



National Fire Service

Public Rescue and Prevention Professionals The Agreement Covering the Years 2019-2021

The New Contractual Season
and the Re-launch
of Bargaining:
Ideas and Proposals for
Professional and Financial
Recognition of Firefighters

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One Service One Adequate Agreement

The Fp Cgil Vvf, FNS Cisl and Confsal Vvf believe that the national labour collective agreement should be the instrument to restore dignity and value to the work of the personnel belonging to the National Fire Service; to shorten the salary and social security distances with other public service sectors, and increase personal and collective protection.

We are convinced of the need to change the current regulatory system through a process of streamlining, making it more suited to the real needs of the National Fire Service, and capable of anticipating the organisational changes required by changing emergency situations.

These changes will have to affect the second-level sources of regulation and, in particular, the procedure for their approval, reserving broader powers for the Head of Department and the Head of the National Fire Service, as well as greater participation, in terms of negotiation, to the representative trade unions.

It is therefore necessary to re-launch the system of labour relations by making the most of second-level complementary bargaining. To this end, it is essential to identify all matters subject to bargaining/negotiation, establishing a shared clear-cut principle, which will avoid in the future what happened with the unilateral distribution of economic resources coming from the fund referred to in Article 1, paragraph 133, of the 2020 Budget Law.

It is fundamental for these trade unions to define, without any doubt, how the economic treatment of the staff, both fixed and additional salary, must always be established through bargaining/negotiation, in order to allow unions to play their representative role on an equal footing, as provided for by the system of trade union relations.

For this reason, we must re-launch the current model of bargaining and dialogue, in order to obtain the amendment of all those contractual provisions, both regulatory and economic, which no longer meet the expectations and requirements of the staff.

General Claims

The Fp Cgil Vvf, FNS Cisl and Confsal Vvf intend to propose and define a path oriented to enhance the high professionalism of all staff of the National Fire Service, aimed at balancing a twofold need: to respond to the difficult working conditions of the staff of the Fire Service, and to ensure a safety system of the country, able to cope with small and large emergencies, in constant synergy with all State agencies and bodies integrated into the Civil Protection system, of which the Fire Service remains the fundamental component, according to the Civil Protection Code (Legislative Decree no. 1. of 2018).

We therefore consider it absolutely necessary, in relation to the provisions of Article 8 of the Presidential Decree No. 41 of 15 March 2018, transposing the National Labour Agreement for non-managerial and non-executive personnel of the National Fire Service, that the Administration follows up on the decisions taken by the Parties when signing the Addendum by preparing the economic calculations, and transposing, with subsequent measures, all the matters covered by the agreement, by identifying additional resources to those of the agreement, and those referred to in Article 1, paragraph 133, of the 2020 Budget Law.

The emergencies that have affected Italy over the last decade have become more frequent and more aggressive, due to climate change and a country that is more fragile in environmental terms, not to mention the pandemic emergency of this last period.

In order to best meet these requirements, and ensure an increasingly adequate safety for citizens and protection of the territory, appropriate investments are needed, useful to follow up on the project already shared with the Administration in 2014 called "Italy in 20 minutes", which should certainly be updated to meet the current needs of the country, together with an adequate programme of staff recruitment in the various roles.

We also believe that the National Fire Service should be involved in a study to forecast natural and man-made risks in the various territories, re-launching risk prevention, jointly with the Municipalities, Provinces, Regions and the Civil Protection Department.

It is undoubtedly necessary to pursue innovation in technical equipment and rescue means, together with development in technology and Personal Protective Equipment (PPE). In the same way, the undersigned trade union organisations



deem it essential to provide greater and on-going vocational training for both the operational and the technical-professional roles, which is a fundamental guarantee for the health and safety of the Service's workers.

To this end, it is necessary for the Trade Union and the Administration to identify adequate financial resources, since the improvement of the service is undoubtedly an advantage for the citizens and for the entire economic system of the country. We are proposing an ambitious pathway, consisting of concrete proposals and objectives, which translate into the need to renew the national employment contract in the best possible way, and to respond to the needs of the women and men of the Service, as the main actors in the institutional mission of the National Fire Service.

