal rates to be borne by the appropriate Fund for the whole period for which the indemnity as per n. 2 above is payable.

ART. 25

Industrial establishments with a working period of more than 40 hours per week, must reduce it to this limit, save in exceptional cases for special technical reasons.

In proportion to the reduction of the working period as per above paragraph, the same establishments must engage unemployed workers in the occupations for which work is available, with priority for veterans having taken part in military operations, for partisans acknowledged as such in accordance with present provisions, political victims and persecuted people.

The provisions of R.D.L. n. 125 of 20 March 1941 establishing the working hours for the duration of the war are repealed.

ART. 26

The Ministry of Labor and Social Security will ensure the application of the present decree through the "Ispettorato del Lavoro".

ART. 27

Declassified E.O. 12356 Section 3.3/NND No. 786021

ART. 24

The workers as per Art. 22 (b) will receive the following benefits:

(1) the bonus provided by collective agreement in case of termination of the labor contract;

(2) a daily indemnity of 30 lire to be paid by the employer, until the worker finds other employment and in any case for not more than two months from 15 October 1945;

(3) family allowance at normal rates to be borne by the appropriate Fund for the whole period for which the indemnity as per n. 2 above is payable.

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Industrial establishments with a working period of more than 40 hours per week, must reduce it to this limit, save in exceptional cases for special technical reasons.

In proportion to the reduction of the working period as per above paragraph, the same establishments must engage unemployed workers in the occupations for which work is available, with priority for veterans having taken part in military operations, for partisans acknowledged as such in accordance with present provisions, political victims and persecuted people.

The provisions of R.D.L. n. 125 of 20 March 1941 establishing the working hours for the duration of the war are repealed.

ART. 26

The Ministry of Labor and Social Security will insure the application of the present decree through the "Ispettorato del Lavoro".

ART. 27

The present decree will be effective the day after its publication in the "Gazzetta Ufficiale"; for the provinces restored to the administration of the Italian Government it will operate from the 15 October 1945, and for the other provinces from the date established by A.M.G.

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

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

HEAD QUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB COMMISSION

MP/ac

TEL : 204

1 October 1945

REF : LSC/1306

SUBJECT: DLL 21 August 1945, n. 523
Surplus Workers in Northern Italy.

TO : Regional Commissioners: Liguria, Piemonte, Lombardia, Venezia (and Venezia Giulia for information)
Attention Regional Finance and Regional Labour Officers.

1. Representatives of Labour and Industry have during the past week been in session in Rome together with the Italian Government, for the purpose of providing a new arrangement to take the place of the provisions of Decree 523 which expired, by its own terms on 30th Sept. 1945. An agreement was reached and duly approved by the Council of Ministers on Friday 28th September 1945 - vide cable No. 6293 from this Sub-Commission dated 29the Sept. 1945.

Attached for information is a copy of the draft of the new Decree (together with a translation thereof) which has been approved and which will be published in the Gazzetta Ufficiale in due course and which will be implemented in AMG territories.

3. It will be noted that the new Decree will be effective as from 15th October 1945 and will be valid up to and including 31st December 1945..

4. The provisions of Decree 523 are extended to cover the period from 1st to 14th October 1945 inclusive.

DAVID C. SACHS
Deputy Director,
Labour Sub-Commission

1853

MINISTRY OF LABOUR AND SOCIAL SECURITY

DRAFT OF LEGISLATIVE DECREE OF LIEUTENANT GENERAL CONTAINING PROVISIONS FOR WORKERS IN INDUSTRY

UMBERTO DI SAVOIA
Prince of Piedmont
LIEUTENANT GENERAL OF THE REALM

By virtue of the authority vested in us;

Having seen the lieutenancy law decree of 25 June 1944, n. 151;

Having seen the lieutenancy decree of 1 February 1945, n. 58;

Having seen the collective contracts regulating the fund for additional payment of wages to workers in industry working part time;

Having seen the legislative decree of the Lieutenant General of 21 August 1945, n. 523 containing provisions for workers in Northern Italy;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

WE HAVE SANCTIONED AND WE
PROMULGATE AS FOLLOWS:

ART. 1

Workers employed by industrial undertakings, who work for less than 40 hours a week, thereby suffering a reduction in wages, are entitled to additional payment equal to 2/3 of the global wage to which they would have been entitled, for the number of hours between 24 and 40 per week, during which they did not work.

1852

Workers for whom special working hours are laid down,

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

LIEUTENANT GENERAL OF THE REALM

By virtue of the authority vested in us:

Having seen the lieutenancy law decree of 25 June 1944, n. 151;

Having seen the lieutenancy decree of 1 February 1945, n. 58;

Having seen the collective contracts regulating the fund for additional payment of wages to workers in industry working part time;

Having seen the legislative decree of the Lieutenant General of 21 August 1945, n. 523 containing provisions for workers in Northern Italy;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

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1852

Workers for whom special working hours are laid down, either by contract clauses or by reason of the kind of work, are entitled to additional payment for time not worked in such particular working hours, and in every case, within the limits prescribed in the above para.

Workers with fixed wages on a time basis, whose wages are reduced because of reduced activity, are entitled to additional payment within the limits established by para 1, the wage received being adjusted on an hourly basis.

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

ART. 2

Where reduction of working hours is made, by extending the working hours over forestablished periods longer than a week, additional payment is due within limits of Art. 1, on the basis of the average weekly duration of the hours worked during the extended period in question.

ART. 3

Additional payment is not due to workers employed for reduced hours by reason of unpaid holidays or absence from work involving loss of pay.

It will also not be paid to those workers who, during part-time working days, undertake other salaried activities.

ART. 4

Workers entitled to additional payment are entitled to Family Allowance in the normal manner to be paid by the Fund (Cassa) concerned.

ART. 5

In calculating the additional payment, supplementary indemnities to the basic wage that are payable in relation to a days work are computed according to the principles laid down by law and collective agreement which govern the said indemnities.

For workers on a piecework basis and for those paid entirely or in part in production premiums, co-partnership and such like, additional payment is in proportion to the average hourly earnings during the working period for which supplementation is due.

Employers' and workers' provincial Trade Union organisations can lay down separate principles for the fixing of wages, and eventually can establish special tables of average wages for each category.

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

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In calculating the additional payment, supplementary indemnities to the basic wage that are payable in relation to a days work are computed according to the principles laid down by law and collective agreement which govern the said indemnities.

For workers on a piecework basis and for those paid entirely or in part in production premiums, co-partnership and such like, additional payment is in proportion to the average hourly earnings during the working period for which supplementation is due.

Employers' and workers' provincial Trade Union organisations can lay down separate principles for the fixing of wages, and eventually can establish special tables of average wages for each category.

1851

ART. 6

A "Fund for Supplementation of Wages for Industrial Workers" has been established at the National Institute for Social Security to provide for payment of the additional sums mentioned in above articles.

ART. 7

The fund is supervised by a special committee, at the head of which is the President of the National Institute for Social Security or in lieu of this or in case of impediment,

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

the Committee is presided over by the person appointed as deputy by the laws , which regulate the representation of the said Institute; the Committee is comprised of the following members:

(1) the Director General for Social Security and Social Welfare and the Director General of Labour of the Ministry of Labour and Social Security;

(2) a representative of the Treasury;

(3) three employers' representatives and three workers' representatives;

(4) the Director General of the National Institute of Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

ART. 8

It is the duty of the Committee:

(1) to express an opinion on questions which may in any way arise on the application of the present decree;

(2) examine the annual balance;

(3) take decisions on claims concerning contributions and benefits.

ART. 9

Against decisions as per (3) of above article, appeal is allowed within a limit of 30 days of notification, appeal to be made to the Ministry of Labour and Social Security, for a definite decision.

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The person concerned may, however, take action at law to

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

(3) three employers' representatives and three workers' representatives:

(4) the Director General of the National Institute of Social Security.

The Committee is appointed by decree of Minister of Labour and Social Security in agreement, through representatives of employers and workers, with the respective national trade union associations.

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(1) to express an opinion on questions which may in any way arise on the application of the present decree;

(2) examine the annual balance;

(3) take decisions on claims concerning contributions and benefits.

ART. 9

Against decisions as per (3) of above article, appeal is allowed within a limit of 30 days of notification, appeal to be made to the Ministry of Labour and Social Security, for a definite decision.

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The person concerned may, however, take action at Law to be initiated within 30 days of notification of the decision reached by the Ministry.

In any case, questions concerning the establishing of contributions and allowances are excluded from the competence of the Judicial Authorities.

ART. 10

The duties of supervising the management of the Fund are exercised by a Control Committee composed of the Chairman of the Control Committee of the National Institute of Social Security who presides, a representative for each of the Mi-

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

nistries of Labour and Social Security and the Treasury, and a representative of employers and one of workers, to be nominated by the Minister of Labour and Social Security in consultation with the respective national Union associations with regard to employers' and workers' representatives.

The Chairman of the Control Committee is present at meetings of the Special Fund Committee.

ART. 11

The supplementary payment referred to in this decree is derived from a contribution from industrial undertakings, together with aid from the State.

Contribution to be made by firms is laid down at 5% of gross wages paid to workers.

State contribution is equal to the difference between the total of supplementary payments made and that of contributions received, and cannot in any way exceed the amount of the contributions themselves.

The proportion of contribution to be made by firms can be modified by decree of the Lieutenant General upon proposal of the Minister for Labour and Social Security in agreement with the Minister for the Treasury.

For the determinating and prescribing the wages which are subject to contribution, and for payment thereof, the current provisions will apply regarding contributions to be made for Family Allowance.

1819

ART. 12

Supplementary payment will be made by the employer to workers entitled thereto at the end of each pay period.

The sum total of the supplementary payment will be refunded to the firm by the Fund (Cassa) according to the rules for adjustment between contributions owed and benefits received, that are in force for the special organisations for which the

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

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Contribution to be made by firms is laid down at 5% of gross wages paid to workers.

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The proportion of contribution to be made by firms can be modified by decree of the Lieutenant General upon proposal of the Minister for Labour and Social Security in agreement with the Minister for the Treasury.

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1819

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The sum total of the supplementary payment will be refunded to the firm by the Fund (Cassa) according to the rules for adjustment between contributions owed and benefits received, that are in force for the special organisations for which the National Institute of Social Security is responsible.

ART. 13

The State is authorized to make advance payments to the National Institute for Social Security on behalf of the Cassa as per above Art.6. These payments will relate to the amount necessary to meet the expenses of the Cassa in the application of the present decree.

No interest will be charged on the above advance payments. The Minister of the Treasury will provide by decree for includ-

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

ing the amounts necessary for the supplementary payments established by the present decree in the budget estimates of the Ministry of Labour and Social Security.

ART. 14

The provisions as per above articles will apply to the establishments already subject to the collective agreement of 13 June 1941 and to the workers employed by them as well as to the port companies and to their registered members other than office workers.

The port companies are authorized to recover the amount of the contribution to be paid from the persons or organisations for which the loading, unloading, transfer, storing and general transport of merchandise are carried out.

The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Security, in agreement with the Minister of the Treasury and with other Ministers concerned.

ART. 15

The provisions of R.D.L. n.1827 of 4 October 1935, converted into law and amended by the law n.1155 of 6 April 1936 for the improvement and legal coordination of social security will be observed insofar as the benefits and contributions contemplated in the present decree are concerned. The provisions relating to fiscal benefits, privileges and exemptions will also be observed.

ART. 16

Employers who fail to pay contributions within the time established or who pay less than the due amount, will pay the contributions or the part of contributions which have not been paid, plus an additional sum of the same amount, and will be punished with a fine of 100 lire to 5.000 lire.

1848

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

as to the port companies and to their registered members other than office workers.

The port companies are authorized to recover the amount of the contribution to be paid from the persons or organisations for which the loading, unloading, transfer, storing and general transport of merchandise are carried out.

The same provisions may be extended to other categories of establishments and workers and any necessary supplementary provisions may be presented by a Lieutenancy Decree upon proposal of the Ministry of Labour and Social Security, in agreement with the Minister of the Treasury and with other Ministers concerned.

ART. 15

The provisions of R.D.L. n.1827 of 4 October 1935, converted into law and amended by the law n.1155 of 6 April 1936 for the improvement and legal coordination of social security will be observed insofar as the benefits and contributions contemplated in the present decree are concerned. The provisions relating to fiscal benefits, privileges and exemptions will also be observed.

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1848

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

The employer and in general all persons supervising the work will be punished with a fine of 100 lire to 5,000 lire for refusal to collaborate with inspecting officers and agents, for failure to supply information and documents necessary for the application of the present decree, or for having knowingly given wrong or incomplete information.

Whosoever makes a false statement or commits other fraudulent action for the illegal purpose of obtaining the benefits provided for by the present decree will be punished with a fine of 100 lire to 5,000 lire and/or such heavier penalties as his actions may merit.

All the above fines will be available for the Cassa as per above Art. 6.

Art. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under Paragraph one of the preceeding article.

Art. 18

The validity of D.L.L. n.525 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

Art. 19

Collective agreements of 13 June 1941 and 29 July 1941 regarding the Fund for supplementary payments to industrial workers working reduced hours are repealed.

All reimbursements borne by the same Fund relating to indemnities and bonuses provided by collective agreements will cease. Employers will continue to pay, at their own expense, the indemnities and bonuses provided by such agreements to the workers entitled to them.

The R.D.L. n.1545 of 5 December 1941 regarding the grant-

Declassified E.O. 12356 Section 3.3/NND No. 780021

Art. 17

In case of infringement of the present decree, the offender will be permitted, before being summoned for judgment in first degree, to offer to discharge his liabilities to the National Institute for Social Security, which Institute, after having consulted the special Committee as per Art. 7, will fix the amount to be paid within the minimum and maximum of the above fine.

In case of failure to pay contributions, the Institute, after having consulted the above Committee, may reduce the additional payment due under Paragraph one of the preceeding article.

Art. 18

The validity of D.L.L. n.523 of 21 August 1945 (provisions for workers in Northern Italy) is prolonged up to 14 October 1945.

Art. 19

Collective agreements of 13 June 1941 and 29 July 1941 regarding the Fund for supplementary payments to industrial workers working reduced hours are repealed.

All reimbursements borne by the same Fund relating to indemnities and bonuses provided by collective agreements will cease. Employers will continue to pay, at their own expense, the indemnities and bonuses provided by such agreements to the workers entitled to them.

The R.D.L. n.1545 of 5 December 1941 regarding the granting of a special efficiency bonus and similar benefits to port workers is repealed.

1847

Art. 20

The administration of the Fund in accordance with the preceeding article will terminate on 14 October 1945.

A Lieutenancy Decree prepared by the Minister of Labor and Social Security, in agreement with the Minister of the Treasury, will establish the necessary provisions for the coverage of deficits and for the transfer of surpluses after consultation with the special Committee as per Art. 7 above.

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

Art. 21

The industrial establishments subject to D.L.L. n.523 of 21 August 1945 must comply with the prohibition contained in Art. 1 of the same decree up to 31 December 1945.

Nevertheless the same establishments are permitted to dismiss as from the 15 October 1945:

(a) Workers who have engaged in any activity connected with the O.V.R.A.;

(b) Workers who may have been involved in an "epuration" selection, carrying a suspension of at least three months;

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers as per Art. 18 of Decree n.528 of 21 August 1945.

Art. 22

In order to lighten the burden of industrial establishments and permit the transfer to their original occupation of workers engaged after 1st July 1943, the same establishments are permitted to dismiss:

(a) Workers who have other personal or a family income;

(b) Workers employed on work different from their usual occupation, except: veterans having taken part in military operations; partisans acknowledged as such in accordance with present provisions; political victims and persecuted people; apprentices under 21 years of age.

Art. 23

The application of the conditions giving effect to the provisions established by Art. 21 and 22 will be made by special Commissions composed of representatives of employers' and workers' local Unions.

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

(c) Workers in respect of whom dismissal for misconduct is provided by law or collective agreement;

(d) Workers who, without any reasonable justification, did not accept alternative employment offered to them by another employer;

(e) Workers as per Art. 18 of Decree n.528 of 21 August 1945.

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Art. 23

The application of the conditions giving effect to the provisions established by Art. 21 and 22 will be made by special Commissions composed of representatives of employers' and workers' local Unions.

Disputes which may arise will be decided by arbitration by a third member selected by agreement of the two parties or, if agreement is not reached, by a judge.

Art. 24

The workers as per Art. 22 (b) will receive the following benefits:

(1) the bonus provided by collective agreement in case of termination of the labor contract;

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

(2) a daily indemnity of 30 lire to be paid by the employer, until the worker finds other employment and in any case for not more than two months from 15 October 1945;

(3) family allowance at normal rates to be borne by the appropriate Fund for the whole period for which the indemnity as per n.2 above is payable.

Art. 25

Industrial establishments with a working period of more than 40 hours per week, must reduce it to this limit, save in exceptional cases for special technical reasons.

In proportion to the reduction of the working period as per above paragraph, the same establishments must engage unemployed workers in the occupations for which work is available, with priority for veterans having taken part in military operations, for partisans acknowledged as such in accordance with present provisions, political victims and persecuted people.

The provisions of R.D.L. n.125 of 20 March 1941 establishing the working hours for the duration of the war are repealed.

Art. 26

The Ministry of Labor and Social Security will ensure the application of the present decree through the "Ispettorato del Lavoro".

Art. 27

The present decree will be effective the day after its publication in the "Gazzetta Ufficiale"; for the provinces restored to the administration of the Italian Government it will operate from the 15 October 1945, and for the other provinces from the date established by A.M.G.

1845

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

Ministero del Lavoro
e della Previdenza Sociale

GABINETTO DEL MINISTRO

Roma 29 IX 1945

Prot. N.° 599 *Allegati*

Al COMMISSIONE ALLEATA
- Sottocommissione del Lavoro
- Sottocommissione finanziaria
(Ass.Sociali)
ROMA

Risposta al f. N.°
del

OGGETTO Schema di D.L.L. contenente provvedimenti per i lavoratori dell'industria

Mi pregio trasmettere a codesta Sottocommissione copia dell'unito schema di decreto contenente provvedimenti per i lavoratori dell'industria, predisposto a seguito del recente accordo sindacale sulla disoccupazione e adottato, in via di massima, dal Consiglio dei Ministri, con riserva di un esame suppletivo da parte di un Comitato interministeriale composto dai Ministri Buini e Gronchi e dal sottoscritto.

IL MINISTRO
Barbareschi

Buini

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

Prot. N.° 599 Allegati

- Sottocommissione finanziaria
(Ass.Sociale)

ROMA

Risposta al f.N.°
del

OGGETTO Schema di D.L.L. contenente provvedimenti per i lavoratori dell'industria.

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IL MINISTRO
Barbareschi

On. Ruini

1844

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

MINISTERO DEL LAVORO E DELLA PREVIDENZA SOCIALE

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONTENENTE PROVVEDIMENTI PER I LAVORATORI DELL'INDUSTRIA.

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

VISTO il decreto legge Luogotenenziale 25 giugno 1944, n. 151;

VISTO il decreto legislativo Luogotenenziale 1° febbraio 1945, n. 58;

VISTI i contratti collettivi regolanti la Cassa per la integrazione dei guadagni degli operai dell'industria lavoranti a orario ridotto;

VISTO il decreto legislativo Luogotenenziale 21 agosto 1945, n. 523, contenente provvedimenti a favore dei lavoratori dell'Alta Italia;

VISTA la deliberazione del Consiglio dei Ministri;

SULLA PROPOSTA del Ministro per il lavoro e per la previdenza sociale, di concerto coi Ministri per il tesoro, per l'industria e commercio e la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGHIAMO

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

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONTENENTE PROVVEDIMENTI PER I LAVORATORI DELL'INDUSTRIA.

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VISTA la deliberazione del Consiglio dei Ministri;

SULLA PROPOSTA del Ministro per il lavoro e per la previdenza sociale, di concerto coi Ministri per il tesoro, per l'industria e commercio e la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

1813

Art. 1.

Agli operai dipendenti da imprese industriali, i quali effettuino un orario di lavoro inferiore a 40 ore settimanali con conseguente riduzione della retribuzione, è dovuta una

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Declassified E.O. 12356 Section 3.3/NND No. 786021

integrazione pari ai 2/3 della retribuzione globale che sarebbe ad essi spettata per le ore di lavoro non prestate comprese fra le 24 e le 40 ore settimanali.

Agli operai per i quali siano stabiliti, per disposizione contrattuale o in relazione alle caratteristiche della loro prestazione, particolari orari, l'integrazione è dovuta per le ore effettuate in meno di tali particolari orari e in ogni caso entro i limiti di cui al comma precedente.

Agli operai con retribuzione fissa periodica, la cui retribuzione sia ridotta per effetto di una contrazione di attività, l integrazione è dovuta entro i limiti di cui al comma 1, ragguagliando ad ora la retribuzione fissa goduta.

Art. 2

Nel caso in cui la riduzione dell'orario di lavoro sia effettuata con ripartizione dell'orario su periodi ultrasettimanali predeterminati, l'integrazione è dovuta, entro i limiti di cui all'art.1, sulla base della durata media settimanale dell'orario nel periodo ultrasettimanale considerato.

Art. 3

L'integrazione non è dovuta agli operai lavoranti ad orario ridotto per le festività non retribuite e per le assenze che non comportino retribuzione.

Essa non sarà pure corrisposta a quei lavoratori che durante le giornate di riduzione del lavoro si dedichino ad altre attività re-

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

integrazione pari ai 2/3 della retribuzione globale che sarebbe ad essi spettata per le ore di lavoro non prestate comprese fra le 24 e le 40 ore settimanali.

Agli operai per i quali siano stabiliti,per disposizione contrattuale o in relazione alle caratteristiche della loro prestazione,particolari orari,l'integrazione è dovuta per le ore effettuate in meno di tali particolari orari e in ogni caso entro i limiti di cui al comma precedente.

Agli operai con retribuzione fissa periodica,la cui retribuzione sia ridotta per effetto di una contrazione di attività,l integrazione è dovuta entro i limiti di cui al comma 1, ragguagliando ad ora la retribuzione fissa goduta.

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Nel caso in cui la riduzione dell'orario di lavoro sia effettuata con ripartizione dell'orario su periodi ultrasettimanali predeterminati,l'integrazione è dovuta,entro i limiti di cui all'art.1,sulla base della durata media settimanale dell'orario nel periodo ultrasettimanale considerato.

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L'integrazione non è dovuta agli operai lavoranti ad orario ridotto per le festività non retribuite e per le assenze che non comportino retribuzione.

Essa non sarà pure corrisposta a quei lavoratori che durante le giornate di riduzione del lavoro si dedichino ad altre attività remunerate.

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Declassified E.O. 12356 Section 3.3/NND No. 786021

Art. 4.

Agli operai ammessi all'integrazione sono dovuti gli assegni familiari nella misura normale a carico della relativa Cassa.

Art. 5.

Agli effetti dell'integrazione le indennità accessorie alla retribuzione base, corrisposte con riferimento alla giornata lavorativa, sono computate secondo i criteri stabiliti dalle disposizioni di legge e di contratto collettivo che regolano le indennità stesse.

Per gli operai retribuiti a cottimo, e per quelli retribuiti in tutto o in parte con premi di produzione, interessenze e simili, l'integrazione è riferita al guadagno medio orario percepito nel periodo di paga per il quale l'integrazione è dovuta.

Le organizzazioni sindacali provinciali dei datori e dei lavoratori possono fissare particolari criteri, per la determinazione della retribuzione e stabilire, eventualmente, apposite tabelle di salari medi per categoria.

Art. 6.

Per provvedere alla corresponsione della integrazione [illegible] precedenti è istituita presso l'Istituto

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

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Agli operai ammessi all'integrazione sono dovuti gli assegni familiari nella misura normale a carico della relativa Cassa.

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Per gli operai retribuiti a cottimo, e per quelli retribuiti in tutto o in parte con premi di produzione, interessenze e simili, l'integrazione è riferita al guadagno medio orario percepito nel periodo di paga per il quale l'integrazione è dovuta.

Le organizzazioni sindacali provinciali dei datori e dei lavoratori possono fissare particolari criteri, per la determinazione della retribuzione e stabilire, eventualmente, apposite tabelle di salari medi per categoria.

Art. 6.

Per provvedere alla corresponsione della integrazione di cui agli articoli precedenti è istituita presso l'Istituto nazionale della previdenza sociale, la "Cassa per l'integrazione dei guadagni degli operai dell'industria".

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

Art. 7.

Sovraintende alla Cassa un Comitato speciale presieduto dal presidente dell'Istituto nazionale della previdenza sociale o in sua vece o impedimento dalla persona designata a sostituirlo secondo le norme di legge che regolano la rappresentanza dell'Istituto stesso, e composto dai seguenti membri:

1) il direttore generale della previdenza e dell'assistenza sociale e il direttore generale del lavoro del Ministero del lavoro e della previdenza sociale;

2) un rappresentante del Ministero del tesoro;

3) tre rappresentanti dei datori di lavoro e tre rappresentanti dei lavoratori;

4) il direttore generale dell'Istituto nazionale di previdenza sociale.

Il Comitato è nominato con decreto del Ministro per il lavoro e la previdenza sociale, sentite, per i rappresentanti dei datori di lavoro e dei lavoratori, le rispettive associazioni sindacali nazionali.

Art. 8.

Spetta al Comitato:

1) - dare parere sulle questioni che comunque possano sorgere sull'applicazione del presente decreto;

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

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Art. 9.

Spetta al Comitato:

1) - dare parere sulle questioni che comunque possano sorgere sull'applicazione del presente decreto;

2) - esaminare i bilanci annuali;

3) - decidere sui ricorsi riguardanti le prestazioni e i contributi.

1840.

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

Art. 9.

Contro le decisioni di cui al n. 3 del presente articolo è dato ricorso, entro il termine di trenta giorni dalla comunicazione, al Ministero del lavoro e della previdenza sociale, che decide in via definitiva.

Spetta tuttavia all'interessato l'azione avanti l'Autorità giudiziaria, da proporsi entro trenta giorni dalla comunicazione delle decisioni del Ministero.

Sono in ogni caso escluse dalla competenza dell'Autorità giudiziaria le questioni relative alla determinazione dei contributi e degli assegni.

Art. 10.

Le mansioni di controllo sulla gestione della Cassa sono esercitate da un Collegio di sindaci composto dal Presidente del Collegio sindacale dell'Istituto nazionale della previdenza sociale, che lo presiede, da un rappresentante per ciascuno dei Ministeri del lavoro e della previdenza sociale e del tesoro, nonchè da un rappresentante dei datori di lavoro e da uno dei lavoratori, nominati dal Ministro per il lavoro e la previdenza sociale, sentite, per i rappresentanti dei datori di lavoro e dei lavoratori, le rispettive associazioni sindacali nazionali.

Il presidente del Collegio sindacale interviene alle riu-

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

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Il presidente del Collegio sindacale interviene alle riunioni del Comitato speciale della Cassa.

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

Art. 11.

Il pagamento della integrazione di cui al presente decreto si provvede con un contributo a carico delle imprese industriali col concorso dello Stato.

Il contributo a carico delle aziende è fissato nella misura del 5 % delle retribuzioni lorde corrisposte agli operai.

Il concorso dello Stato è pari alla differenza fra l'ammontare delle integrazioni erogate e quello dei contributi riscossi e non potrà comunque eccedere l'importo dei contributi stessi.

La misura del contributo a carico delle imprese può essere modificata con decreto Luogotenenziale su proposta del Ministro per il lavoro e la previdenza sociale di concerto col Ministro per il tesoro.

Per la determinazione e per i limiti della retribuzione soggetta a contributo, nonchè per il pagamento di esso, si applicano le disposizioni vigenti ai fini dei contributi dovuti per gli assegni familiari.

1838

Art. 12.

Il pagamento della integrazione sarà effettuato dal datore di lavoro agli operai aventi diritto, alla fine di ogni periodo di paga.

L'importo della integrazione sarà rimborsato dalla Cassa all'impresa secondo le norme per il conguaglio fra contributi

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

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Per la determinazione e per i limiti della retribuzione soggetta a contributo, nonchè per il pagamento di esso, si applicano le disposizioni vigenti ai fini dei contributi dovuti per gli assegni familiari.

1838

Art. 12.

Il pagamento della integrazione sarà effettuato dal datore di lavoro agli operai aventi diritto, alla fine di ogni periodo di paga.

L'importo della integrazione sarà rimborsato dalla Cassa all'impresa secondo le norme per il conguaglio fra contributi dovuti e prestazioni corrisposte, in vigore per le gestioni speciali affidate all'Istituto nazionale della previdenza sociale.

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

Art. 13.

E' autorizzata l'anticipazione da parte dello Stato all'Istituto nazionale della previdenza sociale, per conto della Cassa di cui al precedente art. 6, dei fondi eventualmente necessari alla copertura degli oneri che deriveranno alla Cassa predetta per effetto del presente decreto.

L'anticipazione sarà fatta senza gravame d'interessi. Con decreti del Ministro per il tesoro sarà provveduto alla iscrizione nello stato di previsione della spesa del Ministero del lavoro e della previdenza sociale delle somme occorrenti per il pagamento delle integrazioni di cui al presente decreto.

Art. 14.

Le disposizioni di cui ai precedenti articoli si applicano alle imprese già soggette al contratto collettivo 13 giugno 1941 ed agli operai da esse dipendenti, nonchè alle compagnie portuali e ai propri inscritti non aventi qualifica impiegatizia.

Le compagnie portuali sono autorizzate a rivalersi dell'importo dei contributi dovuti sulle persone ed enti nell'interesse dei quali sono compiute le operazioni di imbarco, sbarco, transbordo, deposito e movimento in genere di merci da esse disimpegnate.

Con decreto Luogotenenziale su proposta del Ministro per il [illegible] previdenza sociale di concerto con il Ministro del [illegible] le disposizioni stesse

1837

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

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E' autorizzata l'anticipazione da parte dello Stato all'Istituto nazionale della previdenza sociale, per conto della Cassa di cui al precedente art. 6, dei fondi eventualmente necessari alla copertura degli oneri che deriveranno alla Cassa predetta per effetto del presente decreto.

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Art. 14.

Le disposizioni di cui ai precedenti articoli si applicano alle imprese già soggette al contratto collettivo 13 giugno 1941 ed agli operai da esse dipendenti, nonchè alle compagnie portuali e ai propri inscritti non aventi qualifica impiegatizia.

Le compagnie portuali sono autorizzate a rivalersi dell'importo dei contributi dovuti sulle persone ed enti nell'interesse dei quali sono compiute le operazioni di imbarco, sbarco, trasbordo, deposito e movimento in genere di merci da esse disimpegnate.

1837

Con decreto Luogotenenziale su proposta del Ministro per il lavoro e la previdenza sociale di concerto con il Ministro del tesoro e degli altri Ministri interessati le disposizioni stesse possono essere estese ad altre categorie di imprese e di operai e fissate le norme integrative eventualmente necessarie.

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

Art. 15.

Si osservano per le prestazioni ed i contributi previsti dal presente decreto, sempre che siano applicabili, le disposizioni del Regio decreto-legge 4 ottobre 1935, n. 1827, convertito, con modificazioni, nella legge 6 aprile 1936, n. 1155, sul perfezionamento e coordinamento legislativo della previdenza sociale, comprese quelle sui benefici, i privilegi e le esenzioni fiscali.

Art. 16.

Il datore di lavoro che non provveda al pagamento dei contributi entro il termine stabilito o vi provveda in misura inferiore alla dovuta è tenuto al pagamento dei contributi e delle parti di contributo non versate, nonchè al versamento di una somma aggiuntiva pari a quella dovuta, ed è punito con l'ammenda da L. 100 a L. 5.000.

Il datore di lavoro e in genere coloro che sono preposti al lavoro, ove si rifiutino di prestarsi alle indagini dei funzionari ed agenti incaricati della sorveglianza o di fornire loro i dati e documenti necessari ai fini dell'applicazione del presente decreto o li diano scientemente errati od incompleti, sono puniti con un'ammenda da L. 100 a L. 1.000.

Chiunque fa dichiarazioni false o compie altri atti fraudolenti al fine di procurare indebitamente a sè o ad altri la

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

Art. 15.

Si osservano per le prestazioni ed i contributi previsti dal presente decreto, sempre che siano applicabili, le disposizioni del Regio decreto-legge 4 ottobre 1935, n. 1827, convertito, con modificazioni, nella legge 6 aprile 1936, n. 1155, sul perfezionamento e coordinamento legislativo della previdenza sociale, comprese quelle sui benefici, i privilegi e le esenzioni fiscali.

Art. 16.

Il datore di lavoro che non provveda al pagamento dei contributi entro il termine stabilito o vi provveda in misura inferiore alla dovuta è tenuto al pagamento dei contributi e delle parti di contributo non versate, nonchè al versamento di una somma aggiuntiva pari a quella dovuta, ed è punito con l'ammenda da L. 100 a L. 5.000.

Il datore di lavoro e in genere coloro che sono preposti al lavoro, ove si rifiutino di prestarsi alle indagini dei funzionari ed agenti incaricati della sorveglianza o di fornire loro i dati e documenti necessari ai fini dell'applicazione del presente decreto o li diano scientemente errati od incompleti, sono puniti con un'ammenda da L. 100 a L. 5.000.

1853

Chiunque fa dichiarazioni false o compie altri atti fraudolenti al fine di procurare indebitamente a sè o ad altri le prestazioni contemplate dal presente decreto è punito con la multa da L. 100 a L. 5.000, salvo che il fatto costituisca reato più grave.

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

I proventi delle pene pecuniarie sono devoluti a beneficio della Cassa di cui al precedente art. 6.

Art. 17.

Nelle contravvenzioni al presente decreto, il contravventore, prima dell'apertura del dibattimento del giudizio di primo grado, può presentare domanda di oblazione all'Istituto nazionale della previdenza sociale il quale, previo parere del Comitato speciale di cui all'art. 7, determina la somma da pagarsi entro i limiti, minimo e massimo, dell'ammenda stabilita.

Nel caso in cui la contravvenzione riguardi contributi non pagati, l'Istituto può pure, previo parere del Comitato predetto, ridurre la somma aggiuntiva dovuta a norma dell'articolo precedente comma primo.

Art. 18.

E' prorogata fino alla data del 14 ottobre 1945 la validità del decreto legislativo Luogotenenziale 21 agosto 1945 n. 523 contenente provvedimenti a favore dei lavoratori dell'Alta Italia.

1835

Art. 19.

I contratti collettivi di lavoro 13 giugno 1941 e 29 luglio 1941, relativi alla Cassa integrazione dei guadagni degli operai

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

della Cassa di cui al precedente art. 6.

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Nelle contravvenzioni al presente decreto, il contravventore, prima dell'apertura del dibattimento del giudizio di primo grado, può presentare domanda di oblazione all'Istituto nazionale della previdenza sociale il quale, previo parere del Comitato speciale di cui all'art. 7, determina la somma da pagarsi entro i limiti, minimo e massimo, dell'ammenda stabilita.

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1835

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

dell'industria lavoranti a orario ridotto, sono abrogati.

Cessano i rimborsi posti a carico della Cassa stessa di indennità e di assegni previsti da contratti collettivi di lavoro, fermo restando l'obbligo da parte delle aziende di corrispondere a proprio carico ai lavoratori aventi diritto le indennità e gli assegni previsti da tali contratti.

E' abrogato il Regio decreto legge 5 dicembre 1941 n.1545, relativo alla concessione del premio straordinario di operosità ed altri benefici ai lavoratori portuali.

Art. 20.

Con la data del 14 ottobre 1945 si chiude la gestione relativa alla Cassa di cui al precedente articolo.

Con decreto Luogotenenziale, promosso dal Ministro per il lavoro e la previdenza sociale di concerto con il Ministro del tesoro, saranno emanate le disposizioni necessarie per la copertura degli eventuali disavanzi e per la devoluzione degli eventuali residui attivi, sentito il Comitato speciale di cui al precedente art. 7.

Art. 21. 1834

Le imprese industriali soggette al decreto legislativo Luogotenenziale 21 agosto 1945, n. 523, sono tenute ad osservare il divieto di cui all'art. 1 del decreto stesso fino al 31 dicembre 1945.

Le imprese stesse sono tuttavia autorizzate, a decorrere

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

cessano i rimborsi posti a carico della Cassa stessa di indennità e di assegni previsti da contratti collettivi di lavoro, fermo restando l'obbligo da parte delle aziende di corrispondere a proprio carico ai lavoratori aventi diritto le indennità e gli assegni previsti da tali contratti.

E' abrogato il Regio decreto legge 5 dicembre 1941 n.1545, relativo alla concessione del premio straordinario di operosità ed altri benefici ai lavoratori portuali.

Art. 20.

Con la data del 14 ottobre 1946 si chiude la gestione relativa alla Cassa di cui al precedente articolo.

Con decreto Luogotenenziale, promosso dal Ministro per il lavoro e la previdenza sociale di concerto con il Ministro del tesoro, saranno emanate le disposizioni necessarie per la copertura degli eventuali disavanzi e per la devoluzione degli eventuali residui attivi, sentito il Comitato speciale di cui al precedente art. 7.

1834

Art. 21.

Le imprese industriali soggette al decreto legislativo Luogotenenziale 21 agosto 1945, n. 523, sono tenute ad osservare il divieto di cui all'art. 1 del decreto stesso fino al 31 dicembre 1945.

Le imprese stesse sono tuttavia autorizzate, a decorrere dal 15 ottobre 1945, a licenziare:

a) coloro che risultino di avere svolto qualsiasi attività

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

[illegible]

b) coloro che siano stati radiati dagli albi professionali o dagli elenchi speciali ovvero sospesi dall'esercizio della professione per motivi politici;

c) coloro che siano stati radiati dagli albi, dagli elenchi speciali e dai registri di commercio, ovvero sospesi dall'esercizio della professione o dall'arte ausiliaria per motivi politici;

d) coloro che siano stati costretti a cessare, durante il periodo suddetto, dall'esercizio di una libera professione o di un'arte ausiliaria per motivi politici, a meno che non abbiano ripreso l'esercizio della professione o dell'arte ausiliaria o non abbiano intrapreso un'altra attività lavorativa equivalente.

