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

ACC 10000/146/659 091.483 DRAFT DECREE SUPPRESSING FASCIST SYNDICAL ORGANIZATION

Ap. - Nov. 1944

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

OPPRESSING FASCIST SYNDICAL ORGANIZATION

- Nov. 1944

file 483

COPY

Roma, 16 November 1944

Ministero dell'Industria
del Commercio e del Lavoro

Il Ministro

Alla COMMISSIONE ALLEATA
Sezione Economica
R o m a

Risposta al f. No. ES/702 del 2 november

OGGETTO: Decreto di soppressione dei sindacati fascisti

Con riferimento alla nota sopraindicata si conferma che sara' provveduto:

1. alla disciplina del collocamento e degli Uffici del lavoro nelle Puglie e in Sardegna;

2. alla conservazione degli enti assistenziali e di previdenza costituiti dalle associazioni soppresse o sotto gli auspici delle stesse.

IL MINISTRO
Gronchi

MINISTRY OF INDUSTRY
COMMERCE AND LABOR

In reply to ES/702 of 2 November 44

SUBJECT: Decree suppressing Fascist Syndicates

With reference to the above, this confirms that provision will be made:

1. For the regulation of collocamento (functions and of labor offices in Puglie and in Sardinia;

2. For the preservation of assistance and social security agencies established by the suppressed syndicates or sponsored by them.

THE MINISTER
Gronchi

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

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1. alla disciplina del collocamento e degli Uffici del lavoro nelle Puglie e in Sardegna;

2. alla conservazione degli enti assistenziali e di previdenza costituiti dalle associazioni sopresse o sotto gli auspici delle stesse.

IL MINISTRO
Gronchi

MINISTRY OF INDUSTRY
COMMERCE AND LABOR

In reply to Ms/702 of 2 November 44

SUBJECT: Decree suppressing Fascist Syndicates

With reference to the above, this confirms that provision will be made:

1. For the regulation of collocamento (functions) and of labor offices in Puglie and in Sardinia;

2. For the preservation of assistance and social security agencies established by the suppressed syndicates or sponsored by them.

THE MINISTER
Gronchi

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fg/

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

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

HEADQUARTERS ALLIED COMMISSION
APO 394
LABOR SUB-COMMISSION

ftt 483

9 November 1944

SUBJECT: Abolition or Conversion of Fascist Organizations

TO: Civil Affairs Section

1. Following comments are offered with respect to your AF/1a/GA of 29 October 1944.

2. Para 1(a) refers to ASSOCIAZIONE LAVORATORI [illegible] ADDETTI alle ATTIVITA' INDUSTRIALI. We are unable to identify any Fascist syndical organization by this name. Possibly reference is made to the CONFEDERAZIONE FASCISTA DEI LAVORATORI DELL' INDUSTRIA (Industrial workers) or to the CONFEDERAZIONE FASCISTA DEGLI INDUSTRIALI (Industrial employers). In any event, all such organizations unquestionably should be abolished by Italian law, as they have already been by AMG orders in A/S territory (see General Order No. 28). According to the press, a decree drawn by the Ministry of Industry, Commerce and Labor to accomplish this purpose was signed 7 November, 1944, and is now in process of publication. The decree was previously vetted by economic section and Labor Sub-Commission. It approved the contents so far as it goes, but asked the Ministry to provide simultaneously by administrative action for continuation of employment office and other essential labor functions in Puglia and Brindisi and for preservation and continued administration of Provident Funds (Fondi di Previdenza) which are administered by semi-autonomous dependencies of the syndicates as social insurance in which all workers have a share.

3. Para 1(b) refers to establishment of new AMG ASSOCIATIONS SYNDICALI. Such organizations already exist in all parts of liberated territory and have been given tolerated de facto recognition by the Italian government in recent negotiations and conferences for that purpose, although they have as yet no standing in law. Labor Sub-Commission has repeatedly urged on the Ministry the need for legislative provision with respect to new trade-union organizations and also with respect to establishment of Labor Offices (already set up by AMG) as an essential corollary to the abolition of Fascist syndicates.

4. It is agreed that certain functions of Consigli provvisori should continue. We understand the Ministry is considering a plan for their operation in a manner of Commerce capacity under a new name, with previous Labor functions transferred to Labor Offices. Their plan requires legislative implementation. Meanwhile, thorough epuration of Consigli personnel is in order. (Para 1(c) and para 4 of your memo.)

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5. Para 1(d) and 1(e) refer to ISTITUTO NAZIONALE DELLA PREVIDENZA SOCIALE and CASSE MUTUE MALATTIE. The latter designation refers to Mutual Sickness Assistance Funds now administered by ISTITUTO NAZIONALE ASSISTENZA MALATTIA. Since last March, Labor Sub-Commission has worked closely with the Ministry of Industry, Commerce and Labor on problems of the Italian national social insurance system, including those of the two institutes referred to. As indicated in monthly reports, the L.S/C Social Insurance Section maintains liaison with both the insurance institutes and the Ministry and has been actively concerned with such matters as reconstitution and reorganization of the national general administration, transfer of the Italian Empire and Navy to Navy, supervision of contributions, determination of inspection and supervisory services for both ANI and Italian Government territory, and consultation with respect to policy and administrative problems. Operation was undertaken at an early date and, while a number of cases of unsettled employees are pending final determination of title for compensation, the de-Fascistization of the institutes may be considered complete from the standpoint of the technical personnel now on the job.

It is to be noted in the appendix to para. 5 that Italian officers in public health Sub-Commission can be of service in planning the rehabilitation of organizations concerned with the welfare of workers. At present, Labor Sub-Commission is not dealing with any welfare organizations, properly speaking. Under an agreement reached last spring with Public Health Sub-Commission, our responsibility has been limited to social insurance programs supported by worker-employer contributions, while Public Health Sub-Commission has been responsible for public assistance and similar welfare and charitable undertakings.

ELTON R. SMITH
Colonel, AGD,
Acting Director,
Labor Sub-Commission

NFG

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

HEADQUARTERS ALLIED COMMISSION
APO 394
CIVIL AFFAIRS SECTION

CF/1A/CA

8 Nov 44

SUBJECT : Abolition or conversion of Fascist organisations.

TO : Industry S/C
Commerce S/C
Labour S/C

May we have a reply to CF/1A/CA dated 29 Oct 44 please.

S.H. WHITE Lt Col,
for I&S CA Sec

Ext : 469

3906

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

COPY

HEADQUARTERS ALLIED COMMISSION
CMF
CIVIL AFFAIRS SECTION

Ref ; DF/1A/CA

29 Oct 44

SUBJECT : Abolition or conversion of Fascist organisations.

TO : Industry Sub-Comsn
Commerce Sub-Comsn
Labour Sub-Comsn

1 The proposals of the Italian Government as to how various Fascist organisations should be dealt with have now been received. So far as those which depend on the Ministry of Industry, Commerce and Labour are concerned, they are as follows :

a) That the ASSOCIAZIONE FASCISTA DEGLI ADDETTI ALLE AZIENDE INDUSTRIALI should be abolished. A decree to that effect is in course of preperation.

b) That the Ministry has under consideration proposals to establish new ORGANIZZAZIONI SINDACALI and to suppress those now existing.

c) That the CONSIGLI PROVINCIALI DELL'ECONOMIA should be epurated and continue to exercise the functions of Chambers of Commerce. (It may nevertheless be desirable to revert to the pre-fascist title of Camera di Commercio).

d) That the ISTITUTO NAZIONALE DI PREVIDENZA SOCIALE is non-political and its functions should continue; fascist elements should be epurated. Prof. Raemanelli has been appointed Commissario.

e) That the CASSA MUTUE MALATTIE is non-political and its functions should continue; fascist elements should be epurated.

2 Please say whether any of the above proposals are inacceptable, and if so, why.

3 Please see that such proposals as are acceptable are effectively carried out and that all proper and suitable steps are taken and an active and effective non-fascist organisation is established. In this respect, as the abolition of fascist organisations is an obligation of the Italian Government, AC in in a position in suitable cases to insist.

4 It is suggested that Commerce Sub-Commission, as the co-ordinating Sub-Comsn for Defascising should accept responsibility for co-ordinating this aspect of Defascism.

5 You are reminded that Public Health Sub-Comsn has experienced Welfare Officers and when the rebuilding of Organisations concerned with the welfare of workers is under consideration their experience will be of special value

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

6 Property of abolished organisations will be delat with in accordance with Part IV of LiL 159/44.

/s/ S.H. WHITE Lt Col,
for VF CA Section

COPY TO : Econ Sec,
Public Health S/C

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

6 Property of abolished organizations will be dealt with in accordance with Part IV of W.S. 159/44.

[illegible]

W.H. Stark, Lt Col,
for the CA Sec.

COPY TO : Navy Sec,
Public Health Sub-Comm.

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WHS/mb

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

25 October 1944

SUBJECT: Draft Decree Abolishing Fascist Syndicates

TO : Economic Section.

1. The revised draft, in Italian, of the above Decree appears to be satisfactory with regard to all of the technical points regarding which ACC previously made suggestions to the Ministry.

2. We believe, however, that simultaneous provision should be made for:

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

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

3. If such simultaneous provision cannot be made with respect to disposition of Provident Funds, then we recommend that Article 26 of the present Decree be amended to state that the Minister of Industry, Commerce and Labor will consign them to appropriate successor agencies in accord with legislation to be enacted. This would make clear that the Provident Funds are not part of the general assets to be liquidated by the Commissioners with dissolution of the syndicates. The point is important, since the funds were accumulated by universal obligatory social insurance contributions and belong to all of the insured workers.

Junius H. Smith
Colonel AGD
Acting Director,
Labor Sub-Commission.

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

File copy

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

21 October 1944

SUBJECT: Proposed Italian Government Decree on Abolition of Fascist Syndicates.

TO: Economic Section

1. Early this week a meeting was held in your office to consider the proposed decree of the Italian Government to abolish Fascist Syndicates. Present at this meeting, from the Italian Government, were Messrs. Tarchiani, Grossi, and Pergoli. Complete accord was reached between these gentlemen and ourselves, including Dr. Longhi, Labor Legal Adviser, as to the form of the final decree.

2. I am pleased to inform you that the mimeographed copy of the decree to be enacted was submitted to Dr. Longhi yesterday and found to be satisfactory in every respect. The decree itself was not taken up in yesterday's meeting of the Council of Ministers, but will definitely be passed at the next meeting.

3. Copy of the mimeographed document will be forwarded later.

JUSTUS R. SMITH,
Colonel, AGD,
Acting Director
Labor Sub-Commission

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

R. A.C.C. ECONOMIC SECTION

7 Oct
(Date)

From		To
✓	ECONOMIC SECTION	
	AGRICULTURE	
	COMMERCE	
	FINANCE	
	FOOD	
	INDUSTRY	
	LABOUR	✓
	PUBLIC WORKS & UTILITIES	
	REQUISITION DIVISION	
	TRANSPORTATION	
	SECRETARY GENERAL	
	EXECUTIVE COMMISSIONER	
	BRANCH	
	ADMINISTRATIVE SECTION	
For:	Signature	
	Remarks/Recommendation	
	Information	✓
	Approval/Disapproval	
	Appropriate Action	
	Investigation & Report	
	Noting and Return	
	Noting and Retention	
	Dispatch	

Remarks:

15/32 4/4/4

L. D. DENSMORE
Col., Signal Corps,

2429

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

AS/TB 3 October 1944

SUBJECT: Draft Decree Suppressing the Fascist Syndical Organizations.

TO : Ministry of Industry, Commerce and Labor.

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

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

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

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

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

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

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

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

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

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

For the Acting Chief Commissioner:

A. G. ANNELLI
Acting Head
Economic Section

cc: Labor S/C
Finance S/C
Commerce S/C
Industry S/C
Agriculture S/C
P W & U S/C
Food S/C
Trans S/C

— Signed by Annelli
& forwarded.

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

Translation by D'A' to /fg

OBJECT: Drafts Decree suppressing Fascist Syndicate organizations.

TO : Ministry of Industry, Commerce and Labor.

We have taken into consideration informations furnished us with the letter of August 30th, 1944, No. 686 and in regard, having heard the Legal Sub-Commission, we declare as follows:

1. The plan of the decree under examination leaves out some points which we hold essential as guarantees of public interest, and proved to be connected with the liquidation of the estates of the dissolved Syndicates Organisations.

They are:

a) Appointment of a control committee and its powers.
b) Limits of the authority of the liquidater as much as regards matters other than simple administration.
c) Establishment of the state of liability.
d) Procedure for the acknowledgment of credits.

These points are covered by some dispositions of L.D. march, 16, 1942 to which therefore we have referred.

1. Naturally, if in the quoted articles, there are dispositions inspired by Fascist spirit detrimental to individual rights it shall be advisable, instead of pointing them, out, to introduce to the plan some modification and addition in order to realize that guarantee of the individual interest to which you refer.

2. The exact date of the suppression of Syndicate contributions should not offer great difficulties. It should suffice to reproduce the text prepared by you in the law project on Labor offices (Art. 42).

The opportunity of the specification of the date results by said text.

3. In reference to Art. 12 of the project, we are in accord that it is not possible to determine to-day the formal characteristics of Organizations to which should be devolved the remaining property of the dissolved associations.

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However, in view of your certainty of an early emanation of the law on the Syndicate associations, we consider advisable that in Art. 12 you should not refer to simple "representation" but to "legal representation".

Since these suggestion deal solely with safeguarding public funds, and no question of debateable policy is involved, we feel sure that the Ministry cannot object to including such safeguards in a revised Draft for the Approval of the Allied Control Commission.

Col. J.T.H. BAIN

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
A.C.O. 394

RMA/sc

4 September 1944

LAB 091.447

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

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

1. Attached is letter of 30 August 1944 from the Italian Ministry, together with an English translation. This letter is in response to Labor Sub-Commission letter of 28 August 1944 copy of which is also attached.

2. Is the Italian Ministry correct in stating that the provisions of Italian Law on liquidation of State properties do not apply to the liquidation of Syndical Associations as previously Stated by the Legal Sub-Commission?.

3. Is the Italian Ministry correct in stating that sufficient legal provision is made to properly determine the different dates of termination of contributions to Syndical Associations?.

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

Copy to:

Economic Sub-Commission

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Translation : DI TEMPORA

/lmc

MINISTRY OF INDUSTRY

COMMERCE AND LABOR

- . -

THE MINISTER

Rome August 30 1944

TO THE ALLIED CONTROL COMMISSION

LABOR SUB-COMMISSION

R O M E

Prot. N. 686

Reply to N. 001435 dated Aug.22/44

SUBJECT: Suppression of Syndical Organisations.-

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

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

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

The rules concerning the administration and the sale of State properties cannot be extended to the liquidation of syndical associations. If for the ordinary administration of said association could be applied the provisions of the R.Decree dated October 12,1933. N.1393, which were quite different from those referring to State Administrations, because their nature and functions were obviously different, it stands to reason that the handling of the suppression of said associations, which is of an extraordinary nature, must be regulated in a special way.

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SUBJECT: Suppression of Syndacal Organisations.-

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

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The rules concerning the administration and the sale of State properties cannot be extended to the liquidation of syndical associations. If for the ordinary administration of said association could be applied the provisions of the R.Decree dated October 12,1933. N.1390, which were quite different from those referring to State Administrations, because their nature and functions were obviously different, is stands to reason that the handling of the suppression of said associations, which is of an extraordinary nature, must be regulated in a special way.

2. The scheme concerning the liquidation of syndical associations has not excluded altogether the R.Decree dated March 15,1942, N. 267; nay, it has included such provisions as were considered applicable. Articles 3,5,6,7,8,10 are as a matter of fact an adaptation of articles 195,196,200,201 and 204 of the Decree 1942 for the provisions that could be applied at once to the special procedure in respect of syndical associations.

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

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

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

3. a) The suppression of contributions is contemplated in consequence of the suppression of syndical associations. It is therefore obvious that the contributions can no longer be cashed from the date when the associations

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

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

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

b) Considering that the syndical organizations which is to take

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place of the fascist organization is still in the making, it is not possible

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

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

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

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

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

THE MINISTER

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

ion responds to a requirement of justice, namely that patrimonial assets must return to be the property of the same classes of people which contributed to form them.

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THE MINISTER

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.435 28 August 1944

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

TO : Ministry of Industry, Commerce and Labor.

1. Reference our letter to you dated 23 Aug 44 (LAB 091.435).

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

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

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

Copies:
Economic Section
Legal Sub-Commission

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

Folder 0391

/gb

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4104/4/L.

24 August 44

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

TO : Labor Sub-Commission.

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

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

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

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

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

HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

/gb.
ACC/4104/4/L. 24 Aug 44.

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TO : Labor Sub-Commission.

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

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Richard H. Wilmer

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

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

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STRB/lc

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

AE 091.425

22 August 1944

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

TO : Ministry of Industry Commerce and Labor

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

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

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

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

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

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

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

Copies:
Economic Section
Legal Sub-Commission

(19)

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Declassified E.O. 12356 Section 3.3/NND No. 780031

To Chabour Sub Commission

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4104/4/L. /rlp.

19 August 1944.

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

TO : Acting Head, Admin Sec.

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

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

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

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

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

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

for

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

Copy to: Labor Sub-Commission.

28 July 1944

Art. I

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

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

Art. II

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

Art. III

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

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

Art, IV

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

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

Art. V

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

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Art. VI

The powers of administration and disposition of the property of the suppressed institutions are within exclusive competence of the [illegible] Commissioner, who exercises them within the limits put by

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Commercio", the "Confederazione Fascista dei Lavoratori delle Aziende del Credito e dell'Assicurazione", the "Confederazione Fascista dei Professionisti e Artisti", are suppressed.

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

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

Art. V

The Liquidating Commissioners and the Assistants are public officials only in the exercise of their duties.

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Art. VI

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

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

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

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Art VII

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

Art. VIII

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

The mortgages inscribed after the suppressions are also ineffective.

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

Art. IX

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

1. To rent real estates for longer than one year;

2. To sell real estates or personal property in bulk, or personal property of a special quality or value;

3. To use the documents and the manuscripts belonging to the suppressed institutions, for aims not directly connected to the liquidation.

In the case of No 2, the Minister can condition his authorization to the obeservance of special rules or cautation.

Art X

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

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

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

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

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

Art. XI

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

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Art XII

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

Art XIII

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

Art XIV

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

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

Art XIV

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

/sc

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File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOUR SUB-COMMISSION
APO 394

4357

4 August 1944

Col. O' Dwyer,

To-day we passed to you a short decree proposed by the Italian Govt. to appoint Commissioners to liquidate and in agreement with the Minister of Industry, Commerce and Labor, assign the assests of the Labor Fascist Syndicates.

The action proposed is covered in the Draft Labour Decree now before the Italian Govt. and when pressed to give a reason for the suggested exceptional action, the Govt.'s representative stated that the Govt. was afraid that action would be taken at the Regional level (appointment of Commissioners) which would encroach on National interests.

Such a fear would appear to be unreal but in the past pre-mature announcements have been made and action decided not only without A.C.C. consultation and agreement but to A.C.C.'s subsequent embarrassment. The Govt., perhaps without such knowledge, had grounds for their fears.

It is suggested that action be taken to ensure that there is no interferences at the Regional level with matters which are the concern of Govt. and A.C.C. HQ. Any doubtful case should be referred to this Office.

J. F. H. HAIG,
Colonel,
Director, Labor Sub-Commission

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EJS/tbw

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.435

3 August, 1944

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

TO : Director, Labor Sub-Commission

FROM : Captain E. Scicluna, Labor Relations Officer

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

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

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

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

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

I explained that however willing the Labor Sub-Commission might be to accommodate the Labor Ministry, the Draft Decree in question ~~contained~~ was 26 ft such far-reaching importance that it needed not only the careful consideration of the Labor Sub-Commission, but also reference to both Legal and Finance Sub-Commissions. The limitation in time which the Labor Ministry is suggesting would obviously preclude the Labor Sub-Commission from following this essential procedure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. With reference to the Draft Law in question the following points are submitted for consideration:

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

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

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

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

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

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

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

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

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

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

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

E. Scicluna Capt
E. SCICLUNA,
Captain,
Labor Relations Officer.

DISTRIBUTION:

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

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

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

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

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

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

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

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

UMBERTO DI SAVOIA, PRINCIPE DI PIEMONTE
Luogotenente Generale del Regno

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

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Sono soppresse la Confederazione fascista degli agricoltori, la Confederazione fascista degli industriali, la Confederazione fascista dei Commercianti, la Confederazione fascista delle aziende del credito e dell'assicurazione, la Confederazione fascista dei lavoratori dell'agricoltura, la Confederazione fascista dei lavoratori dell'industria, la Confederazione fascista dei lavoratori del commercio, la Confederazione fascista dei lavoratori delle aziende del credito e dell'assicurazione, la Confederazione fascista dei professionisti e artisti.
Sono pure soppressi l'Ente nazionale fascista della cooperazione, le Federazioni nazionali fasciste ed i Sindacati nazionali fascisti aderenti alle Confederazioni indicate nel comma precedente.

Art. 2

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

Art. 3

I patrimoni degli Enti indicati nell'art. 1 sono liquidati da uno o piu' commissari liquidatori nominati dal Ministro per l'Industria, il Commercio e il Lavoro, con decreto da pubblicarsi nella GAZZETTA UFFICIALE.
La liquidazione si svolge sotto la vigilanza e il controllo del Ministro predetto.

Art. 4

Il commissario liquidatore puo' essere autorizzato dal Ministro a nominare suoi coadiutori, i quali agiscono secondo le istruzioni di lui, ma, sotto la propria responsabilita' per quanto riguarda l'esecuzione di esse.
I coadiutori, alla fine di ogni mese, rimettono al commissario un rendiconto e una relazione sull'attivita' svolta.

Art. 5

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

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Art. 6

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

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

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

Art. 7

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

Art. 8

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

Sono egualmente inefficaci le ipoteche iscritte dopo tale soppressione.

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

Art. 9

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

1) dare immobili in locazione per tempo superiore ad un anno;

2) vendere immobili ovvero mobili in blocco o mobili di particolare pregio o valore;

3) utilizzare, per scopi non interessanti direttamente la liquidazione, i documenti e le scritture di pertinenza degli enti soppressi.

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

Art. 10

Il commissario liquidatore, appena accettata la nomina, deve:

1) provvedere agli atti necessari per la conservazione dei beni, degli archivi, delle scritture e dei documenti dell'ente soppresso;

2) chiedere e prendere in consegna dall'ultimo legittimo rappresentante dell'ente i beni, gli archivi, le scritture e i documenti predetti, formando, in concorso e contraddittorio con detto rappresentante, ovvero, se occorra, col ministero di pubblico notaro, l'inventario dei beni, anche se situati nel territorio occupato.

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

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Art. 11

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

Art. 12

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

Art. 13

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

Art. 14

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

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

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DRAFT DECREE suppressing the Fascist typical organizations and liquidating their respective Estates.

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

Art. 1

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

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

Art. 2

The typical contributions, fixed as a consequence of art. 5 of the law 5 April 1935, n. 563, and of the following dispositions, are suppressed.

Art. 3

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

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

Art. 4

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

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

Art. 5

The liquidating Commissioners and the Assistants are public officials

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only in the exercise of their duties.

Art. 6

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

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

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

Art. 7

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

Art. 8

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

The mortgages inscribed after the suppressions are also ineffective.

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

Art. 9

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

1. To rent real estates for longer than one year;

2. To sell real estates or personal property in bulk, or personal property of a special quality or value;

3. To use the documents and the manuscripts belonging to the suppressed institutions, for aims not directly connected to the liquidation.

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

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Arts. 10

The Liquidating Commissioner, as soon as the appointment has been accepted, must:

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

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

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

Art. 11

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

Art. 12

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

Art. 13

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

Art. 14

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

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

31 July, 1944

LAB 091.435

SUBJECT: Labor Acts

TO : Director, Labor Sub-Commission

FROM : Capt. T. Setzione, Labor Relations Officer

Reference above subject.

