

ACC 10000/146/663 091.487

PROPOSAL LABOR DECREES FOR ARBITRATION OF DISPUTES

AUG. 1944

AL LABOR DECREES FOR ARBITRATION OF DISPUTES

AUG 1944

HEADQUARTERS
ALLIED CONTROL COMMISSION
ECONOMIC SECTION
APO 394

File
4351
EIA/EO

EIA/EO

28 August 1944

SUBJECT: Proposed Labor Decree for Arbitration of Disputes
concerning R.D.L. 7 December 1943, 23/B

TO : Ministry of Industry, Commerce and Labor

The Allied Control Commission, after consideration of the above proposal of the Ministry, states that policy considerations require disapproval of the plan to give arbitration functions to the Inspection Service or directly to the Labor Offices.

WILLIAM O'DWYER
Brigadier General, USA
Vice President
Economic Section

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

MA/sc

26 August 1944

SUBJECT: Proposed Labor Decree for Arbitration of Disputes
concerning R.E.L. 7 December 1943, 23/B.

TO : Ministry of Industry, Commerce and Labor.

1. The Allied Control Commission, after consideration of the above proposal of the Ministry, states that policy considerations require disapproval of the plan to give arbitration functions to the Inspection Service or directly to the Labor Offices.

2. It is submitted that the draft law proposed by the former Ministry and still under consideration by the present Ministry contains a much more desirable solution to this problem by authorizing Labor Offices to refer to arbitration boards chosen under established procedures.

WILLIAM O'DWYER,
Brigadier General, A.U.S.,
Vice-President,
Economic Section

File

HEADQUARTERS
ALLIED CONTROL COMMISSION
LABOR SUB-COMMISSION
APO 394

JTRB/1c

22 August 1944

145 00 4357

SUBJECT: Proposed Italian Labour Decree
for Arbitration

TO : Economic Section

1. The Labor Sub-Commission recommends that A.C.C. disapprove the above Decree, and that the Italian Ministry of Industry, Commerce and Labor be ~~so~~ advised by the Economic Section.

2. Although the Legal Sub-Commission finds no objection in law to the Ministry's proposal, the Labor Sub-Commission submits that policy considerations require disapproval of any plan which would give arbitration functions to an Inspection Service or directly to a Labor Office.

3. The Draft Law proposed by the former Ministry and still under consideration by the present Ministry contains an adequate solution to this problem by authorizing Labor Offices to refer to arbitration boards especially chosen under established procedures.

J. T. R. Rain

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

Copy:

Legal Sub-Commission

*Col Rain
there is letter for
my signature as
suggested in Parlatory.*

658

LABOR SUB-COMMISSION

A.C.C.

Routing Slip

From	To
	Colonel BAIN
	Colonel SMITH
	Major BARCOCK
	Major ALBRIGHT
	Capt. DORF
	Capt. SCICLUNA
	Capt. ADAMS
	Capt. TOPLISS
	Capt. WILLIAMS
	Lt. GIAMMARCO
	Lt. SOLENBERGER
	Chief Clerk

REMARKS :

3 657

To Labor Subcommittee

HEADQUARTERS
ARMED CONTROL COMMISSION
Legal Subcommittee
APO 394

AC 1 4/L

RHW/ap
18 AUG 44

SUBJECT : Proposed Italian Labour Decree for Arbitration.

TO : A/Hd Adm Sec

1. The Legal Subcommittee has considered the proposed Decree instituting Labour Offices and the inspection divisions of industry and labour as the competent authority to decide controversies over increase of wages under R.D.L. 7 Dec. 1943, 23/B

2. In our opinion this proposed decree is legally sufficient to accomplish its purpose and there is no legal objection to its terms.

3. We have considered the comments offered by Col. Bain in his letter to Brigadier General O'Dwyer of the 4th Aug. These comments relate in the main to questions of underlying policy with which this Subcommittee is not concerned. We do not agree with Col. Bain's contention that the subject of arbitration itself is of doubtful legality.

3H

W. H. Wilmer
R. H. WILMER,
Colonel, CAG.,
Acting Chief Legal Officer.

Copy to: Labour Subcommittee

DRAFT OF LEGISLATIVE DECREE-LAW IN RESPONSE TO THE DEMAND
OF CONTROVERSY WHICH HAVE ARISEN FROM A.