Art. 22

Allo scopo di consentire un più rapido passaggio dalla fase dell'assistenza a quella della ripresa economica e il transito alle condizioni di normalità nei luoghi di lavoro, nonchè di favorire il successivo inserimento definitivo dei lavoratori nelle rispettive attività, è istituito presso il Ministero del lavoro e della previdenza sociale un Comitato centrale per il collocamento dei lavoratori (in seguito denominato Comitato centrale) che studia le misure necessarie a facilitare il collocamento dei lavoratori occupati in mansioni diverse da quelle della loro categoria di appartenenza, favorisce eventuali scambi di lavoratori e provvede ad effettivamente partecipare ad enti e istituti, di carattere nazionale, riconosciuti particolarmente idonei alla rieducazione professionale delle vittime dei persecutori politici e delle loro famiglie, che abbiano perduto il lavoro.

Art. 23.

Gli accertamenti di cui all'articolo precedente sono effettuati dai provvedimenti di cui agli artt. 21 e 22 sono emessi dopo aver sentito il parere di rappresentanti delle organizzazioni dei lavoratori e dei datori di lavoro.

c) coloro che siano inabili ai casi in cui, per disposizione di legge o di contratto collettivo, è prevista la risoluzione del rapporto di lavoro per fatto del lavoratore.

d) coloro che siano stati licenziati e collocati in altre attività occupazionali dalle liste di collocamento, ai sensi dell'art. 10 del DLL C.P.S. 16 luglio 1947, n. 708, e successive modificazioni, per il periodo di tempo previsto dalla legge.

Art. 22

Allo scopo di accelerare la definizione delle pratiche di riammissione in servizio e il passaggio alle categorie di previdenza dei lavoratori assunti successivamente al 1° luglio 1945, è consentito alle imprese procedere di risolvere il rapporto di lavoro nei confronti dei lavoratori [illegible] che siano stati richiamati alle armi o siano occupati in mansioni diverse da quelle della categoria di appartenenza, fatta eccezione per quelli di essi che abbiano effettivamente partecipato ad azioni belliche, di coloro che siano riconosciuti partigiani a norma delle disposizioni vigenti, delle vittime dei persecutati politici e degli appartenenti di etnia non ebraica perseguitati per motivi razziali.

Art. 23.

Gli accertamenti delle condizioni che possano dar luogo ai provvedimenti di cui agli artt. 21 e 22 sono effettuati da commissioni composte di rappresentanti delle organizzazioni locali dei lavoratori e dell'autorità di lavoro.

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

Le controversie che possono insorgere sono decise me-
diante arbitrato di un terzo membro scelto d'intesa tra
le due parti e in mancanza da un magistrato.

art. 24.

Ai lavoratori contemplati dall'art.22 lett.b) compete il seguente trattamento

1) l'indennità prevista dai contratti collettivi per la risoluzione del rapporto di lavoro.

2) una indennità giornaliera di L.30 a carico dell'impresa, sino a quando il lavoratore non trovi altra occupazione e comunque per non oltre due mesi dalla data del 15 ottobre 1945;

3) gli assegni familiari nella misura normale a carico della Cassa relative per tutto il periodo in cui compete la indennità di cui al precedente n.ro 2.

Art. 25.

Le imprese industriali presso le quali si attua un orario superiore alle 40 ore settimanali dovranno ridurre la durata entro tale limite, tranne in casi eccezionali ove ricorrano particolari esigenze tecniche.

Le imprese sono obbligate a rioccorbire, in proporzione alla riduzione dell'orario di cui al comma precedente, i disoccupati appartenenti alle categorie per le quali è richiesto l'impiego

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Le controversie che possono insorgere sono decise da-
vanti arbitrato di un terzo membro scelto d'intesa fra
le due parti e in mancanza da un magistrato.

Art. 24.

Ai lavoratori contemplati dall'art. 22 compete il seguente trattamento:

1) l'indennità prevista dai contratti collettivi per la risoluzione del rapporto di lavoro;

2) una indennità giornaliera di L.30 a carico dell'impresa, sino a quando il lavoratore non trovi altra occupazione e comunque per non oltre due mesi dalla data del 15 ottobre 1945;

3) gli assegni familiari nella misura normale a carico della Cassa relativa per tutto il periodo in cui compete la indennità di cui al precedente n.ro 2.

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Le imprese industriali presso le quali si attua un orario superiore alle 40 ore settimanali dovranno ridurre la durata entro tale limite, tranne in casi eccezionali ove ricorrano particolari esigenze tecniche.

Esse sono obbligate a riassorbire, in proporzione alla riduzione dell'orario di cui al comma precedente, i disoccupati appartenenti alle categorie per le quali è richiesto l'impiego di lavoro con preferenza per i reduci che abbiano effettivamente

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partecipare ad azioni belliche,i partigiani debitamente riconosciuti ai sensi delle disposizioni vigenti e le vittime e i perseguitati politici.

Sono abrogate le disposizioni emanate in virtù del Regio decreto legge 29 marzo 1941,n.125 per la disciplina degli orari di lavoro per la durata della guerra.

Art. 26

La vigilanza per l'applicazione del presente decreto è esercitata dal Ministero del lavoro e della previdenza sociale a mezzo dei funzionari dell'Ispettorato del lavoro.

Art.27

Il presente decreto entra in vigore dal giorno successivo a quello della sua pubblicazione nella Gazzetta ufficiale e avrà effetto dal 15 ottobre 1945 per le provincie restituite all'amministrazione del Governo italiano e per le altre dalla data dalla quale il Governo militare alleato ne disporrà l'applicabilità.

ORDINIAMO che il presente decreto ecc..ecc..

Dato a

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partecipare ad azioni belliche, i partigiani debitamente riconosciuti ai sensi delle disposizioni vigenti e le vittime e i perseguitati politici.

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ORDINIAMO che il presente decreto ecc..ecc..

Dato a

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UNCLASSIFIED

LIGURIA REGION - PIEMONTE REGION - LOMBARDIA REGION
VENEZIA REGION - VENEZIA GIULIA REGION

6293 29 SEPTEMBER 1945 ROUTINE

UNCLASSIFIED PD

PARA ONE PD SUBJECT IS DOG LOVE LOVE TWENTY FIRST AUGUST NINETEEN FOURTY FIVE NUMBER FIVE TWO THREE CONCERNING SURPLUS WORKERS PD

PARES TO REGIONAL COMMISSIONER LIGURIA REGION CMA REGIONAL COMMISSIONER PIEMONTE REGION CMA REGIONAL COMMISSIONER LOMBARDIA REGION CMA REGIONAL COMMISSIONER VENEZIA REGION CMA INFO TO VENEZIA GIULIA FOR REGIONAL COMMISSIONER FROM ALCOM HEADQUARTERS CITE ACLAB PAREN

PARA TWO PD PARTIES HAVE REACHED AGREEMENT ON SCHEME TO TAKE PLACE OF PRESENT ARRANGEMENTS PD THIS AGREEMENT HAS BEEN APPROVED BY THE COUNCIL OF MINISTERS PD MEMORANDUM CONTAINING SALIENT POINTS FOLLOWS PD

PARA THREE PD IN THE MEANTIME THE PROVISIONS OF THE DECREE NOW IN FORCE WILL REMAIN IN FORCE UNTIL FOURTEENTH OCTOBER NINETEEN FOURTY FIVE AND CURRENT SYSTEM WILL CONTINUE UNTIL THAT DATE PD

LABOUR SUBCOMMISSION

1330
NICHOLAS PIOMBINO
CWO USA
ADJT ASSISTANT

1422

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7 ww

HEADQUARTERS ALLIED COMMISSION
APO 534
LABOR SUB-COMMISSION

EXT : Ext. 215 29 September 1945

REF : LSC/ 1206

SUBJECT: Surplus Workers

TO : Acting Vice President
Economic Section

1. Representatives of labor and industry have been in session for the last few days in Rome for the purpose of providing a new arrangement to take the place of the provisions of Decree No. 523 which expires, by its own terms, on 30 Sept. Agreement was finally reached last night, subject to ratification by the respective Confederations, and this Agreement has been approved by the Council of Ministers.

2. The agreement provides for some relaxation of the ban on dismissals. Those who can be dismissed are:

(a) Persons who have belonged to C.V.L. ... and who have received at least a 2-month suspension because of fascist activity.

(b) Workers who have independent means.

(c) Workers who have been hired after 20 June 1945.

3. Exceptions from (c) include repatriated prisoners-of-war, partisans, political victims and apprentices less than 21 years of age. Those workers who are dismissed under (c) will receive the dismissal benefits provided for by collective contract and in addition a daily indemnity of 50 lire for a period not to exceed two months, together with the family allowance. This daily indemnity will be paid by the employer.

4. The work week is reduced to 40 hours for the purpose of spreading the work, with priority given to prisoners-of-war, partisans and political victims.

5. Those working less than 40 hours will receive two-thirds of their pay and indemnities for the hours not worked. This is not payable if the worker has engaged in other remunerative activity.

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

6. The employer will continue the 5% contribution to the Cassa Integrazione and the Government will assist to make up the sums necessary to an extent which will be provided for in subsequent legislation.

7. This agreement is applicable to North Italy but a meeting is contemplated to agree upon an arrangement which will be applicable to Central and South Italy.

8. The agreement is valid up to 31 December 1945.

9. The present Decree Law in force will be extended from 30 September to 14 October.

10. Comments -- This plan provides for some lifting of the prohibition against the dismissal of workers, but it is not considered that enough has been done along this line. It is also noted that the compensation pay to those not working on those working reduced hours has been lowered to two-thirds as against 75% which is provided for in the present Decree. In addition the full two-thirds is payable out of the Cassa Integrazione, whereas under the present scheme 25% is payable by the employer. The reduction of the work week to 40 hours, however, will increase the hourly labor cost to the employer. This is so because the largest part of the pay consists of the daily contingency indemnity which is payable on a daily basis.

11. We have already signalled the field to continue the present scheme until 14 October, and a memorandum is in the course of preparation which will advise officers in the field of the outline of the new arrangement.

DAVID C. BACON
Deputy Director
Labor Sub-Commission

cc: Chief Commissioner
Executive Commissioner

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UNCLASSIFIED

LIGURIA REGION - PIEMONTE REGION - LOMBARDIA REGION -
VENEZIA REGION - VENEZIA GIULIA REGION

6293 29 SEPTEMBER 1945 ROUTINE

UNCLASSIFIED PD

PARA ONE PD SUBJECT IS DOG LOVE LOVE TWENTY FIRST AUGUST NINETEEN FOURTY FIVE NUMBER FIVE TWO THREE CONCERNING SURPLUS WORKERS PD

PARTY TO REGIONAL COMMISSIONER LIGURIA REGION CMA REGIONAL COMMISSIONER PIEMONTE REGION CMA REGIONAL COMMISSIONER LOMBARDIA REGION CMA REGIONAL COMMISSIONER VENEZIA REGION CMA INFO TO VENEZIA GIULIA FOR REGIONAL COMMISSIONER FROM ALCOM HEADQUARTERS CITE AGIAB PARTY

PARA TWO PD PARTIES HAVE REACHED AGREEMENT ON BUREAU TO TAKE PLACE OF PRESENT ARRANGEMENTS PD THIS AGREEMENT HAS BEEN APPROVED BY THE COUNCIL OF MINISTERS PD MEMORANDUM CONTAINING SALIENT POINTS FOLLOWS PD

PARA THREE PD IN THE MEANTIME THE PROVISIONS OF THE DECREE NOW IN FORCE WILL REMAIN IN FORCE UNTIL FOURTEENTH OCTOBER NINETEEN FOURTY FIVE AND CURRENT SYSTEM WILL CONTINUE UNTIL THAT DATE PD

LABOUR SUBCOMMISSION

204

1827

NICHOLAS PICERNO
CWO USA
ADJT ASSISTANT

1425

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

Translation Baldazzi-Latorraca /JS

The two contracting parties affirm of being determined to improve and develop production in order to eliminate unemployment which is a social-economic and moral problem, the solution of which must be carried out by means of every possible effort.

Since it is not sure whether other provisions must be added to those contained in the present agreement, the two contracting parties agree upon revisioning the agreement in question - if this should be necessary - in order that all workers may be given a chance to work.

It is therefore understood that:

1) a) all those who have belonged to OVRA shall be immediately dismissed;
   b) all workers who have been punished with at least 3 months suspension on account of fascist activity will be dismissed.

2) workers who are well off or who have other means of supporting themselves will be dismissed.

3) The firms will be alleviated. Workers employed after 30 June 1943 will be returned to their normal categories except for repatriated prisoners of war, partisans recognized by ANPI, political victims and apprentices not over 21 years of age.

   Thus workers who will be set free will be granted the following benefits in addition to unemployment and family allowances:

   a) economic treatment contemplated by the contracts regulating the discontinuance of employment;
   b) a daily indemnity consisting of 30 lire for a period not exceeding two months, in cases in which the workers cannot find work within that length of time. Family allowances and the daily indemnity will be granted on expiration of each pay period.

4) Firms in which more than 40 hours are worked weekly will reduce working hours to 40 in order to reabsorb an equivalent quota of workers belonging to the same category, with absolute priority for

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

former prisoners of war, partisans and political victims.

5) The employees working less than 40 hours per week shall receive a wage implementation equal to two thirds of the recompense and of the emergency indemnity levelled to the number of hours lacking to cover the difference of 40 hours per week.

The 40 hours weekly time is calculated to the effect of the present agreement, either on a basis of the hours served during one week or on a basis of the average hours served during several weeks, according as to whether the number of working hours has been fixed by the Firm on a basis of one week or of several weeks.

The wage implementation will not be paid to the workers who, during the weeks of inactiveness have performed other remunerated activities. The wage implementation will be paid out of the Implementing wage Fund, through a 5% contribution of the amount of the respective wages on charge of the employers. The State shall concur in the payment of such an indemnity up to an extent to be specified by proper legislative provisions.

6) The controversies, if any, arising from the enforcement of the present agreement, even those which may render impossible in full or in part the agreement itself, shall be committed to a common conciliative decision to be taken by a representative of the organisation of the workers and a representative of the employers' organisation or by an arbitral decision, in case of disagreement, through the concourse of a third arbitrator to be appointed, either through a common understanding of the two contracting parties, or, in default of such an understanding, through the appointment of a member of the magistracy.

7) The agreement stipulated here is valid for Northern Italy. For the purpose of bringing about a complete unity of the economy and national life, the contracting parties reserve to meet together again

1825

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

before or on 14 October next, in order to promote the extension of the agreement itself to the Central and Southern regions of Italy according to rules to be fixed by common agreement, between the representatives of the organisation of employees and employers, with the Government' consent.

8) The present act shall be valid up to the date of 31 December. Both contracting parties engage to meet before the above mentioned date, in order to verify if the agreement has been enforced and if or which new agreement should be stipulated for the attainment of the common purposes as indicated in the premises.

9) The present agreement ,will be submitted for its definite approval and signature to the two competent Confederations before or on the 14 October next, while in the meantime the respective previsions shall be valid.

Rome, 27 September 1945

Declassified E.O. 12356 Section 3.3/NND No. 786021

Ministero del Lavoro
e della Previdenza Sociale

SEGRETERIA PARTICOLARE DEL MINISTRO

IL SEGRETARIO PARTICOLARE

N° 1125/90-G

Roma 28 settembre 1945

ALLA LABOUR DIVISION
ALLIED COMMISSION
R O M A

D'ordine del Ministro Barbareschi, trasmetto copia dell'accordo parafato in data di ieri per lo sblocco dei licenziamenti delle industrie dell'Alta Italia.

Con distinti ossequi

(Carlo Massura)

/DB

1823

Le due parti affermano in via pregiudiziale di costantemente ispirarsi al proposito ed al presupposto di migliorare e sviluppare la produzione al fine anche e sovra tutto di eliminare la disoccupazione, problema economico sociale e morale, per la soluzione del quale deve essere fatto ogni sforzo.

Non essendo, per l'insufficienza dei dati di cui si dispone, ben sicuro che non siano necessari altri provvedimenti oltre quelli ora concordati dalle due parti, le parti stesse decidono di rivedere, occorrendo l'attuale patto, in modo che il lavoro esistente sia ripartito tra tutti i lavoratori, sviluppando ed applicando i sistemi dei turni di lavoro.

Con queste promesse resta inteso:

1°) a= Saranno immediatamente licenziati tutti coloro che risultino essere stati a servizio dell'OVRA.

b= Saranno licenziati i lavoratori che sono puniti con almeno tre mesi di sospensione nei procedimenti di epurazione per la loro attività fascista.

2°) Saranno licenziati i lavoratori che hanno altri cespiti o sufficienti risorse personali o familiari.

3°) Le aziende verranno alleggerite, e saranno restituiti alle categorie di normale appartenenza i lavoratori assunti dopo il 30 giugno 1943, ad eccezione dei reduci dai fronti dalla prigionia o dall'internamento, dei partigiani riconosciuti dall'ANPI, dei perseguitati e vittime politiche e degli apprendisti non superiori ai 21 anno.
Ai lavoratori lasciati in tal modo liberi, in aggiunta al trattamento di disoccupazione ed agli assegni familiari, sarà dall'Azienda corrisposto:
a= il trattamento previsto dai contratti per la risoluzione dei rapporti;
b= un'indennità giornaliera di L. 30 per un massimo di due mesi nel caso che il lavoratori non trovi occupazione entro tale termine;
Gli assegni familiari e l'indennità giornaliera saranno corrispo=

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

pazione, problema economico sociale e morale, per la soluzione del quale deve essere fatto ogni sforzo.

Non essendo, per l'insufficienza dei dati di cui si dispone, ben sicuro che non siano necessari altri provvedimenti oltre quelli ora concordati dalle due parti, le parti stesse decidono di rivedere, occorrendo l'attuale patto, in modo che il lavoro esistente sia ripartito tra tutti i lavoratori, sviluppando ad applicando i sistemi dei turni di lavoro.

Con queste promesse resta inteso:

1°) a= Saranno immediatamente licenziati tutti coloro che risultino essere stati a servizio dell'OVRA.

b= Saranno licenziati i lavoratori che sono puniti con almeno tre mesi di sospensione nei procedimenti di epurazione per la loro attività fascista.

2°) Saranno licenziati i lavoratori che hanno altri cespiti o sufficienti risorse personali o familiari.

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a= il trattamento previsto dai contratti per la risoluzione dei rapporti;
b= un'indennità giornaliera di L. 30 per un passivo di due mesi nel caso che il lavoratori non trovi occupazione entro tale termine;
Gli assegni familiari e l'indennità giornaliera saranno corrisposti alla scadenza dei singoli periodi di paga. 1822

4°) Le aziende presso le quali si lavora integralmente più di 40 ore settimanali ridurranno l'orario fino a 40 ore per riassorbire un'ali

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

quota corrispondente di altri lavoratori appartenenti alla stessa categoria, con precedenza assoluta ai reduci, partigiani e perse= guitati politici.

5°)Ai lavoratori che effettuano un orario inferiore a 40 ore settimanali verrà corrisposta un'integrazione salariale pari a due terzi della retribuzione e dell'indennità di contingenza, ragguagliate alle ore mancanti alle 40 settimanali.
L'orario di 40 ore settimanali agli effetti del presente accordo è calcolato o sulle ore effettuate in una settimana o sulla media di un ciclo plurisettimanale a seconda che l'azienda abbia determinato l'orario in relazione alla singola settimana o ad un complesso di più settimane.
L'integrazione non verrà corrisposta a quei lavoratori che durante le giornate di mancato lavoro si dedichino ad altre attività remunerate.
L'integrazione sarà corrisposta dalla Cassa d'integrazione salariale col contributo del 5% dei salarii a carico degli imprenditori. Lo Stato interverrà ad agevolare la corresponsione di tale indennità con un concorso la cui natura e le cui modalità saranno determinate da appositi provvedimenti legislativi.

6°)Le controversie che sorgessero nell'applicazione del presente accordo comprese quelle che ne rendessero impossibile; l'attuazione in determinati casi, saranno deferite al comune accordo di un rappresentante dell'Organizzazione dei Lavoratori e di un rappresentante dell'Organizzazione dei datori di lavoro; con decisione arbitrale, in caso di dissenso, ad un terzo membro scelto d'intesa tra le due parti ed in mancanza di esso da un magistrato.

7°)Il patto qui concordato ha efficacia per il Nord d'Italia. Al fine di raggiungere l'unità completa dell'economia e della vita nazionale, le parti si riservano d'incontrarsi entro il 14 ottobre per promuove= re la estensione del patto stesso alle regioni centro-meridionali, con modalità e norme da stabilirsi tra le rappresentanze delle orga= nizzazioni dei lavoratori e dei datori di lavoro con il consenso del Governo.

8°)Il presente atto a vigore sino al 31 dicembre. Le due parti si impegnano a ritrovarsi entro tale termine per riscontrare in base all'esperien= za dell'attuazione se e quali nuovi accordi debbano essere presi per il raggiungimento degli scopi comuni indicati nelle premesse.

9)°L' accordo qui parafato sarà sottoposto all'approvazione definitiva delle due Confederazioni e firmato entro il 14 p.v., restando intanto in vigore le odierne disposizioni.

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

verrà corrisposta un'integrazione salariale pari a due terzi della retribuzione e dell'indennità di contingenza, ragguagliate alle ore mancanti alle 40 settimanali.
L'orario di 40 ore settimanali agli effetti del presente accordo è calcolato o sulle ore effettuate in una settimana o sulla media di un ciclo plurisettimanale a seconda che l'azienda abbia determinato l'orario in relazione alla singola settimana o ad un complesso di più settimane.
L'integrazione non verrà corrisposta a quei lavoratori che durante le giornate di mancato lavoro si dedichino ad altre attività remunerate.
L'integrazione sarà corrisposta dalla Cassa d'integrazione salariale col contributo del 5% dei salarii a carico degli imprenditori. Lo Stato interverrà ad agevolare la corresponsione di tale indennità con un concorso la cui natura e le cui modalità saranno determinate da appositi provvedimenti legislativi.

6°)Le controversie che sorgessero nell'applicazione del presente accordo comprese quelle che ne rendessero impossibile; l'attuazione in determinati casi, saranno deferite al comune accordo di un rappresentante dell'Organizzazione dei Lavoratori e di un rappresentante dell'Organizzazione dei datori di lavoro; con decisione arbitrale, in caso di dissenso, ad un terzo membro scelto d'intesa tra le due parti ed in mancanza di esso da un magistrato.

7°)Il patto qui concordato ha efficacia per il Nord d'Italia. Al fine di raggiungere l'unità completa dell'economia e della vita nazionale, le parti si riservano d'incontrarsi entro il 1° ottobre per promuovere la estensione del patto stesso alle regioni centro-meridionali, con modalità e norme da stabilirsi tra le rappresentanze delle organizzazioni dei lavoratori e dei datori di lavoro con il consenso del Governo.

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9)°L' accordo qui parafato sarà sottoposto all'approvazione definitiva delle due Confederazioni e firmato entro il 1° p.v., restando intanto in vigore le odierne disposizioni.

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Roma, li 27 settembre 1945

Declassified E.O. 12356 Section 3.3/NND No. 780021

1432

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

Proposals made by Di Vittorio

1. Immediate dismissal of all workers having belonged to OVRA (fascist intellegence service).
2. Dismissal of all fascists who were strongly compromised.
3. Dismissal of all workers having a family revenue on a means test basis.
4. All workers employed after 8 September 1943 must go back to their original job, excepted:
   a. veterans even if they were employed in this last time or belonged to another category.
   b. partisans acknowledged as such by Morandi;
   c. workers having been in prison or confined for political reasons;
   d. juveniles employed as apprentice during the same period.

The workers so dismissed will receive if unemployed and for a maximum period of two months:

   a. a dismissal bonus calculated on their total period of service;
   b. a daily indemnity of 25 lire, to be paid by the employer;
   c. family allowance and unemployment indemnity.

The realisation of such proposal will represent a sufficient lightening of the present situation of industrial establishments.
Neverthelese the workers will accept the further sacrifice, i.e. the reduction of the weekly working period to 40 hours, if the industrialists will be prepared to employ an adequate number of veterans partisans and political persecuted belonging to the same category.

A delay of the agreement 8 July 1945 up to the 15th of October is requested in order the Trade Unions will have the time necessary to convince the workers to accept the above proposals.

1820

PROPOSTE DELL'ON. DI VITTORIO

I

1) Licenziamento immediato di tutti coloro che risultino agenti della C.V.V.R.A.;
2) Licenziamento di tutti i fascisti gravemente compromessi;
3) Licenziamento di tutti coloro che abbiano altri cespiti familiari che li pongono in condizioni di vivere;
4) Trapasso alle categorie di provenienza di tutti i lavoratori assunti nelle aziende dopo l'8 settembre 1943 ad eccezione :
   a) dei reduci anche assunti recentemente ed anche se provenienti da altre categorie;
   b) dei partigiani riconosciuti tali da Landi;
   c) delle vittime politiche (carcerati, confinati politici, ecc.);
   d) dei giovani assunti come apprendisti nello stesso periodo.

Agli operai lasciati liberi in attesa di essere occupati, per il periodo massimo di due mesi, verrà fatto il seguente trattamento :
1) indennità di licenziamento equiparata al servizio globale;
2) indennità giornaliera di L. 25,= a carico del datore di lavoro;
3) oltre al sussidio di disoccupazione, gli assegni familiari.

II

La proposta che precede costituisce nella sua applicazione un alleggerimento sufficiente alla situazione attuale delle aziende.

Tuttavia i lavoratori propongono di imporsi l'ulteriore sacrificio di ridurre la settimana lavorativa a 40 ore, a condizione che gli industriali assumano un'aliquota proporzionale di reduci, partigiani e vittime politiche della stessa categoria.

1819

III

Per dare la possibilità alle organizzazioni sindacali di predi-

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

3) Licenziamento di tutti coloro che abbiano altri cespiti che li pongono in condizioni di vivere;

4) Trapasso alle categorie di provenienza di tutti i lavoratori assunti nelle aziende dopo l'8 settembre 1943 ad eccezione :

a) dei reduci anche assunti recentemente ed anche se provenienti da altre categorie;

b) dei partigiani riconosciuti tali da Landi;

c) delle vittime politiche (carcerati, confinati politici, ecc.);

d) dei giovani assunti come apprendisti nello stesso periodo.

Agli operai lasciati liberi in attesa di essere occupati, per il periodo massimo di due mesi, verrà fatto il seguente trattamento :

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3) oltre al sussidio di disoccupazione, gli assegni familiari.

II

La proposta che precede costituisce nella sua applicazione un alleggerimento sufficiente alla situazione attuale delle aziende.

Tuttavia i lavoratori propongono di imporsi l'ulteriore sacrificio di ridurre la settimana lavorativa a 40 ore, a condizione che gli industriali assumano un'aliquota proporzionale di reduci, partigiani e vittime politiche della stessa categoria.

1819

III

Per dare la possibilità alle organizzazioni sindacali di predisporre l'insieme dei lavoratori a sopportare il sacrificio richiesto dalle proposte precedenti, si chiede che l'accordo 8.7.45 venga prorogato al 15 ottobre c.a.

ab.

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

Proposals made by Di Vittorio

1. Immediate dismissal of all xxx workers having belonged to CVRA (fascist intellegence service)
2. Dismissal of all fascists xxxxx who were strongly compromised.
3. Dismissal of all workers having a family revenue on a means test basis.
4. All workers employed after 8 September 1943 must ~~come~~ back to their original job, excepted:
   a) veterans even if they were employed in this last time or belonged to another category;
   b) partisans acknoledged as such by Landi; ? Morandi
   c) workers having been in ~~jail~~ or in confined for political reasons;
   d) juveniles employed as xxxxxxxxx apprentice in during the same period.

The workers so dismissed will receive if unemployed and for a xxxix maximum period of two months :
   a) a dimissal banus calculated on their total period of service;
   b) a daily indemnity of 25 lire, to be paid by the employer;
   c) family allowance and unemployment indemdity.

The realisation of such proposal will represent a sufficient lxxxxxx lightening of the present situation of industrial establishments. Nevertheless the workers will accept the further sacrifice, i. e. the reduction of the weekly working period to 40 hours, if the industrialists will be prepared to employ an adequate number of veterans partisans and xxxxxxxx political persecuted belonging to the same category.

A delay of the agreement 3 July 1945 up to the 15th of October is requested in order the Trade Unions will have the time necessary to convince the workers to accept the above proposals.

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

4. All workers employed after 8 September 1943 must come back to their original job, excepted:
   a) veterans even if they were employed in thisz last time or belonged to another category;
   b) partisans acknoledged as such by Landi; ? Morandi
   c) workers having been in [illegible] or xx confined for political reasons;
   d) juveniles employed as xxxxxxxxx apprentice xx during the xxceme period.

The workers so dismissed will receive if unemployed and for a xxxxx maximum period of two months :
   a) a dimisoal banus calculated on their total period of service;
   b) a daily indemnity of 25 lire, to be paid by the employer;
   c) family allowance and unemployment indemnity.

The realisation of such proposal will represent a sufficient lxxxxxx lightening of the present situation of industrial establishments. Nevertheless the workers will accept the further sacrifice, i. e. the reduction of the weekly working period to 40 hours, if the industrialists will be prepared to employ an adequate number of veterans partisans and xxxxxxxx political persecuted belonging to the same category.

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Declassified E.O. 12356 Section 3.3/NND No. 786021

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

6th September 1945

INTERVIEW BETWEEN MINISTER BARBARESCHI AND MR. BRAINE

BRITISH EMBASSY - ROME.

Minister Barbaresci referred to the question of employment in general and to the town and port of Genoa in particular, where he had recently visited the Ansaldo works. This firm can employ up to 26 thousand workers, at the present time, there is work for a maximum of 15 thousand.

Speaking of other towns such as Milan and Turin, he said that there will be about 600.000 unemployed, these will not be absorbed by Public Works and reconstruction.

To this problem he proposed two solutions:

(1) Prolong present conditions of unemployment Indemnity for one month

(2) Apply 5 day week or even 4 day week, instead of 6... Shifts would not however, close for one or two days, but employ all workers in rotation. By applying this system to the Ansaldo works, nearly 20 thousand workers could be given work, instead of 15 thousand.

In this case, for the one or two days during which the workers would not be employed, the Cassa Integrazione would pay not 75% but 30% of the total wage.

Mr. Braine stressed the fact that the payments made by the Cassa Integrazione formed one of the main differences in questions of wages and indemnities that exist between Northern Italy, and Central and Southern Italy. Minister Barbaresci denied that Cassa Integrazione was only functioning in Northern Italy, he has allowed payments of the kind mentioned above in certain firms in Bari, Foggia and Palermo in Sicily.

The Minister went on to say that the discharge of workers in the North should be made in the proportion of 10% a month, choice being made in collaboration with the Internal Commissions, who would select men who had been taken on after Italy entered the war. He suggested a liquidation bonus be offered to those to be discharged.

Report on Labour Conditions to be submitted to Committee for Reconstruction, and not singly to him as Minister of Labour, as questions concern the different Ministers who are members of Committee: besides Labour, Industry, Public Works, Finance. The Chairman is the Minister of Reconstruction. The report is to be submitted by 15th September, by the three Secretaries.

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

File

ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

Ref. : Ref. 394 14 September 1945

FLF : LSC/sir

SUBJECT: DLL 81 August 45, No. 527

TO : Executive Commissioner

1. Attached is a copy of the above-described Decree, together with an English translation thereof. Copies were sent to each Regional Commissioner for information from this sub-Commission covered by a formal memorandum on 10 September 1945.

2. This Decree regularises the system which has been in operation in Northern Italy since June 1945 and provides inter-alia for:

(a) a ban on the dismissal of work people employed in industrial establishments;

(b) for the payment of a "make-up" wage for workers on the payroll of industrial establishments who are either unemployed or under-employed.

The Decree is operative up to 30 September 1945.

3. Discussions are now proceeding between the Italian Government, industrial organisations, and the Confederation of Labor regarding the continuance of these provisions either in their present form or in some modified form after 30 September 1945.

4. As soon as these discussions have been concluded and a firm decision arrived at, full details will be communicated by cable to all Regional Commissioners.

5. It is anticipated that the discussions will terminate in the course of the next few days.

6. An interim notification to Regional Commissioners and Regional Labor Officers is submitted in draft for consideration.

W. H. CRAIGS
Director
Labor Sub-Commission

Enclosures (1)
as stated

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Declassified E.O. 12356 Section 3.3/NND No. 786021

HEADQUARTERS ALLIED COMMISSION
APO 394
OFFICE OF THE EXECUTIVE COMMISSIONER

REF : L&C/41E September 1945

SUBJECT: Provisions for Surplus Labor in Industry -- Northern Italy.

TO : All Regional Commissioners
Attention: Regional Labor Officers

1. Reference is made to L&C/41E of 20 September forwarding copies of Decree No. 582 for information.

2. It will be observed from Article 20 that the Decree is in operation up to 30 September 1945.

3. As soon as negotiations, now in progress, between the Italian Government, industry and the Confederation of Labor are concluded, the resultant proposals for the period immediately following 30 September 1945 will be communicated to Regional Commissioners and Regional Labor Officers as a matter of urgency.

M. L. LUSH
Brigadier
Executive Commissioner

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

FILE

HEAD QUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB COMMISSION

FP/ac

REF : LSC/415

20 September 1945

SUBJECT: Measures for Workers in Northern Italy
DLL 21 August 1945 No. 523

TO : Regional Commissioner:
Liguria Region - Piemonte Region - Lombardia Region -
(Venezia Giulia for information only)

Attached for your information are copies in Italian and English of the above-described Decree.

FRANK FOSTER
Labour Sub-Commission

14.A.2

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

LSC/415

Translation Latorraca /ja

THE MINISTER OF LABOUR

Roma, 5 September 1945

Dear Mr.Braine,

I attach herewith copies of syndical agreements stipulated in Genoa on 26 and 28 June 1945, together with a note concerning contingency indemnity for Savona and a copy of the Lieutenancy decree actually at issue, concerning the payment of additional allowances of the unemployment indemnity.

Very best regards.

Barberaschi

To Mr.B.H.BRAINE
Director
Labour Sub-Commission
Rome

LSC/413 + 415

LSC/415

LEGISLATIVE DECREE OF THE LIEUTENANT GENERAL 21 AUGUST 1945 No. 523
PROVISIONS FOR WORKERS OF NORTHERN ITALY

UMBERTO DI SAVOIA
Prince of Piedmont
LIEUTENANT GENERAL OF THE REALM

By virtue of the authority vested in us;

Having seen the lieutenancy law decree of 25 June 1944, n. 151;

Having seen the lieutenancy law decree of 1 February 1945, n. 58;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

WE HAVE SANCTIONED AND WE
PROMULGATE AS FOLLOWS:

ART. 1

All industrial firms, to which the present decree is applied by the terms of article 17, cannot dismiss their work people up to 30 September 1945.

This ban does not apply to

a. workers who without well justified reason, refuse to accept alternative work that may be offered by another employer;

b. cases in which termination of employment is agreed by collective contract or by legal provisions and is due to the worker's own fault.

Disputes that may arise as a result of the provisions contained in the above paragraph shall when they cannot be settled by the intervention of the internal commission, be temporarily decided by executive action of the appropriate Labour Inspectorate, without prejudice to action in the Law Courts.

ART. 2

Industrial firms, which find themselves compelled by circumstance to reduce the number of workers in active employment, must institute a workers' "waiting list".

On this list shall be recorded the names of workers attached to the firm who are registered on the "temporarily available list" and who have not been reemployed in active employment at the date on which the present decree

Declassified E.O. 12356 Section 3.3/NND No. 786021

Having seen the lieutenancy law decree of 1 February 1945, n. 58;

Having seen the decision of the Council of Ministers;

On proposal of the Minister of Labour and Social Security and in agreement with the Ministers of the Treasury, Industry and Commerce, and Justice;

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All industrial firms, to which the present decree is applied by the terms of article 17, cannot dismiss their work people up to 30 September 1945.

This ban does not apply to

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b. cases in which termination of employment is agreed by collective contract or by legal provisions and is due to the worker's own fault.

Disputes that may arise as a result of the provisions contained in the above paragraph shall when they cannot be settled by the intervention of the internal commission, be temporarily decided by executive action of the appropriate Labour Inspectorate, without prejudice to action in the Law Courts.

ART. 2

Industrial firms, which find themselves compelled by circumstance to reduce the number of workers in active employment, must institute a workers' "waiting list".

On this list shall be recorded the names of workers attached to the firm who are registered on the "temporarily available list" and who have not been reemployed in active employment at the date on which the present decree enters into force.

In addition workers who from time to time are nominated by mutual agreement between the management of the firm and the Internal Commission or, failing agreement are nominated by the appropriate Provincial Labour Office, may be registered on the forementioned list.

ART. 3

Workers registered on the "waiting list", even if temporarily employed within the terms of article 7, maintain all seniority service rights prescribed by legal provisions or collective contracts in force.

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

ART. 4

Workers registered on the "waiting list" are entitled to the following economic benefits:

a. a daily allowance, to be paid by the employer, of 10 lire for males over 18 years of age; of 7 lire for females over 18 years of age; 4 lire for juveniles not over 18, without prejudice to more favourable provisions prescribed by local agreements;

b. the family allowances eventually due, to be paid by the "Cassa Unica" (Family Allowance Fund);

c. a daily allowance, to be paid by the "Assicurazione contro la disoccupazione" (Unemployment Fund), of 20 lire for males over 18 years of age; 14 lire for females over 18; 8 lire for juveniles not over 18 years of age.

ART. 5

Firms are required to send to the local office of the Istituto Nazionale Previdenza Sociale and to the appropriate Provincial Labour Office, not later than the third day after the present decree becomes effective, a copy of the "waiting list". Variations of the "Waiting List" must be notified every 15 days.

ART. 6

A worker, registered on the "waiting list", should he resign from his employment, is entitled to liquidation of the seniority service indemnity in accordance with existing legal provisions and collective contracts.

ART. 7

Provincial Labour Offices are required to take necessary action to secure temporary employment either in agriculture, public works or other employment for workers registered on the "waiting list" as well as for workers who are temporarily suspended from work, the latter having been proposed by the internal commission and the firm.

