

ACC 10000/146/660

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DRAFT DECREE INSTITUTING LABOR OFFICES

MAR. - JULY 1944

INSTITUTING LABOR OFFICES

July 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

LAB 091.4351

27 July 1944

SUBJECT: Proposed cable on Italian Labor Law

TO : Col. Spofford

(to War Dept. Wash. DC)
also gave Spofford letter
of Aug. 1944 May 18/44

1. There are submitted herewith an English and an Italian copy of the Draft Labor Law prepared by the Italian Ministry of Industry, Commerce and Labor and now awaiting final acceptance by the Italian Government.
2. The following text is submitted for the proposed cable concerning this matter:

"Re new 'Labor Charter' for Italy.
In all territory under Allied Military Government, ACC-AMG as authorized by AFHQ and in accord with our democratic labor principles, has abolished the entire Fascist Corporative Syndicate system and in its place has established Regional and Provincial Labor Offices for general labor services including public employment exchange and the handling of industrial disputes. The rights of workers have also been established 'to organize, hold meetings and select representatives of their own choosing for the purpose of collective bargaining.'"

On the basis of the successful operation of these Offices and policies, the Italian Government has continued them in territory restored to Italian Control, and has prepared in collaboration with ACC legislation which will give them legal standing throughout Italy."

James R. Smith
JAMES R. SMITH,
Colonel, Q.M.C.,
D/Director, Labor Sub-Commission

HEADQUARTERS
ARMED GUARDS COMMISSION
LABOR SUB-COMMISSION
APO 394

35 July, 1944

SUBJECT : Institution of Regional and Provincial Labor Offices

TO : Executive Commission E.C. and E.C. Section

THROUGH : Vice-President Economic Section Referring above subject.

1. The expeditious occupation of the Northern part of Italy has created a situation which prevents personal and immediate attention to be given to the organization of Labor Offices by this Sub-Commission. It is essential that these Offices should, from the outset, be set up with a criterion of uniformity of administration and with a clear conception of their functions and aims.
2. It is felt that an administrative circular in Italian addressed by this Sub-Commission to the Regional Directors-Sub-C, would be the most effective means of achieving our purpose in the initial stages, as this would provide both Regional and Provincial Directors with a uniform of guidance until a personal and more effective contact can be established.
3. Attached herewith is the circular in question and a draft Administrative Instruction for your approval and necessary action.

L. BROWN,
Captain,
Labor Relations Officer

For J.T.H. BAIN,
Colonel
Director Labor Sub-Commission

HEAD OFFICE
ADMINISTRATIVE DEPARTMENT
IN AND NO SECTION
APR 30

U. S. S. R.

Ref. / 7 / 7 / 7

Executive Memorandum Number 7

ORGANIZATION OF REGIONAL AND PROVINCIAL LABOR OFFICES

1. The Labor Sub-Commission has in the past been able to establish early contact with the Regional Labor Offices and the Italian Directorate-General thus ensuring that

- (a) the interpretation of the General Order establishing Labor Offices had been carried out in conformity with the policy therein laid down; and
- (b) the Administrative "brush-down" of the Regional and Provincial Labor Offices had been effected according to a uniform pattern, due consideration being given to the particular requirements of the Region in which the respective Offices were being set up.

This procedure enabled the Sub-Commission to place at the disposal of the newly constituted Labor Offices the full benefit of previous experience in the organization of this specialized machinery through which the State must effectively intervene in the solution of the many varied problems that are the characteristic feature of the labor field.

2. The expeditious occupation of the Northern part of Italy now makes it imperative for the Labor Sub-Commission to contact every Regional and Provincial Office at the initial stages. In order to ascertain that the organization of these Offices conforms to a uniform pattern, a circular to serve as guidance to the Regional Directorate-General has now been prepared and is herewith attached for distribution.

The Labor Sub-Commission will, of course, endeavor to establish personal contact with the various Regional Labor Offices and with the Regional and Provincial Labor Directors, as soon as practicable, with a view to providing an early opportunity for (1) an exchange of views, and (2) a clear elucidation of the objectives that the Labor Offices must constantly aim to achieve and the most effective means to be used in the attainment of these objectives.

3. It is incumbent on all Regional Labor Offices to make themselves familiar with the contents of this Directive to Regional and Provincial Labor Directors and to see that it is followed as closely as circumstances permit.

4. The selection must be exercised in the choice of Regional Labor Directors and of Provincial Labor Directors. As it is desired to obtain the services of the best qualified elements in this field, appointments should be made on an "acting" basis at the initial stages. This procedure would enable the Labor Sub-Commission to judge from experience, whether the Directors in question are equal to the responsibilities that devolve upon them, leaving the way open for the appointment of more suitable candidates, without causing unnecessary unpleasantness and disappointment, whenever necessity or experience demands it.

R. S. DUNN,
Brigadier
Executive Commissioner

Distribution:

To all Regional Commissioners

CIRCOLARE No. 1COMPITI E FUNZIONI DEGLI UFFICI DEL LAVOROI. IMPORTANZA E IMPORTANZA

Gli Uffici del Lavoro possono essere definiti gli organi che lo Stato profetta nel campo del lavoro per percepire i problemi, studiarli, risolverli per quanto di competenza dell'azione statale, attuare la soluzione per quanto di competenza dell'azione privata.

Gli Uffici del Lavoro si distinguono in Regionali e Provinciali. Gli uni esercitano le loro funzioni nell'ambito di una intera regione, gli altri nell'ambito di una provincia. I primi sono gerarchicamente superiori ai secondi. Ambedue dipendono, nella regione occupata, dall'A.C.C. - Inter-Regione, e dall'A.C.C. Del successivo passaggio all'amministrazione del Governo Italiano, dipendono dal Ministero dell'Industria, del Commercio e del Lavoro.

Nel corso della presente circolare la sigla U.R.L. indicherà gli Uffici Regionali del Lavoro; la sigla U.P.L. indicherà gli Uffici Provinciali del Lavoro.

II. COMPITI E FUNZIONI DEGLI UFFICI AMMINISTRATIVI DEL LAVORO

I compiti e le funzioni degli U.R.L. risulteranno dalle stesse alligate in fine alla presente circolare, segnate con la lettera A.

Si ritiene opportuno, per una più pronta intelligenza delle stesse di organizzazione, di esporre i criteri ai quali esse o' informate:

- 1) - Distinzione fra (A) compiti e funzioni essenziali in cui deve affermarsi e rilevare la ragione d'essere degli Uffici del Lavoro e (B) compiti e funzioni accessori. Questi ultimi sono anche così necessari, e quindi non trascurabili o forse sono trascurabili, se ripetono la loro ragione d'essere dal fatto che servono a rendere efficiente l'esercizio dei compiti e lo sviluppo delle funzioni essenziali. Quindi compiti e funzioni essenziali hanno valore funzionale mentre compiti e funzioni accessori hanno valore strumentale.
- 2) - Sono funzioni essenziali quelle elencate nell'ordine Generale Istitutivo degli Uffici del Lavoro.
Per esse principali sono: quello che si riferisce alla mediazione, conciliazione ed arbitrato delle controversie collettive di lavoro; alla conciliazione ed arbitrato delle controversie individuali. La conciliazione e i tentativi di conciliazione sono completati dal Direttore personalmente o attraverso l' "ufficio sindacale"; gli arbitrati assumono invece affidati a colleghi arbitrali dei quali non dovranno mai far parte il Direttore e qualsiasi funzionario degli Uffici del Lavoro. Questi, in



Altre funzioni generali sono quelle relative alla registrazione e collocamento della mano d'opera, che sono svolte a mezzo dell'Ufficio di Collocamento; quelle relative allo studio e alla rilevazione della situazione dei lavoratori, che vengono svolte con l'ausilio degli Uffici Sindacali, degli Uffici di Collocamento e dell'Ufficio Economico e Statistico.

Sono funzioni necessarie, fra le altre, i servizi di sorveglianza
di polizia, di pubblica sicurezza, di igiene, di sanità, di
conservazione delle opere d'arte, etc. ed esse in generale sono coperte dalla legi-
slazione generale e sotto l'immediato controllo di essa, con quella artico-
lazione che e' non necessaria dallo sviluppo dello Stato stesso.

3) - Altra distinzione e' quella fra servizi speciali e servizi normali.

Fra i servizi sociali vanno classificati quelli relativi al collocamento e quelli relativi alla conciliazione delle controversie collettive, formazione e revisione delle tariffe salariali, studio degli specifici problemi delle singole categorie dei lavoratori, etc., servizi che vengono eseguiti principalmente dall'Ufficio Sindacale.

Altri servizi speciali, oltre quelli affidati agli Uffici di Collocamento ed all'Ufficio Circolare non si ritiene che debbano essere organizzati in un primo tempo. Ciò non esclude che successivamente sia possibile l'organizzazione articolata di altri servizi speciali relativi all'attività assistenziale in materia di educazione professionale, di assistenza, di assicurazioni sociali, etc. allorquando ce ne presenti il bisogno e dietro approvazione dell'Ufficio Regionale del Lavoro.

4) - Rendere con all'anno dei principali organi dell'Ufficio Provinciale del lavoro:

A) INTERPRETARE - Dal tenore delle stesse Ordinanze Generali e dalle successive
scelte, si rileva una concezione che impone principalmente sul Diret-
tore il Amministrazione e la responsabilit  degli Uffici del
Lavoro.

Per quanto la organizzazione degli Uffici down' opera in una certa misura "normalizzata" almeno per quanto riguarda le funzioni essenziali.

Secondo ed un corso più dettagliato, direi che l'azione immediata del Direttore dovrà farsi sentire maggiormente nel funzionamento dell'Ufficio Sindacale ora nulla di veramente importante può e deve compiersi senza la cognizione del Direttore.

Per quanto riguarda il "Mollusca", dove risiede tutto la diretta responsabilità del direttore tutto quanto attiene agli interventi di carattere generale sul mercato del lavoro, gli orientamenti da dare all'Ufficio, le segnalazioni alle competenti Autorità delle condizioni del mercato del lavoro, il suggerimento di provvedimenti da adottare, gli accordi interprovinciali per gli spostamenti della mano d'opera, etc. etc.

- 3 -

Esso è un certo decentramento più generale per quanto riguarda la stessa attività del "Collocamento", per la quale potrebbe essere affidata la firma della corrispondenza al "Capo Ufficio".

Questo decentramento e decentramento sono facili e tipi estranei cui difficilmente può adattarsi l'organizzazione degli Uffici del Lavoro, che non hanno proporzioni tali da porre il problema della scelta di uno o dell'altro tipo tipico; se il riferimento a tali concetti deve intendersi nel senso che in un ramo di attività sono più necessari che in un altro la diretta influenza della personalità del Direttore, la rapidità di decisione e di esecuzione, il coordinamento di provvedimenti e degli interventi in una serie di criteri.

Tutti questi vantaggi si realizzano con la "centralizzazione", che però deve riferirsi alla gestione o non ai funzionari.

Non si può lasciare emergere dall'affluire alla Direzione del Collocamento un ordine che nessun atto o fatto essenziale sia tenuto dai dipendenti, i quali debbano essere abituati a distinguere l'essenziale e il non essenziale, e nei cui confronti quindi vengano seguiti criteri costanti, per non creare il disorientamento.

B) SEGRETERIA GENERALE - La "Segreteria Generale" collabora direttamente con la Direzione e sovraintende a tutti i servizi generali.

Per questo essa:

- a) cura i rapporti con i diversi uffici statali, parastatali ed enti in genere;
- b) si occupa del personale dell'ufficio, stendendo e tenendo le cartelle di ciascun impiegato, provvedendo alle pratiche e formalità di assunzione e licenziamento, sorvegliando la disciplina, il rispetto degli orari, etc.);
- c) provvede ai servizi di registrazione dei contratti collettivi e delle associazioni sindacali;
- d) provvede ai servizi di segreteria degli arbitri. Tiene cioè l'albo degli arbitri, provvede alla concessione delle nomine, alle convocazioni, alla trasmissione, scritturazione e copia delle decisioni arbitrali, al deposito, alla pubblicazione ed alla notifica di esse, al rilascio di copie legali, etc.);
- e) sovraintende alla "consulenza legale" ed all'"osservatorio di economia e statistica" nel senso che regola il lavoro di questi uffici, che forniscono dei servizi a tutti gli altri uffici richiedenti;
- f) sovraintende all'Ufficio amministrativo, il cui lavoro richiede un coordinamento con tutti gli altri uffici centrali e periferici;
- g) cura l'"archivio" e il "protocollo", i quali costituiscono servizi essenziali di carattere generale.

C) SERVIZIO SETTORIALE - Esso, secondo lo sviluppo dell'attività, può distinguersi nelle seguenti branche di attività, "settori":

- a) Agricoltura
- b) Commercio
- c) Industria

- 4 -

- d) Credito - Assicurazioni - Varie
- e) Pubblico Impiego
- f) Artigianato

Quello dell'Ufficio sindacale e' il servizio piu' delicato degli Uffici del Lavoro. L'Ufficio sindacale costituisce l'organo che l'Ufficio del Lavoro penetra nel campo del "Lavoro" per percepire i problemi, seguirne i movimenti, prospettare le soluzioni, attuare, fornire le notizie tecniche necessarie per una certa conciliazione o soluzione arbitrata delle vertenze, ecc. ...

- d) UFFICIO DI COLLOCAMENTO - Secondo gli ordini generali emanati dal Governo Allente, il collocamento e' considerato funzione di Stato ed affidato agli Uffici del Lavoro. Pertanto gli U.L.L. esercitano la immediata presa di possesso degli Uffici di Collocamento preesistenti, assicurando la continuita' dei servizi, e riattivandoli laddove sono stati sospesi per mancanza di bilancio.

Come risulta dallo schema allegato, l'Ufficio di Collocamento va distinto in due principali branche:

- a) Collocamento centrale
- b) Collocamento periferico

Tuttavia di un ufficio di una relativa complessita' funzionale, la sua possibile articolazione sara' oggetto di separate istruzioni.

5) - STRUTTURE A PERSONALE -

La organizzazione e la differenziazione delle funzioni indicate nello schema allegato deve in generale seguire un criterio obiettivo, e non basarsi definitivamente sulle personali abitudini dei funzionari assenti in servizio. Fra le contrazioni piu' opportune indiciamo:

- a) l'affidare ad un solo funzionario la registrazione dei contratti collettivi delle Associazioni sindacali o la "segreteria sindacati";
- b) l'affidare uno o piu' di questi servizi al "Legale";
- c) l'affidare ad un solo funzionario le "sezioni" del Registro del Lavoro, Assicurazioni e Varie, o quelle dell'Assicurazione o dell'Artigianato;
- d) l'affidare al Segretario Generale uno o piu' "sezioni", oppure l'Ufficio Legale.

Invoco una differenziazione o articolazione di servizi potra' risultare necessaria per l'Ufficio di Collocamento.

Per tutti i servizi, sia dei compiti e funzioni essenziali, di carattere speciale o generale, sia dei compiti e funzioni accessori, la integrazione e differenziazione, procedera' con il divenire delle attivita' degli Uffici. Non si fissa quindi nel piano o schema generale di organizzazione, il numero e la forma di personale che deve costituire l'organico. Pero' ciascun U. L. L. dovra' al piu' presto procedere alla compilazione di un organico provvisorio, tenendo presente i naturali processi sviluppi dell'attivita' degli Uffici. Tale organico con le osservazioni e le proposte dell'Ufficio Regionale del Lavoro competente dovra' essere trasmesso all'A.C.L. - Labor Sub-Commission - per l'approvazione. Per la stessa approvazione, gli U.L.L. trasmetteranno il proprio organico provvisorio.

5 -

La predilezione di un servizio non implica che le funzioni previste debbano immediatamente essere affidate a impiegati di grado corrispondente adeguato alle funzioni stesse. Che anzi, specie per i gradi alti, e' opportuno da principio affidare le relative funzioni ad impiegati di grado inferiore, al fine di aumentare la capacita', prima di vincolarsi con incarichi definitivi. C'e' sempre tempo per migliorare la classifica di un impiegato, mentre per ovvie ragioni e' difficile ed ipotetico portarlo ad una classifica meno elevata.

Una revisione del resto sara' probabile al momento in cui dovra' procedersi all'inglobamento del personale nei ruoli statali; onde e' opportuno, in previsione di cio', fare in modo che il passaggio avvenga con un minimo di variazioni.

III. SERVIZI E FUNZIONI DEGLI UFFICI REGIONALI DEL LAVORO

Le funzioni degli U.R.L. si possono distinguere in dirette, che in genere si identificano con le funzioni degli Uffici Provinciali, riportate pero' sul piano Regionale, ed indirette o di secondo grado, cioè di studio, di controllo e di coordinamento dell'attivita' degli Uffici Provinciali.

L'organizzazione degli Uffici Regionali segue lo stesso schema degli Uffici Provinciali, con le seguenti variazioni: (V. allegato 3.)

- Per il collocamento gli U.R.L. non esercitano funzioni dirette, bensi' sufficiente che essi istituiscano un "ispettorato del collocamento" che sovrintendera' gli U.P.L., ne coordinera' l'attivita' e si occupera' delle migrazioni interne.
- Presso la Segreteria generale sara' istituito un "ispettorato amministrativo" che sovrintendera' all'amministrazione degli U.P.L. Non si occupera' del personale, fino a quando, col ritorno delle regioni al Governo Italiano, tale funzione non sara' devoluta al competente Ministero.
- Sara' opportuno che gli U.R.L., al bisogno, istituiscano i seguenti servizi che nel campo regionale possono assumere un'estensione tale da consigliare l'incarico a speciale personale.

Conservazione di dati statistici - Tale servizio mira a seguire, studiare ed agevolare lo sviluppo della cooperazione operaia, della mutualita' volontaria, degli organi economici comunitari e di natura simile che sorgono nel campo del lavoro.

Previdenza e mutualita' - Tale servizio ha la finalita' di studiare, seguire e prospettare le soluzioni di quanto riguarda la previdenza sociale in genere e l'assistenza medico-legale ai lavoratori. Il servizio va affidato a persona che conosca a fondo la legislazione in materia.

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"Istruzione professionale" - Tale servizio serve a seguire e promuovere lo sviluppo dell'istruzione tecnica professionale nella regione.

- d) Speciale importanza assumono negli U.S.A. i servizi statistici. Invero, per la uniformità ed il tecnicismo nella elaborazione dei dati, e' opportuno che questa sia ivi concentrata; mentre gli U.S.A. si limiteranno alla rilevazione.
- I principali servizi statistici sono: rilevazione del costo della vita e compilazione dei bilanci familiari; statistica salariale; statistica dell'occupazione e disoccupazione; statistiche relative all'assistenza e all'assistenza sociale.
- Speciali istruzioni saranno separatamente emanate.
- e) Gli ex "Ingegnieri corporativi" assumeranno la denominazione di "Ingegnieri del lavoro" e passeranno alla dipendenza degli U.S.A.
- Tuttavia, di uffici costituiti e funzionanti da decenni, gli Ingegnieri vanno mantenuti nella attuale struttura e organizzazione e funzioneranno con una certa autonomia, in attesa di ulteriori disposizioni legislative. I rapporti però con altri uffici e con le Autorità dovranno svolgersi attraverso gli U.S.A.

IV. PERSONALE

I risultati dell'organizzazione e del funzionamento degli Uffici del Lavoro, dipendono in definitiva dal personale che viene assunto. Si deve raccomandare che l'assunzione venga fatta seguendo criteri obiettivi e tenendo in account tanto l'onestà e la capacità.

Le nomine del personale, sia degli U.S.A. che degli U.S.A., vanno fatte dall'Ufficiale Comandante Regionale, su proposta del Direttore dell'Ufficio Regionale del Lavoro. Sarà opportuno accertare con molta attenzione i precedenti politici dei candidati ed in particolare che nessuno di essi ricada nella categoria prevista dalle disposizioni sulla opacità del governo. E' da tenere presente d'altra parte che gli Uffici del Lavoro sono uffici statali. Pertanto i loro impiegati debbono essere ben chiari e onesti che essi, nell'espletamento dei loro compiti, rappresentino lo Stato e non questo o quel partito. Ogni atteggiamento partigiano deve essere evitato. E' pur sempre consentita fuori ufficio la libera attività politica, dove essere proibito lo svolgimento di attività sindacali, perche' in evidente netto contrasto con gli usi e le funzioni degli uffici.

Tutte le nomine debbono essere considerate a carattere provvisorio.

I direttori ed i segretari generali dovranno essere ~~giovani~~ assenti con la qualifica di "Assistenti" direttori e segretari generali. La loro nomina sarà sottoposta alla ratifica dell'A.C.C. - Labor Sub-Commission.

In particolare poi, come abbiamo già in precedenza scritto, sarà opportuno affidare funzioni superiori a personale avente qualifica e stipendio inferiori. L'età degli impiegati non deve superare i 65 anni.

Le varie qualifiche e stipendi risulteranno dalla tabella allegata C.