1. The new phase of stagnation into which the Labor Sub-Commission has once more been maneuvered by the Italian Ministry in connection with the proposed Labor legislation appears to me to be the result of a considered policy in which various political elements of the Government are acting in concert. The suggestion that this continued inaction on the part of the Minister of Labor may be explained by psychological factors of inborn Italian apathy and unwillingness to meet the situation must be discarded, once the facts outlined hereunder are accepted as conclusive circumstantial evidence.

2. The Draft Labor Law was presented to this Sub-Commission by Minister Gullo as the tentative Draft of the Italian Government and by the time A.C.C. was in a position to accept it with certain formal reservations, there was a change of strategy which brought in its trail the delaying tactics which we have been experiencing once more. That these tactics may be inspired by ulterior motives is a situation difficult to substantiate; recent events, however, may be regarded as symptomatic of this state of affairs.

3. The attitude of the Communist elements in the Trade Union movement suggests that their policy aims at retaining the present conditions of flux, which provides an ideal background against which they might operate, without any interference by the State or by A.C.C. legislation, the latter being of necessity somewhat elastic and inorganic, in view of its transitory nature and the limited purpose for which it is devised. In the words of Mr. Di Vittorio (Communist representative in the Trade Union Triumvirate), the Italian proletariat has not had an opportunity in Fascist or pre-Fascist days to present the State with a "fait accompli" in respect of the many rights which are the heritage of the working classes and the "Confederazione Generale del Lavoro" could not, therefore, welcome, much less support, at the present time, the enactment of legislation which would prejudice the attainment of certain fundamental objectives such as the direct control by the Trade Unions of:

a. Compulsory placement of labor;
b. The administration of all insurance and relief agencies; and
c. The assets which have been accumulated during the enforcement of the syndical system in Italy".

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This attitude of mind was stated to me and Dr. La Loggia in the presence of E.E. Bonacetti, representing the Minister of Labor, and Mr. Lizardi ("Longobardi"), Socialist representative in the "T.U. Triumvirate". The last mentioned spontaneously shared the views expressed by Di Vittorio.

4. Mr. Di Vittorio, during another informal conversation, explained to me that the Trade Union movement in pre-Fascist Italy far from being retrograde was really most progressive since it had deliberately remained outside the pale of the State and had progressively succeeded in imposing its conditions on the social structure of the Nation. By retaining its revolutionary momentum, it was achieving, in practice, all the principal objectives of the working classes, while the State was not in a position to stem the tide for lack of adequate legislation. He considered it a good policy to link up the newly born Trade Union movement to the former traditions of pre-Fascist days and assisted that pre-Fascist movement in Italy had made an original and effective contribution to the international labor movement and to concepts, when it put forth the "Camere del Lavoro", through which organized "pressure" was constantly being brought to bear on the Italian community as a whole.

While I don't wish to enter into the advisability or otherwise of allowing this form of philosophy to permeate the Trade Union movement of today, I do feel very strongly that as long as these ideas prevail we cannot expect any real collaboration in the enactment of the Draft Labor Laws now under consideration nor of any other legislation calculated to place limitations to unrestricted organization of Trade Unions or to enhance the "responsibilities" vis a vis the rights and functions of Trade Union activities in general.

5. There specific matters are at hand to suggest that this attitude is acceptable to political currents other than the Communist and Socialist. The following facts are an indication of the present attitude of the Democ-Christians, viz:

a. The present Minister of Industry, Commerce and Labor has expressed his views verbally on the Labor Acts under consideration, stating that assent for minor alternations he was prepared to present to the Italian Cabinet for approval that part of the Draft Decree which concerned (1) the abolition of the Corporative Syndical System; and (2) the institution of the Labor Offices, but he was of opinion that, for the time being, the State should not interfere with the complete freedom of the newly born Trade Union Movement. This would give us the opportunity of seeing in what direction the movement will express itself and it would thus enable us to legislate in accordance with the real wishes of the working classes. No doubt motives other than these of the Communist and Social ist Party prompt M.E. Grocchi, who belongs to a "partito d'ordine", to insist on allowing the Trade Union Movement to develop unhampered by any sort of legislation. But the least important of these motives is perhaps his desire not to prejudice in any way by some other form of legislation the possibility of setting up, in the near future, a form of State controlled Trade Union organization ("Sindacato di Diritto Publico"), which is the ultimate aim of the "Partito Democratico Cristiano".

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b. It transpires from the "Direttrive" of 30 July, 1944, that a Draft Law has been presented to and approved by the Italian Cabinet, whereby "conciliation" and "arbitration" in all disputes concerning wages shall be referred to the "Ispettorato del Lavoro". One must assume that this Decree was presented by the very same Minister who was certainly conversant with the following facts: (1) the "Ispettorato del Lavoro" had been designated as the enforcement and policing agency of the Labor Offices under the Labor Acts now under consideration; (2) the procedure for conciliation and arbitration was an integral function of the Labor Offices, already in existence in the A.C.I. as well as in Italian Government territory. The Minister is, therefore, consciously attempting to divest the Labor Offices of vital functions reducing them to mere statistical departments. Moreover, both points mentioned above were matters affecting labor policy, yet U.S. The Minister did not consider it necessary to refer the Draft Law in question to the Labor Sub-Commission.

c. The Minister for Labor has now presented for the consideration and approval of the Labor Sub-Commission a Draft Decree abolishing the Corporative-Syndical System, and providing for the appointment of Commissarii with almost unlimited powers to liquidate the estates of the abolished syndicates and to allocate the assets to their final destination. This Draft was presented with an urgent request that the Labor Sub-Commission might approve it within thirty-six hours. The Minister of Labor wished to submit immediately this Draft to the Council of Ministers as it was desirable to obviate the possibility of Colonel Poletti taking the initiative in the appointment of "Liquidators" at the National level. In the Minister's opinion, this would have been "ultra vires", but the situation "de facto" would indeed be embarrassing. This version given in all sincerity by U.S. Personnel on behalf of the Minister. Attention is drawn to the fact that the Minister of Labor was fully aware that (1) the abolition of the Corporative - Syndical System has already been achieved through A.M.G. legislation; (2) more thorough provisions were incorporated in the Labor Acts which he himself was unduly delaying; and (3) the final allocation of estates amounting to billions of dollars was not a matter of urgency and certainly could not be approved except after mature consideration and previous reference to the Legal and Finance Sub-Commissions.

It is symptomatic that the nominees of the Minister of Labor are the "Commissarii" are to be the Trade Union triumvirate, acting collectively or separately at the discretion of the Minister himself.

In the words of Di Vittorio, the Trade Unionist retaining trade only is the last word in sterility machinery, and "under the most conservative estimates would today cost 300 billion lire".

d. A draft law outlining the functions of the "Consigli provinciali dell'economia" includes supervision of and some form of control over the "Uffici di Collocamento". I am not aware as to who prepared this Draft, nor am I informed what stage it ever reached -- the fact remains, however, that the Labor Sub-Commission was never called in to express its views on a matter which strictly falls under its jurisdiction. This would constitute a further encroach-

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went on the functions of the Labor Offices.

e. Dr. Di Vittorio, endeavoring to explain his delay in studying the draft labor law referred to him by the Minister of Labour, stated to me that Scelba had given him to understand that he need not bother about the proposed Labor Law as it was no longer going to be on the 'basis'. This admission was unwittingly made to me in the presence of Dr. De Luccia, Di Vittorio and Dr. Ricardi.

f. Outside the Communist circles, the most outstanding feature calculated to exhibit the present situation may be found in the illegal and quite defiant action of the 'Camere del Lavoro' that have taken it upon themselves, firstly, to set up 'Commissioni Interne' within the more important private and public agencies, notifying the management of the functions that these bodies were to discharge, and, secondly, to create their own placement offices, publishing editorial cross notices which directed unemployed to their offices instead of to the State controlled Offices recently set up under A.M.G. legislation.

The 'Camere del Lavoro' are thus seizing the present opportunity of insufficient implementation (1) to prejudice the question of employment offices being State controlled agencies and (2) to set up a system of agents, that are not even subject to any State discipline.

6. The circumstantial evidence outlined above leads me to the conclusion that, on the whole, the Italian Government is not convinced that our policy in the labor field is acceptable to the Italian people, and while they have no constructive criticism to offer, they are waiting to ensure our work be ineffective as possible. They realize that for the time being they must accept the Labor Offices insofar as those has already been related upon them in Italian controlled territory, and would be extended to the rest of Italy as we proceed to occupy it. They propose, however, to reduce to a minimum the scope of these Labor Offices, thus paving the way towards their eventual elimination. As I am fully aware of the serious implications of this statement, I must state here and now that I abide by my opinion as a result of prolonged observation of the many factors that have come into play in the creation of the present "impasse" for which one must seek some other explanation if my diagnosis is fundamentally incorrect.

7. The present report must be considered as a tentative outline. I am in a position to substantiate more fully the various points raised. If the above version of the situation is considered plausible, I wish to submit for your approval some suggestions to meet the more urgent problems.

[signature]
Captain,
Labor Relations Officer,
Labor Sub-Commission

DISTRIBUTION:

Vice-President, Economic Section 1

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

3 July 1944

LAB 091.447

SUBJECT: Labor Acts

TO: Director, Labor Sub-Commission

Reference above subject.

1. At an interview with Vice President, Economic Section, Major Babcock and undersigned were informed that the Draft Decree submitted by The Minister for Industry, Commerce and Labor should be returned forthwith for submission to the Italian Government.

2. Mr. Grady explained the position as follows:

A. The Decree could be substantially accepted in its present form provided that the Italian Government was made to realise the responsibility which devolves on them in taking a decision over two major controversial points, viz.

(i) The question of allowing free organisationof employers associations; and
(ii) The question of a 'recognised' Trade Union being vested with the authority of making agreements that would be binding not only on its members but also on all workmen in the industry under consideration.

B. The Labor Sub-Commission was to prepare a memorandum incorporating all observations and suggestions contained in the correspondence attached herewith, viz.

(i) Memo by Director, Labor Sub-Commission
(ii) Memo by Director, Legal Sub-Commission
(iii) Memo by Deputy Chief Commissioner

Attached herewith is a Draft of the above-mentioned Memo for your consideration.

3. During the interview with Mr. Grady, I had the opportunity of eliciting his views in respect of such points in the above-mentioned memoranda as were in conflict with one another. In this respect, I followed the lines suggested by Mr. Grady who was in full accord with the views of this Sub-Commission and spontaneously assured me of this support in respect of any question of policy involved in this Decree.

E. Scicluna Capt
E. I. SCICLUNA.
Labor Relations Officer.

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File 2

ALLIED CENTRAL COMMISSION
LABOR SUB-COMMISSION
APO 394

3 July 1944

LAB 97(1)47

SUBJECT: Observations on the Draft Decree "Abolishing the Fascist Syndical Corporative System, reinstituting the Freedom of Trade Union Organization, Authorizing the Institution of Labor Offices and Governing Labor Relations.

TO: H.Q., The Minister for Industry, Commerce and Labor
(Thru: Italian Officer, Labor Sub-Commission)

1. The Labor Sub-Commission has examined carefully the document and offers the following comments.

2. This Sub-Commission considers two features of the Draft Decree as being essentially of a controversial nature, viz,

a. The question of allowing employers to organize freely and

b. The question of allowing a "juridically recognized" Trade Union or a "recognized" Representative Trade Union Confederation to be vested with the authority of concluding Collective Contracts that would be binding on an industry as a whole. (Articles 28-30)

As both these points are of substantial significance, it is proposed to deal with them separately and more thoroughly before proceeding, ~~serially~~ with observations on the other Articles of the Draft Decree.

3. Employers' Associations. In Great Britain, this form of association exists, but limitations are fixed through other legislative measures on the formation of Trusts. In the United States a more uncompromising attitude is taken in this matter.

It is for the Italian Government to decide what they consider to be most suited for their present and future exigencies and to know whether it is in the best interest of the Nation to allow this form of Trade Unionism. It has been pointed out to this Sub-Commission that the organization of Employers' Associations is both necessary in view of the highly developed formation of Collective Contracts which Italian Labor wishes to retain and ~~Excellent~~ considering that certain industries could only thrive through the cooperation of the Employers. Granted that this is a correct version of the situation in this Country, it were well nevertheless to consider the possible dangers that might arise from the organization of strong Employers' Associations that might place the working classes at a disadvantage in their [illegible] for better economic conditions.

4. "Recognized" Trade Union or Representative Trade Union Confederation. The concept of "juridical recognition" and the form of authority which is made to devolve on a "recognized" Trade Union or a "recognized" Representative Trade Union Confederation is essentially foreign to both the British and the American way of thinking.

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The suggestion has been made that it is, in fact, a fascist concept, though it would be more correct to say that it was merely put into practice by Fascism. The Labor Sub-Commission considers this question to be not only highly controversial but also perhaps autocratic, since it allows one organization (however important) or a representative Commission to act on behalf of every workman in a given industry quite irrespective of the numerical strength of the Trade Union or Trade Unions which the contracting party actually represents. It is also thought that this constitutes moral pressure on the individual workmen to join a given Trade Union organization or, at any rate to join a Trade Union. In Countries where the authority of organizations is based on their seniority and organizational strength, such arbitrary procedure may be the result (until the State steps in on penal grounds) but is never the beginning.

This question is one of far reaching importance and, since this Sub-Commission regards the Italian Government as being the best qualified to judge the vital interests of the Italian people, the question shall be left for them to decide, in the light of the controversial nature of this juridical concept from an Anglo-American point - of - view.

5. Taking the Draft Charter under separate Titles and Articles the following observations and suggestions are submitted for your Excellency's consideration and with a view to effecting the necessary amendments prior to submission to the Italian Cabinet:-

TITLE I

Article 2 - After the words "di sfruttare" in the fourth line, insert " per sopprimerne di fatto." This formal change is suggested in order to ascertain that the selection of labor representatives is effected by a democratic process, and is not the act of a minority or "pressure" group.

TITLE II

Article 3 - A further provision should be made to ensure that the Ministry of Labor shall control factory conditions and hours of work.

TITLE IV

In British Colonial Legislation as well as in the United States, a Trade Union is defined and the Anglo-American mind has a prejudice in favor of definition. It is not, we understand, in the Italian legislative tradition to be specific. As this Sub-Commission is not in a position to judge how much weight should be attached to Italian legislative practice, the decision of including or omitting the definition must rest with the Italian Government. If it is decided to include the definition, it is suggested that Your Excellency might submit the text for the consideration of this Sub-Commission.

TITLE I - Article 30

In the second Sub-Section of this article, provision is made for the creation of a Commission which finds its equivalent in the Trade Board of Great Britain.

This form of State intervention is resorted to when an industry is considered to be in a depressed condition and the formation of Trade Union organization does

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organisation does not appear to grow spontaneously. The members of such a Trade Board are drawn from (a) Employers (b) Employees (c) Specialists and it would be expedient to specify this in the present Draft or in the "Sage-Inserts".

Part II - Article 36

(a) The last proviso of para. 1: "rimanendo sempre riservato ad ciascun gruppo almeno un terzo dei posti" should be deleted. It is in danger of being undemocratic, by giving what may be a valueless minority, undue importance. The provision should merely guarantee to each group at least one representative.

(b) In the last sub-section the word "controllare" should be changed to "sorvegliare" unless it is considered, beyond any doubt, to mean "supervise" and not "control". The Labor Office, which at all times must be impartial and beyond criticism, should not take direct action in such matters especially in view of the fact that it might have to assume a judiciary rule in connection with an alledged abuse in the conduct of an Election.

PARTE V

Article 43 - This article is contingent on the question of "recognised" Trade Unions and their powers (Articles 28 - 30) and would have to be revised accordingly.

J. T. R. BATH
Colonel
Director Labor Sub-Commission

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File

HEAD QUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
AUG 32

LAN/057

2 July 1944

LAN 0/1.4/47

SUBJECT: Draft Decree Abolishing the Fascist Syndical Corporative System, reinstituting the Freedom of Trade Union Organization, Authorizing the Institution of Labor Offices and Governing Labor Relations.

TO: H.E., the Minister of Industry, Commerce and Labor

THROUGH: Liaison Officer, Labor Sub-Commission.

1. The Labor Sub-Commission has the honor of forwarding herewith the Italian text of the above-mentioned Draft Decree which was submitted by H.E. Signorili, Your Excellency's predecessor, for the attention of the Chief Commissioner and the observations of this sub-commission.

2. The Draft Decree, as it now stands, may be regarded acceptable to the Allied Military Government. This sub-commission is prepared to accept it substantially, but considers that:

(i) some formal changes should be made by your Excellency prior to submission to the Italian Cabinet; and

(ii) certain observations should be brought to the attention of the Italian Cabinet in order to enable the Ministers to consider the controversial nature of certain points and the weight of responsibility that devolves on the Italian Government in deciding these points.

3. It is submitted, therefore, that the present draft - duly amended in respect of such formal changes suggested in the attached memorandum - be placed before the Italian Cabinet with the least possible delay together with:

(i) A translation of the attached memorandum of this sub-commission; and

(ii) Any observations which your Excellency might wish to make.

4. If the Italian Government should adopt the Draft Decree without making any substantial changes, the Labor Sub-Commission has been authorized by the Chief Commissioner to give its approval for immediate promulgation in the territories under the Italian Government as well as those under AFHQ.

5. It is hardly necessary to point out the urgency of expediting procedure in the adoption of the Decree or in drawing your Excellency's attention to the intolerable situation with which this sub-commission is constantly being faced owing to the long delay in legislating effectively in the labor field. The existing ante-fascist legislative provisions do not enable us to cope effectively with the many serious problems that are constantly arising themselves felt, nor is it [illegible] possible to

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stem the increasing labor trouble in that part of Italian Government Territory where the Labor Offices were never instirbed by the first Badoglio Government. The present situation calls for energetic and immediate action and it is respectfully urged that every effort be made by your Excellency to see this important piece of legislation immediately created.

but strongly urged

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

File

SUBMITTED BY H.E. THE MINISTER FOR INDUSTRY COMMERCE AND LABOR (18/5/44) ° ° ° °°°°

DRAFT ROYAL DECREE

ABOLISHING THE FASCIST SYNDICALE CORPORATIVE SYSTEM. REINSTITUTING THE FREEDOM OF TRADE UNION ORGANIZATION. AUTHORISING THE INSTITUTION OF LABOR OFFICES. AND GOVERNING LABOR RELATIONS.

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ABOLISHING THE FASCIST SYNDICALE CORPORATIVE SYSTEM. REINSTITUTING THE FREEDOM OF TRADE UNION ORGANIZATION. AUTHORISING THE INSTITUTION OF LABOR OFFICES. AND GOVERNING LABOR RELATIONS.

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DRAFT ROYAL DECREE ABOLISHING THE FASCIST SYNDICAL CORPORATIVE SYSTEM. REINSTITUTING THE FREEDOM OF TRADE UNION ORGANIZATION. AUTHORIZING THE ESTABLISHMENT OF LABOR OFFICES. AND GOVERNING LABOR RELATIONS.

Whereas the Law of 3rd April 1926,N°563, and regulations issued pursuant thereto; and

Whereas the Royal Decree of 1st July, 1926,N°1130, and regulations issued pursuant thereto; and

Whereas Book II, Title IV of the Code of Civil Procedure approved by the Royal Decree of 23rd October 1940, N° 1443; and

Whereas Article 18 of the Law of 19th January 1939, N°129; and

Whereas the Royal Decree of 30th October 1943,N°2/b; and

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

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

We hereby decree as follows:

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

Whereas the Law of 3rd April 1926,N°563, and re_
gulations issued pursuant thereto; and

Whereas the Royal Decree of 1st July, 1926,N°1130, and regulations issued pursuant thereto; and

Whereas Book II, Title IV of the Code of Civil Pro_
cedure approved by the Royal Decree of 23rd October 1940, N° 1443; and

Whereas Article 18 of the Law of 19th January 1939, N°129; and

Whereas the Royal Decree of 30th October 1943,N°2/b; and

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

Having heard the Council of Ministers on the propo_
sal of the "Head of the Government, Prime Minister Secre_
tary of State" and of the "Minister for Industry,Commer_
ce and Labor";

We hereby decree as follows:

SECTION I

ABOLITION OF THE FASCIST SYNDICAL CORPORATIVE SYSTEM AND REINSTITUTION OF FREE TRADE UNIONS.

Art. 1.

The Law of 3rd April 1926,N°563, and the Royal De_
cree of 1st July 1926,N°1130, dealing with the juridical

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code governing collective labor relations and all regula_ tions and all regulations subsequently issued for the ex_ ecution and enforcement of the aforementioned laws are he reby repealed. The Royal Decree of 24th January 1924,N°64, converted into the law of 17th April 1925,N° 473, and the Law of 30th January 1944,N°14, are likewise repealed.

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

Art.2

Employees and employers and persons who engage in indipendent trades or professions shall have the right to organize, hold meetings, to select representatives of their choosing for the following purposes:

a) - To engage in collective bargaining with respect to all matters pertaining to or connected with employment, and to participate in the formulation of collective labor regulations - in the inte_ rest of a whole industry or craft in such cases and according to the practice established by law;

b) - To further mutual Social assistance;

c) - To foster the moral and economic interests of the member and generally of the industry or craft

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b) - To further mutual Social assistance;

c) - To foster the moral and economic interests of the member and generally of the industry or craft to which they belong.

SECTION II

LABOR OFFICES

Art.3

The Ministry of Industry, Commerce and Labor, through its own competent General Directions and the Agencies aggre_

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gated to it, shall exercise the following functions;

a) - Supervision of the Labor Offices, with a view to coordinating their activities;

b) - Mediation, Conciliation and reference to arbi_ tration of Labor disputes;

c) - Registration of Trade Unions and recognition of their powers of authorized representation;

d) - Registration and publication of Collective Con_ tracts;

e) - Control and coordination of the services of re_ gistration and placement of Labor, of the migra tion, immigration and emigration of Labor;

f) - Promotion, development, coordination and control of the services concerned with Social Insurance, old age pension, unemployment and health insu_ rance and related labor services;

g) - Promotion and supervision of Trade instruction and training of work people;

h) - Compilation and publication of reports and stu_ dies on employment, unemployment, wages, condi_ tions of service, labor disputes and related matters.

Art. 4

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

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d) - Registration and publication of Collective Con_
tracts;

e) - Control and coordination of the services of re_
gistration and placement of Labor, of the migra
tion, immigration and emigration of Labor;

f) - Promotion, development, coordination and control
of the services concerned with Social Insurance,
old age pension, unemployment and health insu_
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g) - Promotion and supervision of Trade instruction
and training of work people;

h) - Compilation and publication of reports and stu_
dies on employment, unemployment, wages, condi_
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matters.

Art. 4

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

a) - Supervision of the Provincial Labor Offices,
with a view to coordinating their activities;

b) - Mediation, conciliation and reference to arbi_
tration of Labor dispites;

c) - Registration of Trade Union and recognition of
their powers of representation, always within
the limits of the Region and on behalf of the
Ministry of Industry, Commerce and Labor;

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d) - Registration and publication of Collective Con_ tracts which are only of interest to the Region as required by the Ministry of Industry, Commer_ ce and Labor;

e)- Control and coordination of registration and placement of labor in the Provinces and of mi_ gration from Province to Province;

f) - Promotion and development of Social insurance, old age pensions, unemployment and health insu_ rance and related labor services as well as su_ pervision of trade instruction and training of work people;

g) - Supervision covering the enforcement of regula_ tions governing Labor, Social insurance, old age pensions, unemployment and health insurance and related labor services as well as the enforce_ ment of Collective Labor Contracts and similar regulations;

h) - Compilation of reports, investigation and study on matters pertaining to labor;

i) - Discharge of any other labor duties as may be devolved upon it.

Art. 5

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

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f) - Promotion and development of Social insurance, old age pensions, unemployment and health insu_ rance and related labor services as well as su_ pervision of trade instruction and training of work people;

g) - Supervision covering the enforcement of regula_ tions governing Labor, Social insurance, old age pensions, unemployment and health insurance and related labor services as well as the enforce_ ment of Collective Labor Contracts and similar regulations;

h) - Compilation of reports, investigation and study on matters pertaining to labor;

i) - Discharge of any other labor duties as may be devolved upon it.