ART. 8

Workers who are temporarily suspended from work or who work less than 48 hours each week, shall be paid:

a. for each hour actually worked the global rate of pay per hour including all indemnities;

b. for the number of hours not worked between 0 and 48 hours weekly at the rate of 75% of the global pay including the contingency indemnity and calculated on an hourly basis.

The Confederal Labour Chambers and the Industrial Unions for each Province may establish, by means of syndical agreements criteria for determining the total pay and eventually may establish tables of average wages for each category.

ART. 9

...ticles 4 and 8, is dependent on the

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

cupazione" (Unemployment Fund), of 20 lire for males over 18 years of age; 14 lire for females over 18; 8 lire for juveniles not over 16 years of age.

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Firms are required to send to the local office of the Istituto Nazionale Previdenza Sociale and to the appropriate Provincial Labour Office, not later than the third day after the present decree becomes effective, a copy of the "waiting list". Variations of the "Waiting List" must be notified every 15 days.

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ART. 8

Workers who are temporarily suspended from work or who work less than 48 hours each week, shall be paid:

a. for each hour actually worked the global rate of pay per hour including all indemnities;

b. for the number of hours not worked between 0 and 48 hours weekly at the rate of 75% of the global pay including the contingency indemnity and calculated on an hourly basis.

The Confederal Labour Chambers and the Industrial Unions for each Province may establish, by means of syndical agreements criteria for determining the total pay and eventually may establish tables of average wages for each category.

ART. 9

Payment of benefits in accordance with articles 4 and 8, is dependent on the observance, on the part of the worker, of the rules and regulations which will be prescribed by the Provincial Labour Offices and by the Istituto Nazionale Previdenza Sociale, in consultation with the syndical organisations concerned.

The forementioned economic benefits are not payable to workers on the "waiting list" or suspended from work who are employed, even temporarily, by another employer, for the whole duration of such alternative employment.

ART. 10

Manual workers who are suspended or who are working at reduced hours and for whom special working hours are established by contract or by virtue of their terms of service, are entitled to benefits under article 8 for such hours, being less than the normal working hours, during which no work was performed, and in any case not exceeding 48 hours per week.

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

For manual workers on detal or fixed wage rates, and for office workers, the foregoing benefits are calculated on the basis of the amount of normal earnings.

ART. 11

With regard to computation of earnings and calculation of working hours, in those cases where reduction of working hours has been given effect by adjustment of the working week, the rules specified in the collective agreement of 13 June 1941, concerning the implementation of wages to be paid to workers in the employ of industrial undertakings working on a short-time basis will apply insofar as the said rules are not inconsistent with the present decree.

ART. 12

The provisions of Art. 8 do not apply to workers employed for reduced hours as regards unpaid holidays or absence from work involving loss of pay.

ART. 13

The provisions of Art. 8 are payable by the industrial undertaking.

Two-thirds of the benefits described in (b) of Art. 8 are refunded to the industrial undertaking by the "Cassa Integrazione" for earnings of industrial workers.

ART. 14

Workers who are suspended or are working on a short-time basis are entitled to receive family allowances at normal rates.

ART. 15

With regard to the refund referred to in Art. 13 the rules for adjustment as prescribed in the collective agreement of 13 June 1941, are to be enforced.

ART. 16

The Istituto Nazionale Previdenza Sociale is authorised to advance under conditions to be determined by the Instituto, the funds needed by industrial undertakings which owing to their financial situation do not possess the amounts needed for the payment of the benefits prescribed by the present decree.

Such financial advances are limited to the anticipated amount that will be forrefund by the "Cassa d'Integrazione".

The sums advanced cannot be used for payments other than those for which they are intended.

To recover such monetary advances as have not been absorbed by payments made by the "Cassa d'Integrazione", the Istituto Nazionale Previdenza Sociale may, in case of non-refund, file injunction for payment against the industrial undertaking concerned in accordance with the procedure established by R. Decree of 14 April 1910, n. 639.

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

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The provisions of Art. 8 do not apply to workers employed for reduced hours as regards unpaid holidays or absence from work involving loss of pay.

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The credits of the "Cassa" have the same privileges as State credits.

ART. 17

The provisions of the preceding articles are applicable to industrial undertakings subject to the collective agreement of 13 June 1941, and to their employees, and are limited to industrial establishments and offices

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

located in the following provinces: Genova, Imperia, Savona, La Spezia, Apuania, Torino, Aosta, Cuneo, Alessandria, Vercelli, Novara, Asti, Milano, Como, Varese, Mantova, Bergamo, Brescia, Cremona, Pavia, Sondrio, Venezia, Belluno, Padova, Vicenza, Rovigo, Treviso, Udine, Verona, Trento, Bolzano, Bologna, Modena, Parma, Reggio Emilia, Ferrara, Ravenna, Forli' and Piacenza.

ART. 18

The present decree shall not apply to:

a) workers whose employment began after 25 April 1945;

b) workers employed in seasonal work or engaged under a limited contract or casual duties.

c) workers who, although employed by an industrial undertaking, are considered by the appropriate Provincial Labour Office as normally engaged in agricultural employment.

ART. 19

Authorization is granted for the State to advance to the Istituto Nazionale Previdenza Sociale, for the account of the Cassa Integrazione dealing with the earnings of industrial workers, funds up to a maximum of 4 miliard lire that will eventually be needed to meet the burden that will be borne by the Cassa as a result of the present decree.

By decrees of the Minister of the Treasury provision will be made for charge upon the State of the financial provisions of the Minister of Labour and Social Security regarding the sums needed for execution of this decree.

By subsequent decree the procedure for partial or total reimbursement of financial advances made by the State will be established. In any case the addition of interest is excluded.

Refund of the amounts that are due to the State from the Cassa Integrazione is guaranteed by the availability of funds derived from contributions due to the Cassa under the collective agreement of 13 June 1941. For this reason the amount of contribution due to the Cassa may be increased in the provinces in which the present decree is applied, by decree of the Minister of Labour and Social Security acting in agreement with the Minister of the Treasury.

Should an industrial undertaking be reorganised or cease activity for any reason, the amounts already advanced to the undertaking by the Cassa Integrazione in accordance with this decree, and including the proportion that is the responsibility of the Cassa, shall constitute, in every respect, privileged State funds.

Should an industrial undertaking become bankrupt, privileged State funds are determined by the proportion of the States financial advances that have been

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

a) workers whose employment began after 25 April 1945;

b) workers employed in seasonal work or engaged under a limited contract or casual duties.

c) workers who, although employed by an industrial undertaking, are considered by the appropriate Provincial Labour Office as normally engaged in agricultural employment.

ART. 19

Authorization is granted for the State to advance to the Istituto Nazionale Previdenza Sociale, for the account of the Casse Integrazione dealing with the earnings of industrial workers, funds up to a maximum of ½ milliard lire that will eventually be needed to meet the burden that will be borne by the Casse as a result of the present decree.

By decree of the Minister of the Treasury provision will be made for charge upon the State of the financial provisions of the Minister of Labour and Social Security regarding the sums needed for execution of this decree.

By subsequent decree the procedure for partial or total reimbursement of financial advances made by the State will be established. In any case the addition of interest is excluded.

Refund of the amounts that are due to the State from the Casse Integrazione is guaranteed by the availability of funds derived from contributions due to the Casse under the collective agreement of 13 June 1941. For this reason the amount of contribution due to the Casse may be increased in the provinces in which the present decree is applied, by decree of the Minister of Labour and Social Security acting in agreement with the Minister of the Treasury.

Should an industrial undertaking be reorganised or cease activity for any reason, the amounts already advanced to the undertaking by the Casse Integrazione in accordance with this decree, and including the proportion that is the responsibility of the Casse, shall constitute, in every respect, privileged State funds.

Should an industrial undertaking become bankrupt, privileged State funds are determined by the proportion of the States financial advances that have been granted by the Casse to the undertaking.

ART. 20

The present decree enters into force on the day following that of its publication in the "Gazzetta Ufficiale" and shall be valid in the provinces mentioned in Art. 17 up to the 30th of September 1945, with retroactive effect from 25 June 1945 for the provinces restored to the administration of the Italian Government, and for the other provinces from the date on which Allied Military Government shall order its enforcement.

Declassified E.O. 12356 Section 3.3/NND No. 786021

We order that the present decree, bearing the State Seal shall be inserted in the official record of laws and decrees of the Italian State, commanding all concerned to observe it and to ensure its observance as a law of the State.

Dated at Rome 21st August 1945.

UMBERTO DI SAVOIA

Signed PARRI - President of Council of Ministers
BARBARESCHI - Minister of Labour and Social Security
RICCI - Minister of Treasury
GRONCHI - Minister of Industry and Commerce
TOGLIATTI - Minister of Justice and Keeper of the Seal.

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

Signor Pella - President of Council of Ministers
BARBARESCHI - Minister of Labour and Social Security
RICCI - Minister of Treasury
GRONCHI - Minister of Industry and Commerce
TOGLIATTI - Minister of Justice and Keeper of the Seal.

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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

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ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

LSC/sb

28 August 1945

FILE : Ext. 416

REF : LSC/1306

SUBJECT: Cassa Integrazione.

TO : Regional Commissioners, Liguria, Piemonte, Lombardia, Venezia Regions.

1. It will be recalled that publication of General Order No. 48 was withheld pending preparation of a decree by the Italian Government covering the same subject matter but in accordance with the so-called Milan Agreement of 8 July 1945.

2. Such a decree has, in fact, been passed by the Italian Government and will be implemented in our territory upon publication in the Official Gazette.

3. In the meantime instructions have sometime ago been issued through Finance Officers (file number 3.44/R, dated 10 July 1945) to provide for the operation through Cassa Integrazione pending the publication of this decree.

4. A question has arisen as to whether or not the benefits of the decree are applicable to impiegati (white-collar or blank-coated workers) as well as to operai (manual workers). The Minister of Labor has rendered an opinion that impiegati are covered by the provisions which forbid dismissal, establish waiting lists and provide for compensation to workers suspended and working at reduced hours. This interpretation is based upon the use of the word workers (lavoratori) in the decree. Accordingly, during the period of Allied Military Government impiegati will be covered by the provisions of this decree.

5. There is another question which relates to the payment of contributions to the Cassa Integrazione in respect of impiegati. According to the Minister this question will have to remain open for the time being until legislation which is in preparation has been adopted making provisions for same.

DAVID C. KEARNS
Deputy Director
Legal Sub-Commission

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Copy to:
Regional Commissioner
Venezia Gi Lia Region

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

TCS/sb

TEL : Ext. 416

21 August 1945

REF : LSC/1306

SUBJECT: Decree for North Italy.

TO : Ministry of Labor and Social Welfare.

1. This will acknowledge receipt of a copy of the decree passed by the Council of Ministers providing for the prohibition of dismissal of workers and benefits to workers on the waiting lists and to workers suspended and working at reduced hours.

2. Before this decree can be implemented in territory under the administration of Allied Military Government it must be first signed by the Lieutenant General and published in the "Gazzetta Officiale". It is suggested, therefore, that you take steps to bring about publication of this decree at the earliest possible moment. We have been informed by the Legal Sub-Commission of the Allied Commission that this can be done within three days.

3. Furthermore, we wish to advise that it can be arranged for the implementation order to appear in the same issue of the "Guzzetta Officiale" as the decree itself. If you desire that this be done, and this course has our recommendation, please communicate with Lt. Col. Hannaford of the Legal Sub-Commission who will make the necessary arrangements.

4. It is pointed out that some question exists as to whether the decree covers impiegati as well as operai. Article 10 contains some reference to impiegati but it is doubtful whether this is adequate to clarify the intention of the Government. It is suggested that some consideration be given to this problem and that, if necessary, an amendment be prepared which would place the question beyond possible doubt.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

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

File 45c/130 G.

COPY

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Rome, 21 Aug. 194

Ministry of Labour

Prot. No. 164

Avv. Di Fede
Sottocommissione de
dell' A.C.

Roma

Le rispondo per le due questioni sottopostemi: 1) circa la applicaz agli impiegati delle provvidenze adottate per il trattamento economico e ridico dei lavoratori in Alta Italia messi in aspettativa, o temporaneam sospesi od occupati ad orario ridott; 2) circa il trattamento dovuto all in base alle provvidenze stesse.

Per quanto riguarda la prima questione, come rileverà dall'unito provvedimento, sia per il divieto di licenziamento (Articolo 1) che per zione nei ruoli di aspettativa (artt. 3 e 4) come pure per la determinaz dei temporaneamente sospesi (art. 8) si fa genericamente riferimento ai ratori" in genere, con una dizione evidentemente comprensiva sia degli o che degli impiegati.

Inoltre, quando come all'art. 10 si e' voluto distinguere fra oper impiegati ai fini del calcolo del trattamento economico da corrisponders petto all'ammontare della retibuzione normale, cio' e' stato fatto espre te, ammettendosi quindi implicitamente che il provvedimento si applica a categorie.

Non vi e' alcun dubbio perciò da un punto di vista giuridico form gli impiegati siano compresi alla pari degli operai nella sfera di appli del provvedimento.

La prima questione quindi sottopostami e' risolta affermativamente lettera stessa del provvedimento.

Nel riguardo degli impiegati resta però da risolvere il problema pagamento del contributo che, era fissato al Nord nella misura del 0,75 ma adesso giuridicamente nulle. Occorrera' quindi convalidare l'imposi del contributo per il passato e stabilirne l'ammontare nella stessa o i misura per l'avvenire. Per questo riguardo come in genere per la siste della legislazione repubblichina sono allo studio i provvedimenti neces

Circa la seconda questone del trattamento spettante alle donne, naturalmente in funzione degli accordi sindacali relativi alla diversa della paga base o della indennita' di contingenza.

Di essi quelli di Milano per l'indennita' predetta stabilisce un mento minore per le donne rispetto agli uomini, mentre quello di Torin alcuna discriminazione.

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

alcuna discriminazione.

Ora fra i due criteri diversi adottati a Milano e a Torino quello di un trattamento inferiore per la donna puo' essere rispondente nel momento attuale ai suoi stessi interessi, perche' potra' assicurarle il mantenimento al lavoro nella prossima ripresa dell'attivita' industriale.

A mio avviso quindi i criteri adottati a Torino possono considerar come aventi carattere eccezionale, giustificati soltanto da particolari condizioni locali.

Con distinti saluti.

BARBARESCHI

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Translation Latorraca

/Ja

MINISTRY OF LABOUR

Rome, 21 August 1945

TO: Avv.DI PEDE
Labour Sub-Commission
Allied Commission
Roma

I am answering the two questions you have submitted to me:

1) regarding the applicability to office workers of the provisions adopted for workers in Northern Italy who are on the "waiting list", or temporarily suspended from work or who are working at reduced hours;

2) regarding the economic benefits due to the female workers according to the same provisions.

As far as the first question is concerned, as you may see from the attached copy of the provision, the prohibition of dismissal (Art.1), the registration of workers on "waiting list" (Art.3 and 4), as well as the determination of workers temporarily suspended (Art.8) is generally referred to as "workers" in general with a text evidently understandable by office and manual workers.

Moreover the provision is applicable to office and manual workers since no distinction is made between the two categories. Infact whenever the distinction was necessary it has been made, as for example in article 10.

Therefore there is no doubt, from a formal juridical point of view, that office workers are equally compared to manual workers as far as the application of the provision is concerned.

Hence the first question submitted to me is affirmatively solved by the provision.

Since the rule establishing the payment of 75% to unemployed workers has been suppressed, it is necessary to reestablish the contribution (*) to be paid in the future.

(*) Statal and employers contributions in favour of the Cassa d'Integrazione = Translator's note.

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

Provisions regarding the above as well as the suppressed Republican legislation are actually being studied.

The second question concerning economic benefits due to female workers, is in connection with the syndical agreements.

The Milan agreement establishes a lower contingency indemnity for female workers, whereas the Turin agreement does not make any distinction between male and female workers.

The Turin agreement seems to be more convenient for female workers inasmuch they receive a lower wage thus enabling them to work a longer length of time.

It is my opinion that the Turin agreement is to be considered an exceptional one which is only justified by the particular, local conditions.

Best Regards.

BARBARESCHI

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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		
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

Fold there in field responsibility

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HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

DCS/sb

TEL : Ext. 416

14 August 1945

REF : LSC/1206

SUBJECT: Cassa Integrazione.

TO : Confederazione Generale dell'Industria Italiana
102, Via Del Plebiscito
R O M E

1. This is in reply to your letter of 7 August concerning the provisions for Cassa Integrazione for workers in Northern Italy.

2. We are very glad to be in receipt of your position on the question of what share of the expenses should be borne by the Government.

3. It is suggested, however, that you bring your views to the attention of the Italian Government.

DAVID C. BACHS
Deputy Director
Labor Sub-Commission

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Translation Baldezzi

GENERAL CONFEDERATION OF ITALIAN INDUSTRY

Prot.567-O.1404

Rome, 7 August 1945

Mr.BRAINE
Director
Labour Sub-Commission
Rome

On directions received by Ing.Friggeri, President of this Confederation, who is at present out of Rome for reasons of health, I am sending you, herewith a short note concerning the action to be taken by the Italian government on behalf of the "Cassa d'Integrazione" for the payment of wages to the workers of Northern Italy out of employment.

The Labour Confederation going beyond, in our opinion, the limits of the duties it is charged with, has insisted in making exception to that part of the decree actually at issuance, placing on charge of the State a 25% share of the implementing wages.

The Italian industries are experiencing serious difficulties for effecting the payment of the 25% share put on their own charge. For the same reason they could not accept responsibility = even through the "Cassa d'Integrazione" = for the share that the State has promised to refund to the "Cassa", and they could not either keep their engagements with respect to the Rome' agreements of 5 July last and to those of Milan of 6 July, if the same agreements should undergo such a radical change.

The result would be a very serious situation, for which this Confederation is compelled to decline all responsibility.

With kind regards,

Respectfully yours
Avv.Toscani

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

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Translation Baldacci

NOTE CONCERNING THE FINANCIAL AID OF THE STATE ON BEHALF OF THE "CASSA INTEGRAZIONE SALARI"

The exceptions made by the Italian General Confederation of Labour concerning the refunding on the part of the State to the "Casse Integrazione Salari" of the 25 % share of the implementing wages due to the workers suspended or working on a part-time basis, have caused a feeling of great surprise in the industrial circles.

On another occasion the said Confederation did not hesitate to recognise that for all the onerous consequences arising out of the unlucky war' adventure in which our Country was plunged, it would be right to lay the liability of the respectable financial burden on the entire national community and not on single fractions of the same.

Now there is no doubt that the painful situstion of the workers as well as of the industrial undertakings of the north, is an indirect consequence of the political and war events which have tormented our country during the last few years.

The Italian industries and their Confederation are not less eager than Labour Confederation for the defence of the public treasure.

We know that a well organized and financially soud State is able to ensure the normal development of the economic life of the country, which is the presupposition of the good results of all economic initiatives. But whenever the State take an action - so as it has been contemplated in the actual case - for the purpose of alleviating a special economic situation very dangerous for the whole country, it is acting for the defence of the national treasury in a more efficient way than by saving a few millions with the approval of the masses, for the mere outward nobility of a gesture.

The industrialists of Central and Southern Italy by endorsing proportionally the responsibility of the remainder 25 percent's share of implementing wages on charge of the fund administered by the I.N.P.S. and of the family allowances granted to "waiting workers", are offering really a practical proof of their solidarity with the colleagues of the north.

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

Therefore, it appears just that the rest of the economic circles of Italy, in compliance with the plan of national solidarity pleaded by the Labour Confederation should give a tangible demonstration of such a solidarity.

It is not useless to remember that the industries of the north took upon themselves the whole financial burden of paying wages to not working people, in order to save them from deportation, and only when such a burden began to be too heavy for the life of the industrial undertakings, they were compelled to ask for the estabishment of a new system which would alleviate them from an onerous burden.

To continue to lay entirely on the industries the 75% share of the aggregated wages, partly (25) on immediate charge of the industrial undertakings, and partly (50%) on mediate charge of the same undertakings, which are under obligation to finance the Cassa Integrazione, would have meant to disrupt the industrial production with great damage for the State, as well as for the workers themselves, whose protection is in the hands of the Labour Confederation.

The positive engagement endorsed by the Government to grant a partial contribution in favour of the Cassa Integrazione, shows that such system of equal distribution of burdens answers the interest of the production, as well as of the workers and in the last analysis of the public treasure.

The industries are considering the Milan' agreements as an inseparable whole, and could not comply with their engagements, if a few terms which constitute a necessary precedent of the same engagements should be waiting.

T/se

Confederazione Generale dell'Industria Italiana

Roma, 7 Agosto 1945

102. VIA DEL PLEBISCITO

INDIRIZZO TELEGRAFICO: CONFINDUSTRIA - TELEF. 65.612

No 567-01404

Mr. W.H. BRAINE
Direttore della Sottocommissione
del Lavoro della Commissione Alleata.

R O M A

Gentile Sig. Braine,

Per incarico del Presidente Confederale Ing. Ruggeri, assente da Roma per motivi di salute, ritengo opportuno rimetterle un breve appunto relativo al problema dell'intervento del Governo Italiano a favore della Cassa Integrazione per il pagamento delle retribuzioni agli operai del Nord che restano inattivi.

La Confederazione del Lavoro, esorbitando, a nostro avviso, dai propri compiti ha insistito nel formulare le proprie riserve a quella parte del decreto in corso di emanazione che pone a carico dello Stato il 25% delle integrazioni salariali.

Le industrie italiane, che sono in difficoltà per il pagamento del 25% a loro carico, non potrebbero addossarsi, sia pur attraverso la Cassa Integrazione, la quota che lo Stato ha promesso di rimborsare alla Cassa e non potrebbero mantenere la loro adesione agli accordi di Roma del 5 Luglio e di Milano dell'8 Luglio se essi venissero modificati in una parte così sostanziale.

Ne risulterebbe una situazione estremamente delicata per la quale la Confederazione si vede costretta a declinare ogni responsabilità.

Con distinta osservanza.

(Em. B. Toscani)

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

INDIRIZZO TELEGRAFICO: CONFINDUSTRIA - TELEF. 65.617

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

Nº 567-01404

Mr. W. H. BRAINE
Direttore della Sottocommissione
del Lavoro della Commissione Alleata.

R O M A

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Gentile Sig. Braine,

Per incarico del Presidente Confederale Ing. Prigaeri, assente da Roma per motivi di salute, ritengo opportuno rimetterle un breve appunto relativo al problema dell'intervento del Governo Italiano a favore della Cassa Integrazione per il pagamento delle retribuzioni agli operai del Nord che restano inattivi.

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Ne risulterebbe una situazione estremamente delicata per la quale la Confederazione si vede costretta a declinare ogni responsabilità.

Con distinta osservanza.

(Giuseppe Toscani)

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=°= APPUNTO SULL'INTERVENTO FINANZIARIO DELLO STATO A FAVORE DELLA CASSA INTEGRAZIONE SALARI. =°=

La posizione critica assunta dalla Confederazione Generale Italiana del Lavoro in merito al rimborso da parte dello Stato alla Cassa Integrazione Salari del 25% della integrazione dovuta agli operai sospesi o lavoranti ad orario ridotto ha determinato un senso di viva sorpresa negli ambienti industriali.

In altra occasione detta Confederazione non esitò a riconoscere che per tutte le conseguenze onerose derivanti dalla disgraziata avventura bellica in cui il Paese fu condotto fosse giusto chiamare a sostenerne il peso la intera comunità nazionale e non singole frazioni di essa.

Ora non vi è dubbio che la dolorosa situazione delle maestranze e delle Aziende del Nord è una diretta conseguenza degli eventi politici e bellici che hanno tormentato negli ultimi anni il corpo della Nazione.

Gli industriali italiani e la loro Confederazione non sono meno solleciti di quella del Lavoro per la tutela dell'erario nazionale.

Essi sanno che solo uno Stato ben ordinato e finanziariamente sano può assicurare il normale svolgimento della vita economica che è il presupposto per lo sviluppo di ogni iniziativa.

Ma quando lo Stato interviene - così come è previsto nel caso attuale - a sollevare determinate attività economiche da uno stato di estrema prostrazione che ne comprometterebbe la stessa esistenza, esso tutela indubbiamente molto di più l'erario nazionale salvaguardando le fonti della sua ricchezza che non risparmiando qualche centinaio di milioni in base ad atteggiamenti che possono lusingare solo il grosso pubblico per la nobiltà apparente della loro impostazione.

Gli industriali dell'Italia centro-meridionale, addossandosi proporzionalmente l'onere del residuo 25% di integrazione che rimane a carico della Cassa gestita dall'I.N.P.S., e degli assegni familiari concessi ai lavoratori "in aspettativa" danno una prova concreta della loro solidarietà ai colleghi del Nord.

Sembra pertanto equo che il resto delle attività economiche della Nazione, proprio sul piano della solidarietà nazionale invocata dalla Confederazione del Lavoro, dia un segno tangibile di tale solidarietà.

Non è superfluo ricordare che gli industriali del Nord si sono assunto per lunghi mesi tutto il peso delle retribuzioni ai dipendenti

Declassified E.O. 12356 Section 3.3/NND No. 780021

negli ambienti industriali.

In altra occasione detta Confederazione non esitò a riconoscere che per tutte le conseguenze onerose derivanti dalla disgraziata avventura bellica in cui il Paese fu condotto fosse giusto chiamare a sostenerne il peso la intera comunità nazionale e non singole frazioni di essa.

Ora non vi è dubbio che la dolorosa situazione delle maestranze e delle Aziende del Nord è una diretta conseguenza degli eventi politici e bellici che hanno tormentato negli ultimi anni il corpo della Nazione.

Gli industriali italiani e la loro Confederazione non sono meno sol_ leciti di quella del Lavoro per la tutela dell'erario nazionale.

Essi sanno che solo uno Stato ben ordinato e finanziariamente sano può assicurare il normale svolgimento della vita economica che è il pre_ supposto per lo sviluppo di ogni iniziativa.

Ma quando lo Stato interviene - così come è previsto nel caso attua_ le - a sollevare determinate attività economiche da uno stato di estre_ ma prostrazione che ne comprometterebbe la stessa esistenza, esso tutela indubbiamente molto di più l'erario nazionale salvaguardando le fonti della sua ricchezza che non risparmiando qualche centinaio di milioni in base ad atteggiamenti che possono lusingare solo il grosso pubblico per la nobiltà apparente della loro impostazione.

Gli industriali dell'Italia centro-meridionale, addossandosi propor_ zionalmente l'onere del residuo 25% di integrazione che rimane a carico della Cassa gestita dall'I.N.P.S., e degli assegni familiari concessi ai lavoratori "in aspettativa" danno una prova concreta della loro solida_ rietà ai colleghi del Nord.

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Sembra pertanto equo che il resto delle attività economiche della Nazione, proprio sul piano della solidarietà nazionale invocata dal la Confederazione del Lavoro, dia un segno tangibile di tale solidarietà.

Non è superfluo ricordare che gli industriali del Nord si sono as_ sunto per lunghi mesi tutto il peso delle retribuzioni ai dipendenti inattivi che venivano mantenuti in azienda con il proposito altamente patriottico di preservare gli operai dalle deportazioni e solo quando tale peso ha cominciato a costituire una grave ed imminente minaccia per la vita stessa delle aziende essi sono stati loro malgrado costret_ ti ad invocare un sistema che alleggerisse lo schiacciante onere.

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Continuare ad addossare interamente il gravoso onere del 75% delle retribuzioni globali all'industria in parte (25%) a carico immediato delle singole aziende ed in parte (50%) a carico mediato delle aziende stesse, cui incombe l'obbligo di alimentare la Cassa Integrazione, avrebbe significato condurre rapidamente alla disgregazione della produzione industriale con danno dell'erario dello Stato e delle masse lavoratrici della cui tutela la Confederazione del Lavoro ha la responsabilità.

Il formale impegno assunto dal Governo per il suo parziale intervento a favore della Cassa Integrazione costituisce la prova migliore che tale sistema di equa ripartizione degli oneri risponde all'interesse della produzione, a quello delle maestranze nonchè in definitiva a quello dell'erario nazionale.

Gli industriali considerano gli accordi di Milano come un tutto inscindibile e non potrebbero mantenere gli impegni assunti se venissero meno alcune delle condizioni che di tali impegni costituiscono il presupposto.-

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Continuare ad addossare interamente [illegible]
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HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

pcs/ab

14 August 1945

TEL : Ext. 416

REF : LSC/1306

SUBJECT: Ruoli di "aspettativa" lavoratori Nord Italia.

TO : Confederazione Generale dell'Industria Italiana
102, Via Del Plebiscito
R O M E

1. This will acknowledge receipt of your letter of 25 July concerning the above subject. We are very grateful for the excellent analysis expressed therein.

2. We have been aware that some question existed as to the place of the Ruoli di "Aspettativa" following the Milan Agreement of 8 July.

3. It will interest you to know, however, that the most recent draft of decree received from the Italian Government makes provision for the existence of such lists.

DAVID C. SACKS
Deputy Director
Labor Sub-Commission

Confederazione Generale dell'Industria Italiana

LSC/
PSC/30

567/C1264
Ruoli di "aspettativa"
lavoratori Nord Italia

Roma, 25 Luglio 1945
102, VIA DEL PLEBISCITO

COMMISSIONE ALLEATA
Sottocommissione del lavoro
ROMA

Questa Confederazione è venuta a conoscenza di dubbi che sarebbero sorti, in sede di elaborazione dei provvedimenti legislativi per l'applicazione delle deliberazioni prese l'8 Luglio presso la Commissione Centrale Economica del C.L.N.A.I. circa il trattamento transitorio dei lavoratori sospesi e lavoranti ad orario ridotto.

Tali dubbi riguarderebbero la sopravvivenza o meno, dopo detti accordi, dell'istituto della cosidetta "messa in aspettativa" prevista dall'accordo di Milano del 29 maggio u.s. (all.1).

Poichè la decisione dell'8 luglio consistette nella estensione alle altre provincie del settentrione degli accordi di Milano, la questione deve essere risolta attraverso l'interpretazione, letterale e logica degli accordi stessi.

Essi sono : quello citato del 29 maggio che disciplina in apposito titolo e con dettaglio di norme i ruoli di aspettativa e quello del 23 giugno relativo alla indennità di contingenza il quale dispone che è corrisposto il 75 % della indennità stessa agli operai totalmente sospesi ed a quelli lavoranti ad orario ridotto, per le ore comprese tra le zero e le 48 ore settimanali.

L'aver parlato di "zero ore" e di "operai sospesi" avrà potuto far ritenere che si fosse voluto profondamente innovare rispetto al complesso dei provvedimenti di cui all'accordo del 29 maggio, sopprimendo l'istituto della "aspettativa".

Ma così non è e ciò è chiarito da espresse disposizioni contenute negli accordi del 23 giugno e del 29 maggio : anzitutto nel punto 5° dell'accordo 23 giugno è detto che il 75 % della indennità di contingenza è concesso agli operai sospesi ed a quelli lavoranti ad orario ridotto in quanto siano "entrambi ammessi al trattamento di integrazione salariale".

E' da notare che il contratto del 29 maggio, al punto 3° lettera B, concede il trattamento della Cassa integrazione anche per la completa sospensione a causa di riduzione (eventualmente fino a zero) dell'orario

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INDIRIZZO TELEGRAFICO CONFINDUSTRIA - TELEF. 65.612

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

557/01264
Ruoli di "aspettative"
lavoratori Nord Italia

Roma, 25 Luglio 19..

102, VIA DEL PLEBISCITO

INDIRIZZO TELEGRAFICO CONFINDUSTRIA - TELEF. 65.612

COMMISSIONE ALLEATA
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Quindi l'ammissione o meno al trattamento di integrazione non deriva dal fatto obiettivo della inattività, ma dalla causale di tale inattività o, meglio ancora dallo "status" contrattuale in cui tale fatto si in-

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

inquadra.

E ciò si spiega perchè l'iscrizione nei ruoli di aspettativa non è automatica ma è subordinata a determinati presupposti, accertamenti ed autorizzazioni.

Il lavoratore inattivo per riduzione di orario può essere e può non essere trasferito nel ruolo di aspettativa, e, fino a quando non lo sarà continuerà a godere dei benefici della integrazione.

Che, dunque il 23 giugno non si sia voluto innovare circa l'"aspettativa" è dimostrato dall'inciso citato e dalla struttura tecnica e sindacale dell'accordo precedente che contempla distintamente e regola diversamente i due casi, di sospensione e di "aspettativa".

Nè si voglia sostenere che è proprio l'inciso che ha introdotto la profonda e radicale innovazione della parificazione completa di trattamento.

Sarebbe assurdo pensare che una disposizione così importante fosse sancita in un accordo che disciplina un elemento accessorio della retribuzione (indennità di contingenza) ed in forma indiretta ed incidentale.

Che ciò sia vero è dimostrato dalla decisiva constatazione che lo stesso accordo del 23 giugno il quale, secondo la contraria tesi avrebbe al punto 5° soppresso l'istituto dell'"aspettativa", al punto 7° , cioè successivo, prevede che le aziende, all'atto del rientro di lavoratori già prigionieri o reduci o perseguitati, "avranno facoltà di porre in aspettativa tanti lavoratori quanti saranno quelli riammessi in servizio".

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Questa Confederazione, pur convinta anche per le espresse dichiarazioni fatte dai rappresentanti industriali alla riunione dell'8 luglio in presenza di un proprio delegato, che la propria interpretazione fosse esatta, ha ritenuto di interpellare telegraficamente l'Associazione Lombarda degli Industriali, la quale ha testualmente risposto :

"Confermiamovi che accordo otto luglio lascia inalterato istituto messa in aspettativa et trattamento lavoratori iscritti relativi ruoli a parziale carico aziende et cassa disoccupazione et assegni familia_

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

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Confederazione Generale dell'Industria Italiana

n° 2

Roma,
102, VIA DEL PLEBISCITO

INDIRIZZO TELEGRAFICO: CONFINDUSTRIA - TELEF. 65.612

Ma alle ragioni tratte dai testi e dalla volontà delle parti si aggiungono, a favore della nostra tesi evidenti motivi di ordine logico dal punto di vista sindacale ed economico.

L'istituto dell'"aspettativa" rappresenta uno stadio di trapasso tra la occupazione piena, il trattamento di integrazione e quello di disoccupazione conseguente alla risoluzione del rapporto; esso risponde al concetto di creare un gradino intermedio basato su di una situazione giuridica ed economica "sui generis".

Nello stadio di "aspettativa" il trattamento economico del lavoratore è ridotto notevolmente,ma, al tempo stesso, per l'allentarsi del vincolo giuridico con l'azienda, il dipendente, completamente libero del suo tempo, può ricercare altra occupazione utile, anche autonoma stipolato dalla relativa esiguità delle sue risorse, e può essere impiegato, sotto pena di licenziamento in caso di rifiuto, in lavori di importanza nazionale per la ricostruzione.

E' ovvio che, con l'attuarsi graduale del piano di ricostruzione allo studio, le possibilità di impiego in detti lavori aumenteranno e si potrà più largamente attingere dai ruoli di "aspettativa".

Quindi sarebbe gravissimo errore eliminare un congegno appositamente creato proprio nel momento in cui esso dovrebbe più soddisfacentemente funzionare e riproporre in tutta la sua crudezza, alla fine del periodo transitorio di blocco dei licenziamenti, l'alternativa tra la prosecuzione del rapporto ordinario o la risoluzione definitiva di esso.

Se la mancata o troppo lenta ripresa dell'industria dovrà imporre questa dolorosa necessità sarà preferibile che i lavoratori siano in tempo indotti alla ricerca di nuovo impiego della loro attività, attraverso il loro passaggio nei ruoli di "aspettativa".

Nei calcoli compiuti da questa Confederazione circa gli oneri derivanti dagli accordi per il Nord Italia (all.3) si è ipotizzato che il 30 % dei lavoratori siano nei ruoli di "aspettativa".

Se tale contingente dovesse sparire e fondersi con quello dei sospesi della integrazione l'onere si eleverebbe mensilmente di oltre un miliardo per lo Stato e di altrettanto per le aziende.

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

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Si conferma pertanto la necessità che i ruoli di "aspettativa" non solo siano mantenuti, ma opportunamente incrementati con quegli elementi di cui appare meno probabile la utilizzazione nell'ambito dell'azienda.

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

Sono stati segnalati a questa Confederazione gli inconvenienti che dan luogo l'estensione del trattamento di integrazione ai lavoratori sospesi senza richiedere pertanto la effettuazione di un periodo, sia pure minimo di lavoro. Ci risulta che notevoli pressioni vengono fatte presso alcune aziende perchè esse considerino nulli i licenziamenti regolarmente avvenuti da tempo in modo da far fruire tutti i già licenziati da nuovo trattamento.

Ove non si possa disporre l'automatico passaggio dei lavoratori sospesi da oltre un certo periodo (una o due settimane, salvo il caso di turni) nei ruoli di aspettativa, bisogna porre in essere mezzi rapidi e sicuri di accertamento per evitare che i lavoratori continuino a godere della integrazione anche quando abbiano già trovato altro mezzo di sostentamento.

Bisogna altresì impedire che vengano istituiti e ripristinati rapporti di lavoro in aziende le cui maestranze già lavorino a ritmo ridotto.

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Alcune aziende del Mezzogiorno hanno prospettato alla Confederazione, come, indipendentemente dalla facoltà giuridica di licenziare la maestranza, considerazioni politiche e sindacali, oltre che sociali ed umane fanno sì che in pratica tale diritto possa essere esercitato con estrema difficoltà e cautela, con la conseguenza che, anche nelle provincie centro-meridionali il numero dei lavoratori in servizio è ben lungi dall'essere adeguato alle effettive esigenze delle aziende.

Questa Confederazione si rende conto delle conseguenze che potrebbero derivare da una completa parificazione del trattamento di integrazione così come previsto per il Nord ; d'altra parte un trattamento eccessivamente sperequato determina riflessi assai delicati sia presso i lavoratori che presso le aziende dai quali non si può prescindere.

Una soluzione intermedia potrebbe esser rappresentata dal ripristino del funzionamento della Cassa Integrazione in tutta l'Italia Centro-Meridionale, con qualche correttivo rispetto al precedente ordinamento, specie per le condizioni per aver diritto alla integrazione che dovrebbero essere unificate con quelle del Nord e per il concorso statale che andrebbe esteso a tutto il territorio nazionale.

