

ACC 10000/146/461 091.4313

GENERAL ORDER 28

NOV. - DEC 1944

AL ORDER 28

OV. - DEC. 1944

HEADQUARTERS ALLIED COMMISSION
APO 594
LABOR SUB COMMISSION

JMS/ao

28 December 1944

TEL : 478904

REF : 091. ~~4313~~ 4313SUBJECT: Rules and Regulations in regard to Labor
issued pursuant to General Order No. 28.

TO : Economic Section

1. General Order No. 28 on "Labor Relations" issued by
the Allied Military Government in occupied territory states
under Article IV:

"Rules and Regulations"

"Rules and Regulations will be issued by the
Allied Military Government to enable the
Regional and Provincial Labour Offices so
established to fulfill their objects and
perform and carry out their powers, duties
and functions."

2. Such Rules and Regulations have finally been evolved
and both English and Italian versions have been completely
vetted and approved by the Legal Sub-Commission as per attached
certification.

3. It is requested that signature by Chief Civil Affairs
Officer and promulgation be expedited.

Junius R. Smith
JUNIOR R. SMITH
Colonel, ~~US~~
Acting Director,
Labor Sub-Commission.

1 inclosure.

I certify that the attached Memorandum of Rules and Regulations with regard to Labour issued pursuant to General Order No. 28 is in proper form for signature by the Chief Civil Affairs Officer.

/s/ W. E. Behrens
W. E. BEHRENS, Colonel,
Deputy Chief Legal Advisor,
Legal Sub-Commission.

22 Dec 64

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Original approved by Nelson
ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

RULES AND REGULATIONS WITH REGARD TO LABOR ISSUED PURSUANT TO

GENERAL ORDER NO. 26

See 2/17/44

WHEREAS, by General Order No. 26, it was provided that certain rules and regulations would be issued for the operation of regional and provincial labor offices,

NOW THEREFORE, I, ELLERY W. STONE, REAR ADMIRAL, USNR, for and on behalf of the Supreme Allied Commander and Military Governor, hereby issue the following rules and regulations and I hereby order as follows:

ARTICLE I - ESTABLISHMENT
OF LABOR OFFICES

1. For each Province and Region there shall be established at such place as the Provincial or Regional Commissioner may respectively direct a provincial or Regional Labor Office as the case may be.

Such Labor Office shall be in charge of an Italian civilian to be known as the Regional or Provincial Director of Labor and to be appointed by the Regional or Provincial Commissioner as the case may be.

Directors of Labor may, subject to the approval of the Regional or Provincial Commissioner concerned, appoint an appropriate and adequate staff for their respective offices.

2. Communal, special port and Farm Labor Offices will be established in such places and with such Italian civilian staffs as the Provincial Commissioner may direct. *34*

3. All appointments of Italian Personnel in Labor Offices shall be non-political.

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3. All appointments of Italian Personnel in Labor Offices shall be non-political.

ARTICLE II - POWERS AND DUTIES OF LABOR OFFICES

1. Regional Labor Offices have the primary responsibility of supervising and coordinating the functions and activities of the Provincial Labor Offices. In addition they will have the following special functions:

- 2 -

- A. To encourage the practice and procedure of collective bargaining, and to protect the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.
- To encourage practices fundamental to the friendly adjustment of labor disputes arising out of differences as to wages, hours and other conditions of employment.
- H. To direct and control the work of the Ispettorato del Lavoro as a labor inspection service only.
- C. To take jurisdiction of such labor disputes as appear to the Regional Director to need Regional rather than Provincial intervention; and to refer to the Regional Commissioner such labor disputes as appear to need National rather than Regional intervention.
- D. To prepare regular and special ³reports and surveys upon information furnished by the Provincial Labor Offices and supplemented by other sources and independent studies.
- ? E. To promote the welfare of wage-earning women, and children, improve their working

To encourage practices fundamental to the friendly adjustment of labor disputes arising out of differences as to wages, hours and other conditions of employment.

- B. To direct and control the work of the Ispettorato del Lavoro as a labor inspection service only.
- C. To take jurisdiction of such labor disputes as appear to the Regional Director to need regional rather than provincial intervention; and to refer to the Regional Commissioner such labor disputes as appear to need National rather than Regional intervention.
- D. To prepare regular and special ~~reports~~ ³ and surveys upon information furnished by the Provincial Labor Offices and supplemented by other sources and independent studies.
- ? E. To promote the welfare of wage-earning women, and children, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment.

F. To supervise and assist in such migration and other movement of workers as may be

necessary and proper and to exercise such manpower controls as may be determined by General Order or by Italian law.

G. To deal with such other matters relating to labor relations or labor problems in the said region as the Regional Commissioner may direct.

2. Provincial Labor Offices have the responsibility for directing the labor program throughout the Provinces, and supervising and coordinating all Communal and special offices under their jurisdiction. In addition they will have the following special functions:

A. To establish and develop a central Employment Service Office as one of the principal divisions within the Provincial Labor Office. To establish, supervise and direct such other employment offices (Uffici di Collocamento) or officers throughout the Provinces as may be necessary

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(1) To register job-seekers and maintain current information on available workers.

(2) To recruit and furnish civilian labor to the Allied Military Forces as requested, giving highest priority to

the said Region as the Regional Commissioner may direct.

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(2) To recruit and furnish civilian labor to the Allied Military Forces as requested, giving highest priority to military requirements.

(3) To recruit and furnish civilian labor for civilian employers.

(4) To furnish necessary information and services in connection with the payment of unemployment compensation.

- B. To establish and develop a conciliation and mediation section within the Provincial Labor Office. The Provincial Director of Labor shall also have power to act as mediator or conciliator and to appoint Special Commissioners of Conciliation whenever in his judgment and the interests of social and industrial peace may require it. The jurisdiction of the Provincial Labor Office is extended to all labor disputes concerning work within the Province, provided however, that the Regional Labor Office may take jurisdiction at the discretion of the Regional Director.
- C. To collect and compile statistical information on private and public employment, unemployment, labor disputes, labor turnover, cost of living, safety and industrial accidents, wages, hours and conditions of employment, and no person shall refuse to disclose or supply information requested by a Provincial Labor Office with respect thereto. The source of information so secured shall not be disclosed.
- D. To deal with such other matters relating to labor relations or labor problems in the said province as the Provincial Commis-

Industrial peace may be secured. Jurisdiction of the Provincial Labor Office is extended to all labor disputes concerning work within the Province, provided however, that the Regional Labor Office may take jurisdiction at the discretion of the Regional Director.

C. To collect and compile statistical information on private and public employment, unemployment, labor disputes, labor turnover, cost of living, safety and industrial accidents, wages, hours and conditions of employment, and no person shall refuse to disclose or supply information requested by a Provincial Labor Office with respect thereto. The source of information so secured shall not be disclosed.

D. To deal with such other matters relating to labor relations or labor problems in the said Province as the Provincial Commissioner, Regional Director of Labor or Regional Commissioner may direct.

ARTICLE IV - ~~LABOR~~ ARBITRATION

All collective labor disputes, including those arising under decrees of the Italian Government concerning wages or conditions of work, shall, if they fail of settlement through

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mediation or conciliation, be finally adjudicated by arbitration boards operating under the supervision of a Regional or Provincial Labor Office. Each board shall consist of tripartite representation, with an equal number of representatives for the employers, employees and the general public.

Labor members shall be selected by the employees or their representatives; employer members shall be selected by the employers or their representatives; and public representatives shall be selected by the Director of the Labor Office having jurisdiction of the arbitration proceedings: provided, however, that public representatives, wherever possible, should be persons agreed upon by employers and employees, and provided further, that the Labor Office Director may also appoint employee or employer members if, after due notice, such members are not selected by the parties.

Before a case is referred to arbitration by a Provincial Labor Director, it shall be notified to the Regional Director who will determine whether the arbitration shall be under the jurisdiction of the Provincial or the Regional Labor Office.

Such arbitration shall be compulsory and the awards of such boards shall be final and binding upon the parties thereto, when filed with and approved by the Regional Commissioner.

In the case of claims or labor disputes between individual employees and employers, the parties may voluntarily agree to submit to arbitration through the Provincial Labor Offices; or they may resort to courts of law.

