The fundamental principle of justice at work reappears: if a dismissal is illegal, the sanction for the enterprise must have a “deterrent” effect, that is, discourage improper behaviour against workers. It provides for the extension of the system of sanctions to all employers, regardless of the number of employees; unlike the previous norm that differentiated the right to reinstatement above and below 15 employees. Reinstatement occurs in all cases of nullity (discrimination, violation of equal rights and maternity norms, unlawful reasons); in cases of the invalidity of individual dismissal for just cause or good reason, with a compensation system commensurate with pay; as a form of general sanctioning for just cause, for procedural and substantive violations, in cases of individual dismissal with a compensation system commensurate with pay; in cases of the violation of procedural and substantive regulations the effective existence of an economic cause and selection criteria in terms of collective redundancies. In all cases of reinstatement, the employee is given the alternative to choose between adequate compensation or reinstatement. Even when the individual or collective dismissal for just cause can be recognised as legitimate, it introduces a strong liability of the company towards the workers made redundant requiring a measure of active policy. For businesses with less than 5 employees, where there is no desire on the part of the worker or possibility for the company to reintegrate, the judge has access to a fair and reasonable solution. Procedural protection is enhanced, the standard court fee is cancelled and labour justice is made accessible to all workers, while the role of the judge in assessing the proportionality of the penalty is restored.

REFORM OF TYPES OF CONTRACT

Unlike the Statute of 1970, the new Charter applies to all workers: subordinated, atypical and independent, public and private, of any enterprise. The labour market is overburdened by laws which introduced precariousness and profoundly changed employment contracts. There is a need to reconstruct the function of types of contract: many forms of precarious employment need to be done away with and certain types need to be led back to the carrying out of work. It is necessary to counter the use made of flexibility in recent years by companies to devalue work, penalising the lives and careers of millions of workers and depleting widespread skills and professionalism through discontinuous employment. For this reason, in addition to the open-ended employment contract, it is necessary to rewrite the rules for the few types of contracts capable of meeting the needs of business: from short-term contracts (restoring consideration and limitations on their use), to temporary agency workers (which are necessary to rewrite the rules for the few types of contracts capable of meeting the needs of business: from short-term contracts (restoring consideration and limitations on their use), to temporary agency workers (which again become short-term), to part-time and apprenticeships, the parameters are defined that characterise collaboration and provide dignity to self-employment.

All workers will have the same rights, bargaining will be the tool that determines working conditions and their fruition for everyone, all workers will participate in the choices with the generalisation of the rules of democracy and representation.

THE CGIL PROPOSAL, THEREFORE, REUNIFIES THE WORLD OF WORK OF TODAY WHICH IS DEEPLY DIVIDED BY LAWS THAT SEPARATE THE PUBLIC FROM THE PRIVATE, THE SELF-EMPLOYED FROM EMPLOYEES, OVERCOMING ALL INEQUALITIES.
In recent years a number of laws have seriously affected the balance between labor and bargaining, and between unilateral powers and collective rights: from the blocking of bargaining in the public sector to Article 39 and 44 and Article 71, which determine the derogation from labor laws and contracts, to the laws that have increased job insecurity, culminating in the so-called Jobs Act, laws that have scrapped the rules opposing illegal work and that have undermined the right to work in safety. But there is also a world which even bargaining was unable to protect as fully, where the self-employed or catch every contract has to respond to a real need and not be a means with which to sacrifice the rights of workers in order to reduce costs for the company/employer.

Work must be protected, but also enhanced in its social function as well as economic. Today, speaking about innovation means speaking of skills, abilities and professional development, so that workers are not merely part of the production process, but their knowledge and creativity should determine its quality.

The CGIL wants to restore rights, democracy and dignity to work, looking forward, with a proposal that is capable of reading the changes, innovating contractual instruments while preserving the fundamental rights recognised without distinction to all workers because they are mandatory and therefore universal.

To participate means to cooperate and collaborate for the welfare of a company, but it is the workers, whose organisation is free and financially supported, who actually have the right to access and represent the interests of the company.

To participate means to cooperate and collaborate for the welfare of a company, but it is the workers, whose organisation is free and financially supported, who actually have the right to access and represent the interests of the company.