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V. CONSILIARE COMMISSIONE

Aggravata la situazione lo ammettendo, non' opportuno che i Direttori degli Uffici Regionali e Provinciali del Lavoro costituiscono una commissione consultiva, alla quale sottoporremo tutte le questioni aventi un'importanza di massima. Il parere della commissione non sara' mai vincolativo per il Direttore, il quale, in ogni caso, e' tenuto a seguire le direttive e le disposizioni dei superiori gerarchici.

La composizione della commissione devra' comprendere elementi scelti nel corpo dei datari di lavoro, dei lavoratori, degli artigiani e liberi professionisti, del pubblico impiego, nonché di qualche esperto nel problema del lavoro. A seconda degli argomenti, potranno essere chiamati a partecipare alle sedute, volta per volta, anche altri elementi che abbiano particolare conoscenza dell'argomento in esame.

Di ogni seduta sara' redatto verbale. Gli intervenienti apporranno la loro firma in un apposito registro.

VI. SVILUPPI FUSIONI

Nella presente circolare sono state tracciate le grandi linee del compito e delle funzioni che gli Uffici del Lavoro sono chiamati ad assolvere e della necessaria strutturazione organica.

Prossime circolari tratteranno piu' dettagliatamente queste attinenze alle controversie di lavoro, agli arbitrati, ai servizi statistici, al collocamento, etc.

Intanto gli Uffici del Lavoro che si vanno man mano costituendo, non esitano a far pervenire alla Labor Sub-Commission tutte le esperienze che vanno maturando e a prospettare tutti i problemi e tutte le difficoltà in cui eventualmente verranno.

In tal modo si metteranno in condizione di ricevere tutto il possibile aiuto, non soltanto per correzione, ma anche a mezzo di visite che saranno fatte da Ufficiali e funzionari della Sub-Commission.

E' necessario comunque che le persone incaricate di organizzare gli Uffici del Lavoro, si mettano all'opera con solerzia e con passione, sicuri di dare in tal modo un serio ed efficace contributo alla ricostruzione della loro Patria, in uno dei settori piu' importanti della vita della Nazione Italiana.

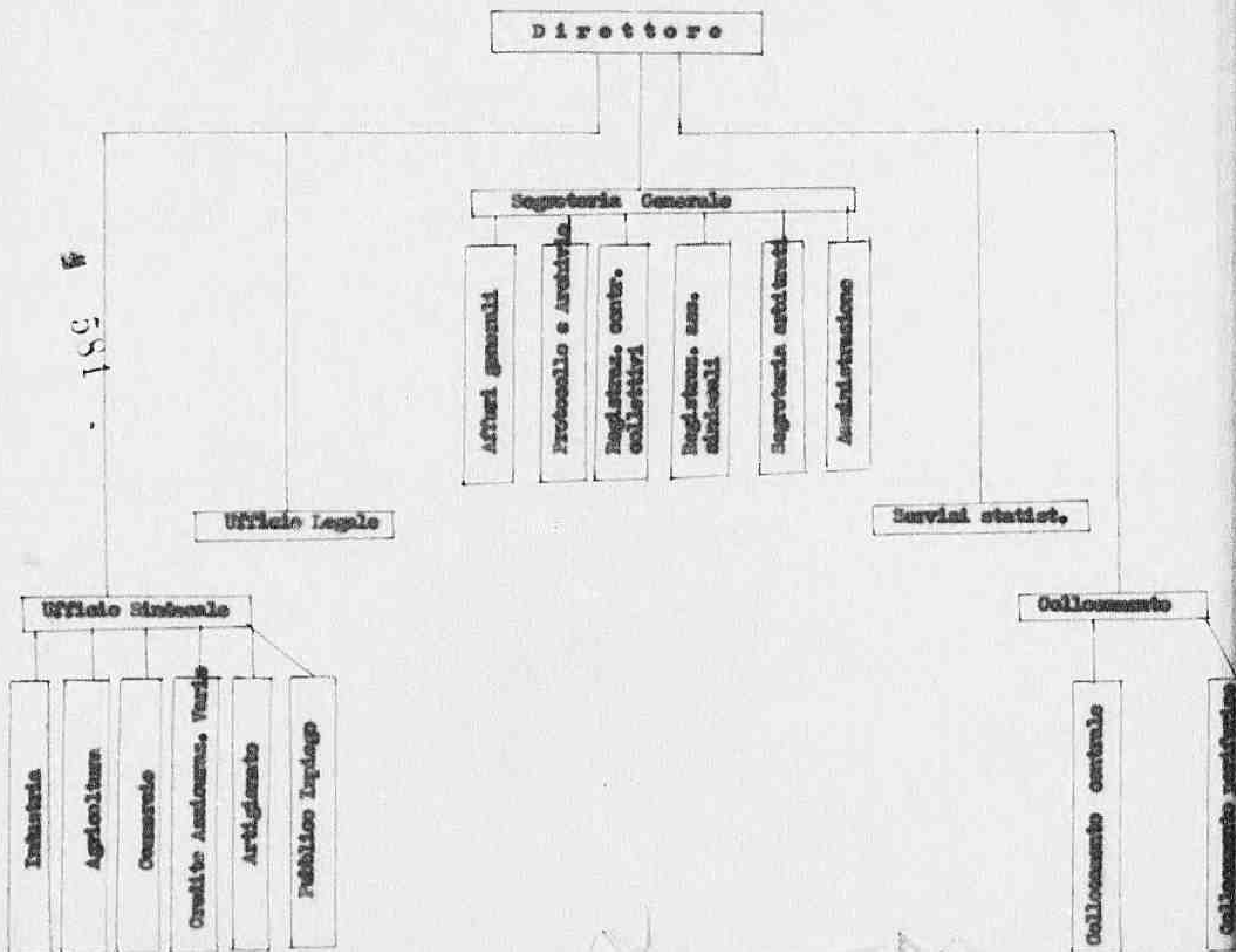
E. RICHIERA, Captain
Acting Field Officer,
A.C.C. Labor Sub-Commission

for J.F.R. RAIN, Colonel
Director Labor Sub-Commission

ALLIANCE

ORGANIZZAZIONE DEGLI UFFICI PROVINCIALI DEL LAVORO

(Schema delle funzioni)



ALLEGATO A

ORGANIZZAZIONE DEGLI UFFICI PROVINCIALI DEL LAVORO

(Schema delle funzioni)

Direttore

Segreteria Generale

Affari generali

Protocollo e Archivio

Registraz. contr.
collettiviRegistraz. ass.
circoscriz.

Segreteria istituz.

Amministrazioni

Ufficio Legale

Servizi statist.

Collocazione

Collocazione centrale

Collocazione periferica

Ufficio Rimborso

Agricoltura

Comercio

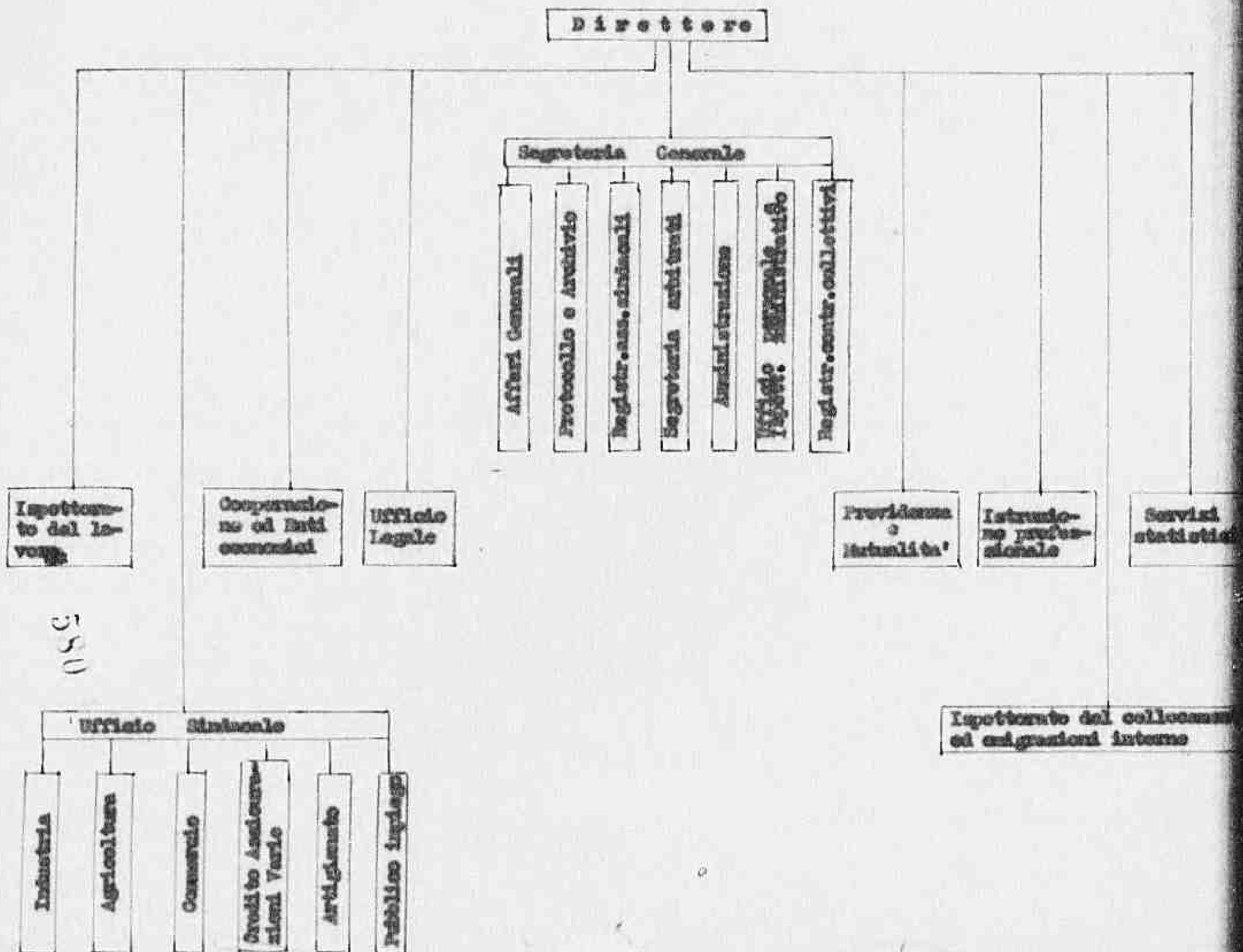
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Artigianato

Pubblico Impiego

ORGANIZZAZIONE DEGLI UFFICI REGIONALI DEL LAVORO

(Schema delle funzioni)



ORGANIZZAZIONE DEGLI UFFICI REGIONALI DEL LAVORO

ALLEGATO B.

(Schema delle funzioni)

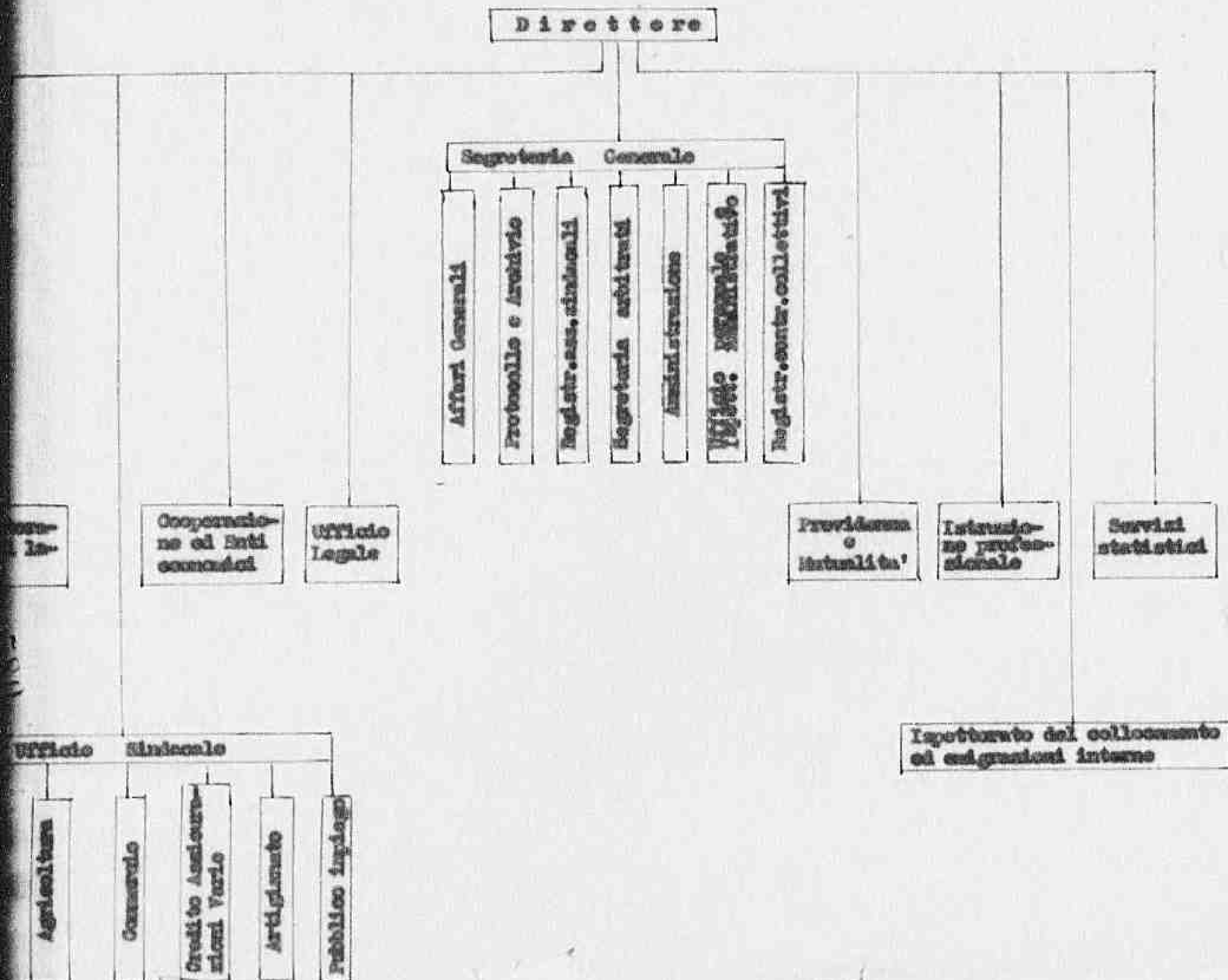


TABELLA DEGLI STIPENDI DEGLI INDIRIZZI DEGLI UFFICIALI DEL LAVORO

ALLEGATO C/

qualifica	Misura	Importo annuo lordo			Stipendio lordo
		Stipendio e supplemento servizio attivo	Indennita' globale caro-vita	Totale	
A. <u>FUNZIONARI DI GOVERNO</u>					
1) Direttore Regionale	-	58.600	48.000	98.600	6.2
2) Vice-Direttore o Segretario Generale Regionale - Direttore Prov. I. classe	massima	40.040	45.600	85.640	7.1
	minima	37.950	45.600	83.550	6.9
3) Direttore Provinciale II. classe Segretario Generale Prov. I. classe	massima	33.660	38.400	72.060	6.0
	minima	30.580	38.400	68.980	5.7
4) Segretario Generale II. classe Capo Sezione	massima	28.270	33.600	61.870	5.1
	minima	26.070	33.600	59.670	4.9
5) II. Capo Sezione Segretario Capo	massima	23.760	33.600	57.360	4.7
	minima	22.880	33.600	56.480	4.6
6) I. Segretario	massima	22.110	31.200	53.310	4.4
	minima	19.580	31.200	50.780	4.2
7) Segretario	massima	18.780	27.600	46.380	3.8
	minima	16.170	27.600	43.770	3.6
8) Vice Segretario	massima	14.080	26.400	40.480	3.5
	minima	12.760	26.400	39.160	3.3

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TABELLA DEGLI STIPENDI DEGLI INDIRIZZI DEGLI UFFICI DEL LAVORO

ALLEGATO C/1

Qualifica	Misura	Importo annuo lordo			Stipendio mensile lordo
		Stipendio e supplemento servizio attivo	Indennita' globale euro-vita	Totale	
<u>SEZIONE DI CORTICO</u>					
Direttore Regionale	-	58.600	48.000	98.600	8.216,66
Vice-Direttore o Segretario Generale Regionale - Direttore Prov. I. classe	massima minima	40.040 37.950	45.600 45.600	85.640 83.550	7.136,66 6.962,50
Direttore Provinciale II. classe	massima	33.660	38.400	72.060	6.005,-
Segretario Generale Prov. I. classe	minima	30.580	38.400	68.980	5.748,33
Segretario Generale II. classe	massima	28.270	33.600	61.870	5.155,83
Capo Sezione	minima	26.070	33.600	59.670	4.972,50
II. Capo Sezione	massima	25.760	33.600	57.360	4.780,-
Segretario Capo	minima	22.880	33.600	56.480	4.706,66
I. Segretario	massima minima	22.110 19.580	31.200 31.200	53.310 50.780	4.442,50 4.231,66
Segretario	massima minima	18.700 16.170	27.600 27.600	46.300 43.770	3.858,33 3.647,50
Vice Segretario	massima minima	14.080 12.760	26.400 26.400	40.480 39.160	3.373,33 3.263,33

ALM 23 9/2

TABELLA DEGLI STIPENDI DEGLI INSEGNANTI DEGLI UFFICI DEL LAVORO

Qualifica	Misura	Importo annuo lordo			Stipendio mensile lordo
		Stipendio e Supplemento servizio attivo	Indennita' globale caso-vita	Totale	
B. PERSONALE D'ORDINE					
1) Archivista-capo	massima	20.240	28.800	49.040	4.086,66
	minima	17.740	28.800	46.540	3.877,50
2) I. Archivista	massima	16.830	27.600	44.430	3.702,50
	minima	14.520	27.600	42.120	3.510,-
3) Archivista	massima	14.080	25.200	39.280	3.273,33
	minima	11.220	25.200	36.420	3.035,-
4) Applicato	massima	10.890	24.000	34.890	2.907,50
	minima	9.130	24.000	33.130	2.760,83
5) Allievo d'ordine	massima	8.910	22.800	31.710	2.642,50
	minima	7.260	22.800	30.060	2.505,-

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ALLEGATO C/2

TABELLA DEGLI STIPENDI DEGLI UFFICIALI DELL'UFFICIO DEL LAVORO

Qualifica	Misura	Importo annuo lordo			Stipendio mensile lordo
		Stipendio e Supplemento servizio attivo	Indennita' globale caro-vita	Totale	
B. ESERCIZIO D'UFFICIO					
1) Archivista-capo	massima	20.240	28.800	49.040	4.086,66
	minima	17.710	28.800	46.510	3.875,83
2) I. Archivista	massima	16.830	27.600	44.430	3.702,50
	minima	14.520	27.600	42.120	3.510,-
3) Archivista	massima	14.080	25.200	39.280	3.273,33
	minima	11.220	25.200	36.420	3.035,-
4) Applicato	massima	10.890	24.000	34.890	2.907,50
	minima	9.130	24.000	33.130	2.760,83
5) Aiuto d'ordine	massima	8.910	22.800	31.710	2.642,50
	minima	7.260	22.800	30.060	2.505,-

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ALLEGATO 9/3

TABELLA DEI REDDITI DEI LAVORATORI DEI SERVIZI DEL LAVORO

qualifica	misura	importo annuo lordo			stipendio mensile lordo
		stipendio e supplemento servizio attivo	indennità globale caro-vita	totale	
C. <u>PERSONALE SPECIALIZZATO</u>					
1) Commesso	massima	11.550	24.600	36.150	3.012
	minima	10.780	24.600	35.380	2.948
2) Ufficiale Capo	massima	10.560	22.800	33.360	2.780
	minima	8.690	22.800	31.490	2.624
3) Ufficiale	massima	8.360	16.800	25.160	2.096
	minima	7.450	16.800	23.250	1.937
4) Inserviente	massima	6.930	12.000	18.930	1.577
	minima	5.280	12.000	17.280	1.440
D. <u>SALARIIATI</u>					
Artisti	massima				3.400
	minima				2.600

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TABELLA DEGLI STIPENDI DEGLI INTERESSI DEGLI UFFICIALI DEL LAVORO

ALLEGATO 9/3

Qualifica	Misura	Importo annuo lordo			Stipendio mensile lordo
		Stipendio e supplemento servizio attivo	Indennita' globale caro-vita	Totale	
<u>PERSONALE SUBALTERNI</u>					
Commissario	massima	14.550	24.600	36.150	3.012,50
	minima	10.780	24.600	35.380	2.948,33
Ufficiale Capo	massima	10.560	22.800	33.360	2.780,-
	minima	8.690	22.800	31.490	2.624,16
Ufficiale	massima	8.360	16.800	25.160	2.096,66
	minima	7.150	16.800	23.950	1.995,83
Incaricato	massima	6.990	12.000	18.990	1.577,50
	minima	5.280	12.000	17.280	1.440
<u>ALFABETI</u>					
Ufficiali	massima				3.400,-
	minima				2.600,-

NOTE ALL'ALLEGATO "C"1. - TITOLO DI STUDIO

Per il personale elencato sotto la lettera A. si richiede la laurea. Soltanto in caso di provata specifica competenza si può occasionalmente accettare personale munito di diploma di scuola media superiore.