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Such arbitration shall be compulsory and the awards of such boards shall be final and binding upon the parties thereto, when filed with and approved by the Regional Commissioner.

In the case of claims or labor disputes between individual employees and employers, the parties may voluntarily agree to submit to arbitration through the Provincial Labor Offices; or they may resort to courts of law.

In the arbitration of both individual and collective disputes, arbitration boards will not be bound by any special procedural forms or limitations, and all awards shall be made in equity.

ARTICLE V - REPRESENTATIVES
AND ELECTIONS

Whenever a question arises concerning the representation of employees, the Regional Director of Labor, or person designated by him, may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In such cases he may also determine whether the unit appropriate for the purposes of the collective bargaining, shall be the industry unit, employee unit, craft unit, plant unit or sub-division thereof. The representatives so designated or selected for such unit shall be the exclusive representatives of all the employees in such unit for the purpose of collective bargaining in respect to rate of pay, wages, hours of employment, or other conditions of employment; provided, that any individual employee or group of employees shall have the right at any time to present grievances to their employer.

In any such investigation the Regional Director of Labor, or person designated by him, shall provide for an appropriate hearing upon due notice, and may take a secret ballot of employees, or utilize any other suitable method of ascertaining such representatives.

No employer shall:

- (1) interfere with, restrain or coerce employees in the exercise of the rights guaranteed in

General Order No. 28 or in these Rules and

ARTICLE ~~VI~~ - UNFAIR LABOR
PRACTICES

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bargaining, shall be the industry unit, employee unit, craft unit, plant unit or sub-division thereof. The representatives so designated or selected for such unit shall be the exclusive representatives of all the employees in such unit for the purpose of collective bargaining in respect to rate of pay, wages, hours of employment, or other conditions of employment; provided, that any individual employee or group of employees shall have the right at any time to present grievances to their employer.

In any such investigation the Regional Director of Labor, or person designated by him, shall provide for an appropriate hearing upon due notice, and may take a secret ballot of employees, or utilize any other suitable method of ascertaining such representatives.

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ARTICLE ~~VI~~ - UNFAIR LABOR PRACTICES 3750

No employer shall:

- (1) interfere with, restrain or coerce employees in the exercise of the rights guaranteed in General Order No. 23 or in these Rules and Regulations;
- (2) dominate or interfere with the formation or administration of any labor organization, or contribute financial or other support thereto, but nothing herein contained shall preclude conferences between employers and employees during working hours without loss of time or pay;

- (3) discriminate in regard to hire or tenure of employment or in regard to any term or condition of employment by reason of membership in any labor organization, or discourage such membership;
- (4) penalize or otherwise discriminate against any employee because he has made complaint, filed charges or given testimony against the employer in any labor matter or controversy.

~~VII~~ VI - TAX EXEMPTIONS FOR
LABOR PROCEEDINGS

All the acts relating to the arbitration procedures are exempt from stamp and registration taxes.

All other tax exemptions and other privileges granted under existing law in favor of labor proceedings shall attach and apply to any and all acts and documents relative or incident to conciliation, mediation and arbitration of labor disputes.

~~VIII~~ VII - RECORDS OF DISSOLVED
INSTITUTIONS

Records and files of the institutions dissolved by Art. I of General Order No. 23 shall be delivered to the Provincial Director of Labor or as he shall direct.

~~VIII~~ VII - VALIDITY OF CONTRACTS 399

1. No group contract between employer and employees shall be valid unless:

the employer in any labor matter or controversy.

VII
ARTICLE ~~VII~~ - TAX EXEMPTIONS FOR
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VIII
ARTICLE ~~VIII~~ - RECORDS OF DISSOLVED
INSTITUTIONS

Records and files of the institutions dissolved by Art. I of General Order No. 28 shall be delivered to the Provincial Director of Labor or as he shall direct.

VIII
ARTICLE ~~IX~~ - VALIDITY OF CONTRACTS 399

1. No group contract between employer and employees shall be valid unless:

- (A) it is in writing;
- (B) a copy thereof is filed in the Regional Labor Office having jurisdiction of the area within which the same was executed;
- (C) it conforms to the wage stabilization policy, and General Orders, Ordinances, Rules and

Regulations, and Italian laws not in conflict with the foregoing.

2. The conditions, regulations and wage scales contained in collective contracts in economic agreements, in sentences delivered by the Special Labor Magistracy and in corporative ordinance in conformity with Art. X and Art. XIII of the law of 5th February 1934 No. 182, and Art. IV and Art. V of the Royal Decree of 3 August 1943 No. 821 shall continue to be binding until otherwise revised or ordered by Allied Military Government, arbitration awards, or new executed group contracts between employers and employees.

For the Supreme Allied Commander and Military Governor.

(by) ELLERY W. STONE
Rear Admiral, USNR
Chief Civil Affairs Officer

29 Dec 44
26 November 1944

Original report by Betram
Leys Hc
Dec. 27 44

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

MEMORANDUM

OGGETTO : Disposizioni per l'attuazione dell'Ordinanza Generale n° 28, in materia di lavoro.

Considerato che, in virtù dell'ordine generale n° 28, era stato disposto che speciali disposizioni sarebbero state promulgate per assicurare il funzionamento degli Uffici del Lavoro regionali e provinciali.

Io, ELLERY W. STONE, Ammiraglio, USNR, a nome del Comandante Supremo Alleato e Governatore Militare, promulgo il seguente regolamento e dispongo in conseguenza:

ART. 1 - Costituzione degli Uffici del Lavoro

1. In ogni provincia e regione verrà costituito, nei luoghi indicati dal competente Commissario provinciale o regionale, un Ufficio provinciale o regionale del Lavoro, a seconda del caso.

Il suddetto Ufficio sarà diretto da un funzionario civile italiano, che avrà il titolo di Direttore Regionale o Provinciale del Lavoro, e sarà nominato, a seconda dei casi, dal Commissario regionale o provinciale.

I Direttori del Lavoro avranno la facoltà - subordinatamente all'approvazione del competente Commissario regionale o provinciale - di nominare un adeguato numero di impiegati per provvedere al buon funzionamento dei rispettivi uffici.

2. Uffici del Lavoro comunali e speciali Uffici del Lavoro portuali e agricoli saranno costituiti in determinate località e con un personale civile ita-

liano, secondo le direttive del Commissario provinciale.

3. Tutte le designazioni di personale italiano per gli Uffici del Lavoro avranno un carattere apolitico.

ART. II - Competenze e compiti degli
Uffici del Lavoro.

1. Gli Uffici Regionali del Lavoro avranno in primo luogo il compito di controllare e coordinare le funzioni e le attività degli Uffici provinciali del Lavoro. Inoltre essi esplicheranno le seguenti speciali funzioni:

A. Promuovere la prassi e la procedura della contrattazione collettiva e tutelare i lavoratori nell'esercizio della piena libertà di associazione, di organizzazione autonoma, nonché di designazione di rappresentanti di loro scelta allo scopo di negoziare i termini e le condizioni del loro impiego e di altre forme di mutua assistenza o tutela. Promuovere la prassi fondamentale della soluzione amichevole delle controversie di lavoro che possano sorgere da divergenze circa i salari, gli orari e le altre condizioni di lavoro.

B. Dirigere e controllare l'attività dell'Ispettorato del Lavoro, che sarà limitata al solo servizio di ispezione del lavoro.

C. Assumere la cognizione di quelle controversie del lavoro che - a giudizio del Direttore regionale - richiedano un intervento regionale anziché provinciale, e sottoporre al Commissario regionale quelle controversie del lavoro, per le quali un intervento nazionale anziché regionale appare necessario.

D. Compilare regolari e speciali relazioni e rapporti in base alle informazioni fornite dagli Uffici provinciali del Lavoro e integrate dai dati provenienti da altre fonti e

da studi indipendenti.

5. Promuovere il benessere delle donne salariato e dei fanciulli, migliorare le loro condizioni di lavoro, aumentare la loro efficienza lavorativa e aumentare le possibilità del loro vantaggioso impiego.

