



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

13 April 2026

**Case Document No. 1**

***Sindacato Autonomo Europeo Scuola ed Ecologia (SAESE) v. Italy***  
Complaint No. 258/2026

**COMPLAINT  
(Translation in English)**

**Registered at the Secretariat on 20 February 2026**



# SAESE

*Sindacato Autonomo Europeo  
Scuola ed Ecologia*

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## EUROPEAN COMMITTEE OF SOCIAL RIGHTS

Strasbourg

### COLLECTIVE COMPLAINT

**under the terms of the European Social Charter regarding the transparency and publication of documents relating to strikes by public sector workers, with particular reference to the schools segment**

The undersigned trade union in the schools sector, which is an integral part of public sector employment, represented by its legal representative, hereby submits a formal collective complaint under the terms of the European Social Charter against the Department of Public Administration and the National Anti-Corruption Authority (ANAC) concerning systematic violations of the collective rights of workers and the principles of transparency, propriety and the proper management of administrative action.

#### **1. Introduction and scope of the complaint**

This complaint concerns the failure to publish in full and in a timely manner documents concerning the calling, cancellation or postponement of strikes by public sector employees, as well as the failure by the National Anti-Corruption Authority to provide an effective remedy in respect of that conduct.

The issue is relevant in particular within the schools segment, in which the undersigned trade union operates, as transparency in relation to strike action affects not only the rights of workers but also the proper organisation of an essential public service, and has direct implications for pupils, families and schools.

The failures described have a direct, structural impact on the effective exercise of trade union rights, the right to information as well as legal certainty within industrial relations in the public sector.

#### **2. Conduct of the Department of Public Administration**

During the current legislature, the Department of Public Administration has made an administrative policy choice according to which it no longer publishes information relating to strikes called by trade unions on the *Public Sector Strikes Dashboard*.

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In particular, the Department has failed to publish:

- decisions concerning the calling of strikes;
- any cancellations;
- postponements as well as arrangements applicable to implementing strike action.

Sufficient legislative justification has not been provided for this course of action, which clearly violates the internal rules adopted by the Department itself, including in particular Circular DFP-0044693-P of 31 May 2022 (**Enclosure: Circular**) concerning the “New procedure on action required by the Department of Public Administration in relation to strikes pursuant to Law No. 146 of 12 June 1990, as amended and supplemented”, which expressly provides for an obligation to publish in full any documents calling, cancelling or altering arrangements relating to strikes.

The failure to publish such documents:

- limits access to essential information;
- impairs the ability of workers and administrative authorities to establish with certainty the framework of industrial action;
- has a dissuasive and chilling effect on the exercise of the right to strike and to organise, undermining the tangible opportunity to participate in an informed manner in collective action.

That failure is particularly serious within the schools segment, as it impairs planning of teaching activities and organisation and also interferes with the specific balance between the right to strike, the right to information and continuity within the public education service.

### **3. The actions of the National Anti-Corruption Authority (ANAC)**

On 29 April 2024, the undersigned trade union filed an ordinary freedom of information disclosure request with the ANAC pursuant to Article 5(1) of Legislative Decree No. 33 of 14 March 2013, as amended and supplemented, reporting the violation of the publication obligations referred to above.

It was only on 9 April 2025 that the ANAC decided to reject the request (**Enclosure: Rejection**), issuing a statement which was not based on an adequate examination and did not contain substantive reasons or an assessment of the violations described.

By a later request (**Enclosure: Written Follow-Up Request 1**), the undersigned asked that the matter be reconsidered, stating that the incomplete publication of documents calling strikes violates Legislative Decree No. 33/2013 and undermines the transparency and proper

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management of industrial relations within public sector employment. This follow-up request was logged by the ANAC on 12 May 2025 under reference No. 0070313-2025.

Having not received any response, the undersigned submitted a further written follow-up request (**Enclosure: Written Follow-Up Request 2**), which was logged on 1 July 2025 under reference No. 0095985-2025, seeking clarification concerning the procedural rules as well as the reasons for the protracted silence.

No response has been received to date, despite the repeated calls for compliance with Law No. 241/1990 on administrative procedures, transparency and propriety within administrative action.

