EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

DECISION ON ADMISSIBILITY
13 October 2026

***Sindacato Autonomo Europeo Scuola ed Ecologia* (SAESE) v. Italy**

Complaint No. 258/2026

The European Committee of Social Rights, a committee of independent experts established under Article 25 of the European Social Charter ("the Committee"), during its 358th session, in the following composition:

Aoife NOLAN, President
Tatiana PUIU, Vice-President
George THEODOSIS, Vice-President
Kristine DUPATE, General Rapporteur
Karin Møhl LARSEN
Yusuf BALCI
Mario VINKOVIĆ
Miriam KULLMANN
Franz MARHOLD
Alla FEDOROVA
Olivier DE SCHUTTER
Kristina KOLDINSKÁ
Carmen-Constantina NENU

Assisted by Henrik KRISTENSEN, Executive Secretary,

Having regard to the complaint registered on 20 February 2026 as number 258/2026, lodged by the *Sindacato Autonomo Europeo Scuola ed Ecologia* (SAESE) against Italy and signed by Francesco Orbitello, President and Treasurer of SAESE, requesting the Committee to find that the situation in Italy is not in conformity with Articles 5, 6§4, and 21 of the Revised European Social Charter ("the Charter");

Having regard to the documents appended to the complaint;

Having regard to the observations of the Government of Italy ("the Government") on the admissibility of the complaint, registered on 29 April 2026;

Having regard to the response from SAESE to the Government's observations, registered on 9 June 2026;

Having regard to the reply from the Government to SAESE's response registered on 17 July 2026;

Having regard to the clarifications submitted by SAESE and registered on 30 July 2026;

Having regard to the Government's further reply registered on 11 September 2026;

Having regard to the additional clarifications submitted by SAESE and registered on 30 September 2026;

Having regard to the Charter, and in particular to Articles 5, 6§4 and 21, which read as follows:

Article 5 – The right to organise

Part I: All workers and employers have the right to freedom of association in national or international organisations for the protection of their economic and social interests.

Part II: With a view to ensuring or promoting the freedom of workers and employers to form local, national or international organisations for the protection of their economic and social interests and to join those organisations, the Parties undertake that national law shall not be such as to impair, nor shall it be so applied as to impair, this freedom. The extent to which the guarantees provided for in this article shall apply to the police shall be determined by national laws or regulations. The principle governing the application to the members of the armed forces of these guarantees and the extent to which they shall apply to persons in this category shall equally be determined by national laws or regulations.

Article 6 – The right to bargain collectively

Part I: "All workers and employers have the right to bargain collectively."

Part II: "With a view to ensuring the effective exercise of the right to bargain collectively, the Parties undertake:

[…] and recognise:

4. the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.

Article 21 – The right to information and consultation

Part I: Workers have the right to be informed and to be consulted within the undertaking.

Part II: With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:
a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and
b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

Having regard to the Additional Protocol to the European Social Charter providing for a system of collective complaints ("the Protocol");

Having regard to the Rules of the Committee adopted by the Committee on 29 March 2004 at its 201st session and last revised on 11 September 2024 at its 343rd session ("the Rules");

Having deliberated on 13 October 2026;

Delivers the following decision, adopted on the above-mentioned date:

1. SAESE alleges that the Department of Public Administration's failure to publish the acts of proclamation, revocation and postponement of strikes in the public sector in a timely and comprehensive manner on the "Public Sector Strike Dashboard" section of its website hinders access to essential information, undermines workers' awareness of trade union initiatives and deters the full enjoyment of the right to strike. SAESE also alleges that the National Anti-Corruption Authority failed to address these issues when it dismissed a complaint lodged by SAESE drawing attention to them. This, according to SAESE, resulted in a lack of an effective national remedy in this regard.

2. SAESE asserts that it is a representative national trade union for workers, as set out in its statutes, which outline its goals, the scope of its operations, and its organisational structure. In its complaint, SAESE claims to have had 26,382 members in 2020 and to have taken tangible action to protect workers over the last twelve years, including by calling national and regional strikes and by organising online trade union meetings in schools.