Si eliminerebbe così la caotica situazione attuale che la Cassa presenta. Essa infatti in alcune provincie funziona regolarmente, in altre provvede alla sola percezione dei contributi in altre è totalmente bloccata. Si moralizzerebbe altresì la continuazione e la ripresa del pagamento del contributo recentemente disposta dal Ministero del Lavoro.

Questa Confederazione si tiene a disposizione per l'esame dettagliato dei problemi proposti e non può fare a meno di sottolineare l'estrema urgenza di concretare i relativi provvedimenti in modo che la Cassa Integrazione inizi subito i suoi conguagli senza di che, per mancanza di disponi-

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Con osservanza

(ALLEGATI N.3)

IL PRESIDENTE
(G. Di Vittorio)

Declassified E.O. 12356 Section 3.3/NND No. 786021

Addì 29 Maggio 1945, in Milano,

fra l'Unione degli Industriali della Provincia di Milano rappresentata dal suo Commissario straordinario Ing.Giovanni Falck;

e la Camera del Lavoro della Provincia di Milano rappresentata dal Sig. Gaetano Invernizzi,

con l'intervento del dr.Vallauri,dell'avv.Matteotti,dr.Ronchi dell'Istituto Nazionale della Previdenza Sociale e del Sig.Albergani,Segretario della Camera del Lavoro.

Considerato:

1°)che nei stabilimenti industriali la mancanza di materie prime ha determinato da mesi una notevole esuberanza di maestranze in confronto alle possibilità effettive di lavoro;

2°) che non si può sperare in una immediata ripresa per le attuali difficoltà di approvvigionamento e trasporto delle materie prime;

3°) che è preferibile favorire un graduale e spontaneo trasferimento delle maestranze degli stabilimenti parzialmente o totalmente inoperosi ad altre attività che sono in grado di assorbire parte di questa esuberanza(per es. agricoltura,edilizia)piuttosto che addivenire ad un immediato sblocco di licenziamenti,

si è convenuto e stipulato quanto in appresso:

1° - MESSA IN ASPETTATIVA DEI LAVORATORI

a) ove si rendessero esuberanti aliquote di lavoratori rispetto alle attuali possibilità,l'Azienda,presi accordi con la Commissione Interna, curerà la formazione di un ruolo di "messa in aspettativa".In tale ruolo saranno,compatibilmente con le esigenze tecniche e produttive dell'Azienda ,iscritti tutti i lavoratori che ne faranno richiesta;detti lavoratori sono esenti dall'obbligo di prestare la loro opera e beneficiano del trattamento economico di cui appresso;

b) il periodo di "messa in aspettativa"dei lavoratori iscritti al ruolo di cui sopra avrà termine il 31 Ottobre 1945;

c) durante il periodo di aspettativa i lavoratori iscritti nel relativo ruolo godranno del seguente trattamento economico:

= un'indennità giornaliera,per ciascun giorno lavorativo,a carico della azienda di L.10(dieci) per gli operai maschi di età superiore ai 18 anni; di L.6(sei) per le donne di età superiore ai 18 anni e di L.3(tre)per i giovani d'ambo i sessi di età non superiore ai 18 anni;

= l'assegno familiare eventualmente spettante;

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

Stefano Riverenzi;

con l'intervento del dr.Ivaldi,dell'avv.Mazzetti,dr.Ronchi dell'Istituto Nazionale della Previdenza Sociale e del Sig.Albergani,Segretario della Camera del Lavoro.

Considerato:

1°)che in gli stabilimenti industriali la mancanza di materie prime ha determinato da mesi una notevole esuberanza di maestranze in confronto alle possibilità effettive di lavoro;

2°) che non si può sperare in una immediata ripresa per le attuali difficoltà di approvvigionamento e trasporto delle materie prime;

3°) che è preferibile favorire un graduale e spontaneo trasferimento delle maestranze degli stabilimenti parzialmente o totalmente inoperosi ad altre attività che sono a ricerca di mano d'opera parte di questa esuberanze(per es. agricoltura,edilizia)piuttosto che addivenire ad un immediato sblocco di licenziamenti,

si è convenuto e stipulato quanto in appresso:

I° - MESSA IN ASPETTATIVA DEI LAVORATORI

a) ove si rendessero esuberanti alcune di lavoratori rispetto alle attuali possibilità,l'azienda,presi accordi con la Commissione Interna, curerà la formazione di un ruolo di "messa in aspettativa".In tale ruolo saranno,compatibilmente con le esigenze tecniche e produttive dell'azienda ,iscritti tutti i lavoratori che ne faranno richiesta;detti lavoratori sono esenti dall'obbligo di prestare la loro opera e beneficiano del trattamento economico di cui appresso;

b) il periodo di "messa in aspettativa"dei lavoratori iscritti al ruolo di cui sopra avrà termine il 31 Ottobre 1945;

c) durante il periodo di aspettativa i lavoratori iscritti nel relativo ruolo godranno del seguente trattamento economico:

= un'indennità giornaliera,per ciascun giorno lavorativo,a carico della Azienda di £.10(dieci) per gli operai maschi di età superiore ai 18 anni; di £.6(sei) per le donne di età superiore ai 18 anni e di £.3(tre)per i giovani d'ambo i sessi di età non superiore ai 18 anni;

= l'assegno familiare eventualmente spettante;

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= un'indennità speciale sul fondo di disoccupazione involontaria per ogni giorno lavorativo,dell'importo di £.16(sedici)per gli operai maschi di età superiore ai 18 anni,di £.12(dodici)per le donne di età superiore ai

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

18 anni e di L.7(sette) per i giovani d'ambo i sessi di età non superiore ai 18 anni.

d) La liquidazione del trattamento di cui sopra sarà effettuata allo scadere del periodo di paga prossimo al 15 del mese e per l'importo corrispondente al mese in corso,detta liquidazione verrà effettuata direttamente dall'Azienda la quale si rivarrà,per le quote non a suo carico sugli Istituti previdenziali ed assistenziali.

e) I lavoratori che già si trovassero in"temporanea disponibilità"a norma dei decreti 20.1.1945 e 13.2.1945 del cosidetto governo della Repubblica Sociale Italiana,beneficeranno automaticamente,dal 1° Giugno 1945,del trattamento di messa in aspettativa ai sensi di quanto più sopra disposto;

f) le presenti norme sostituiscono e sostituiscono quelle dei precitati decreti 20.1.1945 e 13.2.1945 del cosidetto Governo della Repubblica Sociale Italiana.

IIº - DIMISSIONI DEI LAVORATORI

Tutti i lavoratori che presenteranno le proprie dimissioni immediatamente e durante il periodo della loro messa in aspettativa(1°Giugno 1945-31 Ottobre 1945) dove tali dimissioni non siano compatibili con le esigenze tecniche e produttive dell'Azienda beneficeranno del trattamento economico(preavviso o indennità sostitutiva,indennità di licenziamento, accessori)cui avrebbero avuto diritto se fossero stati licenziati per volontà dell'Azienda.

Per la liquidazione del trattamento di cui sopra si farà riferimento al momento in cui sono state presentate le dimissioni se tale momento è antecedente all'inizio dell'aspettativa stessa ove l'interessato risulte iscritto nei relativi ruoli.

IIIº - TRATTAMENTO ECONOMICO DEGLI OPERAI LAVORANTI AD ORARIO RIDOTTO

Col 1° Giugno 1945 agli operai lavoranti ad orario ridotto al disotto di 48 ore settimanali ed il cui orario venisse ridotto al disotto di tale limite successivamente verrà riservato il seguente trattamento economico:

a) per le ore di effettiva prestazione lavorativa:
corresponsione del normale trattamento economico previsto dai contratti collettivi di lavoro o dai decreti disciplinanti il trattamento salariale maestranze a suo tempo emanate dal Commissariato Nazionale del Lavoro, dal Ministero del Lavoro della cosidetta Repubblica Sociale Italiana;

b) per le ore comprese fra le 0 e le 46 settimanali non lavorate

Declassified E.O. 12356 Section 3.3/NND No. 785621

sugli Istituti previdenziali ed assistenziali.

e) I lavoratori che già si trovassero in"temporanea disponibilità"a norma dei decreti 20.1.1945 e 13.2.1945 del cosidetto Governo della Repubblica Sociale Italiana,beneficeranno automaticamente,dal 1° Giugno 1945,del trattamento di messa in aspettativa ai sensi di quanto più sopra disposto;

f) le presenti norme abrogano e sostituiscono quelle dei precitati decreti 20.1.1945 e 13.2.1945 del cosidetto Governo della Repubblica Sociale Italiana.

II° - DIMISSIONI DEI LAVORATORI

Tutti i lavoratori che presenteranno le proprie dimissioni immediatamente e durante il periodo della loro messa in aspettativa(1°Giugno 1945-31 Ottobre 1945) dove tali dimissioni non siano compatibili con le esigenze tecniche e produttive dell'Azienda beneficeranno del trattamento economico(preavviso o indennità sostitutiva,indennità di licenziamento, accessori)cui avrebbero avuto diritto se fossero stati licenziati per volontà dell'Azienda.

Per la liquidazione del trattamento di cui sopra si farà riferimento al momento in cui sono state presentate le dimissioni se tale momento è antecedente all'inizio dell'aspettativa stessa ove l'interessato risulta iscritto nei relativi ruoli.

III° - TRATTAMENTO ECONOMICO DEGLI OPERAI
LAVORANTI AD ORARIO RIDOTTO

Col 1° Giugno 1945 agli operai lavoranti ad orario ridotto al disotto di 48 ore settimanali ed il cui orario venisse ridotto al disotto di tale limite successivamente verrà riservato il seguente trattamento economico:

a) per le ore di effettiva prestazione lavorativa:
corresponsione del normale trattamento economico previsto dai contratti collettivi di lavoro o dai decreti disciplinanti il trattamento salariale maestranze a suo tempo emanate dal Commissariato Nazionale del Lavoro, dal Ministero del Lavoro della cosidetta Repubblica Sociale Italiana;

b) per le ore comprese fra le 0 e le 48 settimanali non lavorative a causa della riduzione di orario di lavoro:

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corresponsione del

= 50% (cinquanta per cento) del minimo di paga oraria base o ragguagliato ad un'ora di cui ai vigenti contratti collettivi di lavoro o ai decreti

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

disciplinanti il trattamento salariale delle maestranze a suo emanate dal Commissario Nazionale del lavoro o dal Ministero del Lavoro della cosidetta Repubblica Sociale Italiana, a carico della Cassa Integrazione Salari operai dell'industria gestita dall'Istituto Nazionale della Previdenza Sociale.

= 25 %(venticinque per cento) dell'anzidetto minimo di paga oraria base o raggua lieta ad un'ora di cui sopra, a carico dell'Azienda.

Le presenti disposizioni modificano le norme contrattuali regolanti le integrazioni dei salari agli operai lavoranti ad orario ridotto ed abrogano e si sostituiscono a quelle contenute nei vari decreti disciplinanti il trattamento salariale delle maestranze dipendenti da aziende industriali relativamente alla garanzia del minimo settimanale di retribuzione ferme restando, come già stabilito nei decreti sopracitati, che nei casi di assenza dovuta a fatto del lavoratore (permesso, malattia, infortunio) non si farà luogo ad alcuna integrazione salariale nè opererà naturalmente la predetta garanzia di minimo.

letto, approvato e sottoscritto:

p.l'Unione degli Industriali
della Provincia di Milano

p.la Camera del lavoro della
Provincia di Milano.

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

Addì 23 Giugno 1945, in Milano,

Tra l'Unione degli Industriali della provincia di Milano, rappresentata dal suo Commissario straordinario, ing. Giovanni Falck;

e la Camera del Lavoro di Milano e Provincia, rappresentata dal suo Segretario Luigi Morelli, assistito da Gaetano Invernizzi, Fortunato Saccani e Franco Volontè;

si è convenuto e stipulato quanto in appresso:

ADEGUAMENTI SALARIALI

1°) A far tempo dal 15 Giugno 1945 è istituita un'indennità di contingenza giornaliera e mensile, da ragguagliarsi ad ora e da corrispondersi per le sole ore di effettiva prestazione lavorativa.

Detta indennità è stabilita nella seguente misura:

	Operai	Impiegati
a) uomini capi famiglia con una persona a carico	L. 120 giorn.	L. 3.000 mens.
b) donne capi famiglia con una persona a carico	" 100 "	" 2.500 "
Agli uomini ed alle donne con due o più persone a carico verrà corrisposto un assegno supplementare di L. 15 giornaliere per gli operai e di L. 375 mensili per gli impiegati, ragguagliabili ad ora, per ogni persona a carico oltre la prima e limitatamente alle prime tre persone a carico oltre la prima.		
c) uomini non capi famiglia di età superiore agli anni 20 compiuti	" 100 "	" 2.500 "
d) uomini non capi famiglia di età compresa fra i 18 ed i 20 anni	" 80 "	" 2.000 "
e) donne non capi famiglia di età superiore ai 20 anni compiuti	" 72 "	" 1.800 "
f) donne non capi famiglia di età compresa fra i 18 ed i 20 anni	" 64 "	" 1.600 "
g) uomini e donne non capi famiglia di età inferiore ai 18 anni	" 56 "	" 1.400 "

Per capo famiglia s'intende il lavoratore, operaio od impiegato che fruisce di assegni familiari. Il ragguaglio ad ora delle quote sopra indicate si fa dividendo per 6 le quote giornaliere e per 180 le quote mensili.

2°) A far tempo dal 15 Giugno 1945 è soppressa l'indennità di guerra

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

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...e la Camera del Lavoro di Firenze e Area ..., ... gretario Luigi Morelli, assistito da Gaetano Invernizzi, Fortunato Seccani e Franco Volonté;

si è convenuto e stipulato quanto in appresso:

ADEGUAMENTI SALARIALI

1°) A far tempo dal 15 Giugno 1945 è istituita un'indennità di contingenza giornaliera e mensile, da ragguagliarsi ad ora e da corrispondersi per le sole ore di effettiva prestazione lavorativa.

Detta indennità è stabilita nella seguente misura:

	Operai	Impiegati
a) uomini capi famiglia con una persona a carico	£.120 giorn.	£.3.000 mens.
b) donne capi famiglia con una persona a carico	" 100 "	" 2.500 "
Agli uomini ed alle donne con due o più persone a carico verrà corrisposto un assegno supplementare di £.15 giornaliere per gli operai e di £.375 mensili per gli impiegati, ragguagliabili ad ora, per ogni persona a carico oltre la prima e limitatamente alle prime tre persone a carico oltre la prima.		
c) uomini non capi famiglia di età superiore agli anni 20 compiuti	" 100 "	" 2.500 "
d) uomini non capi famiglia di età compresa fra i 18 ed i 20 anni	" 80 "	" 2.000 "
e) donne non capi famiglia di età superiore ai 20 anni compiuti	" 72 "	" 1.800 "
f) donne non capi famiglia di età compresa fra i 18 ed i 20 anni	" 64 "	" 1.600 "
g) uomini e donne non capi famiglia di età inferiore ai 18 anni	" 56 "	" 1.400 "

Per capo famiglia s'intende il lavoratore, operaio ed impiegato che fruisce di assegni familiari. Il ragguaglio ad ore delle quote sopra indicate si fa dividendo per 8 le quote giornaliere e per 180 le quote mensili.

2°) A far tempo dal 25 Giugno 1945 è abolita l'indennità di guerra (£.20 giornaliere a favore dei lavoratori capi famiglia) istituita con decreto 26.9.1944, modificato con decreto 5.1.1945 del governo della cosiddetta Repubblica Sociale Italiana.

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

3°) L'indennità di contingenza di cui al punto 1°) sarà corrisposta integralmente ai lavoratori addetti a stabilimenti,cantieri,ecc. siti entro il territorio della circoscrizione amministrativa dei Comuni di Milano e Sesto S.Giovanni;in ragione del 95 % ai lavoratori addetti a stabilimenti,cantieri,ecc. siti entro il territorio della circoscrizione dei Comuni di Lonza e Legnano ed in ragione dell'85 % ai lavoratori addetti a stabilimenti,cantieri,ecc. siti nel restante territorio della Provincia di Milano.

4°) L'indennità di contingenza non costituisce parte integrante della retribuzione ad alcun effetto.Si farà eccezione soltanto per il compenso spettante per il periodo annuale di ferie e per quello relativo alle festività infrasettimanali.Essa è esente da ogni contribuzione e oneri previdenziali sociali ed assicurativi.

5°) A far tempo dal 25 giugno 1945 gli operai totalmente sospesi dal lavoro,nonchè gli operai lavoranti ad orario ridotto,entrambi ammessi al trattamento di integrazione salariale,percepiranno per le ore comprese tra le 0 e le 48 settimanali non lavorate quanto segue:

a) il 50 % dell'indennità di contingenza ragguagliata ad ora,a carico della Cassa Integrazione Salari agli operai dell'industria gestita dall'Istituto Nazionale della Previdenza Sociale,ferma restando l'attuale misura dei contributi;

b) il 25 % dell'indennità di contingenza ragguagliata ad ora a carico delle Aziende.

L'Organizzazione degli Industriali,considerato che si tratta di personale che,pur avendo ingenti esigenze di vita le quali devono essere soddisfatte,si trova tuttavia nelle condizioni di non potere dare la propria prestazione,ed è quindi improduttivo,sostiene che l'onere relativo non deve gravare in alcun modo sulle Aziende e deve gravare invece sull'Erario.

Essa svolgerà quindi azione presso le Autorità di Governo per ottenere nel termine più breve che lo Stato si assuma tutti indistintamente gli oneri per erogazioni corrisposte ai lavoratori a fronte di ore non effettivamente lavorate.

L'Organizzazione dei Lavoratori,nell'interesse della economica produttività nazionale,appoggerà ogni iniziativa tendente a mettere l'industria in condizioni di superare le difficoltà contingenti.

6°) Quanto precede non deve trovare applicazione nei confronti dei dipendenti delle aziende esercenti l'industria de gli autoveicoli di merci e di persone e l'industria delle sartorie per uomo e donna su misura. Per tali categorie verrà trattato a parte.

7°) Previo consenso delle Commissioni interne d'accordo con i O.L.N.

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

Provincia di Milano.

4°) L'indennità di contingenza non costituisce parte integrante della retribuzione ad alcun effetto. Si farà eccezione soltanto per il compenso spettante per il periodo annuale di ferie e per quello relativo alle festività infrasettimanali. Essa è esente da ogni contribuzione a scopi previdenziali sociali ed assicurativi.

5°) A far tempo dal 25 Giugno 1945 gli operai totalmente sospesi dal lavoro, nonchè gli operai lavoranti ad orario ridotto, entrambi ammessi al trattamento di integrazione salariale, percepiranno per le ore comprese tra le 0 e le 48 settimanali non lavorate quanto segue:

a) il 50 % dell'indennità di contingenza ragguagliata ad ora, a carico della Cassa Integrazione Salari degli operai dell'Industria gestita dall'Istituto Nazionale della Previdenza Sociale, ferma restando l'attuale misura dei contributi;

b) il 25 % dell'indennità di contingenza ragguagliata ad ora a carico delle Aziende.

L'Organizzazione degli Industriali, considerato che si tratta di personale che, pur avendo inderogabili esigenze di vita le quali devono essere soddisfatte, si trova tuttavia nelle condizioni di non potere dare la propria prestazione, ed è quindi improduttivo, sostiene che l'onere relativo non deve gravare in alcun modo sulle Aziende e deve gravare invece sull'Erario.

Essa svolgerà quindi azione presso le Autorità di Governo per ottenere nel termine più breve che lo Stato si assuma tutti indistintamente gli oneri per erogazioni corrisposte ai lavoratori a fronte di ore non effettivamente lavorate.

L'Organizzazione dei Lavoratori, nell'interesse della economica produttiva nazionale, appoggerà ogni iniziative tendente a mettere l'Industria in condizioni di superare le difficoltà contingenti.

6°) Quanto precede non deve trovare applicazione nei confronti dei dipendenti delle Aziende esercenti l'industria degli autotrasporti di merci e di persone e l'industria delle sartorie per uomo e donna su misura. Per tali categorie verrà trattato a parte.

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7°) Previo consenso delle Commissioni interne d'accordo con i C.L.N. aziendali potranno riammettere all'atto del loro rientro in azienda i lavoratori operai ed impiegati, già alle armi nell'esercito regio o nel C.V.L. prigionieri, al lavoro obbligatorio, deportati, esuli per cause politiche, ed avranno facoltà di porre in aspettativa tanti lavoratori quanti saranno quelli riammessi in servizio. I lavoratori che dovranno essere

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

posti in aspettativa dovranno essere scelti, d'accordo con la Commissione Interna e con i C.I.N. aziendali, in primo luogo fra gli elementi soggetti a provvedimenti e poi fra gli altri, tenendo conto della loro condizioni economiche e dei carichi di famiglia.

6°) Il ricupero degli acconti eventualmente già corrisposti dalle aziende sugli adeguamenti salariali avverrà ratealmente in modo da esaurirsi entro il 31 Luglio del corrente anno.

Eventuali situazioni particolari connesse a trattamenti in natura, contrattualmente o di fatto praticati dalle Aziende nei confronti dei lavoratori, saranno singolarmente prese in considerazione dalle Organizzazioni stipulanti e fatte oggetto di speciali decisioni agli effetti dell'applicazione del presente accordo.

9°) Il presente accordo sostituisce di diritto tutti gli accordi relativi ai aumenti di retribuzione conclusi direttamente tra le parti successivamente al 1° Giugno corr.anno e con effetto dal 25 Giugno, fatte esclusione degli accordi che abbiano stabilito piccoli aumenti perequativi. In caso di contestazione decideranno le Organizzazioni stipulanti.

E/to: Falck - Morelli - Invernizzi - Succoni - Volontè.

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Declassified E.O. 12356 Section 3.3/NND No. 786021

ALLEGATO N°.3

CALCOLO APPROSSIMATIVO DELL'ONERE DEI SALARI PER I LAVORATORI SOSPESI, LAVORANTI AL GRAVIO RISULTATO DI "IN ASPETTATIVA" -

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Le indagini statistiche dell'ultimo periodo relativamente normale, (marco-aprile 1943)davano per tutta l'industria italiana un complesso di circa 160.000 aziende occupanti circa tre milioni e mezzo di operai.

Quanto alla ripartizione territoriale risulta che di essi due milioni e mezzo circa,pari a 3/4 del totale,sono ubicati nell'Italia Settentrionale;300.000 nell'Italia Centrale e 400.000 in quella Meridionale ed Insulare.

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Volendo calcolare l'onere dei cosidetti"salari improduttivi"corrisposti nelle aziende del Nord occorre anzitutto stabilire il salario medio giornaliero e poi ipotizzare uno o piu regimi di occupazione.

Quanto al primo elemento sembra potersi fissare in L.-.230.= il salario medio dell'operaio maschio adulto(media delle tre categorie fondamentali :manovali, qualificati e specializzati)tenendo conto anche dell'addizionale familiare(15 lire giornaliere per la seconda e la terza persona a carico)prevista dall'accordo di Milano per l'indennità di contingenza.

Poichè,secondo la citata indagine statistica,su 100 operai,25 circa sono di sesso femminile e 5 di età inferiore ai 18 anni occorre calcolare anche il salario di tali categorie che si può con molta attendibilità fissare,in media tra le due categorie,a L.180 giornaliere.

La media ponderata delle tre categorie risulterebbe di L.230 giornaliere circa.

Non possedendo alcun dato,di positivo o orientativo circa il regime di lavoro e quindi sul rapporto tra lavoro produttivo e lavoro di attesa,è necessario procedere in via assolutamente ipotetica.

Si ritiene anzitutto che le cifre degli operai in servizio nella primavera 1943 possa esser ridotta di circa il 15% per effetto delle cause dirette(distruzioni,chiusure)ed indirette(razzie tedesche,diserzioni volontarie)connesse coi più recenti avvenimenti.

Supponiamo ora che su 100 operai,

20 siano occupati a pieno regime(compresi i trasporti e servizi pubblici)

20 lavorino al 50 %

30 siano completamente inattivi ma comunque in trattamento di cassa integrazione

30 siano tutti iscritti nei ruoli di aspettativa.Per il calcolo dell'one

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

(marzo-aprile 1943) devano per tutta l'industrie italiana un complesso di circa 160.000 aziende occupanti circa tre milioni e mezzo di operai.

Quanto alla ripartizione territoriale risulta che di essi due milioni e mezzo circa, pari a 3/4 del totale, sono ubicati nell'Italia Settentrionale; 600.000 nell'Italia Centrale e 400.000 in quella Meridionale ed Insulare.

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Volendo calcolare l'onere dei cosidetti "salari improduttivi" corrisposti nelle aziende del Nord occorre anzitutto stabilire il salario medio giornaliero e poi ipotizzare uno o più regimi di occupazione.

Quanto al primo elemento sembra potersi fissare in £.250.= il salario medio dell'operaio maschio adulto (media delle tre categorie fondamentali manovali, qualificati e specializzati) tenendo conto anche dell'addizionale familiare (15 lire giornaliere per la seconda e la terza persona a carico) prevista dall'accordo di milano per l'indennità di contingenza.

Poichè, secondo la citata indagine statistica, su 100 operai, 25 circa sono di sesso femminile e 5 di età inferiore ai 18 anni occorre calcolare anche il salario di tali categorie che si può con molta attendibilità fissare, in media tra le due categorie, a £.180 giornaliere.

La media ponderata delle tre categorie risulterebbe di £.230 giornaliere circa.

Non possedendo alcun dato, nè positivo nè orientativo circa il regime di lavoro e quindi sul rapporto tra lavoro produttivo e lavoro di attesa, è necessario procedere in via assolutamente ipotetica.

Si ritiene anzitutto che la cifra degli operai in servizio nella primavera 1943 possa esser ridotta di circa il 15% per effetto delle cause dirette (distruzioni, chiusure) ed indirette (razzie tedesche, dimissioni volontarie) concesse coi più recenti avvenimenti.

Supponiamo ora che su 100 operai,

20 siano occupati a pieno regime (compresi i trasporti e servizi pubblici)

20 lavorino al 50 %

30 siano completamente inattivi ma ammessi al trattamento di Cassa Integrazione

30 siano trasferiti nei ruoli di aspettativa. Per il calcolo dell'onere giornaliero

avremo allora:

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

Operai M.Sett. L. 150.000 (ottava piccola di cui al 12 10%)

a) 20% a lavoro pieno :

Op. 420.000 x L. 230 = L. 27.300.000 a carico delle aziende

b) 20% a lavoro ridotto in modo vario per :

Op. 420.000 x L. 115 = L. 13.650.000 a carico delle aziende

Le ripartiamo a seguito così :

per il 40% a carico delle aziende = L. 10.920.000
" " " " " delle Casse Int.le " 10.920.000
" " " " " dello Stato " 10.920.000

Il 25% a carico delle Casse è da essi sottratto al dello Stato.

c) 30% inoltre ha diritto al trattamento di fine rapporto pari al 7% del salario.

Op. 840.000 x 174,50 (7% di 230) = L. 111.552.500 di cui

25% a carico delle aziende = L. 27.888.000
25% " " Casse Integrazione = " 27.888.000
25% " " dello Stato = " 27.888.000

2) 30% in "aspettative" (1)

Op. 840.000

1) Indennità a carico aziende:

Uomini adulti	451.500 x L.	10	= L.	4.515.000
Donne	151.250 x "	7	= "	1.148.750
Ragazzi	34.250 x "	4	= "	125.000
			Totale lire	5.778.750

2) Indennità a carico dell'assicurazione disoccupazione:

Uomini	541.000 x L.	20	= L.	5.030.000
Donne	151.250 x "	14	= "	4.253.500
Ragazzi	34.250 x "	8	= "	256.000
			Totale lire	11.540.500

(1) Il trattamento di aspettativa comporta le seguenti indennità lorde-ire secondo l'ordinanza allegata:

a carico delle aziende

Uomini f. 10

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

B) 20% è lavoro ridotto in media alla metà :

Op. 450.000 x L. 115 = L. 45.900.000 è quello sul quale Comm.Calcolo.

La ripartizione è così fatta: 7%

per 1 - 7 a carico della persona = L. 12.825.000
" " " " " della Cassa Int." 12.825.000
" " " " " dello Stato " 18.252.000

il 25% a carico della Cassa è ad esso versato dallo stato.

C) 30% lavorativi ma ad essi si applicherà la sovrapposizione pari al 7% del salario.

Op. 945.000 x 172,50 (75% di 230) = L.170.282.500 di cui

25% a carico delle aziende = L. 57.087.500
25% " " Cassa Integrazione = " 57.087.500
25% " " dello Stato = " 57.087.500

D) 30% in "aspettativa" (1)

Op. 945.000

1) Indennità a carico aziende:

Uomini adulti	451.500 x	L. 10 =	L. 4.515.000
Donne	151.250 x	" 7 =	" 1.128.750
Ragazzi	32.250 x	" 4 =	" 129.000
		Totale lire	5.772.750

2) Indennità a carico dell'assicurazione disoccupazione:

Uomini	540.000 x	L. 20 =	L. 9.030.000
Donne	151.250 x	" 14 =	" 2.257.500
Ragazzi	32.250 x	" 8 =	" 258.000
		Totale lire	11.545.500

(1) Il trattamento di aspettativa comporta le seguenti indennità giornaliere secondo l'ordinanza allegata:

a carico delle aziende
Uomini L. 10
donne " 7
ragazzi 4

a carico dell'Ass. disoccupazione
uomini " 20
donne " 14
ragazzi 8

sono corrisposti inoltre gli assegni familiari.

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

SEGUE ANNO :

1°) Salari pagati per lavoro produttivo:

20% op. a lavoro pieno	£.	96.200.000
20% " " " ridotto	"	42.450.000
Totale	£.	148.350.000

2°) Oneri delle aziende per salario improduttivo :

a) concorso integr.lav.ridotto	£.	12.092.500
" " assegni	"	37.087.500
Totale integr.	£.	49.180.000
b) indennità di sospensiva	"	5.774.750
Totale carico aziende per salario improduttivo	£.	54.954.750

3°) Oneri Cassa Integrazione

a) Integr.lav.ridotto	"	12.092.500
" assegni	"	37.087.500
Totale	£.	49.180.000
4°) Oneri dello Stato id.	"	49.180.000
5°) Oneri assicurazione disoccupaz.	"	11.545.500

Oneri mensili -

Computando per ogni mese 25 giornate lavorative, si avrebbe un onere mensile:

A) a carico delle aziende:

£. 54.952.750 x 25 = £. 1.423.771.500

B) a carico della Cassa Integr/

£. 49.180.000 x 25 = " 1.277.500.000

C) a carico dello Stato:

£. 49.180.000 x 25 = " 1.277.500.000

D) a carico dell'ass.disocc.p. =

£. 11.545.500 x 25 = " 300.183.000

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

		49.490.000
Totale	£.	148.350.000

2°) Oneri delle Aziende per salario improduttivo :

a) concorso integr.lav.ridotto	£.	12.092.000
" " sospesi	"	37.087.500
Totale integr.	£.	49.180.000
b) indennità di sostitutiva	"	5.172.750
Totale carico Aziende per salario improduttivo	£.	54.352.750

3°) Oneri Cassa Integrazione

a) Integr.lav.ridotto	"	12.092.500
" sospesi	"	37.087.500
Totale	£.	49.180.000
4°) Oneri dello Stato id.	"	49.180.000
5°) Oneri assicurazione disoccupaz.	"	11.545.500

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Oneri mensili -

Computando per ogni mese 26 giornate lavorative, si avrebbe un onere mensile:

A) a carico delle aziende:

£. 54.352.750 x 26 = £. 1.428.771,500

B) a carico della Cassa integr/
£. 49.180.000 x 26 = " 1.277.680.000

C) a carico dello Stato:
£. 49.180.000 x 26 = " 1.277.680.000

D) a carico dell'ass.disocc.p.=
£. 11.545.500 x 26 = " 300.183.000

Con un totale complessivo mensile

• 4.284.314.500

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

Se si tiene conto dei assegni familiari da corrispondere dalla Cassa Assegni nella misura del 20% su un salario medio di L. 3.000 mensili, in conformità del decreto in corso, per i 645.000 operai inattivi ed i 645.000 in cassaintegrazione, si ha una massa di remunerazione imponibile:

Op. 1.290.000 x 3.000 = L. 4.644.000.000
il cui 20% è annuale a

L. 928.800.000

Tanto questa cifra, quanto quella corrispondente a carico della Cassa Integrazione sono interamente a carico dello Stato il cui onere complessivo per corresponsioni non lavorative ammonta:

Onere diretto	L.	1.420.771.500
Onere indir. Cassa Int.	"	1.277.620.000
Onere assegni familiari	"	925.000.000
Totale	L.	3.623.391.500

Bisogna tener conto dei maggiori contributi che saranno richiesti per i nuovi impianti della ricostruzione dei danneggiati.

Tale cifra è impressionante tanto più se viene paragonata con quella dei salari per lavoro produttivo che non raggiunge il miliardo:
(L. 148.350.000 x 26 = L. 930.100.000)

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NOTA - Le difficoltà finanziarie in cui alcune industrie si dibattono potrebbero essere superate ed almeno sensibilmente attenuate se venisse consentito lo sblocco di alcuni prodotti (ad es. tessili) con i vincoli di disposizione del Ministero dell'Industria e Commercio.

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

1496

Declassified E.O. 12356 Section 3.3/NND No. 780021

Translation Baldazzi cb/js

GENERAL CONFEDERATION OF ITALIAN INDUSTRY

Rome, 25th July 1945.

SUBJECT: Workers of Northern Italy
(on expectation rolls)

TO : The Allied Commission
Labour Sub-Commission
Rome

This Confederation has been informed that some doubts had arisen concerning the economic treatment of the workers in suspense of employment or working on a short-time basis, for the enforcement of the decision approved on July 8th by the Central Economic Commission of the C.L.N.A.I.

These doubts would concern the survival of the so-called institute of "workers' temporari waiting list" as contemplated in the Milan' agreement of the 29th may last (enclosure n°1).

Insnsmuch as the 8th July decision was considering the question of the extension to the other provinces of Northern Italy of the Milan' agreements, this question must be settled on a basis of a literal and logical interpretation of the same agreements.

These agreements are: that of May 29th governing through a proper heading and with detailed rules the "temporary waiting lists" and that of 3rd June (enclosure n° 1) concerning the emergency indemnity, with the 75 % of the same indemnity to be given to the workers totally suspended and to those working on a part-time basis, during a number of hours between 0 and 48 per week.

The fact of heaving mentioned 0 hours and <u>workers in suspense</u> may have caused people to see a radical innovation concerning the provisions contemplated in the 29th May agreement and the soppression of the "waiting lists" institute.

But that is not the case, and the thing is made quite clear on account of the specific provisions contained in the agreement of 23rd June and of 29th May: before

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

all in point 5) of the 23rd June agreement where it is said that the 75% of the emergency indemnity is granted to the suspended workers and to those working on a part-time, insofar as both of them are enjoying the implementing wages.

It is to be noted that according to the 25th May agreement, point 3) letter b) the implementing wages are granted also for the complete employment suspension due to a reduction of the working-time hours (eventually up to 0 hours), in spite of the point 1) where the institute of placement on "temporary waiting lists" had been fully regularized.

Therefore, the question as to whether the implementing wages should be granted or not, is not connected with the objective fact of the unemployment, but also with the status which this fact is connected with. In such a manner we had an explanation of the fact that the entrance in the waiting lists is not automatic, but subject to special presuppositions, ascertainments and authorizations.

The worker out of employment on account of reduced working hours may be or may not be entered in the waiting lists, but until such time as he will not be entered in these lists, he is entitled to enjoy the benefit of the implementing wages. Therefore, the fact that on 23rd June no innovation was brought about concerning the "waiting lists", is shown by the quoted sentence, as well as by the tecnical and syndical structure of the preceding agreement in which are distinctly contemplated and differently regulated both cases of the suspension and of the waiting lists.

Neither should one think that the sentence in question should have brought about the radical innovation of the complete equalization of economic treatment.

It will be absurd to think that an important provision should be included in an agreement governing an accessory element of the wages (emergency indemnity) and under a direct and incidental form.

This is confirmed by the indisputable fact that the same 23rd June agreement contemplates the following condition: that the firms at the moment of the re-engagement of former prisoners or war-veterans or political persecuted workers, must be empowered to put on the waiting lists as many workers as those engaged again in employment, in spite of the point 5) concerning the waiting list and point 7.

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Declassified E.O. 12356 Section 3.3/NND No. 786021

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Although in conformity with the specific statements made by the representatives of industries at the meeting of the 8th July in the presence of a competent delegate of its own, this Confederation is convinced that its own interpretation was exact, has considered proper to wire and hear from the "Associazione Lombarda degli Industriali" on the subject under consideration, and it has received the following textual reply:

"We confirm you that 8th July agreement leaves unchanged the following institutes: placement on the waiting lists and economic treatment to workers registered in the respective lists, partly on charge of industrial undertakings and of employment fund, as well as family allowances".

But apart from the reasons arisen from the text, as well as from the will of the parties to the agreement, our point of view is supported by obvious motives of a logical, syndical and economic character.

The waiting list' institute represents a transitional stage between the full employment, the implementing economic treatment, as well as the unemployment, the latter as a consequence of the discontinuance of employment relations; the said waiting list' institute is answering the purpose of establishing an intermediate step founded on a juridical sui generis situation.

During the waiting stage the implementing wages are notably reduced, but at the same time owing to the weakening of the juridical bond, the employee will be completely free to use the available time and look for another useful occupation, even authonomous, being prompted to do so by the comparatively low amount of the implementing wages, and he is compelled to accept the offer of an employment under pain of dismissal, especially in works of national reconstruction. It is obvious that as soon as the gradual plan of reconstruction will be carried out, the possibility of employment in the said reconstruction works will increase, and it will be possible to draw personnel from the waiting lists.

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Therefore, it would be a great mistake to suppress

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

s machinery expressly established to meet this emergency, at the moment in which it should perform an effecient work and to set forth at the end of the transitory period of the dismissals' blockade the alternative of the continuance or discontinuance of the ordinary employment relations.