Art. 5

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

a) - Mediation, conciliation, and reference to arbi_ tration of Labor disputes;

b) - Provision of registration and placement of labor;

c) - Promotion and development of Social Insurance, and related labor services as well as supervision of Trade Instruction and training of work people;

d) - Compilation of reports, investigation and study on labor matters and discharge of any other la_ bor duties as may be devolved upon it.

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Art. 6

The Corporative Inspectorate shall be known as the "Inspectorate of Labor" and shall be a Department of the Minister of Industry, Commerce and Labor. The Inspectora_ te shall locally exercise its functions under the direction of the Regional Labor Offices, of which it shall become an integral part. Inspectorate Branches may be set up in the Provincial Labor Offices.

The Inspectorate shall continue to enjoy the powers conferred upon it by the Royal Decree of 30 December 1923, Nº3245, of 28th December 1931, Nº1684, of 4th October 1935, Nº 1827, and by Royal Decree of 17th August 1935,Nº1765.

Art. 7

All appointments to posts in the aforementioned la_ bor agencies shall be made in accordance with civil servi_ ce procedure.

Art. 8

The expenditure involved in the running of Labor Of_ fices and in defraying the salaries of personnel attached thereto, shall be the responsibility of the State.

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

Art. 9

An Advisory Labor Committee shall be instituted

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

Art. 9

An Advisory Labor Committee shall be instituted within the Ministry of Industry, Commerce and Labor, consisting of members appointed by Royal Decree, following nomination by the Ministry of Industry, Commerce and Labor, and to be chosen among experts and persons designated by the Trade Unions that have been registered as of national Status.

The Committee will express its opinion on the registration and recognition of the powers of representation of Trade Unions of a national character as well as on the

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promulgation of Ministerial decrees, establishing general regulations in matters concerning labor insurance, social relief and Trade instruction of workers and on such other occasions as it is particularly requested to do so by the Ministry. Similar Committees can be instituted within the Regional Labor Offices.

SECTION III
LABOR DISPUTES

Art. 10

Whenever a labor dispute has been notified to the competent Labor Office by an interested party, it shall be the responsibility of the Ministry and the Labor Offices to attempt conciliation.

Strike and lockout shall be disallowed in the event of failure to give notice of the dispute or prior to the lapse of fifteen days from such notice being given.

The institution of proceedings before the Courts in accordance with Article 433 of the Code of Civil Procedure shall be disallowed in individual labor disputes, in the event of failure to give notice of the dispute or prior to the lapse of fifteen (15) days from such notice being given.

Art. 11

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

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Art. 11

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

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

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Individual Labor Disputes shall fall under the ju_ risdiction of the Provincial Labor Office within the am_ bit of which is to be found the competent judicial autho_ rity to decide such Disputes.

The Minister of Industry, Commerce and Labor and the Director of any Regional Labor Office concerned shall be emp~owered, on the request of one of the interested par_ ties or on his own initiative, to transfer for considera_ tion of his office in any case of conciliation or of re_ ference to arbitration in any labor dispute of an office at a lower level.

Art. 12

Such cases as are not settled by conciliation -- on the joint request of the interested parties -- shall be referred by the Ministry and the Labor offices to an Ar_ bitration Board, which shall be set up for the occasion, the individual members being selected from the appropria_ te panels of arbitrators.

In collective labor disputes, arbitration through the Ministry or the Labor offices shall be compulsory in such cases as only involve the interpretation of a collecti_ ve contract and in such cases and at such times as strike and lockout are prohibited by law.

Whenever an individual labor dispute has not been submitted for arbitration, either of the interested par_ ties may refer the controversy to the ordinary judiciary, in accordance with Capo II, Titolo IV of the Code of Civil Procedure whenever applicable or to other competent judicial authority in accordance with existing legislation.

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Art. 13

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

These awards shall have the force of a judicial sen_ tence, and may be issued in executive form subject to pre_ vious registration with the judicial authotities in accor_ dance with existing regulations contained in the "Code of Civil Procedure".

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

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

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

Art. 14

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

SECTION IV

TRADE UNIONS

Chap.I - Trade Union Organization

Art. 15

Trade Unions of Employees and of employers and of persons who engage in independent trades or professions

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SECTION IV

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Art. 15

Trade Unions of Employees and of employers and of persons who engage in independent trades or professions instituted under art.2 , may in conformity with the pre_ sent law, ask for and obtain registration in the Trade Union Public Registry.

Such Registration shall confer a juridical perso_ nality upon a Trade Union.

Art. 16

Registration is authorised by the Ministry of In_

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dustry, Commerce and Labor. For Provincial, Interprovincial and Regional Trade Unions, this task is devolved upon the Regional Labor Offices. On the completion of registration, a Registration Certificate shall be issued the Trade Union applying for registration.

Art. 17

The request for registration shall be signed and presented by the agents specifically designated for that purpose in the deed of constitution or by such persons who, under the terms of the Statutes, are the recognised representatives of the Trade Union.

The request for registration shall be supported by the following documents:

a) - a copy of deed of constitution and of the Sta_ tutes;

b) - a list of the members of the committee of mana_ gement of the Trade Union;

c) - a list of the names of the members of the Tra_ de Union.

Art. 18

The Statutes of the Trade Union applying for the re_ gistration shall specifically state:

a) - That membership in the Trade Union shall be open to any "bona fide" member of the industry or craft without distinction of race, religion, nationality or political affiliation;

b) - That a democratic system of free election shall govern the appointment of Trade Union officials,

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b) - That a democratic system of free election shall govern the appointment of Trade Union officials, who shall be "bona fide" members belonging to the particular industry or craft;

c) - The essential aims of the Trade Union to be tho_ se of safeguarding the economic and moral inte_ rests of its members;

d) - That the right of changing the Statutes are ve_ sted in the members of the Trade Union taken as a whole;

e) - The name of the Trade Union, such as to distin_ guish it from any other which has been registe_

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red in the Realm;

f) - The ambit of activity and the address of the Trade Union Headquarters;

g) - The method of management or its Estates and of its incomes as well as of the procedure to be followed in the event of the liquidation of the Trade Union.

h) - That the Trade Union shall not engage in Commer_cial Enterprises.

Art. 19

Trade Unions of employers and of Employees shall be distinct and separate.

Any direct or indirect interference of one with the other is prohibited.

Art. 20

Provincial, interprovincial, regional, interregional or national Trade Unions may be registered.

Provincial Trade Unions shall be made up of members of the represented industry or craft, whether grouped up into sections or not. The interprovincial, regional, in_terregional and national Trade Unions may also be insti_tuted through the union of two or more provincial, inter_provincial or regional registered Trade Unions.

Any person, who is permanently and continuously en_gaged in more than one industry or craft, may simultaneously seek membership in the corresponding Trade Unions.

Art. 21

Inter Trade Union organizations provincial, regio_

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Any person, who is permanently and continuously engaged in more than one industry or craft, may simultaneously seek membership in the corresponding Trade Unions.

Art. 21

Inter Trade Union organizations provincial, regional, or national, instituted among the various Trade Unions of an industry or craft to deal with common problems and for administration of common services, may obtain registration with the competent Labor Offices, in conformity with established Trade Union regulations, in so far as these are applicable.

Art.22

Registered Trade Unions, in accordance with the re-

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gulations for Cooperative Societies, shall be responsible for:

a) - A membership Book, in which there shall be shown e complete list of members, with the da_ te of admission and of resignation from mem_ bership in the union.
Evsry member shall enter his signature on this book or shall sign with a cross, witnessed by two effective members;

b) - A minutes Book;

c) - A book showing the names of officials;

d) - A journal of daily accounts;

e) - An Inventary and Stock Book;

The said books shall be certified and numbered, page by page, by the Office which has effected the regi_ stration.

Art. 23

Within three months from the end of the solar year the registered Trade Unions shall deposit with the Office which has effected the registration, a balance sheet duly audited in conformity with regulations for Cooperative Societies.

Art.24

The regulations of Sec.III of the present law shall also apply to disputes between the Trade Unions and mem_ bers thereof as well as to these relating to refusal of admission into a Trade Union.

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The regulations of Sec.III of the present law shall also apply to disputes between the Trade Unions and mem_ bers thereof as well as to these relating to refusal of admission into a Trade Union.

Art. 25

Officials representing a registered Trade Union shall be considered as of equivalent standing as public officials in the exercise of their duties.

They cannot be either dismissed or transferred from their jobs with firms, companies or private offices, with_ out the consent of the Provincial Labor Office within the ambit of which these officials are carrying on their work ing activity.

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The decisions of the Provincial Labor Office can be appealed against by applying to the Regional Labor Office which will refer the controversy to an arbitration board as instituted under Art.11.

Art. 26

It shall not be allowed to appoint as official representatives of a workmen's Trade Union, either the managing Director or any other responsible employee in a firm or an office, whose ordinary business it is to be the direct representative of the employer.

Art. 27

Amendments to the statutes of registered Trade Unions shall be registered under the conditions and in accordance with the regulations established by present law. These shall be effective as from the date of the registration, unless a later date is stipulated in the Statutes.

Art. 28

The representation of a whole Industry or craft for purposes of collective bargaining, of nominating representatives in public offices and in national and international Bodies and of collective contraversies may be entrusted either to a registered Trade Union or to a commission representing more than one registered Trade Union, in such cases and in accordance with regulations as stated in the following articles.

The representation of a whole industry or craft shall be conferred by a decree of recognition issued by the Ministry of Industry, Commerce and Labor.

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The representation of a whole Industry or craft for purposes of collective bargaining, of nominating represen_ tatives in public offices and in national and international Bodies and of collective contraversies may be entrusted either to a registered Trade Union or to a commission representing more than one registered Trade Union, in such cases and in accordance with regulations as stated in the following ar_ ticles.

The representation of a whole industry or craft shall be conferred by a decree of recognition issued by the Ministry of Industry, Commerce and Labor.

The recognition of a Provincial, or Interprovincial, or Regional Trade Union or Representative Commission shall devolve upon the competent Regional Labor Offices.

Only one representative Trade Union or Commission can be recognized for each industry or craft.

Art. 29

Recognition may be granted to a Trade Union which

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in view of its membership, its efficiency and its im_
portance in relation to other registered Trade Unions
of the same industry or craft in the same area can be
regarded, within the ambit of the latter, as fit to re_
present the interest of the whole industry or craft.

Art.30

Whenever the conditions for recognition as requi_
red by Art.29 can only be satisfied by the combination
of two or more registered Trade Unions of the same in_
dustry or craft and operating within the same ambit, then
recognition shall be given to a representative Commission
consisting of a number of Trade Union delegates represen_
ting proportionatily the respective membership of the
said Trade Unions.

Whenever it is not possible to grant recognition to
a representative Commission in view of the unimportance
or the absence of registered Trade Unions, the represen_
tation of the Industry or craft shall be entrusted to a
Commission appointed by the Ministry of Industry Commerce
and Labor or by the competent Regional Labor Office of the
Industry or craft to be represented falls within the ambit
of the Region.

Art.31

The Decree of recognition for the representation of
an Industry or craft by a Trade Union or a Representative
commission shall be published by the respective Offices
which have issued them.

Recognition shall have validity for the period of

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red by Art.29 can only be satisfied by the combination of two or more registered Trade Unions of the same industry or craft and operating within the same ambit, then recognition shall be given to a representative Commission consisting of a number of Trade Union delegates representing proportionatily the respective membership of the said Trade Unions.

Whenever it is not possible to grant recognition to a representative Commission in view of the unimportance or the absence of registered Trade Unions, the representation of the Industry or craft shall be entrusted to a Commission appointed by the Ministry of Industry Commerce and Labor or by the competent Regional Labor Office of the Industry or craft to be represented falls within the ambit of the Region.

Art.31

The Decree of recognition for the representation of an Industry or craft by a Trade Union or a Representative commission shall be published by the respective Offices which have issued them.

Recognition shall have validity for the period of one year from the date of the Decree and it shall be reviewed from year to year, unless it is contested by a recognized Trade Union which is an interested party.

Art. 32

The registration of a Trade Union and the recognition of representation of an Industry or craft granted to a Trade Union or to a representative Commission may be

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cancelled or revoked by the same authority which issued such provision:

a) - In such cases, which are considered null and void, when it is ascertained that some essential qualifi_ cation is missing;

b) - Wherever the registration or the recognition has been obtained by fraud or through error;

c) - On the request of the registered or recognised Trade Union itself;

d) - On failure to comply with conditions stipulated by the present law in respect of registration or recognition;

e) - On the dissolution of the Trade Union.

Recognition is also revoked when the provisions of the first Subsection of Article 19 have been violated.

Art. 33

At least 30 days before issuing the decision of can_ cellation or revocation, the competent authorities shall notify the Trade Union or the Commission concerned the mo_ tives of said decision, unless the action is taken in re_ lation to cases contemplated in subsections c) and e) of the preceding article.

Art. 34

The remedies, appeals, actions provided for by exi_ sting legislation in respect of administration acts shall be applicable to the provisions regarding registration, ju_ ridical recognition, cancellation and revocation of reco_ gnition as well as to the refusal of registration or of

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has been obtained by fraud or through error;

c) - On the request of the registered or recognised Trade Union itself;

d) - On failure to comply with conditions stipulated by the present law in respect of registration or recognition;

e) - On the dissolution of the Trade Union.

Recognition is also revoked when the provisions of the first Subsection of Article 19 have been violated.

Art. 33

At least 30 days before issuing the decision of cancellation or revocation, the competent authorities shall notify the Trade Union or the Commission concerned the motives of said decision, unless the action is taken in relation to cases contemplated in subsections c) and e) of the preceding article.

Art. 34

The remedies, appeals, actions provided for by existing legislation in respect of administrative acts shall be applicable to the provisions regarding registration, juridical recognition, cancellation and revocation of recognition as well as to the refusal of registration or of recognition.

The Council of State, wherever appeal has been placed before it, shall also be competent to decide on the merits of such matters.

The time limit for the appeal to higher authorities is fixed at 30 days from notification of the decision being challanged.

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Capo II

INTERNAL COMMISSION

Art. 35

In public and private firms and offices, where more then thirty Employees are at work an Internal Commission may be set up.

When the number of employees in a plant or office is in excess 10 and less than 30, a representative shall be elected, in place of the internal commission.

If the firm operates several establishments or is at any rate established in several branches or offices, a Commission or representative may be elected for each establishment, whether branch or office, provided that in each of them there are the prescribed number of workers.

Art.36

The Internal Commission shall represent both clerical employees and workmen who shall select indipendantly of one another their respective representatives in due proportion to the numbers of the respective groups, provided that at least one third of the posts are reserved for the minority group.

The Internal Commission or representative shall remain in office for a period of one year, unless by a general meeting of the employees it is decided that they be replaced?

A general meeting of the employees shall be held at least once a year.

The Provincial Labor Offices, on the request of at

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The Internal Commission or representative shall remain in office for a period of one year, unless by a general meeting of the employees it is decided that they be replaced?

A general meeting of the employees shall be held at least once a year.

The Provincial Labor Offices, on the request of at least one fifth of the employees, or when circumstances make it advisable, may call a general meeting, preside over same and control the voting.

Art. 37

The Internal Commission performs the following functions:

a) - Collaborates with the management of the plant of office for better operation of services, for_

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mulating proposals on work systems and on manufacturing processes, examining and eventually transmitting the suggestions of the workers.

b) -Represents the workers in the management of the plant, in the cases where they participate therein;

c) -Upon request of a recognized Trade Union or Representative Commission expresses opinion on collective contracts which concern the plant;

d) -Collaborates in the negotiation and formulation of collective contracts applicable to the plant;

e) -expresses an opinion on internal regulations;

f) -attempts settlement of disputes which arise in the course of working activities;

g) -reports to the Labor Offices any violation of the legal and contractual regulation on labor and of the internal regulations;

h) -administers and supervises the plant organizations for social services and insurances.

Art. 10

The provisions of Article 24 shall apply to any disputes between employees and Internal Commissions or between the latter and employers or management or Trade Unions.

The provisions of the second and third Subsection of Article 25 shall apply to the members of the Internal Commissions, whose activities in labor relations fall within the class as provided for by Article 429, the Code Civil Procedure.

SECTION V

Effective Collective Labor Contracts

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tracts which concern the plant;

d) -Collaborates in the negotiation and formulation of collective contracts applicable to the plant;

e) -expresses an opinion on internal regulations;

f) -attempts settlement of disputes which arise in the course of working activities;

g) -reports to the Labor Offices any violation of the legal and contractual regulation on labor and of the internal regulations;

h) -administers and supervises the plant organizations for social services and insurance.

Art. 23

The provisions of Article 24 shall apply to any disputes between employees and Internal Commissions or between the latter and employers or management or Trade Unions.

The provisions of the second and third Subsection of Article 23 shall apply to the members of the Internal Commissions, whose activities in Labor relations fall within the class as provided for by Article 429 of the Code of Civil Procedure.

SECTION V

Regarding Collective Labor Contracts

Art. 33

Collective labor contracts are negotiated by registered or recognized Trade Unions or by recognized representative Commissions.

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Collective contracts for single firms may also be negotiated between the above mentioned agencies and single employers.

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Art. 40

(The Italian text is not clear:
another translation should be
made of this Article)

When there exists or there goes into effect a collective contract between recognized associations or recognized representative commissions, the collective contracts stipulated between Trade Unions which are simply registered or between, these and single employers or between recognized associations and recognized representative Commissions of an inferior grade, those clauses more favorable to the workers shall be in force to a limited manner.

Art. 41

Collective contracts shall be negotiated in writing to be effective.

They will not have validity unless they are deposited and registered in conformity with the terms of the present law.

Art. 42

National and inter-regional collective labor contracts shall be registered with the Ministry for Industry, Commerce and Labor; those of a provincial, inter-provincial and regional character with the competent Regional Labor Office.

Registration shall be effected only after ascertaining that the contractual clauses are legal, that all formal conditions have been satisfied, that contracting parties have been only empowered and, in general, that all essential conditions for validity, as stipulated by law, have been

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Art. 43

On publication, Collective contracts stipulated between recognized Trade Unions or recognized Representative Commis_ sions shall be also applicable to workmen belonging to the industry or craft but who are not members of the Trade Union.

The publication is effected by the Ministry or by the Regional Labor Office that was responsible for the registration.

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Art. 44

The provisions of Article 32, subsections (a) and (b) and the provisions of Art.34 shall apply to the provisions for registration of collective labor contracts.

The provisions which establish control over collecti_ ve labor contracts other than those covered by the present law are regarding the regulation of hereby repealed.

There shall remain in force the provisions of Book V, Section I, Chapter III of the Civil Code, regarding the re_ gulation of collective labor contracts insofar as these are not in conflict with the present law.

SECTION VI

Consequences of the abolition
of the fascist syndicate system.

Art. 45

In collective and Individual Labor Relations, the con_ ditions, regulations, wage scales contained in collective con_ tracts, in economic agreements, in sentences delivered by the Special Labor Magistracy, and in corporative ordinance, in conformity with Article 10 and Art. 13 of the Law of 5th Febrary 1943, N° 163, and of Art.4 and Art. 5 of the Royal Decree of 9th August 1943, N° 821, shall continue to be binding until revised further by Decree, Arbitration awards, or newly executed collective agreements and contracts.

Art. 46

The regulations governing the suspension and reopening of judicial cases shall be applied, by the interested parties

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Art. 46

The regulations governing the suspension and reopening of judicial cases shall be applied, by the interested parties to those disputes in which the parties are represented in accordance with Art.435 of The Code of Civil Procedure and are still pending before the courts.

Art. 47

Pending publication of special regulations governing the reinstitution of the "Ordini e Collegi di Liberi Profes_ sionisti", juridical recognition is hereby given to those

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organizations that have been established or approved by competent authority during Allied Occupation. Wherever these have not been instituted, Commissioners shall take over the respective archives of the dissolved Fascist Syndicates of professional men and artists.

Art. 48

The obligation to pay syndical contributions (in conformity with Art. 5 of the Law of 3rd April 1926, N° 563, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in territories turned over by the A.M.G. as from the date on which the Allied Military Government abolished Syndical Contributions or Fascist Syndical Organizations, whichever was the earlier. Financial settlement by compromise (liquidazione a stralcio) - between the Treasury and the Tax Collector) shall, in respect of irrecoverable dues, be regulated by the "Regolamento" of the present law.

Art. 49

The Regional Labor Offices, acting in concert with the "Intendenti di Finanza" of each Province, shall be responsible to provide for the administration, preservation and liquidation of the estates belonging to the Associations, Federations and Confederations as referred to in Art. I above, pending their final allocation by Royal Decree, on the proposal of the Minister for Industry, Commerce and Labor acting in concert with the Minister of Finance.

The Estates of the dissolved organizations may be

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conformity with Art. 5 of the Law of 3rd April 1926, N° 563, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in territories turned over by the A.M.G. as from the date on which the Allied Military Government abolished Syndical Contributions or Fascist Syndical Organizations, whichever was the earlier. Financial settlement by compromise (liquidazione a stralcio) - between the Treasury and the Tax Collector) shall, in respect of irrecoverable dues, be regulated by the "Regolamento" of the present law.

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The Estates of the dissolved organizations may be disposed of to the advantage of the interested groups and of their respective registered Trade Unions.

Regarding the payment of "Discharge Indemnity" (Indennità di Quiescenza) due to personnel employed by the Syndical Associations, Federations and Confederations mentioned above, this shall be defrayed in conformity with the regulations relating to the personnel of each organi_

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zation, except, for such liquidations as are due by other institutions as a result of special insurance contracts.

SECTION VII

Final Provisions

Art. 50

Trade Union constitution acts, their statutes and the amendments thereto, the Minutes of General Meetings and Committee Meetings, certificates of registration, collective Labor contracts, agreements between Trade Unions, membership Books, administrative appeals in respect of all matters regulated by the present Law, conciliation reports, all acts and documents relating to arbitration decisions, copies of and extracts from the aforementioned acts shall be exempt from stamp tax and, if in accordance with the provisions of the law they have to be registered, they shall be only subject to a fixed registration fee.

Art. 51

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

Art. 52

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Trade Union consolidation acts, their statutes and the amendments thereto, the Minutes of General Meetings and Committee Meetings, certificates of registration, col_ lective Labor contracts, agreements between Trade Unions, membership Books, administrative appeals in respect of all matters regulated by the present Law, conciliation reports, all acts and documents relating to arbitration decisions, copies of and extracts from the aforementio_ ned acts shall be exempt from stamp tax and, if in accor_ dance with the provisions of the law they have to be re_ gistered, they shall be only subject to a fixed registra_ tion fee.

Art. 51

Legislation contrary to the present law is hereby rescinded. The King's Government shall have the authori_ ty to enact, by Royal Decree, the complimentary and in_ tegrating provisions and regulations for the execution of the present decree, for its coordination to the Civil and Penal Codes, to the Code of Civil Procedure and any other legislation of the State.

Art. 52

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

The President of the Council of Ministers, Prime Minister Secretary of State, and the Minister for Industry

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Commerce and Labor, joint sponsors, are authorized to submit the relevant Draft Law.

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

April,1944

Given in Salerno

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April,1944

Given in Salerno

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

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AIS/tsw

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

1 May, 1944

LAB 091.4351

MEMORANDUM

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

1. Reference memorandum dated 26 April, 1944 (AGC/4104/4/L) of the Legal Sub-Commission on the above subject, the following comments are submitted for consideration in answer to their remarks on the Articles of the Draft Decree, taken separately:

2. ARTICLE I

The Fascist syndical system was fundamentally based on the two laws of 1926, both of which have been specifically abolished in the first sub-section. The second sub-section is purely a more defined statement and follows on the first sub-section as may be surmised from the opening word "consequently". It is well to note, however, that the second sub-section is a comprehensive outline of all the syndical system -- a fact which can be readily established by consulting a scheduled representation of the syndical system, which is perfectly symmetrical. The "Labor Magistracy", a special feature of the Fascist system is also based on the laws of 1926.