7. Sorvegliare ed assistere le migrazioni e altri movimenti della mano d'opera, ogni qual volta se ne presenti la opportunità e la necessità, ed esercitare quei controlli sulla mano d'opera che possano essere disposti da un Ordine Generale o da una legge italiana.

8. Occuparsi di qualunque altra pratica riguardante le relazioni e i problemi del lavoro della regione, secondo quanto potrà essere disposto dal Commissario regionale.

2. Gli uffici provinciali del lavoro hanno il compito di attuare nelle provincie il programma loro assegnato nel campo del lavoro, nonché di controllare e coordinare tutti gli uffici comunali e speciali, posti sotto la loro giurisdizione. Inoltre essi esplicheranno le seguenti funzioni:

4. Costituire e potenziare un ufficio centrale di collocamento, che dovrà formare una delle principali sezioni dell'ufficio provinciale del lavoro. Costituire, controllare e dirigere tutti gli altri uffici di collocamento o collocatori nelle provincie, a seconda delle specifiche necessità.

1) Registrare i prestatori d'opera in cerca di occupazione e tenere aggiornati i dati e le notizie sui lavoratori disponibili.

2) Reclutare e fornire la mano d'opera civile alle Forze Armate Alleate, secondo le richieste, dando un'assoluta precedenza alle richieste delle autorità militari.

3) Reclutare e fornire la mano d'opera civile ai datori di lavoro civili.

4) Fornire le necessarie informazioni e provvedere ai servizi relativi al pagamento delle indennità di disoccupazione.

B. Costituire e potenziare una sezione di conciliazione e mediazione nell'ambito dell'ufficio Provinciale del lavoro. Il direttore provinciale del lavoro sarà anche autorizzato a fungere da mediatore o da conciliatore e a designare speciali commissari conciliatori ogni qual volta, a suo giudizio, ciò si renda necessario nell'interesse della pace industriale e sociale. La giurisdizione dell'ufficio Provinciale del lavoro è estesa a tutte le controversie del lavoro che interessino l'attività lavorativa nell'ambito della provincia, salvo che, tuttavia, l'ufficio Regionale del lavoro non le avochi alla sua giurisdizione, a discrezione del Direttore regionale.

C. Rilevare e compilare informazioni statistiche sul collocamento del personale negli impieghi pubblici o privati, nonché sulla disoccupazione, sulle controversie del lavoro, sui movimenti della mano d'opera, sul costo della vita, sulla sicurezza e sugli infortuni del lavoro, sulle mercedi, sugli orari di lavoro e sulle condizioni d'impiego. A nessuno sarà lecito rifiutare informazioni e dati su queste materie, dietro richiesta di un ufficio Provinciale del lavoro. Sarà inoltre proibito di rendere nota la fonte delle informazioni così ottenute.

D. Trattare tutte le altre questioni riguardanti i rapporti di lavoro o i problemi del lavoro della provincia, secondo le istruzioni che possano essere impartite al riguardo dal Commissario provinciale, dal Direttore regionale del lavoro o dal Commissario regionale.

ART. ~~IV~~^{III} - Arbitrato

Tutte le controversie collettive in materia di lavoro, comprese quelle che potranno sorgere in base a decreti del Governo italiano sulle mercedi o sulle condizioni di lavoro, in caso di mancato regolamento a mezzo di mediazione o di conciliazione dovranno essere sottoposte al giudizio di Commissioni arbitrali, le quali fungeranno sotto la sorve-

glianza di un ufficio regionale o provinciale del lavoro. Ogni commissione sarà costituita da una rappresentanza tripartita, costituita da un egual numero di rappresentanti dei datori di lavoro, dei prestatori d'opera e del pubblico.

I membri in rappresentanza dei prestatori d'opera saranno scelti dai lavoratori o dai loro rappresentanti; i membri dei datori di lavoro saranno scelti dai datori di lavoro o dai loro rappresentanti; i rappresentanti del pubblico saranno scelti dal direttore dell'ufficio del lavoro avente giurisdizione sul procedimento di arbitrato: inteso, comunque, che i rappresentanti pubblici, quando possibile, debbono essere persone di gradimento sia ai datori di lavoro che ai lavoratori; ed inteso inoltre che il direttore dell'ufficio del lavoro può nominare i membri rappresentanti i lavoratori o il datore di lavoro, se -dopo debito avviso- tali membri non fossero scelti dalle parti interessate.

Prima che una controversia sia dal Direttore provinciale del lavoro sottoposta a decisione arbitrale, sarà portata a conoscenza del Direttore regionale, il quale determinerà se la decisione arbitrale concerna la giurisdizione dell'ufficio provinciale o regionale del lavoro.

L'arbitrato sarà obbligatorio e le decisioni delle suddette commissioni arbitrali saranno definitive per i lavoratori ed i datori di lavoro interessati quando siano depositate presso il commissario Regionale e da lui ratificate.

Nel caso di ricorsi o controversie individuali di lavoro tra i singoli datori di lavoro e lavoratori, le parti interessate possono volontariamente convenire per sottoporli a giudizio arbitrale presso gli uffici provinciali del lavoro; o possono ricorrere alla autorità giudiziaria.

Nell'arbitrato di controversie individuali o collettive, le commissioni arbitrali non saranno vincolate da qualsiasi speciale formalità procedurale o limitazione, e tutte le decisioni arbitrali saranno pronunciate secondo equità.

ART. IV - Rappresentanti ed Elezioni

Allorquando sorgano divergenze in merito alle rappresentanze dei lavoratori, il Direttore Regionale del lavoro, o persona da lui designata, potrà indagare al riguardo e certificare alle parti, per iscritto, il nome o i nomi dei rappresentanti che sono stati designati o scelti.

In tali casi egli potrà determinare se, ai fini della contrattazione collettiva, il soggetto ~~contrattante~~ contraente debba essere o una intera industria, o una determinata categoria di lavoratori, o un mestiere, o un'azienda o un'altra sottodivisione.

I rappresentanti così designati o scelti per una determinata unità saranno i rappresentanti esclusivi di tutti i prestatori d'opera di tale unità per quanto riguarda la contrattazione collettiva in materia di tariffe, salari, durata ed altre condizioni di lavoro, salvo sempre il diritto di ogni singolo lavoratore o gruppo di lavoratori di presentare reclami in qualsiasi momento al proprio datore di lavoro.

In tali indagini il Direttore Regionale del lavoro, o la persona da lui designata, provvederà, previo debito avviso, ad un opportuno dibattito e potrà provocare una votazione segreta dei lavoratori od utilizzare ogni altro mezzo atto a stabilire quali siano gli effettivi rappresentanti.

ART. V - ~~Procedimenti~~ illeciti in
materia di rapporti di lavoro

A nessun datore di lavoro sarà consentito:

1) - di interferire, esercitare coazioni o restrizioni sui lavoratori nell'esercizio dei diritti loro garantiti dall'Ordine generale n. 20, o dal presente regolamento;

2) - di imporsi o interferire nella formazione o amministrazione di qualsiasi organizzazione di lavoratori, oppure finanziarle o comunque sostenerle; ma con questo non saranno escluse le riunioni fra datori di lavoro e

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prestatori d'opera durante le ore del lavoro, senza perdita di paga;

3) = applicare discriminazioni fra lavoratori, relativamente alla loro assunzione, o mantenimento in servizio, alla durata del lavoro o a qualsiasi termine o condizione di lavoro in dipendenza dell'appartenza del lavoratore a una organizzazione sindacale; oppure scoraggiare l'adesione del lavoratore a questa ultima;

4) = infliggere provvedimenti disciplinari oppure effettuare discriminazioni sotto altre forme ai danni di qualsiasi prestatore d'opera, perché questo abbia reclamato, formulato accuse o prestato testimonianza contro il datore di lavoro in qualsiasi controversia o questione di lavoro.

ART. VI¹ - Esenzione delle tasse nei
procedimenti in materia di lavoro

Tutti gli atti relativi ai procedimenti arbitrari sono esenti da tasse di bollo e di registrazione.

Ogni altra esenzione da tasse e tutte le altre agevolazioni accordate dalle vigenti leggi in favore dei procedimenti di lavoro, si applicheranno anche a qualsiasi atto o documento che direttamente o incidentalmente connesse alla conciliazione, alla mediazione o all'arbitrato delle controversie di lavoro.

