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

15 December 2021

**Case Document No. 3**

***Comitato Nazionale Quadri Direttivi della Pubblica Amministrazione  
(CO.N.QUA.DIR - P.A.) and Cassa Mutua Nazionale tra i Cancellieri e Segretari  
Giudiziari v. Italy Professionale e Sindacale (ANIEF) v. Italy***  
Complaint No. 202/2021

**RESPONSE FROM THE COMPLAINANTS TO THE  
GOVERNMENT'S OBSERVATIONS  
ON ADMISSIBILITY**

**Registered at the Secretariat on 2 December 2021**



**Directorate General  
Human rights and Rule of Law  
Department of the European Social Charter**

**Complaint No. 202/2021**

**COMITATO NAZIONALE QUADRI DIRETTIVI DELLA PUBBLICA  
AMMINISTRAZIONE (CONQUADIR-P.A.) AND CASSA MUTUA  
NAZIONALE TRA I CANCELLIERI E SEGRETARI GIUDIZIARI v/  
ITALY**

**REPLIES TO THE OBSERVATIONS OF THE ITALIAN GOVERNMENT  
OF 14 OCTOBER 2021 ON THE ADMISSIBILITY OF COLLECTIVE  
COMPLAINT**

The complainant Organizations, CONQUADIR-P.A. e CASSA MUTUA NAZIONALE TRA I CANCELLIERI E SEGRETARI GIUDIZIARI, concerning the admissibility of collective complaint lodged the following comments are made.

On the basis of the provisions of letter c) of art. 1 of the Additional Protocol to the European Social Charter on the Collective Complaint System, which allows this procedure to be activated by representative organizations of employers and workers, the Italian Government claims CONQUADIR-P.A.'s lack of representativeness, as it is not engaged, *“in any activity that could be said to amount to core trade union activities, such as participating in collective bargaining, calling strikes or concluding collective agreements”*.

The above observations are in no way shared.

As stated in the Decision on Admissibility 3.7.2018 (Complaint No. 159/2018 - Associazione Professionale e Sindacale (ANIEF) v. Italy - Confédération française de l'Encadrement “CFE-CGC” c. Francia, Ricorso n. 9/2000, decisione

sull'ammissibilità del 6 novembre 2000, §6.) regards the union's representativeness within the meaning of Article 1 letter c) of the Protocol, *"the Committee points out that its representative nature is an autonomous concept, not necessarily identical to the national notion of representativeness (see Confédération Française d'Encadrement "CFE-CGC" v. France, Complaint No. 9/2000, decision on admissibility of 6 November 2000, §6). 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, ..."*

The representativeness of the complainant emerges, therefore, from the activity carried out in the interest of public employees in management roles in the Public Administration and in particular from those activities aimed at establishing a specific professional area for the middle-managerial public employees (so-called "Area-Quadri") that is the purpose of the CONQUADIR-PA as shown in Article 2 of the Statute.

In order to achieve this objective, the CONQUADIR-P.A. has promoted various initiatives that have led it to deal with the individual employer administrations.

These are those that result from documents 9,11,12,13 promoted against the Ministry of Justice or those promoted against the Ministry of the Interior (documents 15 and 16) or towards the National Labor Inspectorate (docs. .14).

These are all activities that have allowed CONQUADIR-P.A. to discuss, with the individual Administrations, the employment position of the staff of the former managerial career, formulating, during the institutional meetings (as resulting from documents 9, 11,12,13,14,15 and 16) concrete proposals to modify their current professional classification.

Furthermore, on February 15, 2018, CONQUADIR PA was convened by the Public Function Department - Presidency of the Council of Ministers to examine the proposal for the establishment of the Managers Area for personnel from the

former managerial career at the end of which it was sent to ARAN ( Agency for the negotiated representation of public administrations) so that this request could be evaluated for the definition of the new professional system provided for by article 12 CCNL Central Functions (doc. 4).

The above shows the ability of the complaining Committee to carry out trade union activities by intervening in collective bargaining through its proposals and at the same time the recognition of its representativeness by the Italian State in consideration of the fact that the institutional meetings with CONQUADIR P.A. have had as their object the changes in the staff classification of the former managerial career.

To this end, the decisions European Committee of Social Rights, have qualified as representative, an employers' organization or trade union must be real, active and independent (FFFS v. Norway, cited above, §22) and that representativeness is examined with particular reference to the objective of the applicant organization and the activities carried out by it (Syndicat de Défense des Fonctionnaires v. France, appeal no. 73/2011, decision on admissibility of 7 December 2011, § 6 - Fellesforbundet for Sjøfolk (FFFS) v. Norway, Complaint No. 74/2011, admissibility decision of 23 May 2012, §20).

Finally, with reference to the admissibility of the complaint, it is noted that, in accordance with the provisions of Article 3 of Law 384/51 as subsequently amended (doc. 6), all the Directors of the Ministry of Justice and therefore all 1632 Directors indicated in the communication produced as doc. 8 are enrolled by Law as members of the complainant CASSA MUTUA NAZIONALE TRA I CANCELLIERI E SEGRETARI GIUDIZIARI. Therefore, 100% of the Directors of the Ministry of Justice belong to this complainant.

In this respect, there is no shortage of numbers. Deficiency that is not conceivable even with regard to CONQUADIR-P.A. given that the 47 members of the National Labor Inspectorate represent almost 20% of the total managerial staff (equal to 280

managerial employees) and that those of the Ministry of the Interior, equal to 130 members, are almost 50% of the staff of the former managerial career.

Furthermore, the presence of members from almost all the public administrations of the Italian State demonstrates the widespread presence of CONQUADIR-P.A.

Therefore I ask that the complaint be admissible.

Rome 2.12.2021

Avv. Roberta Federici