3. ARTICLE II

a. The definition of Trade Union is perfectly conveyed in this article. It is an association of employees or of employers or independent professional men or artists: its specific aims are outlined in the same article.

b. If it is seriously suggested that there should be set out an academic definition, it were well to remember that in Italian legislative tradition such practice is discouraged in accordance with the Roman juridical tenet: "In iure, omnis definitio periculosa est."

4. ARTICLE III

Apart from the Lawyers' Association, the institution of "Ordini" and "Collegi" was sanctioned by A.M.G. in connection with doctors, chemists, engineers, etc. Article III was not meant to provide for "juridical recognition". The word "juridical" was included in the text on the suggestion of the Legal Sub-Commission, and, in fact, does not appear in the fundamental Italian version. This Article should merely provide for temporary arrangements pending the promulgation of specific legislation to govern these Associations. For this interim period, Commissarii would take over from the old syndicates, except in those instances where a transfer had already been effected. It would be impolitic for a "Commissario" to take

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over when satisfactory arrangements have been made, pending promulgation of special legislation. I submit that the text "..... juridical recognition is hereby given to those organizations that have been ....." be substituted by "there shall remain in force the temporary arrangements made with regards to such organizations as have been ..... ".

5. ARTICLE IV

This is a statement of policy, guaranteeing, freedom within the Trade Union organization. It precludes the possibility of discriminatory clauses in the statutes of any legally constituted Trade Union.

6. ARTICLE V -- Agreed.

7. ARTICLE VI

a. The views of the Italian Government have, in fact, been taken on this point. This Article was introduced on the suggestion of the Italian Minister.

b. The suggested inclusion of the words "between employers and employees" cannot be entertained as the idea is already conveyed in the words "In Collective and Individual Labor Relations"; the words "Labor Relations" amply convey the existance of the two parties -- "employers" and "employees". This point is even clearer in the fundamental Italian text.

c. The suggested elimination of the word "Collective" after the words "newly executed" cannot be entertained as it is explicitly meant to convey that existing collective contracts would only be replaced by other "collective contracts" and not by "individual contracts or agreements".

8. ARTICLE VII

a. According to Article VII, the disposal of Syndical Estates is, in fact, the responsibility of the Italian Government -- the only proviso made is that the estates accruing from the contributions of the workmen should be disposed of in such manner as would benefit that same class.

b. In order to clarify the fact that the Italian State is liable for payment of the discharge indemnity, it is submitted that the words "to provide for the administration and preservation" should now read "to provide for the administration and preservation and liquidation". One of the functions of liquidation would, of course, be that of settling these debts.

9. ARTICLE VIII -- No comments.

10. ARTICLES IX - XII (inclusive)

a. One cannot concede that "the definition of the respective jurisdiction and ambits of Regional and Provincial Labor Offices is obscure", if one considers that the Italian text must be regarded as the fundamental document.

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With regards to Collective Disputes, the Italian diction is a textual reproduction of the relevant Article 410 of the Code of Civil Procedure

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in reference to "Collective Contracts". The jurisdiction of the Labor Offices has been made to coincide, for all purposes, with the ambit in which the Collective Contract is to be enforced.

With regards to Individual Disputes, the jurisdiction of the Labor Office is made to coincide with that of the ordinary Magistracy within the ambit of the Labor Office. The jurisdiction of the Ordinary Magistracy is clearly defined in the Code of Civil Procedure.

Taken as a whole, it were well to bear in mind that the diction adopted has already been put to the test in connection with labor disputes, while the syndical system was in operation. This experience has shown that no doubt could possibly arise as to the respective jurisdictions of the agencies in question, whilst this text is in force.

b. A definition of what might be considered a "collective dispute" is indirectly contained in Article XII, which defines the jurisdiction of Labor Offices in dealing with such matters. (This text is taken from Article 409 of the Code of Civil Procedure.) This concept has been considerably commented upon by Italian jurists, but has never been defined academically in any law. For the same reason advanced above (vide Art. II), it is not considered opportune to include in the Draft Decree a specific definition; nor is it necessary, when one considers that in past years no serious doubt has arisen as to its legal meaning.

c. With reference to the suggestion that "some further definition of what is a competent labor office is required" as well as to the question of "setting up machinery for the place of delivery of notices", it is submitted that Article XI provides for such notice being given, and Article XII fixes the jurisdiction of the offices to receive it. One fails to see what other machinery is required for the delivery of such notices.

11. ARTICLE XIII

It is not correct to say that "reference to arbitration in individual labor disputes is under Titolo IV, Capo 2 especially Articles 433 - 456 of the Code of Civil Procedure". For individual Labor Disputes, arbitration through the Labor Offices is voluntary, the case being submitted for reference to an Arbitration Board on the "joint request of the contending parties". If both parties do not agree to make use of the arbitration procedure, either of the two parties is then at liberty to submit the case to the Ordinary Magistracy; in this case (according to Italian terminology) it would no longer be a matter of "arbitration" but rather of "giurisdizione".

In most cases the "competent Magistracy" would mean the "Pretura" or the "Tribunale" when the procedure would be in conformity with Art. 429 - 434 of the Code of Civil Procedure. For certain disputes, however, there are other competent magistracies, e.g., "Capitaneria del Porto" for a labor dispute arising outside territorial waters. On the whole the present generic diction is more opportune and satisfactorily meets the case.

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b. Articles XIII and XI do not set out all the details for the procedure to be followed in arbitration, but the main lines have been traced so that the remaining detail of procedure would be outlined in the "Regolamento". In the meantime, the present provisions suffice for a labor dispute to be dealt with by reference to arbitration, especially in view of the fact that all matters related to arbitration, in general, are amply catered for under the Code of Civil Procedure. (Vide Titolo 8.)

12. Articles XIV, XV, XVI

The present powers and functions of the "Ispettorato" are essentially connected with labor matters. This organization existed under the name of "Ispettorato dell'Industria e del Lavoro", prior to the advent of Fascism, and then came under the direction of the Ministry of Labor. Separate laws govern the activities of this organization, and, in due time, this legislation would, of course, be revised.

13. Articles XVII, XVIII, XIX -- No comments.

14. Article XX

It is an Italian legislative tradition to limit the principal law to a statement of the fundamental rights and responsibilities of the citizens and of the state organizations which come into operation under the provisions of the law in question. The "Regolamento" would contain:

a. All provisions for the application of the Law; and

b. Such details as are required to give definite shape to the more abstract provisions of the Law.

This type of Article is normally included in the promulgation of important acts -- a case in point is the law, now being abolished, of 3 April, 1926, (total of 23 Articles), which was followed up by the Law of 1 July, 1926 (total of 103 Articles) as its "Regolamento".

E. SCICLUNA,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

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PROCEDURE FOR AND TREATMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES, IN CONFORMITY W

ABOLISHING CORPORATIVE-SYNDICAL SYSTEM AUTHORIZING THE ESTABLISHMENT OF TRADE UNIONS AN

OFFICES, AND GOVERNING LABOUR RELATIONS.

ACTION OR JURISDICTION	INDIVIDUAL DISPUTES
1. Notification of Dispute	Quasi - compulsory, in view of consequences (art. XI (i))
2. Consequences in default of Notification of Dispute	Court Proceedings may not instituted before 15 days from notification (art. XI (iii))
3. Office to receive notification of Dispute (Jurisdiction)	The provincial Labour Office under whose jurisdiction the case should fall (art. XII (iii))
4. Action of Labour Office on being notified of Dispute	Attempt at Conciliation - Attendance of parties to the dispute being compulsory. (Art. XI (i))
5. Sanctions in default of attendance for Mediation and for Conciliation.	Fine not exceeding 10000 lire to be imposed by Ordinary Magistracy (Art. XV)
6. Reference to Arbitration by the LAbour Offices	Always voluntary (art. XIII (i)) (art. XI (IV))

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R AND TREATMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES, IN CONFORMITY WITH "DRAFT DECREE

CORPORATIVE-SYNDICAL SYSTEM AUTHORIZING THE ESTABLISHMENT OF TRADE UNIONS AND OF LABOR

OFFICES, AND GOVERNING LABOUR RELATIONS.

INDIVIDUAL DISPUTES	COLLECTIVE DISPUTES
Quasi - compulsory, in view of consequences (art. XI (i))	Quasi - compulsory in view of consequences (art. XI (i))
Comt Proceedings may not instituted before 15 days from notification (art. XI (iii))	Strike or lock-out would be illegal of resorted to before 21 days from notification (art. XI (ii))
The provincial Labour office under whose jurisdiction the case should fall (art. XII (iii))	The Provincial or Regional or National Office, according to whether the case falls within a Provincial or Regional or National ambit of jurisdiction. (Art. XII (i) and (ii))
Attempt at Conciliation - Attendance of parties to the dispute being compulsory. (Art. XI (i))	Attempt at Mediation and or Conciliation Attendance of parties to the dispute being Compulsory (Art. XI (i))
Fine not exceeding 10000 lire to be imposed by Ordinary Magistracy (Art. XV)	Fine not exceding 10000 lire to be imposed by Ordinary Magistracy (art. XV)
Always voluntary (art. XIII (i)) (art. XI (IV))	Voluntary as a rule (art.(art.XI (IV)) Compulsory Whenever (a) Strike and lock-out are illegal (art. 13 (ii)) (b)the interpretation of a collective contract is in dispute (art. 13 (ii))

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ACTION OR JURISDICTION	INDIVIDUAL DISPUTES	
7. Jurisdiction when Dispute is not submitted to the Labour Offices for reference to arbitration.	The ordinary Magistracy (art. 13 (1))	No … out … by … (Refe… Offi…
8. Jurisdiction for decisions of validity in Arbitration awards	Ordinary Magistracy (Regulated by Code of Civil Procedure Art. 827)	Ordin… Civil…
9. Jurisdiction over Arbitration cases declared null and void	The case would be reopened voluntarily before the Labour Office or might be submitted before the Ordinary Magistracy (Regulated by Code of Civil Procedure art. 830)	The ca… Labour … lock-o… and lo…

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	INDIVIDUAL DISPUTES	COLLECTIVE DISPUTES
for	The ordinary Magistracy (art. I3 (i))	No judicial Court when strike and lock-out are legal ; the dispute is settled by "test of strength"(art. I (ii)) (Reference to arbitration by the Labor Offices is compulsory in of other cases (art. I3 (ii))
	Ordinary Magistracy (Regulated by Code of Civil Procedure Art. 827)	Ordinary Magistracy (Regulated by Code of Civil Procedure Art. 827).
ases declared	The case would be reopened voluntarily before the Labour Office or might be submitted before the Ordinary Magistracy (Regulated by Code of Civil Procedure art. 830)	The case is reopendd before the competent Labour Office, voluntarily, when Strike and lock-out are legal, compulsory when strike and lock-out are illegal (art.I3(ii))

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Luciano Cafè
30/4/44

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Direct consequences of the abolition

- Statutes of dissolved syndicate -- trusteeship. liquidation. criterion of disposal, safeguard of Employees' interests. (Art. 7)
- Abolition of syndical contributions. (Art. 5)
- Continued enforcement of collective contracts, economic agreements, ordinances, judicial awards, pending promulgation of new decrees or formulation of new agreements or contracts. (Art. 6)
- Provision of temporary arrangements for the "Ordini e Collegi professionali" pending promulgation of legislation re-instituting same. (Art. 3)
- Abolition or transformation or adoption of specific agencies in the labor field.
  - Agencies. (Arts. 8, 9, 10, 11, 12, 13)
  - Procedure. (Arts. 11, 12, 13, 14)
- Provision of a new procedure for pending individual Labor disputes involving syndical representatives. (Art. 15)

Settlement of Labor Disputes through Registry and Boards.

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ABOLITION OF THE FASCIST SYNDICAL SYSTEM

ABOLITION OF THE FASCIST SYNDICAL SYSTEM

Establishment of n

State intervention and Public Agencies

Establishments of Public Agencies, in their principal function.

Settlement of Labor Disputes through Magistracy and Arbitration Boards.

Responsibility for the expeditious peaceful settlement of Labor Disputes, through mediation and conciliation.
(Art. 8, 9, 10)

Supervision over enforcement of Labor legislation.
(Art. 17)

Responsibility for placement, emigration, immigration, migration of Labor.
(Arts. 8, 9, 10)

Registration, juridical recognition of Trade Unions and supervision over same.
(Arts. 8, 9)

Agencies. (Arts. 8, 9, 10, 11, 12, 13)

Procedure. (Arts. 11, 12, 13, 14)

Abolition

Estates of dissolved syndicate -- trusteeship, liquidation, criterion of disposal, safeguard of Employees' interests.
(Art. 7)

Abolition of syndical contributions.
(Art. 5)

Continued enforcement of collective contracts, agreeme

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ABOLITION OF THE FASCIST REGIME

OLITION OF THE FASCIST SYNDICAL SYSTEM

Establishment of new basic principles and new Agencies.

State intervention and Public Agencies

Independent Trade U
of Employers and E

putes
Arbitration

Establishment of Public Agencies,
in their principal functions.

Rights, functions and Duties
of the Trade Unions

Study of Labor problems in their economical and statistical aspect. (Art. 3, 9, 10)

Responsibility for the expeditious peaceful settlement of labor Disputes, through mediation and conciliation. (Art. 3, 9, 10)

Supervision over enforcement of Labor legislation. (Art. 17)

Responsibility for placement, emigration, migration of labor. (Arts. 8, 9, 10)

Registration, jurisdictional recognition of Trade Unions. (Arts. 8, 9)

Definition of Trade Unions' sphere of activities. (Future legislation foreseen in Art. 2)

Supervision of Trade Unions by State Agencies. (Future legislation foreseen in Art. 2)

Penal sanctions against offences in the Labor field (picketing, intimidation, compulsion, etc.). (Future legislation foreseen in Art. 2)

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- Establishment of new basic principles and new Agencies.
  - Independent Trade Union activities
    - Liberty of organization into Trade Unions (Art. 2)
    - Internal liberty of the Trade Unions. (Art. 4)
  - Rights, functions and Duties of the Trade Unions
    - Freedom of Trade Union Organization
      - Functions and aims of the Trade Union. (Art. 2)
      - Definition of the binding force of Collective Contracts. (Future legislation forecasted in Art. 2)
      - Registration and juridical recognition of Trade Unions (Future legislation forecasted in Art. 2)
      - Definition of Trade Unions' sphere of activities. (Future legislation forecasted in Art. 2)
      - Supervision of Trade Union activities by State Agencies. (Future legislation forecasted in Art. 2)
      - Penal sanctions against offences in the Labor field (picketing, intimidation, conspiring). (Future legislation forecasted in Art. 2.
  - Public Agencies, their functions.
    - Study of Labor problems in their economical and statistical aspect. (Art. 8, 9, 10)
    - Responsibility for the expeditious peaceful settlement of Labor Disputes, through mediation and conciliation. (Art. 8, 9, 10)

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Agencies. (Arts. 8, 9, 10, 11, 12, 13)

- ...ordinary Magistracy (Art. 13)
- Arbitration Boards (Art. 11)

Procedure. (Arts. 11, 12, 13, 14)

- Collective Labor Disputes. (Arts. 11, 13, 14)
- Individual Labor Disputes (Arts 11, 13, 14)

...ved Syndicate -- trusteyship, liquidation, ...osal, safeguard of Employees' interests. (Art. 7)

...local contributions. (Art. 5)

...ment of collective contracts, economic ...nces, judicial awards, pending promulgation ...formulation of new agreements or contracts. (Art. 6)

...rary arrangements for the "Ordini e Collegi ...ding promulgation of legislation re-instit- (Art. 3)

...formation or adoption of specific agencies.

- "Corporative Inspectorate" (Art. 17)
- "Para-syndical organizations" (To be provided for, on their respective merits.)

...procedure for pending Individual Labor ...syndical representatives. (Art. 16)

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Study of Labor problems in their economical and statistical aspect.
(Art. 8, 9, 10)

Responsibility for the expeditious peaceful settlement of Labor Disputes, through mediation and conciliation.
(Art. 8, 9, 10)

Supervision over enforcement of Labor legislation.
(Art. 17)

Responsibility for placement, emigration, immigration, migration of Labor.
(Arts. 8, 9, 10)

Registration, juridical recognition of Trade Unions and supervision over same.
(Arts. 8, 9)

Agencies. (Arts. 8, 9, 10, 11, 12, 13)

- Ordinary Magistracy (Art. 13)
- Arbitration Boards (Art. 11)

Procedure. (Arts. 11, 12, 13, 14)

- Collective Labor Disputes. (Arts. 11, 13, 14)
- Individual Labor Disputes (Arts 11, 13, 14)

red syndicate -- trusteyship, liquidation.
osal, safeguard of Employees' Interests.
(Art. 7)

leal contributions.
(Art. 5)

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Definition of the binding force of Collective Contracts.(Future legislation forecasted in Art. 2)

Registration and juridical recognition of Trade Unions (Future legislation forecasted in Art. 2)

Definition of Trade Unions' sphere of activities. (Future legislation forecasted in art. 2)

Supervision of Trade Union activities by State Agencies. (Future legislation forecasted in Art. 2)

Penal sanctions against offences in the Labor field (picketing, intimidation, conspiring). (Future legislation forecasted in Art. 2.

Study of Labor problems in their economical and statistical aspect.
(Art. 8, 9, 10)

Responsibility for the expeditious peaceful settlement of Labor Disputes, through mediation and conciliation.
(Art. 8, 9, 10)

Supervision over enforcement of Labor legislation.
(Art. 17)

Responsibility for placement, emigration, immigration, migration of Labor.
(Arts. 8, 9, 10)

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Liberty of organization into Trade Unions
(Art. 2)

Internal liberty of the Trade Unions.
(Art. 4)

Functions and aims of the Trade Union.
(Art. 2)

Definition of the binding force of Collective Contracts.(Future legislation forecasted in Art. 2)

Registration and juridical recognition of Trade Unions (Future legislation forecasted in Art. 2)

Definition of Trade Unions' sphere of activities. (Future legislation forecasted in Art. 2)

Supervision of Trade Union activities by State Agencies. (Future legislation foreseated in Art. 2)

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.4351

30 April 1944

SUBJECT: Draft Decree authorizing the establishment of Trade Unions and of Labor Offices, and governing Labor Relations.

TO:

Reference the Memorandum dated 26 April 1944 (ACC)/4104/4/L) prepared by the Legal Sub-Commission on the above subject, the following points are submitted for consideration:-

1. The Draft Decree as it now stands was certainly not intended to be a "short declaration of policy", but it is, on the other hand, intended to provide

a. a guarantee of certain basic democratic principles in the formulation of a new labor policy; and
b. an adequate machinary to enable the State to carry out its more urgent functions in the labor field.

2. The suppression of the Fascist Regime created the problem of formulating a definite policy with regards to the Fascist Syndical System, which ultimately represents its most characteristic feature. Two solutions were possible:

a. Retention of the Fascist Structure, giving it at the same time an effective democratic trend, or
b. Abolition of the Fascist system, providing in its stead, a new machinary, a new procedure and a new form of trade union organization, which conjointly might effectively cope with the solution of social and juridical problems in the labor field.

The first solution was adopted by the Badoglio Government and was in fact in accordance with the concepts of one of the anti-fascist groups (Partito Democratico Cristiano). ACC, on the other hand, adopted the second solution, promulgating in Region I General Order No. 8, in Region III General Order No. 1, in Region II General Order No. 5, and in all Regions General Order No. 17.

As two different systems cannot exist side by side under the same Government, it was agreed with the Italian Ministry that a Decree should be prepared to institute the Offices of Labor, thus setting a uniform system regulating labor matters through "unoccupied" territories - a similar decree being made operative in ACC territory.

3. It stands to reason that the abolition of the Syndical System gives rise to the urgent necessity of regulating certain serious consequences that result from this abolition. In setting up a new system, on democratic lines, it was necessary

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

a. to establish the fundamental principles underlying this new system;

b. to create the requisite machinary that would take cognizance of and solve labor problems; and .

c. to provide a modicum of guidance and of control in the field of Trade Union Activity.

From a close examination of the Draft Decree would transpire that

a. The basic principles of democratic labor legislation have been enunciated;

b. The fundamental principles underlying the organization of Trade Unions have been established - notice being given of future legislation to govern the autonomous activities of these Unions, and to define more specifically their rights and responsibilities;

c. An organic machinary has been set up to enable the State to discharge all its responsibilities in the labor field.

The Draft Decree fails to provide for

a. The regulation of Trade Union constitution, registration, juridical recognition - a matter of considerable importance which has been receiving the attention of this Sub-Commission and which will be submitted for consideration in the very near future;

b. The disposal of a number of para-syndical organizations, each of which would have to be considered independently on their respective merits with a view to abolition or re-modelling;

c. The administrative details pursuant to the present act, which would be dealt with in the "Regolamento" in strict conformity with Italian legislative tradition.

Appendix "A" is a tabulated form of what has been provided for by the Draft Decree in its present shape and of what still remains to be done in the immediate future by separate legislation and regulations.

Theoretically it would be preferable to promulgate simultaneously all legislative measures considered necessary in the labor field, but the time which such a procedure would involve and the urgent necessity of being in a position to cope with certain labor problems preclude this possibility. It is materially impossible to provide for Italy. overnight and in one simultaneous effort, the bulk of labor legislation which other Nations have evolved over a long period of time and very often in a piece-meal sort of fashion. Working on the principle of "first things first", the present draft answers our immediate needs and lays a sound foundation for all the other measures that would be required to make up the complete organic whole in all its details.

Finally, the Labor Sub-Commission would be grateful for any constructive suggestions it can make in order to provide for the establishment of the Labor Offices and the regulation of Labor Relations.

4. A separate memorandum deals seratim with the comments which the Legal Sub-Commission has submitted in respect of the Draft Decree article by article.

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E. Scicluna Capt

E. SCICLUNA
Captain
Labor Relations Officer.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

ACC/4104/4/L. /rlp.

26 April 1944.

SUBJECT : Draft Decree Instituting Labor Offices, etc.

TO : Director, Labor Sub-Commission.

Reference your LAB 091.435I dated 15 April 1944 I have seen the Chief Commissioner on this matter and he informs me that he will shortly be convening a meeting to consider the Draft Decree before submitting it to the Ministry of Labor and Commerce. In the meantime I enclose for your consideration a memorandum on the Draft Decree as it stands at present.

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

Copy to: Secretary General.

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

26 April 1944.

ACC/4104/4/L.

SUBJECT : Draft Decree Establishing Trade Unions and Labor Offices.

The Legal Sub-Commission has considered the Draft Decree attached to letter dated 15 April 1944 (LAB 091.435I) relating to the above matter and has prepared the following memorandum for consideration before the meeting to consider the decree which, it is understood, will be convened by the Chief Commissioner at the beginning of next week.

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

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

ARTICLE I

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Labor and Commerce. In the [illegible] memorandum on the Draft Decree as it stands at present.

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

Copy to: Secretary General.

NEAR HEADQUARTERS
ALLIED CONTROL COMMISSION
LEGAL SUB-COMMISSION
APO 394

26 April 1944.

ACC/4104/4/L.

SUBJECT : Draft Decree Establishing Trade Unions and Labor Offices.

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

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

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

ARTICLE I

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

ARTICLE II

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

ARTICLE III

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So far as is known the only professional association set up by ANC was the Bar Association which must be expressely excluded from this decree as it is subject

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matter of another pending decree. If there have been any other professional organizations set up locally by or with the approval of the local AMG Administration, it would seem desirable to investigate the basis and nature of these organizations before giving them juridical recognition.

ARTICLE IV

This again supports our observations in paragraph 1.

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

ARTICLE VIII

No comments.

ARTICLES IX-XII
INCLUSIVE.

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

In Article XI some further definition of what is a competent labor office is required, and in the second paragraph of that article purely machinery should be [illegible] for the place of delivery of notices.

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A surely drafting [illegible]
occupied by the Allied Forces".

ARTICLE VI

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ARTICLE VII

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ARTICLE VIII

No comments.

