

## Observation (CEACR) - adopted 2024, published 113rd ILC session (2025)

*Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) - Italy (Ratification: 1958)*

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The Committee takes note of the observations of the Italian General Confederation of Labour (CGIL) and the Italian Labour Union (UIL), received on 18 July 2024, which allege a series of violations of the Convention with respect to the right to strike, the recognition of the representative trade unions and their participation in social dialogue, as well as acts of violence against trade union premises. The Committee notes that the CGIL and the UIL specifically allege: (i) the interference of the Deputy Prime Minister and Minister of Infrastructure and Transport (MIT), who reduced the duration of a strike in the transport sector in November 2023 from 8 to 4 hours, disregarding the role of the Strike Regulatory Authority by issuing a unilateral order to resume work, which is being appealed before the courts; (ii) changes to the rules governing representation on the National Economic Council (CNEL) for the period 2023–28, arbitrarily withdrawing one seat from the CGIL, the UIL and the Italian Trade Union Confederation (CISL), while increasing the presence of other non-representative trade union organizations that do not meet the required conditions, which has also given rise to legal action; (iii) the gradual deterioration of social dialogue with the Government, characterized by the exclusion of representative trade union organizations from the decision-making process in economic, social and labour matters, and (iv) numerous acts of vandalism against trade union premises between October 2021 and April 2023, in 13 regions and 40 cities.

With respect to the allegation concerning the reduction of the duration of the strike in the transport sector in November 2023, the Committee notes the Government's indication that: (i) there was no violation of the right to strike by the order in question. The strike proclaimed by the CGIL and the UIL as a "general" strike was, on the contrary, considered by the competent administrative authority as a multi-sectoral strike and, therefore, subject to individual sectoral regulations; (ii) in these circumstances, the MIT's political authority assessed the situation in view of the excessive duration of the strike examined in the transport sectors (24 hours according to the Government) and the imminence of the date on which the strike was due to be called; and (iii) the MIT limited itself to exercising the power of intervention conferred by law No. 146/90, in order to protect the right to free movement. Concerning the rules governing representation on the National Economic Council (CNEL) for the period 2023–28, the Committee notes the Government's indication that it intended to renew the Council in such a way as to expand, in a balanced and transparent manner, the number of workers' and employers' organizations, without penalising the most representative organizations, with the sole aim of making social dialogue broader and more effective. ***Observing that the trade-union organizations concerned referred the two issues mentioned above to the administrative courts (reduction of strike duration by MIT and representation at the CNEL), the Committee requests the Government to provide information in this regard and to communicate the relevant Court decisions as soon as they have been adopted.***

Regarding the allegations on the lack of involvement of the social partners in the process of adoption by the Government of a number of decree-laws in 2023 and 2024, the Committee notes the Government's indication that the decree-law is a legislative measure approved by the Government in cases of particular necessity and urgency, the timing of which often does not allow for prior discussion with the social partners. However, each decree-law must be converted into law by the Parliament within 60 days to confirm its legal effects. Therefore, during the process of examining and finally approving the decree-law, Parliamentary committees may consult the social partners through special hearings to obtain opinions and

proposals on the various aspects falling within their remit. ***Stressing the importance of social dialogue in the process of adopting labour, social and economic legislation and public policies, the Committee invites the Government to ensure that regular consultations take place with representative employers' and workers' organizations and to provide information on all measures taken in this respect. Finally, the Committee requests the Government to address the CGIL and the UIL allegations of acts of violence against trade union premises.***

The Committee further notes the concerns surrounding the introduction of the new Internal Security Bill (*DDL Sicurezza*) approved by the Chamber of Deputies in September 2024 and currently before the Senate, regarding its consequences for the legitimate exercise of trade union activity in the country, in that as currently drafted, it may affect the free exercise of peaceful demonstrations. The Committee observes in particular that article 14 of the bill provides for penalties ranging from six months to two years' imprisonment for demonstrators who, collectively, block roads or railways with their bodies.

***Emphasizing the fundamental importance of civil liberties for the exercise of trade union rights, and recalling that the peaceful exercise of these rights should not lead to arrest or imprisonment, the Committee requests the Government to provide information on any developments in this regard and to ensure, in consultation with the social partners, that the legislation does not contravene the guarantees established by the Convention.***

*[The Government is asked to reply in full to the present comments in 2025.]*