Per il personale di cui alla lettera B. si richiede almeno il diploma di scuola media inferiore.

Per il personale subalterno si richiede almeno la licenza elementare. Per gli artisti il possesso di secondo grado.

2. - In attesa di ulteriori disposizioni saranno considerati uffici provinciali di 1. classe quelli delle provincie il cui capoluogo abbia più di 75.000 abitanti. Esclusioni a tale criterio potranno essere disposte dal Commissario Regionale dell'A.S.G., d'intesa con l'A.S.G. Labor (AS-Commissio-
sion.
3. - Gli stipendi sono indicati al lordo. Essi sono composti da due elementi: (a) stipendio, che, in riferimento agli emolumenti statali, comprende lo stipendio vero e proprio e l'indennità di servizio attivo; (b) indennità, indennità di vita, indennità di vita, che, in riferimento agli emolumenti statali, comprende l'indennità di bombardamento, l'assegno temporaneo di guerra, i compensi fissi integrativi che sotto varie denominazioni sono pagati a diverse categorie di impiegati dello Stato, e i recenti aumenti concessi sia dall'A.S.G. che dal Governo Italiano.

Lo stipendio e le indennità da corrispondersi sono quelli indicati in alcune tabelle. Nel dividerli in dodicesimi resteranno dei residui aritmetici e dei residui di arrotondamento che dovranno essere caricati sullo stipendio del mese di luglio.

4. - Oltre agli stipendi di tabella, al personale va corrisposta l'aggiunta di famiglia ai sensi della legislazione vigente in materia.

5. - Date le disposizioni generalmente adottate dagli Uffici del Lavoro, non sarà dato luogo a nomine iniziali di Archivista-capo, 1. Archivista, Usciere-capo, gradi che sarà opportuno riservare allo sviluppo della carriera del personale d'ordine e subalterno.

FRANCANTONI
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

31 July 1944

SUBJECT: Draft Circular E.1

To : RC and NS
Economic Section
Director Labor Sub-Commission
B/Director " " "

1. Attached translation of "Draft Circular E.1", to be addressed to AGO Directors Regional Labor Offices in AGO territories for distribution; it should suffice, however, as an indication of what is contained in the Italian text.

2. If it is considered necessary to issue the circular in both languages, I submit that a new accurate translation would have to be prepared either by the Labor Sub-Commission or by RC and NS Section.

R. BUCCHIA
Captain
Labor Relations Officer
Labor Sub-Commission

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

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DRAFT ROYAL DECREE

ABOLISHING THE FASCIST SYNDICAL CORPORATIVE SYSTEM,
REINSTITUTING THE FREEDOM OF TRADE UNION ORGANIZATION,
AUTHORIZING THE INSTITUTION OF LABOR OFFICES, AND GO-
VERNING LABOR RELATIONS.

Index

TITOLO I	- Abolition of the fascist syndical system and reinstatement of free Trade Union Or- ganization	Art. I - 2
TITOLO II	- Labor Offices	Art. 3 - 9
TITOLO III	- Labor Disputes	Art. 10 - 14
TITOLO IV	- Trade Union Organization	
Cap. I	: Trade Unions	Art. 15 - 34
Cap. II	: Internal Commissions	Art. 35 - 38
TITOLO V	- Collective Labor contracts	39 - 44
TITOLO VI	- Consequences of the abolition of the Fascist Syndical sy- stem.	Art. 45 - 49
TITOLO VII	- Final provisions	Art. 50 - 52

File

ABOLISHING THE FASCIST SYNDICAL CORPORATIVE SYSTEM,
 RESTORING THE FREEDOM OF TRADE UNION ORGANIZATION,
 AUTHORIZING THE INSTITUTION OF LABOR OFFICES, AND GO-
 VERNING LABOR RELATIONS.

Index

TITOLO I	- Abolition of the fascist syndical system and reinstitution of free Trade Union Or- ganization	Art. 1 - 2
TITOLO II	- Labor Offices	Art. 3 - 9
TITOLO III	- Labor Disputes	Art. 10 - 14
TITOLO IV	- Trade Union Organization	
Cap. I	: Trade Unions	Art. 15 - 34
Cap. II	: Internal Commissions	Art. 35 - 38
TITOLO V	- Collective Labor contracts	39 - 44
TITOLO VI	- Consequences of the abolition of the Fascist Syndical Sys- tem.	Art. 45 - 49
TITOLO VII	- Final provisions	Art. 50 - 52

CHARTERED ROYAL DECREE AMENDING THE EXISTING SYNDICAL
CORPORATIVE SYSTEM. REINSTITUTING THE FREEDOM OF THE
DE UNION ORGANIZATION. AUTHORIZING THE ESTABLISHMENT
OF LABOR OFFICES. AND GOVERNING LABOR RELATIONS.

Whereas the Law of 3rd April 1936, No. 961, and re-
gulations issued pursuant thereto; and

Whereas the Royal Decree of 1st July, 1936, No. 1110,
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,
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. 84
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:

Whereas the Law of April 1926, No. 563, and re-
gulations 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 Pro-
cedure approved by the Royal Decree of 23rd 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 1941, No. 274;
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, Minis-
ter of State" and of the "Minister for Industry, Commer-
ce and Labor";

We hereby decree as follows:

SECTION I

ABOLITION OF THE PASSIVE MINERAL CORPORATIVE SYSTEM AND
REINSTITUTION OF FREE TRADE UNIONS.

Art. 1.

§ 572

The Law of April 1926, No. 563, and the Royal De-
cree of 1st July 1926, No. 1130, dealing with the juridical

code governing collective labor relations and all regulations and all regulations subsequently issued for the execution and enforcement of the aforementioned laws are hereby repealed. The Royal Decree of 14th January 1924, No. 64, converted into the law of 17th April 1925, No. 473, and the law of 30th January 1944, No. 14, are likewise repealed.

Consequently, all Syndical Associations of Employers, Workmen, professional men and Artists, Syndical Cooperatives Societies, as well as the Confederations and Federations resulting from the amalgamation of several Syndical Associations jurisdictionally recognized in conformity with the two aforementioned laws are, therefore, dissolved: The Special Labor Magistracy is also abolished.

Art. 2

Employers and employees and persons who engage in independent 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 interest 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

Consequently, all syndicates, unions, professional associations, professional men and artists, syndical cooperatives associations, as well as the confederations and federations resulting from the amalgamation of several syndical associations jurisdictionally recognized in conformity with the two above-mentioned laws are, therefore, dissolved. The special labor magistracy is also abolished.

Art. 2

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 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 interest 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 to which they belong.

Article II

LABOR OFFICE

Art. 1

The Ministry of Industry, Commerce and Labor, through its own competent General Directions and the agencies above-

ated to it, shall exercise the following functions:

- a) - Supervision of the Labor Office, with a view to coordinating their activities;
- b) - Mediation, Conciliation and references to arbitration of Labor disputes;
- c) - Registration of Trade Unions and recognition of their powers of authorized representation;
- d) - Registration and publication of Collective Contracts;
- e) - Control and coordination of the services of registration and placement of Labor, of the migration, immigration and emigration of Labor;
- f) - Promotion, development, coordination and control of the services concerned with Social Insurance, old age pension, unemployment and health insurance and related labor services;
- g) - Promotion and supervision of Trade instruction and training of work people;
- h) - Compilation and publication of reports and studies on employment, unemployment, wages, conditions 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, within the limits of the Region, the following functions:

- d) - Registration and publication of Collective Contracts;
- e) - Control and coordination of the services of registration and placement of labor, of the migration, immigration and emigration of labor;
- f) - Promotion, development, coordination and control of the services concerned with social insurance, old age pension, unemployment and health insurance and related labor services;
- g) - Promotion and supervision of Trade instruction and training of work people;
- h) - Compilation and publication of reports and statistics on employment, unemployment, wages, conditions 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, within 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 arbitration of labor disputes;
- 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 Contracts which are only of interest to the Region as required by the Ministry of Industry, Commerce and Labor;
- e) - Control and coordination of registration and placement of labor in the Province and of migration from Province to Province;
- f) - Promotion and development of Social Insurance, pensioning, unemployment and health insurance and related labor services as well as supervision of trade instruction and training of work people;
- g) - Supervision covering the enforcement of regulations governing labor, Social Insurance, old age pensions, unemployment and health insurance and related labor services as well as the enforcement 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) - Registration, coordination, and reference to other

f) - Promotion and development of 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;

g) - Supervision covering the enforcement of regulations governing labor, social insurance, old age pensions, unemployment and health insurance and related labor services as well as the enforcement 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 arbitration 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 labor duties as may be devolved upon it.

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 Inspectorate 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 1921, N° 1045, of 28th December 1931, N° 1684, of 4th October 1932, N° 1027, and by Royal Decree of 17th August 1935, N° 1755.

Art. 7

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

Art. 8

The expenditure involved in the running of 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.

Art. 9

An Advisory Labor Committee shall be instituted within the Ministry of Industry, Commerce and Labor, con-

of the Regional Labor Offices, of which it shall become an integral part. Inspectors' functions 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 10 December 1923, No. 13245, of 28th December 1931, No. 1624, of 4th October 1935, No. 1827, and by Royal Decree of 17th August 1935, No. 1765.

Art. 7

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

Art. 8

The expenditure involved in the running of 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.

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 representation and recognition of the powers of representation of Trade Unions of a national character as well as on the

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 11 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 the management of Labor Relationship is under

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 relations is under consideration.

Whenever the Collective Contract or Labor Relation ship 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.

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Individual Labor Disputes shall fall under the jurisdiction of the Provincial Labor Office within the unit 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 in any case of conciliation or of reference 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 Office to an Arbitration Board, which shall be set up for the occasion, the individual members being selected from the appropriate panels of arbitrators.

In collective Labor disputes, arbitration through the Ministry or the Labor Office shall be compulsory in such cases as only involve the interpretation of a collective contract and in such cases and at such times as strikes and lockouts are prohibited by law.

Whenever an individual Labor dispute has not been submitted for arbitration, either of the interested parties may refer the controversy to the ordinary judiciary, in accordance with Code II, Article IV of the Code of Civil Procedure whenever applicable or to other competent judicial

at a lower level.

Art. 11

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 Office to an arbitration board, which shall be set up for the occasion, the individual members being selected from the appropriate panels of arbitrators.

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

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

Art. 12

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

These awards shall have the 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".

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Arbitration awards in respect of disputes dealt with by Provincial Labor Offices shall be filed in the "Tribunales" 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 623 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

the National Capital.

Arbitration herein shall not be subject to the provisions contained in Article 125 of the Code of Civil Procedure.

The National 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 constituted under art. 1, may in conformity with the present law, ask for and obtain registration in the Trade Union Public Registry.

Such Registration shall confer a juridical personality upon a Trade Union.

Art. 16

Registration is authorized by the Ministry of In-

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

Art. 17

The request for registration shall be signed and presented by the agent(s) specifically designated for that purpose in the deed of constitution or by each person who, under the terms of the statute, are the recognized 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 statute;
- b) - a list of the members of the union;
- c) - a list of the names of the members of the Trade Union.

Art. 18

The statutes of the Trade Union applying for registration shall be submitted to the competent authorities for registration.

- a) - That members of the Trade Union shall be open to any 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 the representatives of the Trade Union.

purpose in the field of constitution or by such persons who, under the terms of the Statute, are the recognized representatives of the Trade Union.

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

- a) -- a copy of the constitution and of the Statute;
- b) -- a list of the members of the committee of management of the Trade Union;
- c) -- a list of the names of the members of the Trade Union.

Art. 15

The Statute of the Trade Union applying for the registration shall specifically state:

- a) -- That membership in the Trade Union shall be open to any "free" 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, who shall be "free" members belonging to the particular industry or craft;
- c) -- The essential aim of the Trade Union to be the safeguarding of the economic and moral interests of its members;
- d) -- That the right of changing the Statute are vested in the members of the Trade Union taken as a whole;
- e) -- The name of the Trade Union, such as to distinguish it from any other which has been registered.

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red in the Realm;

- f) - The habit of activity and the address of the Trade Union Headquarters;
- g) - The method of management or its estates and of its income 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 Commercial Interference.

Art. 12

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, interregional and national Trade Unions may also be instituted through the union of two or more provincial, interprovincial or regional registered Trade Unions.

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

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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 recognition 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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ulations for Cooperative Societies, shall be responsible for:

- a) - a membership book, in which there shall be shown a complete list of members, with the date of admission and of resignation from membership in the union.
- b) - a book showing the names of officials;
- c) - a journal of daily accounts;
- d) - an inventory and stock book;
- e) - a minutes book;

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

Art. 21

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. 22

Art. 23

The regulations of Art. 21 of the present law shall also apply to disputes between the Trade Unions and members thereof as well as to those relating to refusal of admission into a trade union.

Art. 24

Every member shall have a book or shall sign with a cross, witnessed by two effective members:

- b) - A minute book;
- c) - A book showing the names of officials;
- d) - A journal of daily accounts;
- e) - An inventory and stock book.

The said books shall be certified and numbered, and the said books shall be effected the next...

page by page, by the Office which has effected the registration.

Art. 23

Within three months from the end of the calendar 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 Dec. III of the present law shall also apply to disputes between the Trade Unions and workers thereof as well as to those 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, without the consent of the Provincial Labor Office within the ambit of which these officials are carrying on their work and activity.

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The division 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 provided under Art. 11.

Art. 26

It shall not be allowed to assume an official representative of a workers' 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 first representative of the employer.

Art. 27

Amendments to the statute 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 Statute.

Art. 28

The representation of a whole industry or craft for purposes of collective bargaining, of nominating representatives in public office and in national and international bodies and of collective controversies 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.

representative of a workman'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. 17

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

Art. 22

The representation of a whole industry or craft for purposes of collective bargaining, of negotiating representation in public offices and in national and international bodies and of collective agreements may be entrusted 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.

The recognition of a Provincial, or Interprovincial, or Regional Trade Union or Representative Commission shall involve upon the competent National 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 importance 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 represent the interest of the whole industry or craft.

Art. 10

Whenever the conditions for recognition as required by Art. 9 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 proportionately the respective membership of the said Trade Unions.

Whenever it is not possible to grant recognition to a representative Commission in view of the importance 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. 11

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

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 proportionately 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 National Labor Office of the industry or craft to be represented falls within the ambit of the Region.

Art. 11

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. 12

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 the provisions of the

provisions of the

b) -- Wherever the provisions of the provisions

have been obtained by fraud or through error

c) -- On the request of the registered or recognized

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 renewed when the provisions of the first subsection of Article 15 have been violated.

Art. 13

At least 10 days before taking the decision of cancellation or revocation, the competent authority 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. 14

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

- e) - On the request of the holder of a trademark or registered design, the 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 13 have been violated.

Art. 13

At least 10 days before issuing the decision of recognition 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. 14

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

The Council of State, whenever 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 challenged.

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Page II

INTERNAL COMMISSION

Art. 15

In public and private firms and offices, where more than thirty employees are employed, an internal commission may be set up.

When the number of employees in a plant or office is in excess of ten, a representative shall be elected, in place of the internal commission.

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

Art. 16

The Internal Commission shall represent both clerical employees and workmen who shall elect independently of one another their respective representatives in due proportion to the numbers of the respective groups, provided that at least one third of the seats 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 the

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

If the plant operates several establishments or in as many plants established in several branches or offices, a Commission or representative elected for each establishment, whether branch or office, provided that in each of them there are the prescribed number of workers.

Art. 16

The Internal Commission shall represent both clerical employees and workmen who shall select independently 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 least one fifth of the employees, or when circumstances make it advisable, may call a general meeting, provide cover same and control the voting.

Art. 17

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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- mutating 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 Officer 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. 13

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 of the Code, Civil Procedure.

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 - e) -expresses an opinion on internal regulations;
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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 classes as provided for by Article 429 the Code Civil procedure.

SECTION V

Regarding Collective Labor Contracts

Art. 32

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

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 duly empowered and, in general, that all essential conditions for validity, as stipulated by law, have been

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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 fulfilled.

Art. 43

On publication, collective contracts stipulated between recognized trade unions or recognized representative Commissions 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.

Art. 44

The provisions of Article 12, subsections (a) and (b) and the provisions of Art. 14 shall apply to the provisions for registration of collective labor contracts.

The provisions which establish control over collective 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 regulation 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 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 Art. 13 of the Law of 5th February 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

There shall remain in force the provisions of Book V, Section I, Chapter III of the Civil Code, regarding the regulation 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.

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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 Art. 11 of the Law of 5th February 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 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 reinstatement of the "Ordini e Collegi di Liberi Professionisti", 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. 40

The obligation to pay syndical contributions (in conformity with Art. 3 of the Law of 1st April 1926, n° 363, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in territories turned over by the A.I.G. as from the date on which the Allied Military Government abolished Syndical Contributions or Fascist Syndical Organizations, whichever ever was the earlier. Financial settlement by compromise (liquidazione a stralcio) -- between the Treasury and the Tax Collector) shall, in respect of irrevocable dues, be regulated by the "Regolamento" of the present law.

Art. 42

The Regional Labor Offices, acting in concert with the "Intendenti di Finanze" 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

The obligation to pay syndical contributions (in conformity with Art. 5 of the Law of 1st 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. S. 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 stallo) - between the Treasury and the Tax Collector) shall, in respect of irrecoverable dues, be regulated by the "Regolamento" of the present law.

Art. 43

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. 1 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 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, are due by other institutions as a result of special insurance contracts.

SECTION VII

Penal 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 complementary 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.

Art. 52

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 complementary 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.

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.

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

April, 1944

Given in Salerno

April, 1944

Given in Salerno

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APR 1944

SJS/tbv

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 (AWG/HIC/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 carried 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 Registry", 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 Canon: "in iure, omnis definitio periculosissima est."

4. ARTICLE III

Apart from the lawyers' Association, the institution of "Ordini" and "Collegi" was sanctioned by A.R.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 inept for a "Commissario" to take

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" imply convey the existence 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. ARTICLE IX - XII (inclusive)

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

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

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 jurisdiction 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 accentuated 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 II provides for such notice being given, and Article XII fixed 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 455-458 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 many cases the "competent Magistracy" would mean the "Pretura" or the "Tribunale" when the procedure would be in conformity with Art. 409-458 of the Code of Civil Procedure. For certain disputes, however, there are other competent magistracies, e.g., "Capitaneria di Porto" for a labor dispute arising outside territorial waters. On the whole the present generic diction is more opportune and satisfactorily meets the case.

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 6.)

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. SCIOLUNA,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

PROCEDURE FOR AND TREATMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES, IN CONFORMITY WITH
 DECREE ABOLISHING CORPORATIVE-SYNDICAL SYSTEM AUTHORIZING THE ESTABLISHMENT OF TRADE
 AND OF LABOR OFFICES, AND GOVERNING LABOUR RELATIONS .

ACTION OR JURISDICTION	INDIVIDUAL DISPUTES
1. Notification of Dispute	Quasi - compulsory, in view of consequences (art. XI (1))
2. Consequences in default of Notification of Dispute	Court Proceedings may not be instituted before 15 days from notification (art. XI (11))
3. Office to receive notification of Dispute (jurisdiction)	The provincial Labour Office under whose jurisdiction the case should fall (art. XII (11))
4. Action of Labour Office on being notified of Dispute	Attempt at Conciliation - Attendance of parties to the dispute being com- pulsory. (Art. XI (1))
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 (1)) (art. XI (IV))

ON FOR AND TREATMENT OF INDIVIDUAL AND COLLECTIVE LABOUR DISPUTES, IN CONFORMITY WITH "DRAFT
 ABOLISHING 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 (1))

Cont Proceedings may not instituted before 15
 days from notification (art.XI (11))

The provincial Labour Office under whose
 jurisdiction the case should fall
 (art.XII (11))

Attempt at Conciliation - Attendance
 of parties to the dispute being com-
 pulsory. (Art.XI (1))

Fine not exceeding 10000 lire to be
 imposed by Ordinary Magistracy (Art.XV)

Always voluntary
 (art.XIII (1))
 (art.XI (IV))

Quasi - compulsory in view of conse-
 quences (art.II (1))

Strike or lock-out would be illegal
 of resorted to before 21 days from
 notification (art.XI (11))

The Provincial or Regional or National
 Office, according to whether the case
 falls within a Provincial or Regional
 or National ambit of jurisdiction.
 (Art.XII (1) and (11))

Attempt at Mediation and or Conciliation
 Attendance of parties to the dispute
 being Compulsory (Art.XI (1))

Fine not exceeding 10000 lire to be
 imposed by Ordinary Magistracy
 (art.IV)

Voluntary as a rule (art.(art.XI(IV))
 Compulsory Whenever (a) Strike and
 lock-out are illegal (art.13 (11))
 (b) the interpretation of a collective
 contracts is in dispute (art.13 (11))

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
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(2)
Off

8. Jurisdiction for decisions

Ordinary Magistracy (Regulated by Code of Civil Procedure Art.827)

Ord
of

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)

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INDIVIDUAL DISPUTES

The ordinary Magistracy (art.13 (1))

Ordinary Magistracy (Regulated by Code of Civil Procedure Art.827)

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.630)

COLLECTIVE DISPUTES

No judicial Court when strike and lock-out are legal: the dispute is settled by "test of strength" (art.1 (11))
(Reference to arbitration by the Labor Offices is compulsory in of other cases (art.13 (11))

Ordinary Magistracy (Regulated by Code of Civil Procedure Art.827).