It will be necessary to guarantee all staff and, in particular, those who carry out a high-risk professional activity, insurance protection that is still unjustly denied, just as it will be necessary to identify and recognise occupational diseases, thus solving the age-old problem of in-service lawsuits.

We must point out that the Government, in preparing the 2021 Budget Law, has not followed up on the promises made on several occasions to the workers of the Service. In fact, the specific resources – estimated at approximately 31 million euros - have not been allocated, to recognise the mandatory social security treatment of 6 salary steps on a pensionable basis for all personnel, which is already recognised for other public servants, especially in light of the shorter working life of these classes.

With Legislative Decree No. 127/2018, amendments and additions were made to Legislative Decree No. 217/2005 "Staff Regulations". Despite this, a number of issues relating to the careers of operational staff, specialist roles, technical and professional roles and representative roles, as well as other issues of a different nature that affect all staff transversally, still remain unsolved. In this regard, a new legislative delegation is needed to make the necessary corrections. Pending the issuance of a newly delegated law, it is to be hoped that some of the critical aspects of the system mentioned above will be adequately corrected through specific legislative actions by the Parliament.

The undersigned organisations points out that in the distribution of the resources issued from the fund referred to in Article 1, paragraph 133, of the 2020 Budget Law, the Government has de facto suppressed, without even discussing with trade union organisations, the increased risk allowance established for staff with 22 to 28 years of seniority, provided for in Article 64, paragraph 4 of Presidential Decree No. 335/90, although this benefit is contained in an employment agreement signed between the parties in the past and still in force.

These trade union organisations, in criticising this *modus operandi*, which is disrespectful of trade union prerogatives, ask to restore the aforementioned incre-



ase for staff, on the basis of seniority to be identified from the resources coming from the fund referred to in Article 1, paragraph 133, of the Budget Law 2020.

Similarly, as far as the specificity allowance is concerned, which since its establishment has not covered fire-fighters with less seniority, we believe it is desirable that this gap be bridged by introducing in the specificity an additional pay level at 7 years of seniority, whose value is a first step to financial recognition of the younger firefighters, more involved in the rescue system and, consequently, more exposed to risk.

Following the issuance of Legislative Decree No. 127/2018, an intense discussion between the Trade Unions and the Administration was to be initiated in order to proceed with the issuance of the relevant implementing decrees. Unfortunately, also due to the fall in trade union relations recorded in recent years, the start of this fundamental path, necessary to fully implement the changes introduced by the aforementioned decree, was not allowed. We therefore expect an immediate start of this indispensable discussion in the mutual interest of the staff and the Administration itself.

With Legislative Decree No. 127/2018, the Professional Technical Role of the National Fire Service was established, concluding a formal process, started with Legislative Decree No. 217/2005, which has seen an increasing integration of this category within the operational functions of the National Fire Service. Unfortunately, there is still cultural resistance, now overcome by history and by the rules in force, which would like to delay, in substance, this integration process.

In this regard, without prejudice to the peculiarities of each role of the National Fire Service, it is stressed that each employee, within the scope of their competences, has the task of operating the rescue machine in the interest of the citizens. We hope, therefore, for a change of pace on the part of the Administration, aimed at facilitating the integration of all personnel, in application of the provisions desired by the legislator representing the Italian people.

National Labour Collective Agreement

FINANCIAL PART

First of all, it should be pointed out that the budget allocated for the renewal of the agreement for the National Fire Service does not adequately reflect the work performed by the Service's personnel in favour of the community.

For the umpteenth time, in fact, the high level of professionalism demonstrated daily in small and large emergencies has not been recognized, much less, the particular exposure to risk, as well as the great sacrifice of the staff. Therefore, the salary increase confirmed by the Government, equal to 4.07%, appears to be lower than the expectations of workers, despite the specificity of work as recognized by Law No. 183/2010.

In any case, the available budget will have to be used mainly to increase the fixed and continuous amounts, guaranteeing salary developments proportionate to the work carried out by all the components of the National Fire Service, as provided for by articles 138 and 228 of Legislative Decree No. 217/2005.

