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CGIL

# CHARTER OF UNIVERSAL LABOUR RIGHTS

## NEW LIFE TO RIGHTS

## Presentation of the project for the citizens' initiative:
## NEW WORKERS' STATUTE

An extraordinary consultation with the members of the CGIL to present a citizens' initiative: **"A Charter of Universal Labour Rights or the new Workers' Statute".**

"New" in the sense of the idea that, rather than being a return to the past, this draft law with Constitutional status, **can be measured against the changes that have taken place in the world of work**, which today sees numerous inequalities, discriminations and divisions.

The Statute consists of three parts:

- **universal principles,**
- **laws that provide general effectiveness to bargaining and which codify democracy and representation for all,**
- **rewriting of labour contracts.**

The Statute of workers' rights and inclusive bargaining are two branches of a strategy that addresses the appearance of inequalities in the labour market through the instrument of the trade union. The first sets about rewriting labour law, reconstructing the Constitutional principles on which to base a bill of rights for all workers, while the second, that is, bargaining, renders it effective.

**Inclusive bargaining** is a deliberate choice. It means entrusting to bargaining the task of including subjects who are excluded today, be they temporary or subcontracted workers, be they workers from different companies on the same site or from the same chain, the principle is always the same: to bring closer – through bargaining – their treatment and working conditions, eradicating inequalities and divisions among workers.

In recent years a number of laws have seriously affected the balance between law and bargaining, and between unilateral powers and collective rights: from the blocking of bargaining in the public sector to Article 8 which makes it possible to derogate from 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 and as well as it could, that of the differentiation of types of work: subordinated, para-subordinated, autonomous, in their multiplicity of variants. Often these are defined as atypical, flexible, precarious, discontinuous, fake or genuinely autonomous, freelance.

Today the **separation between protected and unprotected** assumes many shades. Inclusive bargaining can bring together various situations and provide answers to the needs of those who work, but there are individual **rights** that need to be rendered **universal** and **inalienable** to the exceptions and, above all, **extended** to everyone.

What is required therefore is a "charter" based on Constitutional principles so that, as was the case with Law 300/70, the "Constitution enters the workplace, recognising rights to those who have been denied them".

But a law is required as well, a New Statute of Workers' Rights that rewrites Labour law, overturning the idea that the company/employer, the strongest subject, should determine the conditions of the worker, i.e. the weakest subject.

**Extending rights to those who have none, rewriting them from scratch for all, to guarantee rights at work in a world that is rapidly changing and is in need of innovation.**

To give a guarantee to all workers of **active participation** in the definition of **collective agreements** of general application, underwritten through 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. Whether open-ended, temporary, self-employed or casual, 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 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.

**EXTRAORDINARY CONSULTATION OF CGIL MEMBERSHIP**

# CHARTER OF UNIVERSAL LABOUR RIGHTS

There are rights based on Constitutional principles that have to be guaranteed to all workers. A job without rights reduces work to a commodity, while universal **rights** turn work into a **factor of wellbeing** and **growth**.

**Right to work.** Everyone has the right to a job or a profession which is freely chosen or accepted. The Statute will regulate the right to access, orientation and re-employment, through free public services.

**Right to decent and dignified work.** Everyone is entitled to a decent and dignified job that will be carried out in respect of professionalism and with fair working conditions.

**Right to clear and transparent working conditions.** All workers have the right to clear and transparent contractual terms, in writing, and to receive all the information that is relevant for the protection of their interests and rights.

**Right to a fair and proportionate wage.** Each job has to be compensated fairly, in proportion to the quantity and quality of work performed and with reference to what is provided for in collective contracts, or collective agreements entered into by the associations of self-employed workers.

**Freedom of expression.** All workers have the right to freely express their thoughts without discrimination, in respect of the principles of the Constitution and the Statute, including in the workplaces.

**Right to safe environmental and working conditions.** All workers have the right to work in safe environmental and working conditions, so as to ensure the protection of their physical and mental health and person.

**The right to rest.** All workers, including the self-employed, are entitled to a rest period in which they do not have to work.