ART. VII¹ - Registri delle associazioni
disciolte

I registri e le carte delle istituzioni sciolte a' sensi dell'Art. 1 dell'Ordine n. 28 saranno consegnati al Direttore Provinciale del Lavoro, o a persona da lui designata.

VIII
ART. ~~III~~ - Validità dei contratti

1. Nessun contratto collettivo fra datore di lavoro e prestatore d'opera sarà valido, a meno che:

- a) = sia redatto per iscritto;
- b) = una copia del medesimo sia depositata presso l'Ufficio Regionale del lavoro nella cui giurisdizione trovasi il territorio in cui il suddetto contratto venne stipulato;
- c) = sia conforme alle direttive di stabilizzazione delle mercedi, alle Ordinanze generali, Norme e Regolamenti dell'A.M.G. e alle leggi italiane non in contrasto con quanto sopra stabilito.

2. Le condizioni, i regolamenti e le tariffe salariali contemplati dai contratti collettivi, dagli accordi economici e dalla sentenza pronunciata dalla speciale Magistratura del lavoro, come pure dalle Ordinanze Corporative di cui agli Art. X e XIII della legge 5 febbraio 1934, n. 163, e dagli Art. IV e V del R. Decreto 9 agosto 1943, n. 821, continueranno ad avere effetto obbligatorio fino a quando non saranno revisionati o finché non sarà disposto altrimenti dal Governo Militare Alleato, oppure non saranno modificati da sentenze arbitrali o da nuovi contratti collettivi conclusi fra i datori di lavoro e i lavoratori.

Per il Comandante Supremo Alleato e
Governatore Militare:

ELIERY W. STONE, Ammiraglio.
Ufficiale Capo per gli
affari civili.

29 Dicembre
30 novembre 1944

FILE COPY

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

JRS/raw

TEL : 478934 6 December 1944
REF : 091.4313
SUBJECT: Rules and Regulations With Regard to Labor
Issued Pursuant to General Order No. 28.
TO : Legal Sub-Commission
Attention: Colonel W. E. Rehrens

1. Referring to your memorandum of 25 November, AC/4074/11/L, corrections have been made to the Rules and Regulations in accordance with your observations, and attached herewith, therefore, is the final document both in English and Italian, ready for signature.

2. Will you please check the translation and, if satisfactory, issue the proper certificate?

JUNIOR R. SMITH
Colonel, GWC
Acting Director
Labor Sub-Commission

Enclosures (2)

3189

4373

HEADQUARTERS ALLIED COMMISSION
APO 394
LEGAL SUB-COMMISSION

/rlp.
28 November 1944.

AC/4074/11/L.

SUBJECT : General Order No. 28.

TO : Labor S/C.

1. Your eighth draft of the rules and regulations under General Order No. 28 is returned herewith with the observations mentioned below. If you will prepare a copy of the orders in accordance with these observations and will submit an Italian translation, we shall be pleased to check the translation and to give a certificate in respect to the rules.

2. The observations are:

a. The draft down to the words "Article I" is out of order. The document should read:

"ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORY

RULES AND REGULATIONS WITH REGARD TO LABOR ISSUED PURSUANT TO
GENERAL ORDER NO. 28

WHEREAS, by General Order No. 28, ~~the Allied Military Government~~ ^{it was} provided that certain rules and regulations would be issued for the operation of regional and provincial labor offices.

NOW THEREFORE, I, ELLERY W. STONE, COMMODORE, USNR, for and on behalf of the Supreme Allied Commander and Military Governor, hereby issue the following rules and regulations and I hereby order as follows:

b. Article ~~IX~~ ² A, line 2--for principal spelled "principle" read ~~spelled~~ "principal."

~~IX~~ ² A, line 7--for "necessary.", read "necessary" no full stop.

c. Article IX, 2, line 8--delete "decree." AMG does not issue decrees and an AMG order implementing an Italian decree is an AMG order.

d. Signature. The rules should be signed ^{For the Supreme Allied} Commander and Military Governor ~~(by)~~ Ellery W. Stone, Commodore, USNR, Chief Civil Affairs Officer.

W. S. BEHRMAN 3 88
W. S. BEHRMAN,
Colonel,
Deputy Chief Legal Advisor.

Incl. 8th Draft of GO #28.

PENDING FILE

HEADQUARTERS ALLIED COMMISSION
APO 894
LABOR SUB-COMMISSION

BEB/rms

TBL : 478904

21 November 1944

REF : 091.4318

SUBJECT: Rules and Regulations Pursuant to General Order 28.

TO : Legal Sub-Commission

1. All of the changes suggested by the Legal Sub-Commission for the November 14th draft of Rules and Regulations, have been accepted by the Labor Sub-Commission.

2. With reference to Article IV-Arbitration of the Rules and Regulations, the attached draft is submitted for approval.

3. With reference to the revision of the Italian Wage Increase Decree for Private Workers for issuance as a regional order, it is proposed that Articles 1 through 8 be left unchanged; that Articles 11 and 12 be omitted, and that Article 13 be revised in accordance with the attached draft.

JUNIOR R. SMITH
Colonel, GAC
Acting Director
Labor Sub-Commission

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ARTICLE IV - ARBITRATION

Collective labor disputes which fail of settlement through mediation or conciliation shall be finally adjudicated by arbitration boards appointed by the Director of the Labor Office having jurisdiction thereof. Each board shall consist of tripartite representation, with an equal number of representatives for the employers, employees and the public. The members of said boards shall be drawn from a panel established by the Regional Commissioner.

Before a case is referred to arbitration by a Provincial Labor Director, it shall be notified to the Regional Director who will determine whether the arbitration shall be under the jurisdiction of the Provincial or the Regional Labor Office.

Such arbitration shall be compulsory and the awards of such boards shall be final and binding upon the parties thereto, when filed with and approved by the Regional Commissioner.

On claims between individual employees and employers, the parties may voluntarily agree to submit to arbitration through the Provincial Labor Offices; or they may resort to courts of law, according to the code of civil procedure.

In the arbitration of both individual and collective disputes, arbitration boards will not be bound by any special procedural forms or limitations, and all awards shall be made in equity.

ARTICLE X

Individual and collective controversies which arise in the application of this Decree, with exception of those involving matters dealt with in Article II, whenever they have not been settled by agreement between the parties, will be referred to the Regional or Provincial Labor Offices for arbitration according to the provisions of General Order No. 83, and the Rules and Regulations issued pursuant thereto.

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ARTICLE VII - TAX EXEMPTIONS FOR
LABOR PROCEEDINGS

All the acts relating to the arbitration procedure are exempt from stamp and registration taxes.

All other tax exemptions and other privileges granted under existing law in favor of labor proceedings shall attach and apply to any and all acts and documents relative or incident to conciliation, mediation and arbitration of labor disputes.

FILE COPY

QUARTERMASTER ALLIANCE COMMISSION
APC 284
LABOR SUB-COMMISSION

RHA/rmw

TEL : 478204

15 November 1944

REF : 11-210-231

SUBJECT: Revision of Rules and Regulations, C. G. 18

TO : Legal Sub-Commission

1. Attached are two copies of proposed rules and regulations with regard to labor, issued pursuant to General Order No. 14.

2. This revision has been drafted in accordance with the recent conference and the agreement between the Labor and Legal Sub-Commissions, both as to omissions and changes in form and phraseology.

JUNIOR R. SMITH
Colonel, USMC
Acting Director
Labor Sub-Commission

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1. The first purpose of the bill is to establish a system of public health insurance for the people of the State of New York. The bill is intended to provide for the establishment of a system of public health insurance for the people of the State of New York.

2. The second purpose of the bill is to provide for the establishment of a system of public health insurance for the people of the State of New York. The bill is intended to provide for the establishment of a system of public health insurance for the people of the State of New York.

3. The third purpose of the bill is to provide for the establishment of a system of public health insurance for the people of the State of New York. The bill is intended to provide for the establishment of a system of public health insurance for the people of the State of New York.

