REPUBLIC OF SAN MARINO

We the Captains Regent
of the Most Serene Republic of San Marino

Having regard to Article 4 of Constitutional Law no. 185/2005 and Article 6 of Qualified Law no. 186/2005;
Hereby promulgate and order the publication of the following Ordinary Law, approved by the Great and General Council during its sitting of 2 May 2016:

LAW no. 59 of 9 May 2016

FREEDOM OF ASSOCIATION AND UNION ACTIVITY IN WORKPLACES, COLLECTIVE BARGAINING AND RIGHT TO STRIKE

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TITLE I
PURPOSES AND GENERAL PRINCIPLES

Article 1
(*Purposes*)

1. With a view to ensuring and regulating freedom of association and union activity and to establishing rules for the legal recognition of workers' and employers' associations, this Law identifies the instruments and main rules to be complied with by the parties authorised to conduct collective bargaining, while defining the requirements for representativeness. 2. This Law defines the minimum content and the rules on the validity of sectoral collective agreements, while regulating the relations between the parties to said agreements.
3. This Law defines the rules for the financing of workers' associations and it regulates the appointment and functioning of firm-level union representative bodies, including rules on collective self-protection.
4. This Law shall also apply to public employment, insofar as compatible.

Art. 2
(*Definitions*)

1. For the purposes of this Law:
a) association: the associations representing the interests of employers and workers. Associations wishing to apply for registration, for the prerogatives deriving therefrom, shall be divided into: legally recognised and registered workers' and employers' associations as defined below;
b) workers' confederation: workers' confederation or union;
c) employers' association: an employers' organisation or union;
d) coalition of workers' associations or coalition of employers' associations: the union of several workers' or employers' associations for the purposes of bargaining;
e) most representative associations: workers' and employers' associations or coalitions thereof, entitled to sign sectoral collective agreements;
f) worker: any person performing some work for wage, whether a public or private employee, to be understood as any person obliged, for remuneration, to provide their labour, on an ongoing, temporary, occasional, casual or exceptional basis, to a natural or legal person, subject to the latter's managerial authority;
g) employer: a public or private employer, to be understood as a natural or legal person, body, administration or other legal entity employing one or more workers; in case of group of companies, under existing legislation, the expression "employer" shall identify each individual company employing at least one worker;
h) firm-level workers' association: the union representative body established under Article 19;

i) sectoral collective agreement: a national labour agreement with erga omnes effectiveness, governing employment relationships pertaining to a specific sector;
l) sector: one of the fields covered by collective bargaining and identified pursuant to paragraph 3 of Article 29;
m) area: a specific agreement-related segment or subset of workers in a particular sector and regulated in the sectoral collective agreement;
n) affiliate: any person, employed or unemployed worker, or any first-time job seeker who is a member of an association;
o) affiliation: the formal and unequivocal statement of the intention to affiliate with an association;
p) member: within the broader category of affiliates and with respect to workers' associations, any worker with regular employment relationship, or any worker benefiting from the economic treatments “special economic benefit for mobility” and "unemployment benefit" pursuant to Law no. 73 of 31 March 2010 and subsequent amendments. Within the broader category of affiliates and with respect to employers' associations, the expression “member” designates any employer employing at least one worker. In order to be considered a member of a workers’ or an employers' association, an affiliate shall be required to pay a membership fee, besides meeting the requirements referred to in this letter;
q) membership: a formally expressed and unequivocal statement by an affiliate, meeting the requirements to be considered a member under the previous letter and to be computed as a member of the workers’ or the employers' association of affiliation;
r) membership fee: the voluntary fee paid by the worker referred to in letter b), paragraph 1 of Article 10; the voluntary fee paid by the employer to the employers’ association under letter c), paragraph 3 of Article 7;
s) service fee: the social service fee paid by the worker referred to in letter a), paragraph 1 of Article 10; for employers' associations, the contribution to these associations. The existence, amount and terms of payment of this fee may be envisaged in the sectoral collective agreement;
t) Guarantee Committee: the collegial body established, regulated and entrusted to carry out the functions referred to in Article 28 of this Law.