In addition, further resources will be needed to adjust the so-called accessory salary, a need that will only find a partial response through the resources, subject to negotiation, coming from the fund referred to in Article 1, paragraph 133, of the 2020 Budget Law. In this regard, CGIL, CISL and CONFSAL will request a precise contractual commitment, to be signed within the financial part, precisely because of the lack of the aforementioned allocation, which they claim.

At the same time, in order to immediately recognise the salaries of the Service personnel, it will be necessary to provide for a tax exemption on the amounts relating to overtime services, in the same way as happens in the private sector and in the public service sectors, so that these additional services are actually valued.

REGULATORY PART

As a preliminary remark, it should be pointed out that the contractual regulations in force for the personnel of the National Fire Service, besides being difficult to apply, are scattered among different contractual texts. Just think of the fact that the night and holiday allowance is governed by the remote Presidential Decree

No. 269/1987, and that several measures - still applicable - are governed by contracts entered into under private law.

This fragmentation causes considerable problems of certainty of the rights of the workers of the National Fire Service, which could be solved by gathering all the provisions in force in a single contractual text.

In addition, because of repeated and unjustifiable legislative initiatives, accompanied by too many circular letters unilaterally decided by the Department, many matters have been arbitrarily removed from provisions of the national labour collective agreement, and from the natural negotiating forum or have been interpreted in a way not shared with the trade unions. In this regard, a clear reiteration of the existing contractual provisions is necessary, as well as a precise integration and interpretation of the rules, to be shared at the time of the renewal of the agreement, and the institution of new forms of protection in step with the times and with the evolution of the society, putting at the centre the working conditions of the personnel of the National Fire Service.

The following main arguments are mentioned as a proposal to be shared on the bargaining table:

- With reference to labour relations, it is necessary to better specify their contents as regards the subjects, timing and methods of the dialogue between the Trade Union Organisations and the Administration. It will be necessary to better affirm the legitimate right of Trade Union Organisations to express their thoughts, dissent or opposition to Governments or the Administration itself during initiatives organised outdoors, demonstrations, sit-ins, etc., legitimately authorised by the competent bodies. On these occasions, the use of work clothes for those who represent their thoughts must always be allowed, without any prior authorisation, in compliance with the current rules and civil principles of representation;
- In view of the fact that the pension allowance is now calculated on the basis of the contribution-based system and that the age of entry into the workforce has risen, it is essential to initiate procedures to set up a complementary pension scheme, providing specific funding in addition to contractual resources, and setting up a special bilateral observatory to ensure the rapid achievement of this important objective with the possibility of accessing the Perseo Sirio civil service fund or, alternatively, setting up a specific fund;
- In view of the experience gained by the Service during disasters and micro-emergencies, it is necessary to adjust the provisions of art. 35 of the national collective agreement of 24 May 2000, reducing the operational phases from three to two, maintaining the first and second phases. For micro-disasters, in which the Service personnel are often engaged throughout the country, the provisions of the first emergency phase must be applied, regardless of whether a state of emergency has been declared;



- In order to safeguard psychophysical integrity, in particular of operational staff exposed to the risks connected to emergency technical rescue activities, a series of safeguard measures must be envisaged for them, capable of improving their working conditions, also and not only taking into account the increase in their age. To this end, the best solutions in favour of the personnel concerned must be identified through specific negotiations between the Parties;
- Through an agreement between the Parties, it is necessary to define the criteria relating to assignments for service needs pursuant to Article 42 of Presidential Decree no. 64/2012. With regard to temporary assignments for personal needs, it is necessary to extend this benefit in favour of the spouse, relatives and relatives-in-law within the second degree of kinship in particular conditions of need;
- Over the years, the application of Article 28 of the national collective agreement of 24 May 2000, concerning staff travel expenses, has given rise to considerable problems, often arising from a unilateral interpretation of the Administration's contractual provisions. For this reason, we consider it necessary to clarify once and for all the scope of these provisions;
- It is necessary to recall the validity of the bilateral observatories referred to in Article 6 of the national collective agreement of 24 May 2000, specifying more precisely the functions of the bilateral observatory on health and safety at work, with a view to identifying occupational diseases;
- A bilateral observatory for the legal protection of staff should be set up to find solutions to this serious problem that affects workers;
- There's a need to identify, as already provided for in the employment contracts of several public service sectors, the possibility of granting/ceding to others part of the individual's leave, in case of illness of the employee's relatives, as a form of solidarity among workers;
- There's a need to extend the current on-call duty for management to other Service personnel. The instrument thus devised must provide for a new fixed daily allowance for the personnel in charge of the service, in addition to providing for the payment of overtime services rendered. When applied, this must not be financially burdensome either on the resources of the Agreement or on the resources referred to in Article 1, paragraph 133, of Law no. 160/2019;
- The issue of health protection for personnel remains unsolved, since at present the system of Hospital Medical Boards is not able to perform this important task of protection, also because of the continuous budget cuts that have affected the sector. It is therefore necessary to guarantee the insurance protection in case of occupational accidents, which is unjustly denied to the Service personnel who carry out a high-risk professional activity, without losing