The case is reopened before the competent Labour Office, voluntarily, when Strike and lock-out are legal, compulsory when strike and lock-out are illegal (art.13 (11))

REAR HEAD PLANTERS
ALLIED CHEMICAL CORPORATION
LABOR SUB-COMMISSION
APO 394

ADJ/4104/4/L.

SUBJECT: Draft Decree Instituting Labor (Union, etc).

TO: Director, Labor Sub-Commission.

26 April 1944.

References your LAB 091-4354 dated 15 April 1944. I have seen the Chief Coordinator on this matter and he informs me that he will shortly be converting 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.

C. E. WILSON,
Colonel,
Chief Legal Officer.

Copy to: Secretary General.

REAR HEAD PLANTERS
ALLIED CHEMICAL CORPORATION
LABOR SUB-COMMISSION
APO 394

26 April 1944

ADJ/4104/4/L.

SUBJECT: Draft Decree Establishing Trade Unions and Labor (Union, etc).

The Legal Sub-Commission has considered the Draft Decree attached to letter dated 15 April 1944 (LAB 091-4354) 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 Coordinator 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

Conclusion. In the meantime I enclose for your consideration a memorandum on the Draft Decree as it stands at present.

Copy to: Secretary General.

C. P. HENLEY,
Colonel,
Chief Legal Officer.

LEGAL MEMORANDUM
ATTACHED DRAFT DECLARATION
LABOR SUB-COMMISSION
AND 32A

1024/404/4/L.

25 April 1944

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

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

546

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 I.

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 ambit 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. Further the "reglamento" 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.

ARTICLE VI

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ARTICLE VIII

No comments.

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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 455-458 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 law of 1894 have been repealed. This matter requires clarifications.

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 XVII 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.

...our original observation of paragraph I.

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GERALD R. UPJOHN.
Colonel,
Chief Legal Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 104

RJS/lbv

LAB 091,4351

25 April, 1944

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

TO : Director, Legal Sub-Commission

FROM : Capt. E. Scicluna, 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. Any 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. SCICLUNA,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

EJS/tbw

LAB OSI 4351

25 April, 1944

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TO : Director, Legal Sub-Commission

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

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

LABOR 3-COMMISSION
April 25, 1948

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 23rd 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 aforementioned laws are, therefore, dissolved: The special Labor Magistracy is also abolished.

ARTICLE II

Employees and employers and persons who engage 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 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.

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

Whereas the Royal Decree of 30th October, 1943, No. 2/5; 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:-

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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 "Ordine 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

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, 1936, 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 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, 1941, No. 821, 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 Quiescenza) 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

ARTICLE VI

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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;

- 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 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 effect 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 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 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

b) Coordination of placement of labor and provision for 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 effect 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 Trade instructions and training of work people;

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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 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.

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 it 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 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 "Tribunale" 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

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 it is to be found the competent judicial authority to decide such Disputes.

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Arbitration awards in respect of disputes dealt with by Provincial Labor Offices shall be filed in the "Tribunales" 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 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 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 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 complementary 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.

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.

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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 complementary 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.

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

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

Abolizione del sistema sindacale-servatorio 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 volontà della nazione
Re d'Italia

Vista la legge 3 aprile 1926, n. 363, 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. 20 ottobre 1940 n. 1441;
Visto l'art. 16 della legge 17 gennaio 1933 n. 1271;
Visto il R. Decreto Legge 30 ottobre 1943 n. 2111;

Attenuto che al varo in vigore di avvenuta per cause di guerra;
sentito il Consiglio dei Ministri;
Sulla proposta del Capo del Governo, l'On. 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.

ABOLIZIONE DELL'ISTITUTO SINDACAL-FASCISTA

Art. 1

La legge 3 aprile 1926, n. 363, il R.D. 1 luglio 1926, n. 1130 e la 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 associazioni cooperative, le federazioni e le unioni di più associazioni e le confederazioni di più federazioni, giuridicamente riconosciute a norma delle leggi stesse; ed è abolita la legislatura del lavoro.

Art. 2

I lavoratori, i datori di lavoro, i liberi professionisti, le associazioni professionali o un mestiere hanno il diritto di organizzarsi in associazioni, di tenere riunioni, di eleggere propri rappresentanti per le finalità di cui appreso, e, nell'interesse degli associati e della intera categoria.

(a) di negoziare o di stipulare contratti ed accordi collettivi in tutte le materie pertinenti o connesse con i rapporti di lavoro, ivi compreso quanto riguarda orari, paga, commissioni di lavoro, retribuzioni;

(b) di svolgere attività sindacale e di assistenza sociale ed economica.
Le successive disposizioni regolano la regolamentazione ed il riconoscimento giuridico delle associazioni sindacali e delle commissioni rappresentative.

Ritenuto che si versa in stato di necessità per causa di guerra;

contito 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 giustizia e per le finanze.

ANALISI DOCUMENTI E INDICAZIONI

Art. 1

La legge 3 aprile 1925, n. 503, il d.l. 1 luglio 1926, n. 1150 ed-
la disciplina giuridica dei rapporti collettivi di lavoro e tutte
le norme succedute emanate per l'attuazione delle predette leggi
sono abrogate.

Successivamente sono abolite le associazioni sindacali di datori
di lavoro e di lavoratori, di professionisti e artisti, di modie-
ta' cooperative, le federazioni e le unioni di più associazioni
e le confederazioni di più federazioni, giuridicamente riconosciu-
te a norma delle leggi stesse; ed e' abolita la struttura del
lavoro.

Art. 2

I lavoratori, i datori di lavoro, i liberi esercitanti un'arte o una
professione o un mestiere hanno il diritto di organizzarsi in as-
sociazioni, di tenere riunioni, di eleggere propri rappresentanti
per la finalità di cui appresso, e, nell'interesse degli associati
o della intera categoria:

(a) di negoziare o di 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, re-
clami;

(b) di svolgere attività di educazione e di assistenza sociale
ed economica.
Successive disposizioni regoleranno la registrazione ed il riconosci-
mento giuridico delle associazioni sindacali e delle commissioni rep-
resentative.

Art. 3

In attesa della emanazione di speciali norme per il ripristino degli
ordini e collegi di liberi professionisti, restano fuori quelli che
nei territori liberati sono stati costituiti o riconosciuti dalle com-
penti autorità. Inoltre non sono stati costituiti, saranno nomi-
nati commissari straordinari per la tutela degli ordini e l'appli-
cazione delle leggi e dei regolamenti professionali. Tali commissari
promoveranno in ciascuna gli archivi dei rispettivi sindacati o comitati
fascisti di professionisti e artisti.

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l'amministrazione pubblica e la partecipazione ai
alimenti non saranno soggetti alla tassazione in-
terveniente, per ragioni di equità, di sviluppo, di mobilità e
di solidarietà politica.

Art. 5

Conseguentemente per i datori di lavoro, i lavoratori e i professionisti e
articolati l'obbligo del versamento dei contributi sindacali previsti
per effetto dell'art. 5 della legge 3 aprile 1936, n. 303 e successivo
disposizione, relativi al versamento alla data dell'entrata in
vigore del presente decreto, e a quella precedente data in cui tali
contributi già versati con provvedimento del Governo allimare il-
lesto i dati contributivi sono stati accettati e le organizzazioni
sindacali fasciste sono state sciolte.

Art. 6

Restano in vigore per i rapporti di lavoro collettivi del settore
quelli i patti, le norme e le tariffe contenute nei contratti col-
lettivi, negli accordi sindacali, nelle sentenze delle magistratu-
re del lavoro e nelle ordinanze amministrative, di cui agli art. 10
e 13 della legge 3 aprile 1936 n. 303, agli art. 6 e 11 della legge
5 febbraio 1934 n. 103 e agli art. 4 e 5 del D.L. 7 agosto 1934,
n. 721, fino a quando non siano modificate da ulteriori decreti,
sentenze arbitrali, dai nuovi contratti o accordi collettivi.

Art. 7

Il Ministero per le Finanze o' incaricato di provvedere in consen-
za del Ministro, e mezzo delle intendenze di finanza, alla conser-
zione ed all'amministrazione dei patrimoni appartenenti alle as-
sociazioni, federazioni e confederazioni di cui all'art. 1 in attesa
che con D.L. su proposta del Ministero per l'Industria, il Commercio
e il Lavoro, di concerto col Ministero per le Finanze, si disponga
sulle loro destinazione. I patrimoni delle ditte sciolte organizzazio-
ni di lavoratori saranno destinati a vantaggio delle classi lavo-
ratrici. Per quanto riguarda il trattamento di pensione dei per-
sonale dipendente dalle associazioni, federazioni e confederazio-
ni di cui al capo precedente, come sarà effettuato ai termini
delle disposizioni vigenti per il personale di ciascuna organizza-
zione, 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 eserciterà,
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, indigena-
le ed emigrazione dei lavoratori;
- (b) La mediazione, la conciliazione il deferimento a collegi arbitrali, delle controversie di lavoro.

Art. 6
restano in vigore per i rapporti di lavoro collettivi ed indivi-
duali i patti, le norme e lo tariffa contenute nei contratti col-
lettivi, negli accordi economici, nelle convenzioni della registra-
ra del lavoro e nelle ordinanze corporative, di cui agli art. 10
e 13 della legge 3 aprile 1946 (n. 30), agli art. 8 e 11 della legge
5 febbraio 1934, n. 163 e agli art. 4 e 5 del R.D. n. 9 agosto 1934,
n. 721, fino a quando non siano modificate da ulteriori decreti,
contenute nei contratti, nei nuovi contratti o accordi collettivi.

Art. 7

Il ministero per le Finanze e' incaricato di provvedere in ciascu-
na provincia, a mezzo delle Intendenze di Finanze, alla conserva-
zione ed all'amministrazione dei patrimoni appartenenti alle as-
sociazioni, federazioni e confederazioni di cui all'art. 1 in senso
che con R.D. n. 1000 su proposta del ministero per l'Industria, il Commercio
e il Lavoro, di concerto col ministero per le Finanze, si dispone
sulle loro destinazioni. I patrimoni delle discolte organizzazioni
di lavoratori saranno destinati a vantaggio delle stesse lavorat-
rici. Per quanto riguarda il trattamento di quiescenza dei per-
sonale dipendente delle associazioni, federazioni e confederazio-
ni di cui al comma precedente, esso sar' effettuato al termine
delle disposizioni vigenti per il personale di ciascuna organizza-
zione, 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 eserciterà,
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 delle migrazioni, industriali,
ed emigrazione dei lavoratori;
- (b) la mediazione, la conciliazione il deferimento a collegi arbit-
rali delle controversie di lavoro;
- (c) promozione, sviluppo, coordinare e controllare i servizi di
assicurazione, di previdenza e di assistenza sociale, e sorvegliare
le attività istruttive professionali a favore dei lavoratori
d'opera;
- (d) compilare e pubblicare rapporti e statistiche sulla occupazione,
disoccupazione, controversie di lavoro, paga 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 quest'altro sarà' ed esso demandato in forma di di-
 sposizioni legislative;

Art. 9

In ciascuna regione, i cui limiti saranno determinati dal rego-
 lamento alle presenti leggi, e' istituito, alle dipendenze del
 ministero per l'Industria, il Commercio e il Lavoro, un Ufficio
 Regionale del Lavoro. Dal spetto nell'ambito della regione;

- a) sovrintendere agli uffici provinciali del Lavoro, coordina-
 re l'attività;
- b) coordinare i servizi di collocamento dei prestatori d'opera,
 e curare quanto attiene alle migrazioni di mano d'opera da pro-
 vincia a provincia;
- c) promuovere i contratti collettivi interesanti soltanto la re-
 gione nei casi in cui sono' disposte dal ministero per l'Industria,
 il Commercio e il Lavoro;
- d) svolgere azione di mediazione e conciliazione e definire a Cal-
 lesi arbitrali le controversie di lavoro che interessino più' provin-
 cie oppure di speciale importanza;
- e) promuovere lo sviluppo di attività' previdenziale, assicurativa
 istruttiva ed educativa e favore del prestatori d'opera;
- f) compilare relazioni e statistiche in materia di lavoro;
- g) effettuare rilevazioni ed indagini e compiere ogni altra funzio-
 ne ed esso demandata in materia di lavoro.

Art. 10

In ciascuna provincia e' istituito allo dipendenza del ministero
 per l'Industria, il Commercio e il Lavoro, un Ufficio Provinciale
 del Lavoro, dal spetto, nell'ambito della provincia;

- (a) provvedere alla registrazione e al collocamento dei prestatori
 d'opera;
- (b) svolgere azione di mediazione, conciliare e definire a colla-
 giali le controversie di lavoro;
- (c) promuovere lo sviluppo di attività' previdenziali, assicurativa-
 li, e sorvegliare le attività' istruttive e professionali a favore
 dei prestatori d'opera;
- (d) effettuare rilevazioni ed indagini e compiere ogni altra funzio-
 ne ed esso demandata in materia di lavoro;

Art. 11

- a) sovrintendere agli uffici provinciali del lavoro, coordinando l'attività;
- b) coordinare i servizi di collocamento dei prestatori d'opera, o essere questo ufficio alla migrazione di mano d'opera da provincia a provincia;
- c) pubblicare i contratti collettivi intervenienti soltanto le regioni nei casi in cui essi' disposti dal ministero per l'industria, il commercio e il lavoro;
- d) svolgere azioni di mediazione e conciliazione e deferire a Collegi arbitrali le controversie di lavoro che interessino più' province e che esigano di speciale importanza;
- e) promuovere lo sviluppo di attività' previdenziale, assistenziale istruttiva ed educativa a favore dei prestatori d'opera;
- f) compilare relazioni e statistiche in materia di lavoro;
- g) effettuare rilevazioni ed indagini e compilare ogni altra finalizzato ad essere 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 o al collocamento dei prestatori d'opera;
- (b) svolgere azioni di mediazione, conciliazione e deferire a Collegi arbitrali le controversie di lavoro;
- (c) promuovere lo sviluppo di attività' previdenziale, assistenziale, e sorvegliare le attività' istruttive e professionali a favore dei prestatori d'opera;
- (d) effettuare rilevazioni ed indagini e compilare ogni altra finalizzato ad essere demandata in materia di lavoro;

Art. 11

Se domanda di una parte interessata gli uffici del lavoro competenti espletano il tentativo di conciliazione delle controversie del lavoro. Oltre i casi speciali in cui lo sciopero o la serrata fossero vietati, saranno anche considerati illegali in mancanza di preventiva comunicazione o prima che sia decorso il termine di giorni ventuno da essere reso noto fra le controparti individuali di lavoro le decisioni di dell'Art. 43 e seguenti del C. 11. In quanto applicabili, non realizzando la conciliazione, gli uffici del lavoro, su ordine de' dirigenti delle parti, rinvieranno le controversie alla decisione di un collegio arbitrale, che sul costituzione provvederanno, scegliendo 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 applicarsi o in cui si svolgono i rapporti di lavoro da regolare. Lo il contratto collettivo e' i rapporti di lavoro riguardanti piu' province di una regione e' competente l'ufficio provinciale 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 il direttore degli uffici regionali del lavoro possono, a richiesta di parte o di ufficio, ovvero a se il tentativo di conciliazione e al conferimento a un Collegio Arbitrale delle controversie individuali o collettive di lavoro ai casi di cui lo stesso articolo, sono.

Art. 13

Allorché le controversie individuali non siano deferite alla decisione arbitrale, la parte che libera di rivolgersi alla competente legistrazione, secondo la vigente legislazione in materia, per le controversie collettive di lavoro l'arbitrato presso gli uffici del lavoro e' obbligatoria nel caso in cui la controversia abbia per oggetto soltanto la interpretazione di un contratto collettivo, e nel caso e per il tempo in cui lo sciopero e la vertenza siano legittimamente vietati.

Art. 14

Le decisioni arbitrali in materia di lavoro saranno pronunciate secondo equita' e senza appellabilità. Sono ammesso forme vincolante di arbitramento, e potranno essere spedita in forza esecutiva, previo deposito presso l'autorita' giudiziaria, agli effetti delle vigenti norme del C.C.C. Le decisioni arbitrali della camera die di competenza degli uffici provinciali del lavoro saranno depositate presso il Tribunale del Collegio di Provincia. Quelle di competenza degli uffici regionali di lavoro, presso le corti 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. 625 del C.C.C. relativa al termine di deposito. Gli uffici del lavoro risponderanno al ministero per l'industria, il commercio e il lavoro copia delle decisioni arbitrali nelle controversie di lavoro, eccetto per quelle categorie di controversie individuali che saranno determinate dal ministero. Tutti gli atti e documenti dei giudici arbitrali in materia di lavoro sono esenti dalle tasse di bollo e di registro, eccetto la

Art. 13

allorquando le controversie individuali non siano deferite alla Commissione Arbitrale, la parte deve liberarsi di rivolgersi alla competente magistratura, secondo la vigente legislazione in materia, per le controversie collettive di lavoro. L'articolo stesso gli uffici del lavoro e' obbligatoria nel caso in cui la controversia esista per oggetto soltanto la interpretazione di un contratto collettivo, o nei casi e per il tempo in cui lo sciopero e la licenziamento legittimamente vietati.

Art. 14

Le decisioni arbitrali in materia di lavoro saranno pronunciate secondo equita' e saranno inappellabili.

Non avranno forza vincolante di sentenza, e potranno essere annullate in forma esecutiva, previo deposito presso l'Autorita' Giudiziaria, agli effetti delle vigenti norme del C.A.C.

Le decisioni arbitrali delle controversie di competenza degli uffici provinciali del lavoro saranno depositate presso il Tribunale del Capoluogo di Provincia, quello di competenza degli uffici regionali di lavoro, presso la Corte d'Appello nelle cui giurisdizioni 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 in disamina di cui all'art. 225 del C.P.C. relativa al termine di deposito. Gli uffici del lavoro rimettono al Ministero per l'Industria, il Commercio e il Lavoro copia delle decisioni arbitrali delle controversie di lavoro, edette per quelle categorie di controversie individuali che saranno determinate dal Ministero.

Tutti gli atti e documenti dei giudici arbitrali in materia di lavoro sono esenti dalle tasse di bollo e di registro, e questo in sostanza che e' sottoposta a tasse fisse di registro.

Art. 15

Qualunque, formalmente invitato da un ufficio del lavoro, per lo esperimento di un tentativo di conciliazione di una controversia di lavoro, non si presenti o si rifiuti di presentarsi senza legittimo motivo, o' passibile di un'ammenda fino a lire diecimila.

Art. 16

Nelle controversie in corso davanti ai giudici, qualora la parte

siano rappresentate in conformità' al disposto dell'art. 435 C.C.C. di applicare le norme per l'intervento e rinominazione del processo, citate negli articoli 279 e 302 C.C.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 le loro attività' alla dipendenza degli Uffici Regionali del lavoro, di cui divengono organi specifici per la vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociali, e sulla esecuzione dei contratti collettivi di lavoro e norme equiparate. Restano fermi i poteri a essi conferiti dal R.D. n. 30 dicembre 1923, n. 345, 26 dicembre 1933, n. 1648, 4 ottobre 1935, n. 1627 e del R.D. 17 agosto 1935, n. 1765.

Art. 18

Tutte le norme del personale dei sopra indicati uffici saranno fatte in conformità' delle disposizioni che regolano l'ammministrazione 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 liquidazioni in bilancio.

Art. 20

Restano abrogate tutte le disposizioni contrarie alle presenti leggi. Il governo del Re e' autorizzato a dare per legge 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 il giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - ed è immediato. Essi sono presentati alle assemblee legislative per la approvazione 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. Ordinano, e chiunque eletti, di osservare il presente decreto e di farlo osservare come legge dello Stato.

Art. 13

Tutte le norme del personale dei nuclei indicali uffici saranno fatte in conformità delle disposizioni che regolano l'assunzione del personale statale.

Art. 14

Le spese per gli uffici provinciali, regionali e nazionali del lavoro e quelle 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 imputazioni in bilancio.

Art. 15

Restano adempite tutte le disposizioni contrarie alla presente legge. Il governo del Re e' autorizzato a dare per Regio Decreto le disposizioni complementari, integrative o regolamentari per l'attuazione della presente legge e per il suo coordinamento col codice civile, penale, di procedura civile e con ogni altra legge dello Stato.