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

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

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

ARTICLE XIII

It should be made clear that the reference to arbitration in individual labor disputes is under Titolo 4, Capo 2, especially Articles 409-438 of the Code of Civil Procedure. With regard to collective labor disputes it is by no means clear under Article XIII and Article XI exactly how arbitration is to be carried out as the arbitration provisions in the laws of 1926 have been repealed. This matter requires clarification.

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ARTICLES XIV, XV and XVI

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

ARTICLES XVIII and XIX

No comments.

ARTICLE XX

This supports our original observation of paragraph I.

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

GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

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July

HEADQUARTERS
ALLIED CONTROL COMMISSION
Labor Sub-Commission
APO 394

EJS/tbw

LAB 091.4351

25 April, 1944

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

TO : Director, Legal Sub-Commission

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

Reference above:

1. Herewith attached Draft Decree as finally altered on 25 April, 1944 in conjunction with Major Grossman and Major Hannaford of the Legal Sub-Commission.

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

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

E. Solcums,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

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LABOR SUB-COMMISSION
April 25, 1944

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

- -

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

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

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

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

Whereas the Royal Decree of 30th October, 1943, No. 2/B; and

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

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

We hereby decree as follows:-

ARTICLE I

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

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

ARTICLE II

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

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;

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Royal Decree of 28th October, 2/43, No. 249; and

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

Whereas the Royal Decree of 30th October, 1943, No. 2/B; and

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

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

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ARTICLE II

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

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;

b) To further mutual social and economic assistance.

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

ARTICLE III

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

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ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

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

ARTICLE VIII

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

a) Control and coordination of the services of the registration and placement of labor, of the immigration, migration and emigration of labor;

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ARTICLE VI

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

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ARTICLE VIII

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

a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;

b) Mediation, conciliation, and reference to arbitration of labor disputes;

c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervision of Trade instruction and training of work people;

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

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e) Provision for the registration, maintenance and publication of lists of Trade Unions;

f) Registration and publication of collective contracts;

g) Discharge of such other functions as may be entrusted to it by decree and legislation.

ARTICLE IX

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

a) Supervision of the Provincial Labor Offices, with a view to co-ordinating their activities;

b) Coordination of placement of labor and provision for the migration of Labor from one Province to another;

c) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;

d) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;

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

f) Compilation of information and statistics on labor;

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

ARTICLE X

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

a) Provision of registration and placement of labor;

b) Mediation, Conciliation, and reference to arbitration of labor disputes;

c) Promotion and development of Social Insurance, and related labor services as well as ~~supervision~~ Supervision of Trade Instruction and training of work people;

d) Study and investigation (of labor matters) and discharge of any

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

a) Supervision of the Provincial Labor Offices, with a view to coordinating their activities;

b) Coordination of placement of labor and provision for the migration of labor from one Province to another;

c) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;

d) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;

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

f) Compilation of information and statistics on Labor;

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

ARTICLE 5

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

a) Provision of registration and placement of labor;

b) Mediation, Conciliation, and reference to arbitration of labor disputes;

c) Promotion and development of Social Insurance, and related labor services as well as ~~supervision~~ Supervision of Trade Instruction and training of work people;

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

ARTICLE XI

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

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

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

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

ARTICLE XII

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

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

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

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

ARTICLE XIII

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

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

ARTICLE XIV

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

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

Arbitration awards in respect of disputes dealt with by Provincial Labor Offices shall be filed in the "Tribunals" of the Provincial Capital, those [illegible] Regional Office in the Court of Appeal of the area in which

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different Regions.

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

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

ARTICLE XIII

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

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

ARTICLE XIV

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

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

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

Arbitration Awards shall not be subject to the provisions contained in Article 325 of the Code of Civil Procedure.

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

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

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ARTICLE XV

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

ARTICLE XVI

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

ARTICLE XVII

The Corporative Inspectorate shall be known as the "Inspectorate of Labor", and shall be under the jurisdiction of the Minister of Industry, Commerce and Labor. The Inspectorate shall locally exercise its functions under the direction of the Regional Labor Offices, of which it shall be the specific organization for the supervision and enforcement of regulations governing labor, social services and the application of Collective Contracts. The Inspectorate shall continue to enjoy the powers conferred upon it by the Royal Decree of 30 December, 1923, No. 3245, of 28th December, 1931, No. 1683, of 4th October, 1935, No. 1827, and by Royal Decree of 17th August, 1935, No. 1765.

ARTICLE XVIII

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

ARTICLE XIX

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

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

ARTICLE XX

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

ARTICLE XXI

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

[illegible] Minister Secretary of State, and the

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

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ARTICLE XXI

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

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

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

Given in Salerno April, 1944

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SCHEMA DI R.DECRETO LEGGE

Abolizione del sistema sindacale-corporativo fascista, autorizzazione a costituire associazioni sindacali, istituzione degli Uffici del lavoro e regolamento dei rapporti di lavoro.

VITTORIO EMANUELE III
Per grazia di Dio e per volonta' della Nazione
Re d'Italia

Vista la legge 3 aprile 1926 N.563, e successive disposizioni;
Visto il R.Decreto 1 luglio 1926 N.1130 e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato con R.D.28 ottobre 1940 N.1443;
Visto l'art.15 della legge 10 gennaio 1939 N.129;
Visto il R.Decreto Legge 30 ottobre 1943 N.2/B;

Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, primo Ministro Segretario di Stato; e del Ministro per l'Industria, il commercio e il lavoro, d'intesa con i Ministri per l'interno, per la grazia e giustizia e per le finanze:

ABBIAMO DECRETATO E DECRETIAMO:

Art. 1

La legge 3 aprile 1926, N.563, il R.D. 1 luglio 1926, N.1130 sulla disciplina giuridica dei rapporti collettivi di lavoro e tutte le norme successive emanate per l'attuazione delle predette leggi sono abrogate.
Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di societa' cooperative, le federazioni e le unioni di piu' associazioni e le confederazioni di piu' federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed e' abolita la Magistratura del Lavoro.

Art. 2

I lavoratori, i datori di lavoro, i liberi esercenti un'arte o una professione o un mestiere hanno il diritto di organizzarsi in associazioni, di tenere riunioni, di eleggere propri rappresentanti per le finalita' di cui appresso, e, nell'interesse degli associati o della intera categoria:

(a) di negoziare e stipulare contratti ed accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro, ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;

(b) di svolgere attivita' mutalistica e di assistenza sociale ed economica.

Successive disposizioni regoleranno la registrazione ed il riconoscimento giuridico delle Associazioni Sindacali e delle commissioni rappresentative.

Art. 3

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R.D.L. 27 ottobre 1944 n.347;
Visto l'art.18 della legge 19 gennaio 1939 N.129;
Visto il R.Decreto Legge 30 ottobre 1943 N.2/B;

Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, primo Ministro Segretario di Stato;
e del Ministro per l'industria, il commercio e il lavoro, d'intesa con i Ministri per l'interno, per la grazia e giustizia e per le finanze;

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Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di societa' cooperative, le federazioni e le unioni di più associazioni e le confederazioni di piu' federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed e' abolita la Magistratura del Lavoro.

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I lavoratori, i datori di lavoro, i liberi esercenti un'arte o una professione o un mestiere hanno il diritto di organizzarsi in associazioni, di tenere riunioni, di eleggere propri rappresentanti per le finalita' di cui appresso, e, nell'interesse degli associati o della intera categoria:

(a) di negoziare e stipulare contratti ed accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro,ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;

(b) di svolgere attivita' mutualistica e di assistenza sociale ed economica.

Successive disposizioni regoleranno la registrazione ed il riconoscimento giuridico delle Associazioni Sindacali e delle commissioni rappresentative.

Art. 3

In attesa della emanazione di speciali norme per il ripristino degli ordini e collegi di liberi professionisti, restano fermi quelli che nei territori liberati sono stati costituiti o riconosciuti dalle competenti autorita'. Laddove non sono stati costituiti, saranno nominati commissari straordinari per la tenuta degli albi e l'applicazione delle leggi e regolamenti professionali. Tali commissari prenderanno in consegna gli archivi dei rispettivi disciolti sindacati fascisti di professionisti e artisti.

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Art. 4

L'ammissione nelle associazioni sindacali e la partecipazione ad elezioni non saranno negati agli appartenenti alla categoria interessata, per ragioni di razza, di religione, di nazionalità o di ideologia politica.

Art. 5

Cessa per i datori di lavoro, i lavoratori e i professionisti e artisti l'obbligo del versamento dei contributi sindacali imposti per effetto dell'art.5 della L.3 aprile 1926, N.563 e successive disposizioni, maturati posteriormente alla data dell'entrata in vigore del presente decreto, o a quella precedente data in cui nei territori già occupati con provvedimento del Governo Militare Alleato i detti contributi siano stati aboliti o le organizzazioni sindacali fasciste siano state sciolte.

Art. 6

Restano in vigore per i rapporti di lavoro collettivi ed individuali i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del Lavoro e nelle ordinanze corporative, di cui agli art.10 e 17 della legge 3 aprile 1926 N.563, agli art.8 e 11 della legge 5 febbraio 1934 N.163 e agli art.4 e 5 del R.D.L.9 agosto 1943, N.721, fino a quando non siano modificate da ulteriori decreti, sentenze arbitrali, o da nuovi contratti o accordi collettivi.

Art. 7

Il Ministero per le Finanze è incaricato di provvedere in ciascuna Provincia, a mezzo delle Intendenze di Finanza, alla conservazione ed all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni o confederazioni di cui all'art.1 in attesa che con R.D., su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro per le finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici. Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sarà effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni dovute da altri enti in forza di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro esercitera', attraverso un suo apposito Ufficio, le seguenti funzioni:

(a) Il controllo e il coordinamento dei servizi di registrazione [illegible] delle navi d'opera, e della migrazione, immigrazio-

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Art. 6

Restano in vigore per i rapporti di lavoro collettivi ed individuali i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del Lavoro e nelle ordinanze corporative, di cui agli art.10 e 13 della legge 3 aprile 1926 N.563, agli art.8 e 11 della legge 5 febbraio 1934 N.163 e agli art.4 e 5 del R.D.L.9 agosto 1943, N.721, fino a quando non siano modificate da ulteriori decreti, sentenze arbitrali, o da nuovi contratti o accordi collettivi.

Art. 7

Il Ministero per le Finanze e' incaricato di provvedere in ciascuna Provincia, a mezzo delle Intendenze di Finanza, alla conservazione ed all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni o confederazioni di cui all'art.1 in attesa che con R.D., su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro per le finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici. Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni dovute da altri enti in forma di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro esercitera', attraverso un suo apposito Ufficio, le seguenti funzioni:

(a) Il controllo e il coordinamento dei servizi di registrazione e collocamento della mano d'opera, e della migrazione, immigrazione ed emigrazione dei lavoratori;
(b) la mediazione, la conciliazionee il deferimento a collegi arbitrali delle controversie di lavoro;
(c) promuovere, sviluppare, coordinare e controllare i servizi di assicurazione, di previdenza e di assistenza sociale, e sorvegliare le attivita' istruttive professionali a favore dei prestatori d'opera;
(d) compilare e pubblicare rapporti e statistiche sulla occupazione, disoccupazione, controversie di lavoro, paghe e salari, orari di

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lavoro, condizioni di lavoro e materie simili;
(e) provvedere alla registrazione delle associazioni sindacali e alla pubblicazione dell'elenco di esse;
(f) provvedere alla registrazione e pubblicazione dei contratti collettivi;
(g) compiere quant'altro sara' ad esso demandato in forza di disposizioni legislative.

Art. 9

In ciascuna regione, i cui limiti saranno determinati dal regolamento alla presente legge, e' istituito, alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Regionale del Lavoro, cui spetta nell'ambito della regione:

a) sovraintendere agli Uffici Provinciali del Lavoro, coordinandone l'attivita';
b) coordinare i servizi di collocamento dei prestatori d'opera, e curare quanto attiene alle migrazioni di mano d'opera da provincia a provincia;
c) pubblicare i contratti collettivi interessanti soltanto la regione nei casi in cui sara' disposto dal Ministero per l'Industria, il Commercio e il Lavoro;
d) svolgere azione di mediazione e conciliare e deferire a Collegi Arbitrali le controversie di lavoro che interessino piu' provincie ove sorgano di speciale importanza;
e) promuovere lo sviluppo di attivita' previdenziale, assistenziale, istruttive ed educative a favore dei prestatori d'opera;
f) compilare relazioni e statistiche in materia di lavoro;
g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

Art. 10

In ciascuna provincia e' istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia:

(a) provvedere alla registrazione e al collocamento dei prestatori d'opera;
(b) svolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro;
(c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera;
(d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro;

Art. 11

Su denuncia di una parte interessata gli Uffici del Lavoro competenti esperiranno il tentativo di conciliazione delle controversie sul

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a) sovraintendere agli Uffici Provinciali del Lavoro, coordinandone l'attivita';
b) coordinare i servizi di collocamento dei prestatori d'opera, e curare quanto attiene alle migrazioni di mano d'opera da provincia a provincia;
c) pubblicare i contratti collettivi interessanti soltanto la regione nei casi in cui sara' disposto dal Ministero per l'Industria, il Commercio e il Lavoro;
d) svolgere azione di mediazione e conciliare e deferire a Collegi Arbitrali le controversie di lavoro che interessino piu' provincie oppure di speciale importanza;
e) promuovere lo sviluppo di attivita' previdenziale, assistenziale, istruttive ed educative a favore dei prestatori d'opera;
f) compilare relazioni e statistiche in materia di lavoro;
g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

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In ciascuna provincia e' istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia:

(a) provvedere alla registrazione e al collocamento dei prestatori d'opera;
(b) svolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro;
(c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera;
(d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro;

Art. 11

Su denunzia di una parte interessata gli Uffici del Lavoro competenti esperiranno il tentativo di conciliazione delle controversie del Lavoro.
Oltre i casi speciali in cui lo Sciopero e la Serrata fossero vietati, saranno anche considerati illegali in mancanza di preventiva denunzia e prima che sia decorso il termine di giorni ventuno da essa.
Restano ferme per le controversie individuali di lavoro le disposizioni dell'art.43 e seguenti del C.P.C., in quanto applicabili.
Non realizzandosi la conciliazione, gli Uffici del Lavoro, su concorde richiesta delle parti, rimetteranno le controversie alla decisione di un Collegio Arbitrale, alla cui costituzione provvederanno, scegliendo

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done di regola i membri negli appositi "Albi degli Arbitri del Lavoro".

Art. 12

Per le controversie collettive di lavoro e' competente l'Ufficio Provinciale del Lavoro nella cui circoscrizione ha vigore il contratto collettivo da applicare o in cui si svolgono i rapporti di lavoro da regolare. Se il contratto collettivo o i rapporti di lavoro riguardano piu' province di una regione e' competente l'Ufficio Regionale del Lavoro. Se riguardano invece due o piu' regioni o province di diverse regioni e' competente il Ministero per l'Industria, il Commercio e il Lavoro.
Per le controversie individuali di lavoro e' competente l'Ufficio Provinciale del Lavoro nella cui circoscrizione e' compresa l'Autorita' Giudiziaria competente a conoscere della controversia.
Il Ministro per l'Industria, il Commercio e il Lavoro e i Direttori degli Uffici Regionali del Lavoro possono, a richiesta di parte o di ufficio, evocare a se il tentativo di conciliazione e il deferimento a un Collegio Arbitrale delle controversie individuali o collettive di lavoro di competenza di un ufficio sottoposto.

Art. 13

Allorquando le controversie individuali non siano deferite alla decisione arbitrale, le parti sono libere di rivolgersi alla competente Magistratura, secondo la vigente legislazione in materia.
Per le controversie collettive di lavoro l'arbitrato presso gli Uffici del Lavoro e' obbligatorio nei casi in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nei casi e per il tempo in cui la serrata e lo sciopero siano legalmente vietati.

Art. 14

Le decisioni arbitrali in materia di lavoro saranno pronunciate secondo equita' e saranno inappellabili.
Esse avranno forza vincolante di sentenza, e potranno essere spedite in forma esecutiva, previo deposito presso l'Autorita' Giudiziaria, agli effetti delle vigenti norme del C.P.C.
Le decisioni arbitrali delle controversie di competenza degli Uffici Provinciali del Lavoro saranno depositate presso il Tribunale del Capoluogo di Provincia. Quelle di competenza degli Uffici Regionali del Lavoro, presso la Corte d'Appello nella cui giurisdizione e' la Sede dell'Ufficio. Quelle in materia di controversie nazionali presso la Corte d'Appello della capitale del Regno.
Non si applica alle sentenze arbitrali di lavoro la disposizione di cui all'art.825 del C.P.C. relativa al termine di deposito.
Gli Uffici del Lavoro rimetteranno al Ministero per l'Industria, il Commercio e il Lavoro copia delle decisioni arbitrali delle controversie di lavoro, eccetto per quelle categorie di controversie determinate dal Ministero.

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Per le controversie individuali di lavoro è [illegible] Ufficio Provinciale del Lavoro nella cui circoscrizione è compresa l'Autorità Giudiziaria competente a conoscere della controversia.
Il Ministro per l'Industria, il Commercio e il Lavoro e i Direttori degli Uffici Regionali del Lavoro possono, a richiesta di parte o di ufficio, avocare a sè il tentativo di conciliazione e il deferimento a un Collegio Arbitrale delle controversie individuali o collettive di lavoro di competenza di un ufficio sottoposto.

Art. 13

Allorquando le controversie individuali non siano deferite alla decisione arbitrale, le parti sono libere di rivolgersi alla competente Magistratura, secondo la vigente legislazione in materia.
Per le controversie collettive di lavoro l'arbitrato presso gli Uffici del Lavoro è obbligatorio nei casi in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nei casi e per il tempo in cui lo sciopero e la serrata siano legalmente vietati.

Art. 14

Le decisioni arbitrali in materia di lavoro saranno pronunciate secondo equità e saranno inappellabili.
Esse avranno forza vincolante di sentenza, e potranno essere spedite in forma esecutiva, previo deposito presso l'Autorità Giudiziaria, agli effetti delle vigenti norme del C.P.C.
Le decisioni arbitrali delle controversie di competenza degli Uffici Provinciali del Lavoro saranno depositate presso il Tribunale del Capoluogo di Provincia. Quelle di competenza degli Uffici Regionali del Lavoro, presso la Corte d'Appello nella cui giurisdizione è la Sede dell'Ufficio. Quelle in materie di controversie nazionali presso la Corte d'Appello della capitale del Regno.
Non si applica alle sentenze arbitrali di lavoro la disposizione di cui all'art.825 del C.P.C. relativa al termine di deposito.
Gli Uffici del Lavoro rimetteranno al Ministero per l'Industria, il Commercio e il Lavoro copia delle decisioni arbitrali delle controversie di lavoro, eccetto per quelle categorie di controversie individuali che saranno determinate dal Ministero.
Tutti gli atti e documenti dei giudizi arbitrali in materia di lavoro sono esenti dalle tasse di bollo e di registro, eccetto la sentenza che è sottoposta a tassa fissa di registro.

Art. 15

Chiunque, formalmente invitato da un Ufficio del Lavoro, per lo esperimento di un tentativo di conciliazione di una controversia di lavoro, non si presenti o rifiuti di presentarsi senza legittimo motivo, è passibile di un'ammenda fino a lire diecimila.

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Art. 16

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformita' al disposto dell'art.435 C.P.C. si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 299 e 301 C.P.C.

Art. 17

Gli Ispettorati Corporativi assumono la denominazione di "Ispettorati di Lavoro" sotto la giurisdizione del Ministero per l'Industria, Commercio e Lavoro. Essi svolgeranno localmente la loro attivita' alle dipendenze degli Uffici Regionali del Lavoro, di cui divengono organi specifici per la vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociali, e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate. Restano fermi i poteri a essi conferiti coi RR.DD.LL. 30 dicembre 1923, n.3285, 28 dicembre 193 n.1648, 4 ottobre 1935,n.1827 e col R.D. 17 agosto 1935, n.1765.

Art. 18

Tutte le nomine del personale dei sopra indicati uffici saranno fatte in conformita' delle disposizioni che regolano l'assunzione del personale statale.

Art. 19

La spesa per gli Uffici Provinciali, Regionali e Nazionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a carico dello Stato.
Il Ministro per le Finanze e' all'uopo autorizzato alle conseguenti impostazioni in bilancio.

Art. 20

Restano abrogate tutte le disposizioni contrarie alla presente legge.
Il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, integrative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civile, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 21

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale .-
Esso sara' presentato alle assemblee legislative per la conversione in legge.
Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.
Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

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lavoro, assistenza e previdenza sociali, e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate. Restano fermi i poteri a essi conferiti coi RR.DD.LL. 30 dicembre 1923, n.3285, 28 dicembre 193 n.1648, 4 ottobre 1935,n.1827 e col R.D. 17 agosto 1935, n.1765.

Art. 18

Tutte le nomine del personale dei sopra indicati uffici saranno fatte in conformita' delle disposizioni che regolano l'assunzione del personale statale.

Art. 19

La spesa per gli Uffici Provinciali, Regionali e Nazionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a carico dello Stato.
Il Ministro per le Finanze e' all'uopo autorizzato alle conseguenti impostazioni in bilancio.

Art. 20

Restano abrogate tutte le disposizioni contrarie alla presente legge.
Il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, integrative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civile, penale, di procedure civile e con ogni altra legge dello Stato.

Art. 21

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale .-
Esso sara' presentato alle assemblee legislative per la conversione in legge.
Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.
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Dato a Salerno Aprile 1944

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SCHEMA DI DECRETO LEGISLATIVO LUOGOTENENZIALE CONCERNENTE LA SOPPRESSIONE DELLE ORGANIZZAZIONI SINDACALI FASCISTE E LA LIQUIDAZIONE DEI RISPETTIVI PATRIMONI.

UMBERTO DI SAVOIA PRINCIPE DI PIEMONTE
LUOGOTENENTE GENERALE DEL REGNO

In virtù dell'autorità a Noi delegata;

VISTA la legge 3 aprile 1926, n.563, sulla disciplina giuridica dei rapporti collettivi di lavoro, nonchè il R.decreto 1° luglio 1926, n.1130, contenente norme per l'attuazione della legge predetta, e le successive modificazioni;

VISTO il decreto legge luogotenenziale 25 giugno 1944, n. 151, relativo all'assemblea per la nuova costituzione dello Stato, al giuramento dei membri del Governo e alla facoltà del Governo di emanare norme giuridiche;

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

VISTA la deliberazione del Consiglio dei Ministri;

SULLA proposta del Ministro per l'industria, commercio e lavoro, di concerto con il Ministro per l'interno, con quello per la grazia e giustizia, con quello per le finanze e con quello per il tesoro;

ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Sono sciolte:la Confederazione fascista degli agricoltori,

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VISTA la legge 3 aprile 1926, n.563, sulla disciplina giuridica dei rapporti collettivi di lavoro, nonchè il R.decreto 1° luglio 1926, n.1130, contenente norme per l'attuazione della legge predetta, e le successive modificazioni;

VISTO il decreto legge luogotenenziale 25 giugno 1944, n. 151, relativo all'assemblea per la nuova costituzione dello Stato, al giuramento dei membri del Governo e alla facoltà del Governo di emanare norme giuridiche;

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VISTA la deliberazione del Consiglio dei Ministri;

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ABBIAMO SANZIONATO E PROMULGHIAMO QUANTO SEGUE:

Art. 1

Sono sciolte:la Confederazione fascista degli agricoltori, la Confederazione fascista degli industriali, la Confederazione fascista dei commercianti, la Confederazione fascista delle aziende di credito e di assicurazione, la Confederazione fascista dei lavoratori dell'agricoltura, la Confederazione fascista dei lavoratori dell'industria, la Confederazione fascista dei lavoratori del commercio, la Confederazione fascista dei lavoratori dell'azienda di credito e dell'assicurazione, la Confederazione

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fascista dei professionisti ed artisti.

