**General legal framework**

**Republic history**

-The italian republic came into being in 1946

-The monarchy switched to a republic as a result of a referendum held in 1946

-In 1947 the constitution was settled down: 1 year later, it came into act

**Legislation**

-The country is arranged into regions.

-The Head of the State is the President of the Republic., elected by the Parliament, for 7 years.

-The Legislative is composed of two chambers: Senato and Camera

-Five people +ex republic presidents can become senators for life for their contribution to the country.

-Chamber of Deputies and the Senate of the Republic are elected for five years.

-The government of the Republic is made up of the President of the Council and the ministers, who together form the Council of Ministers.

- Laws need to be approved by both chambers, with exclusion of some rare cases.

-Italy is part of the UE, hence it must follow all European Community Acts and Regulations.

**Labour rights in the Constitution**

- fair pay

- maximum working hours,

- paid vacations

– protection of women and minors in work ebvironments

- social insurance for old age, illness, invalidity, industrial diseases and incidents

- Freedom of Association

- the right to strike

**Contract of employment**

Contrats of employment can be indefinite (most of the time) or fixed-term (in special cases, such as seasonal work, sick or maternity leave).

Indefinite and fixed-term contracts have different rights and wages. However, in both cases the contract ca be suspensed only for a justified reason, Dismissals on the grounds of political opinion, trade union membership, sex, race, language or religious affiliation are null and void

Collective agreements frequently list the grounds for dismissal.

Dismissal on the grounds of pregnancy and marriage is also prohibited

In case of unjustified dismissal employers are required to reinstate the dismissed employee, and to pay damages

The contract of employment may also be terminated by the resignation of the employee.

At the end of the contract the employee is entitled to receive from the employer a severance payment.

Thi can be settled with the tfr (trattamento di fine rapporto) only when the employee has reached eight years of service and he/she intends to purchase his/her household’s residence, or nee.

**Hours of work**

An employee cannot work more than 8 hours a day and 48 a week

, overtime must be paid with an increase of not less than 10 per cent over the regular rate. (usually over 30percenr)

Special pay increases are fixed by collective agreements for overtime worked on Sundays, on other holidays and night work.

For part-time work, the distribution of the working hours is established by an individually written contract which cannot be changed by the employer

Students workers have additional privileges in order to preserve their study

**Paid leave**

All workers have the right to rest one day a week

4 recognises four national holidays and other holidays. During these festive days, workers receive regular pay

All workers have the right to annual paid leave.

The emplyer provides a paid annual leave of not less than four weeks per year per person, during which emplyers receive their normal pay.

**Maternity leave and maternity protection**

Female workers have special protection in case of pregnancy and maternity.

From the beginning of pregnancy to one year after the child’s birth, the employee cannot be dismissed, moreover during this period, a woman who resigns has the right to the same indemnities due for dismissals.

Furthermore there are some special regulations to preserve maternity, which is even compulsory from two months before until three months after childbirth.

**Other permitted leave**

**-sick leave**

**-educational leave for students**

**Equality**

**The Italian Constitution (art. 3) provides for the concept of equality of all citizens before the law without difference of sex, race, language, religion, political views, personal and social position.**

Equality between men and women at work is specifically recognised and guaranteed.

Dismissal for discriminatory reasons, such as race, sex, language, political and union views, religion is illegal on behalf the italian constitution.

Other illegal kinds of discrimination are AIDS discrimination, age discrimination and handicap discrimination.

**Cassa Integrazione Guadagni**

Cassa integrazione guadagni is a state fund within the scope of the National Social Security Institute . It was established with a view to protecting the workers’ earnings in the event the enterprise has difficulties.

**Protection of workers’ claims in case of insolvency of the employer**

Under this law there is a Wage Guarantee Fund administered under the National Social Security Institute, which takes up the payment of some specified workers’ claims in the event that they have been left outstanding because of the insolvency of the employer.

**Trade union regulation**

The Italian Constitution recognises the right of citizens to associate freely and the right of employers and employees to join associations or unions. Sect. 39 of the Constitution regulates trade unions and specifies that only the registered ones can obtain legal status and can make collective agreements valid erga omnes (for all employers and employees).

The Workers’ Statute recognises freedom of association and freedom of trade union activity at the workplace. The same rights are also guaranteed to public employees.

A number of employers’ actions have been declared being anti-union behaviour, and are therefore prohibited. These include dismissal of workers on strike; the hiring of third parties to replace workers on strike; retaliation against workers that undertake legal strike action; failure to inform the unions on issues regulated by collective agreements; direct bargaining with the workers, thus bypassing the unions; to infringement of union rights fixed by law, e.g.. not to reserve a room for union meetings inside the factory; not to permit the union to have a board to post union information, to interfere with union proselytism

**Collective bargaining and agreements**

Unions can freely negotiate collective agreements at provincial, regional and national levels**.**

Collective agreements and accords must be registered with the CNEL.

Collective bargaining can regulate all aspects of the employer-employee relationship, except those that are regulated by law.

**Workers rapresentation**

The unions joining the biggest federations have a very important function in collective bargaining in public employment and receive protection in view of trade union activity at the plant level. The Workers’ Statute, 1970, regulates plant level union activity. The Statute has been an important means of support of the unions at plant level. The Workers’ Statute (Sect. 19) specifies that workers can choose representatives, who form plant level union bodies

**Strikes**

The Italian Constitution recognises the right to strike, which must be exercised within the limits fixed by the law.