4. The fourth purpose of the bill is to provide for the establishment of a system of public health insurance for the people of the State of New York. The bill is intended to provide for the establishment of a system of public health insurance for the people of the State of New York.

5. The fifth purpose of the bill is to provide for the establishment of a system of public health insurance for the people of the State of New York. The bill is intended to provide for the establishment of a system of public health insurance for the people of the State of New York.

6. The sixth purpose of the bill is to provide for the establishment of a system of public health insurance for the people of the State of New York. The bill is intended to provide for the establishment of a system of public health insurance for the people of the State of New York.

7. The seventh purpose of the bill is to provide for the establishment of a system of public health insurance for the people of the State of New York. The bill is intended to provide for the establishment of a system of public health insurance for the people of the State of New York.

- h. To encourage the retention of personnel of suitable experience, and to attract the services of persons of like experience or talent from other agencies, and the retention of personnel who have been in the service of the Government for a period of at least one year.

i. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

j. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

k. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

l. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

m. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

n. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

o. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

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q. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

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s. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

t. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

u. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

v. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

w. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

x. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

y. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

z. To encourage the retention of personnel who have been in the service of the Government for a period of at least one year.

1. To represent and assist in the execution of other programs of various kind as may be necessary and proper and to coordinate with computer controls as may be determined by General Order or of incident with.
2. To act also upon other orders relating to labor relations or labor problems in the said Region or the Regional Constabulary or any district.
3. Provincial Labor Officers have the responsibility for carrying the labor program throughout the provinces, and supervising and coordinating all Government and public offices under their jurisdiction. In addition they will have the following special functions:
 - a. To establish an advisory committee composed of the Provincial Office or that of the Provincial divisions within the Provincial Constabulary.
 - b. To establish, supervise and direct such other employment offices (Offices of Collaboration) or offices throughout the Province as may be necessary.

(4) To register job-seekers and maintain

current information on available

work.

(5) To recruit and train and

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may direct.

1. Provincial Labor Offices have the responsibility for directing the labor affairs throughout the Province, and supervising the functioning of the Provincial Labor Offices under their jurisdiction. It is desired that all have the following specific functions:

1. To establish and develop a center of the Provincial Labor Office in each of the Provincial divisions within the Department of Labor, Office of the Director, Department of Labor, Office of the Director of Employment Office (Office of Employment) or officers throughout the Province as may be necessary.

(1) To register job-seekers and maintain current information on available work.

08/8

(2) To recruit and furnish division labor to the various divisions of the Province, giving highest priority to military requirements.

(3) To recruit and furnish division labor for division industries.

(4) To furnish necessary information and services in connection with the payment of unemployment compensation.

B. To establish and develop a conciliation and mediation section within the Provincial Labor Office. The Provincial Director of Labor shall also have power to act as mediator or conciliator and to appoint special Conciliators of Conciliation wherever in his judgment and the interests of conciliation justify. These may be firemen. The jurisdiction of the Provincial Labor Office is extended to all labor disputes concerning work within the Province, provided however, that the Regional Labor Office may take jurisdiction if the direction of the Regional Director.

C. To collect and compile statistics, information on private and public employment, unemployment, labor disputes, labor turnover, cost of living, safety and industrial accident rates, wages, hours and conditions of employment, and no person shall refuse to disclose or supply information requested by the Provincial Labor Office with respect thereto. The source of information so received shall not be disclosed.

D. To use all data and other material received to labor relations or labor problems in the Province as the Provincial Government, Regional Director of Labor or Regional Labor

8399

Regional Director.

C. To collect and compile statistical information on private and public employment, unemployment, labor disputes, labor turnover, cost of living, safety and industrial accidents, wages, hours and conditions of employment, and no person shall refuse to disclose or supply information requested by a Provincial Labor Office with respect thereto. The source of information so secured shall not be disclosed.

D. To deal with any other matters relating to labor relations or labor problems in the Province as the Provincial Commissioner, Regional Director or Labor or Regional Labor Officer may direct.

ARTICLE IV - AMBIT

labor disputes which fall of matters through mediation or conciliation shall be finally adjudicated by arbitration boards consisting of tripartite representation, with an equal number of representatives for the employers and the public. The members of said boards

ALL

and the Regional Director shall be notified of such action by the Regional Commissioner after consultation with the Provincial and Regional Directors.

Before a case is referred to arbitration it shall be notified to the Regional Director who will determine whether the arbitration, including the selection of the arbitrator or the arbitration board, shall be under the jurisdiction of the Provincial or the Regional Labor Union.

Conciliation shall be compulsory and the arbitrator or arbitrators shall be appointed by the Provincial Commissioner. Any award or decision rendered by the Provincial Commissioner, or arbitrator for further evidence or reconsideration, or such disposition as he may determine.

ARTICLE V - INVESTIGATION ALL SECTIONS

Whenever a question arises concerning the representation of employees, the Regional Director of Labor, or person designated by him, may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected.

In such cases he may also determine whether the unit appropriate for the purposes of the collective bargaining shall be the industry unit, employee unit, craft unit, plant unit or sub-division thereof. The representative shall be the ex-

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In any such investigation the Regional Director of Labor, or person designated by him, shall provide for the appropriate hearing upon the notice, and may examine records and list of employees, or utilize any other evidence deemed of assistance in such representative.

ARTICLE VI - EMPLOYER PRACTICES

No employer shall:

- (1) interfere with, restrain or coerce employees in the exercise of the rights guaranteed in General Order No. 13 or in these Rules and Regulations;

Regulations;

- (2) combine or interfere with the formation or administration of any labor organization, or contribute financial or other support thereto, but nothing herein contained shall preclude conferences between employers and employees during working hours without loss of time or pay;

- (3) discriminate in regard to hire or tenure of employment or in regard to any term or condition of employment by reason of membership, in any labor organization, or discourage such membership;

- (4) penalize or otherwise discriminate against any employee because he has made complaint.

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No employee shall:

- (1) interfere with, restrain or coerce employees in the exercise of the rights guaranteed in General Order No. 13 of 1959, Rules and Regulations;
- (2) discriminate or interfere with the formation or administration of any labor organization, or contribute financial or other support thereto, but nothing herein contained shall preclude conferences between employees and management during working hours without loss of time or pay;
- (3) discriminate in regard to hire or tenure of employment or in regard to any term or condition of employment by reason of membership in any labor organization, or disclosure such membership;
- (4) penalize or otherwise discriminate against any employee because he has made complaint, filed charges or given testimony against the employer in any labor matter or controversy.

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ARTICLE VII - THE EXECUTION OF LABOR PROCEEDINGS

All the regulations and other measures granted under existing law in favor of Labor Proceedings shall extend and apply to any and all other the documents relative in interest to competition, mediation and arbitration of labor disputes.

ARTICLE VIII - RECORDS OF DISCOVERED REGULATIONS

Records and files of the Institutions disclosed by Art. I of General Order No. 19 shall be delivered to the Provincial Director of Labor or as he shall direct.

ARTICLE IX - EMPLOYMENT OF MINISTERS

1. No gross contract between employer and employee shall be valid unless:

- (a) it is in writing;
- (b) a copy thereof is filed in the Provincial Labor Office making jurisdiction of the area within which the same was executed;
- (c) it conforms to the wage stabilization policy, all General Orders, Ordinances, Rules and Regulations, and it does not conflict with the foregoing.

2. The conditions, regulations and wage scales contained in collective contracts in accordance with the provisions delivered by the Special Labor Magistracy and in conformity with Art. 3 and Art. XIII of the law

3878

Records are filed at the Institution classified as Art. I of General Order No. 77 shall be delivered to the Architectural Director of Labor or to be shall direct.

ARTICLE 12 - VARIOUS OTHER MATTERS

1. No group contract between employer and employee shall be valid unless:

- (a) it is in writing;
- (b) a copy thereof is filed in the Institution;
- (c) it conforms to the wage stabilization policy, and General Orders, Ordinances, Rules and Regulations, and issued laws not to conflict with the foregoing.