TITLE II
FREEDOM OF ASSOCIATION AND UNION ACTIVITY IN WORKPLACES

CHAPTER I
FREEDOM OF ASSOCIATION, LEGAL RECOGNITION AND REGISTRATION OF ASSOCIATIONS

Art. 3
(*Freedom of association and union activity*)

1. Anyone shall be free to establish workers' and employers’ associations and to join them, in accordance with Article 8 of the Declaration on the Citizens’ Rights and Fundamental Principles of San Marino Legal System, referred to in Law no. 59 of 8 July 1974 and subsequent amendments, as well as to organise union activities in workplaces, in so far as this does not affect the proper fulfilment of their obligations under the agreement.
2. This law is inspired by the provisions of the Conventions of the International Labour Organization (ILO) ratified by the Republic of San Marino.
3. Consistent with and pursuant to Article 1 of the ILO Right to Organise and Collective Bargaining Convention (no. 98), workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection shall apply more particularly in respect of acts calculated to:

a) make the employment of a worker subject to the condition that he/she shall not join a union or shall relinquish trade union membership;
b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Art. 4
(*Legal form of associations*)

1. For the sole purpose of the recognition regulated by this Law and of ensuing prerogatives, associations shall be established as entities with legal personality, which is granted after the registration referred to in Article 5 below.
2. Anyone shall be free to join an association representing the interests of workers and employers. Associations may be established regardless of the registration procedure provided for in this Law.
3. Associations may participate in legal proceedings in the person of their legal representative *pro tempore* and may buy or receive immovable and movable property, whether for consideration or not, in compliance with existing laws. Associations shall be authorised to purchase or to register in their own name, at any title, immovable property or rights *in rem*, except that of usufruct, in compliance with existing laws.

Art. 5
(*Registration*)

1. In order to be qualified as workers' and employers' associations exclusively for the purposes and for the prerogatives referred to in this Law, associations shall be recorded in a special register kept at the judicial offices of the Court.
2. The procedures and requirements for registration shall be regulated by subsequent Articles 6 and 7.

Art. 6
(*Requirements for registration*)

1. To register a workers' association, its members shall be workers from at least six different sectors and the members shall represent at least 4% of total workers.
2. The registration of an employers' association shall require that member employers carry out their activity in at least six different sectors and employ at least 4% of total workers.
3. The registration of an employer's association shall also be allowed for associations with at least 150 member employers, even if they conduct business in less than six sectors. In the latter case, or the purpose of registration, it shall be necessary that, at least in one of the sectors, member affiliate employers employ at least 50 percent plus one of the employees working in that sector.
4. It shall be permitted to register an employers' association representing the interests of employers operating in a single sector, provided that the association itself has a minimum of 100 member employers operating in that sector and employing at least 4% of total workers, or at least 33% of the total number of workers in that sector. Alternatively, if less than 115 employers operate in the sector, it shall be possible to register an employers' association, provided that this has, among its members, at least 85% of the employers of that specific sector and that they employ4% of the total number of workers or, at least, 50% plus one of the total number of workers in the sector concerned.

Art. 7

(*Conditions for registration*)

1. The registration referred to in Article 5 shall require that the constitution be publicly posted beforehand at the Government building and at the Court for a period of fifteen days, after which anyone interested may submit a formal statement of opposition to the Labour Judge not later than ten days following the date of the posting.
2. As a condition for the registration, the constitutions of workers' and employers' associations shall establish an internal democratic structure.
3. Constitutions shall expressly specify, under penalty of rejection of the application for registration:
a) the legal form of the association with recognised legal personality, the objectives, the registered office and any ties with other organisations;
b) the conditions for acceptance, expulsion and withdrawal of affiliates;
c) the existence of a membership fee required for individual affiliates satisfying the other conditions specified in this Law to be considered members for the sole purpose of registration and for the other prerogatives referred to in this Law;
d) the composition and competence of the governing bodies, including the Board of Auditors or the Sole Auditor with audit functions, with proven and recognised experience in accounting and administrative matters and enrolled in the Register of Auditors; the indication of the representative *pro tempore* or of the position designated to represent the association; rules on the administration of revenue and assets of the association.
4. Constitutions shall also establish that members are not entitled to any operating profit, regardless of the contribution paid. In the event of liquidation of an association, its operating surplus and assets shall be allocated to San Marino charitable associations or, otherwise, to institutions pursuing social purposes in the territory, which shall be specified in the constitution. Constitutions shall provide the following: the governing bodies shall be renewed at least once every three years; the annual financial statements shall be approved by the collegial governing bodies, that is the body bringing together individual members or their delegates for this purpose, subject to the provisions on its publicity vis-à-vis members.
5. Within sixty days from the date of first registration referred to in Article 5, the affiliates wishing to become members shall be required to pay the membership fee pursuant to Article 9.
6. The annual financial statements of associations shall be filed with the Judicial Offices of the Court and be available to affiliates.
7. The verification of the requirements and the subsequent registration shall be the task of the Labour Judge, who shall deliver a decision in this regard by means of a relevant measure.

