

TRADUZIONE DI CORTESIA - COURTESY TRANSLATION

With reference to your note of 24 February 2024, the following clarifications are provided.

In Italy, the right to strike is regulated by Law No. 146 of 12 June 1990, which provided for a series of rights and duties for the various parties involved in strike action.

This law provided, in particular, for the establishment of the '*Commission to guarantee the implementation of the law*', which has the task of '**assessing the appropriateness of measures aimed at ensuring that the exercise of the right to strike is reconciled with the enjoyment of personal rights**'. These rights are protected by the Constitution of the Italian Republic and are identified in the right to life, health, freedom and security, freedom of movement, social assistance and social security, education and freedom of communication.

It is therefore the mentioned Commission that carries out the activity of verifying the compatibility of the strikes called with the rights of the personality protected by the Constitution. The powers of the Commission are summarised in Article 13 of the aforementioned Law No. 146 of 1990.

In particular, the Commission '*shall immediately indicate to the persons concerned any breaches of the provisions relating to notice, maximum duration, the carrying out of preventive cooling-off and conciliation procedures, periods of exemption, minimum intervals between successive proclamations, and any other requirement concerning the phase preceding collective abstention, and may invite, by appropriate resolution, the persons concerned to reformulate the proclamation in accordance with the law and agreements or self-regulatory codes, postponing abstention from work to another date*'.

The Commission's resolutions are binding on Trade unions, administrations and the Department.

In the case under consideration, the Commission, in its note of 3 October 2023, which is attached hereto, held that the '*national strike proclaimed by the Trade union organisation Saese for the day of December 2023 is extraneous to the legitimate exercise of the right to strike constitutionally guaranteed by Article 40 and, therefore, does not fall within the scope of application of Law No. 146 of 1990, as amended. Consequently, the Ministry of Education and Merit, the Regional Education Offices and the Department for public administration at the Presidency of the Council of Ministers can be considered exempt from the obligation to issue the strike notice and to give the mandatory communication to the users, since the case is not covered by the provisions of Article 2, paragraph 6, of Law No. 146 of 1990, as amended*'.

The Department therefore adhered, without any value judgement, to the mandatory prescriptions of the Commission, which considered that this strike did not fall within the scope of Law No. 146 of 1990, to which a duty of information to users is attributed.

Finally, it should be clarified that the Department's competences are, instead, those of giving adequate publicity to strikes to citizens and public administrations, as well as surveying and publishing the data on strike adhesion.

We take this opportunity to extend our best regards.

The Director-General

Valerio Talamo