3. SAESE further submits that, although it has never proposed candidates directly for the election of workplace union representatives (*Rappresentanza Sindacale Unitaria*, RSU), it has consistently fulfilled its obligations with regard to RSU negotiations and procedures. It has also been regularly consulted by various school principals regarding the nomination and appointment of members of the electoral committee for the election of RSUs.

4. In support of its allegations, SAESE submits a number of documents.

5. The Government objects to the admissibility of the complaint. It asserts that SAESE cannot be regarded as a representative trade union within the meaning of Article 1(c) of the Protocol and that SAESE fails to indicate with sufficient precision in what way Italy fails to ensure the satisfactory application of the invoked Charter Rights, as required by Article 4 of the Protocol.

6. Regarding the representativeness requirement, the Government alleges that SAESE fails to provide evidence of its alleged involvement in collective bargaining. The Government points out that, according to its own submissions, SAESE has never put forward any candidates for the election of RSUs and has not appointed any members to the Electoral Commission for such elections.

7. The Government contests SAESE's alleged membership number and rejects its claims that its activities are indicative of representativeness, given that any trade union in Italy may call a strike, regardless of its level of representativeness. The Government also claims that the documentation produced to demonstrate SAESE's involvement in the appointment of RSU Electoral Commissions does not constitute sufficient proof of the effective promotion and protection of workers' interests.

8. Referring to the assessments of representatives for the collective bargaining sectors for the three-year periods from 2019 to 2027, issued by the Agency for the Negotiated Representation of Public Administration (ARAN), the Government submits that SAESE fails to meet the minimum representative threshold of 5 percent established by national law in any of the public sectors. Furthermore, SAESE is not registered with the ARAN because it does not hold authorisation to collect trade union dues.

9. Regarding the link between the situation in question and the scope of the Charter provisions invoked by SAESE, the Government maintains that the alleged failure to publish certain information on the Public Sector Strike Dashboard would not affect any of those Charter provisions.

10. In its response to the Government's objections, SAESE stresses the autonomous nature of the concept of representativeness under the Committee's case-law. SAESE further submits that its decision not to participate in the RSU elections does not affect its status as a "genuine, active, and independent organisation". SAESE asserts that it constantly protects its members through legal action, national strikes and interventions in school procedures. Furthermore, SAESE states that it expressly confirmed and updated its membership total to 26,382 members, and further specifies that its membership consists of 25,824 workers resident in Italy, and 558 residing abroad. In support of its allegations, SAESE submits a written declaration signed by its director.

11. SAESE points out that the tables produced by ARAN record only those civil servants who opt for automatic deduction from their pay, while SAESE operates via an independent system of direct online membership registration protected by traceable and private financial channels.

12. SAESE further argues that, as an organisation that calls for national and regional strikes, it *ipso facto* has the necessary representativeness to file a complaint regarding the withholding of data on such strikes.

THE LAW

As to the admissibility conditions set out in the Protocol and the Committee's Rules

13. The Committee observes that, in accordance with Article 4 of the Protocol, which was ratified by Italy on 3 November 1997 and entered into force for this State on 1 July 1998, the complaint has been submitted in writing and concerns Articles 5, 6§4 and 21 of the Charter, provisions accepted by Italy when it ratified the Charter on 5 July 1999. Italy has been bound by these provisions since the entry into force of this treaty in its respect on 1 September 1999.

14. The Committee further observes that the complaint is signed by Francesco Orbitello, President and Treasurer of SAESE, who is entitled to bring or defend legal proceedings on behalf of the trade union, in accordance with Article 21 of its statutes. The Committee therefore considers that the complaint complies with Rule 23.

As to the Government's objections on admissibility

15. With regard to the Government's objection concerning the representativeness of SAESE within the meaning of Article 1(c) of the Protocol, the Committee recalls that, although representativeness is an autonomous concept, in order for a trade union to qualify as representative, it must be real, active and independent (*Sindacato Italiano Lavoratori* (S.I.Lav.) v. Italy, Complaint No. 236/2024, decision on admissibility of 1 July 2025, §8; SAESE v. Italy, Complaint No. 194/2020, decision on admissibility of 11 December 2020, §8). The Committee examines representativeness with regard to the field covered by the complaint, the aims of the trade union, and the activities which it carries out (*Syndicat de Défense des Fonctionnaires* v. France, Complaint No. 73/2011, decision on admissibility of 7 December 2011, §6; *Sindical ELA* v. Spain, Complaint No. 239/2024, decision on admissibility of 2 July 2025, §10). Moreover, the Committee takes into account the number of members represented by a trade union and the role it plays in collective bargaining (SAESE v. Italy, Complaint No. 194/2020, op.cit., §8).

