The Italian Republic

Today I am going to discuss about National Law Labour profile, which is a document organized into eight section. The first section provides information about the Italian republic. The Italian republic came into being after the fall of the fascist regime in 1943, but it definetly came into force in 1948. The Italian peninsula is organised into Regions,Provinces and Municipalities and some of the twenty Regions have special statute, which is a document that establish what authority a Region has, respect other ones. Italy is a democracy State: infact all the politic figures are elected by a democracy process, which mean that the citazines of the country have the function and the right to choose them. Whereas in a Monarchy the head of the State comes the king by dinasty, in a Republic the President is elected by a democracy process. Infact, the President of the Republic is nomitated by the Parlament, and his charge lasts 7 year. He/she can elects senators for life, choosing between the citizens who have brought honour to the State in the solcial,artistic and literary fields. After a person has been a President, automatically he/she becomes senator for life.

The legislative power, or the power to write laws, is divided into two parts: the Senato and the Camera. In particular, Senato has the function to make into effect the past laws approved by both part.

The governament of the Republic is made up of the the President of the Council and the ministers, which together form the Council of Minister. The President of the Council is elected by the President of the Republic. The goverament must have the confidence by all the House, which are Senato and Camera.

Another important power, is the legal power, amministrated by the Justice. The Italian legal system shall be comform to the international law: infact, since we belong to European Union, Itlay have the obligation to respect the European laws, in particular the Regolamentation, which are laws that we must respect, and so automatically they become Italian laws, and the Directive, that are not compulsory, but Italy choose if accept them or not.

The Judiciary is a professional and pyramidal body, composed of three instances. A person can become a Judge after a competitive state exam. The Judges’ career depends on the Consiglio Superiore della Camera which is an administrative body composed by 33 members; the Head of the State, the first President of the Supreme Court, the General Prosecutor, 20 member elected by judges and 10 by the Parlament.

A recent law has established that lower cases are ruled in first instances by a non professional judge, called “giudice di pace”.

The Italian Consitution is founded on labour:

*- Sect. 4*: the Republic recognises to every citizen the right to work;

*- Sect. 35* - the Republic protects work in all its forms and applications), and some more effective rules, largely employed in case-law;

*-Sect. 36* - on fair pay, the maximum working hours, the weekly and annual paid vacation;

*-Sect. 37* - on the protection of women and of minors on the job;

*-Sect. 38* - on the social insurance for old age, illness, invalidity, industrial diseases and accidents, etc.;

-*Sect. 39* - on Freedom of Association;

*-Sect. 40* - on the right to strike;

**Contract of employment:**

Fixed-term contracts of employment are permitted to the extent that they are justified on grounds such as seasonal work, replacement of employees on sick leave or maternity leave, and extraordinary and occasional work. The main types of special contracts of employment are as follows: apprenticeships, part-time, solidarity contracts (these are intended to assist in maintaining employment during periods of business difficulties), "work-training" contracts, fixed-term contracts, domestic work, work undertaken by building caretakers, work with temporary agencies, and contracts for managers

**Severance payment:**

For any termination of the contract of employment, on whatever ground, even for dismissal for just cause or resignation, the employee is entitled to receive from the employer a severance payment (trattamento di fine rapporto) which is considered to be a part of salary

**Hours of work:**

The old Act no.692 of March 1923, still partly in force, provided that the hours worked by employees ought not to exceed 8 hours a day or 48 hours a week. Surveillance jobs and waiting time can have a different evaluation. Working time is normally established by the employer, within the limitations whereas for part-time work, the distribution of the working hours is established by an individually written contract which cannot be changed by the employer. Workers attending regular courses, in State or publicly certified schools or in schools issuing officially recognised study certificates, are entitled to a working schedule which favours attending courses and the preparation of examinations

**Paid leave:**

All workers have the right to rest one day a week. During festive days, workers receive regular pay. If for technical reasons they have to work, they receive double pay and a further increase (about 50% of normal pay). The time at which the holiday is taken is in principle chosen by the employee. However, the employer may determine a different date for the employee to take his/her vacation, if the dates chosen by the latter are incompatible with the requirements of the enterprise.

**Maternity leave:**

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 (except for just cause) and during this period, a woman who resigns has the right to the same indemnities due for dismissals. Some rights have been gradually extended to the father

**Sick leave:**

During sickness, suspension of the contract, with job protection, lasts for periods usually determined by collective agreements, according to the employee’s seniority.

**Educational leave:**

Student workers have the right to paid days off work to take exams. In case of military service, job security and seniority are guaranteed to all workers

**Minimum age of protection:**

The Costitution establish the minimum age at which a person may be employed at the end of compulsory schooling, however not less than 15 years of age

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

A law on sexual harassment at work does not exist; however, there is case law on unfair dismissal on this ground.

**Pay issues:**

Under Italian law there is not a statutory minimum wage.Yet most workers are actually covered by a minimum wage agreement, established through collective bargaining.

**Cassa Integrazione Guadagni:**

It was established by Act 788 of 1954, with a view to protecting the workers’ earnings in the event the enterprise has difficulties. The Cassa Integrazione Guadagni operates mostly in cases of suspension or temporary reduction of activity due to causes beyond the will of the enterprise or the workers, or market fluctuations, and includes suspension of activity in the building industry due to bad weather.

**Workers’ rapresentetion in the enterprise:**

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 (Sect. 19) specifies that workers can choose representatives, who form plant level union bodies. These representatives have particular rights fixed by the Workers’ Statute.

**Strikes:**

Some workers cannot strike (military personnel and policemen); for others the right to strike has some limits.

**Lock-outs:**

A specific regulation does not exist in the Italian legal system. When the employer locks out the workers he/she breaches the contract of employment and must pay wages.