



# Base Union of Trade Unions

## FireFighters ITALY



*European Commissioner for Employment, Social Affairs, Skills and Labour Mobility  
Bruxelles (Belgio)*

**SUBJECT: REQUEST FOR CLARIFICATION ON "DISCONTINUOUS" FIRE BRIGADE OF THE ITALIAN STATE**

Commissioner,

with reference to the reply to the parliamentary question to the European Commission, of October 20 2017 by the Five Stars Movement Member Laura Ferrara, with the protocol number **IT E-006579/2017 (Attachment 1)**, regarding the ambiguous situation and the "**decennial**" contradiction of the Italian Legislation, from the Italian Government towards the "Discontinuous" Fire Department of the whole Italian territory. This trade union organization wants to explain to you in detail (with all the documentation attesting, produced and processed by the various competent bodies of the Italian State) as the "**Discontinuous**" fire brigade actually have a contract to all effects as normal workers. We will put in evidence with various documents, as the Italian Government used the terminology in favor of itself, defining Volunteers those who are actually real Precarious Workers at the service of the Italian State, and consequently also the Central Administration of the Fire Brigade (**Ministry of the Interior and the Fire Department, Public Relief and Civil Defense Department**) has followed these contradictions, emphasizing it several times to the detriment of all the "**Discontinuous**".

- **Attachment 2: MLPS - Ministry of Labor and Social Policies** - Emphasizes that only in the event that there is no remuneration can be Volunteering (see Volunteering Framework Law 266/91), otherwise in the case of the "Discontinue" Fire Brigade, the same Ministry of Labor imposed on our Central Administration to communicate the beginning and the end of work relationship to the Centers for the use of each individual Discontinuous;
- **Attachment 3: INPS - National Institute of Social Security** - Each Discontinue of the Fire Brigade is classified as a Worker Dependent on the Provincial Command of the Fire Brigade association, especially for pension purposes;
- **Attachment 4: MEF - Ministry of Economy and Finance** - All the Discontinuous staff of the Fire Brigade, whenever it is called back into service by its Provincial Fire Department Headquarters, receives a normal "Pay slip" as it happens for all employees of the Public Administration of the Italian State. This is a further demonstration of the fact that a normal salary is perceived (like a permanent Fireman), which attests in our Italian State through its Legislation, the employment relationship with the administration;

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**Regional Federation of Calabria**

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- **Attachment 5: NoiPa - Department of General Administration, Personnel and Services** - Each Fire Brigade Discontinuance is registered on the portal of public employees as all public employees of the Italian State, just to view and download their paychecks (salary), for the declaration of income, counting of assets, etc ...;
- **Attachment 6: INPS - National Institute of Social Security** - Every Discontinue of the Fire Brigade, accumulated working days in its Provincial Fire Department Headquarters, can make the request to take advantage of social safety nets, or better to say, to apply for unemployment benefits (NASpl, MiniAspi, Asdi, etc ...);
- **Attachment 7: Declaration of Unemployment and Family Status** - All Discontinuous personnel, each year must submit to their Provincial Command of the Fire Brigade association, through the Agenda of the Day made by the Provincial Commander, the declaration of the state of unemployment through the Employment Centers, and elaborate the declaration of the family status to give priority and priority to the unemployed and for family allowances in paychecks for each dependent family member;
- **Attachment 8: Stabilization procedure of the discontinuities of the National Fire Brigade** - The Legislator issued in 2007 (also in the past years as 2004, etc ...) a Stabilization procedure for the "Discontinuous" personnel of the National Corps of the Fire fighters.

We want to clarify that the Italian legislation on voluntary work (Law 266/91) cites: **"... for voluntary activities must be understood that provided in a personal, spontaneous and free way, through the organization of which the volunteer is a non-profit organization indirect and exclusively for purposes of solidarity [...] Voluntary activity can not be paid in any way either, by the beneficiary [...] The quality of a volunteer is incompatible with any form of subordinate or self-employment relationship and with any other relationship of patrimonial content with the organization of which it is part ».**

In addition, an old ruling by the Italian Constitutional Court (**267 of 2013**) expressed that the fire brigade has a **"Temporary Service Report"**. In fact, the same Italian Legislation certifies that the term **"Temporary Service Report"** is the legal relationship between the Public Administration (employer) and the employee, since it is part of the public sphere, otherwise the same wording does not exist in the Volunteering because Volunteering for the Italian State falls within the private sphere.

This trade union organization wants to clarify that **"Temporary Service Report"** according to the Italian legislation, can also be an occasional service but can not under any circumstances be Volunteering since, the "Discontinue" of the Fire Brigade can carry out a maximum of 160 working days year, and his performance will end with his retirement.

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We also remember that any form of precariousness in all areas of work both public and private, and any EU member state that abuses these circumstances is condemned and sanctioned by the European Court of Justice, which requires the same EU member countries to hire all temporary workers indefinitely.

Given the inconsistencies that are present between the Italian legislation and its application, we ask you to clarify and if necessary, pressure, in regard to this serious problem that has been present for decades, in the National Fire Brigade of the Italian Republic.

Waiting for his reply, best regards

Italy – Catanzaro, 28/12/2017

*for the Regional Coordination Union of Firefighters Base Union*  
*Silipo Giancarlo*

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