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RECENT SOCIAL LEGISLATION IN ITALY

ITALY is rapidly making up its arrears in social legislation, and the output in the last few years has been very considerable. In 1898 an Old Age Pensions scheme and a law for compulsory insurance against accidents were carried. Since the accession to office of the present Ministry the pace has quickened still more notably. In a little over two years Parliament has passed a Factory Act, an Act to regulate municipal services, a Public Health Act, and various Acts to combat malaria, has established a Labour Department, has widely extended the Old Age Pensions scheme, and has passed important fiscal measures to reduce the taxes on food. Important Bills are now before it to regulate the relations of employers and workmen, to deal with agricultural tenancies, to encourage the provision of workmen's dwellings, and to make further reductions of taxation in the interests of the poor. Some of the more important of these Acts and Bills are noted in the following pages.

FACTORY ACT

In March, 1902, a much needed Factory Act was passed—the first real attempt to legislate on the matter. It is chiefly concerned with the employment of women and children, and, only to a minor extent, with questions of health and safety. The age at which, under its provisions, children may be employed is, in dangerous or unhealthy industries, boys 15, girls 21; in mines or other underground occupations, boys 13, girls not at all; in other factories and workshops, boys and girls 12. Boys under 15 and girls under 21 must in all cases obtain a certificate of fitness for employment, which must not only certify as to general health, but include proof of vaccination and proof of having satisfied the law as to school attendance.

Night work is made illegal for boys under 15 and girls under 21. After five years from the passing of the Act the prohibition is extended to all women. Night work is defined as work between 8 p.m. and 6 a.m., from October 1 to March 31, and between 9 p.m. and 5 a.m. for the rest of the year.

The hours of day labour may not exceed 11 in the case of children under 15, or 12 in the case of women over 15, always with two hours' interval.

Women may not be employed within one month (in special cases, three weeks) after childbirth. Every factory employing 50 or more women must set aside a room where mothers can nurse their babies, and there must be provision in the factory regulations for them to do so at fixed intervals.

If these provisions are compared with those of the English Act of 1901, it will be seen that on the whole there is no great difference, though the English law is more favourable to children under 13 or 14.

MUNICIPALISATION OF PUBLIC SERVICES

The object of the law which was passed last March is to at once encourage and discipline municipalisation. Three main causes have conspired to push the question forward. There is the wish to reduce the excessive price of gas and electricity; next, it is hoped that the profits from municipal services may relieve the desperate burden of local taxation, and perhaps permit further remission of the local taxes on food—a hope which is supported by existing experiments; lastly, there is the desire to remove what has been the most fruitful source of municipal corruption in Italy by checking the granting of concessions to private companies. Hitherto there has been nothing practically, or (at all events in the opinion of some legists) legally to prevent the municipalisation of any service whatever, with the sole exception of steam and electric trams and light railways. But the procedure has been somewhat difficult, and the law has given few directions as to the conduct of a municipal service. Consequently, municipalisation has not made much headway, and a recent return shows that, except in the supply of water and slaughter houses, the movement has been confined to a handful of towns. So far, however, as it has gone, it has been generally very successful, and some of its developments have been bold and novel. Verona and Spezia sell electric power for industrial uses; three towns at least have municipal bakeries; Spoleto has a service of motor buses, which run to Norcia, twelve miles distant; Milan quarries its own paving-stone; Brescia has municipalised its ice supply; Rimini has built a great municipal bathing establishment with hotels and refreshment rooms; two Sicilian communes have nurseries for the sale of improved vine-stocks; Orbetello has a municipal fishery.

The new law, like the old, puts no limit to the objects of municipalisation, and removes the veto on trams and light railways. But it schedules certain services as being the more proper subjects of municipalisation, and it is possible that the central government will use its powers to veto unscheduled services, unless there are very special local circumstances to plead for them. The schedule, however, is a very comprehensive one. It includes all the more usual services (except the housing of the working classes, which is the subject of a separate Bill)—water, lighting, sewers, scavenging, baths and wash-houses, markets, slaughter-houses, trams, telephones, buses, motor cars, and steamers (but not cabs). It includes other services, which have a more novel interest:—

1. Municipal pharmacies, both for the gratuitous use of the poor (already obligatory on the Communes), and to sell to the public at large.