Sono pure sciolti l'Ente nazionale fascista della corporazione, le Federazioni nazionali fasciste, i Sindacati nazionali fascisti aderenti alle Confederazioni indicate nel comma precedente, e ogni altra organizzazione sindacale fascista.

Art. 2

I contributi sindacali imposti per effetto della legge 3 aprile 1926, n.563, e delle successive sue modificazioni sono aboliti a datare dall'entrata in vigore del presente decreto.

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

Art. 3

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

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

Art. 4

Le disposizioni del secondo comma degli art. 2 e 3 si osserveranno anche nei territori che saranno restituiti all'amministrazio-

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te, e ogni altra organizzazione sindacale fascista.

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Art. 4

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

Art. 5

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

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Il Ministro stesso nomina altresì un comitato di sorveglianza di tre o cinque membri, scelti fra gli appartenenti alla categoria tutelata dall'organizzazione soppresse e fra i creditori.

Art. 6

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

Art. 7

Il commissario liquidatore e i membri del comitato di sorveglianza possono essere sostituiti in ogni tempo dal Ministro dell'industria del commercio e del lavoro con le norme previste nell'art. 5.

L'azione di responsabilità contro il commissario liquidatore revocato è proposta dal nuovo commissario con l'autorizzazione del Ministro.

Art. 8

Il commissario liquidatore esercita personalmente le sue funzioni.

Egli può essere autorizzato dal Ministro a nominare i suoi coadiutori.

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

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

Art. 9

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Art. 9

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

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Art. 10

Il commissario liquidatore procede alle operazioni inerenti alle sue funzioni secondo le direttive del Ministro per l'industria, il commercio ed il lavoro.

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

Art. 11

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

Art. 12

Il compenso dovuto al commissario liquidatore e ai coadiutori è stabilito dal Ministro, sul parere del Comitato di sorveglianza.

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

Art. 13

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

Art. 14

Il Comitato di sorveglianza, nella sua prima seduta, elegge il presidente. Questi convoca il Comitato ogni qual volta ne sia richiesto il parere o quando lo creda opportuno.

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

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Art. 15

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

Art. 16

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

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

Art. 17

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

Art. 18

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

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

Art. 19

Il commissario liquidatore non può, senza autorizzazione

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Art. 19

Il commissario liquidatore non può, senza autorizzazione del Ministro;

1) dare immobili in locazione per tempo superiore ad un anno;

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2) utilizzare per scopi non interessanti direttamente la liquidazione, i documenti e le scritture di pertinenza degli enti soppressi.

L'istanza del commissario per l'autorizzazione deve essere accompagnata dal parere del comitato di sorveglianza.

Art. 20

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

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

Art. 21

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

Tuttavia i creditori garantiti da pegno e assistiti da privilegio a norma degli articoli 2756 e 2761 del codice civile possono chiedere al Pretore del luogo in cui era la sede dell'ente soppresso alla data dell'8 settembre 1943, di essere autorizzati alla vendita. Il pretore, sentito il commissario liquidatore e il comitato di sorveglianza, stabilisce con decreto il

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Il pretore può autorizzare il commissario a riprendere le cose sottoposte a pegno o a privilegio pagando il creditore,

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ad eseguire la vendita nei modi stabiliti dal comma precedente.

Art. 22

Gli amministratori dell'ente soppresso e tutti coloro che, anche senza averne veste legale, abbiano svolta attività di amministrazione relativamente all'ente, devono rendere al commissario liquidatore il conto della gestione a decorrere dall'ultimo bilancio che risulti approvato anteriormente all'8 settembre 1943.

Art. 23

L'azione di responsabilità contro gli amministratori, i componenti degli organi di controllo dell'ente e contro chiunque, anche senza averne veste legale, abbia svolto attività di amministrazione relativamente all'ente, è esercitata dal commissario liquidatore previa autorizzazione del Ministro.

Art. 24

Il commissario liquidatore, entro dieci giorni dalla comunicazione della sua nomina, deve provvedere agli atti necessari per la conservazione dei beni, degli archivi, delle scritture e dei documenti dell'ente soppresso e può chiedere al pretore l'apposizione dei sigilli.

Nei successivi otto giorni deve prenderne in consegna, eventualmente anche con l'intervento della forza pubblica, i beni, gli archivi, le scritture e i documenti predetti. Egli forma, col ministero di pubblico ufficiale, se occorra, l'inventario dei beni, anche se situati in territorio occupato.

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anche senza averne veste legale, abbiano svolto attività di amministrazione relativamente all'ente, devono rendere al commissario liquidatore il conto della gestione a decorrere dall'ultimo bilancio che risulti approvato anteriormente all'8 settembre 1943.

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Il commissario, se necessario, nomina uno o più stimatori per la valutazione dei beni.

Copia dell'inventario è immediatamente trasmessa al ministro.

Art. 25.

Entro quindici giorni dalla formazione dell'inventario, il commissario liquidatore riferisce al ministro sulla consistenza dell'attivo e del passivo dell'ente e sulla possibilità del pagamento integrale delle passività.

Art.26

Se il patrimonio non è sufficiente al pagamento stesso, il ministro autorizza il commissario a procedere alla liquidazione generale dei beni nell'interesse di tutti i creditori. In ogni altro caso autorizza il commissario al pagamento dei crediti o a liquidare le attività dell'ente nei limiti in cui è necessario.

Il ministro dispone che i beni, gli archivi, le scritture e i documenti già appartenenti agli uffici di collocamento e ai servizi di assistenza alle migrazioni interne, siano consegnati agli uffici pubblici che esercitano o eserciteranno le funzioni relative.

Il ministro provvede anche sulla destinazione degli altri archivi, scritture e documenti, autorizzando il commissario liquidatore a trasferirli allo Stato o ad altri enti pubblici in relazione all'interesse che ciascuno possa avere alla loro utilizzazione e conservazione.

Art. 27

Il commissario liquidatore comunica ai creditori noti la autorizzazione prevista nel primo comma dell'articolo precedente, e ne dà notizia mediante avviso pubblicato nella Gazzetta Ufficiale del

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e del passivo dell'ente e sulla possibilità del pagamento integrale delle passività.

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Entro quindici giorni da tale pubblicazione qualunque creditore può proporre ricorso al presidente del tribunale, del luogo in cui era la sede dell'ente alla data dell'8 settembre 1943. Il presidente provvede, sentito il commissario liquidatore e il comitato di sorveglianza, con la massima celerità di procedura.

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Contro il decreto del presidente del tribunale non è ammesso alcun reclamo.

Art. 28

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

Il commissario provvede altresì per il pagamento dei creditori a misura che si presentano. Egli può soddisfare anche i creditori il cui credito non è attualmente esigibile, osservata la disposizione dell'art. 57 R. decreto 16 marzo 1942, n.267, e deve assicurare il pagamento dei creditori condizionali e di quelli che non si siano presentati, se abbiano crediti veri e reali.

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

Art. 29

Soddisfatti i creditori, il commissario liquidatore forma l'inventario dei beni residui e deposita il conto della gestione nella cancelleria del Tribunale competente a norma dell'art. 27, secondo comma.

Al conto deve essere unita una relazione del comitato di sorveglianza. Del deposito il curatore dà notizia mediante avviso pubblicato nella Gazzetta ufficiale del Regno.

Decorsi quindici giorni da tale pubblicazione, se non vengono propo-

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Soddisfatti i creditori, il commissario liquidatore forma l'inventario dei beni residui e deposita il conto della gestione nella cancelleria del Tribunale competente a norma dell'art. 27, secondo comma.

Al conto deve essere unita una relazione del comitato di sorveglianza. Del deposito il curatore dà notizia mediante avviso pubblicato nella Gazzetta ufficiale del Regno.

Decorsi quindici giorni da tale pubblicazione, se non vengono proposte opposizioni, il presidente del tribunale provvede sul rendiconto con decreto steso in calce al ricorso del commissario.

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

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Art.30

Entro due giorni dal deposito del rendiconto il commissario liquidatore fa iscrivere la somma residuata dopo il pagamento dei creditori in uno speciale conto presso l'istituto di emissione, che sarà disponibile dopo il decreto previsto nell'articolo seguente.

L'istituto provvede all'iscrizione sulla semplice esibizione di un certificato del cancelliere attestante il deposito del rendiconto, e ne dà comunicazione al ministro.

Art. 31

I beni che restano disponibili dopo il pagamento dei creditori sono devoluti agli enti che dimostreranno di avere legalmente la rappresentanza delle categorie corrispondenti a quelle tutelate dalle organizzazioni soppresse, e agli enti ai quali per legge siano trasferite le funzioni già spettanti alle organizzazioni medesime.

La devoluzione è fatta con decreto del Ministro dell'industria, del commercio e del lavoro, di concerto con quelli dell'Interno, delle Finanze e del Tesoro.

Art. 32

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

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

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

Art. 33

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

Art. 34

Il commissario liquidatore, entro quindici giorni dalla scadenza del termine previsto dall'art. 27 dalla data del decreto che

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rigetta le opposizioni, provvede alle comunicazioni indicate nell'art.207 del R.Decreto 16 marzo 1942, n.267, e pubblica nella Gazzetta Ufficiale del Regno un avviso contenente l'invito ai creditori e ai terzi di far valere le loro ragioni nel procedimento già iniziato.

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

Art. 35

Per la formazione dello stato passivo della liquidazione si osservano le disposizioni dell'art. 209 del R. Decreto 16 marzo 1942, n. 267, in quanto compatibili con le particolarità del procedimento.

L'elenco dei crediti e delle pretese di terzi accolti o respinti deve essere depositato nella cancelleria del Tribunale competente a norma dell'art. 27, secondo comma, entro novanta giorni dalla pubblicazione dell'avviso indicato nell'articolo precedente.

Art. 36

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

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

Art. 37

[illegible] generale sui diritti dei creditori,

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

Art. 37

Gli effetti della liquidazione generale sui diritti dei creditori, sui rapporti giuridici preesistenti e sugli atti pregiudiziali ai creditori sono regolati dagli articoli 54 e seguenti del R. decreto 16 marzo 1942, n.267, in quanto compatibili con le particolarità del procedimento.

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Gli effetti che gli articoli ricordati riferiscono alla dichiarazione di fallimento si considerano con riguardo alla data di scioglimento dell'ente.

Le azioni relative si propongono innanzi al tribunale competente a norma dell'art. 27, secondo comma.

Art. 38.

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

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

Art. 39

La ripartizione dell'attivo ha luogo secondo le disposizioni dell'art. 212 del r.d. 16 marzo 1942, n.267, in quanto compatibili con le particolarità del procedimento.

Il pagamento di acconti sui crediti può essere fatto soltanto se di questi risultino sufficientemente accertati l'esistenza, l'ammontare e la liquidità. Esso deve essere consentito dal Comitato di sorveglianza ed autorizzato dal Ministro. L'istanza al Ministro deve contenere il parere del comitato di sorveglianza.

Art. 40

Si applicano nei confronti degli amministratori, dei direttori generali, dei componenti degli organi di controllo e di coloro che, anche senza averne vesto legale, abbiano svolto attività di amministrazione relativamente all'ente soppresso, le disposi-

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Al commissario liquidatore, ai coadiutori ed ai creditori si applicano le disposizioni degli articoli 228 e 232 del predetto decreto.

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

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Art. 41

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

Si osservano le disposizioni dell'art. 26.

Art. 42

Fino a quando non avrà attuazione un nuovo ordinamento sindacale, per i rapporti collettivi ed individuali, restano in vigore, in quanto successivamente non modificate, le norme contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del lavoro e nelle ordinanze corporative di cui agli articoli 10 e 13 della legge 3 aprile 1926, n.563, agli articoli 8 e 11 della legge 5 febbraio 1934, n.163, e agli articoli 4 e 5 del r.d.l. 9 agosto 1943, n.721.

Art. 43

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

Art. 44

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

Ordiniamo, a chiunque spetti, di osservare il presente decreto, 347

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

Si osservano le disposizioni dell'art. 28.

Art. 43

Fino a quando non avrà attuazione un nuovo ordinamento sindacale, per i rapporti collettivi ed individuali, restano in vigore, in quanto successivamente non modificate, le norme contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del lavoro e nelle ordinanze corporative di cui agli articoli 10 e 13 della legge 3 aprile 1926, n.563, agli articoli 8 e 11 della legge 5 febbraio 1934, n.163, e agli articoli 4 e 5 del r.d.l. 9 agosto 1943, n.721.

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Ordiniamo, a chiunque spetti, di osservare il presente decreto, 347
e di farlo osservare come legge dello Stato.

Dato a

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EJS/tbw

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.4351

25 April, 1944

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

TO : Director, Legal Sub-Commission

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

Reference above:

1. Herewith attached draft Decree as finally altered on 25 April, 1944 in conjunction with Major Broadman and Major Hammaford of the Legal Sub-Commission.

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

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

E. SCIOLUNA,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

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File

LABOR SUB-COMMISSION
April 25, 1944

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

- -

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

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

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

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

Whereas the Royal Decree of 30th October, 1943, No. 2/B; and

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

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

We hereby decree as follows:-

ARTICLE I

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

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

ARTICLE II

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

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;

b) To further mutual social and economic assistance.

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Whereas Article 15 of the Law of [illegible]

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b) To further mutual social and economic assistance.

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

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ARTICLE III

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

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ARTICLE IV

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

ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

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

ARTICLE VIII

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

a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;

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

ARTICLE VIII

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

a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;

b) Mediation, conciliation, and reference to arbitration of labor disputes;

c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old Age pensions, unemployment and health insurance and related labor services as well as supervision of Trade instruction and training of work people;

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

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e) Provision for the registration, maintenance and publication of lists of Trade Unions;

f) Registration and publication of collective contracts;

g) Discharge of such other functions as may be entrusted to it by decree and legislation.

ARTICLE IX

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

a) Supervision of the Provincial Labor Offices, with a view to co-ordinating their activities;

b) Coordination of placement of labor and provision for the migration of labor from one Province to another;

c) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;

d) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;

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

f) Compilation of information and statistics on labor;

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

ARTICLE X

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

a) Provision of registration and placement of labor;

b) Mediation, Conciliation, and reference to arbitration of labor disputes;

c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;

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

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c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;

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

ARTICLE XI

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

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

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

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

ARTICLE XII

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

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

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

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

ARTICLE XIII

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

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

ARTICLE XIV

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

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

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

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

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

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

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ARTICLE XV

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

ARTICLE XVI

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

ARTICLE XVII

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

ARTICLE XVIII

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

ARTICLE XIX

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

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

ARTICLE XX

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

ARTICLE XXI

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

341

The Head of the Government, Prime Minister Secretary of State, and the [illegible] and Labor, joint sponsors, are authorized to

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341

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

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

Given in Salerno April, 1944

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SCHEMA DI R.DECRETO LEGGE

Abolizione del sistema sindacale-corporativo fascista, autorizzazione a costituire associazioni sindacali, istituzione degli Uffici del Lavoro e regolamento dei rapporti di lavoro.

VITTORIO EMANUELE III
Per grazia di Dio e per volonta' della Nazione
Re d'Italia

Vista la legge 3 aprile 1926 N.563, e successive disposizioni;
Visto il R.Decreto 1 luglio 1926 N.1130 e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato con R.D.28 ottobre 1940 N.1443;
Visto l'art.18 della legge 19 gennaio 1939 N.129;
Visto il R.Decreto Legge 30 ottobre 1943 N.2/B;

Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, primo Ministro Segretario di Stato;
e del Ministro per l'Industria, il commercio e il lavoro, d'intesa con i Ministri per l'interno, per la grazia e giustizia e per le finanze;

ABBIAMO DECRETATO E DECRETIAMO:

Art. I

La legge 3 aprile 1926, N.563, il R.D. 1 luglio 1926, N.1130 sulla disciplina giuridica dei rapporti collettivi di lavoro e tutte le norme successive emanate per l'attuazione delle predette leggi sono abrogate.
Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di societa' cooperative, le federazioni e le unioni di piu' associazioni e le confederazioni di piu' federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed e' abolita la Magistratura del Lavoro.

Art. 2

I lavoratori, i datori di lavoro, i liberi esercenti un'arte o una professione o un mestiere hanno il diritto di organizzarsi in associazioni, di tenere riunioni, di eleggere propri rappresentanti per le finalita' di cui appresso, e, nell'interesse degli associati o della intera categoria:
(a) di negoziare e stipulare contratti di accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro,ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;
(b) di svolgere attivita' mutualistica e di assistenza sociale ed economica.
Successive disposizioni regoleranno la registrazione ed il riconoscimento giuridico delle Associazioni Sindacali e delle commissioni re-

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Visto il R.Decreto Legge 30 ottobre 1943 N.2/3;

Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, primo Ministro Segretario di Stato;
e del Ministro per l'Industria, il commercio e il lavoro, d'intesa con i
Ministri per l'interno, per la grazia e giustizia e per le finanze;

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Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di societa' cooperative, le federazioni e le unioni di piu' associazioni e le confederazioni di piu' federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed e' abolita la Magistratura del Lavoro.

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(a) di negoziare e stipulare contratti di accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro,ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;
(b) di svolgere attivita' mutualistica e di assistenza sociale ed economica.
Successive disposizioni regoleranno la registrazione ed il riconoscimento giuridico delle Associazioni Sindacali e delle commissioni rappresentative. 3-40

Art. 3

In attesa della emanazione di speciali norme per il ripristino degli ordini e collegi di liberi professionisti, restano fermi quelli che nei territori liberati sono stati costituiti o riconosciuti dalle competenti autorita'. Laddove non sono stati costituiti, saranno nominati commissari straordinari per la tenuta degli albi e l'applicazione delle leggi e regolamenti professionali. Tali commissari prenderanno in consegna gli archivi dei rispettivi disciolti sindacati fascisti di professionisti e artisti.

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Art. 4

L'ammissione nelle associazioni sindacali e la partecipazione ad elezioni non saranno negati agli appartenenti alla categoria interessata, per ragioni di razza, di religione, di nazionalita' o di ideologia politica.

Art. 5

Cessa per i datori di lavoro, i lavoratori e i professionisti e artisti l'obbligo dei versamenti dei contributi sindacali imposti per effetto dell'art.5 della L.3 aprile 1926, N.563 e successive disposizioni, maturati posteriormente alla data dell'entrata in vigore del presente decreto, a quella precedente data in cui nei territori gia' occupati con provvedimento del Governo Militare Alleato i detti contributi siano stati aboliti o le organizzazioni sindacali fasciste siano state sciolte.

Art. 6

Restano in vigore per i rapporti di lavoro collettivi ed individuali i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del Lavoro e nelle ordinanze corporative, di cui agli art.10 e 13 della legge 3 aprile 1926 N.563, agli art.8 e 11 della legge 5 febbraio 1934 N.163 e agli art.4 e 5 del R.D.L.9 agosto 1943, N.721, fino a quando non siano modificate da ulteriori decreti, sentenze arbitrali, o da nuovi contratti o accordi collettivi.

Art. 7

Il Ministero per le Finanze e' incaricato di provvedere in ciascuna Provincia, a mezzo delle Intendenze di Finanza, alla conservazione ed all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni o confederazioni di cui all'art.1 in attesa che con R.D., su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro per le finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici. Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni dovute da altri enti in forza di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro esercitera', attraverso un suo apposito Ufficio, le seguenti funzioni:

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Restano in vigore per i rapporti di lavoro collettivi ed individuali i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del Lavoro e nelle ordinanze corporative, di cui agli art.10 e 13 della legge 3 aprile 1926 N.563, agli art.8 e 11 della legge 5 febbraio 1934 N.163 e agli art.4 e 5 del R.D.L.9 agosto 1943, N.721, fino a quando non siano modificate da ulteriori decreti, sentenze arbitrali, o da nuovi contratti o accordi collettivi.

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Il Ministero per le Finanze e' incaricato di provvedere in ciascuna Provincia, a mezzo delle Intendenze di Finanza, alla conservazione ed all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni o confederazioni di cui all'art.1 in attesa che con R.D., su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro per le finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici. Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni dovute da altri enti in forza di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro esercitera', attraverso un suo apposito Ufficio, le seguenti funzioni: 339

(a) Il controllo e il coordinamento dei servizi di registrazione e collocamento della mano d'opera, e della migrazione, immigrazione ed emigrazione dei lavoratori.
(b) la mediazione, la conciliazionee il deferimento a collegi arbitrali delle controversie di lavoro.
(c) promuovere, sviluppare, coordinare e controllare i servizi di assicurazione, di previdenza e di assistenza sociale, e sorvegliare le attivita' istruttive professionali a favore dei prestatori d'opera.
(d) compilare e pubblicare rapporti e statistiche sulla occupazione, disoccupazione, controversie di lavoro, paghe e salari, orari di

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lavoro, condizioni di lavoro e materie simili.
(e) provvedere alla registrazione delle associazioni sindacali e alla pubblicazione dell'elenco di esse;
(f) provvedere alla registrazione e pubblicazione dei contratti collettivi;
(g) compiere quant'altro sara' ad esso demandato in forza di disposizioni legislative.

Art. 9

In ciascuna regione, i cui limiti saranno determinati dal regolamento alla presente legge, e' istituito, alla dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Regionale del Lavoro, cui spetta nell'ambito della regione:

a) sovraintendere agli Uffici Provinciali del Lavoro, coordinandone l'attivita';
b) coordinare i servizi di collocamento dei prestatori d'opera, e curare quanto attiene alle migrazioni di mano d'opera da provincia ea provincia;
c) pubblicare i contratti collettivi interessanti soltanto la regione nei casi in cui sara' disposto dal Ministero per l'Industria, il Commercio e il Lavoro;
d) svolgere azione di mediazione e conciliare e deferire a Collegi Arbitrali le controversie di lavoro che interessino piu' provincie eppure di speciale importanza;
e) promuovere lo sviluppo di attivita' previdenziale, assistenziale, istruttive ed educative a favore dei prestatori d'opera;
f) compilare relazioni e statistiche in materia di lavoro;
g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

Art. 10

In ciascuna provincia e' istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia:

(a) provvedere alla registrazione e al collocamento dei prestatori d'opera;
(b) svolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro;
(c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera;
(d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro;

Art. 11

In caso di una parte interessata gli Uffici del Lavoro competen-

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a) sovraintendere agli Uffici Provinciali del Lavoro, coordinandone l'attivita';
b) coordinare i servizi di collocamento dei prestatori d'opera, e curare quanto attiene alle migrazioni di mano d'opera da provincia ea provincia;
c) pubblicare i contratti collettivi interessanti soltanto la regione nei casi in cui sara' disposto dal Ministero per l'Industria, il Commercio e il Lavoro;
d) svolgere azione di mediazione e conciliare e deferire a Collegi Arbitrali le controversie di lavoro che interessino piu' provincie eppure di speciale importanza;
e) promuovere lo sviluppo di attivita' previdenziale, assistenziale, istruttive ed educative a favore dei prestatori d'opera;
f) compilare relazioni e statistiche in materia di lavoro;
g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

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In ciascuna provincia e' istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia:

(a) provvedere alla registrazione e al collocamento dei prestatori d'opera;
(b) svolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro;
(c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera;
(d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro;

Art. 11

Su denunzia di una parte interessata gli Uffici del Lavoro competenti espleteranno il tentativo di conciliazione delle controversie del Lavoro. 335
Oltre i casi speciali in cui lo Sciopero e la Serrata fossero vietati, saranno anche considerati illegali in mancanza di preventiva denunzia o prima che sia decorso il termine di giorni ventuno da essa.
Restano ferme per le controversie individuali di lavoro le disposizioni dell'art.43 e seguenti del C.P.C., in quanto applicabili.
Non realizzandosi la conciliazione, gli Uffici del Lavoro, su concorde richiesta delle parti, rimetteranno le controversie alla decisione di un Collegio Arbitrale, alla cui costituzione provvederanno, sceglien-

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done di regola i membri negli appositi "albi degli Arbitri del Lavoro".