Art. 21

Il presente decreto entra in vigore il giorno della sua pubblicazione nella Gazzetta Ufficiale del Regno - serie speciale. - Lo stesso e' 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 Palermo

4 April 1935.

ALLIED MILITARY GOVERNMENT
INTER OFFICE MEMO

GMS/ml

From: ECONOMIC SECTION

SUBJECT: Copies of Royal Decree
TO: Labor Sub-Commission

RE: ES/35

17 April 1944

Please forward six copies of the mimeographed Royal Decree for the establishment of labor offices, etc.

D. S. Adams
D. S. ADAMS
Colonel, U. S. A.
Executive Officer
Economic Section

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9 April, 1944

FINAL DRAFT (RAIN - SMITH - BARBOCK) OF ROYAL DECREE ON LABOR RELATIONS
AND LABOR OFFICESARTICLE I

The Law of 3rd April, 1926, N. 563, and the Royal Decree of 1st July, 1926, N. 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 trade or professions shall have the right to organize, hold meetings and to select representatives of their choosing for the purpose of Collective Bargaining with respect to all matters pertaining to or connected with the employment, including such matters as concern hours, wages, working conditions, grievances, disputes and mutual social and economic assistance, and shall select representatives for any or all of these purposes.

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.O. 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.

ARTICLE V

The obligation to pay syndical contributions (in conformity with Article 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.O. 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 531 regulations, 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 14 and Article 15 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 as would be to the advantage of the working classes.

Regarding the payment of "Discharge Indemnity" (Indennita' di licenza) 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 such organizations, 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) Publication of collective contracts;
- g) Discharge of such other functions as may be entrusted to it by decree and legislation.

ARTICLE II

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 and provision for the migration of labor from one province to another;
- c) Mediation, conciliation and reference to arbitration of Labor Disputes of special importance or as would affect more than one Province;
- d) 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;
- e) Compilation of information and statistics on labor;
- f) 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.

For Individual Labor Disputes the provisions of Article 431 et sequentia of the Code of Civil Procedure remain in force.

Such cases as are not settled by conciliation 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.

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 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 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 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.

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

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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 fines of not more than five 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

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, 1933, 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.

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.

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Given in Salerno

April, 1944

May Babcock

(357)

DRAFT OF ARTICLE II

Employees, employers and persons who engage in independent trade or professions shall have the right to organize, hold meetings, to select representatives of their choosing, and, in the interest of members or of a whole industry or craft

a) To engage upon collective bargaining with respect to all matters pertaining to or connected with employment, including such matters as concerns 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.

The underlined part of the above text is identical
to that of Gen. Ord. No 17.

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FINAL DRAFT (LALOCOLA - SCORLERA) OF ROYAL DECREE "INSTITUTING THE
OFFICE OF LABOR"

2 April, 1942

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, lawyers, 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 aforementioned laws are therefore repealed. The special labor magistracy is also abolished.

ARTICLE II

Employees, employers, and persons who engage in independent trade or professions shall have the right to hold meetings in the interests of their class, to organize themselves in free Associations and to select representatives of their own choosing for the purpose of:

- a) Representing members of their respective Associations or of a whole Industry in the negotiation and stipulation of collective labor contracts and agreements in accordance with existing regulations;
- b) Representing members of their respective Associations or of a whole Industry in all matters pertaining to labor;
- c) Protecting the economic and moral interests of the members of an Association or, generally, of the entire industry to which they belong;
- d) Seeking better facilities of social and economic assistance, instruction and education to the advantage of working classes.

The registration and juridical recognition of the Trade Union Associations and their representative commissions 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.O. ordinances, wherever these have not been instituted. Commissioners Extraordinary shall be appointed to assume responsibility for Rosters (Albi) and for the application of the laws and regulations governing the professions. Such Commissioners shall take over the respective archives of the dissolved Fascist Syndicates of professional men and artists.

Article IV

Membership in a trade union association and the right of exercising a vote for the election of representative commissions shall be open to all workers in the appropriate trade, regardless 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, 1946, No. 563, and regulations issued pursuant thereto) is hereby rescinded as from the publication of this Decree, or in 'unoccupied territories' as from the date on which the Allied Military Government abolished syndical contributions or racial 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 Judiciary, and in Administrative Decisions

(Article VI (Borae))

The Ministry of Finance shall be responsible, in every Province and through the "Intendencia 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.

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 such organizations, except for such liquidations as are due by other institutions as a result of special Insurance Contracts.

Article VII

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 migration and emigration of labor;
- b) Conciliation and mediation of labor disputes and reference to arbitration of ~~collective~~ Labor Disputes that have a national importance;
- c) Promotion, development, coordination and control of the services concerned with social insurance, old age pensions, sickness and health insurance.

shall be as well as of ~~as well as of~~ instruction and ~~education of~~ ^{training} ~~workpeople~~.

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

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) Conciliation or ^{reference to} arbitration of individual labor disputes;
- c) Conciliation, ^{reference to} mediation and arbitration of collective labor disputes;
- d) Promotion and development of social insurance, relief, instruction and education for the benefit of labor;
- e) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

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 and provision for the migration of labor from one Province to another;
- c) Provision for the registration ^{and publication} of Trade Union Associations and Collective Contracts;
- d) Conciliation, ^{reference to} mediation and arbitration of Collective Labor Disputes of special importance or as would affect more than one Province;
- e) Promotion and development of social insurance, relief, instruction and education for the benefit of labor;
- f) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it;
- g) Compilation and publication of information ~~and statistics~~ ⁵³³ on labor.

ARTICLE II

Collective and Individual Labor Disputes shall be referred to the competent Labor Offices, whose responsibility it shall be to attempt conciliation.

Strikes and lock-out shall be considered illegal in the event of failure to report the labor dispute or when resorted to before five days from the notification of the dispute.

For Individual Labor Disputes the provisions of Article 430 et sequentia of the Code of Civil Procedure remain in force.

Cases as are not settled by conciliation shall -- on the joint request of the interested parties -- 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 III

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 IV

Arbitration awards in labor matters shall be made in writing 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 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 ____ of the Code of Civil Procedure. 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 Stamp Tax.

ARTICLE V

Employers, employees and representatives of their ³⁹ respective organizations and Trade Union ~~associations~~ who, on the request of a Labor Office to seek

Conciliation in a labor dispute, either refuses or fails to present themselves without legitimate motive, shall be liable to fines of not more than L.

ARTICLE XXV

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 279 and Article 301 of the Code of Civil Procedure shall be applicable to such controversies as are still pending before the Courts.

ARTICLE XXVI

The Corporative Inspectorate shall be known as the "Inspectorate of Labor" and shall be placed at the disposal 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 30th December, 1935, No. 3345, of 23th December, 1936, No. 1684, of 4th October, 1936, No. 1877, and by Royal Decree of 17th August, 1937, No. 1765.

ARTICLE XXVII

The expenditure involved in the running of the 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 XXVIII

All legislation contrary to the present law is hereby rescinded. The King's Government shall have the authority to enact, by Royal Decree, the complementary 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 XXIX

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.

As order, all concerned, to obey the present Decree and to enforce the same as State Legislation.

Given in Salento

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April, 1944

Maj. Sakom

9 April, 1944

FINAL DRAFT (BAIN - SMITH - BARDOCK) OF ROYAL DECREE ON LABOR RELATIONS
AND LABOR OFFICES

ARTICLE I

The law of 3rd April, 1926, N. 563, and the Royal Decree of 1st July, 1926, N. 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 trade or professions shall have the right to organize, hold meetings and to select representatives of their choosing for the purpose of collective bargaining with respect to all matters pertaining to or connected with the employment, including such matters as concern hours, wages, working conditions, grievances, disputes and mutual social and economic assistance, and shall select representatives for any or all of these purposes.

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 similar 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.

ARTICLE V

The obligation to pay syndical contributions (in conformity with Article 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 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 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 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, at the proposal of the Minister for Industry, Commerce and Labor in accord with the Minister of Finance, regulations shall be issued for the definite disposal of the aforementioned estates as would be to the advantage of the working classes.

Regarding the payment of "Discharge Indemnity" (Indennita' di disassenza) 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 such organizations, 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) Publication of collective contracts;
- g) Discharge of such other functions as may be entrusted to it by decree and legislation.

ARTICLE 12

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 and provision for the migration of labor from one province to another;
- c) Mediation, conciliation and reference to arbitration of labor disputes of special importance or as would affect more than one province;
- d) 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;
- e) Compilation of information and statistics on labor;
- f) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

ARTICLE 13

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 Instructions 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 14

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.

For individual labor disputes the provisions of Article 411 at sequence of the Code of Civil Procedure remain in force.

Such cases as are not settled by conciliation 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.

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 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 writing, 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 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 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.

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 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

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, 1921, No. 1634, of 4th October, 1925, No. 1827, and by Royal Decree of 17th August, 1925, No. 1765.

ARTICLE XVII

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

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 amend, by Royal Decree, the complementary 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

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 101

File 4351
8 April 1949

SUBJECT : Draft Decree instituting Offices of Labor and Establishing basic democratic labor principles.

TO : Col J.F.E. Bain

FROM : Capt. Scicluna, Lab. Relations Officer

Ref above Subject.

1. Attached is the 2nd Draft of the above mentioned Draft Decree. It incorporates all the additions and amendments adopted by the conference held on April 6th & 7th. The Italian text has been altered in conformity with the English version.

2. I would suggest that the Commentary on this Draft Decree should be written in English only and that it also be presented to the Chief Commissioner when his approval is being sought of the Decree.

3. I wish to submit, moreover, that the covering letter to H.M. The Minister should not only state that the Decree had been approved by the General but also that it was the firm intention of ACC to promulgate, in Ordinance form, the contents of the Draft Decree in all present and future ACC territories. When it has been unequivocally conveyed to the Minister that this Sub-Commission means to go through with the Establishment of fundamental democratic principles contained in the Draft Decree, the Italian Government might more readily see its way to expediting the promulgation of the Draft Decree in its present form.

E. Scicluna Capt

E. SCICLUNA,
Captain,
Labor Relations Officer.

FINAL DRAFT (LA LOGGIA - BOLOGNA) OF ROYAL DECREE "INSTITUING THE
OFFICE OF LABOR"

INTRODUCTION (THE MORSE DRAFT)

ARTICLE I

The law of 3rd April, 1926, N. 563, and the Royal Decree of 1st July 1926, N. 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

Employers, employers and persons who engage in independent trade or professions shall have the right organize, hold meetings and to select representatives of their choosing for the purpose:

- (a) of Collective Bargaining and direct participation in the formulation of Collective Labor Regulations - in the interest of Trade Union members of the whole industry and in accordance with established legislation;
- (b) of furthering mutual social and economic assistance for the benefit of Trade Union members and in general of the industry as a whole;

The registration and juridical recognition of the Trade Union associations and their representative commissions 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.S.G. ordinances. Wherever these have not been instituted, Commissions 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.

ARTICLE V

The obligation to pay syndical contributions (in conformity with Article 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 "unoccupied territories" as from the date on which the Allied Military Government abolished

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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 disposition. 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.

The estates of the dissolved workers' organizations shall possibly be placed at the disposal of such institutions as fit to such use as would be to the advantage of the working classes.

Regarding the payment of "Discharge Indemnity" (Indennita' di licenziamento) 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 such organizations, 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 migration and maintenance of labor;
- b) Conciliation and mediation of labor disputes and reference to arbitration of collective labor disputes that have a national importance;
- 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 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;
- e) Provision for the registration and publication of Trade Unions and of Collective Contracts.

- 3 -

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

Article 14

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 and provision for the migration of labor from one Province to another;
- c) Provision for the registration and purification of Trade Unions and Collective Contracts;
- d) Mediation, conciliation and reference to arbitration of collective 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 of Trade Instructions and training of work people.
- f) Collection and publication 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 15

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) Conciliation or reference to arbitration of individual labor disputes;
- c) Mediation, conciliation and arbitration of collective labor disputes;
- d) Promotion and development of Social Insurance, and related labor services as well as of Trade Instruction and training of work people.
- e) Study and investigation (of labor matters) and discharge of any other labor duties as may be devolved upon it.

Article 16

Collective and individual labor disputes shall be referred to the competent labor Offices, whose responsibility it shall be to attempt conciliation.

In addition to such other particular circumstances in which strike and lock-out

- 4 -

are refused, these shall also be considered illegal in the event of failure to report the labor dispute or when reported to before twenty-one days from the notification of the dispute.

For individual labor disputes the provisions of Article 231 et sequentia of the Code of Civil Procedure remain in force as far as would apply.

Such cases as are not settled by conciliation shall--on the joint request of the interested parties--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.

The Ministry of Industry, Commerce and Labor and the Directors of the Regional Labor Offices shall be empowered, on the request of one of the interested parties or on their own initiative, to involve upon themselves any case of conciliation or of reference to arbitration both in respect of individual or collective labor disputes which are the competence of an office at a lower level.

ARTICLE 232

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 strikes and lock-out are prohibited by law.

ARTICLE 233

Arbitration awards in labor matters shall be made in writing 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 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 234 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 Collective Labor Disputes.

All acts and documents pertinent 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.

- 5 -

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 ₱100.00.

ARTICLE XV

The regulations governing the suspension and reopening of judicial cases as prescribed by Article 377 and Article 381 of the Code of Civil Procedure shall be applied to such controversies as are still pending before the Courts.

ARTICLE XVI

The Corporative Inspectorate shall be known as the "Inspectorate of Labor", which remaining 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, or 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 30th December, 1937, No. 3435, of 25th December, 1938, No. 1648, of 4th October, 1939, No. 1327, and by Royal Decree of 17th August, 1935, No. 1703.

ARTICLE XVII

All appointments to posts in the aforementioned Labor Agencies shall be made in accordance with the regulations governing the appointment of State Employees, the recognition being given to personnel appointed by the Armed Military Government.

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 complementary 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

- 6 -

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

To order, All concerned, to obey the present Decree and to enforce the same as State Legislation.

Given in Palermo

April 1944

*Declaratory of
Judgments*

*2nd Occupation Proclamation
for Italian Labor*

July

FINAL DRAFT (LAVORO - LAVORATORI) OF ROYAL DECREE INSTITUTING THE
OFFICE OF LABOR

*(under
term)*

4 April, 1944

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 aforementioned laws are therefore repealed. The special labor magistracy is also abolished.

ARTICLE II

Employees, employers, and persons who engage in independent trade or professions shall have the right to hold meetings in the interests of their class, to organize themselves in free Associations and to select representatives of their own choosing for the purpose of:

a) representing members of their respective Associations or of a whole industry in the negotiation and stipulation of collective labor contracts and agreements in accordance with existing regulations, *as substituted by law*

b) representing members of their respective Associations or of a whole industry in all matters pertaining to labor;

c) protecting the economic and moral interests of the members of an Association or, generally, of the entire industry to which they belong;

d) seeking better facilities of social and economic assistance, instruction and education to the advantage of working classes.

The registration and juridical recognition of the Trade Union Associations and their representative commissions 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.S.S. ordinances. Wherever these have not been instituted, Commissioners Extraordinary shall be appointed to assume responsibility for Rosters (Albi) and for the application of the laws and regulations governing the professions. Such Commissioners shall take over the respective archives of the dissolved Fascist Syndicates of professional men and Artists.

ARTICLE IV

in any of the above
 Membership in a Trade Union Association and the right of exercising a vote
~~for the election of representative committees shall be open to all workers in~~
~~the appropriate trade, regardless of race, religion, nationality or political~~
~~affiliation.~~
second

ARTICLE V

ack
as
removed
OK
 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, as in "unoccupied
 territories" 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 sent-
 ences delivered by the Special Labor Magistracy, and in corporate ordinances,
 issued before the 25th April, 1926.

(Article VI (Rorse))

(Article VII)

The Ministry of Finance shall be responsible, in every Province and through
 the "Intendenza 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.

V
 The personnel employed by the syndical associations, federations and confederations
 mentioned above, this shall be deferred in conformity with existing
 regulations for the personnel of such organizations, 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 migration and emigration of labor;
- b) Conciliation and mediation of labor disputes and reference to arbi-
 tration of ~~collective~~ labor disputes that have a national importance;
- c) Promotion, development, coordination and control of the services
 concerned with social insurance, old age pensions, sickness and health insurance.

used, as in played in

relate labor service
role *Training*
 relief as well as of instruction and education of workpeople.

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

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) Conciliation or arbitration of individual labor disputes;

c) Mediation, conciliation and arbitration of collective labor disputes;

d) Promotion and development of Social Insurance, relief, instruction and education for the benefit of labor; *I charge a above - VIII*

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

ARTICLE XI

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 and provision for the migration of labor from one Province to another; *not regional + policy*

c) Provision for the Registration of Trade Union Associations and Collective Contracts; *(function of Ministry to establish + maintain)* *VIII*

d) Mediation, conciliation and arbitration of Collective labor disputes of special importance or as would affect more than one Province;

e) Promotion and development of Social Insurance, relief, instruction and education for the benefit of labor; *I charge as in VIII*

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

g) Compilation and publication of information and statistics on labor.

in connection with Ministry of Labor.
 - 3 - 505

Article 101 *after new law*
Article 101 *shall be made in accordance with civil*
Article 101 *shall be made in accordance with civil*
Article 101 *shall be made in accordance with civil*

Collective and Individual Labor Disputes shall be referred to the competent Labor Offices, whose responsibility it shall be to attempt conciliation.

Article 102 *shall be made in accordance with civil*
 Strikes and lock-out shall be considered illegal in the event of failing to report the labor dispute or when resorted to before *10* days from the notification of the dispute.

May shall be 21 *Article 103*
 For Individual Labor Disputes the provisions of Article 430 et sequentia of the Code of Civil Procedure remain in force.

Such cases as are not settled by conciliation shall -- on the joint request of the interested parties -- 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

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 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 ___ of the Code of Civil Procedure. 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 ~~stamp tax~~ *registration fee*.

ARTICLE XIV

Employers, employees and representatives of their respective organizations and Trade Union Associations who, on the request of a Labor Office to seek

Conciliation in a labor dispute, either refuses or fails to present themselves without legitimate motive, shall be liable to fine of not more than L. _____

ARTICLE XV

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

ARTICLE XVI

The Corporative Inspectorate shall be known as the "Inspectorate of Labor" and shall be placed at the disposal 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 30th December, 1923, No. 1245, of 25th December, 1931, No. 1684, of 4th October, 1935, No. 1327, and by Royal Decree of 17th August, 1938, No. 1765.

ARTICLE XVII

The expenditure involved in the running of the 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 XVIII

All legislation contrary to the present law is hereby rescinded. The King's Government shall have the authority to enact, by Royal Decree, the complementary 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 XIX

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.

In order, all concerned, to obey the present decree and to enforce the same as State legislation.

Given in Salern

2000 2634

286 AUGUST 1964

Abstract

1. 项目概况

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THE ITALIAN GOVERNMENT HAS REQUESTED AND GIVEN CONSIDERING FAVORABLE TO NATIONAL
AND PROVINCIAL LABOR OFFICES AND THE FUELINGS IN ALL REGIONS OUT OF MY MILITARY
SILITARY GOVERNMENT REINACTIVELY TO USE THE FUELINGS AND TO CONTINUE UNTIL FUELING
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Adjutant

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HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

File
4351

26 March, 1944

TO : Economic Section

In conformance with telephone request from Brigadier Lush's Office, attached is copy of signal sent Colonel Hancock.

JUNIUS R. SMITH,
Lt. Col., Q.M.G.,
D/Director, Labor Sub-Commission

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CONFIDENTIAL

FATIMA 2625

File

FATIMA (LABOR SUB-COMMISSION)

26 MARCH, 1944

CONFIDENTIAL

VAPOR 21 - BAIN

PRIORITY

COL BAIN

IBS

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 DIFFERENCE OF OPINION EXISTS AS TO PRESENT VALIDITY OF THESE OFFICES CMA BUT
 AGREEMENT IS BEING SOUGHT WITH ITALIAN GOVERNMENT FOR PRESENT CONTINUANCE OF
 THE OFFICES AND PAYMENT OF ITS OFFICIALS FROM ONE ONE FEBRUARY CMA PENDING
 PUBLICATION OF PROPOSED DECREE

500

L. T. MONTAGNI

CONFIDENTIAL 2nd Lt., Adjutant

COPY

CONFIDENTIALFATIMA 2625

FATIMA (LABOR SUB-COMMISSION)

26 MARCH, 1944

CONFIDENTIAL

VAPOR 21 - BAIN

PRIORITY

IBS

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TO IBS FOR AMO REGION ONE FOR HANCOCK FROM FATIMA FOR BAIN SIGNED MACFARLANE
PAREN YOU HAVE PROBABLY RECEIVED TELEGRAM FROM MINISTER CORBINO STATING ROYAL
DECREE BEING PREPARED TO REESTABLISH REGIONAL AND PROVINCIAL LABOR OFFICES PD
DIFFERENCE OF OPINION EXISTS AS TO PRESENT VALIDITY OF THESE OFFICES CMA BUT
AGREEMENT IS BEING SOUGHT WITH ITALIAN GOVERNMENT FOR PRESENT CONTINUANCE OF
THE OFFICES AND PAYMENT OF ITS OFFICIALS FROM ONE ONE FEBRUARY CMA PENDING
PUBLICATION OF PROPOSED DECREE

L. T. MONTANT,
2nd Lt., AGD.
Adjutant

CONFIDENTIAL

28

499

LAD 091.4351

24 March 1944

File

AMERICAN TRANSLATION GIVEN BY CERTAIN ALIQUOT OF LETTERS SENT BY
MINISTER SECRETARY TO THE PRINCIPAL OF THE UNITED STATES

4351

Following the former telegram of the 25th of March, No. 707, it is confirmed that it is the intention of this Ministry to maintain in their assigned functions, the Provincial and Regional Labor Offices, and to provide for the legal and economic status according to Italian law, i.e., Article I of Royal Decree of the 11th of February, Number 31.