16. The Committee further recalls that the application of criteria for representativeness should not lead to automatic exclusion of small trade unions or those formed recently to the advantage of larger and longer-established trade unions, thereby prejudicing the effectiveness of the right of all trade unions to bring a complaint before the Committee (*Fellesforbundet for Sjøfolk* (FFFS) v. Norway, Complaint No. 74/2011, decision on admissibility of 23 May 2012, §21). A trade union may be considered representative for the purposes of the collective complaints procedure whenever it exercises, in the geographical area in which it is based, activities in defence of the material and moral interests of personnel in a given sector, of which it represents a considerable number, and this in total independence from the employing authorities (see *Syndicat occitan de l'Education* v. France, Complaint No. 23/2003, decision on admissibility of 13 February 2004, §5).

17. Turning to the circumstances of the present case, the Committee refers to its previous decisions on the admissibility of complaints lodged by SAESE against Italy (Complaints No. 166/2018 and 186/2019), and notably the decision on the admissibility of Complaint No. 194/2020 of 11 December 2020. In the latter decision, the Committee noted that SAESE had revealed its membership figure, but that the Committee still lacked sufficient information about SAESE's involvement in standard trade union activities, including its role in collective bargaining with a view to concluding collective agreements. As a result, the Committee was unable to conclude that SAESE was a representative trade union as defined in Article 1 (c) of the Protocol.

18. The Committee notes that, according to Article 3 of its Statute, SAESE pursues the objectives of protecting education sector workers through trade union and legal action, and protecting the environment through legal action and dialogue with political parties of all persuasions. According to Article 5 of its Statute, membership of the Association is open to “an unlimited number of individuals who identify with the Articles of Association and intend to collaborate towards achieving the aims set out there in”. The Committee further notes that according to the written statement submitted by its President, SAESE currently counts a total of 26,382 active members from the sectors of education, research and public employment; the organisation is present and active throughout the Italian national territory, with a prevalence of members in the regions of *Lazio*, *Campania*, and Sicily.

19. The Committee notes that, according to its statute, membership of SAESE is open to any individual identifying with its aims. SAESE did not provide disaggregated numbers of members residing in the regions of *Lazio*, *Campania* and Sicily, where SAESE claims to have a prevalence of membership. The Committee considers that the information provided does not establish how many members work in the relevant sector or reside in the regions in which SAESE claims to be predominantly active.

20. The Committee further notes from the Government’s submissions that SAESE has not been registered in the tables of the ARAN, which form the basis for establishing representativeness for the purpose of collective bargaining under national law.

21. Regarding involvement in standard trade union activities, the Committee notes that SAESE claims to regularly receive communications and invitations from school principals regarding legal procedures. SAESE also claims to have called for two national strikes and one regional strike during the last two years, as well as organising trade union meetings online in schools. However, the Committee notes that SAESE does not claim to have nominated any candidates for RSU elections or to have engaged in collective bargaining at any level.

22. In view of the limited nature of its activities, and the absence of any active role in collective bargaining with a view to concluding collective agreements, the Committee considers that SAESE has not established sufficient involvement in standard trade union activities. Making an overall assessment on the basis of all information at its disposal, including the uncertainty as to the extent of SAESE’s active membership in the relevant sector and regions, the Committee maintains the previous conclusion that SAESE cannot be considered as a representative trade union for the purposes of the collective complaints procedure.

23. In view of the above, the Committee holds that the complaint, as submitted, does not meet the requirements of Article 1 (c) of the Protocol.

24. For these reasons, the Committee, on the basis of the report presented by Carmen-Constantina NENU

UNANIMOUSLY DECLARES THE COMPLAINT INADMISSIBLE

Carmen-Constantina NENU	Aoife NOLAN	Henrik KRISTENSEN
Rapporteur	President	Executive Secretary