#### **4. Violations of the European Social Charter**

The conduct described above is causing persistent, structural violations of the European Social Charter (Revised), including in particular the principles enumerated in **point 21 of Part I**, which states that “*Workers have the right to be informed and to be consulted within the undertaking*”, as well as the corresponding obligations set forth in Part II as detailed below:

##### **4.1 Department of Public Administration**

The failure to publish documents relating to strikes on the “Strikes Dashboard” impairs the effective exercise of the following rights:

- **The right to organise (Article 5):** The failure to disclose official documentation hinders the activity of trade unions relating to the promotion and co-ordination of collective action, de facto limiting freedom to organise within the public sector.
  - **The right to bargain collectively and to collective action (Article 6, paragraph 4):** The right to strike is deprived of its substance if, through a failure to take administrative action, the State prevents information relating to strikes being made available. Transparency is an essential prerequisite for collective action to be effective and not affected by uncertainty as regards the tangible exercise of collective action such as to discourage participation.
  - **The right to information and consultation (Article 21):** Under the terms of Article 21, workers have the right to be informed in a comprehensible way about the situation of the undertaking
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and on decisions that affect their interests. The systematic failure to publish documents relating to strikes prevents workers in the schools sector from accessing crucial information that directly concerns the conditions under which they work and engage in trade union activity.

### 4.2 National Anti-Corruption Authority

The failure to examine the matter, the failure to state reasons for the rejection and the protracted silence of the supervisory authority amount to a violation of:

- **The right to information and transparency (Article 21):** The failure by the ANAC to act in response to freedom of information requests confirms the systematic violation of the State's obligation to guarantee the transparent provision of information concerning public industrial relations.
- **Obligation to guarantee the exercise of rights (Article 5 in conjunction with Article 6):** The failure by the competent authority to carry out effective controls deprives trade unions of an effective national remedy, thereby rendering the rights guaranteed by the Charter theoretical and not tangible, in a manner openly at odds with the aims of the Treaty.

### 5. Admissibility of this complaint

The trade union has standing to lodge collective complaints with the European Committee of Social Rights. This standing is established under Article 1 of the Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, which provides that this right is vested in "representative national organisations of employers and trade unions within the jurisdiction of the Contracting Party against which they have lodged a complaint".

The trade union Sindacato Autonomo Europeo Scuola ed Ecologia [SAESE, Autonomous European Trade Union for Schools and Ecology] is a representative national workers' trade union, as is stated in its Statute which sets out its goals, the scope of its operations and its organisational structure. The Statute of the trade union can be found on the following website:

<https://saese.eu/statuto/>

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The trade union SAESE has taken tangible action on an ongoing basis to protect workers over the last twelve years, calling national and local strikes and organising trade union meetings online in schools (**Enclosure: School**) outside working hours. This trade union activity is documented on the official websites of the Ministry of Education and Merit (MIM), the Department of Public Administration and the Guarantee Committee for the Implementation of the Law on Strikes within Essential Public Services (**Enclosure: Data**).

It should be noted that, in recent years, the undersigned trade union has submitted three other collective complaints to the ECSR, which were recorded under numbers 166/2018, 186/2019 and 194/2020, but were declared inadmissible.

However, this collective complaint is based on entirely different reasons, as is apparent from a comparative consideration of the texts and acts documented, and concerns specifically the violations of the collective rights of workers in the public sector schools segment.

It is also noted that, in the decision of 11 December 2020 on collective complaint No. 194/2020, the ECSR acknowledged the representativity of the SAESE, which at that time had 26 382 members throughout the country, some of whom were resident abroad. That fact confirms the fully representative status of the trade union.

Lastly, it is noted that the undersigned trade union has never proposed direct candidates in Italy for the election of unitary trade union representatives to three-year terms, despite having complied consistently with its duties with regard to unitary trade union representative negotiations and procedures, as is proven by Council of Europe documents (ref. 18/2021 LV/KOG of 3 February 2021 and ref. 72/2021 LV/IE of 21 May 2021), subject to monitoring by the counsellor for French citizens abroad at the Consulate General of France in Toronto (**Enclosure: Political Matters**). Indeed, over the course of its twelve years of activity as a trade union, the undersigned organisation has been regularly consulted by various headteachers, acting as employers, concerning the nomination and appointment of members of the electoral committee for elections of unitary trade union representatives (**Enclosure: Unitary Trade Union Representatives**).

By virtue of that standing, the trade union SAESE submits this collective complaint against Italy to the European Committee of Social Rights, acting through its own President and legal representative.

## CONCLUSIONS

In the light of the above, the undersigned trade union considers that the actions of the Department of Public Administration and the National Anti-Corruption Authority constitute systematic violations of the European Social Charter of such a nature as to justify intervention by the European Committee of Social Rights.

This complaint is filed in the collective interest of public sector workers, in particular in the

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schools segment, with the aim of guaranteeing the effective exercise of trade union rights, transparency within administrative action and respect for the fundamental principles enshrined in the Charter.

**Date: 25 February 2026**

**Respectfully**

**Signed: Prof. Francesco Orbitello  
President and Treasurer of the SAESE**

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