Workers’ organisations, but also those of the employers, will have to be certified, thus benefiting from a truly representative nature and a system of effective rules that restore to the parties that constitutional autonomy that was contained in Law 300/70 and which the Constitutional principle of general effectiveness.

For this reason the new Statute provides for the extension of modality, which translates into instruments of representation, democracy and collective action, and on the basis of a transparent and generalised certification, the agreement is effective for all workers belonging to the contractual area.

To give a guarantee to all workers of active participation in the definition of collective agreements of general application, written under universal rules on representation and democracy in the workplace. To fight job insecurity and rebuild the value of labour contracts making them appropriate to be used.

To be able to exercise the self-employed or by contract every contract has to respond to a real need and not be a means with which to sacrifice the rights of workers in order to reduce costs for the company/employer.

Right to information. All workers have the right, also through the collective organisations they belong to, to be informed of all events involving the company that might affect their working relationship.

Right to reasonable solutions in cases of disability or chronic illness. All workers who, because of disability or long-term illness find themselves limited in their ability to work, are entitled to seek reasonable material and organisational solutions.

Right to reconsider and right to reasonable solutions in cases of disability or chronic illness. All workers who, because of disability or chronic illness find themselves limited in their ability to work, are entitled to seek reasonable material and organisational solutions.

Right to knowledge. All workers have the right to lifelong learning, to an effective system of active policies, to access to new technologies and the acquisition of the skills required to avoid forms of social exclusion for under-qualified workers.

Procedural protection of workers’ rights and the protection of workers against unfair dismissal. All workers have the right to fair protection in proceedings for a reasonable period, and to fair compensation in cases of disputes relating to labour relations.

Right to freedom of trade union organisation, negotiation and collective action and to the representation of the interests of labour. All workers have the opportunity to organise themselves freely, to negotiate and take collective action for the protection of their trade union and professional interests.

Opposition to illegal employment and the organisation of work by means of violence, threats, intimidation and exploitation. All workers are entitled to protection against the use of illegal labour as a criminal offence and from anyone who organises and makes use of employment through violence, threats, intimidation and exploitation.

There are rights based on Constitutional principles that have remained in part unapplied. In recent years many agreements have been reached to enhance both the effectiveness of bargaining (most recently the Con- federal Agreement on Representation 10 January 2014 and the subsequent agreements governing the rules for representation) as well as agreements on the subject of economic de- mocracy. On the other hand, there has been a withdrawal of competen- cies from bargaining and a severe regulation of labour relations and trade union prerogatives, notably in the public sector. This has made the representativeness of the organs of representation, the rules of procedure and the sanctions applicable to non-compliance with the rules of procedures and the sanctions applicable to non-compliance with the rules of agreed contracts.

The laws that governed work in the public as well as the private sec- tor dumped all conflicts on the sacrifice of rights and derogative use of contracts and the norms themselves. Collective bargaining in all its aspects, areas and levels is important precisely because it allows the adjustment of the relationship between business and labour, reconciling workers’ rights and the needs of businessmen through col- lective processes that have to be democratic and to unalienable.

Every single worker is entitled to the right to participate in the informa- tion, verification, control, supervision and direct participation in choices regarding the economic life of a business is a useful instrument for the wellbeing of labour from the point of view of both its employers’ and worker’s control. For this reason the rules on economic participation are provided for in Article 46 of the Constitution translating into instruments available to the representatives of both workers and employers.

To participate means to cooperate and collaborate for the welfare of a company, but while respecting the rights of workers: for this reason there can be noily from the study democracy. Democratic economy, as a tool of information, verification, control, supervision and direct participation in choices regarding the economic life of a business is a useful instrument for the wellbeing of labour from the point of view of both its employers’ and worker’s control. For this reason the rules on economic participation are provided for in Article 46 of the Constitution translating into instruments available to the representatives of both workers and employers.

Workers’ organisations, but also those of the employers, will have to be certified, thus benefiting from a truly representative nature and a system of effective rules that restore to the parties that constitutional autonomy that was contained in Law 300/70 and which the legislature has weakened over time.

These principles, extended to all enterprises and all workers, may actually represent a significant change in the relations between the social partners, creating a new social contract system with a leap forward in quality through widespread participa-