Art. 8
(*Withdrawal of the registration*)

1. Non-compliance with the foregoing provisions, even after registration, may give rise, at the request of the interested parties, to the withdrawal of the registration and the loss of legal personality. In order to withdraw the registration, the Labour Judge shall verify the merits of the request. The same shall apply in case one or more registration requirements are no longer met after registration.
2. The burden of proving that the requirements continue to be met shall lie with the associations, by submitting to the Guarantee Committee the documents necessary for this purpose by 31 March of each year. The Guarantee Committee shall verify whether the individual association continues to meet the requirements for participation within three months following the term indicated above.
3. In the event that the Guarantee Committee detects that one or more of the provisions contained in the preceding articles has been violated or that registration requirements have ceased to be met after the registration, it shall submit a request to the Labour Judge for the immediate withdrawal of the registration.
4. By way of derogation from the preceding Article, workers' and employers' associations remain

validly registered until 31 March of the year following registration or renewal of registration, even if during the year the number of members falls below the minimum threshold laid down in Article 6 or the other requirements set out in the same Article are no longer met.

Art. 9

(*Affiliates and members of associations*)

1. Anyone may validly set up or establish an association.
2. Anyone shall be free to join an association to entrust it with the representation of their interests.
3. The willingness to belong to an association shall be expressed through formal affiliation. It shall be possible to affiliate with several associations.
4. For the sole purposes of this Law:

a) the affiliate of an association meeting the requirements referred to in letter p), paragraph 1 of Article 2, shall be considered a member of the association itself;

b) any affiliate of several associations, who meets the requirements referred to in letter p), paragraph 1 of Article 2, shall be required to declare of which workers' or employers' association he/she wants to be considered as a member.

5. The membership shall be valid until it is revoked by the worker or the employer, or until the worker or the employer is expelled by the association. In any case, despite the revocation or expulsion, the membership fee shall be paid for the month in progress.
6. Membership of a workers' association shall be incompatible with the worker's declaration of his/her refusal to pay the required service fee, in accordance with and for the purposes of paragraph 2 of Article 11.

CHAPTER II

FINANCING OF LEGALLY RECOGNISED WORKERS' ASSOCIATIONS

Art. 10

(*Financing of workers' associations*)

1. The financing of registered workers' associations, which is useful and necessary for the independent and effective protection of all workers, shall be provided:

a) through the payment by workers of the service fee from their salary; b)
through the payment by workers of the voluntary membership fee.

Art. 11

(*Procedure for determining the service fee and worker's refusal to pay it*)

1. The amount of the service fee referred to in letter a), paragraph 1 of Article 10 shall be set out in the sectoral collective agreement through appropriate consultation held and regulated by the workers' associations.
2. Each worker shall be free to formalise his/her refusal to pay the service fee as laid down in the sectoral collective agreement. To this end, the refusal of the worker shall be expressed in writing through a formal request to be notified to the Labour Office. The worker shall send a copy of the request to the employer, the Contributions Office of the Social Security Institute and the workers' associations.

Art. 12

(*Procedures for collecting and allocating the service fee*)

