



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

28 May 2020

Case Document No. 1

Sindacato Autonomo Europeo Scuola ed Ecologia (SAESE) v. Italy
Complaint No. 194/2020

COMPLAINT

Registered at the Secretariat on 9 April 2020

Object: pursuant to Law 146/90 – Resolution of the Strike Guarantee Commission (Pos. 2245/19) and subsequent related resolutions.

We have unfortunately been forced to file notice of this collective complaint with you whilst the pandemic is in full swing. In fact, even during such a delicate period, the former MEUR [Ministry for Education, Universities and Research], in conjunction with the Strike Guarantee Commission, is continuing to systematically sabotage our strikes.

*Specifically, we object to the resolutions adopted by the above-mentioned Commission, considering the evident causal link with the unusual note issued by the Ministry on 13 December 2019 (**Enclosure Strike Guarantee Commission – Blood Groups Diets + Enclosure MEUR 1**). We point out that the former MEUR should have forwarded that note also to the undersigned trade union for information purposes. In this regard we consider it important to draw your attention to the fact that the official responsible for the procedure from the Private Office of the Education Ministry has failed to respond to our official warning concerning anti-trade union activity dated 23 December 2019 (**ref. no. 39756, AOUFGAB Official Registry of 27 December 2019**), and has also failed to respond to our official warning for criminal law purposes **ref. no. 6962, AOUFGAB Official Registry of 6 March 2020 (Enclosure Official Warning 1 + Enclosure Official Warning 2)**, thereby violating the Law on Transparency in Administrative Procedures laid down by Law no. 241/90 along with related legislation.*

*In order to avoid the emergence of a dispute with the Strike Guarantee Commission, on 17 December the undersigned trade union gave notice concerning an internal administrative appeal regarding trade union issues, which the Commission answered with a simple postponement notice (**Enclosure Question 1 + Enclosure Postponement Notice 1**).*

*As the Strike Guarantee Commission did not wish to consider the merits of our legitimate request made on 17 December 2019, on 5 February of this year (**ref. no. 3629, AOUFGAB Official Registry**) we called a new national strike in the schools branch for 7 April, for the same reasons as those indicated for our national strike on 8 January of this year. Our protest initiative was once again blocked by a further postponement notice (**Enclosure Strike 2 + Enclosure Postponement Notice 2**).*

*At this stage, whilst having the right to call a strike for a second time, we have been attempting to reach an out-of-court solution with the Strike Guarantee Commission and on 5 February 2020 submitted to it a new internal administrative appeal regarding trade union issues, which was supported by reasons; however we have not received any response from the Commission (**Enclosure Question 2 + Enclosure Service Report + Enclosure Resolution no. 03 – 162 Strike Guarantee Commission + Enclosure Resolution no. 05 – 423 Strike Guarantee Commission**), in breach of the Law on Transparency in Administrative Procedures laid down by Law no. 241/90 along with related legislation.*

In the light of the above, as has been documented by the respective PDF enclosed documents, we consider that the resolutions mentioned above are not compliant with Article 6.4 of the European Social Charter on the right to strike, in particular as regards the discretion available to the public authority, which is considered to be too broad.

Date: 9 April 2020

Yours faithfully,

Signed: Prof. Francesco Orbitello

President and Treasurer of the SAESE