2. The supply of ice both for hygienic and industrial purposes, safeguarding the rights of certain ancient monopolies.

3. Funerals, which may, if the municipality so decides, be a municipal monopoly. It was already obligatory to pay for the funeral expenses of the poor, and it is apparently open to a municipality whether or not to make a charge to other classes. An interesting concession to historical sentiment excepts from a monopoly all members of the old burying fraternities.

4. The control of street advertisements, which, if made a municipal monopoly, includes the right to require a license for the use of private frontages.

5. "The construction and working of model bakeries," implicitly with the sole or special object of preventing artificial rises in the price of bread. (It is worth remembering that the large towns still have the right to fix temporarily the price of bread.)

6. Nurseries for the supply (gratuitously, it seems, if so wished) of vines and fruit-trees, grafts, cuttings, etc. The intention is to encourage the diffusion of improved varieties, and especially to combat the phylloxera by the use of American vine stocks,—a matter of urgent national importance.

7. "The production and distribution of motive power, both hydraulic and electric, and the construction of the necessary plant." This is the most far-reaching power of all. Italy, it must be remembered, is relatively the richest of European countries in water power available for generating electricity, and the use of this power is rapidly taking the place of steam. The provision is a deliberate step towards the municipalisation of the chief motive-power of the country. As the utilisation of rivers belongs to the State, no question of private rights arises.

Having defined the proper subjects of municipalisation, the Act goes on to regulate their working. It proposes to guard against abuses (1) by establishing a careful initial procedure for the taking over of any service, (2) by laying down rules for its financial and technical management. The initial procedure appears to err from over-elaboration. A scheme must be adopted by a municipal council by two resolutions at an interval of not less than twenty days. It then goes before the Executive Committee of the Provincial Council and the Prefect, who may not amend or reject it, but may comment on it, and must then pass it on to the "Royal Commission," consisting of twelve higher civil servants, who thereon signify their assent or dissent. If they assent, a referendum of the citizens must be taken. If the referendum is favourable, rules for the management of the service must be submitted to the Provincial Executive Committee and receive their assent. Loans may, with the consent of the Royal Commission, be raised from the special Exchequer fund for local loans.

The general rules for the management of a service are ingenious, and the Italians claim novelty for them. Except in services "of small importance," where the Royal Commission permits direct adminis-

tration by the Council or allows different services to be administered from one office, each service must be organised on its own footing, with separate estimates and balance-sheets, and administered by a director and a small Committee elected *ad hoc* by the Council from its own members. The Council appropriate a sum for the expenses of the service, appoint the director, and determine approximately the number of employees and the conditions of their employment. All other matters are left to the Committee or the Director; both of these are personally liable for any expenditure beyond the limit fixed by the Council, and with the permission of the Provincial Executive Committee either the Council or a private citizen may sue them for exceeding their instructions or for culpable neglect. The estimates must be submitted to the Provincial Executive Committee. All profits pass to the general fund of the municipality. Two or more communes may combine to work a joint service.

The Act deals finally with the buying up of existing concessions. Whatever the original term of a concession may be, a Council may, subject to the approval of the Royal Commission, buy it up after twenty years or after one-third of the term, whichever is the less, but in no case till ten years have expired. A "fair indemnity" must be paid, which is to be based on (1) the "industrial" value of the plant, provided that, if by the conditions of the concession the plant was to be handed over at its determination for nothing or a nominal consideration, the price to the Council is to be proportionately reduced; (2) the estimated net profits (together with interest accruing thereon) which the concessionaires would have made during the unexpired term of the concession or during twenty years, whichever is the less, the profits being calculated on the Company's assessment to income-tax during the past five years, excluding the year of greatest and the year of least profits. The irony of this latter provision will be appreciated by those who know how systematically the Inland Revenue is defrauded in Italy.

MALARIA LEGISLATION

The recent legislation for combating malaria is unimportant from an English point of view, but it is of essential moment to Italy. Could malaria be eradicated, it would not only save 15,000 deaths a year and two million persons from disease, but open up great stretches of fertile land, where healthy life has been till recently impossible. The discovery of the genesis of malaria permits this to be done. If the anopheles mosquito can be destroyed or kept for a certain time from contact with human blood, there is good hope that malaria will disappear as completely as ague has disappeared in England.

The practical remedies are three :—

- (a) To destroy the breeding places of the mosquito by drainage ;

(b) To protect human beings from its bite (it must be remembered that the gnat only flies at night and during the summer and autumn) ;

(c) To treat the disease with its only effective palliative—quinine.