1. Each public and private employer shall withdraw the service fee envisaged in the sectoral collective agreement from the gross wage of workers; the amount of the monthly or annual gross wage to be taken as a reference basis for calculating the service fee shall not take account of the amounts due to workers for: family allowances and equivalent payments, severance payments or similar benefits, cash-handling, transport, clothing allowances and any other allowance constituting a reimbursement of costs.
2. The amount of the service fee withheld shall be paid in the name and on behalf of the worker to the Social Security Institute, according to the modalities for insurance payments referred to in Law no. 15 of 11 February 1983 and subsequent amendments. In case of non-compliance, the employer shall be subject to the administrative and criminal sanctions envisaged by the law for failure to pay contributions.
3. The Social Security Institute shall make the following monthly allocations to workers' associations:
a) 25% of the total amount of the service fees received from employers on behalf of their workers; the amount shall be distributed in equal shares among the workers' associations;
b) the remaining 75% of the total amount of the service fees shall be distributed among the workers' associations according to a specific criterion for calculation jointly agreed by all workers' associations, which may be amended as jointly agreed by all workers' association. For this purpose and for the agreement among all workers' associations to be valid and enter into force. it shall be filed with the Guarantee Committee that shall verify the authenticity of the signatures and compliance with this Law. The allocation shall take due account of the number of workers who are members of each workers' association and of the ratio between the membership fee required and actually withheld by employers or the Social Security Institute on behalf of member workers, subject to the exemption referred to in paragraph 6 of Article 13 below, and the amount of the service fee fixed in the sectoral collective agreement, avoiding sensitive disproportions between the two values.
4. With a view to enabling the Social Security Institute to allocate the resources referred to in the preceding paragraph, the workers' associations shall be required to submit annually, no later than 31 March of each year, to the Guarantee Committee, which shall ascertain the veracity thereof, the list of members as of 31 December of the previous year, as well as the amount of the membership fee required and actually withheld from member workers. The Social Security Institute and the Guarantee Committee shall maintain confidentiality of data, except for publicly available data in accordance with the legislation in force.
5. If a workers' association does not comply with the provisions of the previous paragraph, it shall only receive the percentage of the fees it is entitled to, as referred to in letter a) of paragraph 3.
6. Each workers' association shall pay to the Social Security Institute an amount equal to 1% of its service fees, as consideration for the administrative and monitoring activity carried out pursuant to this Article. This amount shall be withheld at source directly and definitively by the Social Security Institute and, therefore, it shall be deducted from the amounts due to individual workers' associations under letters a) and b) of paragraph 3.

Art. 13

(*Membership fee, determination and collection procedures*)

1. In order to be considered a member of a workers' association, a worker who meets the requirements referred to in letter p), paragraph 1 of Article 2, shall pay the membership fee. The same shall apply in case the worker intends to renew his/her membership of the same workers' association.
2. The amount of the membership fee shall be determined by the workers' association.
3. The employer shall withhold every month the membership fee from the remuneration payable to the worker and, subsequently, shall pay it to the workers' association specified in the special membership application form. If the worker benefits from social safety nets, the Social Security

Institute shall withhold every month the membership fee and, subsequently, shall pay it to the workers' association specified in the membership application form.

4. The methods of payment shall be agreed among all workers' and employers' associations.

5. The membership fee shall be withheld from the gross amount of the remuneration received, net of allowances, benefits and other items of income referred to in paragraph 12 of Article 1.

6. Workers currently unemployed or looking for their first job on the territory of the Republic of San Marino as well as workers employed on a fixed-term and non-continuous basis shall still be entitled to pay the membership fee, through a traceable payment method, directly to the workers' association indicated on the membership application form, in the amount determined pursuant to paragraph 2 above. The list of names shall only be sent to the Social Security Institute and the Guarantee Committee.

7. It is understood that the associations that are not registered under this Law may require their affiliates to pay an association fee for the financing and development of their activities.

CHAPTER III
REPRESENTATIVES OF WORKERS' ASSOCIATIONS

Art. 14
(*Leaves and secondments to associations*)

1. Workers holding full-time management positions in associations shall be entitled to unpaid leaves for the entire duration of their appointment. Management positions shall be held by member workers in compliance with this Law.

2. The terms and duration of the appointment referred to in the preceding paragraph shall be established in the applicable sectoral collective agreement.

3. Secondment from the Overall Public Sector for association purposes shall be governed by sector-related rules and the relevant collective agreement, without prejudice to the following principles:

a) no benefit paid to the worker prior to his/her secondment may be retained during the secondment;

b) the State shall not contribute to the seconded worker's salary in amounts exceeding those paid for a sixth salary level.

Art. 15
(*Union meetings*)

1. Employers shall ensure that every worker can attend union meetings for a minimum of five paid hours per year in the workplace, provided that there are suitable premises to host such activities and, in any case, within the limits provided for by the applicable sectoral collective agreement, with no reduction in pay for those who participate.

2. Meetings shall also be allowed in the workplace outside working hours under the terms laid down in the sectoral collective agreement. In this case, the workers attending such meetings shall not be paid.

3. Meetings shall be called by the workers' association or by the firm-level union representatives, so that they can take place in the way established in the relevant sectoral collective agreement, by giving 48 hours' notice to the employer.

Art. 16
(*Right to salary, insurance and pension for workers holding positions in associations*)

1. The accident insurance coverage referred to in Law no. 15 of 11 February 1983 and subsequent amendments shall be extended to the workers holding positions within workers' associations for the performance of their functions, as proven by the notification regularly sent by the workers' association or by the firm-level union representatives to the employer; it shall also cover accidents on the journey to or from work.
2. When absent from work for union duties and paid meetings, workers shall be entitled to pay, insurance and pension and to other rights under existing rules governing the employment relationship.