7 DECEMBER 1943, No 23/B

MINISTRO DI LAVORO, PRINCE OF SIMONE
MINISTRO GENERALE DI LAVORO

By virtue of powers delegated to me

IN VIEW OF the R.D.L. 7 December 1943, No 23/B

IN VIEW OF the Legislative Decree-Law of 25 June 1944, no 151

IN VIEW OF the deliberation on the part of the Council of
Ministers;

PROPOSING proposal by the Minister of Industry, Commerce and
Labor;

WE HAVE SANCTIONED AND SO PROMULGATE AS FOLLOWS:

Art. I

Controversies which may arise in regard to the application
of R.D.L. 7 December 1943 No. 23/B, containing dispositions for
increases in remunerations on a continuous basis to workers who
work under the norms of collective work agreements, shall be deci-
ded by competent labor offices, within the districts in which the lat-
ter exist, and by the inspection division of industry and labor,
where there are no labor offices.

Against the decision mentioned in the above paragraph no appo-
al; either from a jurisdictional or from an administrative point of
view, shall be made.

Art. II

The present decree shall have force on the same day of
its publication in the Official Gazette of the Nation.

No salary, etc.

1. Lt. Col. Smith
2. Capt. Laclaux
3. Capt. Morse
4. Lt. Col. [unclear]

654

REAR HEADQUARTERS
ALLIED CONTROL COMMISSION
APO 394

445
RMA/mar

To : Legal Sub Commission Lt Col Richard H Wilmer Deputy Chief
From : Labor Sub Commission ACC Rear Hq Capt Robert W Albright
Subject : Jurisdiction in Labor Disputes
Ref. : ACC/4001/2 - 17 Feb 44
Date : 21 February 44

1. Answer to above inquiry has been necessarily delayed pending clearances with Italian Ministry of Labor, Labor Director for Region I, and the Labor Sub Commission Hq in Naples.

2. Neither the Italian Ministry of Labor nor the Labor Sub Commission knows of any act debarring Italian Courts from their previously established jurisdiction in handling labor cases.

The provisions of General Order 8 (Region I) and similar Orders in other territories provide for action by the Regional and the Provisional Labor Offices "to act as conciliators, mediators, or arbitrators in labour disputes". (Art IV (e) and Art V (e)). These provisions are not considered by the Labor Sub Commission to supersede the jurisdiction of the courts. The Italian Government, in territory restored to its control, continues the same organizations and procedures as under Allied Military Government.

3. The jurisdiction of the Italian Courts is set forth in the Code di Procedura Civile (Anno 81, No. 253, 28 Oct 1940) Article 429 - copy of which is attached.

4. With specific reference to the case of the small "affitto" or land-tenancy contract, Dr. La Loggia, the Director of the Regional Office of Labor for Sicily has given an additional statement, copy of which is attached. The advice of Dr. Loggia was requested since he has had the longest experience with the procedures of the AMG Labor Offices and his services are now being used by both the Labor Sub Commission and the Italian Ministry of Labor.

5. It is the opinion of the Labor Sub Commission that the same procedure should apply in those forward areas in which Regional and Provincial Labor Offices have been established.

6. The Labor Sub Commission will be glad to receive any advice and suggestions in this matter, and respectfully requests to be consulted and

3 653

advised on any rulings or interpretations of the Legal Sub Commission affecting the Italian Courts in their relationship to labor matters.

cc to : Labor Sub Commission Hq Naples
Italian Ministry of Industry, Commerce & Labor
Capt. Robert Fraser, Labor Officer, Region II

OF THE INDIVIDUAL LABOR DISPUTES

Section 1 - General Dispositions

Art. 429

Individual Labor Disputes

The dispositions of the present art. are applied to the following disputes:

- 1.) relations of labor and capital, that are or can be coordinated by collective contract or by similar rules.
- 2.) relations regarding metairie, partial farms and small rents.
- 3.) relations regarding employees of public utilities who are members of sindacal associations.
- 4.) relations regarding the employees of public utilities who, by the law, cannot be dealt by any other judge.

CODE OF CIVIL PROCEDURE

1. The Labor Offices are interested only of labor relations.
2. Rents are not in the general labor relations.
3. Small agricultural rents are assimilated to the labor relations. (See Code of Civil Procedure.
4. By small rents is meant that it absorbs the labor strength of the leaseholder and his family.
5. The labor office may take care of the disputes regarding the small agricultural rents.

0299