Much is being done in all these directions. In addition to the great sums already spent on reclamation, £13,000,000 more are to be spent before 1925. The other remedies are provided for by an Act of 1901. Under its provisions the Minister of the Interior has to schedule malarious districts. Inside these districts any farmer or working-man, suffering from malaria, is entitled to a free supply of quinine. If the communal charities are insufficient to defray the cost, it falls on the communal rates. It may be noted in passing that this is the nearest approach in Italy to a poor-rate. Under another Act of 1901 the State is empowered to sell quinine, and it is now supplying drugs of a high quality at very cheap rates.

The malaria law provides further for the more radical remedy of protecting human beings from the bite of the germ-conveying mosquito. It is made obligatory on the Government, municipalities, railway companies, and contractors for public works, to protect between June 1 and December 1 all dwellings inhabited by their employees within malarious districts. Private employers are encouraged to do the same by the offer of premiums, to be charged on the profits from the sale of quinine. The recognised protection is to cover all doors, windows, chimneys, and other apertures with fine gauze, by preference wire gauze. The width of the meshes and other details are carefully worked out in a Departmental Order.

LABOUR LEGISLATION.

The Bill introduced by the Government on "the contract of labour" is the outcome of the very rapid and successful Trade Union movement of the last two-and-a-half years. The movement has produced a call for legislation from various quarters: from the men, that their claim to treat through their Unions may be recognised, and that certain "rights of labour" should take legal form; from the employers, that Trade Unions should be made responsible for the acts of their officials; from the general public, that conciliation and arbitration should be encouraged. The Bill tries more or less to satisfy all these demands, and on the whole it is a notable attempt at labour legislation. When read in connection with the extremely able Memorandum that precedes it, its democratic tendency is plain, and the draughtsman has evidently been influenced by the studies of certain Italian Socialists. But it is none the less a sincere effort to reconcile the reasonable demands of both employers and workmen.

The spirit of the Bill is illustrated by the expression in its first clause, which defines a contract of labour as "that by which a workman binds himself to the service of an employer in consideration of a fair remuneration." It is clear from the Memorandum that

this is intended to go beyond the English maxim that there must be some mutuality in the contract; its object is "to prevent any unfair acquisition of wealth [by the employer] or any exploitation [of the workman]," and it is obvious that the Courts could give a very wide interpretation to the clause. The Parliamentary Committee on the Bill has, however, recommended that the expression be struck out.

Unlike the English law, the Bill includes domestic servants (the Parliamentary Committee recommends their exclusion from most of the provisions of the Bill), and for the purpose of some of its provisions, wage-earners not engaged in manual labour, but it excludes seamen, as being already sufficiently protected by special Acts. The original draft of the Bill excludes workmen employed by the State or other public bodies, including railwaymen on those lines (all the more important ones) which are State property, and the employees in the State tobacco manufactories; but the Government is understood to have promised to modify this. The reason for the intended exclusion was, of course, the same as that which produced the English Conspiracy and Protection of Property Act.

The more important of the general rules, which apply to all contracts between employers and employed, are:—

(1) The employer must "take precautions that the work shall be performed under proper conditions of morality, safety, and sanitation."

(2) All employees, not being domestic servants, are entitled to one day's rest in the week.

(3) Wages, if not exceeding 2 francs a day, must be paid weekly, if more than 2 francs and not exceeding 4 francs, fortnightly: wages may not be paid in a public-house or café. The Committee recommend the payment of wages fortnightly, except where there is an agreement to the contrary, and wish to delete the prohibition as to payment in public-houses as not being necessary in Italy.

(4) Wages must be paid in current coin, except so far as an employee agrees to take a house, or allotment, or uniform in part payment. Exception is made for those *mezzaiuoli* farmers and agricultural labourers, who are partly paid, according to custom, in food or tools or materials, but tools or materials must not be reckoned above cost price, or food at more than its current market value. Apparently part payment in food is forbidden under any conditions in the case of non-agricultural workmen.

(5) An employee engaged "for a long period," and prevented from working "for a relatively short period by no fault of his own" is entitled to his pay for such period. A "relatively short period" is purposely left undefined. The clause refers, of course, principally to illness, but also to such public service as attendance on juries or temporary service with the colours. The Committee recommends the omission of this clause.