Consequently, pending juridical provisions on this matter, the functioning of these offices remains authorized.

26 March

498

Vietri S/M

4357A

ALL'ECCELLENZA IL PREFETTO DI

C O S E N Z A

=.=.=.=.=

/L

: Funzionamento Uffici pro-
vinciali e regionali del
lavoro.-

Si fa seguito al precedente telegramma in data 25 marzo u.s. n. 707 e si conferma che è intenzione di questo Ministero mantenere nelle funzioni loro assegnate gli Uffici provinciali e regionali del lavoro, regolandone lo stato giuridico ed economico a norma delle leggi italiane, giusta il disposto dell'art. 1 del R. decreto legge 11 febbraio 1944 n. 31.

Per conseguenza, in attesa di regolamento giuridico della materia, rimane autorizzato il funzionamento di detti Uffici.

IL MINISTRO

497

32



Vietri S/M

25-Marzo

104

Ministero dell'Industria del Commercio e del Lavoro

Servizio del Lavoro

Divisione

N. di prov.

730 / 14 - 1/2

Ritorno a nota

Allegati uno

ALLA COMMISSIONE ALLEATA DI CONTROLLO

NAPOLI

=.=.=.=.=.

OGGETTO : Funzionamento Uffici provinciali e regionali del lavoro.-

Si trasmette, per opportuna conoscenza di codesta Commissione, copia del telegramma circolare n. 707 inviato in data odierna da questo Ministero ai Prefetti delle Province testè passate sotto l'amministrazione del Governo Italiano, con il quale si informa che è in corso di elaborazione un provvedimento inteso a riconoscere il funzionamento degli Uffici provinciali e regionali del lavoro istituiti con ordinanze del Governo Militare Alleato.

Con l'occasione si rende noto che la medesima comunicazione è già stata data telegraficamente all'Alto Commissario della Sicilia in data 21 marzo u.s.

IL MINISTRO

TELEGRAMMA

ECCELLENZA PREFETTO

708/L COMUNICO OPPORTUNA CONOSCENZA VOSTRA ECCELLENZA CHE
EST IN PREPARAZIONE PROVVEDIMENTO INTESO AT RICONOSCERE FUN-
ZIONAMENTO UFFICI PROVINCIALI ET REGIONALI LAVORO ISTITUITI
ORDINANZE GOVERNO MILITARE ALLEATO

CORBINO MINISTRO INDUSTRIA COMMERCIO LAVORO

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

091.4351

26 March, 1944

SUBJECT: Draft Decree Recognizing Labor Offices

TO : Colonel J. T. R. Bain, Director, Labor Sub-Commission

FROM : Capt. A. Scicluna, Labor Relations Officer

Reference above:

1. Undersigned conferred with Dr. Marico in Leggia concerning the Corbino Decree (3rd draft) and the Morse Redraft. All references in the reports on this subject are to these two documents.

2. It is proposed to deal with this matter under the following aspects:

a. Appendix "A" -- General Report on the Corbino draft, with special reference to the trend of the decree in question. This memorandum might serve as a basis for a reply to the Corbino "Commentary" attached to the draft decree.

b. Appendix "B" -- Detailed report on the various Articles of the Corbino draft and the Morse Redraft. This report might form the basis for a final draft to be submitted for consideration to the Italian Government, and involves certain changes that might profitably be made to the Morse Redraft.

c. Appendix "C" -- Memorandum dealing with

- (i) The present general juridical situation in the "unoccupied" territories as a result of the Badoglio Ordinance of 11 February, 1944, with special reference to labor legislation;
- (ii) The difficulty now being experienced in expediting the promulgation of labor legislation in the "unoccupied" territories, and the cogent necessity of making available to this Sub-Commission expert legal advice by an Italian lawyer conversant with democratic labor legislation.

3. It is submitted that an Italian as well as an English text be forwarded to the Italian Government as a final draft to this decree. The Italian text should serve as the fundamental document for discussion. The presence of Dr. La Loggia would be indispensable in this eventuality. Moreover, in view of the reluctance with which the Italian Minister appears to be receiving the advice of this Sub-Commission, it would be advisable to

have the services of Dr. La Leggie available for the draft of the Regulations to be issued pursuant to this Decree.

S. J. SCIORE,
Captain,
Labor Relations Officer,
Labor Sub-Commission.

Appendix "A" to 891.4351 dated
26 March 1944GENERAL OBSERVATIONS ON CORBINO DRAFT DECREE (3RD DRAFT) REPEALING
THE LAW OF 3 APRIL, 1926, No. 56, AND THE ROYAL DECREE OF 1 JULY,
1926, No. 1130, AND "INSTITUTING THE OFFICE OF LABOR".

1. A careful study of the Corbino Draft and the "Commentary" attached thereto should bring into relief the following fundamental points, viz:
The Draft does not make the least attempt to face the fundamental problem of labor relations on a "collective" basis. In this respect the following considerations are submitted:

a. The principal task of Trade Union activity is "collective bargaining". It is through this pursuit that the Trade Unions (i) seek to establish their unity and their juridical status; and (ii) achieve the protection or guardianship over their component members (or even over an entire class), by obtaining recognition of their right of representation. This is an essential function of Trade Union Associations irrespective of whether they are state organizations or free associations arising from below. The National Labor Relation Act 1935, Article IV, Section 6, states that "workpeople shall have the right to organize freely, to deal collectively through representatives of their own choosing, to embark upon collective bargaining or any other activity which is of common interest or protection of the class."

b. It is definitely in the public interest to concede to the working classes the right of "collective bargaining", and it is in order to achieve this purpose that the State creates both technical and judicial organizations with the following aims:

- (i) To insure freedom of action in the field of collective bargaining, and to ascertain that both employers and employees enjoy equal advantages in this field of their relationship.
- (ii) To facilitate the conclusion of collective agreements or contracts by taking a direct initiative of mediation.
- (iii) To resolve collective labor disputes taking a direct initiative of conciliation.
- (iv) To provide a decision for such collective disputes as had not been settled by conciliation, through a process of arbitration.

c. Collective Contracts can only be concluded when Trade Union Associations have been set up on an industrial basis for only then it would be possible to have recognized representatives of a given industry as a whole or at any rate of the members belonging to a Trade Union in that given industry. It is in the public interest that there should be properly organized Trade Union Associations duly provided with recognized powers of collective bargaining.

2. The Corbino Draft Decree appears to aim at the complete exclusion of collective action on the part of Trade Union organizations. In this respect, the following considerations are submitted:

a. No provision whatsoever has been made for the conclusion of "collective contracts". On the ~~other hand~~ ^{other hand}, every effort appears to have been made to eliminate from the Morse Redraft any direct or indirect reference to them. Of special interest in this respect is the modification introduced in Article V (Morse) or Article IV (Corbino). In the Morse Redraft, it is stipulated that the effects of collective contracts "shall provisionally continue to be binding on the employers, employees, ... until revised by further decree or newly executed collective agreements". The Corbino Draft states that collective contracts will remain in force "until the promulgation of new legislation" (*finché alla emanazione di nuove disposizioni*). The Morse Redraft provides for revision or modification of collective contracts, but does not open the way for their possible suppression, which would be quite in keeping with the terms of the Corbino text. Nevertheless, in the commentary to this Article, Corbino suggests that his text would give greater stability to "collective contracts".

b. In the Corbino Draft Decree, no provision has been made for any initiative aiming to facilitate the drawing up of collective contracts. Mediation has been completely suppressed, and the Labor Offices have had their functions limited to conciliation and arbitration of individual disputes on a voluntary basis.

c. The Corbino Draft Decree eliminates from Article II (Morse) any reference to the right of "collective bargaining" and also, in amending Article III (Morse), it has paved the way to eventual dismemberment of the Trade Union movement on grounds of race, religion, and, more especially, political ideology.

3. The "Commentary" to the Corbino Draft Decree attempts to justify the elimination of any reference to "collective bargaining" "collective disputes" on the grounds that this assumes the existence of judicially recognized Trade Union associations, having recognized representatives or leaders. In this connection, the following considerations are submitted:

a. The Morse Redraft specifically concedes the right of "collective bargaining", and implicitly establishes the principle of "juridical status" in respect of Trade Union Association -- a matter to be regulated by future legislation, which could not be given earlier priority since (i) the recognition of the Labor Offices (already in existence as a result of A.S.S. legislation) was of primary urgency, and (ii) the question of juridical recognition presupposed the existence of the Labor Offices in their full functions. There are no grounds on which it should be possible to exclude, from a decree recognizing the Labor Offices, references to the juridical aspect of the collective contract, and hence, to collective disputes and Trade Union Associations. In fact, this procedure is both opportune and necessary when a totally new labor set-up is in process of organization. The comments made by Corbino would, in fact, suggest the inclusion in Article II (Morse) of the following text: "Separate legislation shall regulate the questions of the juridical status of Trade Union Association, of their registration, and of their rights of collective bargaining."

2. The statement that collective contracts and collective disputes can only be provided for when a "juridical status" has been given to the Trade Union Associations is quite incorrect. Nor is it correct to say that the suppression of Fascist legislation of 1926 should bring in its wake the exclusion of revising or concluding collective contracts. One of the most outstanding authorities on this subject states: "Il contratto collettivo di lavoro non e' un istituto nuovo portato dalla vigente (fascista) legislazione sindacale. Non e' nuovo, perche' lo troviamo anche nelle legislazioni straniere e diffusissimo nella stessa sindacato italiana pre-fascista" (Pergolesi: Istituzioni di diritto corporativo -- Bologna 1920). Even if legislation on Trade Union organization were to be delayed (and there is no reason why it should), pre-fascist legislation would not preclude the concept of collective bargaining, and, therefore, of collective disputes.

4. The Corbino Draft Decree ~~supposedly~~ deliberately avoids to face the problem of labor relations, betraying an unfavorable attitude towards:

a. Guaranteeing to the working classes and their Trade Unions legal recognition.

b. Creating efficient State organizations which would have as a primary aim the safeguard of fundamental democratic rights normally enjoyed by the working classes. In this connection, the following considerations are submitted:

(1) A reactionary hallmark in labor legislation can only give rise to the development of serious political consequences. Once the initial stages of uncertainty and confusion have been overcome, the working classes and their newly-organized Trade Unions are bound to realize that juridically speaking, they have been placed in a retrograde situation, which, in democratic countries, had been overcome: in 1871 in Great Britain; in 1884 in France; in 1890 (since the case of "Commonwealth versus Hunt") in America.

(11) The observations made by Corbino, in fact, suggest the introduction into the Morre Redraft, a more specific reference to both (1) Collective Bargaining, and (2) Trade Union Associations, even if the regulations governing these are to be promulgated separately.

5. The Corbino Draft Decree deliberately precludes Arbitration of Collective Disputes, excludes mediation as being a concept foreign to Italian legislation. The commentary in this connection has been entirely limited to the question of individual disputes when the more fundamental principles involved are that of Arbitration in Collective Disputes -- a limitation which has contributed towards a confusion of issues. The abolition of the Fascist Corporative system has rendered both urgent and necessary the creation of specific machinery for the peaceful settlement of collective disputes. General Order no. 3 (Sicily) as well as the Morre Redraft provided the Labor Offices with the necessary authority to tackle these problems, but in neither case has a clear and defined distinction been drawn between the individual and collective type of dispute, which are so essentially different that the Labor Offices would

have to assume a different approach in the field of arbitration. In this connection the following considerations are submitted:

a. In "individual" disputes, the Labor Offices would carry out functions of conciliation and arbitration. In "collective" disputes, the Labor Offices would also assume the responsibility of mediation. In an individual dispute, the question under consideration involves only the recognition of a personal right and not the fixation of rules or conditions applicable to a group entering into contract. The concept of mediation is, therefore, applicable in the "collective" field, but not in the "individual", and while it would be correct to say that the concept of mediation is extraneous to Italian legal procedure, it is incorrect to regard it extraneous to Italian legal tradition as a "contractual" concept.

It is understood, of course, that the functions of "mediation" and "arbitration" would be carried out by the Labor Offices in accordance with different procedures, direct action being taken in the former case, reference to an arbitration panel in the latter case.

2. Arbitration in individual disputes has been correctly provided for by the Corbino Draft Decree. The Ordinary Magistracy and the "Ufficio del Lavoro Portuale" (in conjunction with the "Capitaneria del Porto") are considered competent institutions to deal with individual controversies. The reference of such disputes to the Labor Office on a voluntary basis would provide the contending parties with a more expedite procedure. The Corbino Draft Decree, however, fails to specify that in the event of voluntary arbitration, through the Labor Offices, decisions would be given in equity, and not in justice, and that such decisions would be final.

It were well to specify also that individual disputes would be dealt with by provincial labor offices only, as these are not of such importance as to warrant the intervention of a regional or national labor office.

If the authority of the ordinary judiciary is recognized for individual disputes, then arbitration would be voluntary, and Corbino's objection to compulsory arbitration in this field will have been eliminated.

3. Arbitration in collective disputes presents a totally different problem. Fascist legislation in 1926 created a special judiciary for labor disputes. The suppression of Fascist laws has swept away this institution which will have to be replaced by equally efficient machinery -- the Labor Offices. Since collective disputes are invariably linked up with collective contracts, and the latter establish definite rules and conditions, it were well to lay down specifically the principle that "collective labor disputes shall not be referred to the judiciary, but may voluntarily be submitted for arbitration to the Labor Offices by the two contending parties".

4. The suppression of the right of "strike" and "lock-out" would, of course, render arbitration necessary, and, therefore, under such conditions, it would cease to be voluntary, and would have to become compulsory. On the request of either of the contending parties, a collective dispute would be referred for arbitration to the Labor Office. It would then be necessary to lay down the principle that "neither strike nor lock-out cease to be legal"

instruments for the settlement of a collective dispute, arbitration of such disputes shall be compulsory.

The Corbino commentary suggests that the concept of compulsory arbitration was foreign to Italian Legislation. This is not quite correct. Examples of compulsory arbitration are quoted by Calamandrei -- a leading Italian jurist -- in a pamphlet published in 1924, in which he refers more particularly to the law of 26 June, 1913, No. 702, distinguishing very clearly between "giurisdizione speciale" and "arbitrato obbligatorio o necessario". Other instances in Italian legislation prior to Fascism, are met with in the field of labor disputes, e.g.:

- (1) "Commissioni di conciliazione per il lavoro nelle risaie" (P.L. 1 Agosto 1907, N. 535 e Legge 17 Luglio 1910, N. 457);
- (2) "Contratti di esaltazione industriale" (R.D. 26 Gennaio, 1915, N. 793 e Decreto Luogotenenziale, 22 Agosto, 1915, N. 1277);
- (3) "Commissioni di conciliazione" (Decreto Luogotenenziale 6 Gennaio, 1918, N. 46, e 20 Gennaio, 1918, N. 103);
- (4) "Collegi di probiviri" (Decreto Luogotenenziale 13 Ottobre, 1918, N. 1672);
- (5) "Comitati di Conciliazione" e relativa "Commissione Arbitrate" (D.L. 12 November 1921, No. 1659);
- (6) "Giudizi Arbitrali per l'Impiego privato" (Decreto Luogotenenziale 1 Maggio 1916 No. 490);
- (7) "Collegi Arbitrali per l'Impiego trattamento del personale ferro viario privato" (D.L. 19 Ottobre 1903 N. 2311) etc.

In the light of the aforementioned considerations, it would appear futile not to concede that Compulsory Arbitration is the only logical solution to Collective Labor Disputes, in the exceptional situation when "strikes" and "lock-out" are prohibited.

g. It would be necessary to ~~establish~~ define certain points in connection with arbitration, either in the present Decree or through subsequent Legislation. The points in question are the following:

- (1) To define the judicial authorities with whom the award or decision of an arbitration board would be placed in order to obtain enforcement or execution; (suggested that: Provincial Office decisions would go to the Courts of the Provincial Capital; those of the Regional Office to the relative Court of Appeal of the Region; those of the National Office to the Court of Appeal of the National Capital.
- (2) To exempt decisions on labor disputes from following the procedure laid down for ordinary arbitration awards.
- (3) To define on what grounds or validity a labor arbitration award may be impugned before the ordinary magistracy.

Capital,

27 March 1944

E. Schuchman
C. SCHUCHMAN

Captain,
Labor Relations Officer.

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

091.4351

19 March, 1944

SUBJECT: Italian Government Decree -- Labor Offices.

TO : Lt. Col. J. H. Smith, Director, Labor Sub-Commission

FROM : Capt. A. Scioluna, Labor Relations Officer

Reference above:

1. All references in this memo are to the following two documents:

- a. Report from Capt. D. Morse on conference with Dr. Corbino;
- b. Redraft of Decree by Capt. D. Morse;
- c. Dr. Corbino's draft subsequent to aforementioned conference.

2. Reference Article I (Morse) and Article I (Corbino):

a. Morse Report states: "Agreed"....paragraph referring to future legislation regarding professional associations being eliminated.

b. Dr. Corbino in his commentary raises once more the question of re-instituting the former "Ordini e Collegi dei Professionisti" and insists that contemporaneously with the publication of this Decree, provision should be made for (i) reconstituting those which were in existence prior to Fascism, and (ii) appointing a Commissioner to take over those syndicates of professional men, for which no organization existed. (Legal advice as to the constitution and standing of the old "Collegi dei professionisti" is required before one can decide on this matter.)

3. Reference Article II (Morse) and Article II (Corbino):

a. Morse Report states: Agreed.

b. Corbino has not followed Morse's text on the plea that it was more correct juridically not to detail the functions of the Labor Offices. He has gone back to his original generic expression "interessi economici e sociali degli organizzati" which Morse had considered unsatisfactory.

c. It is important to notice that the words "hold meetings" have been deleted.

d. Corbino has added "previdenza" as one of the aims of the Trade Union activities.

4. Reference Article III (Morse) -- Deleted by Corbino:

a. Morse Report states: "Agreed". Corbino considered this "unnecessary" as it was implicit in current basic Italian law, but finally agreed

that its repetition might be salutary."

b. Corbino comments that it has been left out for the reason stated above. No explanation has been given for returning to the former conception.

5. Reference Article IV (Morse) and Article III (Corbino):

a. Morse Report states: "No definite agreement reached." Article to be re-submitted. Corbino having agreed that tax should be rescinded, and that it would not be exacted retroactively in territories previously occupied by A.A.G.

b. No provision has been made in the present text to cover the question of non-payment of arrears. Reasons advanced for this provision are identical to those of the original draft, namely, that it was undesirable to reward defaulters.

6. Reference Article V (Morse) and Article II (Corbino):

a. Morse Report states: "Agreed".

b. The Morse text has not been followed and the elimination of the words "newly executed collective agreements" may be of some significance, as it excluded the right of "collective bargaining", the revision of "collective contracts" or the drawing up of new ones. It also leaves the way open to State control of "collective contracts" as under the old system. This is confirmed by Corbino's view in respect of workmen's representatives not having juridical status for collective controversies.

c. The word "provisionally" has been eliminated, though the provisional aspect of this provision is still implied in the wording "disposizione di nuova disposizione". The present text emphasizes the obligation of respecting all "collective contracts", no provision being made for the possibility of any revision of collective contracts on a basis of mutual agreement between employers and employees.

d. The legal sources in respect of "control of wages" and "conditions of employment" have been stated, but one other source exists which has been omitted, namely, court decisions in this matter. This should be brought to Corbino's attention, and a reference to this source should be included in the text.

7. Reference Article VI (Morse) and Article V (Corbino):

a. Morse Report states: "Agreed".

b. The Morse text has not been followed. The statement that regulations shall be issued for the disposal of the said estates has been left out, though it is implied in the generic statement of the previous paragraph.

c. Corbino has provided for the payment of the "indennita' di quiescenza" (retirement bonus) to employees of the dissolved Fascist 486

ated. This raises a question of policy, and it should be in the first place decided whether services rendered to Fascist organizations deserve the recognition of the community.

8. Reference Article VII (Morae) and related by Corbino:

a. Morae Report states: "Agreed".

b. This Article has been completely left out by Corbino on the following grounds:-

(i) The article limits rather than amplifies the scope and authority of the Ministry;

(ii) It is contrary to the traditional concept in Italian legislation;

(iii) The Ministry could not possibly occupy itself with regulation, placement of labor, conciliation, mediation and arbitration.

c. Morae intended to fix responsibility on the Ministry, and it was not his intention that the Ministry should take a direct hand in any of the activities enunciated in (b)(iii) above. It was his intention, however, that the Ministry should be responsible for creating the necessary national machinery to cope with these activities.