If the adoption of the latter alternative will be forced upon the country, on account of the failure of a too slow recovery of our industry, it would be preferable to put the workers in a condition to look in due time for a new employment, through their entrance in the waiting lists.

According to the calculations made by this Confederation concerning the financial burdens arising out of the North Italy' agreements (enclosure n°3), it is believed that 30% of the workers will be placed in the waiting lists. If this quota of workers should disappear and be melted with that of the workers on suspense enjoiying the implementing wages, the said financial burden would rise to over 1 milliard per month on charge of the State and 1 milliard on charge of the firms.

This is, therefore, a confirmation of the necessity that the waiting lists not only must be maintained, but also implemented with those of the workers whose utilization appears less probable within the ambit of the firm.

There has been pointed out to this Confederation the inconvenience connected with the extensions of the implementing wages to the suspended workers without requiring from them a minimum of work. We are aware that strong pressures have been applied to a number of firms, in order that they may be induced to consider void the dismissals whihh have regularly taken place a long time ago, and to grant a new implementing wage to the workers already dismissed.

Whenever it will be impossible to effect the automatic transference of the suspended workers (one or two weeks, save the case of day or night shifts) in the waiting lists, it is necessary to find out a rapid and efficient means of ascertainment, in order to avoid that the workers should continue to enjoy the implementing wages even after they have found another means of subsistance.

It is also necessary to prevent that new labour relations should be established with firms, whose employees are working on a part-time basis.

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

A few firms of Southern Italy have reported to the Confederation that, apart from the legal right to dismiss workers, there is no doubt the fact that political and syndical, as well as social considerations make it very difficult to practically exercise the above right, so that even in the provinces of Central-Southern Italy, the number of workers actually employed is not up to the level of the real exigencies of the firms.

This Confederation is aware of the consequences that may arise out of the complete equalization of the implementing wages, as it has been contemplated for the north; on the other side an implementing economic treatment too much at variance between North and South would bring about a delicate situation both for the employees and the employers.

An intermediate settlement of the issue would be found in the resumption of the Implementing Fund' operation for the whole Central and Southern Italy, with a few retouching especially with respect to the previous organization and to the conditions under which the granting of the implementing wages are subject. These conditions should be unified with those of the north, thanks to the financial contribution of the State which should be extended to the whole of the national territory.

In such a way we would get rid of the actual chaotical situation of the said fund. The fund in question, as a matter of fact, is operating regularly in a few provinces, while in others it is carrying out only the collection of contributions, and in others it is completely inoperative. So the continuance and the resumptions of the payment of the contributions would be regularized according to the recent dispositions enacted by the Labour Ministry.

This Confederation remain always at your disposal for a detailed consideration of the problems in question. Furthermore we must point out that it is urgent to draw up the respective provisions, so that the Implementing Fund should start at once its adjustment calculations, without which, owing to lack of available funds, a good many firms will find themselves in the painful necessity of being unable to undertake the respective payment advances.

With respectful regards

Yours very truly
FRIGGERI
President

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

Translation Latorraca

/Ju

Milano, 29 May 1948

The Industrial Union of Milano, represented by engineer Giovanni Pesenti, and the Labour Chamber of Milano, represented by Mr. Gaetano Invernizzi,

having considered

1) that there is a surplus of workers in inoperative plants owing to the lack of raw materials,

2) that there is no hope for an immediate regularization of work owing to transport deficiency, and supply of raw materials.

3) that it is desirable to gradually transfer surplus manpower from totally or partially inoperative plants to other employment in agricultural works, building industry etc., in order to avoid abrupt and large scale dismissals,

have agreed upon the following:

1° FORMATION OF "WAITING LIST"

a) when it is necessary to reduce surplus workers, the plant, in agreement with the Internal Commission, will form the "waiting list" (names in sequence). All workers registered in the "waiting list" are relieved from the obligation to attend at their work and are entitled to the following economic benefits:

b) the "waiting list" period will end 31 October 1948;

c) during such period workers registered in the "waiting list" will enjoy the following pay:

- a daily indemnity of 10 lire for adult male workers
- " " " 8 " " " female "
- " " " 5 " " " workers under 18

This is on charge of the firm.

A little previous to Dr Zoboli, was Margotti, Dr Zoboli of the Catholic Lay Italian Workers Union and of Mr. Viviani Secretary of the Italian Democratic

1502

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

- Family allowances -

- a special involuntary unemployment indemnity for each working day

of 16 lire for adult male workers above 18 years
of 12 lire for adult female workers " " "
of 7 lire for workers under 18.

a) The liquidation of the aforementioned economic benefits will be effected at the end of the period of pay next to both of the month and for the amount due for the current month. Such liquidation will be effected directly by the firm which will be reimbursed by the Institute and Social Security Institutes for the amounts paid for them by same institutes;

c) workers who are already registered in the "temporary availability list", as per decrees of 30.1.43 and 1.2.43 of the Fascist Republican Government, will automatically enjoy, effective 1 June 1945, the economic benefits provided for those registered in the "waiting list";

f) the present rules and regulations abrogate and substitute those contemplated by the above-mentioned "Salo" decrees.

2) REINSTATEMENT OF WORKERS

All workers who wish to resign immediately or during the "means in repetitive" period (1 June 1945 - 31 October 1945) will enjoy the economic benefits as if they had not resigned were discharged.(dismissal notice - discharge indemnity etc.).

a) ECONOMIC BENEFITS FOR WORKERS engaged on reduced working hours.

Effective 1 June 1945 workers engaged on reduced working hours (less than 48 hours weekly) and whose working hours are subject to further reduction will receive the following pay:

a) for the hours effectively worked payment of the normal economic benefits contemplated by the collective contracts or decrees issued by the Commissariato Nazionale del Lavoro of the Fascist Republican Government;

(c) unless such resignation is not inconsistent with the technical and productive activity of the industrial undertaking.

For the payment of the above benefit shall start from the resignation date, however that date is prevalent to the warning period whereby the interested worker was registered in the respective lists.

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

b) from 0 to 48 hours of non-effective work due to reduced working time

payment of 80% of the minimum wage or equivalent to an hour's pay according to the actual collective contracts or to the decrees issued by the Commissario Nazionale del Lavoro of the Fascist Republican Government on charge of the "Casse Integrazioni Salariali" managed by the National Security Institute.

20% of the aforementioned minimum wage as above, to be paid by the employer.

The present rules and regulations a) modify the rules governing the integrations of wages due to workers working on reduced time b) suppress and substitute those contemplated by the various decrees governing economic benefits for workers attached to industrial firms concerning the guarantee of a weekly minimum pay.

Workers who do not attend at work on account of leave, illness or accident will not be entitled to the wage integration or to the guarantee of the weekly minimum pay as established by the abovementioned decrees.

Read, approved and undersigned

for the
UNIONE DEGLI INDUSTRIALI
DELLA PROVINCIA DI MILANO

for the
CAMERA DEL LAVORO DELLA
PROVINCIA DI MILANO.

1775

Declassified E.O. 12356 Section 3.3/NND No. 786021

1306

11 August 1945

The Radio has announced this morning that the Council of Ministers, in its meeting of yesterday 10 August 1945, has discussed the draft decree for the assistance to unemployed through the "Casse integrazioni".

The decree has been approved in general; some modifications must however be introduced and a special Committee composed of Barbareschi (Minister of Labour; socialist), Gronchi (Minister of Commerce and Industry; christian-democratic) and Scoccimarro (Minister of Finance - communist) has been appointed for preparing the final text of the decree. This final text will be examined in the next Council of Ministers, which will be held, probably, on Friday, 17 August.

1714

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~~		
Mr. HIRD (2)		7/8.
~~Mr. SCOTT~~		
Mr. PROCTOR (1)		14/8
~~Miss STEVENSON~~		
~~Miss CANNAVERINO~~		
Chief Clerk		

REMARKS:

Mr. Hird

After consultation please
file new draft with
file.

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

HEADQUARTERS ALLIED COMMI ION
APO 394
LABOR SUB-COMMISSION

XH/rmw

TEL : Ext. 416

9 August 1945

REF : LSC/Bot

SUBJECT: Schema di Decreto Legislativo Contenente Provvedimenti a Favore dei Lavoratori dell'Alta Italia.

TO : The Ministry of Labor and Social Security
Italian Government
Rome

1. The draft Decree which you sent by hand to this office on 8 August 1945 has been examined.

2. The Decree appears to cover adequately all the issues involved and it is not desired to suggest any modification or amendment of the text. It might, however, be less likely to lead to misunderstanding and misinterpretation if Article 20 is deleted and is substituted by Article 20 worded as follows:

"The present Decree shall be valid in the Provinces mentioned in Article 17 up to the date of the 20th September 1945."

An additional Article 21 could then be added using the standard agreed phraseology regarding the dates the Decree becomes effective in the Provinces administered by the Italian Government, and its implementation by A.M.G.

3. In view of the time that has elapsed since the Milan wage agreement was negotiated, it is evident that the issue of legislative authority on the lines proposed is now a matter of great urgency. Perhaps you will arrange for us to be closely informed of the progress of the draft Decree, in order that we may arrange for the appropriate implementation action by A.M.G., to be taken at the earliest possible moment.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

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

Mr Lacks.

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

RH/rmw

7 August 1945

MEMORANDUM

Subject: Draft Legislative Decree with provisions for Unemployment in Northern Italy.

1. In its essentials this Decree appears to follow General Order No. 48 fairly closely. The following points seem to need clarification:

(a) Scope -- With regard to payments to workers who are wholly unemployed or temporarily suspended, the Milan Agreement relates to operai. It is also understood that the legal basis of the Cassa Integrazione is concerned only with operai and that insofar as any payments for unemployed are dependent on the funds of the Cassa-Integrazione, impiegati will be precluded from enjoying such payment. However, General Order No. 48 refers throughout to lavoratori and the present Italian Decree also refers, without exception or qualification, to lavoratori. Unless the position is more fully explained there may be difficulty. It may be argued by interested parties that impiegati are lavoratori and that under the Decree they are entitled to payments which, in fact, Cassa Integrazione is not entitled to make.

(b) Waiting Lists -- (Art. 8) -- It was thought that the principle of waiting lists had been abolished and it is believed that during the Milan wage negotiations Di Vittorio (and company) intended to oppose such a list. However, this point has been personally brought to the notice of Minister Barberschi by Mr. Greine, so presumably the Minister is fully aware of what he is doing.

(c) I don't know whether we can ask the Ministry of Labor on what grounds they have arrived at the amount of remuneration for workers who are unemployed or under-employed; in fact, I don't know whether we are particularly interested. It is, however, worth noting that General Order No. 48 provided for an amount equal to "75% of minimum base pay". The Milan wage agreement specifies "75% of the contingency indemnity" (and it is definitely stated in the agreement that this indemnity is not an integral part of pay). The Italian Decree, however, (in Article 7) entitles unemployed or under-employed workers to "75% of the total remuneration and of contingency indemnity".

Does this mean that the Italian Government proposes to give more than the Milan agreement actually asked for?

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

(d) Article 18 refers to payment by the Italian Government of 50% of the expenses of Cassa Integrazione and prescribes contributions and methods of reimbursement. The Article is not fully understood but presumably it doesn't affect Labor Sub-Commission. It must be the Italian Government's responsibility to spend its own money and no doubt Finance Section will advise, if necessary.

(e) Article 19 -- Action by Allied Commission will be necessary here. The Italian Decree will be effective "till 30 September 1945 startingfrom the date on which they (the Provinces) will be given back to the Italian Government". In order to give legality to all the payments that have been under the Milan Agreement it seems that as soon as the Decree is issued by the Italian Government AMG must order its implementation retroactively from 25 June 1945.

Verri

Roma, 6 AGO 1945 19

- Ministero dell'Industria, del Commercio e del Lavoro
E DELLA PREVIDENZA SOCIALE
Direz. Gen. della Previdenza Sociale
Prot. N.° 150/V Allegati 2

Alla COMMISSIONE ALLEATA -
- Sottocommissione del Lavoro -
Sottocommissione Finanziaria -Assicurazioni Sociali -

ROMA

Risposta al f. N.°
del

OGGETTO : Schemi di decreti Luogotenenziali.Provvedimenti per la disoccupazione in Alta Italia; assegni integrativi della indennità di disoccupazione.

Si rimettono a codesta Commissione gli uniti schemi di decreti Luogotenenziali e rispettive relazioni, che saranno discussi nella prossima riunione del Consiglio dei Ministri e che riguardano:

1) provvedimenti per la disoccupazione in Alta Italia;

2) concessione di assegni integrativi della indennità di disoccupazione.

Sarà gradito di conoscere su di essi l'avviso di codesta Commissione.

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IL MINISTRO

Gortani

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

Direz.Gen.della Previdenza Sociale

R O M A

Prot.N. 150 Allegati 2 Risposta al f.N. del

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1) provvedimenti per la disoccupazione in Alta Italia;

2) concessione di assegni integrativi della indennità di disoccupazione.

Sarà gradito di conoscere su di essi l'avviso di codesta Commissione.

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IL MINISTRO

Par/gm.

Declassified E.O. 12356 Section 3.3/NND No. 786021

MINISTERO DEL LAVORO E DELLA PREVIDENZA SOCIALE

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONTENENTE PROVVEDIMENTI PER LA DISOCCUPAZIONE IN ALTA ITALIA

Il presente schema di decreto legislativo mira a disciplinare il trattamento spettante ai lavoratori dipendenti dall'industria dell'Alta Italia, esuberanti rispetto alle attuali possibilità di lavoro ovvero lavoranti ad orario ridotto, quale è stato accordato nella riunione tenutasi a Milano l'8 luglio u.s., tra i rappresentanti delle organizzazioni sindacali, d'intesa con i rappresentanti del Governo e con quelli della Amministrazione militare alleata.

Il provvedimento è giustificato da considerazioni di carattere politico mirante ad impedire l'improvviso determinarsi di una grave disoccupazione industriale, ed a favorire invece un graduale trapasso delle maestranze dagli stabilimenti parzialmente o totalmente inoperosi ad altre attività che siano in grado di assorbire parte della esuberanza di mano d'opera.

Le stesse considerazioni di ordine politico hanno indotto a riservare ai lavoratori esuberanti rispetto alle attuali possibilità di lavoro un particolare trattamento, per la corresponsione del quale è stato ritenuto indispensabile un intervento dello stato.

In quanto dettato peraltro da motivi contingenti, il provvedimento ha carattere temporaneo, essendo la sua efficacia subordinata ad un termine di durata, che si confida possa coincidere col permanere delle condizioni che lo hanno determinato.

Declassified E.O. 12356 Section 3.3/NND No. 780021

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Declassified E.O. 12356 Section 3.3/NND No. 788021

Le misure di carattere sostanziale disposte con lo schema di provvedimento sono costituite:

1) dal divieto all'impresa industriale di provvedere a licenziamenti dei lavoratori dipendenti;

2) dalla disciplina del trattamento economico riservato agli operai sospesi o lavoranti ad orario ridotto;

3) dalle norme regolatrici dell'intervento dell'Erario per provvedere al trattamento di cui al precedente punto 2°.

Le disposizioni fondamentali relative ai punti sopra accennati, risultano ispirate ai seguenti criteri:

1° Divieto di licenziamento.

Già un provvedimento del Governo della sedicente repubblica sociale italiana disponeva, in Alta Italia, il divieto delle dimissioni o dei licenziamenti dei lavoratori dipendenti dalle imprese industriali.

Nelle presenti contingenze, pur riconoscendosi l'esistenza di una notevole esuberanza di maestranze rispetto alle effettive possibilità di lavoro, si è ritenuto opportuno evitare, mediante lo sblocco del sopraccennato divieto di licenziamento, lo stato di disoccupazione di una notevole massa di lavoratori.

In relazione a ciò lo schema dispone il divieto di licenziamento dei lavoratori dipendenti da imprese industriali.

A tale divieto sono poste importanti eccezioni. Esso in primo luogo non si applica ai lavoratori cui sia offerta altra occupazione, nonchè a quelli che abbiano dato giusto motivo di licenziamento. Esso non si applica altresì ai dipendenti assunti posteriormente al 25 aprile 1945, a quelli adibiti a lavori stagionali o assunti con contratto a

Declassified E.O. 12356 Section 3.3/NND No. 780021

menti dei lavoratori dipendenti;

2) dalla disciplina del trattamento economico riservato agli operai sospesi e lavoranti ad orario ridotto;

3) dalle norme regolatrici dell'intervento dell'Erario per provvedere al trattamento di cui al precedente punto 2°.

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

a termine o per l'effettuazione di determinati compiti; nonchè infine ai lavoratori che siano riconosciuti come normalmente occupati in lavori agricoli.

I lavoratori esuberanti rispetto alle attuali disponibilità di lavoro e che non possono essere impiegati nell'azienda nemmeno ad orario ridotto vengono iscritti in appositi ruoli dei lavoratori sospesi.

L'iscrizione in detti ruoli non risolve pertanto il rapporto di lavoro ed i lavoratori conservano tutti i diritti relativi all'anzianità di servizio sanciti da disposizioni di legge e da contratti collettivi di lavoro.

I ruoli stessi debbono essere comunicati al competente ufficio provinciale del lavoro il quale svolgerà l'azione necessaria per l'assicurare ai lavoratori in essi iscritti la possibilità di prestare la loro opera, temporaneamente, in lavori agricoli, opere pubbliche e in altre attività.

Viene a cessare invece il divieto di dimissioni prevedendosi altresì il diritto del lavoratore a percepire le normali indennità qualora le dimissioni siano presentate e trovandosi il lavoratore iscritto nei particolari ruoli dei lavoratori sospesi, cui sopra si è accennato.

2° Trattamento economico.

Ai lavoratori sospesi o ai lavoranti od orario ridotto è dovuta una indennità pari al 75% della retribuzione globale, compresa l'indennità di contingenza di recente istituita con accordo sindacale, fino alla concorrenza dell'orario normale.

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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

Per gli operai si intende per orario normale quello corrispondente a 48 ore settimanali di lavoro fatta eccezione dei lavoratori per i quali siano stabiliti particolari orari, nel qual caso il trattamento è dovuto fino alla concorrenza di detti particolari orari, fermo restando il limite di 48 ore settimanali.

Tale trattamento economico non e dovuto ai lavoratori sospesi che risultino occupati, anche se temporaneamente, presso un altro datore di lavoro, esso non e dovuto neppure agli operai lavoranti ad orario ridotto qualora l'assenza dal lavoro sia determinata da permessi, malattia, infortuni e festività infra - settimanali, non retribuite.

Una particolare disposizione precisa che ai lavoratori sospesi o lavoranti ad orario ridotto sono dovuti gli assegni familiari nella misura normale ad essi spettante.

Per quanto concerne il computo della retribuzione, il calcolo delle ore lavorative, quando la riduzione dell'orario sia effettuata con ripartizione su periodo ultra settimanale, nonchè ai fini delle operazioni di conguaglio per il rimborso delle somme erogate dalle imprese industriali per conto della cassa integrazione, si applicano le norme stabilite dal contratto collettivo 13 giugno 1941.

3° Ripartizione dell'onere - intervento dello Stato. 1765

Il trattamento economico spettante ai lavoratori sospesi o lavoranti ad orario ridotto viene ripartito per un terzo a carico diretto dell'azienda dalla quale i lavoratori dipendono e per due terzi a carico della cassa integrazione. Ciascun datore di lavoro cioè potrà farsi rimborsare da detta cassa solo i due terzi dell'importo del trattamento da essa erogato.

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

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

D'altro lato, alla copertura degli oneri derivanti alla cassa integrazione, lo Stato concorre nella misura del 50%.

In definitiva del 75% della retribuzione in cui si sostanzia il trattamento economico disposto dal presente schema di provvedimento, il 25% risulta a carico di ogni singolo datore di lavoro, il 25% a carico della cassa integrazione, e cioè in sostanza di tutti i datori di lavoro dell'industria che alla Cassa versano il contributo disposto con criterio mutualistico per far fronte agli oneri cui essa deve rispondere; il 25% infine risulta a carico dell'erario e cioè della massa di cittadini, quale concreto contributo alla risoluzione di un problema in cui è prominente l'interesse politico e che investe la situazione economica dell'intera nazione.

Allo Stato è fatto carico altresì di anticipare all'Istituto nazionale della previdenza sociale, per conto della Cassa integrazione, i fondi eventualmente necessari per far fronte ai suoi impegni, nel caso in cui le disponibilità della cassa stessa risultino insufficienti.

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Le disposizioni del presente schema di provvedimento si applicano alle imprese industriali già soggette al contratto collettivo 13 giugno 1941 ed ai lavoratori da esse dipendenti limitatamente agli stabilimenti e uffici aventi sede in Alta Italia.

L'efficacia del provvedimento nei territori per i quali esso è disposto decorre dalla data in cui i territori stessi saranno restituiti all'Amm/ne del Governo Italiano, a meno che il Governo Militare Alleato ne disponga l'applicabilità da data anteriore.

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

Draft Legislative Decree containing provisions for unemployment in Northern Italy.

Art. 1.

It is forbidden for any industrial undertaking ~~to~~ for which the present decree will be ~~in~~ effective as per Art. 17, to dismiss ~~their~~ its employees. This provision does not apply:
a) to the workers who, without any reasonable reason, ~~do~~ will not accept alternative employment ~~which is~~ offered to them by their employeer for another employer;
b) in all cases in which, according to legal ~~arrangements~~ provision or collective agreement, ~~the employer is entitled to~~ the worker has given due cause for his dismissal.

Any dispute which could arise ~~from~~ during the application of the above provisions will be decided by the appropriate provincial Labor Office, when the conciliation made between the internal commission and the employer had not succeeded.

Art. 2.

Every industrial undertaking in which by reason of present conditions it is necessary to reduce the number of workers in active employment shall establish a ~~temporary~~ list of the workers temporarily suspended. In this list shall be inscribed:
a) the workers ~~who have~~ already registered in the list of temporary disposal in accordance with the decrees 20 Jan 1945 and 13 Feb 1945 already effective in the regions concerned, and who have not been reemployed at the effective date of this decree;
b) the workers as may from time to time be agreed between the employer and the internal commission or, in ~~default~~ default of such agreement as may be determined by the local Labor Office.

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Art. 3.

The workers registered as suspended, even if they will be temporarily employed as per Art. 5, will keep all the rights connected with seniority in accordance with legal or collective agreement provisions. For the workers in the building industry the special provisions for Christmas bonus, vacation and national festivities will remain effective.

Art. 4.

The undertakings will send to the provincial seat of the National Institute for Social Security and to the appropriate Provincial Labor Office one copy of the list of suspended workers not later than three days after the effective date of this decree. ~~in~~ Any change in the above list must be notified every fortnight.

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

Art. 5.

The Provincial Labor Officers will take any necessary action in order to provide some employment for the suspended workers in agriculture, public works, and the like. The appropriate Provincial Labor Office, after consultation of the employer and of the internal commission, is entitled to cancel from the list of suspended the workers who, without any reasonable cause, refuse to be employed in the above mentioned works.

Art. 6.

When the contract of service will end voluntarily, the worker registered as suspended will be entitled to seniority treatment in accordance with the actual provisions of law or collective agreement.

Art. 7.

The workers registered as suspended will be entitled to a special indemnity of 75 % of the total renumeration received during the period of full work as well as to the contingency indemnity. For manual workers the normal working period will be 48 hours a week.

The payment of the economic treatment as per the above para is conditioned to the compliance, by the worker, with all rules which will be established by the Provincial Labor Offices or by the National Institute for Social Security.

The economic treatment as per the first para will not be paid to suspended workers who will be employed even temporarily by another employer in accordance with the Art. 5 of this decree and for all the period of this employment.

Art. 8.

When full time employment is not practicable the workers working Less than 48 hours per week will receive :

a) For the number of hours actually worked the normal pay per hour including the proportion of every payment to which they are entitled.

b) For the number of hours not worked a supplementary payment of 75% of the total renumeration and of contingency indemnity.

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Art. 9.

Suspended workers or workers at reduced time for whom special working hours have been established by agreement of owing to the special conditions of their work, will receive the treatment provided by Art. 7 and by letter b) of Art. 8 for the hours done in relation to such special working time and in any case not more than 48 hours per week.

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

Art. 10.

The payments as per Art. 7 and letter b) Art. 8 will be paid by the industrial undertaking.

Two-thirds of ~~the~~ such amount will be reimbursed to the undertaking by the Cassa Integrazione.

Art. 11.

In computing the pay and in calculating the hours of work in cases in which the period of work exceeds one week, provisions of collective agreement 13 June 1941 for the integration of pay to industrial workers working at reduced time will be applied insofar as they are consistent with this decree.

Art. 12.

The payment as per letter b) of Art. 8 will not be paid to the workers working at reduced time in cases of absence from work due to ~~leave~~, sickness, accidents or festivities ~~which~~ for which a payment is not provided.

Art. 13.

Suspended workers and workers working at reduced time will be entitled to ~~the~~ normal family allowances.

Art. 14.

For the reimbursement provided by Art. 10 the provisions of the collective agreement 13 June 1941 will be applied insofar as the balance system is concerned.

Art. 15.

The National Institute for Social Security is authorized to anticipate the necessary sums to the industrial undertakings which in view of their financial condition are not able to meet the expenses required for the payments ~~of~~ provided by this decree.

These ~~anticipations~~ advance payments will only concern the amounts which must be reimbursed by the Cassa Integrazione.

These advance payments cannot be employed for payments ~~other~~ than those for which they are intended.

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Art. 16.

The provisions of preceeding paras will be effective for the industrial undertakings subject to the collective agreement 13 June 1941 and to the workers employed by them, for all factories and offices located in the province of Genoa, Imperia, Savona, Spezia, Torino, Aosta, Cuneo, Alessandria, Vercelli, Novara, Asti, Milano, Como, Varese, Mantova, Bergamo, Brescia, Cremona, Pavia, Sondrio, Venezia, Belluno, Padova, Vincenza, Rovigo, Treviso

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

Udine, Verona, Trento, Bolzano, Bologna, Modena, Parma, Reggio Emilia, Ferrara Ravenna and Forli.

Art. 17.

The present decree will not apply to:

a) the workers employed after 28 April 1945.

b) workers employed in seasonal works, temporary and workers ~~with final date~~ or casual workers;

c) the workers who, though being employed by a industrial undertaking, are considered by the appropriate ~~provincial office~~ Prov. Labor Office as currently employed in agriculture.

Art. 18;

The Italian Government will pay 50% of the expenses ~~xxxexxxiixxx~~ of Cassa Integrazione as a consequence of this decree, and it ~~xxx~~ will also provide to advance payments for the National Institute for Social Security, when the Cassa Integrazione cannot meet the expenses required by the present decree.

The advance payments made to the Cassa Integrazione will be reimbursed by Cassa without any interest and with deductions of the ~~contributions~~ amount which must be borne by the Italian Government.

The reimbursement of the advance payments as above is guaranteed by the contribution paid to the Cassa. These contributions must therefore continue to be paid to the Cassa until the total reimbursement of such amounts will be made.

The Ministry for the Treasury is authorized to insert, by means of special decrees, in the budget of the Ministry of Labor and Social Security the sum required for the payments made by the Government to the Cassa Integrazione, and to grant credit any advance payment which will be required by the Institute for social security as per the first para of this Art.

Art. 19.

This decree will be effective the day after its publication on the official Gazzette and it will be applied in the provinces as per art. 16 til 30 Sept 1945 from the date on which ~~they will be~~ will be given back to the Italian Government, ~~and~~ unless the AMG ~~dispositions~~ otherwise establish a prior effective date.

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

8 August 1945

The draft decree enclosed was returned to the Italian Government at its request upon presentation of a new decree.

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

Note - the names and
drafts dress on unemployment
benefits has been removed
and placed in File 309

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

Cross Reference Sheet.

File: LSC/1306

Subject: G. Order No 18

Date: 2-8-45

To: LABOR SUB

From: LIAISON SECTION

Documents Filed: IN CABLES

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

LSC/1306 - 4/5

HEADQUARTERS ALLIED COMMISSION
AFC 394
LEGAL SUB-COMMISSION

/mlp.
LC/4074/33/L. 25 July 1945.

SUBJECT : General Order No. 48.

TO : Labor S/C.

1. Your LSC/1306/415 of 23 July 1945 "recalling" that General Order No. 48 has not generally been published.

2. This sub-commission was totally unaware of this fact which is now brought to our attention for the first time.

3. When a new Italian decree is published, it will, if approved by Labor Sub-Commission and the Northern Regional Commissioners, be implemented in Allied Territory in the normal way.

4. The implementation order will say nothing, nor can it say anything, about any substitution for General Order No. 48. Any such attempted statement would be extremely irregular, and might be a little confusing to those Italian officials who have no notice of the contents of General Order No. 48 because it has never been posted in the territory.

5. It should, however, be borne in mind that General Order No. 48 as drafted expires on 31 July 1945. It appears to me to be unlikely that the new Italian decree will be published, or if published will be implemented, before the 31st July 1945. It would seem therefore unnecessary to draw attention to the fact that the decree is in substitution of a General Order which has already ceased to exist by lapse of time.

W. E. MEREDITH,
Colonel,
Chief Legal Advisor.

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Declassified E.O. 12356 Section 3.3/NND No. 786021

Chief Clerk.

Mr Fearing (& I believe Mr Sachs, have seen). Please file & put away.

14 5/8.

~~26 AUG 1925~~

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Declassified E.O. 12356 Section 3.3/NND No. 786021

File cro/415

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

VP/rmw

23 July 1945

TEL : Ext. 416

REF : LSC/415

SUBJECT: Measures Against Unemployment in Northern Italy.

Dear Signor Barbareschi:

I have to refer to your letter of the 18th of July and to confirm that a cable was dispatched on the 20th of July giving instructions to Provincial Offices to provide payments in a measure agreed at Milan immediately without waiting instructions from the central administration of the Istituto Nazionale della Previdenza Sociale.

Provincial and Finance officers were also instructed in the same cable to provide credits where necessary.

H. R. ARGENT
Director
Labor Sub-Commission

Signor Gaetno Barbareschi
Minister of Labor and
Social Welfare
Italian Government
Rome

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

Translation Delegazi /Ja

MINISTRY OF LABOUR

Prot.N° 147 Rome, 14 -7 - 1946.

TO : the ALLIED COMMISSION
Labour Sub-Commission
Finance Sub-Commission
Rome

SUBJECT:
Measures against unemployment in Northern Italy.

1. As it is well known, this Ministry, basing itself on the decisions taken at the Milan' meeting on the 8th of July instant, is about to issue a legislative measure establishing:

a) - the prohibition to the industrial establishments of the provinces of Northern Italy to dismiss the members of their personnel;

b) - the drawing up of a list of the workers temporarily suspended from their employment. In this list there must be entered the employees of the industrial establishments of the before mentioned provinces that have been compelled to reduce the number of their personnel in effective service;

c) - the payment to the workers whose names have been entered in the list in question, of a 75% of their aggregate wage and of the amount of the emergency indemnity;

d) - the payment, to the employees working on a part-time basis, of a 75% of their aggregate wage, as well as of the emergency indemnity for the fewer hours worked, compared with the normal working hours, the maximum duration of which is 48 hours per week.

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The said economic treatment, which is to be effective starting from the 26th of June last, will be for a third part on charge of the employers and for the remaining two thirds on charge of the Fund implementing the earnings of industrial workers, for the financing of which the State' intervention is contemplated.

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

2. While we are in waiting of the decrees drawing up and issuance of the legislative measures in question, it is urgent to secure immediately the reimbursement of the sums on charge of the Imprumutul Fund, because it is only in such a way that the measures planned as above may be carried out.

Therefore we will feel obliged to this Allied Commission for taking the following decisions:

Done by France while does not do [illegible]

a) to authorize the provincial offices of the "Istituto Nazionale delle Previdenze Sociale" in Northern Italy to apply the legislative measures in question, as far as the above described reimbursements are concerned;

b) to supply the offices in question, with the funds needed to implement their own resources, whenever the latter would appear inadequate.

The Central Office of the "Istituto delle Previdenze Sociale" has been duly informed about the question set forth in this letter.

THE MINISTER

1732

Ministero dell'Industria, del Commercio e del Lavoro
DIREZ.GEN.DELLA PREV.E DELLE ASSICURAZ.PRIVATE
Prot.N.° 17.
Allegati

Roma 18 - 7 - 1945

ALLA COMMISSIONE ALLEATA
= Sottocommissione per il Lavoro
= Sottocommissione Finanziaria
= ROMA =

Risposta al foglio N.° del

LSC/415

OGGETTO Provvedimenti per la disoccupazione in Alta Italia.

1) Come è noto, è attualmente in corso di emanazione presso questo Ministero un provvedimento che, in base alle deliberazioni adottate nella riunione di Milano dell'8 luglio c.a., stabilisce:

a) il divieto alle aziende industriali delle provincie dell'Alta Italia di licenziare i lavoratori dipendenti;

b) l'istituzione di un ruolo dei lavoratori temporaneamente sospesi, nel quale debbono essere iscritti i dipendenti delle aziende industriali delle suddette provincie, costrette a ridurre il proprio personale in servizio effettivo;

1751

c) la corresponsione ai lavoratori iscritti nel ruolo suddetto del 75% della retribuzione globale e della indennità di contingenza;

d) la corresponsione, ai lavoratori che prestano un orario di servizio ridotto, del 75% della retribuzione globale e dell'indennità di contingenza per le ore di lavoro effettuate in meno rispetto al normale orario di lavoro della durata massima di 48 ore settimanali.

Detto trattamento economico, che decorre dal 25 giugno u.s., è posto per un terzo a carico dei singoli datori di lavoro e per i rimanenti due terzi a carico della Cassa di integrazione dei guadagni dei lavoratori dell'industria, per il finanziamento della quale è previsto l'intervento dello Stato.

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

ASSICURAZ. PRIVATE

= ROMA =

Prot. N.° 1/5 Allegato Risposta al f.° N.° del

LSC/415

OGGETTO Provvedimenti per la disoccupazione in Alta Italia.

1) Come è noto, è attualmente in corso di emanazione presso questo Ministero un provvedimento che, in base alle deliberazioni adottate nella riunione di Milano dell'8 luglio c.a., stabilisce:

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b) l'istituzione di un ruolo dei lavoratori temporaneamente sospesi, nel quale debbono essere iscritti i dipendenti delle aziende industriali delle suddette provincie, costrette a ridurre il proprio personale in servizio effettivo;

1751

c) la corresponsione ai lavoratori iscritti nel ruolo suddetto del 75% della retribuzione globale e della indennità di contingenza;

d) la corresponsione, ai lavoratori che prestano un orario di servizio ridotto, del 75% della retribuzione globale e dell'indennità di contingenza per le ore di lavoro effettuate in meno rispetto al normale orario di lavoro della durata massima di 48 ore settimanali.

Detto trattamento economico, che decorre dal 25 giugno u.s., è posto per un terzo a carico dei singoli datori di lavoro e per i rimanenti due terzi a carico della Cassa di integrazione dei guadagni dei lavoratori dell'industria, per il finanziamento della quale è previsto l'intervento dello Stato.

cl

./.

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

2) In attesa che il provvedimento predetto possa essere perfezionato e pubblicato; è indispensabile, ad assicurare la regolare attuazione delle provvidenze così predisposte, che sia immediatamente effettuato il rimborso degli importi posti a carico della Cassa di integrazione.

In relazione a quanto sopra esposto, si sarà grati a codesta Commissione se vorrà disporre:

a) che le competenti sedi provinciali dell'Alta Italia dell'Istituto Nazionale della Previdenza Sociale siano autorizzate a dare applicazione al provvedimento per quanto concerne i rimborsi da effettuarsi;

b) che alle sedi stesse siano, all'occorrenze, forniti i fondi necessari ad integrare le proprie disponibilità, eventualmente insufficienti.

Di quanto sopra è stata informata la Sede Centrale dell'Istituto della Previdenza Sociale.

IL MINISTRO

Barbareschi

20 LUG. 1945

1535

Declassified E.O. 12356 Section 3.3/NND No. 786021

1536

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

Also copy to Labour H/C

4 cables + 1506

AMG EMILIA REGION CMA 57 AREA FOR LIGURIA REGION AMG CMA AMG LOMBARDIA REGION CMA AMG PIEMONTE REGION CMA AMG VENEZIE REGION

2157 20 July 1945 PRIORITY

RESTRICTED FD

PARA ONE FD REFERENCE LETTER THIS HEADQUARTERS DATED ONE TWO JULY ONE NINE FOUR FIVE SUBJECT GENERAL ORDER NUMBER FOUR EIGHT FD

PAREN TO AMG EMILIA REGION FOR RFO CMA 57 AREA FOR LIGURIA REGION AMG FOR RFO CMA AMG LOMBARDIA REGION FOR RFO CMA AMG PIEMONTE REGION FOR RFO CMA AMG VENEZIE REGION FOR RFO FROM HQ ALCOM CLEK ACPIN PAREN

PARA TWO FD AT REQUEST OF BARBARESCHI ITEM WAN PETER SUGAR ARE PREPARING INSTRUCTIONS NECESSARY TO ACTIVATE MILAN AGREEMENT FD PLEASE INSURE THAT PROVINCIAL OFFICES OF ITEM WAN PETER SUGAR PROVIDE PAYMENTS IN MEASURE AGREED AT MILAN IMMEDIATELY WITHOUT AWAITING INSTRUCTIONS FROM THEIR CENTRAL ADMINISTRATION AND THAT PROVINCIAL FINANCE OFFICERS PROVIDE NECESSARY CREDITS WHERE NECESSARY

1750

FINANCE S/C

47860

NICHOLAS PIOMBINO,
CWO, USA,
Asstt. Adjutant.