2. The conditions, regulations and agreements contained in collective contracts in economic agreements, in sentences delivered by the Special Labor Tribunal and in the law ordinance in conformity with Art. 3 and Art. 111 of the law of 25th February 1944 No. 164, and Art. 14 and Art. 15 of the Royal Decree of 14 August 1942 No. 241 shall continue to be binding until otherwise revised or ordered by Military Government Decree, Institution Order, or new executed group contracts between employers and employees.

M. J. LUNA,
President,
Chief of Staff

18 October 1944

HEAVYWEIGHTS ALLIED COMMISSION
 AND 394
 LABOR SUB-COMMISSION

10/10/44/1/1.

11/1/44.
 2 Nov 44.

SUBJECT : Rules and Regulations pursuant to General Order No. 28.
 TO : Labor Sub-Commission.

1. Reference your labor 4317 dated 31 October 1944 enclosing your draft of above.

2. Although you indicate that your draft omits reference to previous legislation, Article I notwithstanding remains included therein. Our advice was that it be wholly excluded because (a) General Orders cannot be repealed by Rules and Regulations and (b) reference to Executive Memorandum is inappropriate since it is not a document open to public inspection.

3. Article III as we have already indicated contains much surplusage by way of administrative definition of General Order No. 28 and matters of internal routine which would more appropriately be the subject of Admin. Directive.

4. Article III-1-3 is objectionable in that it provides that the Regional Director shall refer certain disputes to the Labor Sub-Commission thereby by passing the Regional Commissioner to whom the Regional Director is responsible. Our draft required the reference of such disputes to the Regional Commissioner.

5. Article III Para 2, Section 1 2 illustrates the purely internal administrative character of much of the matter included in this article. Certainly the "Directive" to personnel to give "highest priority to military requirements" has no place in these Rules and Regulations.

6. Article III Para 2 B provides that the Provincial Labor Office shall have jurisdiction of all labor disputes concerning work within the Province. If "work within the Province" is to be the criterion of jurisdiction it must be more clearly defined. Is it intended for example that jurisdiction of a dispute involving employees of a construction Company located in Province A who are temporarily working in Province B shall be taken by the Provincial Labor Office of Province B?

Because of the difficulties inherent in defining the respective jurisdictions of Regional and Provincial Labor Offices our draft proposed that the Regional Labor Director upon notice of a dispute should designate to the office to take jurisdiction thereof.

Your draft is further objectionable in that you have rejected our

provisions for notice to the Regional Labor Director and have thus deprived him of the means whereby he can know of and assert jurisdiction in labor disputes if he so elects.

7. As a matter of good drafting the subject of jurisdiction should be embodied in one article and not scattered as in your draft. Your arrangement of Article III Para 2Bis such that the jurisdiction of the Provincial Labor Office as therein defined might be construed to be limited to conciliation and mediation matters. If contrary to our advice an attempt is to be made separately to define the jurisdiction of the Regional and Provincial Labor Offices, the sentences having to do with the jurisdiction of the Provincial Office should be set up in a separate para.

8. We advisedly covered the subject of conciliation in a separate article because either the Regional or Provincial Labor Office might be charged with conciliation duties dependent upon which had jurisdiction of the dispute. Your draft entirely ignores jurisdictional lines and gives the Provincial Office exclusive control of conciliation whether the dispute be provincial or regional in character. Our criticism in this connection goes to the form as well as to the substance of your draft.

9. You rejected our Article VI on statistics although it must be apparent to you that the effort to collect vital statistics might well prove futile unless implemented by the power to require disclosures thereof.

10. We redrafted your original Article VII (Representatives and Elections) by our Article IV because we considered it naturally desirable to provide first for the manner and method of selecting representatives before undertaking to provide for disputes, if any, arising in connection therewith as you have done.

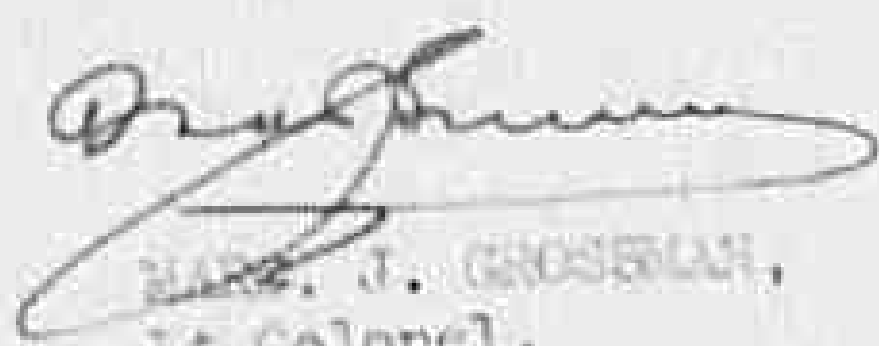
Although in the case of disputed or questioned elections you have provided the methods whereby the Regional Director may ascertain the true representatives (which purely administrative details we consider entirely unnecessary) no procedures whatever are set forth with respect to the elections themselves, which we assume are relatively new to Italian Industry. It was for that reason that we inserted the minimum requirement of election by ballot.

11. Article III Para 1-C provides for the handling by the Regional Labor Office of such other matters as the Regional Commissioner may direct, whereas the comparable provision as to Provincial Labor Offices (Art. III Para 2 - d) provides that such other matters shall be handled as the Provincial Commissioner, the Regional Labor Director or the Regional Labor Officer may direct. Was it intended to exclude the Regional Labor Director and the Regional Labor Officer from Regional office decisions as has been done in Article III Para 1-C above. In any case

*Aluminum
Cable
10/18
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mediation
by law
of 1927
which is
in force*

the reference to the Regional Labor Officer should be to the Regional Commissioner. This objection applies also to Art. III Para 2 (c).

12. There are other details of our drafting which you have rejected in preference to your own. We still regard ours as preferable, but except where the difference is one of substance, we have made no comment with respect thereto.



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

HEADQUARTERS ALLIED COMMISSION
APG 334
LABOR SUB-COMMISSION

JHS/rsw

31 October 1944

SUBJECT: Rules and Regulations Pursuant to General Order No. 28.
TO : Legal Sub-Commission

1. There is submitted herewith a second revision of Rules and Regulations incorporating suggestions made by the Legal Sub-Commission with articles included in the previous draft of the Labor Sub-Commission and believed essential for the final draft.

2. In answer to the questions raised in the memorandum of 29 October, 1944 it is stated that employees of Labor Offices are paid through Italian payrolls in accordance with local agreements made between and financial officers and Italian Government officials. This is not thought to be an appropriate provision for inclusion in the Rules and Regulations. It is not intended that one of the employment offices shall be mandatory at the part of employers and employees. It is believed that reference to the *Ispettorato del Lavoro* should be included in the Rules and Regulations, since direction of this agency is a matter of administrative policy rather than of procedure.

3. In the present draft the following suggestions of the Legal Sub-Commission have been accepted and incorporated:

- (A) Cancellation of all references to jurisdiction of Regional and Provincial Commissioners;
- (B) Cancellation of article on previous labor legislation;
- (C) Cancellation of possible exemptions for military establishments;
- (D) Clarification of questions of jurisdiction in labor disputes, including provision for handling of inter-regional disputes;
- (E) Combination of sections dealing with duties of Regional and Provincial Labor Offices.

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4. In the present draft Articles I, III, V, VII, VIII and IX of the Legal Sub-Commission draft of 13 October have been quoted verbatim, except for typographical corrections.


JUNIUS R. SMITH
Colonel, LMC
Acting Director
Labor Sub-Commission

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HEADQUARTERS ALLIED COMMISSION
APO 834
LABOR SUB-COMMISSION

JPS/rav

21 October 1944

SUBJECT: Rules and Regulations Pursuant to General Order No. 12.
TO : Legal Sub-Commission

1. There is submitted herewith a second revision of Rules and Regulations incorporating suggestions made by the Legal Sub-Commission with articles included in the previous draft of the Labor Sub-Commission and believed essential for the final draft.

2. In answer to the questions raised in the memorandum of 12 October, 1944 it is stated that employees of Labor Offices are paid through Italian payrolls in accordance with local agreements made between AMG Financial officers and Italian Government officials. This is not thought to be an appropriate provision for inclusion in the Rules and Regulations. It is not intended that use of the employment office shall be mandatory on the part of employers and employees. It is believed that reference to the *Impetrate del Lavoro* should be included in the Rules and Regulations, since direction of this agency is a matter of administrative policy rather than of procedure.