9. Reference Article VIII (Morae) and Articles VI and VII (Corbino):

a. Morae Report states: "Agreed".

b. Corbino has returned to his original draft in which he entered separately for Provincial and Regional Labor Offices -- a question of form, and not of substance.

c. The following modifications have been embodied.

(i) The Provincial Offices (as in the original decree) have been made responsible for the supervision of the enforcement of labor legislation. Morae had considered this an odious function, and had deliberately omitted it from his redraft.

(ii) "Mediation" has been eliminated from the responsibilities of the Provincial and Regional Labor Offices on the grounds that the "Istituto di Mediazione" had never existed under the Italian Civil Code, and that it was inadvisable to introduce an innovation which would create "a harmful confusion in the field of legal procedure". Corbino has not understood that it is intended that the Labor Offices should have the authority to "mediate", and that there was no idea whatsoever of creating a special

organ.

(iii) In the field of arbitration, Provincial and Regional Offices have been restricted to dealing with "individual" disputes only, on the plea that with the abolition of the Fascist law, juridical recognition of workers' representatives automatically lapsed, thus preventing the Free Trade Unions from appearing collectively in any case of arbitration. It is further pointed out that the question of "juridical recognition" might only be considered when concrete proposals are made by A.C.O. in connection with the proposed Decree recognizing the newly formed Trade Union Associations.

(iv) Regional Offices have been relieved of the responsibility of publishing statistical and other information on labor matters for the general public -- a fundamental democratic principle which Corbino deliberately introduced on my suggestion.

10. Reference Article IX (Corbino) and Related by Corbino:

a. Corbino Report states: "Agreed with modifications".

b. The text of this Article was drafted and agreed upon, Corbino insisting that the procedure for the appointment of Directors and other important functionary should be strictly in conformity with traditional Civil Service practices. Corbino has advanced no reason for omitting this Article.

11. Reference Article 10 (Corbino) and Articles VIII and IX (Corbino):

a. Corbino Report states: "Agreed with one change, namely, elimination of second paragraph which recites standards of arbitrators".

b. The provisions of Article 1 (Agree) have not been followed. Corbino, in his Article VIII, has introduced the identical procedure for arbitration as was in force under the Fascist law and quotes from that law accordingly. Corbino's Article merely transfers from the abolished syndicates to the Labor Offices such functions as the former had under the old syndical system; this allowed voluntary arbitration, only in "individual" disputes. If the parties in the dispute opt to refer their case to the ordinary judiciary, then the procedure to be followed is also that prescribed by the Fascist law.

c. Compulsory arbitration is excluded on the plea that when a controversy has been referred to arbitration, it no longer is possible to refer the case to the ordinary judiciary -- reference being also made to Article 306 (regarding procedure under the Civil Code) wherein it is specifically disallowed to refer to arbitration "individual" controversies. Corbino considers that, even though this provision lapses on the promulgation of the present Decree, the principle involved has now fundamentally become rooted in the code of civil procedure.

d. Voluntary arbitration has been provided for but only in the case of "individual" controversy -- the parties to decide whether their case is to be submitted to the ordinary judiciary or to the Labor Offices. Collective disputes would invariably go before the judiciary. He did not consider it opportune to alter the procedure, firstly, because of tradition, and secondly, this procedure is in itself considered to be in the interest of the workmen and of the expeditious settlement of any dispute that may arise.

e. Eliminated "arbitration" in the case of the Ministry on the plea that this matter might be taken up when the opportunity arises of considering the creation of a national labor office that would supplement the functions of the Labor Offices. (In drafting this provision, Morse had in mind the institution of a national labor office. His wording was intended to pave the way for that possibility. He did not consider it opportune to pin down the Ministry to create such an office under present circumstances, nor was it his intention that the Ministry itself should be saddled with providing arbitration facilities except provisionally.)

f. Corbino's Article IX is an addition to the Morse Draft, and applies to such disputes as are still awaiting decision. The procedure to be followed in such cases is in conformity with provisions under the old syndical law. Also new is the recognition given to the "Ufficio del Lavoro portuale" and to the provisions regarding procedure and responsibilities in the case of bankruptcy. (This question was not submitted to Morse. It were well to find out what this really involves.)

12. Reference Article XI (Morse) and Article XI (Corbino):

a. Morse report states: "Agreed -- unchanged from original draft".

b. Corbino has not followed the text of the Morse Draft either formally or substantively. The responsibilities of the "Ispettorato del Lavoro" have been transferred to the Labor Offices, and "Ispettorato" has been provisionally left independent, pending the publication of further provisions. The reason advanced is that the "Ispettorato" shall be reorganized to become a technically qualified industrial organization. This involves the withdrawal of all experienced personnel from the dependence of the Labor Offices, which will presumably be expected to build up their organization.

13. Reference Article XII (Morse) and Article XII (Corbino):

a. Morse Report states: "Agreed -- unchanged from original draft".

b. No alterations involved.

14. Reference Article XIII (Morse) and Article XIII (Corbino):

a. Morse Report states: "Agreed -- unchanged from original draft".

b. No alterations involved.

15. Reference Article XII (Corbis):

a. There was no article to this effect in the 1933a text.

b. This Article merely abolishes any law contrary to the present Decree, and empowers the Government to issue regulations pursuant to the execution of the present law.

WJ/vm

Edward C. ...
E. C. ...
Captain.
Labor Relations Officer.
Labor Sub-Commission.

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TRANSMISSION: SCIRSI, ROMANI - 16 March, 1944

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ROYAL DECREE REPEALING THE LAW OF THE JURIDICAL CODE DEALING WITH THE COLLECTIVE LABOR RELATIONS AND INSTITUTIONS GOVERNING LABOR.

VITTORIO EMANUELE III

By Grace of God and Will of Nation - King of Italy

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 Civil Procedure Code approved by Royal Decree 28th October, 1940, No. 1443; and

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

Whereas the Royal Decree - Law of 30th October, 1943, No. 2/3; and

Whereas we are going through a period of necessity because of the war;

Having heard Council 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

No change.

Article II

Unit, 'hold meetings' (Varied from English translation in form, but not in intent)

Article III

The obligations of Employees, Workmen, Professional Men and Artists consisting in dues and contributions to Syndicates which were imposed through the Law of 3rd April, 1926, No. 563, and regulations pursuant thereto, and which mature after the date of enforcement of the present Decree, are hereby repealed.

Article IV

(Equal to Article V of English text)

Article V

Same as Article VI of English text. Add 'Regarding the treatment of personnel employed by Associations, Federations and Confederations mentioned in the preceding paragraph shall be carried out as per terms existing in each

organization, except for liquidations to the account of firms due to surety contracts.

Article VI

There shall be created as a sub-division of Industry, Commerce and Labor, in each Province a Provincial Labor Office which shall exercise the following functions:

- a. Supervise the application of the laws and other regulations concerning labor;
- b. Registration and placement of labor;
- c. Conciliation and mediation of labor disputes and reference to arbitration of such disputes as prescribed in Article VIII below;
- d. Promotion and development of social services, instruction and education for the benefit of labor;
- e. Effect reports and investigations, and fulfill all other functions requested of it, as prescribed in the laws regarding labor.

Article VII

In order to coordinate the functions of the Provincial Labor Offices there shall be created a Regional Labor Office in each Region, under the jurisdiction of the Ministry of Industry, Commerce and Labor, which shall have the following functions:

- a. (As so. b-1 of Article VIII)
- b. Engage in problems which concern labor within the region.
- c. Conciliation, mediation and reference to arbitration of labor disputes of special economic importance and of interest to the entire Region as prescribed in Article VIII below.
- d. Compile reports and conduct investigations and fulfill all other functions requested of it as per laws dealing with labor.

Article VIII

The Provincial Labor Office, and for those cases mentioned in (c) of the preceding article the Regional Labor Office, as per procedure established by Articles 430, 431, 432 of the Civil Procedure Code and in lieu of the syndical security in said Articles, will act in conciliation of individual labor disputes covered in Article 429 of the Civil Procedure Code. If conciliation of individual labor disputes covered in Article 429 of the Civil Procedure Code. If conciliation is not effected, the parties -- in departure from the dispositions of Article 506 of c.p.c. may have the dispute decided by arbitrators chosen from panels for the purpose and who shall be called in odd number by the parties themselves and the head of the Labor Office. Where the parties do not feel the necessity for arbitration, the dispute shall be turned over to a competent judge and the procedure shall conform to the dispositions contained in Articles 433, 434, 435 and to those of Sections II, and III, Chapter II, Title IV, Book II of the c.p.c. In those Articles substitute for syndical associations and the head of the Corporate Inspectorate the Labor Offices and the Head of the same. All acts and documents in the case are exempt from stamp and registration tax except the verdict which is subject to a fixed tax. §

Article IX

In disputes in course before judges whereby the parties are represented in conformity to the provisions of Article 435 c.p.c. the rules under Articles 299 and 301 c.p.c. dealing with postponement and resumption of trial, will be applied. The regulations relative to the activity of the port Labor Office, under the terms of the navigation code and general terms on procedure and jurisdiction in case of bankruptcy, continue to be binding.

Article X

The expenses for Provincial and Regional Labor Offices and salaries for the operating personnel shall be borne by the State. The Ministry of the Treasury is to that purpose authorized to include said sums in his accounts. (NOTE: Article XII of English Text)

Article XI

The functions and powers conferred upon the Inspectorate of Industry and Labor by the Royal Decree - Laws of 30th December, 1923, No. 3245, 28th December 1931, No. 1684, 4th October, 1935, No. 1827, and by Royal Decree of 17th August, 1935, No. 1765, relative to supervision over implementation of labor regulation, social security and execution of collective labor contracts and similar measures and also to the prevention and to the peaceful solution of labor disputes shall be the responsibility of the Provincial and Regional Labor Offices. Further regulations will control the planning of offices and personnel of the Inspectorate for Industry and Labor.

Article XII

All regulations contrary to the present law are hereby rescinded. The King's Government is, by Royal Decree, authorized to annulate complementary, integrating and regulating dispositions for the enactment of the present law and for its coordination with civil, Penal and Civil Procedure Codes, and with all other laws of the State.

Article XIII

The present Decree shall become effective upon the date of its publication in the Official Gazette of the Kingdom -- Special Series.

It shall be presented to the Legislative Assemblies for conversion into law.

The Head of the Government, Prime Minister Secretary of State, and the Minister of Industry, Commerce and Labor, the proposers, are authorized to present this draft of law.

We order all parties concerned to observe the present Decree and to have others observe it as law of the State.

SUPPLEMENTO SULLE VARIAZIONI APPORTATE ALLO SCHEMA DI 2. DICEMBRE
 LEGGE SULL'ISTITUZIONE DI UN NUOVO ORDINAMENTO DEL LAVORO IN
 ITALIA.

Articolo I-

Concordante con le osservazioni mosse dall'A.O.C. e' stato sop-
 presso il capoverso riguardante il ripristino degli antichi ordini e
 collegi professionali trasformati in associazioni sindacali durante
 l'applicazione della legge 3 aprile 1926 n. 563. Si ritiene tuttavia
 che il problema non possa rimanere insoluto e che anzi esso dovrà es-
 sere risolto anche piu' prontamente nel senso che il ripristino degli
 antichi ordini e collegi professionali non potrà essere differito
 fino all'emanazione di norme particolari, ma dovrà essere fatto con
 un provvedimento contemporaneo, anche se separato, al decreto di cui
 trattasi. E' infatti d'urgenza provvedere ad un regolamento della situa-
 zione di alcune categorie di liberi professionisti (avvocati, procura-
 tori, medici, notai, ecc) senza che vi sia soluzione di continuita' fra
 l'entrata in vigore del provvedimento di scioglimento delle organiz-
 zazioni sindacali e quelle delle norme che ripristinano gli antichi
 ordini e collegi: le funzioni di tenuta degli Albi e di disciplina
 degli iscritti, che attualmente spettano per istituto alla maggior
 parte delle associazioni di liberi professionisti, nonché l'interes-
 se pubblico che a dette funzioni si riconnette, impediscono che possa
 esservi un intervallo di tempo, per breve che esso sia.

Pertanto il provvedimento relativo alla categoria di liberi profes-
 sionisti, da emanarsi in una col decreto ~~472~~ ⁴⁷² deve ripristi-
 nare gli ordini e i collegi secondo i loro precedenti ordinamenti

potrà, per quelle professioni che ebbero la loro prima organizzazione attraverso le associazioni sindacali, contenere la riserva che saranno emanate norme speciali per la creazione di nuovi ordini e collegi e contemporaneamente provvedere al regolamento transitorio delle associazioni esistenti, prevedendo la nomina ministeriale di appositi Commissari designati dalle assemblee degli iscritti.

Articolo 2-

Per poter dare una forma più giuridica al contenuto dell'articolo 2, non è stato possibile accogliere la proposta dell'A.C.D. di una enunciazione molto nettagliata degli affari che potranno trattare i rappresentanti dei lavoratori e dei datori di lavoro che liberamente si organizzeranno. La dizione "interessi economici e morali degli organizzati" tecnicamente più indicata, comprende indubbiamente tutto quanto inerisce all'orario di lavoro, al trattamento salariale, ai reclami, alle varie condizioni di lavoro ed alle eventuali dispute.

Si è invece aggiunta all'elenco delle finalità degli organizzati "la previdenza", data l'importanza particolare recentemente assunta da questa e dato l'interesse che alla stessa attualmente riconoscono lavoratori e datori di lavoro.

Articolo 3-

In base alle leggi fondamentali dello Stato godono di uguali diritti tutti i cittadini italiani, a qualunque razza appartengano, qualunque religione professino e qualunque fede politica essi abbiano. La norma che prevede limitazioni alla capacità giuridica, derivanti dalla appartenenza a determinate razze, inserita nell'art. 1 del nuovo codice civile, è già stata abrogata col R. Decreto-legge 20 gennaio 1944 n.25 per cui appare del tutto superfluo includere nel nuovo schema una norma che ribadisca tale concetto di eguaglianza.

L'articolo 3 e' stato invece riservato all'affermazione del principio che cessa per tutti i lavoratori e i datori di lavoro l'obbligo del versamento dei contributi sindacali importi per effetto della legge 3 aprile 1926 n. 563 e maturati posteriormente all'entrata in vigore del provvedimento in esame.

E' stato necessario, differenzando dall'opinione dell'A.C.C., precisare rispetto a quale cosa i contribuenti siano esonerati dall'obbligo del versamento perche' - come gia' e' stato detto nel precedente appunto - non rimangono premiati i contribuenti morosi: la cessazione di tale obbligo si riferisce pertanto esclusivamente ai contributi maturati dopo l'entrata in vigore del decreto, mentre l'obbligo stesso permane per coloro che dovevano versare e che non abbiano ancora versato.

Articolo 4-

Il contenuto dell'art. 4 e' sostanzialmente il ripetuto di quello dell'art. 5 del precedente schema: tuttavia e' stato maggiormente chiarito che restano in vigore non soltanto "provvisoriamente" ma addirittura fino all'emanazione di nuove disposizioni - tal come e' stato progettato dall'A.C.C. - i rapporti collettivi e individuali, i patti, le norme e le tariffe contenute nei contratti collettivi, negli accordi economici e nelle ordinanze corporative di cui alle leggi in abrogazione.

Articolo 5-

Mentre e' stata data a tale articolo una forma piu' giuridica di quella precedente, si e' ritenuto opportuno inserire in esso anche una norma che rifletta la salvaguardia del trattamento di quiescenza del personale dipendente dalle discolte organizzazioni, e cio per venire incontro ai legittimi desideri degli interessati, i quali finora non hanno visto in alcun modo garantiti i diritti loro derivanti dal rapporto di impiego e assicurati dalle disposizioni di legge.

Articolo 6-

Nello schema di decreto proposto dall'A.C.C. vi e' un intero arti-

colo - l'articolo 7 - dedicato alla precisazione dei poteri e delle funzioni da attribuirsi al Ministero in conseguenza del nuovo ordinamento del lavoro.

In realtà tali attribuzioni, mentre figurano come un ampliamento dei poteri del Ministero, non sono in sostanza che una limitazione delle sue funzioni, giacché il Ministero istituzionalmente abbraccia l'intero campo del lavoro: la precisazione cui dovrebbe dar luogo l'articolo 7 proposto dall'A.S.C. sarebbe pertanto contraria alle prassi legislative italiana. Giova inoltre aggiungere che non si vede come il Ministero possa provvedere direttamente alla registrazione e al collocamento della mano d'opera, ovvero svolgere esso stesso azione di conciliazione, di mediazione e di arbitrato in materia di controversie sul lavoro.

Ai fini poi di una maggiore rispondenza alla forma classica delle leggi italiane, si è ritenuto conveniente dividere in due articoli 6° e 7° - il contenuto dell'articolo 3 proposto dall'A.S.C., per modo che di essi uno riguardi esclusivamente gli uffici provinciali del lavoro e l'altro gli uffici regionali.

È stato proposto che fra i poteri degli uffici provinciali e regionali del lavoro in materia di controversie sul lavoro vi sia, oltre l'azione della conciliazione, anche quella della mediazione. Giova però far presente che l'istituto della "mediazione" nel campo della procedura civile italiana non esiste e pertanto come non sarebbe agevole crearlo, così sarebbe altrettanto difficile disciplinarlo in una legge speciale qual'è quella che riguarda il nuovo ordinamento del lavoro. È stato perciò d'uopo tralasciare tale innovazione che avrebbe apportato una dannosa confusione nel campo procedurale.

E' stato inoltre necessario limitare l'azione della conciliazione e dell'arbitrato alle sole controversie individuali di lavoro, non vedendosi come possano essere trattate dagli uffici del lavoro e dal magistrato anche quelle collettive quando, revocato il riconoscimento giuridico concesso alle organizzazioni sindacali in virtu' della legge 3 aprile 1926 n. 563, le associazioni di fatto che si verranno a costituire in base al disposto dell'art. 2 non potranno avere la rappresentanza della categoria in quanto prive di riconoscimento giuridico.

Per avervi una controversia collettiva di lavoro occorre che la pariti, sia nel tentativo di conciliazione che nell'arbitrato e nel giudizio, siano i rappresentanti giuridici delle categorie interessate e cio' non sara' piu' possibile dopo l'emanazione del decreto in esame e prima che sia promulgata una nuova legge sul riconoscimento giuridico delle libere associazioni di categoria. Si pensa tuttavia che la disciplina delle controversie collettive di lavoro potra' formare oggetto di un nuovo provvedimento allorché da parte dell'A.C.C. saranno state fatte proposte concrete - cosi' come e' gia' stato verbalmente prospettato - circa la concessione del riconoscimento giuridico alle associazioni di categoria che attualmente si vanno formando. Tale disciplina anzi, qualora apparisse conveniente, potra' essere trattata nello stesso provvedimento riguardante il riconoscimento delle nuove associazioni.

Articolo 7-

Allo scopo di rendere uniforme in tutte le regioni il coordinamento degli uffici provinciali del lavoro e di assicurare in ciascuna regione il funzionamento di un ufficio cui siano devolute le

questioni più importanti in materia di lavoro, e' stato opportunamente deciso che l'istituzione dell'ufficio regionale del lavoro avvenga in ciascuna regione "ope legis" e non sia rimessa soltanto caso per caso all'iniziativa ed alla facoltà del Ministro. In tal modo viene garantita in pieno la disciplina delle controversie individuali di lavoro di speciale importanza economica e d'interesse per l'intera regione le quali, dopo essere passate attraverso il tentativo di conciliazione dell'ufficio regionale del lavoro saranno rimesse all'arbitrato ovvero alla cognizione del magistrato ordinario a seconda della volontà delle parti.

Confermando a quanto e' stato detto per l'art. 6, anche nei riguardi dell'ufficio regionale la competenza in materia di controversie di lavoro viene limitata a quelle soltanto individuali.

Articolo 8-

Al duplice tentativo di conciliazione, proposto nello schema precedente, e' stato sostituito un unico tentativo di conciliazione delle controversie individuali di lavoro e cioè allo scopo oltre che di mantenere in piedi tutta la parte procedurale contenuta nel codice di procedura civile in merito a tali controversie, anche per non appesantire troppo il meccanismo della conciliazione che di per se stesso deve essere rapido ed elastico. E' stato pertanto sufficiente sostituire nella procedura della conciliazione alle associazioni sindacali gli uffici provinciali e regionali del lavoro.

Circa la proposta fatta dall'A.C.C. di rendere obbligatorio l'arbitrato per quelle controversie che non siano state composte nel tentativo di conciliazione, occorre tener presente che nella legislazione italiana l'arbitrato obbligatorio non esiste in quanto le

parti hanno la facoltà e non l'obbligo di far decidere da arbitri le controversie insorte tra di loro, tanto più che una volta optato per l'arbitrato, le parti non possono più rivolgersi al magistrato ordinario essendo precluso il giudizio ordinario alle controversie già devolute all'arbitrato. Anzi occorre precisare che nell'articolo 306 del codice di procedura civile esiste un divieto esplicito di far ricorso all'arbitrato per tutte le controversie individuali di lavoro e per quelle riflettenti la materia della previdenza e dell'assistenza obbligatoria.