any of the benefits already granted. In this context, it is no longer possible to postpone the identification of all occupational diseases by means of a defined and table-based system, aimed at facilitating the recognition of work-related diseases affecting workers on service;

- Protection for working mothers, including those who are separated, divorced or widows, must be guaranteed and improved, as well as for fathers on an equal footing;
- There's a need to make the application of whistleblowing enforceable through a protocol, as provided for in the operational guidelines contained in Law No. 179 of 30 November 2017 on "provisions for the protection of the authors of reports or irregularities of which they have become aware in the context of a public or private employment relationship";
- In view of the current pandemic and the recent legislation providing for the structuring of the organisational plan for smart working, it is necessary to define an agreement to regulate Smart Working, and teleworking, which must be seen as opportunities for the development of the National Fire Service, guaranteeing all economic protection, starting with the recognition of meal vouchers;
- A specific provision should be included in the national labour collective agreement to regulate the way in which disputes concerning the application and interpretation of the contract are settled.

AGREEMENT FOR THE DISTRIBUTION OF RESOURCES

ARTICLE 1 PARAGRAPH 133 OF LAW NO. 160/2019

With the law of 27 December 2019, no. 160, Article 1, paragraph 133, significant economic resources amounting to 165 million euros were allocated for the staff of the National Fire Service, payable starting from the years 2020 and 2021, to get to full regime as of 2022.

The provision of the law in question has fulfilled the purpose of enhancing, exclusively in terms of salary, the staff of the Fire Service, allowing for pursuing a substantial harmonization with the economic treatment of the staff of other public services.

Within the EUR 165 million allocated, substantial resources still remain to be distributed, at contractual level, to the accessory treatment. Unfortunately, these sums, while improving the overall salary level of employees, do not yet allow for achieving the goal of harmonisation and enhancement indicated in the legislative provision in question.

In particular, in spite of the economic resources under consideration, there are still considerable differences in pay as regards the night allowance, which we believe should be increased in line with the resources available. In addition to this, we are considering the improvement of the holiday and over-holiday allowances, both of which - like the night allowance - are subject to the contractual regulations of Presidential Decree No. 269/1987.

As regards daily duty staff in the technical-professional and operational roles, it is essential to adjust the attendance allowance, which has remained at EUR 1 per day since it was first introduced back in 2004.

We also point out the need to define the replacement quotas to compensate for the reabsorption of the increase in the risk allowance at 22-28 years of seniority, determined by the recent distribution of the 165 million euros, and the establishment of a new level, relating to the specificity allowance, to be paid to staff between 7 and 14 years of seniority.

Finally, we hope that the sensitivity shown by the various Governments will be renewed with regard to the allocation of further resources, including those from the Recovery Fund, to be used for the definitive enhancement of the personnel of the National Fire Service.



CONCLUSIONS

This document is a policy statement that stems from the need to reach a common understanding between CGIL CISL and CONFASAL, with the aim of guaranteeing better economic and working conditions for the personnel of the National Fire Service, also in terms of personal and collective protection.

Everything that does not make an integral part of this policy statement will be discussed in the course of the negotiations, with the aim of extending the aforementioned guarantees and protections, taking advantage of the important unitary path that will see the three undersigned trade union organisations as protagonists of the whole process.

CCC

capacità **cond**divisione **co**erenza