Art. 12

Per le controversie collettive di Lavoro e' competente l'Ufficio Provinciale del Lavoro nella cui circoscrizione ha vigore il contratto collettivo da applicare o in cui si svolgono i rapporti di lavoro da regolare. Se il contratto collettivo o i rapporti di lavoro riguardano piu' province di una regione e' competente l'Ufficio Regionale del Lavoro. Se riguardano invece due o piu' regioni o province di diverse regioni e' competente il Ministero per l'Industria, il Commercio e il Lavoro.
Per le controversie individuali di lavoro e' competente l'Ufficio Provinciale del Lavoro nella cui circoscrizione e' compresa l'Autorita' Giudiziaria competente a conoscere della controversia.
Il Ministro per l'Industria, il Commercio e il Lavoro e i Direttori degli Uffici Regionali del Lavoro possono, a richiesta di parte o di ufficio, avocare a se il Tentativo di conciliazione e il deferimento a un Collegio Arbitrale delle controversie individuali o collettive di lavoro di competenza di un ufficio sottoposto.

Art. 13

Allorquando le controversie individuali non siano deferite alla decisione arbitrale, le parti sono libere di rivolgersi alla competente Magistratura, secondo la vigente legislazione in materia.
Per le controversie collettive di lavoro l'arbitrato presso gli Uffici del Lavoro e' obbligatorio nei casi in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nei casi e per il tempo in cui lo sciopero e la serrata siano legalmente vietati.

Art. 14

Le decisioni arbitrali in materia di lavoro saranno pronunziate secondo equita' e saranno inappellabili.
Esse avranno forza vincolante di sentenza, e potranno essere spedite in forma esecutiva, previo deposito presso l'Autorita' Giudiziaria, agli effetti delle vigenti norme del C.P.C.
Le decisioni arbitrali delle controversie di competenza degli Uffici Provinciali del Lavoro saranno depositate presso il Tribunale del Capoluogo di Provincia. Quelle di competenza degli Uffici Regionali del Lavoro, presso la Corte d'Appello nella cui giurisdizione e' la Sede dell'Ufficio. Quelle in materie di controversie nazionali presso la Corte d'Appello della capitale del Regno.
Non si applica alle sentenze arbitrali di lavoro la disposizione di cui all'art.825 del C.P.C. relativa al termine di deposito.
Gli Uffici del Lavoro rimetteranno al Ministero per l'Industria, il Commercio e il Lavoro copia delle decisioni arbitrali delle [illegible] di lavoro, [illegible] per quelle categorie di [illegible]

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ficio Provinciale del Lavoro nella cui circoscrizione è compresa l'Autorita' Giudiziaria competente a conoscere della controversia.
Il Ministro per l'Industria, il Commercio e il Lavoro e i Direttori degli Uffici Regionali del Lavoro possono, a richiesta di parte o di ufficio, avocare a se il Tentativo di conciliazione e il deferimento a un Collegio Arbitrale delle controversie individuali o collettive di lavoro di competenza di un ufficio sottoposto.

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Esse avranno forza vincolante di sentenza, e potranno essere spedite in forma esecutiva, previo deposito presso l'Autorita' Giudiziaria, agli effetti delle vigenti norme del C.P.C.
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Non si applica alle sentenze arbitrali di lavoro la disposizione di cui all'art.825 del C.P.C. relativa al termine di deposito.
Gli Uffici del Lavoro rimetteranno al Ministero per l'Industria, il Commercio e il Lavoro copia delle decisioni arbitrali delle controversie di lavoro, eccetto per quelle categorie di controversie individuali che saranno determinate dal Ministero.
Tutti gli atti e documenti dei giudizi arbitrali in materia di lavoro sono esenti dalle tasse di bollo e di registro, eccetto la sentenza che e' sottoposta a tassa fissa di registro.

Art. 15

Chiunque, formalmente invitato da un Ufficio del Lavoro, per lo esperimento di un tentativo di conciliazione di una controversia di lavoro, non si presenti o rifiuti di presentarsi senza legittimo motivo, e' passibile di un'ammenda fino a lire diecimila.

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Art. 16

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformita' al disposto dell'art.435 C.P.C. si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 299 e 301 C.P.C.

Art. 17

Gli Ispettorati Corporativi assumono la denominazione di "Ispettorati di Lavoro" sotto la giurisdizione del Ministero per l'Industria, Commercio e Lavoro. Essi svolgeranno localmente la loro attivita' alle dipendenze degli Uffici Regionali del Lavoro, di cui divengono organi specifici per la vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociali, e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate. Restano fermi i poteri a essi conferiti coi RR.DD.LL. 30 dicembre 1923, n.3245, 28 dicembre 193 n.1648, 4 ottobre 1935,n.1827 e col R.D. 17 agosto 1935, n.1765.

Art. 18

Tutte le nomine del personale dei sopra indicati uffici saranno fatte in conformita' delle disposizioni che regolano l'assunzione del personale stabile.

Art. 19

La spesa per gli Uffici Provinciali, Regionali e Nazionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a cari o dello Stato.
Il Ministro per le Finanze e' all'uopo autorizzato alle conseguenti impostazioni in bilancio.

Art. 20

Restano abrogate tutte le disposizioni contrarie alla presente legge.
Il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, integrative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civile, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 21

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale .-
Esso sara' presentato alle assemblee legislative per la conversione in legge.
Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.
Ordinismo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

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Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale .-
Esso sara' presentato alle assemblee legislative per la conversione in legge.
Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.
Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

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Dato a Salerno Aprile 1944

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.4351 15 April 1944

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

TO: Chief Commissioner, A.C.C.

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

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

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

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

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

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

JTB/mr

5 Incls:

(a) Draft of Decree submitted by Dr. Corbino to Labor Sub-Commission "incorporating" suggestions agreed upon 16 March 1944.
(b) Comments by Dr. Corbino on March 16 draft.
(c) Final Draft by Labor Sub-Commission, 14 April 1944. (English version)
(d) Final Draft by Labor Sub-Commission, 14 April 1944. (Italian version)
(e) Comments by Captain Salaluna on Labor Sub-Commission Final Draft.

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SCHEMA DI R. DECRETO LEGGE

Draft of Labor decree submitted by doctor Corbino to the Labor Sub-Commission "Incorporating" suggestions agreed upon 16 March 1944.

VITTORIO EMANUELE III
Per grazia di Dio e volonta' della Nazione
RE D'ITALIA

Vista la legge 3 aprile 1926, n. 563, e successive disposizioni;
Visto il R.Decreto I luglio 1926, n. 1130, e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato con R. decreto 28 ottobre 1940, n. 1443;
Visto l'art. 18 della legge 19 gennaio 1939, n. 129;
Visto il R. decreto legge 30 ottobre 1943, n. 2/B;
Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, Primo Ministro Segretario di Stato, e del Ministro per l'Industria, il Commercio e il Lavoro, d'intesa con i Ministri per l'interno, per la grazia e giustizia e per le finanze.

ABBIAMO DECRETATO E DECRETIAMO:

Art. 1

La legge 3 aprile 1926 n. 563, il R. decreto I luglio 1926 n. 1130 sulla disciplina giuridica dei rapporti collettivi di lavoro, e tutte le norme emanate per l'attuazione di dette leggi sono abrogate.
Sono sciolte le associazioni sindacali di datori di lavoro, di lavoratori e di professionisti e artisti, le federazioni e unioni di piu' associazioni e le confederazioni di piu' federazioni, giuridicamente riconosciute a norma delle leggi stesse.

Art. 2

I lavoratori, i datori di lavoro e i liberi esercenti un'arte o una professione possono organizzarsi liberamente e scegliere propri rappresentanti per tutelare gli interessi economici e morali degli organizzati e perseguire finalita' di previdenza, di assistenza, di istruzione e di educazione a favore dei medesimi.

Art. 3

Cessa per i datori di lavoro, i lavoratori e i professionisti e artisti l'obbligo del versamento dei contributi sindacali imposti per effetto dell'art. 5 della legge 3 aprile 1926 n. 563 e successive disposizioni, e maturati posteriormente alla data di entrata in vigore del presente decreto.

Art. 4

Restano in vigore per i rapporti di lavoro collettivi ed idividuali, i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici e nelle ordinanze corporative, di cui all'art. 10 della legge 3 aprile 1926 n. 563, gli art. 8 e 11 della legge 5 febbraio 1934 n. 163 e negli art. 4 e 5 del R. decreto-legge 9 agosto 1943 n. 721 fino alla emanazione di nuove disposizioni.

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Art. 5

Il Ministero per le Finanze e' incaricato di provvedere in ciascuna provincia, a mezzo delle intendenze di finanza, alla conservazione e all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni e confederazioni di cui all'art. 1, in attesa che con R. decreto su proposta del Ministero per l'Industria, il Commercio e il Lavoro, di concerto col Ministro delle finanze si disponga sulla loro destinazione.
Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai termini delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le eventuali liquidazioni o carico di enti dovute a contratti assicurativi.

Art. 6

In ciascuna provincia e' istituito, alle dipendenze del Ministero dell'Industria del Commercio e del Lavoro, un Ufficio Provinciale del Lavoro cui spetta:
a)- vigilare sull'applicazione delle leggi e delle altre norme che tutelano il lavoro;
b)- provvedere alla registrazione e al collocamento dei prestatori d'opera disponibili;
c)- svolgere, nell'ambito della provincia, azione di conciliazione e di arbitrato in materia di controversie individuali di lavoro ai sensi del successivo articolo 8;
d)- promuovere lo sviluppo di attivita' previdenziali, assistenziali, istruttive e educative a favore dei lavoratori;
e)- effettuare rilevazioni e indagini e compiere ogni altra funzione che ad esso venga demandata per disposizioni di legge in materia di lavoro.

Art. 7

Al fini del coordinamento delle funzioni degli Uffici Provinciali del Lavoro, in ciascuna regione e' istituito, alle dipendenze del Ministero dell'Industria, del Commercio e del Lavoro, un Ufficio Regionale del Lavoro cui spetta:
a)- sovraintendere all'attivita' degli Uffici Provinciali del Lavoro esistenti nella regione;
b)- trattare i problemi interessanti il lavoro della regione;
c)- svolgere azione di conciliazione e di arbitrato in materia di controversie individuali di lavoro di speciale importanza economica e d'interesse per l'intera regione, ai sensi del successivo articolo 8;
d)- effettuare rilevazioni e indagini e compiere ogni altra funzione che ad esso venga demandata per disposizione di legge in materia di lavoro.

Art. 8

L'Ufficio Provinciale del Lavoro e, per i casi di cui alla lettera c) dell'art. che precede, l'ufficio regionale del lavoro tentano, con la procedura stabilita dagli articoli 430, 431 e 432 C.P.C. e in luogo delle assicurazioni sindacali in detti articoli menzionate, la conciliazione delle controversie individuali di lavoro di cui all'art. 429 c.p.c.
Se la conciliazione non riesce, le parti-in deroga al disposto dell'art. 806 c.p.c. - possono far decidere la controversia da arbitri scelti in appositi albi e nominativi in numero dispari dalle parti stesse e dal capo dell'ufficio del lavoro.

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Qualora le parti non ritengano di fare ricorso all'arbitrato, la controversia e' devoluta alla cognizione del giudice competente con il provvedimento di cui agli articoli 433, 434, 436 ed a quelli delle sezioni II e III capo II titolo IV libro II del c.p.c. In detti articoli alle associazioni sindacali e al capo dell'Ispettorato Corporativo debbono intendersi sostituiti rispettivamente agli Uffici del Lavoro e il capo dei medesimi.
Tutti gli atti e documenti del giudizio sono esenti dalle tasse di bollo e registro, eccetto la sentenza che e' sottoposto a tassa fissa.

Art. 9

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformita' al disposto dell'art. 435 c.p.c., si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 299 e 301 c. p. c.
Restano ferme le norme sulla competenza dell'ufficio del lavoro portuale a termini del codice della navigazione e quelle generali sulla procedura e sulla competenza in caso di fallimento.

Art. 10

La spesa per gli Uffici Provinciali e Regionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a carico dello Stato.
Il Ministro per le finanze e' all'uopo autorizzato alle conseguenti imposazioni in bilancio.

Art. 11

Le funzioni e i poteri conferiti all' Ispettorato dell'Industria e del Lavoro coi RR.DD.LL. 30 dicembre 1923 n. 3245, 28 dicembre 1931 n. 1684, 4 ottobre 1935 n. 1827, e col R. decreto 17 agosto 1935 n. 1765, relativi alla vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociale e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate, nonche' alla prevenzione e pacifica risoluzione dei conflitti del lavoro, sono devoluti agli uffici provinciali e regionali del lavoro. Alla sistemazione degli Uffici e del personale dell'ispettorato dell'industria e del lavoro sara' provveduto con successive norme.

Art. 12

Restano abrogate tutte le disposizioni contrarie alla presente legge. Il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, interrogative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civili, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 13

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale -
Esso sara' presentato alle assemblee Legislative per la conversione in legge
Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e illavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.

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

Dato a Salerno,.....marzo 1944.

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NOTES ON THE CHANGES MADE TO THE SCHEME OF ROYAL DECREE LAW ON THE
INSTITUTION OF A NEW LABOR ORGANIZATION IN ITALY.
(COMMENTARY MADE BY DOCTOR CORBINO ON HIS DRAFT OF 26 MARCH 1926)

ARTICLE I: In conformity with the suggestions made by ACC, a paragraph referring to the re-institution of the old collegi e ordini professionali, which had been converted into syndical associations, while the law of 1 April 1926, No. 563, was in force, has been suppressed. It is considered, however, that this problem cannot be left unsolved, and that in fact the re-institution of the old professional colleges and ordini cannot be delayed until specific regulations are issued in due course. It must be brought about by providing simultaneously, if separate, to the decree in question. It is, in fact, absolutely essential to provide for the systematisation of certain categories of free professionals (lawyers, solicitors, doctors, notaries, etc.) without a break in continuity from the time of the dissolution of the syndical associations to the time when regulations re-instituting the old collegi professionali e ordini are promulgated. The functions of keeping up to date the "professional panels" and of enforcing professional rules governing membership (duties which devolve by statute on the greater part of the associations of free professions), no less than the importance connected with such functions in the public interest should preclude any delay, however short. The professions in respect of the independent professional classes--professions which would be published simultaneously with the present decree--apart from restituting the ordini and colleges in conformity with former structure, should contain a reservation in respect of those professions that achieved their first organization through the syndical associations. This reservation would be to the effect that special regulations shall be issued governing the institution of new ordini and colleges, providing at the same time for the temporary continuance of the existing syndical associations through the appointment by the Ministry of Special Commissioners to be elected at a meeting of the members.

ARTICLE II: In order to give a more juridical form to the contents of Article II, it has not been possible to accept the suggestion of ACC, namely, of enumerating, in any great detail, the activities which may be pursued by the representatives of workmen and employers, who have organized. The expression "economical and moral interests of the organized" which is technically more to the point, would undoubtedly cover all that is connected with what workmen should use, wages, grievances, working conditions and any individual disputes.

On the other hand, "social insurance" has been added to the list of pursuits that concern the organized associations, both in view of the special importance which insurance has recently assumed and of the interest which employers and employees, equally, attached to the same.

ARTICLE III: As a result of the fundamental laws of the State, Italian citizens enjoy equal rights irrespective of the race to which they may belong, the religion they may profess, or the political faith they may have, such professions as are contained in Article I of the new Civil Code and which imposed juridical limitations for racial reasons have already been

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rescinded by Royal Decree 20 January 19[illegible], No. 25, for which reason it would seem superfluous to include in this law a provision aiming at the reaffirmation of a concept of equality.

Article III has instead been used to enunciate the principle that the obligation to pay syndical contributions imposed by the Law, 3 April 1926, No. 563, shall cease as from the date on which this Decree enters into force.

Contrary to the opinion of ACC, it has been found necessary to define the exact period from which contributors shall be exonerated from paying syndical contributions so that--as has already been pointed out in a previous commentary--defaulters may not be rewarded. The obligation to effect payments, therefore, would refer exclusively to contributions that would have been due as from the date on which this Decree came into force, while obligation to effect payments shall remain in respect of those who were due to make these contributions and had failed to do so.

ARTICLE IV: The contents of Article IV are substantially the same as those of Article V in the preceding draft; but it has now been made clearer that collective and individual labor relations, agreements, regulations and wage schedules contained in collective contracts, in economic agreements and in corporative ordinances now rescinded, shall remain in force not only provisionally but definitely until the promulgation of further legislative measures--as has been suggested by ACC.

ARTICLE V: While a more juridical form has been given to this article than in the previous draft, it has been considered opportune to insert a provision which would save guard the payment of the indemnity of quiescence to the personnel employed by the dissolved organization. This has been done in order to meet a legitimate desire of the interested parties who so far had not received any guarantee of such rights as they derived as employees and which were guaranteed to them by the law.

ARTICLE VI: In the Draft Decree prepared by ACC, a whole article (Article VII) has been devoted to a definition of the powers and functions of the Ministry as a result of the new labor structure.

In point of fact, these attributes, while they figure as an amplification of the powers of the ministry, are in substance, not more than a limitation of its functions, since the Ministry institutionally already embraces the entire field of labor; moreover, the detailed definition contained in Article VII, suggested by ACC, would be contrary to Italian legislative practice. It were well to add, furthermore, that one fails to understand how the Ministry may be expected to provide directly for the registration and placement of labor, or to engage directly in conciliation, mediation, and arbitration in labor disputes. In order to follow better the classical Italian legal traditions, it has been considered more convenient to divide into two articles (VI and VII) the contents of Article VIII suggested by ACC, so that one article might exclusively apply to the provincial labor offices and the other to the regional. It has been suggested that amongst other powers, the Provincial and Regional Labor Offices should, in respect of labor disputes, have in addition to the functions of conciliation, also that of mediation. It were well, however, to point out that the concept of mediation in the field of Italian Civil Procedure, does not exist and

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that while it would not be easy to create it, it would also be equally difficult to give it a definite form and standing in a special law such as this which concerns the new labor structure. It has, therefore, been found necessary to omit this innovation which would have brought a dangerous confusion into the field of procedure.

It has also been found necessary to limit conciliation, mediation, and arbitration to individual labor disputes as one could not see how collective disputes could be dealt with by the Labor Offices and by the Magistracy, considering that the juridical recognition conceded to the syndical organizations by the Law 3 April 1926, No. 563, is revoked, and the associations (in fact and lot in law), which shall come into being as provided for in Article II will not be able to claim representation of an industry or craft, once deprived of their juridical recognition.

In order to have a collective labor dispute, it is necessary that the represented parties, during an attempt at conciliation or arbitration, as well as during judgment, should be juridical representatives of the interested industry or craft, a matter which will no longer be possible after the promulgation of the present decree and until the enactment of a new law governing the juridical recognition of the free trade unions. It is thought, however, that the regulation of collective labor disputes could be made the subject of a new legislative measure when concrete proposals are put up by A.C.C.S. -- as has already be verbally suggested -- in respect of the juridical recognition of trade unions now being formed. These provisions are in fact, if it is considered convenient, could be included in the same law that will recognize the trade unions.

ARTICLE VII: In order to render uniform the coordination of all provincial Labor Offices and to insure that in every region there should be an office upon which might be devolved the more important labor problems, it has been decided that the Regional Labor Offices should be instituted in every Region "ope legis" and that it should not be left to the initiative and at the discretion of the Ministry. In this fashion would be guaranteed the full regulation of individual labor disputes of special economic importance and of interest to the entire Region. These individual disputes would, following an attempt at conciliation at the Regional Labor Office, be referred for arbitration or brought before the ordinary Magistracy, in accordance with the wishes of the contending parties in conformity with what has already been stated in connection with Article VI, as regards the jurisdiction of the Regional Office in labor disputes, this is limited only to individual disputes.

ARTICLE VIII: To the twofold attempt at conciliation in individual labor disputes has been substituted a single attempt at conciliation. This has been done not only to retain in full functions the procedure contained in the code of civil procedure with reference to such disputes, but also in order to burden excessively the conciliation machinery which, in itself, must be expedite and elastic. It has, therefore, been sufficient to substitute in conciliation procedure the Regional and Provincial Labor Offices to the syndical associations. With reference to the suggestion by A.C.C.S. of making arbitration compulsory in connection with labor disputes that have not been settled by conciliation, it were well to keep in mind that in Italian legislation, compulsory arbitration does not exist since contending parties may, and are not obliged to obtain decisions through

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arbitration of any dispute which may arise. The more so because once the process of arbitration has been chosen, the parties may no longer refer the matter to the Ordinary Magistracy"as judgment by the "Ordinary Magistrate" is precluded in the case of disputes that had been referred for arbitration. In fact, it is necessary to point out that Article 806 of the Code of Civil Procedure explicitely prohibits the reference to arbitration procedure of individual labor disputes and of controversies in respect of Social Insurance and compulsory assistance. This dis-allowance has, however, been overcome by the provisions of Article VIII of the draft under consideration, though it has not been found possible to depart from the principle rooted in Italian procedure namely, that once a dispute has been referred for decision by arbitration, it can no longer be submitted for decision to the ordinary judge.

For the settlement of individual labor disputes, therefore, the parties, once conciliation fails, may choose between arbitration and the Ordinary Court--it being, however, firmly established that reference to arbitration and to the Ordinary Magistracy exclude and preclude one another. Moreover, it has not been considered opportune to modify the procedure established by the Code of Civil Procedure, both for arbitration and for reference to the Ordinary Magistrate in so far as the former is the Italian tradition and the latter--the so-called special rite--is considered to be to the full advantage of the worker and in the interest of the settlement of the dispute itself.

Finally, with reference to the proposal by ADC that the Ministry should have the right of dealing directly or through persons expressly delegated for the purpose with those disputes which appear to be of particular importance and interest, it would appear that this could be better weighed when the question will be considered creating at the disposal of the Ministry a central labor organization, which would complete the labor structure which is now in the process of formation.

ARTICLE IX: Article IX refers exclusively to those labor disputes which are still in progress and is a regulation of a purely transitory nature.

ARTICLES X AND XI: Since many of the functions entrusted to the Provincial and Regional Labor Offices by virtue of Articles VI and VII, are at present performed by the Inspectorate of Industry and Labor, it has been deemed opportune--in order not to create confusion and duplication in the allotment of duties--that these functions be definitely transferred to the new Labor Offices so that the Ministry may shape the Inspectorate differently, detaching it from its present duties and designating it to become a technical industrial organization.

File C

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

- -

Whereas Article 15 of the Law of 19th January, 1939, No. 129; and

Whereas the Royal Decree of 30th October, 1943, No. 2/B; and

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

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

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

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

We hereby decree as follows:-

ARTICLE I

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

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

ARTICLE II

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

a) To engage in collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concern hours, wages, working conditions, grievances;

b) To further mutual social and economic assistance.

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

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Whereas it is considered necessary owing to the [illegible]
of war;

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

We hereby decree as follows:-

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

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

ARTICLE III

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

ARTICLE IV

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

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ARTICLE V

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

ARTICLE VI

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

ARTICLE VII

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

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

ARTICLE VIII

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

a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;

b) Mediation, conciliation, and reference to arbitration of labor disputes;

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

ARTICLE VII

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

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

ARTICLE VIII

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

a) Control and coordination of the services of the registration and placement of Labor, of the immigration, migration and emigration of Labor;

b) Mediation, conciliation, and reference to arbitration of labor disputes;

c) Promotion, development, coordination and control of the services concerned with Social Insurance, Old age pensions, unemployment and health insurance and related labor services as well as supervise Trade instruction and training of work people;

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

e) Provision for the registration, maintenance and publication of lists of Trade Unions;

f) Registration and publication of collective contracts;

g) Discharge of such other functions as may be entrusted to it by decree and legislation.

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ARTICLE IX

In every Region there shall be instituted at the dependence of the Ministry of Industry, Commerce and Labor, a Regional Labor Office which shall exercise, within the limits of the Region, the following functions:

a) Supervision of the Provincial Labor Offices, with a view to coordinating their activities;

b) Coordination of placement of labor andprovision for the migration of labor from one Province to another;

c) Publication of Collective Contracts which are only of interest to the Region as required by the Minister of Industry, Commerce and Labor;

d) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;

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

f) Compilation of information and statistics on labor;

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

ARTICLE X

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

a) Provision of registration and placement of labor;

b) Mediation, Conciliation, and reference to arbitration of labor disputes;

c) Promotion and development of Social Insurance, and related labor services as well as supervise Trade Instruction and training of work people;

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

ARTICLE XI

Labor Disputes shall be referred to the competent Labor Offices, whose responsibility it shall be to attempt conciliation.