Tale divieto è stato tuttavia superato con la deroga sancita nell'art. 8 dello schema in esame, ma non è stato invece assolutamente possibile superare il principio radicato nella procedura italiana che una volta devoluta la controversia all'azione degli arbitri, essa non possa essere più portata dinanzi al giudice ordinario.

Per la risoluzione pertanto delle controversie individuali di lavoro le parti, allorché la conciliazione non riesca, potranno scegliere tra l'arbitrato ed il giudizio ordinario, rimanendo però fermamente stabilito che l'arbitrato ed il giudizio ordinario si escludono e si precludono a vicenda.

Non si è ritenuto peraltro opportuno modificare le procedure stabilite dal codice di procedura civile per l'arbitrato e per il giudizio ordinario, essendo la prima quella tradizionale italiana e la seconda - il così detto rito speciale a tutto vantaggio del lavoratore e della risoluzione della controversia stessa.

Per quanto infine riguarda la proposta dell'A.C.C. che sia riservata al Ministro la facoltà di trattare egli direttamente o a mezzo di persone appositamente a ciò delegate quelle controversie di

lavoro che appaiano di particolare importanza ed interesse, sembra che essa potrà essere vagliata più profondamente allorché sarà presa in esame l'opportunità di creare presso il Ministero un Organo Superiore del lavoro che completi l'ordinamento tuttora in via di formazione.

Articolo 9- L'articolo 9 riguarda esclusivamente le controversie di lavoro in corso ed è una norma di carattere transitorio.

Articolo 10 e II- Poiché molte delle funzioni affidate agli uffici provinciali e regionali del lavoro in virtù degli articoli 6 e 7 sono attualmente quelle proprie degli ispettorati dell'Industria e del Lavoro, si è ritenuto opportuno - allo scopo di non creare confusioni e duplicati in materia di attribuzioni di compiti - che esse passino definitivamente ai nuovi uffici del lavoro per modo che il Ministero possa dare agli ispettorati una diversa fisionomia, stracciandoli dal vecchio campo di attribuzioni e destinandoli a diventare degli organi tecnici dell'Industria.

SCHEMA DI R. DECRETO LEGGE

Abrogazione delle leggi sulla disciplina giuridica dei rapporti collettivi del lavoro ed istituzione degli uffici del lavoro.

VITTORIO EMANUELE III

Per grazia di Dio e per volontà della Nazione
RE D'ITALIA

Vista la legge 3 aprile 1926 n. 561, e successive disposizioni;
Visto il R. Decreto 1 luglio 1926 n. 1110, e successive disposizioni;
Visto il libro II, titolo IV, del codice di procedura civile approvato
con R. Decreto 28 ottobre 1940, n. 1483;
Visto l'articolo 13 della legge 19 gennaio 1939, n. 129;
Visto il R. Decreto Legge 30 ottobre 1943, n. 2181;
Ritenuto che si verba in istato di necessità 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;

ANDRÒ VITTORIO - DECRETANDO

Art. 1

La legge 3 aprile 1926 n. 561, il R. Decreto 1 luglio 1926 n. 1110 sulla
disciplina giuridica dei rapporti collettivi di lavoro, e tutte le norme
emanate per l'attuazione di dette leggi sono abrogate.
Sono escluse le associazioni sindacali di datori di lavoro, di lavoratori
e di professionisti e artisti, le federazioni e unioni di più associazioni
e le confederazioni di più federazioni, giuridicamente riconosciute a nor-
ma delle leggi stesse.

Art. 2

I lavoratori, i datori di lavoro e i liberi esercitanti un'arte o una profes-
sione possono organizzarsi liberamente e scegliere propri rappresentanti
per tutelare gli interessi economici e morali degli organizzati e perse-
guire finalità 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 del-
l'art. 5 della legge 3 aprile 1926 n. 561 e successive disposizioni, e an-
turali posteriormente alla data di entrata in vigore del presente decreto.

Art. 4

Restano in vigore per i rapporti di lavoro collettivi individuali, i
patti, le norme e le tariffe contenute nei contratti collettivi, negli ac-
cordi economici e nelle ordinanze corporative, di cui all'art. 10 della
legge 3 aprile 1926 n. 561, negli articoli 8 e 11 della legge 5 febbraio
1934 n. 161 e negli articoli 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 Ministero 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 modificazioni o carico di oneri dovute a contratti assicurativi.

Art. 6

In ciascuna provincia e' istituito, alla dipendenza 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, azioni 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, alla dipendenza 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 azioni 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 disposizioni di legge in materia di lavoro.

Art. 8

L'ufficio provinciale del lavoro e, per i casi di cui alla lettera c) dell'articolo 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. 436 c.p.c. - possono far decidere la controversia da arbitri scelti in appositi albi e nominativi in numero dispari dalla stessa e dal capo dell'ufficio del lavoro.

Qualora le parti non ritenevano di fare ricorso all'arbitrato, la controversia è devoluta alla cognizione del giudice competente con il procedimento di cui agli art. 435, 436, 437 ed a quelli delle sezioni II e III capo II titolo IV libro II del c.p.c. In tutti articoli alle associazioni sindacali e al capo dell'ispettorato corporativo debbono intendersi costituiti rispettivamente gli uffici del lavoro e il capo dei sindacati. Tutti gli atti e documenti del giudizio sono esenti dalle tasse di bollo e registro, eccetto la sentenza che è sottoposta a tassa fissa.

Art. 9

Nelle controversie in corso davanti ai giudici, qualora le parti siano rappresentate in conformità al disposto dell'art. 435 c.p.c., si applicano le norme per l'interruzione e riassunzione del processo, dettate dagli articoli 209 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 previo di esat saranno a carico dello Stato.

Il Ministro per le finanze è autorizzato alle conseguenti imputazioni 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. 3249, 23 dicembre 1931 n. 1634, 4 ottobre 1935 n. 1627, e col R. decreto 17 agosto 1935 n. 1755, relativi alla vigilanza sull'applicazione delle norme sul lavoro, assistenza e previdenza sociale e sull'esecuzione dei contratti collettivi di lavoro e norme equiparate, nonché 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 sarà provveduto con successive norme.

Art. 12

Restano abrogate tutte le disposizioni contrarie alla presente legge. Il Governo del Re è 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 civile, 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 sarà presentato alle assemblee legislative con 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 pre-

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

Fatto a Salerno, ... marzo 1944.

file **URGENT**

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

7 March, 1944

SUBJECT: Report of Conference with Dr. Corbino re Proposed Royal Decree
Repealing the Law of 3 April, 1926, etc.

TO : Director, Labor Sub-Commission.

1. Undersigned conferred with Dr. Corbino, the Minister for Industry, Commerce and Labor, at Salerno on 6 March, 1944, concerning the proposed decree prepared by said Minister repealing the Law of 3 April, 1926, No. 56, and the Royal Decrees of 1 July, 1926, No. 1130, and "instituting the offices of labor". Copy of said decree is attached and marked "A". Capt. R. M. Albright, Liaison Officer Labor Sub-Commission, and Dr. Morra, legal assistant to Dr. Corbino, also attended and participated in the conference.

2. The redraft of the proposed decree prepared by this Sub-Commission, copy of which is attached and marked "B", was submitted to Dr. Corbino and used as the basis for discussion.

3. The following is a record of agreement reached: (References are to provisions in the redraft - "B".)

a. Article I. Agreed. This article clarifies Article I of original decree and eliminates third paragraph thereof, which made provision for future legislation regarding professional associations.

b. Article II. Agreed.

c. Article III. Agreed. Corbino was of the view that this Article was unnecessary since it was implicit in current basic Italian law, but finally agreed that its repetition might be salutary.

d. Article IV. No definite agreement reached. The Article is to be revised by Corbino and resubmitted for consideration. He agreed that the syndical tax should be rescinded, and that it could not be exacted retroactively from employers or employees in areas previously occupied by A.M.G., but insisted upon language in the Article which would make it clear that employers in Apulia who had deducted the tax from employees to the effective date of this decree would be compelled to pay same over to the State.

e. Article V. Agreed.

f. Article VI. Agreed.

g. Article VII. Agreed. This is a new Article drafted by this Sub-Commission specifying the labor functions of the Ministry.

h. Article VIII. Agreed. This Article combines Articles VI and

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VII of the original decree, clarifies the status of the Provincial and Regional Offices, and makes said offices integral parts of the Ministry.

i. Article IX. Agreed with modification. The first sentence up to "provided, however, that, etc." is to be retained; the balance of the sentence eliminated. The Article will now read: "Directors of the Regional and Provincial Offices, and such other personnel as may be required for the proper and efficient operation of said offices, shall be appointed by the Minister for Industry, Commerce, and Labor." The reason given for the elimination of the balance of the sentence is that employment of staff should be in accordance with traditional Civil Service methods, and that if this was done, the appointments would be definitely kept out of politics and hands of the Prefects.

j. Article X. Agreed with one change, namely, elimination of second paragraph which recites standards of arbitrators. Corbino urged that this be left out of the basic decree since it would be included with other relevant items in Rules and Regulations. He also suggested that the balance of the Article be "broken up" into a number of Articles to meet the form of Italian legal drafting.

k. Articles XI, XII, and XIII were agreed. They are unchanged from original draft.

4. Redraft "B" was left with Corbino who has agreed to put it into final Italian decree form with the changes indicated above, and deliver same to this Sub-Commission through Capt. Albright before the end of the week. It was agreed that we would check the decree over the week-end and return same to Corbino by this coming Monday or Tuesday so that it could be submitted to the Government for action at its next regular meeting of Ministers. It was understood that if any differences of views still existed after review of the new redraft, that these would be discussed and reconciled at another conference to be held the first of the week, though it was thought that such a conference would not be necessary.

5. The decree embodies the principles established in General Order No. 3 (Sicily) and Rules and Regulations issued pursuant thereto, and General Order No. 17, and definitely establishes the theory and structure of the Ministry for Labor except that said Ministry still functions as part of the Ministry for Industry, Commerce and Labor. The question of separating the Ministry for Labor from the rest of the Ministry, and establishing a physically separate Ministry for Labor should be discussed with Corbino immediately after issuance of this decree.

6. Corbino raised the question of incorporating in this decree articles of "trade union regulation". This refers to the type of proposed legislation (Model Ordinance, etc.) now being considered by this Sub-Commission. He insisted that early action was imperative. It was agreed that such legislation would be considered and discussed after enactment of the decree now under consideration.

D.A.
DAVID A. MOREE,
Capt., A.C.
A/E/Director, Labor Sub-Commission

c/c to Capt. R. M. Albright (Salerno)

File

Coluccio's comments on his 1st draft June - Nov 1944

REMARKS ON THE LAW PRESENTED FOR THE EXAMINATION OF THE COUNCIL OF MINISTERS, FOR THE ESTABLISHMENT OF A NEW UNION CHARTER IN ITALY.

The Law which has been presented to the Council of Ministers, consists of the following points:

I- ABOLITION OF SYNDICAL ASSOCIATIONS (Unions)- Repeal of the Law of 3 April 1926 No. 563 as per Royal Decree 1 July 1936 No. 1930 on the lawful supervision of collective labour relations, and all the regulations subsequently issued for the execution of the aforementioned law, is ordered. The syndical associations (unions) of employers, workers and professionals and artists, and "confederations" (association of various federations) and federations originating from the union of several syndical associations (unions), subsequently constituted and juridically recognized under the two aforementioned laws, are dissolved.

The workers, employers and ~~XXXXX~~ independent artists or professionals may organize and choose their own representatives for the purpose of safeguarding the economic and moral interests of the organized and to gain desired ends of assistance, instruction and education in their favour. Payment of union dues owed prior to the effective date of the present law is rescinded for the employers, workers, professionals and artists.

II- PROVISIONAL REGULATION OF COLLECTIVE LABOUR CONTRACTS- The provisions and rates contained in collective contracts, economic agreements and in the corporative regulations concluded, which had been duly published, will remain provisionally in effect for the employers, employees, professionals and artists of the classes to which they refer, under the supervision of the industrial and labour inspectors and the Labour Office.

III- LIQUIDATION OF ESTATES OF THE DISSOLVED SYNDICAL ASSOCIATIONS (Unions). The liquidation of estates of the dissolved syndical associations is placed into the hands of the Finance Departments. By subsequent order, the regulations for final disposal of these estates will be established.

IV- ESTABLISHMENT OF LABOUR OFFICES- In each Province, under orders of the Ministry for Industry, Commerce and Labour, a provincial Labour Office has been established, whose functions are:

- a) to supervise enforcement of laws and other regulations on behalf of labour.
- b) Provide for the registration and placement of available labour.
- c) Conciliation and arbitration proceedings in labour controversies under provisions of the subsequent article 8.
- d) Promote development of insurance, instruction and education activities for workers.
- e) Make investigations and fulfill any other functions which may arise under provisions of law in labour matters.

To provide coordination of the functions of the provincial labour offices, it is within the power of the Minister for Industry, Commerce & Labour to establish for each group of several provinces, a regional labour office, with the following functions:

- a) Supervise the activities of the provincial labour offices existing in the region.
 - b) Handle labor problems of the region.
 - c) Take charge of conciliation and arbitration proceedings in labour controversies of special economic importance and interest to the entire province.
 - d) Make investigations and fulfill any other function which it may be called upon under provisions of law on labour matters.
- The labour controversies will be submitted for a first conciliation attempt to the

to the provincial labour office and for a successive attempt to the regional labour office: if no agreement is reached, the controversy will be referred to the jurisdiction of the ordinary Courts.
The decision of the ordinary Courts is considered final.
Coordination between the Inspectorate for Industry and Labour and the regional and provincial Labour Offices, will be regulated by subsequent orders.
Expenses for the operation of the regional and provincial Labour Offices, and for salaries of personnel employed therein, will be borne by the State.

R E D E E T

Joly

"B"

ROYAL DECREE REPEALING THE "LAW OF 3rd April 1926, No. 56" AND
THE ROYAL DECREE OF 1st July 1926, No. 1130", AND INSTITUTING
THE "OFFICES OF LABOR".

Whereas Article 13 of the Law of 19th January 1939, No. 129; and
Whereas the Royal Decree of 30th October 1943, No. 2/B; and
Whereas the Royal Decree of 19th November 1943, No. 3/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 regula-
tions issued pursuant thereto; and

Whereas the framework of Labor Organization established by the
Law of 3rd April 1926, No. 563, no longer corresponds to the present
 exigence of the Nation;

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 col-
lective 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 Artist, as well as the Confederations and Federations result-
ing from the amalgamation of several syndical associations juridically

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recognized in conformity with the two abovementioned laws are therefore dissolved.

ARTICLE II

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

ARTICLE III

OK Membership in employee and employer associations or organizations shall be open to all persons regardless of race, religion, nationality or political affiliation.

ARTICLE IV

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.

ARTICLE V

OK The conditions and wage scales contained in collective contracts, in economic agreements, and in corporative ordinances which have been concluded, registered and published in conformity with Article 10 of the Law of 3rd April 1926, No. 563, and of the Article 5 and II of the Law of 5th February 1934, No. 161, shall provisionally continue to be binding on the employers, employees, professional men and artists to whom said conditions refer until revised by further decree or newly executed collective agreements.

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ARTICLE VI

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.

ARTICLE VII

The Ministry for Industry, Commerce and Labor shall in addition to its other powers, duties, and functions have the National responsibility for:

- (a) Registration and placement of Labor;
- (b) Conciliation and mediation of labor disputes and reference to arbitration of such disputes, as prescribed in Article X below;
- (c) Promotion and development of social services, instruction and education for the benefit of labor;
- (d) Compilation, publication and public distribution of information and statistics on employment, unemployment, labor disputes and controversies, rates of wages, hours of work, conditions of employment and related matters;
- (e) Discharge of such other functions in the field of labor and employer-employee relations as may be entrusted to it by decree and legislation;
- (f) Issuance of rules and regulations to carry out its powers, duties and functions.

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ARTICLE VIII

To aid in the effectuation of the powers, duties, functions and responsibilities vested in the Ministry for Industry, Commerce and Labor (as enumerated in Article VII above), there shall be created as a sub-division of the said Ministry, Provincial and Regional Offices as follows:

(a) In each Province (with jurisdiction limited thereto) a Provincial Labor Office which shall exercise the following functions and such other functions as may in the future be delegated to it by the said Ministry:

1. Registration and placement of labor;
2. Conciliation and mediation of labor disputes and reference to arbitration of such disputes, as prescribed in Article X below;
3. Promotion and development of social services, instruction and education for the benefit of labor;

(b) For a number of Province, a Regional Labor Office which shall coordinate the functions of the Provincial Labor Offices and assure uniformity of basic procedure and policy as directed by law and the Ministry for Industry, Commerce and Labor, and which shall have the following functions:

1. Supervise the activities of the Provincial Labor Offices within the Region;
2. Conciliation, mediation and reference to arbitration of labor disputes which are interprovincial in nature or of special economic importance and interest to the entire Region as prescribed in Article X below;
3. Compile and publish information and statistics on labor as prescribed in Article VII (d) above, and directed

by the Ministry for Industry, Commerce and Labor.

ARTICLE IX

Directors of the Regional and Provincial Offices, and such other personnel as may be required for the proper and efficient operation of said Offices, shall be appointed by the Minister for Industry, Commerce and Labor, ~~provided, however,~~ that said Minister for Industry, Commerce and Labor may in his discretion delegate the appointment of personnel for said Offices to the respective Regional and Provincial Directors, subject to such conditions and standards of employment as may be required by law or rules and regulations subsequently promulgated by said Minister.

ARTICLE X

Labor disputes and controversies shall be submitted to the Provincial or Regional Labor Offices for conciliation, mediation and reference to arbitration as provided in Article VIII above. Provincial and Regional Directors, and designated members of their staff may act as conciliators or mediators, but not as arbitrators. Cases submitted to the Provincial or Regional Offices which are not settled by conciliation or mediation shall be referred to arbitration by the Director of said Offices. Arbitration shall be by an individual or committee of individuals selected by the Regional or Provincial Directors from panel of arbitrators established and maintained by said Directors in accordance with instructions to be issued by the Ministry for Industry, Commerce and Labor.

Members of the panel shall be selected from the public and shall meet the highest standards of personal integrity and public acceptance. They must be impartial in their interest, without previous or current connection with the case or parties involved, and where possible possess experience in the field of labor relations.

The Minister for Industry, Commerce and Labor (or person or persons designated by him) may in his discretion assume initial jurisdiction in the conciliation or

mediation of a labor dispute or controversy; provided, however, that said Minister (or person or persons designated to act for him) shall in no case act as arbitrator. Disputes or controversies which have not been settled or adjusted by conciliation or mediation shall be submitted to arbitration by reference of the said Minister for Industry, Commerce and Labor to an individual or committee of individuals selected from ~~the~~ a "National Panel of Arbitrators" which panel shall be established by the ~~the~~ said Minister for Industry, Commerce and Labor, and of which the aforementioned provincial and regional panels shall be part.

Decisions of the arbitrator or arbitrators shall be in writing, and shall be final and binding on the parties to the disputes or controversies and enforceable in law in accordance with the rules governing judgments of the ordinary magistracy. Judgment before an ordinary magistracy shall be exempt from payment of fees.

Rules and Regulations shall be issued by the Minister for Industry, Commerce and Labor further defining the jurisdiction of the Ministry for Industry, Commerce and Labor, Regional Labor Offices and Provincial Labor Offices over labor disputes and controversies submitted for conciliation, mediation and arbitration; governing the procedure to be followed by parties to disputes and controversies in the settlement, determination and adjudication thereof; and prescribing the functions and method of operation of the aforementioned "National Panel of Arbitration".

This method of, and provision for compulsory settlement, determination, and adjudication of labor disputes and controversies is provisional and intended as an emergency measure to meet the current national war-time exigencies, and shall be reviewed and considered for revision within one year from date of this decree.

Nothing contained herein shall prohibit parties to collective agreements from incorporating therein machinery for the ~~the~~ ⁴⁵³ settlement and adjudication of disputes and controversies which arise under said agreements, and selecting specific individuals by mutual agreement to act as conciliators, mediators, or arbitrators. In

such event, decisions of the arbitrator shall be final and binding, and have the benefit of legal enforceability as described above.

ARTICLE XI

The relationship in respect of status and coordination between the "Circoli dell'Ispettorato dell'Industria e del Lavoro" and the Regional and Provincial Labor Offices referred to in the preceding Articles VII and VIII, shall be defined and established by a subsequent Royal Decree, to be introduced by the "Minister of Industry, Commerce and Labor."

ARTICLE XII

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

ARTICLE XIII

By Royal Decree, to be introduced by the Minister for Industry, Commerce and Labor, there shall be issued the requisite regulations for the execution of the present decree, for its coordination to other legislation of the State, and for the organization of the Labor Offices.

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