3. In the present draft the following suggestions of the Legal Sub-Commission have been accepted and incorporated:

- (A) Omission of all references to jurisdiction of Regional and Provincial Commissioners;
- (B) Omission of article on previous labor legislation;
- (C) Omission of possible exemptions for military establishments;
- (D) Clarification of questions of jurisdiction in labor disputes, including provision for handling of inter-regional disputes;
- (E) Combination of sections dealing with duties of Regional and Provincial Labor Offices.

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4. In the present draft Articles I, III, V, VII, VIII and IX of the Legal Sub-Commission draft of 23 October have been quoted verbatim, except for typographical corrections.

Junius R. Smith
JUNIUS R. SMITH
Colonel, QMC
Acting Director
Labor Sub-Commission

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HEADQUARTERS ALLIED CENTRAL MILITARY COMMAND

ALLIED MILITARY GOVERNMENT

RULES AND REGULATIONS WITH REGARD TO LABOR LEGAL PURSUANT
TO GENERAL ORDER NO. 15

ARTICLE I - STATUS OF LABOR ORDERS

General Order 15 supersedes all previous General Orders and Regional Orders pertaining to Labor Offices and Labor Regulations.

In the application of General Order No. 15, Executive Memorandum No. 68 of 17 July 1944, should be referred to together with these Rules and Regulations which supersede the Rules and Regulations issued pursuant to General Order No. 5.

ARTICLE II - ESTABLISHMENT OF LABOR
OFFICES

1. For each Province and Region there shall be established at such place as the Provincial or Regional Commissioner may respectively direct a Provincial or Regional Labor Office as the case may be.

Such Labor Office shall be in charge of an Italian civilian to be known as the Regional or Provincial Director of Labor and to be appointed by the Regional or Provincial Commissioner as the case may be.

Directors of Labor may, subject to the approval of the Regional or Provincial Commissioner concerned, appoint an appropriate and adequate staff for their respective offices.

2. Consular, special port and Para Labor Offices will be

In the application of General Order No. 23, Executive Order No. 68 of 17 July 1944, should be referred to together with these Rules and Regulations which supersede the Rules and Regulations issued pursuant to General Order No. 5.

ARTICLE II - ESTABLISHMENT OF LABOR OFFICES

1. For each Province and Region there shall be established at such place as the Provincial or Regional Commissioner may respectively direct a Provincial or Regional Labor Office as the case may be.

Such Labor Office shall be in charge of an Italian civilian to be known as the Regional or Provincial Director of Labor and to be appointed by the Regional or Provincial Commissioner as the case may be.

Directors of Labor may, subject to the approval of the Regional or Provincial Commissioner concerned, appoint an appropriate and adequate staff for their respective offices.

2. Communist, special part and Para Labor Offices will be established in such places and with such Italian civilian staffs as the Provincial Commissioner may direct.

3. All appointments of Italian Personnel in Labor Offices shall be non-political and temporary.

ARTICLE III - POWERS AND DUTIES OF LABOR OFFICES

1. Regional Labor Offices have the primary responsibility of supervising and coordinating the functions and activities of the Provincial Labor Offices. In addition they will have the following special functions:

- A. To encourage the practice and procedure of collective bargaining, and to protect the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection. To encourage practices fundamental to the friendly adjustment of labor disputes arising out of differences as to wages, hours and other conditions of employment.
- B. To direct and control the work of the *Ispettorato del Lavoro* as a labor inspection service only.
- C. To take jurisdiction of such labor disputes as appear to the Regional Director to affect more than one Province, or which for any reason appear to need Regional rather than Provincial intervention; and to refer to the Labor Sub-Commission, ACC MQ, such labor

collective bargaining, and to protect the

exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection. To encourage practices fundamental to the friendly adjustment of labor disputes arising out of differences as to wages, hours and other conditions of employment.

B. To direct and control the work of the *Ispektorato del Lavoro* as a labor inspection service only.

C. To take jurisdiction of such labor disputes as appear to the Regional Director to affect more than one province, or which for any reason appear to need Regional rather than provincial intervention; and to refer to the Labor Sub-Commission, *ACC HL*, such labor disputes which appear to affect more than one Region or which for any reason appear to need National rather than Regional intervention.

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- 2 -
- D. To prepare regular and special reports and surveys upon information furnished by the Provincial Labor Offices and supplemented by other sources and independent studies.
- E. To promote the welfare of wage-earning women, and children, improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment.
- F. To supervise and assist in such migration and other movement of workers as may be necessary and proper and to exercise such manpower controls as may be determined by General Order or by Italian law.
- G. To deal with such other matters relating to labor relations or labor problems in the said Region as the Regional Commissioner may direct.
- H. Provincial Labor Offices have the responsibility for directing the labor program throughout the provinces, and supervising and coordinating all Communist and special offices under their jurisdiction. In addition they will have the following special functions:
- I. To establish and develop a central employment Service Office as one of the principal divisions within the Provincial Labor Office.

F. To supervise and assist in such migration

and other movement of workers as may be necessary and proper and to exercise such manpower controls as may be determined by General Order or by Italian law.

G. To deal with such other matters relating to labor relations or labor problems in the said Region as the Regional Commissioner may direct.

2. Provincial Labor Offices have the responsibility for directing the labor program throughout the Provinces, and supervising and coordinating all Commercial and special offices under their jurisdiction. In addition they will have the following special functions:

A. To establish and develop a central Employment Service Office as one of the principle divisions within the Provincial Labor Office. To establish, supervise and direct such other employment offices (Office of Collocamento) or officers throughout the Provinces as may be necessary.

(1) To register job-seekers and maintain current information on available workers.

- 4 -

(1) To recruit and furnish civilian labor to the Allied Military Forces as requested, giving highest priority to military requirements.

(2) To recruit and furnish civilian labor for civilian employers.

(4) To furnish necessary information and services in connection with the payment of unemployment compensation.

B. To establish and develop a conciliation and mediation section within the Provincial Labor Office. The Provincial Director of Labor shall also have power to act as mediator or conciliator and to appoint Special Commissioners of Conciliation whenever in his judgment the interests of social and industrial peace may require it. The jurisdiction of the Provincial Labor Office is extended to all labor disputes concerning work within the Province, provided however, that the Regional Labor Office may take jurisdiction at the discretion of the Regional Director.

C. To compile statistical information on private and public employment, unemployment, labor disputes, labor turnover, cost of living, safety and industrial accidents, wages, hours

- payment of unemployment compensation.
- B. To establish and develop a conciliation and mediation section within the Provincial Labor Office. The Provincial Director of Labor shall also have power to act as mediator or conciliator and to appoint Special Commissioners of Conciliation whenever in his judgment the interests of social and industrial peace may require it. The jurisdiction of the Provincial Labor Office is extended to all labor disputes concerning work within the Province, provided however, that the Regional Labor Office may take jurisdiction at the discretion of the Regional Director.
- C. To compile statistical information on private and public employment, unemployment, labor disputes, labor turnover, cost of living, safety and industrial accidents, wages, hours and conditions of employment, and prepare regular reports thereon for submission to the Provincial Commissioner, the Regional Director of Labor, and the Regional Labor Officer.
- D. To deal with such other matters relating to labor relations or labor problems in the said Province as the Provincial Commissioner, Regional Director of Labor or Regional Labor Officer may direct.

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ARTICLE IV - ARBITRATION

Labor disputes which fail of settlement through mediation or conciliation shall be finally adjudicated by arbitration boards appointed by the Director of the Labor Office having jurisdiction thereof. Each such board shall consist of tripartite representation with an equal number of representatives for the employers, employees and the public, and the members of said boards shall be drawn from a panel selected by the Director of the Provincial or Regional Labor office as the case may be, but subject always in either case to the approval of the Regional Commissioner. Such arbitration shall be compulsory and the awards of such boards shall be final and binding upon the parties thereto when filed with and approved by the Regional Commissioner.

Any award not so approved by him may at his direction be reopened for further evidence and consideration or such disposition as he may determine.