Art. 17
(*Time-off for firm-level union activities*)

1. Employers shall grant paid and unpaid time-off to the workers for whom the workers' association makes a specific request, except for special and proven impediments due to firm-related or working needs and as required by the applicable sectoral collective agreement.
2. Unless otherwise provided in the applicable sectoral collective agreement, the workers who are members of the firm-level workers' association shall be granted every year, for the performance of their duties, a number of paid time-off hours equal to at least two hours for each employee operating in the workplace.
3. Requests for time-off under the previous paragraph shall be sent by workers' associations to employers at least two working days before the start date of the time-off period, in the manner prescribed by the relevant collective agreement.
4. Any issue relating to time-off for union activities which is not governed by this Law shall be regulated by sectoral collective agreements.

Art. 18
(*Allocation of the total number of hours for time-off and meetings for firm-level union activities*)

1. The total number of hours for time-off for union activities and meetings shall be allocated among workers' associations in proportion to the total number of members of the relevant sector, unless otherwise agreed among said associations, with a minimum of thirty minutes for each registered workers' association.

CHAPTER IV
FIRM-LEVEL WORKERS' ASSOCIATIONS
Art. 19
(*Firm-level workers' associations*)

1. Workers together with workers' associations, in the workplace where their members work, shall have the right to set up their own firm-level workers' associations.
2. Firm-level workers' associations shall be responsible for the protection of the interests and rights of all workers operating in a particular workplace in relation to individual employers. There shall be only one firm-level workers' association for each employer.
3. Firm-level workers' associations shall fulfil the following tasks:
a) to ensure compliance with and implementation of the labour agreement, of the agreements among confederations, as well as of labour, hygiene and work safety standards;
b) to negotiate with employers firm-level agreements based on sectoral collective agreements; c) to settle individual employment disputes that may arise with employers;
d) to examine working conditions, patterns and workloads, breaks, shifts, working hours and

enjoyment of holidays;

e) to ensure compliance with and application of legislative and regulatory provisions on hygiene and safety at work in the absence of a representative of workers for safety-related matters; to make proposals and/or requests to employers to put in place measures to improve the working environment and conditions, in order to protect and to ensure the health and physical integrity of workers, as well as the efficient performance of work;

f) to hold meetings in the workplace during or outside working hours, within the limits laid down in the sectoral collective agreement.

4. In order to establish a firm-level workers' association, each workers' association that participates in its creation shall include, among its members, at least one worker operating in the workplace where the firm-level workers' association shall carry out its activities.

5. The firm-level workers' association consists of worker delegates and firm-level representatives of workers' associations.

6. The role of delegate may be carried out by any worker chosen and elected from among those operating in the workplace.

7. The position of firm-level workers' representative may be held by a worker chosen and elected from among those operating in the workplace and being members of the workers' association.

8. The number of members of a firm-level workers' association, the removal, as well as the procedures for designation and/or election of representatives and delegates shall be defined by agreement among all workers' associations and employers' associations, or in the absence of an agreement, they shall be established in the sectoral collective agreement and shall include:

a) election procedures by submitting lists of candidates and secret ballot;

b) appointment of representatives and delegates in proportion to the total number of members and/or workers in the workplace, with periodic renewal.

9. The appointment of a representative, with ensuing prerogatives and rights, shall be promptly notified in writing to the employer.

10. Employers shall ensure and guarantee the free exercise of the union activity referred to in the above paragraphs to the workers participating as delegates or acting as representatives in accordance with this Article. In any case, the union activity shall be carried out without prejudice to the performance of the work activity.

11. All issues not provided for by this Law with regard to the functioning, rights and prerogatives of firm-level workers' associations shall be defined and regulated by individual sectoral collective agreements.

Art. 20

(*Spaces for firm-level union activities*)

1. Employers shall be required to reserve, in the workplace, a space accessible to all workers to post union communications and printed material.

2. The delegates and representatives referred to in Article 19 shall have the right, jointly or individually, to post publications, texts and communications concerning union and work issues, in accordance with the procedures and after paying any taxes due for such publications.

3. The right referred to in the previous paragraph shall also be extended to those workers' associations registered under Article 5 that do not have any delegates or any members among firm-level workers' representatives. For this purpose, the workers' association shall notify the employer, even from time to time, of the name of the person who shall enter the company premises to post publications.

