



European
Social
Charter

Charte
sociale
européenne



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

31 January 2018

Case Document No. 3

Confederazione Generale Sindacale CGS v. Italy
Complaint No. 144/2017

SUBMISSIONS BY THE GOVERNMENT ON THE MERITS

Registered at the Secretariat on 8 January 2018

COMPLAINT No. 144/2017

Confederazione generale sindacale (CGS)

v. ITALY

**SUBMISSIONS
OF THE
ITALIAN GOVERNMENT
ON THE MERITS**

ROME, 7 JANUARY 2018

1. The Italian Government (referred to hereinafter as “the Government”) refers to the letter of 10 November 2017 of the European Committee of Social Rights (hereinafter “the Committee”), enclosing the collective complaint lodged against Italy by the Confederazione generale sindacale (CGS) for the violation of Articles 1, 4, 5, 6, 24 and E of the European Social Charter, on whose merits the Government was invited to make submissions.
2. The Government presents herewith its initial observations to the Committee reserving itself the right to provide any further information on the questions put by the complainant organisation at a later time.
3. We would begin by highlighting the measures taken to address the issues raised.
4. In the document of 6 July 2017 issued by the Ministry of Simplification and Public Administration, within the meaning of Article 41, paragraphs 1 and 3, and Article 47, paragraph 1 of Legislative Decree No. 165 of 2001 for the introduction of the National Collective Labour Agreement, with regard to the central services sector and cross-disciplinary goals, it is stated as follows: *“in the contractual regulations on fixed-term employment relationships, in keeping with the general legal standards and the specific rules relating to public employment, without prejudice to the exceptions provided for by these rules and the special provisions on the standards in this sector, the following two related objectives shall be pursued:*
 5. (i) *the full implementation of the ‘principle of non-discrimination’ established by Community law and by Article 25 of Legislative Decree No. 81 of 2015, which shall be regarded as a ‘general regulating principle’, which must consistently and thoroughly shape contractual rules with the specific aim of improving the ‘quality of work’ of employees in the long term, as well as preventing the emergence of future disputes which could give rise to higher costs for the public purse.*
 6. (ii) *limiting the use of fixed-term contracts to the type of employment relationship which may only be included within the requirement parameters of ‘genuine’ flexibility and hence be ‘exceptional’ or ‘temporary’ in nature, as provided for by Article 36, paragraph 2, of Legislative Decree No. 165/2001”.*

7. The aforementioned principles are cited in the official guidelines (*Atto di indirizzo*) of the Department of Education and Research of 19 October 2017 with a view to setting up the related National Collective Labour Agreement consistently.

CONCLUSIONS

8. The Government considers therefore that it has not violated the Charter, as claimed by the complainant organisation.

9. Consequently, the Government hereby submits its initial observations to the Committee concerning the complaint while reserving the right to submit any further relevant information.

Rome, 7 January 2018

Government Agent

E. Spatafora

A handwritten signature in black ink, appearing to read 'E. Spatafora', is positioned below the typed name. The signature is somewhat stylized and includes a horizontal line at the end.