1537

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

AMG EMILIA REGION CMA 57 AREA FOR LIGURIA REGION AMG CMA AMG LOMBARDIA REGION CMA AMG PIEMONTE REGION CMA AMG VENEZIE REGION

2157 20 July 1945 PRIORITY

RESTRICTED FD

PARA ONE FD REFERENCE LETTER THIS HEADQUARTERS DATED ONE TWO JULY ONE NINE FOUR FIVE SUBJECT GENERAL ORDER NUMBER FOUR EIGHT PD

PAREN TO AMG EMILIA REGION FOR RFO CMA 57 AREA FOR LIGURIA REGION AMG FOR RFO CMA AMG LOMBARDIA REGION FOR RFO CMA AMG PIEMONTE REGION FOR RFO CMA AMG VENEZIE REGION FOR RFO FROM HQ ALCOM CITE ACFIN PAREN

PARA TWO FD AT REQUEST OF BARBARESCHI ITEM NAN PETER SUGAR ARE PREPARING INSTRUCTIONS NECESSARY TO ACTIVATE MILAN AGREEMENT PD PLEASE INSURE THAT PROVINCIAL OFFICES OF ITEM NAN PETER SUGAR PROVIDE PAYMENTS IN MEASURE AGREED AT MILAN IMMEDIATELY WITHOUT AWAITING INSTRUCTIONS FROM THEIR CENTRAL ADMINISTRATION AND THAT PROVINCIAL FINANCE OFFICERS PROVIDE NECESSARY CREDITS WHERE NECESSARY

FINANCE S/C

478604

1749

NICHOLAS PIOMBINO
CWO USA
Asst. Adjutant.

1538

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

Allied Commission
APO 394
Labour Sub-Commission

DCC/31

REF : LSC/1806

12 July 1943

SUBJECT: General Order No. 48.

TO : All Regional Commissioners.

1. As a result of a meeting held on Sunday, 5 July, in Milan between representatives of labour and industry for the North and Ministers of the Italian government, certain wage increases were agreed upon as well as certain provisions concerning the payment of money to those who were unemployed or employed at reduced hours. This agreement in many respects necessitates changes in the provisions of General Order No. 48. As a result of considerable delay, General Order No. 48 was not received in the Regions until Monday, 9 July, and has not been posted to date. To post it at the present time, of course, would result in considerable confusion and misunderstanding in the light of the Milan agreement of 5 July.

2. The situation was reviewed with Signor Barbaroschi, Minister of Labor and Social Welfare, on 10 July 1943. After full discussion, it was agreed that:

(a) General Order No. 48 should not be posted.

(b) The Italian government will pass a decree in lieu of General Order No. 48 which will be implemented as an AC order.

(c) This decree will become applicable in AFC territory upon order of AC.

3. A signal has already gone out requesting suspension of posting of General Order No. 48.

4. The important changes are:

(a) 75 per cent of the contingency indemnity recently agreed upon will be paid to those who are not working or who are working at reduced hours for the hours not worked.

(b) Persons working less than 40 hours per week will receive 75 per cent of full pay for the difference between the number of hours worked and 40 with the requirement

1718

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

LABOR SUB-COMMISSION 2 Y 5
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE		
Mr. SACHS		
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR	8	23/7
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS: ⊗ no. 2157 of 20/7

URGENT

A copy of the cable
and cable sent out by
Lt O'Connor of France S/C
is wanted.
to speak.
~~Washington~~ D.O. 10.11.23

1540

Declassified E.O. 12356 Section 3.3/NND No. 786021

file
LSC/306

HEAD-QUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

WHB/sb

23 July 1945

TEL : 402

REF : LSC/ /306/4/5

SUBJECT: Proposed Italian Decree Substituting General Order No. 48.

TO : Legal Sub-Commission

This is to recall that General Order No. 48 has not generally been published. It has been published in parts of some regions only, e.g., Emilia. The decision to withhold further publication was taken in agreement with the Italian Government at conference 13 July 1945. The Italian Ministry of Labor is preparing an up-to-date decree which, it is anticipated, will be approved at the Council of Ministers on 25 July 1945. Legal Sub-Commission will, no doubt, insure that when the new Italian decree is implemented in AMG territory it will be made clear that such implementation is in substitution of General Order No. 48.

W. H. BRAINE
Director
Labor Sub-Commission

1716

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

File in LSC 415

/js

Translation Baldazzi

MINISTRY OF LABOUR

Rome, 19 -7 - 1945.

Prot.N° 147

TO : the ALLIED COMMISSION
Labour Sub-Commission
Finance Sub-Commission
Rome

SUBJECT:
Measures against unemployment in Northern Italy.

1. As it is well known, this Ministry, basing itself on the decisions taken at the Milan' meeting on the 8th of July instant, is about to issue a legislative measure establishing:

a) - the prohibition to the industrial establishments of the provinces of Northern Italy to dismiss the members of their personnel;

b) - the drawing up of a list of the workers temporarily suspended from their employment. In this list there must be entered the employees of the industrial establishments of the before mentioned provincis that have been compelled to reduce the number of their personnel on effective service;

c) - the payment to the workers whose names have been entered in the list in question, of a 75% of their aggregate wage and of the amount of the emergency indemnity;

d) - the payment, to the employees working on a part-time basis, of a 75% of their aggregate wage, as well as of the emergency indemnity for the fewer hours worked, compared with the normal working hours, the maximum duration of which is 48 hours per week. 174

The said economic treatment, which is to be effective starting from the 25th of June last, will be for a third part on charge of the employers and for the remaining two thirds on charge of the Fund implementing the earnings of industrial workers, for the financing of which the State' intervention is contemplated.

1542

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

2. While we are in waiting of the definite drawing up and issuance of the legislative measures in question, it is urgent to secure immediately the reimbursement of the sums on charge of the Implementing Fund, because it is only in such a way that the measures planned as above may be carried out.

Therefore we will feel obliged to this Allied Commission for taking the following decisions:

a) to authorize the provincial offices of the "Istituto Nazionale della Previdenza Sociale" in Northern Italy to apply the legislative measures in question, as far as the above described reimbursements are concerned;

b) to supply the offices in question, with the funds needed to implement their own resources, whenever the latter would appear inadequate.

The Central Office of the "Istituto della Previdenza Sociale" has been duly informed about the question set forth in this letter.

THE MINISTER

1744

1543

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
LOMBARDY REGION

Ref. 3.22/Hq. 18 July 1945

SUBJECT : Special Payments on account of Cassa Integrazione Salariale.

TO : Istituto Nazionale della Previdenza Sociale att'n Vice-Direttore Generale.

1. Reference is made to special payments currently being made to industrial workers in North Italy employed less then 48 hours weekly on the basis of an accord reached at Milan 8 July 1945 between representatives of workers, employers and the Italian Government.

2. These payments supersede the payments provided for in G.O. 48, and two thirds of them are reimbursed to employers by the Cassa Integrazione Salariale. Employers are also permitted to apply for anticipations on account of expected outpayments that would be reimbursable.

3. The Italian Government is at present preparing a decree that will regularize these payments for the period 25 June to 30 September. Allied Military Government will duly implement this decree.

4. You are directed to make necessary reimbursements and to receive and act on applications for anticipations of payments subsequently reimbursable by Cassa Integrazione Salariale.

1743

5. Since the Italian Government has agreed to advance necessary funds for this purpose to Cassa Integrazione Salariale, Provincial Finance Officers have been instructed to approve necessary credits to provincial offices of I.N.P.S. on account of these expenditures. You will explain this situation to the provincial offices of I.N.P.S. in Northern Italy, directing them to reimburse or anticipate the payments for which they are

1544

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

to be responsible, and instructing them to apply to the Intendenza di Finanza for funds needed for these purposes.

Lieut.Colonel
Regional Finance Officer
Lombardia Region

Copies for information to :

Finance and Labour Sub-Commission
Regional Finance and Labour Officers:
Emilia Region
Liguria "
Piemonte "
Venezie "
Regional Labour, Lombardia Region

AHR/r

1741

1545

Declassified E.O. 12356 Section 3.3/NND No. 786021

CK SLIP DATE 21 July 1945

HEADQUARTERS

ALLIED COMMISSION

FINANCE SUB-COMMISSION

From		To
	INTERNAL	
	Brig. A. P. Grafftey Smith	
	Col. R. B. Menapace	
	Col. H. G. Crawshaw	
	Lt. Col. P. D. Banning	
	Lt. Col. A. J. Baxter	
	Lt. Col. N. T. Beard	
	Lt. Col. E. C. King	
	Lt. Col. J. H. Penick	
	Lt. Col. E. P. Waters	
	Major J. R. H. Hall	
	Major J. Osmon	
	Major B. E. L. Timmons	
	Capt. G. H. Tipping	
	SSM R. H. L. Angibault	
	S/Sgt. R. G. Le Blond	
✓	Mayr. A.H. Reede	
	EXTERNAL	
	Office of the Chief Commissioner	
	Office of Ex. Commissioner	
	Civil Affairs Section	
	Economic Section	
	Establishment Section	
	Message Centre	
	Director, Labour Sub Commission	✓

File

27/12

FOR		FOR	
	Investigation & draft reply	✓	Information & retention
	Perusal & return		Necessary action & retention
	Necessary action & return		Filing
	Signature		Despatch
	Translation		Circulation

REMARKS: Reference our 13261/F of 16 July to FOs, Providenza representatives at Milan thought they should receive similar instruction. Attached has accordingly prepared for RFO, and is being sent to RFOs and RLabCo in other northern regions for information.

1546

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

USC/1206

5

Ex Com

The CC approves the recommended temi extension of G.O. 48 to 31st August. Please take appropriate action.

By A. C. Stevens
Maj. Gen. CC

9/July

6

10/7 Econ Sec For Action

7 WHB/ec 16 July 1945

Economic Section:

In view of developments since 3 July, it is not now necessary to consider extending General Order 48 to 31 August. Chief Commissioner and Acting Vice-President will recall the agreements with the Italian Government at a conference of 13 July to suspend General Order 48 in favor of an Italian decree, to be implemented in AMG territory covering not only the grand of General Order 48, but also the terms of the Milan agreement and its application throughout Northern Italy.

W. H. BRAINE
Director
Labor Sub-Commission

1710

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		
Mr. HEAD	RJ	25/7
Mr. SCOTT		7/7.
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

1739

1548

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

Labor S/c

INTER OFFICE MEMORANDUM

HQAC ECONOMIC SECTION

CMH/es LSC/415

1.44/ES

16 June 1945

SUBJECT: Labor Policy in North.

TO : Executive Commissioner.

1. Reference is made to your memorandum Ref. 3201/365/ED of 14 June.

2. With reference to para. 2 and the first sentence of para. 3 of your letter, please be advised that the policy as stated is now established. It was agreed upon at a meeting held in the office and under the chairmanship of the Executive Commissioner. It has been published in a memorandum of Labor Sub-Commission, Ref. LSC/414 of 9 June which has been distributed to all Regional Commissioners and to your office.

3. With reference to the second sentence of para. 3 of your letter the problem of demobilization of heavy industries is now being considered. The policy insofar as it is at present formulated has been transmitted to all Regional Commissioners by Labor Sub-Commission's memorandum LSC/415 of 8 June, copy to you. In addition a copy of Labor Sub-Commission's letter LSC/415 of 14 June addressed to this office is forwarded herewith as an indication of the current status of the solution of the problem.

(sgd) E B. McKinley

E. B. McKINLEY
Brigadier General, USA
Acting Vice President

Incl. par para 3 above.

1738

1549

Declassified E.O. 12356 Section 3.3/NND No. 786021

5521

HEADQUARTERS ALLIED COMMISSION
APO 394
Office of the Executive Commissioner

Ref: Gen/Ops/22 12 June 1945

IN/CAUTION:

TO : Economic Section

1. In cable No. 11, dated 7 June 45, from Hq IV Corps, PA Section, the following appears under Lombardia Region: "This Headquarters is still being asked by industrialists and employers as to what the policy is regarding payment of the Premio di Liberazione, and how long they are expected to pay it to one who are not working. This problem has been put up to Hq AC for an establishment of policy. Another problem which concerns not only Lombardia Region, but Northwestern Italy as a whole, is the arrangements for the demobilization of heavy industries to peace time production. The lack of a concrete plan in this regard has meant that we are unable to answer concrete queries of daily occurrence. This problem has also been referred to Hq AC."

2. In cable 9542 of 11 June, sent out by the Public Relations Branch, regarding publication of two communiques from Labor Subcommission, paragraphs 9 and 10 refer to Premio di Liberazione in North Italy and it is stated: "Allied Military Government has consulted the Italian Government regarding the payment of Premio di Liberazione in Piemonte, Lombardia, Liguria, Emilia, and Venezia and has been advised that the Italian Government is of the opinion that a payment of the bonus cannot be refused since it derives from a promise made to workers during the period of clandestine fighting to encourage them to defend industrial plants."

3. It will be appreciated if you would advise this office if this is now established policy. Also, please advise whether the problem of demobilization of heavy industries is now being considered and when an answer will be forthcoming so that Regions can be advised.

/s/ A. D. Arnoldy, 1737
Captain
for Chief Staff Officer,
To Executive Commissioner.

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

LABOUR SUB-COMMISSION
A.C.
Routing Slip

	Initials	Date
Mr. W.H. BRAINE	WHB	26/6
Mr. SACHS	[illegible]	19/6
~~Mr. DI TEDE~~		
~~Mr. ALBY~~		
Mr. SCOTT	RJ	19/6
Mr. PROCTOR	[illegible]	19/6
Miss STEVENSON	[illegible]	20/6
~~Miss SANGUINETTO~~		
Chief Clerk		

Return to Mr Braine after circulation Pm 19/6

Tue 2-7/6

1736

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

ESC/1305

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

12 July 45

6/5.16/CA

SUBJECT : General Order No 48

TO : Economic Section

1 R.C. Venezie telephoned to ask whether, in view of the fact that G.O. 48 is only in force until 31 July, it is worth posting it. After consultation with Brigadier Grafftey-Smith he was told to distribute and post.

2 It is understood that the order may be extended.

3 This Section is responsible for any printing and distribution of extension notices which may be required. It must be pointed out that unless an order for printing is given within the next 3 days distribution down to Communes by 31 July is out of the question.

A.D. Bonham Carter

A.D. BONHAM CARTER
Lt Colonel,
CMO CA Section

Copy to : Labour S/C
Finance S/C

1735

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		
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

Should I show him round?

1734

1533

Declassified E.O. 12356 Section 3.3/NND No. 786021

File

L59/1306

~~Headquarters Allied Commission~~
APO 374

REF : LABOR SUBCOMMISSION DCO/33

12 July 1943

SUBJECT: General Order No. 43.

TO : All Regional Commissioners.

1. As a result of a meeting held on Sunday, 6 July, in Milan between representatives of labor and industry for the North and Ministers of the Italian Government, certain wage increases were agreed upon as well as certain provisions concerning the payment of money to those who were unemployed or employed at reduced hours. This agreement in many respects necessitates changes in the provisions of General Order No. 43. As a result of considerable delay, General Order No. 43 was not received in the Regions until Monday, 9 July, and has not been posted as of today. The publication, at the present time, of General Order No. 43 would result in considerable confusion and misunderstanding in the light of the Milan agreement of 6 July.

2. The situation was reviewed with Signor Barbareschi, Minister of Labor and Social Welfare, on 12 July 1943. After full discussion, it was agreed that:

(a) General Order No. 43 shall not be posted.

(b) The Italian Government will pass a decree in lieu of General Order No. 43 which will be implemented as an AC order.

(c) This decree will become applicable in AC territory upon order of AC.

1733

3. A signal has already gone out requesting suspension of posting of General Order No. 43.

4. The important changes are:

(a) 75 per cent of the contingency indemnity recently agreed upon will be paid to those who are not working or who are working at reduced hours for the hours not worked.

(b) Persons working less than 48 hours per week will receive 75 per cent of full pay for the difference between the number of hours worked and 48 with no requirement

1554

Declassified E.O. 12356 Section 3.3/NND No. 786021

of minimum number of hours worked. Of this sum, one-third will be paid by the employer and two-thirds by Cassa Integrazione.

(c) This decree will be effective to 30 September 1945.

3. Copies of the decree will be distributed to the field for information as soon as received.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

Copies to:
SCAO IV Corps
AMG 5th Army
Economic Section
Legal Sub-Commission
Finance Sub-Commission
Industry Sub-Commission
Commerce Sub-Commission

J655

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

RESTRICTED

450/1306

EMILIA REGION - VENEZIA REGION - VENEZIA GIULIA REGION -
PIEDMONT REGION - 57 AREA FOR LIGURIA REGION ALOOE -
LOMBARDIA REGION - SOAD 4TH CORPS - 5TH ARMY -

1716 12 JULY ROUTINE

RESTRICTED FM

PARA ONE FD SUBJECT IS EMPLOYMENT IN INDUSTRIAL
UNDERTAKINGS IN SOUTHERN ITALY FD

EXPRESS TO REGIONAL COMMISSIONER EMILIA REGION REPEAT REGIONAL
COMMISSIONER VENEZIA REGION REPEAT REGIONAL COMMISSIONER VENEZIA
GIULIA REGION REPEAT REGIONAL COMMISSIONER PIEDMONT REGION
REPEAT 57 AREA FOR LIGURIA REGION ALOOE FOR REGIONAL COMMISSIONER
REPEAT REGIONAL COMMISSIONER LOMBARDIA REGION REPEAT SOAD 4TH CORPS
REPEAT 2ND 5TH ARMY PARAS

PARA TWO FD PUBLICATION OF GENERAL ORDER NUMBER FORTY EIGHT
SHOULD BE SUPERSEDED FD MEMORANDUM WILL FOLLOW FD

1732

LABOUR SUBCOMMISSION
204

NICHOLAS PIOMBINO
CSO USA
ADJT ASSISTANT

CORRESPONDENCE ON PATRIOTS BRANCH FILE 96/PAT

EXTRACT FROM NOTES ON J/COMD PROBY'S VISIT TO
VENEZIE 5 - 12 JULY 45.

(38A)

4. BELLUNO - 10 JULY 45

(b) This big problem here is unemployment - Belluno has no industry into which to absorb its population, and in normal times almost all the young men went to other parts of Italy or abroad to find work. 1,500 men have already volunteered for British Admiralty labour in Ceylon. The Regional and Provincial Labour officers have heard nothing about the scheme, although an article in the Corriere Veneto of the 6 July states that the first 1,500 men are already assembled and waiting to go. (To be taken up with Labour Sub Commission and the method of allotting vacancies discovered).

- - - - -

(21)

Labour Sub-Commission

1. Ref Telephone conversation D/Director - J/Comd Proby - 14 July 45; please see (37A) and (38A).

2. This Branch would be glad to know when this scheme will come into operation, and whether it will be possible to give priority to Patriots, particularly in such places as Belluno, where difficulty is being experienced in dispersing them, owing to the shortage of civilian employment.

3. The statement in the second para of the cutting at (37A), is causing much dissatisfaction in the North, as it is thought that recruiting for this work must have started in the South, although it is not yet open in the North. If the statement is incorrect, would it be possible to make some official pronouncement in the press contradicting it and giving the true state of affairs?

14 July 45 Mr Proby, Jun Comd

- - - - - -

(22)

1731

Recruitment has not yet opened. The press report was incorrect and the Italian Ministry of Labour are correcting it.

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

industry into which to absorb its population, and in normal times almost all the young men went to other parts of Italy or abroad to find work. 1,500 men have already volunteered for British Admiralty labour in Ceylon. The Regional and Provincial Labour officers have heard nothing about the scheme, although an article in the Corriere Veneto of the 6 July states that the first 1,500 men are already assembled and waiting to go. (To be taken up with Labour Sub Commission and the method of allotting vacancies discovered).

- - - - -

(21)

Labour Sub-Commission

1. Ref Telephone conversation D/Director - J/Comd Proby - 14 July 45; please see (37A) and (38A).

2. This Branch would be glad to know when this scheme will come into operation, and whether it will be possible to give priority to Patriots, particularly in such places as Belluno, where difficulty is being experienced in dispersing them, owing to the shortage of civilian employment.

3. The statement in the second para of the cutting at (37A), is causing much disatisfaction in the North, as it is thought that recruiting for this work must have started in the South, although it is not yet open in the North. If the statement is incorrect, would it be possible to make some official pronouncement in the press contradicting it and giving the true state of affairs?

14 July 45 Mr Proby, Jun Comd

- - - - - -

(22) 1731

Recruitment has not yet opened. The press report was incorrect and the Italian Ministry of Labour are correcting it.

The 15,000 workmen who are required fall into a number of categories, mostly skilled and technical. The British Admiralty will require satisfaction of trade tests before accepting men for the Far East. In other words, it is not sufficient to have been a Patriot.

But we are prepared to arrange that a Patriot, who is between the age limits prescribed, who is of the desired skill and who passes the medical and security tests, shall have preference over non-Patriots.

15th July 1945 /s/ W. H. BRAINE
Director Labour S/C

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

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Declassified E.O. 12356 Section 3.3/NND No. 783621

SECRET

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION

Ins.305/F

11 July 1945

SUBJECT: Significance of Recent Actions re Cassa Integrazione.

TO : Joint Directors,
Finance Sub-Commission.

1. Reference is made to the accord reached at Milan on 8 July between interested representatives of the C.G.I.L., C.I. and the Italian Government regarding compensation of unemployed and under-employed workers in the North, and to its implications for related matters requiring early decision.

2. This accord was based on a collective agreement originally reached between employers' and employees' organizations on 23 June to take effect in the province of Milan. Approval of this agreement was subsequently held up while acquiescence of the Italian Government was being obtained at Rome, since the "agreement" provided a burden on the Italian treasury.

3. The principal provision of the accord of 8 July which extended this treatment to all of Northern Italy is reported in today's Il Globo as follows: All workers who are on temporary waiting lists (and therefore totally unemployed in every but a technical sense) will receive for the period 25 June to 30 September 75% of the indennità di contingenza; all workers employed for reduced hours will receive 75% of the total compensation to which an employed worker would be entitled, for hours not worked up to a total (including both time worked and time not worked) of 48 hours weekly.

4. Average daily earnings of full-time workers at Milan approximate Lit. 260 daily at present, and 75% of this would amount to Lit. 195 daily. The indennità di contingenza is a payment of Lit. 120 daily, and 75% of this would amount to Lit. 90 daily. A worker on the waiting list would also receive family allowances of Lit. 15 daily per dependent or Lit. 45 daily for the typical family of a wife and two children. Thus a worker, if employed full time, would receive Lit. 260 daily; if employed half-time, would receive Lit. 228 daily (Lit. 130 for hours worked, Lit. 98 for hours not worked); and if on the waiting list, Lit. 135 daily. If the provisions of Article II of C.C. 48 should be put into effect, the unemployed on the waiting list would be eligible for supplementary allowances/approximately Lit. 45 daily or a total of Lit. 180 daily.

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

5. As regards the special payments referred to in para 3, the burden is divided on the basis of a ratio of 2 to 1 as between the Cassa Integrazione Salariale and the employer. The Italian Government has agreed to make good the deficit of the Cassa Integrazione, already amounting to Lit. 3 billions, and to assist such employers as otherwise could not make their payments.

6. The burden of these payments for the period covered by the accord is astronomical. If we assume a work force of 2 million industrial workers, half of whom are on the waiting list, and half working on an average of three days in six, the monthly expenditures for these groups would be approximately Lit. 2,340,000,000 for those on the waiting list and Lit. 2,470,000,000 for the under-employed. Allowing for lower payments to bachelors, juveniles and workers in smaller cities, it still seems that the expenditure up to 30 September may run to Lit. 10 billions for the two groups. Theoretically employers would bear one-third of this amount, but practically few will be able to assume this burden.

7. No thinking person can confront an expenditure so staggering without being prompted to ask if some part of it would not be better spent in providing work for unemployed workers rather than to enable them to remain idle. Certainly no one could allege that there is no work, public or private in character, that is needed in devastated areas of the North. Material difficulties would admittedly arise, but surely some work program could be planned in spite of them.

8. A significant development at the Milan meeting on 8 July was di Vittorio's assertion that the C.G.I.L. could not accept financing of Cassa Integrazione as a subsidy, but only as an advance by the Italian Treasury which must eventually be repaid. Falk objected that employers would be unable to repay and that to demand this was a repudiation of the Rome accord. In his summation, Chairman Ruini made a substantial concession to di Vittorio's view by stating that the question of ultimate responsibility for "advances" by the Treasury would be determined when the decree setting forth the agreed plan is framed.

9. There are certain serious inequities in the new plan. Employers are to be made responsible for the employment status of their personnel, if the C.G.I.L. has its way, even when as at present, they are restrained from furnishing employment by shortages of fuel and materials over which they have not the slightest control. The argument of di Vittorio points directly toward a staggering debt burden, inability to assume which will justify the state in foreclosing, siezing and nationalizing the establishments concerned.

10. Of more immediate interest are the inequities affecting various groups of workers. In the area concerned, for example, consider the relative situation of industrial and non-industrial workers. The latter must take care of their own income losses due to reduced hours of work, and can expect only the traditionally low level of unemployment indemnities if totally unemployed. The relative position of the three groups of industrial workers is also highly inequitable not to say menacing to the will to work. If employed half-time, a worker receives nearly 88% as much as if employed full-time. If unemployed completely except in name, a worker still may receive nearly 70% as much if employed full-time, and will certainly receive over 50% as much.

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

11. The geographical discrimination is also serious and is likely to result in strong protests from the rest of Italy. It is not clear why industrial workers in the North should receive more favorable treatment than those in Central and Southern Italy. Allied Military Government may be expected to receive a major share of the blame for this unless the legal instrument by which the new plan is solemnized is a law of the Italian Government.

12. The procedure in this matter is indicative of what may be expected in future if AC and AMG are willing ex post facto to assume responsibility for such actions. A trade union exacts a concession from employers involving advances by the Treasury. AMG rightly withholds approval from what amounts to legislation in that it broadens the scope and changes the character of a social insurance fund. The union then presses the Italian Government to approve the plan, and AMG is asked why it should object if the Italian state is willing. This is called "military government!"

13. It is recommended that we refuse to accept responsibility where we have apparently been denied power. More specifically, while withdrawing General Order No. 48, we should refuse to solemnize the new plan in another order. If approval is granted by the Rosc Government, let it prepare the law by which the position is regularized. Our action in implementing that law will describe our position accurately: acquiescence in what we can no longer usefully oppose. An order, on the other hand, would connote necessarily initiative and responsibility of AMG.

14. Some have been tempted to dispose of this problem with a smart quip: "It's their money", or "It's their country". These comments are not intelligent, and they are irresponsible. It will be no defense of AMG or AC to plead that unfortunate decisions were taken during their final phase, and not even in spite of them unless our position is made clear.

A. H. Rende

A. H. RENDE
Major, A.U.S.
Insurance Sub-Section,
Finance Sub-Commission.

AHR/jbh

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

BUCK SLIP DATE 13 July 1945

HEADQUARTERS

ALLIED COMMISSION

FINANCE SUB-COMMISSION

From		To
	Col. A. P. Grafftey-Smith	
	Comdr. J. J. Lawler, USCGR	
	Col. H. G. Crawshaw	
	Lt-Col. J. H. Penick	
	Lt-Col. P. D. Banning	
	Lt- Col. E. P. Waters	
	Lt.-Col. A. J. Baxter	
	Major B. E. L. Timmons	
	Major J. Osmon	
	Major E. J. Gits	
	Major W. E. Price	
	Major J. R. H. Hall	
	Major M. M. Daugherty	
	Capt. G. H. Tipping	
	Property Control Division	
	SSM Angibault	
✓	A.H. Reede	
	Mr. Proctor	✓
	Economic Section	
	Message Centre	

FOR:

✓ Recommendations & Remarks	Necessary Action and return
Information & Retention	Perusal &Return
Approval or Disapproval	Filing
Investigation & Report	Despatch
	Necessary Action and retention

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REMARKS: Today's meeting "dates" some of this memo. Discrimination against non-industrial workers will be adjusted (para 10) and public works are planned (para 7) The data in paras 3, 4 and 6, on the other hand, must be adjusted because unemployed workers are now to be treated virtually the same as under-employed! Fortunately the Para Government is willing to write all this into law! akr

A. C. - Gen. 1945

1562

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file
LSC/1306

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

DCS:sb

10 July 1945

TEL : 416

REF : LSC/1306/816

SUBJECT: Abuse of General Order No. 48.

TO : Regional Commissioner
Liguria Region
Attn: Labor Officer

1. Your question concerning the possibility of a person placing himself upon more than one payroll for the purpose of deriving double benefits under General Order No. 48 has been referred to the Legal Sub-Commission.

2. Attached hereto is a copy of the reply of Legal Sub-Commission.

3. If it appears that this General Order is subject to the abuse mentioned to any considerable extent, it is suggested that you advise us.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

1 Attachment.
Ltr fr Legal S/C dtd 8 Jul 45

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HEADQUARTERS ALLIED COMMISSION
A.C 394
LEGAL SUB-COMMISSION

AC/4074/33/L. /mt.

8 July 1945.

SUBJECT: General Order No. 48.

TO : Deputy Director, Labor Sub-Commission.

1. With reference to your LSC/1906 of 6th July.

2. Whether a man who succeeded in getting on the payroll of more than one employer, could be charged with an offence under Italian law would depend upon the precise steps he took to do so. Speaking generally I consider it extremely doubtful whether a charge could be sustained. The worker's conduct would come close to Art. 640 of the penal code, Swindling (truffa): "Whoever, by tricks or subterfuges, leads some one into error and obtains for him or others an unjust gain to the detriment of another person...". To establish an offence under this Article it is essential to prove that the accused obtained the benefit to him by employing tricks or subterfuges. Until some specific cases have occured I do not think it advisable to make such conduct an offence under an AMG Order.

(Signed)

N. E. BROWNE,
Colonel,
Chief Legal Advisor.

COPY

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_R_E_S_T_R_I_C_T_E_D_

LSC/ [redacted] 1806

LOMBARDIA REGION - SOAC 4TH CORPS - ANC 5TH ARMY -
VENEZIE REGION -

9 JULY 1945 ROUTINE

RESTRICTED PD

PARA ONE PD REFERENCE YOUR CABLE ONE FOUR ZERO SIX OF SEVENTH JULY PD

PARA TO REGIONAL COMMISSIONER LOMBARDIA REGION FOR SI FROM CMA REPEAT SOAC 4TH CORPS CMA REPEAT ANC 5TH ARMY CMA REPEAT REGIONAL COMMISSIONER VENEZIE REGION FOR CAPTAIN BAILEY FROM ALCOA HEADQUARTERS CITE ACLAB PARE

PARA TWO PD UNDERSTAND GENERAL ORDER FORTY EIGHT HAS NOW BEEN RECEIVED BY YOU PD WILL YOU PLEASE CONFIRM PD

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LABOUR SUBCOMMISSION

204

NICHOLAS FIORENTINO
CWO USA
ADJT ASSISTANT

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RESTRICTED

1406
JULY 7/0900B

E/8477
JULY 7/0900
ROUTINE

LOMBARDIA REN LABOR FOR POLETTI SIBMD DX FSDE
AIGCM ROME ACLAB

RESTRICTED.

We are still awaiting copies of General Order 48. Colonel POLETTI is pressing us for the posting of this order and we can't comply with this request until we have received it. Treat this as urgent

Labour S/C. (Cathe M. Boston)

Lt Col Bonham Carter telephoned at 1100 hrs today & the above have been received, also those of Venezia Region.

CA Sec
8 Jul 45

A Leishman S/Sgt
Chief Clerk

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DEST

ACTION : LABOUR SC

INFO : CHIEF COMMISSIONER
RC CN SEC
CA SEC
FILE (2)
FLOAT

(9541

RESTRICTED

T 5 6 5

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		
Mr. HIRD		
Mr. SCOTT	[illegible]	9/7
Mr. PROCTOR	[illegible]	"17
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS.

Kindly see comments
(1) As discussed
(2) Low Priority

[illegible]
9/7

20 Aug 45

Received by Issue from Ministry
of Labor Thursday, Not signed by
Lt. General.

MINISTERO DEL LAVORO E DELLA PREVIDENZA SOCIALE .

SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONCERNENTE PROVVEDIMENTI A FAVORE DEI LAVORATORI DELL'ALTA ITALIA

UMBERTO DI SAVOIA
PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

VISTO il decreto legge luogotenenziale 25 giugno 1944, n. 151;

VISTO il decreto legislativo luogotenenziale 1° febbraio 1945, n.58;

VISTA la deliberazione del Consiglio dei Ministri;

SULLA proposta del Ministro per il lavoro e la previdenza sociale, di concerto coi Ministri per il tesoro, per l'industria e commercio e la grazia e giustizia;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Alle imprese industriali, cui si applica il presente decreto ai sensi dell'art. 17, è fatto divieto di licenziare i lavoratori dipendenti fino al 30 settembre 1945.

1722

Tale divieto non si applica:

a) ai lavoratori che, senza grave giustificato motivo, rifiutino di accettare altra occupazione che sia loro offerta presso altro datore di lavoro;

b) nei casi in cui per disposizione di legge o di contratto collettivo è consentita la risoluzione del rapporto di lavoro per fatto del lavoratore.

Le controversie che possono insorgere per effetto dei provvedimenti previsti dal precedente comma, ove non siano conciliate con l'intervento della Commissione interna, sono decise in via

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

LUOGOTENENTE GENERALE DEL REGNO

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.//.

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

Art. 2

Le imprese industriali che si trovino, per le attuali circostanze, costrette a ridurre il numero dei lavoratori in servizio effettivo, devono istituire un ruolo dei lavoratori in aspettativa.

In detto ruolo sono iscritti normalmente i lavoratori dell'impresa che trovavansi iscritti nei ruoli di temporanea disponibilità, e che non siano stati riassunti alla data di entrata in vigore del presente decreto in effettivo servizio.

Inoltre potranno essere inscritti nel ruolo predetto i lavoratori che saranno designati di volta in volta di comune accordo dalla Direzione dell'impresa e dalla Commissione interna ovvero, in mancanza di accordo, dal competente ufficio provinciale del lavoro.

Art. 3

I lavoratori iscritti nel ruolo di aspettativa, anche se temporaneamente occupati ai sensi del seguente Art. 7, conservano tutti i diritti relativi all'anzianità di servizio sanciti dalle disposizioni di legge o da contratti collettivi.

Art. 4

Ai lavoratori iscritti nel ruolo di aspettativa compete il seguente trattamento economico:

a) una indennità giornaliera, a carico dell'impresa, di L. 10 per i lavoratori maschi di età superiore a 18 anni; di L. 7 per le donne di età superiore ai 18 anni; di £. 4 per i giovani d'ambo i sessi di età non superiore ai 18 anni, salvo le disposizioni più favorevoli previste in accordi locali.

b) gli assegni familiari, eventualmente spettanti, a carico della Cassa Unica degli assegni stessi;

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c) una indennità giornaliera a carico della gestione della assicurazione contro la disoccupazione, dell'importo di L. 20 per i lavoratori maschi di età superiore ai 18 anni; di L. 14 per le donne di età superio-

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1721

c) una indennità giornaliera a carico della gestione della assicurazione contro la disoccupazione, dell'importo di L. 20 per i lavoratori maschi di età superiore ai 18 anni; di L. 14 per le donne di età superiore ai 18 anni; di L. 8 per i giovani d'ambo i sessi di età non superiore ai 18 anni.

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

Art. 5

Le imprese sono tenute a trasmettere alla sede provinciale dell'Istituto nazionale della previdenza sociale od al competente ufficio provinciale del lavoro una copia del ruolo dei lavoratori in aspettativa non oltre il 3° giorno successivo all'entrata in vigore del presente decreto. Le variazioni al predetto ruolo devono essere comunicate quindicinalmente.

Art. 6

Al lavoratore iscritto nel ruolo di aspettativa, nel caso di risoluzione del rapporto di lavoro per dimissioni, é dovuta la liquidazione della indennità di anzianità ai sensi delle vigenti disposizioni di legge e di contratto collettivo.

Art. 7

Gli uffici provinciali del lavor, sono tenuti a svolgere l'azione necessaria per assicurare l'impiego anche temporaneo in lavori agricoli' opere pubbliche o in altre attività, sia dei lavoratori inscritti nei ruoli di aspettativa sia dei lavoratori che restino temporaneamente sospesi dal lavoro sentite per questi ultimi la commissione interna e la impresa.

Art. 8

Ai lavoratori che restino temporaneamente sospesi o che effettuino meno di 48 ore di lavoro alla settimana, compete:

a) per ogni ora di lavoro effettivamente prestato la retribuzione oraria globale comprensiva di ogni indennità;

b) per le ore di lavoro non prestate comprese fra le 0 e le 48 settimanali un'integrazione pari al 75% della retribuzione globale e della indennità di contingenza ragguagliata ad ora.

Le Camere ~~del~~ provinciali del lavoro e le Unioni industriali per ciascuna provincia possono, con accordi sindacali, fissare i criteri per la determinazione della retribuzione globale e stabilire eventualmente delle apposite tabelle di salari medi per categoria.

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a) per ogni ora di lavoro effettivamente prestato la retribuzione oraria globale comprensiva di ogni indennità;

b) per le ore di lavoro non prestate comprese fra le 0 e le 48 settimanali un'integrazione pari al 75% della retribuzione globale e della indennità di contingenza ragguagliata ad ora.

Le Camere del lavoro esercenti e le Unioni industriali per ciascuna provincia possono, con accordi sindacali, fissare i criteri per la determinazione della retribuzione globale e stabilire eventualmente delle apposite tabelle di salari medi per categoria.

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

Art.9

La corresponsione del trattamento economico di cui ai precedenti art.4 e 8, è subordinata all'osservanza, da parte del lavoratore, delle norme che saranno stabilite dagli Uffici provinciali del lavoro e dall'Istituto nazionale della previdenza sociale, sentite le organizzazioni sindacali interessate.

Il trattamento economico prèdetto non è dovuto ai lavoratori in aspettativa o sospesi che risultino occupati presso altro datore di lavoro, anche se temporaneamente, per tutta la durata dell'occupazione.

Art.10

Agli operai sospesi o lavoranti ad orario ridotto per i quali sono stabiliti, per disposizione contfattuale o in relazione alle caratteristiche della loro prestazione, particolari orari, il trattamento di cui all'art, 8 è dovuto per le ore effettuate in meno di tali particolari orari e in ogni caso non oltre le 48 ore settimanali.

Agli operai con retribuzione fissa, e agli impiegati il trattamento predetto è calcolato sull'ammontare della retribuzione normale.