**The right to reconcile family and professional life.** Workers have the right to choose the time and means of their parenting, without suffering any prejudice in terms of employment. Leave must be truly universal, also through the exercise of collective bargaining.

**Right to equal opportunities between men and women in matters of employment and work.** The Statute takes up Article 3 of the Constitution again, bringing the issue of equality up to date in an anti-discriminatory way.

**Right not to be discriminated against in access to employment and in the course of employment.** All workers should be protected against discrimination, indirect as well, and all forms of harassment.

**Right to privacy and the prohibition of remote control.** The protection of privacy against remote control and the right to privacy are reaffirmed by the Statute, which will reiterate these, strengthening the powers of the local branches.

**Prohibition of use of data and extension of protection regarding freedom and dignity of workers.** All workers are entitled to

protection in the processing of their personal data for reasons unrelated to productive and organisational needs and, in any case, by virtue of union agreements.

**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 notice in the event of unilateral contract changes.** Workers have the right to be protected in the event of renunciation of the agreement that gives unilateral powers to the counterparty.

**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.

**Right to protection of inventions and creative works.** The intellectual work of the employee in the performance of their work which is not already included in the contract should be recognised to the worker.

**Protection of employees in the event of withdrawal and non-renewal of successive contracts.** To combat abuse and discrimination, all workers are entitled to protection in cases where there is a lack of justification for the withdrawal or non-renewal of contracts.

**Right to income support.** All workers have the right, in the event of involuntary unemployment or the suspension of production, to have an insurance system that ensures a free and dignified existence.

**The right to adequate pension protection.** All workers are entitled to a pension that guarantees them the means appropriate to the needs of life.

**Procedural protection of workers' rights and the protection of workers against unfair dismissal.** All workers have the right to free 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 or exploitation.

# DEMOCRACY, REPRESENTATION, PARTICIPATION, BARGAINING

**Articles 39 and 46 of the Constitution** have remained in part unapplied. In recent years many agreements have been reached to enhance both **the effectiveness of bargaining** (most recently the Confederal Agreement on **democracy** and **representation** of 10 January 2014 and the subsequent agreements governing the rules for representation) as well as agreements on the subject of economic democracy. On the other hand, there has been a withdrawal of competences from bargaining and a severe regulation of labour relations and trade union prerogatives, notably in the public sector. This has meant **that in the workplace there is less participation and businesses are given more and more decision-making powers, while it is often made explicit that the absence or violations of union agreements will not result in sanctions**.

The laws that governed work in the public as well as the private sector 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 with the needs of business through collective processes that increase participation and democracy.

**For this reason the new Statute provides for the extension of models of participation to all workers, rules for representation that unify public/private, large/small companies, standard/atypical workers, and introduces specific rules for self-employed.**

Partaking of the discussion on agreements and freely electing their representatives make workers active and aware subjects and provide bargaining with instruments and rules that can give substance to the Constitutional principle of general effectiveness.
When the majority of the representative organisations sign an agreement, having consulted workers in a demonstrable manner and on the basis of a transparent and generalised certification, the agreement is effective for all workers belonging to that contractual area.

**It is not employers who set the rules,** nor can they withdraw from bargaining, **but it is the workers**, whose organisation is free and finally has rules that apply to everyone, **who decide.** The rules currently contained in agreements on representation, democracy and bargaining have, with the proposed new statute, a translation into law.
To participate means to cooperate and collaborate for the welfare of companies, but while respecting the rights of workers: for this reason there can be no form of participation that is not truly democratic. Economic democracy, 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 workers' component. For this reason the rules on economic participation provided for by Article 46 of the Constitution translate 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 democratic rules which 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 workers' and employers organisations and **provide the productive system with a leap forward in quality through widespread participation.**

## DISMISSAL

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 again becomes 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.**

**YOUR POINT OF VIEW A TURNING POINT**

**By voting, CGIL members are asked to provide their opinion on the "Charter of Universal Labour Rights." Because the dignity and freedom of those who work belong to everyone, including you.**

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