ARTICLE V - REPRESENTATIVES AND ELECTIONS

1. Whenever a question arises concerning the representation of employees, the Regional Director of Labor or person designated by him, may investigate such controversy and certify to the parties, in writing, the name or names of the representatives that have been designated or selected. In any such investigation the Regional Director of Labor or person designated by him, shall provide for an appropriate hearing upon due notice, and may lead a secret ballot of employees, or utilize any other suitable method

Regional Labor Office as the case may be, but subject nevertheless to the approval of the Regional Commissioner. Such arbitration shall be compulsory and the awards of such board shall be final and binding upon the parties thereto when filed with and approved by the Regional Commissioner.

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2. The Regional Director of Labor or person designated by him, shall decide in each case, subject to review by the Regional Commissioner, whether, in order to insure to employees the full benefit of their right to self-organization and to collective bargaining, and otherwise to effectuate the policies of General Order No. 18, the unit appropriate for the purposes of collective bargaining shall be the industry unit, employer unit, craft unit,

plant unit, or subdivision thereof. The representatives so designated or selected for such unit shall be the exclusive representatives of all the employees in such unit for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment; provided, that any individual employee or group of employees shall have the right at any time to present grievances to their employer.

ARTICLE VI - UNFAIR LABOR PRACTICES

No employer shall:

- (1) interfere with, restrain or coerce employees in the exercise of the rights guaranteed in General Order No. 48 or in these Rules and Regulations;
- (2) dominate or interfere with the formation or administration of any labor organization, or contribute financial or other support thereto, but nothing herein contained shall preclude conferences between employers and employees during working hours without loss of time or pay;
- (3) discriminate in regard to hire or tenure of employment or in regard to any term or condition of employment by reason of membership in any labor organization, or discourage ³ membership;
- (4) organize or otherwise discriminate against

ARTICLE VI - UNFAIR LABOR PRACTICES

No employer shall:

- (1) interfere with, restrain or coerce employees in the exercise of the rights guaranteed in General Order No. 20 or in these Rules and Regulations;

- (2) dominate or interfere with the formation or administration of any labor organization, or contribute financial or other support thereto, but nothing herein contained shall preclude conferences between employers and employees during working hours without loss of time or pay;

- (3) discriminate in regard to hire or tenure of employment or in regard to any term or condition of employment by reason of membership in any labor organization, or discourage such membership;

- (4) penalize or otherwise discriminate against any employee because he has made complaint, filed charges or given testimony against the employer in any labor matter or controversy.

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ARTICLE VII - TAX EXEMPTIONS FOR
LABOR PHYSICIANS

All tax exemptions and other privileges granted under existing law in favor of labor physicians shall attach and apply to any and all suits and documents relative or incident to conciliation, mediation and arbitration of labor disputes.

ARTICLE VIII - RECORDS OF DISSOLVED
INSTITUTIONS

Records and files of the institutions dissolved by Art. I of General Order No. 12 shall be delivered to the Provincial Director of Labor or as he shall direct.

ARTICLE IX - VALIDITY OF CONTRACTS

1. No group contract between employer and employees shall be valid unless:

- (A) it is in writing;
- (B) a copy thereof is filed in the Regional Labor Office having jurisdiction of the area within which the same was executed;
- (C) it conforms to the wage stabilization policy, and General Orders, Ordinances, rules and regulations, and Italian laws not in conflict with the foregoing.

2. The conditions, regulations and wage scales contained in collective contracts in economic agreements, in sentences delivered by the Special Labor Magistracy and in corporative ordinance in conformity with Art. X and Art. VIII of the law

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2. The conditions, regulations and wage scales contained in collective contracts in economic agreement, in sentences delivered by the Special Labor Magistracy and in corporate ordinance in conformity with Art. X and Art. XIII of the law of 5th February 1934 No. 163, and Art. IV and Art. V of the Royal Decree of 3 August 1942 No. 541 shall continue to be binding until otherwise revised or ordered by Allied Military Government decrees, arbitrations awards, or new executed group contracts between employers and employees.

M. S. LUSH,
President,
Chief of Staff

19 October, 1944

ALLIED MILITARY GOVERNMENT OF OCCUPIED TERRITORYGENERAL ORDER No. 28LABOUR RELATIONS

WHEREAS it is the policy of the United Nations to abolish the Fascist corporative syndicate system and to restore to labour the free right of collective bargaining;

Now, therefore, I, MAURICE STANLEY LUSH, C.B.E., M.C., Brigadier, Executive Commissioner, Allied Control Commission, hereby order as follows:-

Article IAbolition of Certain Fascist Institutions

The Fascist Corporate Syndicate System is hereby abolished. All corporations, syndicates, institutions, unions, councils and other bodies which are or at any time were

- (a) in any way dependent on the former Fascist party or the Fascist Corporate Syndicate System; and,
- (b) concerned with the Fascist organization or regulations of labour in any form or aspect,

and all branches, constituent bodies and other dependant and successor organizations of the Fascist corporations, syndicates, institutions, unions, councils and bodies are hereby dissolved.

Article IIRight of Organization

Employees shall have the right to organize, hold meetings, and select representatives of their own choosing for the purpose of collective bargaining with respect to all matters pertaining to or connected with their employment, including such matters as concern hours, wages, working conditions, grievances, disputes and mutual social and economic assistance.

Article IIICreation of Labour Offices

The following institutions are hereby created:

- (a) A Regional Labour Office for each of such Regions as may be

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Article III

Creation of Labour Offices

The following institutions are hereby created :

- (a) A Regional Labour Office for each of such Regions as may be established in Military Government Territory;
- (b) A Provincial Labour Office for each Province in Military Government Territory, subordinate to the Regional Labour Office.

Article IV

Rules and Regulations

Rules and Regulations will be issued by the Allied Military Government to enable the Regional and Provincial Labour Offices: so established to fulfill their objects and perform and carry out their powers, duties and functions.

Article V

Objects of the Regional Labour Office

Subject to the Rules and Regulations to be issued as aforesaid, each Regional Labour Office will have the following powers, duties and functions, respectively:

- a. To consider the most practicable and expeditious method of reestablishing and assuring freedom of labour organization and representation throughout the Region.
- b. The coordination of the work of and the information and statistics compiled by the Provincial Labour Offices:
- c. The compilation of similar Regional statistics and information:
- d. The issuing of periodical reports and bulletins on labour questions for issue to the public or otherwise:
- e. To act as conciliator, mediator, and arbitrator in labour cases which are of special economic significance or of interest to the entire Region:
- f. Generally to do all such other things in connection with labour matters within each Region as may be required.

Article VI

Objects of Provincial Labour Offices

Subject to the Rules and Regulations to be issued as aforesaid, each Provincial Labour Office will have the following powers, duties and functions within the Province in which it is established, and may exercise such powers, duties and functions pending the establishment of a Regional Labour Office:

- a. Until the establishment of a Regional Labour Office with jurisdiction over the Province, to take steps for the reestablishment and guarantee of freedom of labour organization and representation throughout the Province:
- b. The compilation of information and statistics on labour:

c. The establishment of offices for the registration and supply of labour:

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- b. The compilation of information and statistics on labour:
- c. The establishment of offices for the registration and supply of labour:
- d. To act as conciliator, mediator or arbitrator in labour disputes;
- e. Generally to do all such other things in connection with labour matters within the Province as may be required.

ARTICLE VII

Punition

Any person interfering or assisting or attempting to interfere with any right conferred by Article II of this Order or otherwise failing to observe any provisions of this order shall upon conviction by an Allied Military Court be liable to punishment by imprisonment or fine or both and such other lawful punishment as the Court may determine.

ARTICLE VIII

Repeal of Conflicting Laws

Any and all provisions of Italian Law inconsistent or in conflict with the provisions of this Order are hereby repealed.

ARTICLE IX

Effective Date

This Order shall become operative in each Province or part thereof within the occupied territory on the date of its first publication therein.

FOR THE CHIEF COMMISSIONER

M.S. LUSH
Brigadier
Executive Commissioner
Allied Control Commission

Dated:

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M.S. LUSH
Brigadier
Executive Commissioner
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Dated:

2477