Art. 11

Per quanto concerne il computo della retribuzione ed il calcolo delle ore lavorative nei casi in cui la riduzione dell'orario di lavoro sia effettuata con ripartizione in periodi ultrasettimanali, si applicano le norme del contratto collettivo 13 giugno 1941, relativo alla integrazione dei salari degli operai dell'industria, lavoranti ad orario ridotto, per quanto esse non siano incompatibili con dl presente decreto.

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Art.12

Il trattamento di cui all'art 8 non è dovuto a li operai lavoranti ad orario ridotto in caso di festività non retribuite, è di assenze che non comportino retribuzione.

./.

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

Art. 13

Il trattamento di cui all'art.6 è corrisposto dall'impresa.

I due terzi dell'importo del trattamento di cui alla lettera b) del predetto art.8 sono rimborsati all'impresa dalla Cassa integrazione dei guadagni dei lavoratori dell'industria.

Art.14

Agli operai sospesi o lavoranti ad orario ridotto sono dovuti gli assegni familiari nella misura normale.

Art.15

Ai fini del rimborso previsto dall'art.13 si applicano le norme sul sistema di conguaglio stabilito dal contratto collettivo 13 giugno 1941.

Art.16

L'Istituto nazionale della previdenza sociale è autorizzato ad anticipare, alle condizioni che saranno da esso stabilite, i fondi necessari alle imprese che per la loro situazione finanziaria non dispongano delle somme occorrenti per la corresponsione dei trattamenti previsti dal presente decreto.

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Tali anticipazioni sono limitate al presunto ammontare della parte rimborsabile della Cassa d'integrazione.

Le somme anticipate non possono essere impiegate per effettuare pagamenti diversi da quelli per i quali esse sono destinate.

Per il ricupero delle somme anticipate che non siano assorbite dalle erogazioni postea carico della cassa d'integrazione l'Istituto nazionale della previdenza sociale può, in caso di mancata restituzione emettere ingiunzione di pagamento contro l'impresa inadempiente con l'osservanza delle norme stabilite dal R.Decreto 14 aprile 1910, n.639.

I crediti della Cassa sono privilegiati nello stesso grado dei crediti dello Stato.

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

Art. 17

Le disposizioni degli articoli precedenti si applicano alle imprese soggette al contratto collettivo 13 giugno 1941 e ai lavoratori da esse dipendenti, limitatamente agli stabilimenti e agli uffici aventi sede nelle provincie di Genova, Imperia, Savona, La Spezia, Apuania, Torino, Aosta, Cuneo, Alessandria, Vercelli, Novara, Asti, Milano, Como, Varese, Mantova, Bergamo, Brescia, Cremona, Pavia, Sondrio, Venezia, Belluno, Padova, Vicenza, Rovigo, Treviso, Udine, Verona, Trento, Bolzano, Bologna, Modena, Parma, Reggio Emilia, Ferrara, Ravenna, Forlì e Piacenza.

Art. 18

Il presente decreto non si applica:

a) ai lavoratori assunti posteriormente al 25 aprile 1945;

b) ai lavoratori adibiti a lavori stagionali o assunti con contratto a termine o occasionalmente per determinati lavori;

c) ai lavoratori che, pur essendo alle dipendenze di una impresa industriale, siano riconosciuti dal competente ufficio provinciale del lavoro come normalmente occupati in lavori agricoli.

Art. 19

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E' autorizzata l'anticipazione da parte dello Stato all'Istituto nazionale della previdenza sociale, per conto della Cassa integrazione dei guadagni dei lavoratori dell'industria, dei fondi eventualmente necessari alla copertura degli oneri che deriveranno alla Cassa predetta per effetto del presente decreto, fino all'importo di lire 4 miliardi.

Con decreti del Ministro del tesoro, sarà provveduto alla iscrizione nello stato di previsione della spesa del Ministero del lavoro e

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

tori da esse dipendenti, limitatamente agli stabilimenti aventi sede nelle provincie di Genova, Imperia, Savona, La Spezia, Apuania, Torino, Aosta, Cuneo, Alessandria, Vercelli, Novara, Asti, Milano, Como, Varese, Mantova, Bergamo, Brescia, Cremona, Pavia, Sondrio, Venezia, Belluno, Padova, Vicenza, Rovigo, Treviso, Udine, Verona, Trento, Bolzano, Bologna, Modena, Parma, Reggio Emilia, Ferrara, Ravenna, Forlì e Piacenza.

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1717

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Con decreti del Ministro del tesoro, sarà provveduto alla iscrizione nello stato di previsione della spesa del Ministero del lavoro e della previdenza sociale, delle somme occorrenti per la esecuzione del presente decreto.

Con successivo decreto saranno stabilite le modalità del rimborso totale o parziale delle anticipazioni fatte dallo Stato. In ogni caso è escluso l'addebito di interessi.

./.

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

La restituzione delle somme da rimborsare allo Stato dalla Cassa d'integrazione è garantita dalle disponibilità derivanti dal gettito dei contributi dovuti alla Cassa per effetto del contratto collettivo 13 giugno 1941. A tale fine la misura del contributo dovuto alla Cassa può essere aumentata limitatamente alle provincie cui si applica il presente decreto, con decreto del Ministro per il lavoro e la previdenza sociale di concerto col Ministro per il tesoro.

In caso di trasformazione in qualsiasi modo dell'impresa o di cessazione della sua attività per qualunque causa, le somme già erogate all'impresa stessa dalla Cassa di integrazione per l'applicazione del presente decreto, ivi comprese quelle relative alla quota a carico di detta Cassa, costituiscono a tutti gli effetti crediti privilegiati dello Stato.

In caso di fallimento dell'impresa, il credito privilegiato dello Stato è determinato dalla quota parte delle anticipazioni dello Stato attribuite dalla Cassa all'impresa.

Art. 20

Il presente decreto entrerà in vigore il giorno successivo a quello della sua pubblicazione nella Gazzetta Ufficiale ed avrà efficacia nelle provincie indicate all'art.17 fino al 30 settembre 1945, con decorrenza dal 25 giugno 1945 per quelle restituite alla Amministrazione del Governo italiano e per le altre dalla data dalla quale il Governo Militare Alleato ne disporrà l'applicabilità.

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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

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Translation Letorrese-Baldassi

MINISTRY OF LABOUR AND SOCIAL SECURITY

DRAFT OF LEGISLATIVE DECREE OF THE LIEUTENANT GENERAL CONCERNING PROVISIONS FOR WORKERS OF NORTHERN ITALY

UMBERTO DI SAVOIA
Prince of Piedmont
LIEUTENANT GENERAL OF THE REALM

By virtue of the authority vested in us;

Having seen the lieutenancy law decree 25 June 1944, n°151;

Having seen the lieutenancy law decree 1 Feb.1945, n°36;

Having seen the decision of the Council of Ministers;

On proposal of the Ministry of Labour and Social Security and in accordance with the Ministers of the Treasury, Industry and Commerce and Justice;

WE HAVE SANCTIONED AND WE PRO-
MU GAZE AS FOLLOWS:

ART.1

All industrial firms, to which the present decree is enforced as per article 17, cannot dismiss their skilled workers.

The decree in question does not apply to
a) workers, who without a justified reason, refuse to accept another job offered by other employer;
b) cases in which cessation of emplyment is contemplated by collective contract or law provision and is due to worker's own fault.

Disputes that may arise following application of the provisions contemplated by the above para b), whenever conciliation is not reached by the intervention of the internal commission, are temporarily settled by the appropriate Labour Inspectorate, save judicial action.

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

ART.2

Industrial firms, which, owing to the actual circumstances are compelled to reduce the number of workers in active employment, must provide for the formation of a "waiting list".

Such list comprises the names of the workers attached to the firm who are registered on the "temporarily available list" and who have not been reemployed in active employment at the date on which the present decree enters in force.

ART.3

Workers registered on the "waiting list", even if temporarily employed as per article 7, maintain all seniority service rights contemplated by rules and regulation or collective contracts in force.

ART.4

All workers registered on the "waiting list" are entitled to the following economic benefits:

a) a daily allowance, to be paid by the employer, of 10 lire for males over 18 years of age; of 7 lire for females over 18 years of age; 4 lire for juveniles not over 18, save for more favourable provisions contemplated by local agreements;

b) the family allowances eventually due, to be paid by the "Cassa Unica" (Family Allowance Fund);

c) a daily allowance, to be paid by the "Assicurazione contro la disoccupazione" (Unemployment Fund), of 20 lire for males over 18 years of age; 14 lire for females over 18; 8 lire for juveniles not over 18 years of age.

ART. 5

The firms are expected to transmit to the local office of the Istituto Nazionale Previdenza Sociale and to the appropriate Provincial Labour Office, not later than three days after the present decree becomes effective, a copy of the "waiting list".

ART.6

A worker, registered on the "waiting list" in case he resigns from his employment, is entitled to the liquid-

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

ation of the seniority service indemnity as per actual rules, regulations and collective contracts.

ART.7

The Provincial Labour Offices are expected to use their best endeavors in assuring employment either in agriculture, in public works or other employment for workers registered on the "waiting list" as well as for workers who are temporarily suspended from work. The latter will be proposed by the internal commission and fixed.

ART.8

All workers who are temporarily suspended from work or who work less than 48 hours each week, shall be paid at the following rate:

a) for each hour actually worked the rate of pay per hour including all indemnities;
b) for the number of hours not worked included between 0 and 48 hours weekly at the rate of 75% per hours as well as of the contingency indemnity calculated on an hourly basis. (§)

ART.9

The payment of the benefits as per article 7 and 8, is subordinate to the observance, on part of the worker, of the rules and regulations which will be established by the Provincial Labour Offices as well as by the Istituto Nazionale Previdenza Sociale.

The aforementioned economic benefits are not due to workers on waiting list or suspended from work, who are employed by other employer, even if temporarily, for the whole duration of the employment.

ART.10

All suspended manual workers or who are working at reduced hours and for whom special hours are established, will be entitled to the benefits as per art.9 is due for the hour worked less than those contemplated in the said specific per day working periods, and in any way no more than 48 hours per week.

The above mentioned economic treatment due to manual

(§) i.e. the pay is reduced 25% for each hour not worked. (Note of the translator)=

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

workers with fixed wages, as well as to office employees is calculated on the basis of the amount of the normal working recompense.

ART.11

Concerning the calculation of the working recompense as well as that of the working hours, in such cases in which the reduction of the working hours has been carried into effect through a distribution into ultra-week periods, are to be applied the rules specified in the collective agreement of 13 June 1941, concerning the integration of the wages to be paid to the workers in the employ of industrial undertaking working on a short-time basis, insofar as the said rules are not inconsistent with the present decree.

ART. 12

The economic treatment as referred to in Art.8 is not due to the workers working on a short-time basis in case of holidays not to be paid or of absence from work not implying a working recompense.

ART.13

The economic treatment indicated in Art.8 is paid by the industrial undertaking.

The two-thirds of the said economic treatment are refunded to the industrial undertaking by the "Cassa Integrazione" of the earnings of the industrial workers.

ART.14

The workers in suspense or working on a short-time basis are entitled to receive family allowances on a normal rate.

ART.15

Concerning the reimbursement as referred to in Art. 13, there are to be enforced the rules of the adjustment system contemplated in the collective agreement of 13 June 1941.

ART. 16

The "National Institute of Social Security" is autho-

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

rized to advance the funds needed to the industrial undertaking which on account of their particular financial situation are not possessing the amounts needed for the payment of the economic treatments as referred in the present decree.

Such financial advances are confined to the presumptive amount of the share to be refunded to the "Cassa d'Integrazione".

The advanced sums cannot be used for payments other than to which the said sums are destined.

ART.17

The provisions specified in the preceding articles are to be applied to the industrial undertaking subject to the collective agreement of 13 June 1951, as well as to their employees, limited by to the industrial establishments and offices located in the following provinces: Genova, Imperia, Savona, La Spezia, Torino, Aosta, Cuneo, Alessandria, Vercelli, Novara, Asti, Milano, Como, Varese, Mantova, Bergamo, Brescia, Cremona, Pavia, Sondrio, Vanezia, Belluno, Padova, Vicenza, Rovigo, Treviso, Udine, Verona, Trento, Bolzano, Bologna, Modena, Parma, Reggio Emilia, Ferrara, Ravenna, Forlì e Piacenza.

ART. 18

The present decree shall not apply to:

a) the workers whose employment began after the date of 28 April 1948;

b) the workers employed in seasonal works or engaged on a basis of a labour fixed-time agreement or occasionally for carrying out special works;

c) the workers who, although being employed by an industrial undertaking, are considered by the competent Provincial Labour Office as normally engaged in agricultural employment.

ART.19

The State shall concur to an extent of a 50% share, to the recovery of the financial burden weighing on the "Cassa d'Integrazione" for the earnings of the industrial workers in connection with the present decree, and shall advance on the account of its own financial share to the "National Intitute of Social Security", on behalf of the same "Casse d'Integrazione", a sum of 3.000.000.000 lire.

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

whenever the funds available for the "Gasse" would appear unsufficient, the State is empowered to allow further advances, even above the presumable limits of the above mentioned financial share.

The sums advanced to, the "Gasse" shall be refunded by the latter with no burden of interests and with due deduction of the share of financial burden on charge of the State.

The repayment of the advanced amounts is guarantied by the funds made available through the yield of contributions due to the "Gasse" in consequence of the collective agreement of 15 June 1941.

By a decree of the Ministry of the Treasury there shall be entered in the trial balance of the expenses to be borne by the Ministry of Labour and Social Security the sums needed for the enforcement of the present decree.

ART.20

The present decree becomes effective on the day following that of its publication in the "Gazetta Ufficiale", and shall be valid in the provinces mentioned in Art.1? up to the date of the 30th of September 1945, starting from 25 June 1945 for the provinces given back to the administration of the Italian government, and for the other provinces from the date on which the AMG shall order its enforcement.

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

LABOR SUB-COMMISSION

Milan
8 July 1945

MEMORANDUM FOR INDUSTRIALISTS' CONFERENCE

1. Wages cannot be considered separately from other labor problems, which are, in order of importance:

(a) Unemployment assistance;
(b) Alternative work schemes;
(c) Removal of surplus labor from industry;
(d) Wages generally;
(e) Establishment of labor administration machinery, including consultative bodies.

2. In treating separately the workers who happen to be on the payroll of industrial establishments there is grave danger in their having different advantages for separate sections of the industrial population. Unemployment is a general problem and the treatment should be the same for those who are surplus in industry as for those who find themselves without work on return from Germany, demobilization, etc. Therefore, there should be an adequate unemployment assistance system which can be applied equally to both sections of unemployed. Obviously the State will have to finance such an unemployment assistance system and will have to obtain finances by taxation and contributions from industry.

3. Industry claims that it cannot afford to continue payment of wages to non-productive employees. The workers claim that the industrialists can well afford to do this. If it is a fact that considerable profits have been made under the Fascist or German administration, is it not preferable that the State should collect by legal taxation methods such sums as appear to be available, and for the State to apply the result for the good of the general population of unemployed? The other alternative applies the alleged profits for the particular advantage of a comparatively small section of the working class community, and not only enters into competition with the Government on the issue, but may, in fact, prevent the Government from taking more generally effective measures.

4. Therefore the issues should be separated out and treated alternatively on a general or national basis and not on a local or industry basis.

5. Given an adequate unemployment assistance scheme of general application, it would be reasonable to place upon such a system the surplus workers from industry. It would certainly be reasonable to put industry on an efficient economic basis as soon as possible for obvious reasons of national and international trade. The question of the socialization of industry is mentioned

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Declassified E.O. 12356 Section 3.3/NND No. 780021

...y in order to s...e that this again is a separate political issue which ...an be decided without prejudice to the general problem.

6. General Order No. 48 was to operate to 31 July -- it may be extended to 31 August, if the parties agree -- but was intended to be of a temporary nature only, and during the period of its application it was intended that surplus labor should be removed, especially that which was engaged after 8 September 1943; that workers proper to agriculture should return to the land, and that industry should retain only those who are or will be permanently required, and those who, although not required at the moment, will be required in the not too distant future. For the latter class, namely those not fully required in industry at the moment but who will be required in the near future, a system of short-time working to retain them as available in the industry seems desirable. But to tie to industry persons with no industrial background, who cannot be considered as belonging to industry, seems to be a mistake.

7. To deal with all these labor questions an adequate labor administration machinery is required, operated by the State, and also consultative bodies comprising representatives of industry, workers and the State.

8. General Order No. 48 continues the ban on dismissals until 31 July 1945.

It provides for a waiting list of surplus workers to be paid an unemployment allowance of 20 lire per day plus family allowances, plus 10 lire per day to be paid by the normal employer. These amounts are considerably in excess of the ordinary unemployment payments, but do not compare very favorably with the proposed new rates in Milan. Therefore it is doubtful whether there will be agreement to place workers on these waiting lists.

9. With regard to workers employed less than a full week, General Order No. 48 provides for a "make-up" pay to cover the period between 8 hours and 40 hours per week. The amount payable is 75% of the basic pay, and of this "make-up" pay two-thirds is payable from the Cassa Integrazione. The Milan agreement of 23 June provides that unemployed or under-employed workers in industrial establishments shall receive 75% of the new indemnity in respect of unemployed time between nought and 48 hours a week. It will be necessary, obviously, to bring General Order No. 48 and any industrial agreement into line with each other. The meeting of representatives of the Government and of labor with representatives of industry in Northern Italy, on the subject of wage increases or bonuses, brings up the necessity of a central wage regulating machinery coupled with a central advisory board. Otherwise there is the possibility that locally negotiated agreements may be deemed to be generally applicable and there will be a tendency for each side to wish to apply to its own district only those features of the agreement which are particularly acceptable.

10. The acceptance on 8 July 1945 by the Milan conference of the general application of the Milan agreement throughout Northern Italy would not solve the general problems as stated above. The questions are:

(a) Is the Government prepared to arrange adequate unemployment assistance benefits?

(b) Are alternative work schemes being considered, and also the possibility of absorbing surplus labor in other forms of employment, including agriculture?

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Declassified E.O. 12356 Section 3.3/NND No. 786021

(c) When (a) and (b) are covered, is the Government prepared to lift the ban on discharges and to encourage the removal of surplus labor from industry?

(d) Is the Government prepared to support a central wages and arbitration machinery based upon Government labor administration machinery and the collection of vital statistics and information to enable the issues to be considered on a sound basis?

W. H. BRADEN
Director, Labor Sub-Commission

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Text of Agreement in Italian

CSC/415-

Nella riunione tenuta a Milano l'8 luglio 1945 nella sede della Commissione Centrale Economica del C.L.N.A.I. tra i rappresentanti della Confederazione Generale Italiana del Lavoro e delle Camere del Lavoro e delle Unioni Industriali delle provincie di Milano, Torino e Genova, alla presenza dei Ministri Ruini, Gronchi, Barbareschi, Romita e del Sottosegretario Amendola e dei Membri della C.C.E.é stato concordato:

é concessa a tutti i lavoratori ed impiegati dell'Alta Italia occupati nella industria una indennita di contingenza sulla base di quelle stabilite negli accordi di Milano.

A decorrere dal 25 giugno o da data precedente per gli accordi eventualmente già intervenuti e fino al 30 settembre p.v. i lavoratori dell'Alta Italia sospesi o lavoranti ad orario ridotto percepiranno il 75% della indennità di contingenza ed il 75% della retribuzione globale per le ore non lavorate tra le ore 0 e le 48 a causa di riduzione di orario. Di questo 75% il terzo e' a carico dei datori di lavoro e gli altri due terzi a carico della Cassa Integrazione.

Lo Stato interverra ad agevolare la corresponsione di tali indennità con un concorso la cui natura e le cui modalità saranno determinate da appositi provvedimenti legislativi. PER QUELLE industrie che nel detto periodo 25 giugno 30 settembre avessero difficoltà finanziarie al pagamento del terzo a loro carico, saranno prospettate dalla Confindustria al Governo le proposte necessarie.Sulla base dei presenti accordi le organizzazioni provinciali dei datori di lavoro e dei lavoratori dell'Alta Italia che non vi abbiano ancora provveduto stipuleranno gli accordi integrativi di attuazione per i lavoratori occupati o per quelli sospesi o lavoranti ad orario ridotto.

Al fine di facilitare la ripresa dell'attività produttiva tutte le nuove assunzioni di personale, a partire dall'entrata in vigore del presente contratto, non sono soggette a nessun blocco di licenziamento.Sono autorizzati i licenziamenti di tutti gli epurati.

Il Comitato Interministeriale per la Ricostruzione metterà subito allo studio, col concorso di rappresentanti della C.G.I.L. e di quelle dei datori di lavoro in modo da poterne iniziare l'attuazione anche prima del 30 settembre, il piano per impiegare la maggior parte di mano d'opera nei vari settori di attività produttiva e per fronteggiare, con provvedimenti adeguati, il prevedibile margine di disoccupazione.

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

se di quelle stabilite negli accordi di Milano.

A decorrere dal 25 giugno o da data precedente per gli accordi eventualmente già intervenuti e fino al 30 settembre p.v. i lavoratori dell'Alta Italia sospesi o lavoranti ad orario ridotto percepiranno il 75% della indennità di contingenza ed il 75% della retribuzione globale per le ore non lavorate tra le ore 0 e le 48 a causa di riduzione di orario. Di questo 75% il terzo e' a carico dei datori di lavoro e gli altri due terzi a carico della Cassa Integrazione.

Lo Stato interverra ad agevolare la corresponsione di tali indennità con un concorso la cui natura e le cui modalita saranno determinate da appositi provvedimenti legislativi. PER QUELLE industrie che nel detto periodo 25 giugno 30 settembre avessero difficoltà finanziarie al pagamento del terzo a loro carico, saranno prospettate dalla Confindustria al Governo le proposte necessarie.Sulla base dei presenti accordi le Organizzazioni provinciali dei datori di lavoro e dei lavoratori dell'Alta Italia che non vi abbiano ancora provveduto stipuleranno gli accordi integrativi di attuazione per i lavoratori occupati o per quelli sospesi o lavoranti ad orario ridotto.

Al fine di facilitare la ripresa dell'attività produttiva tutte le nuove assunzioni di personale, a partire dall'entrata in vigore del presente contratto, non sono soggette a nessun blocco di licenziamento.Sono autorizzati i licenziamenti di tutti gli epurati.

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

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

Date 22/1/45

Fr.	To.
✓	Vice President
	Brig. Anderson
	Col. Walton
	Col. Donsmore
	Lt. Col. Moore
	Mr. Hughes
	Maj. Smith
	Maj. Clark
	Maj. Tooby
	Capt. Atkins
	Capt. Williams
	Capt. Highland
	Lt. DiLorete
	Lt. Morgan
	Lt. Arensberg
	Requisition Br.
	Price Control Br.
	Mensafe Center

Fr.	ECONOMIC SECTION	To.
	Production Div.	
	Supply Div.	
	Agriculture Sub-Comm.	
	Commerce	
	Finance	
	Food	
	Industry	
✓	Labor	
	P W & U	
	Transportation	
	Chief Commissioner	
	Executive Commissioner	
	Civil Affairs Section	
	Establishment Section	
	Attention:	

	For appropriate Action		Note & Return
	Recommendations		Signature
	Dispatch		Investigation & Report
	Information		File
	Circulation & Return		Note & Return

REMARKS:

Possibly you have some use for this copy of the Italian Agreement

Mack

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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		
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANCHEZ-RIO		
Chief Clerk	file.	

REMARKS:

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Declassified E.O. 12356 Section 3.3/NND No. 786021

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

LSC/1306

AC/40714/33/L. /mt.

8 July 1945.

SUBJECT : General Order No. 48.

TO : Deputy Director, Labor Sub-Commission.

1. With reference to your LSC/1306 of 6th July.

2. Whether a man who succeeded in getting on the pay-roll of more than one employer, could be charged with an offence under Italian law would depend upon the precise steps he took to do so. Speaking generally I consider it extremely doubtful whether a charge could be sustained. The worker's conduct would come close to Art. 640 of the Penal Code, Swindling (truffa): "Whoever, by tricks or subterfuges, leads some one into error and obtains for him or others an unjust gain to the detriment of another person.....". To establish an offence under this Article it is essential to prove that the accused obtained the benefit to him by employing tricks or subterfuges. Until some specific cases have occured I do not think it advisable to make such conduct an offence under an AMG Order.

for W. E. BEHRNS,
Colonel,
Chief Legal Advisor.

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		
Mr. HIRD		
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO		
Chief Clerk		

REMARKS:

File

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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: 25C/1306

Subject: Request from Col. Poletti re Pers. Order # 118

Date: 4/7/45

To: ALCOM ROME ACLMIS

From: LOMBARDIA AREA FOR POLETTI- DI PEME

Documents Filed: 1 N CABLES

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

DCS:sb

6 July 1945

TEL : Ext. 416

REF : LSC/1306

SUBJECT: General Order No. 48.

TO : Legal Sub-Commission

1. Our attention has been called to the possibility of certain abuses to which the benefits conferred under General Order No. 48 may be put. In particular, it has been pointed out that persons may, either with collusion of employers or otherwise, cause themselves to be placed upon the pay roll of more than one employer thereby entitling them to the benefits provided for under Article 3 of General Order No. 48.

2. Could we have your opinion as to whether or not such conduct would be subject to prosecution under existing Italian law or whether an AMG order making such conduct an offense would be advisable?

3. For your information, it is contemplated that this General Order or a revision thereof will be extended to 31 August.

DAVID O. EACHS
Deputy Director
Labor Sub-Commission

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

LSC/1306

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

HB/pm

TEL : Ext. 204

REF : LSC/1306/415

4 July 1945

SUBJECT : General Order No. 48

Dear Sig. Cassiani :

I enclose a copy of General Order No. 48 issued by Allied Military Government in the North of Italy, regarding surplus labor in industrial establishments, and method of payment.

Yours sincerely.

W. H. BRAINE
Director
Labour Sub-Commission

Signor GERNARO CASSIANI
Sotto-Segretario del
Ministero del Lavoro

ROMA

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Declassified E.O. 12356 Section 3.3/NND No. 786021

File LSC 315

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

REF. : LSC/901 + 915 4 July 1945

SUBJECT : Arising from Conference of Regional Labour Officers at Milan on 23 June.

TO : Regional Labour Officers.

1. Attached are notes covering points discussed at the Milan conference.

2. Following is a summary of the reports required from you in order that we may be in a better position to formulate policy and ensure consistency.

i. Industrial unrest. Immediate reports required of any strike or agitation.

ii. Surplus Labour. (a) Observations required by 20th July on advisability of continuing General Order No. 43.

(b) Special report is required under para 4 of General Order No. 43. Can you please arrange with Officio del Lavoro for the "waiting list" that is to be furnished on 18th July to be summarized by industry groups, under the headings of skilled, semiskilled and unskilled. Separate firms need not be shown. Two copies of the summary are required at this Office as soon after 18th July as possible.

iii. Regional organization. Statements showing Regional organization and salaries, with any recommendations for improving the organization, are awaited.

iv. Socialization. Reports on the extent of socialisation are outstanding from Lombardia and Venezia.

1698

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

v. R.I.J.A.C.: The following information will be helpful:

a. Statement of the number of meetings held.

b. Summary of all wage changes already approved by R.I.J.A.C.

c. Report on all future wage changes approved.

W. H. BRAINE
Director
Labour Sub-Commission

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

Surplus Labour.

Firms where 25% or more of workers are being paid but are not actually working.

IMPERIA PROVINCE. Nil (Signal 27 June - L5C/413)

SAVONA PROVINCE 14 firms (Signal 26 June L5C/413)
- See (O) of letter rec'd 29 June.

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

O ALLA LETTERA 19/6/45 INDIRIZZATA ALL'UFFICIO PROVINCIALE DEL LAVORO GENOVA PROVINCIA

a) Le ditte in cui sono stati costituiti Consigli di Gestione Aziendale sono soltanto le quattro seguenti:

1 - S.A.Edizioni e Pubblicazioni - editrice del giornale "Il Secolo XIX", la quale occupava N°116 dipendenti ed aveva un capitale sociale di L.1.300.000.
2 - S.A.Edizioni Periodiche - editrice del "Corriere Mercantile", la quale occupava N.129 dipendenti, ed aveva un capitale sociale di L.900.000.
3 - Soc.Editrice "Il Lavoro", la quale occupava N.121 dipendenti ed aveva un capitale sociale di L.1.600.000.
4 - S.A.Industrie Grafiche ed Affini "S.A.I.G.A." ex Barabino & Graeve, esercenti l'industria grafica e litografica, la quale occupava N.204 dipendenti ed aveva un capitale sociale di L.3.000.000.

b) Risulta siano stati a tutt'oggi nominati dal Comando Militare Alleato N°4 Commissari per N°4 Ditte, come dalla dimostrazione seguente:

Meccanici e Metallurgici	Ditte N.2	Dip.ti N. 1158
Edilizia	" " 2	" " 84
Totale	Ditte N.4	Dipb.ti N.1242

c) Nessun Commissario risulta essere stato nominato dal C.L.N.; sono viceversa stati proposti dal Comitato stesso al Comando Militare Alleato N°7P Commissari per N.91 ditte, ripartite nelle seguenti categorie:

Edilizia	N.75	ditte	occupanti	complessivamenti N.	7.157 dip.ti
Cemento,calce	" 1	"	"	" "	276 "
Prodotti chimici	" 4	"	"	" "	586 "
Agric.Alimentari	" 3	"	"	" "	237 "
Meccanici Metall.	" 6	"	"	" "	33.842 "
Grafici	" 1	"	"	" "	13 "
Ferrotramvie	" 1	"	"	" "	68

Totale N.91 Ditte occupanti complessivamente N. 42.179 dip.ti

d) Da indagine effettuata nei confronti delle più importanti ~~xxxxxxx~~ Ditte industriali, secondo le risposte fino ad oggi pervenute, risulta, che non utilizzano almeno il 25% dei lavoratori in forza presso di esse, N.39 Ditte. Come dal seguente prospetto dimostrativo per categoria d'industria:

Categoria	Personale in forza	Personale al lavoro
Conciarie	630	150
Tessili	113	50
Cemento, ceramica e refrattari	599	75
Chimica	687	316
Alimentari	584	150
Mugnai pastai	170	93
Zucchero e dolci	752	192
Meccanici e metallurgici	46.091	568
		1.694

1600

Declassified E.O. 12356 Section 3.3/NND No. 786021

RAGIONE SOCIALE E INDIRIZZO	Personale in forza	Personale al lavoro
SEBASTIANO BOCCIARDO & C. - Via Carsvari 39	435	60
CONSERIA E. & F. CARELLA S.A. Via Vecchie Gavette25	122	50
SACCO ANTONIO - Via Sobbio 7	73	30
Totale Sindacato CONCIATORI	630	130
MICHELE ROLLI - Genova Pontedecimo	78	50
LINIFICIO & CANAPIFICIO NAZ.-Via Risorgimento 44	35	--
Totale Sindacato Tessili	113	50
SOC. "ITALIA" CEMENTI ARTIFICIALI - Ponte Carrega	206	--
CERAMICA LIGURE VACCARI - Via Borzoli 30	240	--
ING. FILIPPO & CARLO TASSARA - Genova Sestri	113	75
Totale Sind. CARTE CEMENTO GESSO e Sind. VETRO E CERAMICA	599	75
SAPONERIE V. LO FARO & C. Via Ceccardi 3/5/	139	50
TOMASO MORO & FIGLI Via G.B. Carpaneto 8	71	11
BOERO BARTOLOMEO - Via San Martino 61	69	41
OLEIFICI LIGURI LOMBARDI - Via Fiumara 2	193	120
FRATELLI TASSANI - Genova Bolzaneto	46	18
A. BRUSCHETTINI - Via Isonzo 6	39	34
ATTILIO SALVADE' E FIGLI - Via Giro del Vento 4	5	--
SOC. AN. MIRA LANZA - Via Lepanto 6	109	42
BRUGNERA & C. - Via Luccoli 14	33	--
Totale Sind. CHIMICI	687	316
SOC. LIBRARIO BIASIOLI - Via del Commercio 7	293	--
SOC. AN. PRODOTTI ALIMENTARI - Piazza della Vittoria 7	188	150
CONSERVIERA SOC. AN. - Genova Pegino	103	--
Totale Sind. Agricole Alimentari e Sind. Acque Gassate birra freddo	584	150
SOC. ESERCIZIO MOLINI - Via Archimede 39	143	93
PASTIFICIO LIGURE - Via L. Gagliardo 3	5	--
S.A. F.LLI CASSANELLO - Via S. Filiberto 33	1	--
Totale Sind. MUGNAI PASTAI	170	93
	2743	734

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Declassified E.O. 12356 Section 3.3/NND No. 786021

BERIDANIA ZUCCHERIFICI NAZIONALI - Via Paciaotti 31	395	55
"SAIWA" - Corso Giulio Cesare 161	184	57
M. & V. VINELLI - Via Monte Sei Busi 7	11	--
SAN GIACOMO Ing. G. DUFOUR - Genova Cornigliano	162	80
Totale Sind. ZUCCHERO E DOLCI	752	192
FRATELLI BRUZZO - Via XX Settembre 37	1578	77
"ILVA" Stabilimento di Bolzaneto	873	400
" " Cogoleto	457	222
" " Voltri	1137	385
"SIAC" SOC. IT. ACCIAIERIE CORNIGLIANO Via Perrone 20	4550	2000
FRATELLI MONTEC - Via Roma 11	541	400
FABBRICA ITALIANA TUBI - Setri Levante	411	--
Totale Sind. METALLURGICI	9557	3490
SOC. AN. ANSALDO - Genova Cornigliano	25995	10000
CANTIERI DEL TIRRENO - Piazza Cigre 11	1003	501
BAGNARA S.A. - Via XX Settembre 41	506	325
FONDERIE NERVIESI - Via del Commercio 17	43	32
SAN GIORGIO - Genova Sestri	7271	1904
LA CERTOSA di G. GAROSI Via A. Ristori	37	86
IND. MUSSI REG. AFS. "INTRA" Genova Pegli	624	250
Totale Sind. MECCANICI	36534	13078
	46896	17594

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

PR/IND/113 25 June 1945

Subject: Industrial Establishments in Italy

To: Economic Section
U.S. Allied Commission

1. Ref. your EDC/413 dated 1 June 1945, attached is a list of Firms in Piemonte in which Commissioners or Works Management Committees have been appointed or proposed.

a) Plants giving number of workmen employed where Works Management Committees have been established.

b) Plants in which Commissioners have been appointed or are about to be by A.M.G.

c) Plants in which Commissioners have been appointed other than by A.M.G.

d) It is impossible to give the information called for in your para 2(d) at present, but it is estimated that out of 150.000 employees in Turin 70.000 are employed 40 hrs./week or more and 80.000 are paid but actually work 40 hrs./week or less.

R.P. Marshall Col. F.A.
D.S.C.A.C. IV Corps
Piemonte Region

Encl.

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

HEADQUARTERS
ALLIED MILITARY GOVERNMENT
SAVONA PROVINCE
Industry Section

Ref: SAV/IND/70
Subject: Industrial establishments in Northern Italy

To: Headquarters, Allied Military Government
Liguria Region - Industry Division.

1. Reference your LIG/413 of June herewith the information called for under the respective headings.

a) None

b) None

c)

Firm	Business	nº of workers	Commissioner
S.A.CAMPANELLA ASCENSO Savona	Shipbuilders	188	Geom.Giovanni Clerico.
STABILIMENTI ITALIANI GAVARRY - Savona -	Soapmakers	19	Sig. Oneto Giovanni
S.A.CANTIERI BAGLIETTO Varazze	Shipbuilders	717	Dr. Penconi Umberto
S.A.PIAGGIO & Cº Finale Ligure	Light Engineering	38	Magg.Ferruccio Ronzi
S.A.R.BARTOLI & CAVALLETTI - Savona -	Light Engineering	111	Macch.Vismara Lorenzo
S.A.CANTIERI NAVALI MEDITERRANEO-Pietra Ligure	Shipbuilders	553	Rag. Boscaglia
S.A.CANTIERI NAVTAL Andora	Shipbuilders	86	Cap. Antonio Novaro
CANTIERI NAVALI SOLIMANO Savona	Shipbuilders	54	Macch.Briano Agostino
S.A.CANTIERI ARMAMENTI LIGURI - Andora -	Shipbuilders	64	Macch. Elvio Lombardi

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

In addition to the above the Soc.Tramvie Elettriche Savonesi of Savona which is a private concern, has had a Commissioner appointed namely Ing.Cattaneo Emilio.

d)

Firm

S.A. ILVA REFRATTARI - Vado -	Refractery
S.A. ILVA - Savona -	Metallurcigal
S.A. SERVETAZ BASEVI - Savona -	Light Engineering
S.A. SCARPA MAGNANO - Savona -	Light Engineering
S.A. MONTEPONI - Vado Ligure -	Metallurgical
S.A. FERRANIA - Ferrania -	Films
S.A. A.C.N.A. - Cengio -	Chemicals
S.A. AMMONIA & DERIVATI - S.Gius.	Chemicals
S.A. DISTILLERIE ITAL. - Savona	Chemicals
S.A. FONDERIA BALBONTIN - Savona	Metallurgical
S.A. AZIENDA MINER.LIGURE - Savona -	Mine
DITTA F.LLI GRONDONA - Savona -	Tar Refinery
S.A. CAMPANELLA & ASCENSO - Savona -	Light Engineering
S.A. METALLURGICA SAVONESE - Savona -	Light Engineering

sgd: P. Cuneo
for K.McHOUL , Lieut R.A.
Industry Officer,
Savona Province.

1605

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

File 415

HEADQUARTERS ALLIED COMMISSION
APO 794
LABOR SUB-COMMISSION

WHB/rmw

3 July 1945

TEL : Ext. 204

REF : LSC/415/306

SUBJECT: General Order No. 48-Employment in Industrial Undertakings.

TO : Brig. Gen. E. L. McKinley
Acting Vice President
Economic Section

1. Copies of General Order No. 48 were received from the printers today, 3 July, and will probably be posted in the North during the course of the next few days. This Order deals with surplus workers in industrial establishments, and payment and removal to other forms of work. It is worth recording that the policy embodied in this Order was recommended in May and was agreed with the Italian Ministers on 2 June. For a variety of reasons outside the control of Finance Sub-Commission and Labor Sub-Commission, who are jointly concerned with this question, there has been delay in the issuance of the Order so that instead of being in effect for nearly two months up to 31 July, it will be in effect for less than one month before it is due to expire.

