



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

4 June 2018

**Case Document No. 6**

***Confederazione generale sindacale (CGS) v. Italy***  
Complaint No.144/2017

## **FURTHER RESPONSE FROM THE GOVERNMENT ON THE MERITS**

**Registered at the Secretariat on 25 May 2018**





1

**Repubblica Italiana  
Ministero degli Affari Esteri  
e della Cooperazione Internazionale  
Ufficio dell'Agente del Governo**

**COMPLAINT No. 144/2017**

**Confederazione generale sindacale (CGS)**

**v. ITALY**

**OBSERVATIONS  
OF THE  
ITALIAN GOVERNMENT**

25 May 2018



2

**Repubblica Italiana  
Ministero degli Affari Esteri  
e della Cooperazione Internazionale  
Ufficio dell'Agente del Governo**

**1.** The Italian Government (hereafter “the Government”) refers to the communication dated 12 April 2018 from the European Committee of Social Rights (hereafter “the Committee”) and submits herewith its observations on complaint no. 144/2017, even though the letter in question was addressed to the CGS.

**OBSERVATIONS**

**2.** The Government notes firstly that the CGS alleges that Articles 1, 4, 5 6, 24 and Article E of the European Social Charter have been violated by Italian legislation on fixed-term employment contracts in the public sector, especially the education sector.

**3.** In keeping with its observations of 7 January and 1 February 2018 on the merits of the complaint, the Government wishes to state the following.

**4.** On the alleged failure of Law No. 107/2015 (also referred to as the “Good School Reform”) to resolve issues related to the lack of protection for workers in the education sector, it should be noted that, with reference to the implementation of Law No. 107/2015, under the proposed special recruitment plan, all existing posts which are vacant and available are to be filled (*organico di diritto*) and additional posts created (*organico di potenziamento*).

**5.** It should also be pointed out that almost 96.8% of teaching staff accepted tenured status in the so-called phase “B” and 97.3% in phase “C”.

**6.** Consequently, by the end of all the phases, the number of teaching staff who have accepted offers of tenured status stands at almost 86,706, thus leading to a reduction in insecure unemployment.

**7.** In a further effort to reduce insecure employment in the education sector, a new academic competition was held in 2016 to recruit teaching staff under the above-mentioned “Good School Reform” and special procedures introduced for reserved competitions under Article 17 of Legislative Decree No. 59/2017 which implemented the delegation of authority provided for in paragraph 181, b) of Law No. 107/2015 (for information on the regulatory framework of this law, see § 5 of the Government’s observations of 1 February 2018).

**CONCLUSIONS**

**8.** In the light of the foregoing, the alleged violations of the European Social Charter referred to in the complaint are unfounded.



3

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**9.** The Government therefore submits these further observations for the attention of the Committee and wishes to affirm that there has been no breach of Articles 1, 4, 5, 6, 24 or Article E of the European Social Charter.

Rome, 25 May 2018

Office of the Government Agent

A handwritten signature in black ink, appearing to be 'G. Di Pietro', written over a faint rectangular stamp.