(6) An employer is entitled to damages, if an employee "offends against morality or endangers his own safety or that of his fellow-

workmen or others." He is entitled to recover fines for breaches of rules, but such fines must be paid into the National Insurance Fund.

(7) In the absence of any special agreement or local custom to the contrary, a week's notice must be given on either side (one to six months in the case of foremen, clerks, travellers, etc.); but an employer may dismiss an employee without notice, if he is guilty of dishonesty or malicious injury to the plant or material, or assault or abusive language towards his employer or fellow-workmen, or if he violates a trade secret, or if by his carelessness he seriously endangers the safety of the factory or workshop.

(8) A workman may leave his employer without notice, if his employer is guilty of assault or abusive language, or knowingly permits the same from a fellow-workman, or if the workman is exposed to any danger to his health or safety which "he could not reasonably expect at the commencement of the contract."

We come next to the provisions affecting the special rules of particular factories. The Bill proposes to give legal force to these, provided "that they are brought to the knowledge of the workman, and that they are not altered without mutual consent in so far as they relate to the rights and obligations of the respective parties in respect of hours of work, caution money, fines, and other conditions essential to the agreement." It should be noted that the workman is regarded as tacitly consenting to any rules in force at the commencement of his contract, provided that he is informed of them. He has at no time any voice in framing rules on matters not included under the above specific headings, but it will probably need a good deal of litigation to decide what is their exact border line.

The latter part of the Bill deals with conciliation and arbitration. Hitherto the only bodies for the purpose recognised by the State have been the courts of *probitviri*, who, however, cannot act in agricultural disputes, and whose machinery was intended for individual rather than collective disputes. Such machinery has become nearly obsolete with the growth of trade unions and associations of employers, and though the *probitviri* have as a matter of fact negotiated between such unions, and though there has been a good deal of private arbitration through the agency of Chambers of Labour and the courts established by some provincial councils, there is an urgent call for some permanent machinery recognised by law and applicable to existing circumstances. The Bill explicitly recognises the right of a registered trade union or association of employers to negotiate on behalf of their respective members, and the proposals of the Parliamentary Committee go further even than the original Bill to encourage "collective contracting." The Bill excludes from its operation all disputes "not of an economic character," *e.g.*, political strikes or strikes out of sympathy, or strikes to procure the dismissal of an obnoxious foreman. In all other cases it makes conciliation compulsory, and provides for permissive arbitration. Either party can initiate proceedings for con-

ciliation, but the consent of both is needed for arbitration. The award is binding on both parties for a period not exceeding three years, to be fixed in the award, after which period the term is to be considered as renewed from year to year unless denounced by either party. The award is retrospective from the date when the case was entered, provided that there has been no cessation of work. The selection of the court is a complicated matter and need not be detailed here; its salient feature is the appointment of a board of employers and workmen in every province, elected locally and independent of any Government department.

Where a dispute arises between employers and workmen in a public service (defined in the memorandum as including the service of gas, water, trams, or buses), which is conceded to a private company, or in cases where a strike would mean "irreparable loss of cattle or crops," if there should be any delay on the part of both the parties in bringing the dispute before a board, the Prefect may set the machinery in motion, and the board may at once order that the *status quo* is not to be disturbed pending the award. This special provision (which the Parliamentary Committee propose to omit, evidently afraid of its difficulties) proves that the framers of the Bill are aware of the essential weakness of any scheme for compulsory conciliation. If in an ordinary dispute both masters and men are spoiling for a fight, what is to compel them to resort to conciliation? But the lack of any coercive force is perhaps not so important as it seems at first sight. The Bill lays down a legal obligation to resort to conciliation, and this supplies an effective lever for public opinion to work with. In the great majority of cases it will be very difficult for both masters and men, even if they are unwilling, to resist the public demand which is certain to be made for peace.

A word, in conclusion, as to the practical working of social legislation in Italy. Up to the last few years social laws have been only too often a dead-letter. There is reason for thinking that this is no longer the case. The Old Ages Pension Fund, and, though perhaps to a less degree, the Workmen's Insurance Fund, are being excellently administered. Under Signor Giolitti, the Ministry of the Interior has been doing its work with considerable vigour. No report has yet been published as to the administration of the Factory and Malaria laws, but the absence of complaint from the powerful working-class organisations seems to show that there is not much lacking. There is good ground for thinking that the execution of Italian social laws is likely to be as thorough and excellent as their conception. BOLTON KING