2. The purpose of the Order was to provide cover for an interval during which steps should be taken to reduce the surplus of labor in industrial establishments. It now seems advisable to extend the application of the Order for another month, to 31 August, and a decision is sought whether action should be taken to this end.

W. H. BRAINE
Director
Labor Sub-Commission

Encl. (1)

cc: Brig. Gen. E. L. Anderson
Economic Section

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

CONFIDENTIAL

HEADQUARTERS ALLIED COMMISSION
INSURANCE DEPARTMENT
FINANCE SUB-COMMISSION
APO 394

LSC/1306

13261/F

3 July 1945

SUBJECT : Extension of G.O. 48 to 31 August

TO : Joint Directors

1. Reference is made to a telephone conversation with the Director of Labour Sub-Commission concerning extension of the period covered by General Order N. 48.

2. Under Article VI, this order remains in effect until 31st July. Because of incredible blundering beyond the control of either interested Sub-Commission, this order is only in process of being sent forward, leaving less than a month for operation of such provisions as those calling for measures to provide special employment opportunities.

3. The Director of Labour Sub-Commission believes that prompt action should be taken looking to extension of the period of this order to 31st August. Since the earlier terminating date was based on an accord with the Italian Government, it is assumed that we should have to refer to them again. If their agreement can be obtained, it would seem that we should go along with the Labour Sub-Commission in this action.

4. Since two officers from this Department will be leaving for the North during the next few days, it is deemed wise to state this position herewith so that their absence will in no way retard handling of the matter.

5. We recommend that the Chief Budget Officer be asked to cooperate with Labour Sub-Commission in referring

1689

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

the possibility of renewed Italian Government support to the Minister of the Treasury for urgent consideration.

6. Your views on this matter will be appreciated.

MAJOR, R.A.S.C.
Insurance Department
Finance Sub-Commission

Copy to Labour Sub-Commission
(att. Mr. Braine) ✓

AHR/r

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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	MA	7/6/67
Mr. SCOTT	RS	6/7
Mr. PROCTOR	[illegible]	5/7.
Miss. STEVENSON	[illegible]	5/7
Miss. SANSEVERINO		
Chief Clerk		

REMARKS.

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

File
LSC/1306

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

WHB/rmw

3 July 1945

TEL : Ext. 204

REF : LSC/1306/415

SUBJECT: General Order No. 43

Dear Sig. Barbareschi:

I enclose a copy of General Order No. 43 issued by Allied Military Government in the North of Italy, regarding surplus labor in industrial establishments, and method of payment.

Yours sincerely,

W. H. BRAINE

W. H. BRAINE
Director
Labor Sub-Commission

Sig. Gaetano Barbareschi
Minister of Labor and Social Welfare
Italian Government
Rome

1686

1610

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

File
LSC/1306

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

WHB/rmw

TEL : Ext. 504

3 July 1945

REF : LSC/1306/415

SUBJECT: General Order No. 43

Dear Comm. Simeoni:

I enclose a copy of General Order No. 43 issued by Allied Military Government in the North of Italy, regarding surplus labor in industrial establishments, and method of payment.

Yours sincerely,

W. H. BRAINE
Director
Labor Sub-Commission

Comm. Francesco Simeoni
Director-General for Labor
Ministry of Labor and Social Welfare
Italian Government
Rome

1685

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

File
LSC/1306

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

WHB/rmw

TEL. : Ext. 204

3 July 1945

REF : LSC/1306/415

SUBJECT: General Order No. 48

Dear Ing. Friggeri:

I enclose a copy of General Order No. 49 issued by Allied Military Government in the North of Italy, regarding surplus labor in industrial establishments, and method of payment.

Yours sincerely,

W. H. BRAINE

W. H. BRAINE
Director
Labor Sub-Commission

Ing. Friggeri
Industrial Employers Confederation
Via del Plebescito, 101
Rome

1684

Declassified E.O. 12356 Section 3.3/NND No. 786021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

File
LSC/1306

WHB/rmw

TEL : Ext. 204

5 July 1945

REF : LSC/1306/415

SUBJECT: General Order No. 48

Dear Sirs:

I enclose three copies of General Order No. 48 issued by Allied Military Government in the North of Italy, regarding surplus labor in industrial establishments, and method of payment.

Yours sincerely,

W. H. DRAINE
Director
Labor Sub-Commission

The Secretariat
General Confederation of Italian Labor
Via Boncompagni, 19
Rome

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Declassified E.O. 12356 Section 3.3/NND No. 786021

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

LSC/1306
WHB/rmw

TEL : Ext. 204

REF : LSC/1706/415

8 July 1945

SUBJECT: General Order No. 48

Dear Comm. Cau:

I enclose a copy of General Order No. 48 issued by Allied Military Government in the North of Italy, regarding surplus labor in industrial establishments, and method of payment.

Yours sincerely,

W. H. BRAINE
Director
Labor Sub-Commission

Comm. Giovanni M. Cau
Director-General of Social Security
Ministry of Labor and Social Welfare
Italian Government
Rome

1682

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

Labor/306

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

WHB/rnw

3 July 1945

TEL : Ext. 204

REF : LSC/415/306

SUBJECT: General Order No. 48-Employment in Industrial Undertakings.

TO : Brig. Gen. E. L. McKinley
Acting Vice President
Economic Section

1. Copies of General Order No. 48 were received from the printers today, 2 July, and will probably be posted in the North during the course of the next few days. This Order deals with surplus workers in industrial establishments, and payment of removal to other forms of work. It is worth recording that the policy embodied in this Order was recommended in May and was agreed with the Italian Ministers on 2 June. For a variety of reasons outside the control of Finance Sub-Commission and Labor Sub-Commission, who are jointly concerned with this question, there has been delay in the issuance of the Order so that instead of being in effect for nearly two months up to 31 July, it will be in effect for less than one month before it is due to expire.

2. The purpose of the Order was to provide cover for an interval during which steps should be taken to reduce the surplus of labor in industrial establishments. It now seems advisable to extend the application of the Order for another month, to 31 August, and a decision is sought whether action should be taken to this end.

W. H. BRAINE
Director
Labor Sub-Commission

Encl. (1)

cc: Brig. Gen. D. L. Anderson
Economic Section

1681

ALLIED MILITARY GOVERNMENT
OF OCCUPIED TERRITORY

GENERAL ORDER Nº 48

EMPLOYMENT IN INDUSTRIAL UNDERTAKINGS

WHEREAS in present conditions many workers employed by industrial undertakings in Northern Italy are surplus to the requirements of such undertakings; and

WHEREAS it is essential that such workers should not be dismissed, but should be retained or provided with alternative employment; and

WHEREAS in such case it is necessary that provisions should be made for the pay and allowances of the said workers; and

WHEREAS the Italian Government has requested the Allied Military Government that in such case the cost of such pay and allowances should be borne between the industrial undertakings by which the said workers are employed and the Cassa Integrazione Salariale and the Italian Government has agreed to provide, subject to future settlement and allocation, the necessary funds for the Cassa Integrazione Salariale if the current funds thereof are insufficient for this purpose.

NOW, THEREFORE, I, ELLERY HUNTER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows :

ARTICLE I

DISMISSAL OF WORKERS FORBIDDEN

It is forbidden for any industrial undertaking to dismiss or discontinue the employment of any worker to whom this order applies unless.

a. Alternative reemployment is immediately available to such worker; or

b. Such worker has by his conduct given due cause for his dismissal. Any dispute as to the existence of such due cause shall, if the same cannot be settled by the Internal Commissions of the said undertaking, be referred to and determined by the local Ufficio del Lavoro.

ARTICLE II

1680

WAITING LISTS

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

WHEREAS in such case it is necessary that provision be made for the pay and allowances of the said workers; and

WHEREAS the Italian Government has requested the Allied Military Government that in such case the cost of such pay and allowances should be borne between the industrial undertakings by which the said workers are employed and the Cassa Integrazione Salariale and the Italian Government has agreed to provide, subject to future settlement and allocation, the necessary funds for the Cassa Integrazione Salariale if the current funds thereof are insufficient for this purpose.

NOW, THEREFORE, I, ELLERY WHEELER STONE, Rear Admiral, United States Naval Reserve, Chief Civil Affairs Officer, for and on behalf of the Supreme Allied Commander and Military Governor, hereby order as follows :

ARTICLE I

DISMISSAL OF WORKERS FORBIDDEN

It is forbidden for any industrial undertaking to dismiss or discontinue the employment of any worker to whom this order applies unless:

a. Alternative reemployment is immediately available to such worker; or

b. Such worker has by his conduct given due cause for his dismissal. Any dispute as to the existence of such due cause shall, if the same cannot be settled by the Internal Commissions of the said undertaking, be referred to and determined by the local Ufficio del Lavoro.

ARTICLE II

WAITING LISTS

1680

a. Every industrial undertaking in which by reason of present conditions it is necessary temporarily to reduce the numbers of workers in active employment shall establish a "temporary waiting list" upon which there shall be inscribed :

i. The names of all workers in the said undertaking who at the effective date of this order are registered on the "temporary dispensibility list" in accordance with the decrees of the so-called Fascist Republican Government dated 30 January 1945 and 13 February 1945; and

b. such other workers in the said undertaking as may from time to time be agreed between the management of the said undertaking and the Internal Commission thereof or in default of such agreement as may be determined by the local Ufficio del Lavoro.

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

2. All workers inscribed on the said list will be subject to such rules, regulations and control as may be established from time to time by the Istituto Nazionale della Previdenza Sociale for the purpose of determining employment status.

3. All workers inscribed on the said list will be entitled to the following benefits :

a. A daily allowance, to be paid by the said undertaking, of 10 Lire for males over 18 years of age; of 7 Lire for females over 18 years of age; 4 lire for juveniles not over 18 years of age.

b. The normal family allowance, to be paid by the said undertaking which shall be reimbursed by the Family Allowance Fund.

c. A daily allowance, to be paid by the specialUnemployment fund, of 20 lire for males over 18 years of age; 14 Lire for females over 18 years of age; 8 lire for juveniles not over 18 years of age.

: The allowances described in (b) and (c) hereof shall be paid in accordance with such rules and regulations established by the Istituto Nazionale della Previdenza Sociale as are not inconsistent with this order.

4. a. The industrial undertaking will transmit to the local office of the Istituto Nazionale della Previdenza Sociale and to the local Ufficio del Lavoro, not later than three days after the effective date of this order, a copy of the temporary waiting list.

b. Thereafter the industrial undertaking will transmit to the local Ufficio del Lavoro on the 3rd and 15th July 1945 the names of the workers then inscribed on the said list together with such information as the Ufficio del Lavoro may require.

c. The local Ufficio del Lavoro will use its best endeavours to provide for all workers inscribed on the temporary waiting list temporary alternative employment either in agriculture or in public works or in other available employment. Any worker who without due cause refuses to accept the alternative employment so provided shall forthwith be struck off the temporary waiting list and become liable to immediate dismissal by the industrial undertaking, notwithstanding the provisions of Article I of this order. Any dispute between the worker and the industrial undertaking as to the existence of due cause for such refusal shall, if the same cannot be settled by the Internal Commission of the industrial undertaking, be referred to and determined by the local Ufficio del Lavoro.

5. Workers on the temporary waiting list continue to rank as employees of the industrial undertaking and are entitled to all their seniority service rights under collective contracts and regualtions in force as if they were regularly attending work. Workers in the building industry will continue

Declassified E.O. 12356 Section 3.3/NND No. 760021

A daily allowance, to be paid by the special unemployment fund, of 20 lire for males over 18 years of age; 14 lire for females over 18 years of age; 8 lire for juveniles not over 18 years of age.

: The allowances described in (b) and (c) hereof shall be paid in accordance with such rules and regulations established by the Istituto Nazionale dell, Previdenza Sociale as are not inconsistent with this order.

4. a. The industrial undertaking will transmit to the local office of the Istituto Nazionale della Previdenza Sociale and to the local Ufficio del Lavoro, not later than three days after the effective date of this order, a copy of the temporary waiting list.

b. Thereafter the industrial undertaking will transmit to the local Ufficio del Lavoro on the 3rd and 18th July 1945 the names of the workers then inscribed on the said list together with such information as the Ufficio del Lavoro may require.

c. The local Ufficio del Lavoro will use its best endeavours to provide for all workers inscribed on the temporary waiting list temporary alternative employment either in agriculture or in public works or in other available employment. Any worker who without due cause refuses to accept the alternative employment so provided shall forthwith be struck off the temporary waiting list and become liable to immediate dismissal by the industrial undertaking, notwithstanding the provisions of Article I of this order. Any dispute between the worker and the industrial undertaking as to the existence of due cause for such refusal shall, if the same cannot be settled by the Internal Commission of the industrial undertaking, be referred to and determined by the local Ufficio del Lavoro.

5. Workers on the temporary waiting list continue to rank as employees of the Industrial undertaking and are entitled to all their seniority service rights under collective contracts and regualtions in force as if they were regularly attending work. Workers in the building industry will continue to receive the special benefits relative to Christmas bonus, vacations and national holidays. The rights referred to in this Section will continue also during the period of any temporary alternative employment provided under Section 4 (c) hereof.

6. A worker on the temporary waiting list is permitted to resign from his employment with the industrial undertaking in which case he will be entitled to receive the usual allowances for dismissal.

Declassified E.O. 12356 Section 3.3/NND No. 759027

ARTICLE III

REDUCED HOURS

1. All workers employed by an industrial undertaking other than those inscribed on the temporary waiting list there of will, so far as practicable be maintained in full time employment. When such full time employment is not practicable the previsions of this Article shall have effect.

2. All workers for more than eight but less than forty hours each week shall be paid at the following rates:

a. For the number of hours actually worked at the rate of the effective pay per hour.

b. For the difference between forty hours and the number of hours actually worked at the rate of 75% per hour, of the minimum base pay.

The aforementioned payments shall be paid to the worker by the industrial undertaking which shall be entitled to recover two-thirds of the payment mentioned in Clause (b) from the Cassa Integrazione Salariale.

3. In computing the pay and in calculating the hours of work in cases in which the period of work exceeds one week, payment of the supplement referred to in Section 2 (b) above will be in accordance with the rules of the collective contract of 13 June 1941 for the supplement to industrial employees working reduced hours, insofar as they are consistent with this order.

4. The payments described in Section 2 (b) above will not paid in case of absence from work due to holidays, sickness, or industrial accident.

5. For the purpose of the recovery from the Cassa Integrazione Salariale of the two thirds of the payment referred to in Section 2 (b) above, the industrial undertaking will apply the adjustment system established by the provisions and regulations applicable to the Cassa Integrazione Salariale and by the aforesaid collective contract of 13 June 1941 save insofar as the same may be inconsistent with this order.

ARTICLE IV

1678

Any industrial undertaking which is not financially in a position to pay in advance the family allowance referred to in Article 3 (b) of this order or that portion of the payment referred to in Article III 2 (b) of this order as is recoverable from the Cassa Integrazione Salariale may apply for the necessary funds to make either or both such payments to the Provincial Office of the Istituto Nazionale della Previdenza Sociale which shall thereupon advance such necessary funds on account of the Fami-

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Declassified E.O. 12356 Section 3.3/NND No. 759021

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In such case it will be the responsability of the Provincial Office of the Istituto Nazionale della Previdenza Sociale to ensure that the funds so advanced have been used in payment of the liabilities hereinbefore mentioned.

1620

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

ARTICLE V

APPLICABILITY OF ORDER

1. This order shall not apply to:

a. Any worker employed by an industrial undertaking whose employment began after the effective date of this order.

b. Any casual worker, after the termination of the work for which he was specifically engaged.

c. Any worker who though employed by an industrial undertaking has experience of and is considered by the local Ufficio del Lavoro to be normally engaged in agricultural employment.

2. Nothing is this order shall be deemed to prohibit an industrial undertaking from the preparation of a scheme for the gradual dismissal of workers who have been taken into employment by such undertaking since the 8th September 1943 provided that no such scheme may put into operation without the previous authority in writing of the Allied Military Covernment.

3. Save as in this article specifically mentioned, this Order applies to all industrial undertaking within territory in which this Order is effective and tocall workers employed by such undertakings.

ARTICLE VI

EFFECTIVE DATE AND DURATION

This Order have effect in any province within territory subject to the Allied Military Government on the date of its first publication therein and shall continue in effect until the 31st July 1945 inclusive.

FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR.

EILEEN WHEELER STONE,
Rear Admiral,
United States Naval Reserve,
Chief Civil Affairs Officer.

Declassified E.O. 12356 Section 3.3/NND No. 786021

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FOR THE SUPREME ALLIED COMMANDER AND MILITARY GOVERNOR.

ELLERY WHEELER STONE.
Rear Admiral.
United States Naval Reserve.
Chief Civil Affairs Officer.

1677

June 1945

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

1623

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

Information Memorandum

CRIT

HEADQUARTERS ALLIED COMMISSION
AFO 394
FRANCES SUB-COMMISSION
Insurance Department

27 June 1945

Ins. 315/F

SUBJECT : Treatment of Surplus Workers in Northern Italy.

TO : Joint Directors.

1. Upon liberation of the industrial North, Allied authorities found already in operation a two fold system of caring for workers rendered surplus by war damage and materials shortages. One group benefited by a broadening of the scope of the "integrazione salariale" a guaranteed minimum compensation to short-time workers. A second group placed on a temporary waiting list, was granted special daily allowances by the employer and the Unemployment Fund and the right to continue to receive regular family allowances. Both treatments were provided under decrees of the Fascist Republican Government of 20 January and 15 February respectively.

2. The purpose of General Order No. 43 is to provide a proper legal basis for continuing the essential features of this system. It is based on discussions with the Italian Government which not only gave invaluable technical advice but undertook to subsidise the Cassa Integrazione Salariale, already seriously strained by the unusual burdens it has had to bear in recent months.

3. After limiting the employer's right of discharge to prevent large scale dismissals, G.O. 43 divides surplus workers into two categories:
(a) those for whom some work can be found and
(b) those who must be considered "disponibile" and who are therefore placed on a temporary waiting list.

4. Workers who can be employed for at least one day a week (eight hours) are then guaranteed some compensation for each of up to 40 hours weekly. For hours worked they receive pay at the regular hourly rate (including the proper proportion of all emoluments to which they are entitled). For hours not worked they receive three-quarters of the minimum base pay per hour. Cassa Integrazione Salariale is directed to reimburse the employer for two thirds of payments for hours not worked.

5. Workers on the waiting list draw the following benefits:

	Special daily allowances	
	Employer	Unemployment Fund
Male, over 18	Lit. 10	Lit. 20
Female " "	" 7	" 14
Juveniles	" 4	" 8

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1624

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

For	Family Allowances (daily)	
Wife	Lit.	5,70
1 child	"	4,00
Each of 2-3 children	"	5,35
Each of 4 or more "	"	6,35
Other dependent	"	3,75

6. Only payments by the Unemployment Fund are not made, in the first instance at least, by employers. To assure that employers can make payments subsequently reimbursable by Cassa Integrazione Salariale or Cassa Assegni Familiari, it has been provided that they may borrow on this account from the provincial offices of Istituto Nazionale della Previdenza Sociale which supervises the two funds. A.M.G. finance officers have been instructed to assure that the provincial offices of Previdenza have the necessary funds to do this.

7. Special financing is required because these funds are being used for purposes beyond the scope of their intended responsibilities. Cassa Integrazione, originally receiving a 5% payroll tax for its support, has been effectively transformed into an outpayment agency, pure and simple.

8. G.O. 43 will expire 31 July unless extended, as may prove necessary. It is desired in any case, to permit the whole plan to be reconsidered before that date. After all, this is a large-scale experiment in dealing with a wide-spread unemployment problem which can threaten political and economic chaos if not adroitly handled.

A. H. Reede

A. H. Reede
Major, A. U. S.
Finance, Insurance.

AHR/fg

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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		
~~Mr. B. WEBB~~		
~~Mr. AIREY~~		
Mr. SCOTT	RA	29/6.
Mr. PROCTOR		2/7.
Miss STEVENSON	S	4/7
Chief Clerk		

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

CS/415+
308

HEADQUARTERS ALLIED COMMISSION
INSURANCE DEPARTMENT
FINANCE SUB-COMMISSION
APO 394

INS/303/F 27 June 1945

SUBJECT : Carloni's Report re Social Insurance in North.

TO : Chief Insurance Officer

1. Dott.Carloni, who has represented the Ministry of Industry, Commerce and Labor in the actions taken in the North relative to reorganization of social insurance, called at 1600 hours to report progress and seek advice.

2. He reported that the entire Division of Private and Social Insurance has been transferred to the new separate Ministry of Labour and Social Welfare. Comm.Cau remains head of this Division for the present, but the views of the new Minister, Barbareschi, on the personnel and policies of the Division remain unexpressed and unknown.

3. Carloni stated that the firm policy of the R.F.O for Lombardie had greatly facilitated his work in dissolving the pseudo-head offices and arranging for inventories of their assets. Normal relation were already re-established as between the Rome head office and some of the provincial offices and this would continue as communications improved.

4. The R.F.O. had refused to recognised C.L.N.A.I. appointees as "Northern Commissarios" and had made this so clear that the appointees themselves recognised that they had no status. Some of them continued to come to the provincial offices in Milan, but none were attempting to exercise any authority or functions. Carloni was advised that the offices should bar their entry unless they had proper official business to transact.

5. The R.F.O. has directed Carloni and the institutes' representatives to carry out their technical duties and to refrain from political negotiations, with the C.L.N.A.I. for example. He explained to him that this was found

1627

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

position; that his group represented the Italian Government and should deal only with the Military Government while in that area; and that this in no way prevented the C.L.N.A.I. from presenting on its own behalf or on behalf of the people of Northern Italy, petitions or declarations to the Military Government Orderly process demands, nevertheless, one Government in any given area.

6. Carloni presented a list of 30 institutes now represented in the North by functionaries speaking for the Rome Office. They were already engaged in the work for which they had gone North and he would present a written report on the results to date before returning to Milan. In general the assets of the Institutes had been carefully husbanded and the property and documents were in good order.

7. The chief difficulty so far encountered in the North concerns the legislation of the Repubblichino Government which in some areas remains in force notwithstanding its lack of proper legal foundation. Carloni could not say whether this was due to such practical obstacles as the lack of steps to execute workers' contributions, but contended that supplies could be brought North to overcome this if it proved the case. He agreed to consider an instruction to regularize the position for issuance the moment practically it could be effectuated.

8. Carloni inquired as to the possibility of finding transport to bring assets of the pseudo head offices to Rome, stating that the regional authorities could not supply this. He pointed out that this was not necessary as regards either cash or securities which could be credited to the Rome offices at the provincial branch of the Banco d'Italia. Documents should certainly be moved at the earliest possible moment, and if he would give us a statement of the space needed we would attempt to supply the need. Other property must be stored until such time as transport can be properly used to carry it, in view of other needs.

9. Carloni also adverted to the status of personnel

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Declassified E.O. 12356 Section 3.3/NND No. 785031

transferred to the North, some of whom brought their families there. Many now wish to return to Rome. Others will have to move somewhere as they were formerly living in the same premises which housed the pseudo head offices the contracts for which have been terminated. It was agreed that, pending outcome of possible political proceedings against some of these persons, the Institutes must be held responsible for all of them. The question of moving them will be discussed with displaced persons bureau.

10. Carloni plans to return to Milan, leaving Saturday. He asked only in the form of a letter facilitating travel by road, which we agreed to supply.

A. H. Peede

A.H. Peede
Major, A.U.S.
Insurance Department
Finance Sub-Commission

AHP/r

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Declassified E.O. 12356 Section 3.3/NND No. 786021

LABOR SUB-COMMISSION
A.C.
Routing Slip 1/13/32

	Initials	Date
Mr. W.H. BRAINE		
Mr. SACHS		
Mr. HIRD	RS	1/17
Mr. SCOTT		
Mr. PROCTOR		
Miss. STEVENSON		
Miss. SANSEVERINO	LRS	LRS
Chief Clerk		

REMARKS:

1670

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOUR SUB-COMMISSION

/pm

Tel. 478904 - Ext. 416

REF. : LSC/415

20 June 1945

SUBJECT : Unemployment in Northern Italy.

TO : Distribution List.

1. Reference is made to Labor Sub-Commission memorandum LSC/415 of 8 June, 1945, setting forth policy agreed upon concerning above subject. This policy has now been implemented by General Order No. 48, which is being published.

2. It is the general design of General Order No. 48 to continue until 31 July 1945 the measures previously in effect for the temporary relief of unemployment. Under this Order the restrictions upon dismissals of employees are continued, but with important exceptions noted in Article V thereof. Employees not dismissed may be divided into three categories:

(a) Those who are fully employed;

(b) Those who are employed but who are working part time;

(c) Those who are on waiting lists.

3. Those who are employed at less than full time will receive the usual pay for the hours worked, and in addition will receive 75% of the minimum base pay for the difference between the hours worked and 40 hours a week. Of the latter sum, the employer bears one-third and is reimbursed for two-thirds by the Cassa Integrazione. Employees must work at least 8 hours per week to be eligible.

4. Workers on the waiting list (adults) will receive 10 lire a day from the employer, 20 lire a day from the unemployment fund, and the usual family allowance. The question of which workers will go on the waiting list will be determined by negotiation between the employer and the Internal Commission. In the event of disagreement, the matter will be decided by the Ufficio del Lavoro.

5. Finance Sub-Commission is issuing instructions to [illegible]
Officers (11261/[illegible]

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Declassified E.O. 12356 Section 3.3/NND No. 786021

1. Reference is made to Labor Sub-Commission [illegible] 130/415 of 8 June, 1945, setting forth policy agreed upon concerning above subject. This policy has now been implemented by General Order No. 48, which is being published.

2. It is the general design of General Order No. 48 to continue until 31 July 1945 the measures previously in effect for the temporary relief of unemployment. Under this Order the restrictions upon dismissals of employees are continued, but with important exceptions noted in Article V thereof. Employees not dismissed may be divided into three categories:

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5. Finance Sub-Commission is issuing instructions to Finance Officers (13261/F of 16 June) regarding the financial aspects of the Order.

6. It will be necessary for Labor Officers to furnish full instructions to the Uffici del Lavoro concerning the part it will play in administering the Order. Under Article I, for instance, the Ufficio del Lavoro will make final determination as to whether an employee has been dismissed for justifiable cause. As already mentioned the Ufficio del Lavoro will resolve the disagreements with respect to the numbers and names of individuals to go on the waiting lists. In this connection it is suggested that such factors as

Declassified E.O. 12356 Section 3.3/NND No. 786021

length of service, family responsibility, qualifications and possibly anti-Fascist record should be taken into consideration. The Ufficio del Lavoro will have other duties in determining the question of eligibility, such as the question of who is a worker normally employed in agriculture within the meaning of Article V Section I C. The most important function of the Ufficio del Lavoro, however, will be that of supplying work in agriculture, public works, or other schemes, to persons on the waiting lists. While an overall general program has not yet been established, any plans along these lines developed within the Region or within the Province should be encouraged. Temporary work of this nature should be offered to persons on the waiting list, based upon the usual factors. The Ufficio del Lavoro should have adequate records of all the necessary information concerning workers on the waiting list so as to enable it to play its part in referring workers to work in accordance with age, experience, and qualification. Under Article II Section 1 B the employer is required to furnish the Ufficio del Lavoro with such information. Suggestions and reports concerning the working out of this arrangement should be made to Headquarters, Allied Commission.

7. Regional Commissioners, Labor, Finance and Industry Officers should transmit to Headquarters, Allied Commission any suggestions concerning the policy to be pursued after 31 July, 1945, the date of expiration of General Order No. 48.

David C. Sachs
DAVID C. SACHS
Deputy Director
Labor Sub-Commission

DISTRIBUTION LIST:

Col. N. W. Monfort - Venezia Giulia R.C.
Col. A.C. Bowman - Emilia Reg. R.C.
Col. R. P. Marshall - Piemonte Reg. R.C.
Brig. M. Carr - Liguria Reg. R.C.
Col. C. Poletti - Lombardia Reg. R.C.
Brig. J. K. Dunlop - Venezia Reg. R.C.
Maj. R. Small - Venezia Giulia Reg. Labor Officer
Capt. A. L. Dorf - HQ. Milan Labor Officer
Maj. R. M. Albright - Emilia Reg. Labor Officer
Capt. M. Schnee - Emilia Reg. Labor Officer
Maj. E. J. Scicluna - Piemonte Reg. Labor Officer
Lt. J. Cantilli - Piemonte Reg. Labor Officer
Capt. U. Alessandrini - Liguria Reg. Labor Officer
Maj. T. Fisher - Lombardia Reg. Labor Officer
Capt. M. Adams - Lombardia Reg. Labor Officer
Capt. N. Holsten - Lombardia Reg. Labor Officer
Capt. L. Bailey - Venezia Reg. Labor Officer
Capt. J. Giammarco - Venezia Reg. Labor Officer
S.C.A.O. 5th Army

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

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Capt. J. Giammarco - Venezia Reg. Labor Officer
S.C.A.O. 5th Army
S.C.A.O. 8th Army
S.C.A.O. 15th Army Group
S.C.A.O. IV Corps
Economic Section
Finance Sub-Commission
Legal Sub-Commission
Industry Sub-Commission
Commerce Sub-Commission
Transportation Sub-Commission
Agriculture Sub-Commission
Food Sub-Commission
P.W. & U. Sub-Commission
Civil Affairs Section
Executive Commissioner
G-5 = A.F.H.Q.
All Reg. Finance Officers

Declassified E.O. 12356 Section 3.3/NND No. 789027

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

Sask

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To be prepared

NOTES FOR THE GUIDANCE OF REGIONAL LABOUR OFFICERS IN THE MATTER OF ITALY ON THE ALLIED GENERAL ORDER REGARDING REPATRIATION, PAYMENT AND EVENTUAL REGULATION OF SURPLUS LABOUR IN INDUSTRIAL ESTABLISHMENTS

1. The short term intention of the order

2. The re-arrangement of the labour force into three groups

fully employed and paid by employer

employed part time and receiving payment from funds other than employer in addition to wage; but employer also contributing to make-up pay

on waiting list but receiving pay which is better than unemployment pay

3 Necessity of getting instructions to district labour as to the part it will play in administering the order

4 Necessity of encouraging releases from surplus labour force, while in meantime other sources are being worked out at AG HQ. Suggestions and reports of methods adopted will be welcomed at AG HQ

5 Regional Finance officers will arrange finance side

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

E A F T

D-P

1st June 1945

Ref : LSC/415

SUBJECT: Unemployment in Northern Italy.

TO : Distribution List.

1. Reference is made to Labor Sub-Commissioner memorandum LSC/415 of 8 June, 1945, setting forth policy agreed upon concerning above subject. This has been implemented by General Order No. 48, which is being published.

2. It is the design of General Order No. 48 to continue until 31 July 1945 the measures previously in effect for the temporary relief of unemployment. Under this Order the restrictions upon dismissals of employees are continued, but with important exceptions noted in Article 3 thereof. Employees not dismissed may be divided into three categories:

(a) Those who are fully employed;

(b) Those who are employed but who are working part time;

(c) Those who are on waiting lists.

3. Those who are employed at less than full time will receive the usual pay for the hours worked, and in addition will receive 75% of the minimum base pay for the difference between the hours worked and 40 hours a week. Of the latter sum, the employer bears one-third and is reimbursed for two-thirds by the Cassa Integrazione. Employers must work at least 8 hours per week to be eligible.

4. Workers on the waiting list (adults) will receive 10 lire a day from the employer, 20 lire a day from the unemployment fund and the usual family allowance. The question of which workers will go on the waiting list will be determined by negotiation between the employer and the Internal Commission. In the event of disagreement, the matter will be decided by the Ufficio del Lavoro.

1667

5. Finance Sub-Commission is issuing instructions to Finance officers (13261/F of 16 June) regarding the financial aspects of the Order.

6. It will be necessary for Labor Officers to furnish full instructions to the Uffici del Lavoro concerning the part it will play in administering the Order. Under Article 1, for instance, the Ufficio del Lavoro will make final determination as to whether an employees has been dismissed for justifiable cause. As already mentioned the Ufficio del Lavoro will resolve the disagreements with respect to the numbers and names of individuals to go on the waiting lists. In

1636

Declassified E.O. 12356 Section 3.3/NND No. 786021

this connection it is suggested that such factors as length of service, family responsibility, qualifications and possibly anti-Fascist record should be taken into consideration. The Ufficio del Lavoro will have other duties in determining the question of eligibility, such as the question of who is a worker normally employed in agriculture within the meaning of Article [redacted] Section 16. The most important function of the Ufficio del Lavoro, however, will be that of supplying work in agriculture, public works, or other schemes, to persons on the waiting lists. While an overall general program has not yet been established, any plans along these lines developed within the Region or within the Province should be encouraged. Temporary work of this nature should be offered to persons on the waiting list, based upon the usual factors. The Ufficio del Lavoro should have adquate records of all the necessary information concerning workers on the waiting list so as to enable it to [redacted] play its part in referring workers to work in accordance with age, experience, and qualification. Suggestions and reports concerning the working out of this arrangement should be made to Headquarters, Allied Commission.

7. Regional Commissioners, Labor, Finance and Industry Officers should transmit to Headquarters, Allied Commission any suggestions concerning the policy to be pursued after 31 July, 1945, the date of expiration of General Order No. 48.

DAVID C. SACHS
Deputy Director
Labor Sub-Commission

1666

Under Article II Section 4 B the employer is required to furnish the Ufficio del Lavoro such information.

LSC/415+308

HEADQUARTERS ALLIED COMMISSION
APO 394
FINANCE SUB-COMMISSION

13261/F

19 June 1945

SUBJECT: Financing of Cassa Integrazione.

TO : Regional Commissioners, (For RFOs)
Liguria Region
Piemonte Region
Lombardia Region
Venezia Region
Emilia Region
Senior Civil Affairs Officers (For SFOs for Info)
AFHQ 5th & 8th Armies
IV Corps

1665

1. Reference is made to LSC 415 of 8 June and to General Order No. 48 relating to special benefits for meeting the employment crisis in Northern Italy.

2. By a collective agreement of 13 June 1941 there was established a system of payments to workers employed less than 48 hours weekly, called integrazioni salariali, to bring their earnings to something approaching a normal level. This was achieved by paying the worker 75% of his minimum hourly base pay for the hours not worked up to 48 hours, this number of hours including time worked.

3. Payment of the integrazione salariale, although made in the first instance by the employer, is normally reimbursable from Istituto Nazionale della Previdenza Sociale whenever the total monthly outlay exceeds 5% of the payroll. If the total monthly outlay is less than 5% of the payroll, the employer owes the difference to Previdenza.

4. The fund for handling these balances owing to or owed by Previdenza is a separate gestione supervised by Previdenza and called Cassa Integrazione.

5. It will be seen that the payments charged to Cassa Integrazione by G.O. 48 will change completely in the territory affected, the financial basis on which it operates. Instead of operating on an assumed equivalence between favourable and unfavourable employer balances, payments by the Cassa will now be altogether out-of-pocket, the volume depending on the extent to which workers will be employed short-time. The critical shortages of materials and fuel in the North suggest that the volume of payments will be very substantial.

6. It is certain that the strain of handling large-scale under-employment far exceeds the capacity of a fund based on

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Piemonte Region
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Emilia Region
Senior Civil Affairs Officers (For SFOs for Info)
AMG 5th & 8th Armies
IV Corps

1665

1. Reference is made to LSC 415 of 8 June and to General Order No. 48 relating to special benefits for meeting the employment crisis in Northern Italy.

2. By a collective agreement of 13 June 1941 there was established a system of payments to workers employed less than 48 hours weekly, called integrazioni salariali, to bring their earnings to something approaching a normal level. This was achieved by paying the worker 75% of his minimum hourly base pay for the hours not worked up to 48 hours, this number of hours including time worked.

3. Payment of the integrazione salariale, although made in the first instance by the employer, is normally reimbursable from Istituto Nazionale della Previdenza Sociale whenever the total monthly outlay exceeds 5% of the payroll. If the total monthly outlay is less than 5% of the payroll, the employer owes the difference to Previdenza.

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6. It is certain that the strain of handling large-scale under-employment far exceeds the capacity of a fund based on what has hitherto amounted to a 5% payroll tax. For this reason it has been decided after consultation with the Italian Government to subsidize the Cassa Integrazione so far as will be necessary until 31 July.

7. A complicating factor is the extreme financial stringency in which many large Northern concerns are currently found largely because they have sought out of their own resources to carry as many as possible of their workers. It will accordingly be difficult for many of them to advance the integrazione salariale and await reimbursement.

8. You will accordingly instruct the provincial offices of Previdenza, upon receipt of application therefor, to advance funds to meet the expected outpayments for integrazioni salariali and subsequently to check such advances against records of actual outpayments.

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

9. It is clear that this will necessitate greater financial support of the provincial offices for so much as concerns operations on account of Casse Integrazione. You will therefore arrange for the submission of corrected estimates of financial needs on this account and for appropriate credits through the mechanism of the Tesoreria.

10. It is evident that similar financial strains may be experienced in connection with special payments of unemployment benefits and family allowances described in the aforementioned instruction and General Order. If this is the case, support similar to that already set forth should be supplied to Previdenza on account of its unemployment and family allowance funds. Where necessary, standard SB forms will be used in effecting the advances referred to in this and the preceding paragraph.

11. Provincial offices of Previdenza will be duly notified that they are responsible for ensuring that funds advanced to employers on applications of the nature referred to above are used in payment of the liabilities concerned; viz., advances of integrazioni salariali and assegni familiari.

12. The problem of the unemployed in the North is grave and urgent. The manner in which and the promptness with which it is met is a real test of the effectiveness of Allied Military Government. All Finance Officers are urged to cooperate to the full in the program for mitigating the effects of widespread unemployment and under-employment.

By command of Rear Admiral STONE:

C.P. Fraser Lieut. R.N.
Joint Director.
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C P Fraunhar Mr. II
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1691