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

In Individual Labor Disputes the compromise provisions of Article 12)

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

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For Individual Labor Disputes the appropriate provisions of Article 491 et sequentia of the Code of Civil Procedure remain in force.

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

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

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ARTICLE XII

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

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

ARTICLE XIII

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

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

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

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

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

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

ARTICLE XIV

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

ARTICLE XV

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

ARTICLE XVI

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ARTICLE XVI

The Corporative Inspectorate shall be known as the "Inspectorate of Labor", and shall be under the jurisdiction of the Minister of Industry, Commerce and Labor. The Inspectorate shall locally exercise its functions under the direction of the Regional Labor Offices, of which it shall be the specific organization for the supervision and enforcement of regulations governing labor, social services and the application of Collective Contracts. The Inspectorate shall continue to enjoy the powers conferred upon it by the Royal Decree of 30 December, 1923, No. 3245, of 28th December, 193_, No. 1684, of 4th October, 1935, No. 1827, and by Royal Decree of 17th August, 1935, No. 1765.

ARTICLE XVII

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

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ARTICLE XVIII

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

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

ARTICLE XIX

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

ARTICLE XX

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

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

We order, all concerned, to obey the present decree and to enforce the same as State Legislation.

Given in Salerno April, 1944

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

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Given in Salerno April, 1944

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SCHEMA DI R. DECRETO LEGGE

Abolizione del sistema sindacale-corporativo fascista, autorizzazione a costituire associazioni sindacali, istituzione degli Uffici del Lavoro e regolamento dei rapporti di lavoro.

VITTORIO EMANUELE III
Per grazia di Dio e per volonta' della Nazione
Re d'Italia

Vista la legge 3 aprile 1926 N. 563, e successive disposizioni;
Visto il R. Decreto 1 luglio 1926 N. 1130 e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato con R.D. 28 ottobre 1940 N. 1443;
Visto L'art. 18 della legge 19 gennaio 1939 N. 129;
Visto il R. Decreto legge 30 ottobre 1943 N. 2/B;

Ritenuto che si versa in istato di necessita' per causa di guerra;
Sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, primo Ministro Segretario di Stato; e del Ministro per l'Industria, il Commercio e il Lavoro, d'intesa con i Ministri per l'interno, per la grazia e giustizia e per le finanze.

ABBIAMO DECRETATO E DECRETIAMO:

Art. 1

La legge 3 aprile 1926, N. 563, il R. D. 1 luglio 1926, N. 1130 sulla disciplina giuridica dei rapporti collettivi di lavoro e tutte le norme successive emanate per l'attuazione delle predette leggi sono abrogate.
Conseguentemente sono sciolte le associazioni sindacali di datori di lavoro e di lavoratori, di professionisti e artisti, di societa' cooperative, le federazioni e le unioni di piu' associazioni e le confederazioni di piu' federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed e' abolita la Magistratura del lavoro.

Art. 2

I lavoratori, i datori di lavoro, i liberi esercenti un'arte o una professione o un mestiere hanno il diritto di organizzarsi in associazioni, di tenere riunioni, di eleggere propri rappresentanti per le finalita' di cui appresso, e, nell'interesse degli associati o della intera categoria:
(a) di negoziare e stipulare contratti ed accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro, ivi compreso quanto riguarda orari, paghe, condizioni di lavoro, reclami;
(b) di svolgere attivita' mutualistica e di assistenza sociale ed economica.
Successive disposizioni regoleranno la registrazione ed il riconoscimento giuridico delle Associazioni sindacali e delle commissioni rappresentative.

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Art. 3

In attesa della emanazione di speciali norme per il ripristino degli ordini e collegi di liberi professionisti, restano fermi quelli che sono stati costituiti in forma di ordinanze del Governo Militare Alleato. Laddove non sono stati costituiti, saranno nominati commissari straordinari per la tenuta degli albi e l'applicazione delle leggi e regolamenti professionali. Tali commissari prenderanno in consegna gli archivi dei rispettivi disciolti sindacati fascisti di professionisti e artisti.

Art. 4

L'ammissione nelle associazioni sindacali e la partecipazione ad elezioni non saranno negati agli appartenenti alla categoria interessata, per ragioni di razza, di religione, di nazionalita' o di ideologia politica.

Art. 5

Cessa per i datori di lavoro, i lavoratori e i professionisti e artisti l'obbligo del versamento dei contributi sindacali imposti per effetto dell'art. 5 della L. 3 aprile 1926, N. 563 e successive disposizioni, maturati posteriormente alla data dell'entrata in vigore del presente decreto, o alla data in cui nei territori gia' occupati con provvedimento del Governo Militare Alleato i detti contributi siano stati aboliti e le organizzazioni sindacali fasciste siano state sciolte.

Art. 6

Restano in vigore per i rapporti di lavoro collettivi ed individuali i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici, nelle sentenze della Magistratura del Lavoro e nelle ordinanze corporative, di cui agli art. 10 e 13 della legge 3 aprile 1926 n. 563, agli art. 8 e 11 della legge 5 febbraio 1934 n. 163 e agli art. 4 e 5 del R.D.L. 9 agosto 1943, n. 721, fino a quando non siano modificate da ulteriori decreti, sentenze arbitrali, o da nuovi contratti o accordi collettivi.

Art. 7

Il Ministero per le finanze e' incaricato di provvedere in ciascuna provincia, a mezzo delle intendenze di finanza, alla conservazione e all'amministrazione dei patrimoni appartenenti alle associazioni, federazioni e confederazioni di cui all'art. 1, in attesa che con R.D., su proposta del Ministero per l'industria, il Commercio e il Lavoro, di concerto col Ministro per le finanze, si disponga sulla loro destinazione. I patrimoni delle disciolte organizzazioni di lavoratori saranno destinati a vantaggio delle classi lavoratrici.

Per quanto riguarda il trattamento di quiescenza del personale dipendente dalle associazioni, federazioni e confederazioni di cui al comma precedente, esso sara' effettuato ai sensi delle disposizioni vigenti per il personale di ciascuna organizzazione, salvo le

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eventuali liquidazioni dovute da altri enti in forza di speciali contratti assicurativi.

Art. 8

Il Ministero per l'Industria, il Commercio e il Lavoro esercitera', attraverso un suo apposito Ufficio, le seguenti funzioni:

(a) il controllo e il coordinamento dei servizi di registrazione e collocamento della mano d'opera, e della migrazione, immigrazione ed emigrazione dei lavoratori.
(b) la mediazione, la conciliazione e il deferimento a collegi arbitrali delle controversie di lavoro.
(c) promuovere, sviluppare, coordinare e controllare i servizi di assicurazione, di previdenza e di assistenza sociale, e sorvegliare le attivita' istruttive professionali a favore dei prestatori d'opera.
(d) compilare e pubblicare rapporti e statistiche sulla occupazione, disoccupazione, controversie di lavoro, paghe e salari, orari di lavoro, condizioni di lavoro e materie simili.
(e) provvedere alla registrazione delle associazioni sindacali e alla pubblicazione dell'elenco di esse.
(f) provvedere alla registrazione e pubblicazione dei contratti collettivi.
(g) compiere quant'altro sara' ad esso demandato in forza di disposizioni legislative.

Art. 9

In ciascuna regione e' istituito, alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Regionale del Lavoro, cui spetta nell'ambito della regione:

a) sovraintendere agli Uffici Provinciali del Lavoro, coordinandone l'attivita'.
b) coordinare i servizi di collocamento dei prestatori d'opera, e curare quanto attiene alle migrazioni di mano d'opera da provincia a provincia.
c) pubblicare i contratti collettivi interessanti soltanto la regione nei casi in cui sara' disposto dal Ministero per l'Industria, il Commercio e il Lavoro.
d) svolgere azione di mediazione e conciliare e deferire a Collegi Arbitrali le controversie di lavoro che interessino piu' province oppure di speciale importanza.
e) promuovere lo sviluppo di attivita' previdenziale, assistenziale, istruttivo ed educativo a favore dei prestatori d'opera.
f) compilare relazioni e statistiche in materia di lavoro.
g) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata.

Art. 10

In ciascuna provincia e' istituito alle dipendenze del Ministero per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale del Lavoro, cui spetta, nell'ambito della provincia,

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(a) Provvedere alla registrazione e al collocamento dei prestatori d'opera.
(b) svolgere azione di mediazione, conciliare e deferire a collegi arbitrali le controversie di lavoro.
(c) promuovere lo sviluppo di attivita' previdenziali, assistenziali, e sorvegliare le attivita' istruttive e professionali a favore dei prestatori d'opera.
(d) effettuare rilevazioni ed indagini e compiere ogni altra funzione ad esso demandata in materia di lavoro.

Art. II

Le controversie di lavoro dovranno essere denunziate agli Uffici del Lavoro competenti, che espleteranno il tentativo di conciliazione. Oltre i casi speciali in cui lo Sciopero e la Serrata fossero vietati, saranno anche considerati illegali in mancanza di preventiva denunzia o prima che sia decorso il termine di giorni ventiuno da essa.

Restano ferme per le controversie individuali di lavoro le disposizioni dell'art. 4j e seguenti del C.P.C., in quanto applicabili.

Non realizzandosi la conciliazione, gli Uffici del Lavoro, su concorde richiesta delle parti, rimetteranno le controversie alla decisione di un Collegio Arbitrale, alla cui costituzione provvederanno, scegliendone di regola i membri negli annoriti "albi degli Arbitri del Lavoro".

I Ministri per l'Industria, il Commercio e il Lavoro e i Direttori degli Uffici Regionali del Lavoro, possono, a richiesta di parte o di Ufficio, avocare a se il tentativo di conciliazione e il deferimento a un Collegio Arbitrale delle controversie individuali o collettive di Lavoro di competenza di un Ufficio sottoposto.

Art. I2

Allorquando le controversie individuali non siano deferite alla decisione arbitrale, le parti sono libere di rivolgersi alla competente Magistratura, secondo la vigente legislazione in materia.
Per le contrversie collettive di lavoro l'arbitrato presso gli Uffici del Lavoro e' obbligatorio nei casi in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nei casi e per il tempo in cui lo Sciopero e la Serrata siano legalmente vietati.

Art. I3

Le decisioni arbitrali in materia di lavoro saranno pronunziate secondo equita' e saranno inappellabili.
Esse avranno forza vincolante di sentenza, e potranno essere rese in forma esecutiva, previo deposito presso l'Autorita' Giudiziaria, agli effetti delle viganti norme del C.P.C. 317

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Le decisioni arbitrali delle controversie di competenza degli Uffici Provinciali del Lavoro saranno depositate presso il Tribunale del Capoluogo di Provincia. Quelle di competenza degli Uffici Regionali del Lavoro, presso la Corte d'Appello nella cui giurisdizione e' la sede dell'Ufficio. Quelle in materia di controversie nazionali presso la Corte d'Appello della Capitale del Regno.
Non si applica alle sentenze arbitrali di lavoro la disposizione di cui all'art. 825 del C.P.C. relativa al termine di deposito.

Gli Uffici Del Lavoro rimetteranno al Ministero per l'Industria, il Commercio e il Lavoro copia delle decisioni arbitrali delle controversie di lavoro, eccetto per quelle categorie di controversie individuali che saranno determinate dal Ministero.

Tutti gli atti e documenti dei giudizi arbitrali in materia di lavoro sono esenti dalle tasse di bollo e di registro, eccetto la sentenza che e' sottoposta a tassa fissa di registro.

Art. 14

Chiunque, formalmente invitato da un Ufficio di Lavoro, per l'esperimento di un tentativo di conciliazione di una controversia di lavoro, non si presenti o rifiuti di presentarsi senza legittimo motivo, e' passibile di un'ammenda fino a lire diecimila.

Art. 15

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformita' al disposto dell'art. 435 C.P.C. si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 299 e 301 C.P.C.

Art. 16

Gli Ispettorati Corporativi assumono la denominazione di "Ispettorati di Lavoro" sotto la giurisdizione del Ministero per l'Industria, Commercio e Lavoro. Essi svolgeranno localmente la loro attivita' alle dipendenze degli Uffici Regionali del Lavoro, di cui divengono organi ausiliari per la vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociali, e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate. Restano fermi i poteri a essi conferiti coi RR.DD.LL. 30 dicembre 1923, n. 3245, 28 dicembre 193 , n. 1648, 5 ottobre 1935, n. 1827 e col R.D. 17 agosto 1935, n. 1765.

Art. 17

Tutte le nomine del personale dei sopra indicati uffici saranno fatte in conformita' delle disposizioni che regolano l'assunzione del personale statale.

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Art. 18

La spesa per gli Uffici Provinciali, Regionali e Nazionali del Lavoro e quella per il trattamento economico del personale in servizio presso di essi saranno a carico dello Stato.

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Il Ministro per le finanze e' all'uopo autorizzato alle conseguenti impostazioni in bilancio.

Art. 19

Restano abrogate tutte le disposizioni contrarie alla presente legge. Il Governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, integrative e regolamentari per l'attuazione della presente legge e per il suo coordinamento coi codici civile, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 20

Il presente decreto entra in vigore nel giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale.-
Esso sara' presentato alle assemblee legislative per la conversione in legge.
Il Capo del Governo, Primo Ministro Segretario di Stato, e il Ministro per l'Industria, il Commercio e il Lavoro, proponenti, sono autorizzati a presentare il relativo disegno di legge.
Ordiniamo, a chiunque spetti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Dato a Salerno Aprile 1944

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Notes on the Draft Royal Decree "Abolishing the Fascist Syndical-Corporative System, authorizing the Establishment of Trade Unions and of Labor Offices, and governing Labor Relations".

I

1. The Draft Decree in its present form abolishes the Fascist Corporative System in Italy, sanctions the situation created in fact and in law by the Allied Military Occupation and guarantees to the people of Italy certain fundamental labor principles. The suppression of the Syndical-Corporative System is effected by the provisions contained in Article 1, which rescinds the basic laws of 1926. In the second sub-section of this article, a detailed enumeration is made of the various institutions that have been abolished and it were well to note that in the present draft the Syndical Cooperative Societies and the Special Labor Magistracy have been included in the list.

2. The abolition of the Corporative System contained in Article 1 has, of course, necessitated the inclusion of such provisions as would meet the various contingencies consequent on this dissolution, and more specifically in respect of:-

a. The re-establishment of the Collegi professionali (Article 3);

b. The suppression of the compulsory syndical contributions (Article 5);

c. The disposal of the estates of syndical organizations. (Article 7);

d. The continued enforcement of conditions of employment stipulated in existing collective contracts (Article 6);

e. The procedure to be followed in such pending individual labor controversies for which the contending parties were represented by their respective syndicates (Article 15);

f. The settlement of indemnities for discharge due to the personnel of the dissolved syndicates (Article 7);

g. The reference of individual labor controversies in conformity with Article 431 of the Code of Civil Procedure (Article 11).

II

1. The suppression of the Corporative System has naturally given rise to the urgent necessity of creating effective machinery to deal with the problems of Labor Relations.

The basic principle underlying the Syndical System was ostensibly the subordination of the economic forces to the political exigencies of the nation. But in actual fact the essential characteristic which emerged was an untenable and confused situation in which, for the settlement of

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labor disputes and labor problems in general, the rights and responsibilities of the three factors that came into play were never clearly defined, either in fact or in law.

The syndicates which in theory were autonomous, became almost entirely state administrative agencies--partly as a result of legislative control, partly as a result of arbitrary officious interference. Thus collective contracts were only contracts in name since in reality these became merely 'administrative acts'. This represents the situation which the Labor Sub-Commission desires to remedy through the establishment of democratic principles in labor organization and through the creation of a system that would definitely exclude the authoritarian approach to labor problems.

Italian labor legislation prior to the advent of Fascism was not sufficiently advanced to warrant a return to the status quo ante. It should be enough to point out that before 1922, trade unions in Italy were only accepted in fact and not recognized as of right--a situation that had been overcome in Great Britain in 1871, in France in 1884, and in U.S.A. in 1890. Moreover, during the twenty years of Fascist rule in Italy, labor relation machinery has undergone, both in Great Britain and in U. S. A., considerable progressive changes and this machinery has since been brought into line to meet the present exigencies of war.

2. The main objective of the present Draft Decree has been that of creating an effective and expeditious Labor Agency through which Labor Relations might satisfactorily be regulated, with a minimum of interference or imposition by the State. It is thought that the machinary brought into being by this particular Draft does not only provide an organic whole in itself, but it also sets up a structure equal to the present difficult, if historic, situation in which we have to face the task of replacing totalitarian dogma by democratic principles.

In the formulation of the present project, the Labor Sub-Commission has naturally drawn extensively on Labor experience in U.S.A. and Great Britain, but in the meantime the essential necessity of throwing this against the traditional legislative background of the Italian Nation has been constantly borne in mind.

The principal features of the project are the following:-

a. The Labor Offices are instituted as the specific State organization through which all labor problems are studied and controlled. In these Offices will be centered, directly or indirectly, those functions which are the competence of the State, in the Labor Field. (Articles 8, 9, 10)

b. A definite procedure for Mediation, conciliation and Arbitration has been created for the settlement of labor disputes. (Articles 11, 12, 13)

c. The right to organize and pursue activities of Collective Bargaining and improvement of Economic and Social standards has been guaranteed to the working class. (Article 2)

d. Freedom to seek membership in the Trade Unions irrespective of race, religion and political affiliation has been safeguarded. (Article 4)

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e. The Labor Offices have been vested with special powers to intervene officially and in good time any labor controversy or problem that might arise. (Article 14)

f. The 'Ispettorati Corporativo' have been transformed into 'Ispettorati del Lavoro', which, under the direction and guidance of the Labor Offices, will have the specific duties of supervising the proper application of labor legislation.

III

1. A number of substantial differences emerge from a comparison of the attached draft decree and the last draft forwarded to this Sub-Commission by His Excellency, the Minister for Industry, Commerce and Labor. Of these, the most outstanding is undoubtedly the question of Collective Labor Disputes which, it is considered, have been effectively covered for under the former draft, but are somewhat summarily disposed of by the Ministerial decree. A matter of such moment must, of course, be regulated by specific legislation and not left at the mercy of an elastic policy only to be clearly defined on the spur of the moment when a crisis has arisen. The serious situations that might develop as a result of such an omission are too obvious to require further elucidation. Preference has been given to the system of 'reference to Arbitration Boards' (to be constituted from previously prepared Panels) in view of the very satisfying results achieved both in Great Britain and U. S. A.. The Fascist method of submitting Labor Disputes to a special Labor Magistracy appears to have had certain handicaps which do not crop up under the 'Board' system. Owing to the obvious professional outlook of the Magistrates and the rather cumbersome procedure, quite in keeping with Court traditions, the solution of Collective Labor Controversies, in fact, do not appear to have been brought about with that rapidity and objectiveness which such matters require and particularly in those instances where the formulation of new conditions of employment was involved. In this draft, it has been found possible to allow all Individual Labor Disputes to be referred to Arbitration Boards on a Voluntary basis. In respect of Collective Labor Disputes, Arbitration has been generally laid down as voluntary and is only compulsory

a. At all times, in questions affecting the interpretation of Collective Contracts; and

b. Temporarily, at such times and under such conditions when strike and lock-out have been prohibited—as for example during a State War.

2. Other differences between the two Drafts are the following:-

a. In Article I of the present draft, the "Syndical Cooperative Societies" and the "Special Labor Magistracy" have been added to the list of suppressed Fascist organizations. This was necessary to complete the detailed enumeration also contained in the Ministerial Article I.

b. In Article 14, special emphasis has been made on the right of collective bargaining and of stipulating collective contracts, in respect of which the possibility of representation of an entire Industry or Craft was foreseen. Separate legislative measures will, of course,

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determine whether trade union representatives, in concluding an agreement, would be acting on behalf of an entire industry or Craft, or merely on behalf of a particular group of workmen.

A sparate Decree governing the registration of Trade Unions and their juridical recognition is being prepared; it is sufficient in the present Decree to establish the principle, in general.

c. In Article III, the re-institution of the "Ordini e Collegi Professionale" has been catered for on the lines previously suggested by the Ministerial Draft, provision being also made for the transitionary period.

d. In Article IV, which was omitted in the Ministerial Draft, the principle of free membership to the Trade Unions has been established, irrespective of religion, race or political affiliation. This Article is considered of paramount importance in view of past and present tendency in Italy to set up Trade Unions on a political basis. It is true that in pre-Fascist Italian legislation, no discrimination was made on religious, racial or political grounds, but since this only safeguards the principle of equality of citizenship and in no way precludes the inclusion of discriminatory clauses in the constitution of a Trade Union organization, it has been considered necessary to clarify the position from a point of view of "the workman and his Labor organizations".

e. In Article V, provision has been made for the abolition of Syndical Contribution as from the date on which A.M.G. had suppressed the Syndical System, in those territories which were previously occupied by the Allied Government. The Ministerial Article III would have made workmen liable to the payment of Syndical contributions for the intervening period, namely, between the date on which AMG abolished the Syndical System or the contributions and the date on which the present Decree shall be published.

f. In Article VI, the decisions of the Special Labor Magistracy have been added to the acts that shall remain in force in respect of conditions of employment in Collective Contracts. This had been omitted in the Ministerial Article IV.

The stipulation of new Collective Contracts, moreover, has been included as a possible condition for the lapse of existing contracts.

g. In Article VII, provision has been made for estates belonging to the dissolved workmen's organization to be disposed of to the advantage of the working classes. This was not covered by the Ministerial Article V.

h. In Article VIII, a National Labor Office has been created in order to enable the Ministry to discharge executive functions on a National level. This had been omitted in the Ministerial Draft.

i. Articles IX and X, which correspond to the Ministerial Articles VI and VII, define the functions of the Regional and Provincial Labor Offices. The principal divergence from the Ministerial Draft has been sufficiently clarified in III above.

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Amongst the duties of these offices is the registration of Trade Unions and of Collective Contracts which is of paramount importance in any juridical system and which, of course, would have to be regulated by separate legislation.

j. The provisions of Articles XI and XII differ somewhat from those of the Ministerial Article VIII--a matter which has already been dealt with in III 2 above.

k. Article XIII, which is only partially covered by the final subsection of the Ministerial Article VIII, lays down an expeditious procedure to be followed in respect of Arbitration awards, so that these decisions may become operative irrespective of any future promulgation of more conclusive legislative measures in this matter.

l. Article XIV, which has no counterpart in the Ministerial Draft, aims at rendering more effective any attempts at conciliation and lends authority tothe Labor Offices in obtaining the cooperation of contending parties in the settlement of a Labor Dispute.

m. Article XV corresponds to the Ministerial Article IX; the last sub-section in the Ministerial article has been considered as superfluous, since the present Decree in no way interferes with the judicial competence of the "Ufficio del Lavoro Portuale", the "Capitaneria del Porto" and the "Tribunale Fallimentare", all of which were set up by legislation that has not been rescinded.

n. In Article XVI, which corresponds to the Ministerial Article XI, the "Ispettorato Corporativo" has been transformed once more into the "Ispettorato del Lavoro", which was in existence under a different name before the advent of Fascism. It was considered inopportune that an organization adequately equipped, staffed byexperienced personnel, and in possession of important records, should be dispersed or transformed into an "Industrial Organization". Moreover, it were well that the functions of supervision over the execution of Labor Legislation-strictly analogous to those of a "Labor Police"-should remain the responsibility of this special organization instead of being transferred to a newly formed Agency with many other important duties to perform.

o. Article XVII, which has no corresponding article in the Ministerial Draft, has been included in order to ascertain that all appointments in the Labor Offices are made strictly in accordance with civil service procedure - as opposed to the precedent created in previously occupied territories where the appointment of Directors had been temporarily devolved on the Prefects.

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