4. In the workplaces where at least 100 workers are employed, the employers shall be required to make available to the firm-level workers' associations, on a permanent basis and for the joint exercise of their duties, a suitable premise in the workplace or in its immediate vicinity; in the workplaces where less than 100 workers work, the employers shall be required to make available to the firm-level workers' associations a suitable premise for their meetings, limited to their duration.

CHAPTER V
COLLECTIVE SELF-PROTECTION

Art. 21
(*Right to strike*)

1. The right to strike shall be recognised under Article 9 of the Declaration on the Citizens' Rights and Fundamental Principles of San Marino Legal System referred to in Law no. 59 of 8 July 1974 and subsequent amendments.
2. Without prejudice to the limits set by the Law to guarantee essential public services, as well as to the commitments undertaken through sectoral collective agreements, workers shall be granted the right to strike, in ways that do not jeopardize the safety of persons and workplaces. The workers that are on strike shall not be entitled to the remuneration corresponding to the working activity which is not performed.
3. Work stoppages for the exercise of the right to strike shall not cause to employers greater damage than that caused by work stoppages themselves.

Art. 22
(*Right to strike in essential public services*)

1. For the purposes of this Law, essential public services shall be considered those services ensuring the enjoyment of constitutionally protected human rights (life, health, freedom and security, freedom of movement, healthcare and social security, education and freedom of communication), even if such services are provided through a concession or an agreement.
2. In order to reconcile the exercise of the right to strike with the enjoyment of the human rights referred to in paragraph 1, a special law shall be enacted encompassing the definition and the list of essential public services, in addition to the rules to be complied with and the procedures to be followed for calling a strike and exercising the relevant right, if workers' abstention from work may impact, directly or indirectly, on the effective provision of such services. In the framework of the essential public services referred to in the previous paragraph for the legitimate exercise of the right to strike, anyone calling a strike shall notify public administrations or, otherwise, any other employer about the date, times and manner of the collective abstention of workers from work, as well as about the reasons and complaints underlying the strike, by giving at least 5 days' prior notice.
3. The administrations, companies providing services and more representative workers' associations shall agree, in sectoral collective agreements concluded in compliance with the requirements referred to in Article 25 below, as well as in the service regulations to be issued compliance with the agreements with union representatives or firm-level workers' associations referred to in Article 19, on the essential services to be guaranteed to users in any case, as well as on the ways and procedures for the provision of services and other measures in order to comply with the law referred to in paragraph 2.
4. The Law referred to in paragraph 2 shall also specify the minimum time intervals to be observed between the calling and the exercise of a strike and the next one, when this is necessary to avoid that the continuity of essential public services is objectively jeopardised, as a result of strikes called in sequence by different workers' associations and affecting, directly or indirectly, the same final service or the same users.
5. If the public administration delegates the provision of essential services to third and external companies, at the time of the entrustment such companies shall irrevocably undertake to ensure essential services to users, in the manner and terms set out in this Article and in the Law referred to in paragraph 2.

CHAPTER VI
JUDICIAL PROTECTION OF THE RIGHT TO ORGANISE

Art. 23
(*Procedure to punish anti-union behaviour*)

1. In the event that employers behave in such a way as to prevent or limit union activities, if the Labour Judge, on the application of the interested parties, within five days, after having convened the parties and having collected summary information, comes to the conclusion that the violation referred to in this paragraph has been committed, he/she shall order employers to cease the unlawful behaviour and remove its effects, by a reasoned decree immediately enforceable.
2. The decree referred to in paragraph 1 may be subject to opposition before the Judge of Appeal, within fifteen days from the date of notification to the parties.
The opposition submitted shall not suspend the effects and enforcement of the decree of the Labour Judge.
The competent Judge of Appeal, after receiving the notice of opposition, shall set a deadline to produce evidence, counter evidence and final allegations.
The judgement of the competent Judge of Appeal shall be final and shall not be subject to further appeal.
3. Employers not respecting the decree of the Labour Judge or the judgement of the competent Judge of appeal issued in the opposition proceedings shall be punished by a daily fine under Article 85 of the Criminal Code applicable at first instance.
4. In particularly serious cases or in the event of repeated infringements, the Judge may also apply, in addition to the daily fine referred to in the preceding paragraph, the punishment of disqualification from the exercise of the profession, as mentioned in Article 82 of the Criminal Code, applicable at first instance.

TITLE III
PROVISIONS ON THE REPRESENTATIVENESS OF ASSOCIATIONS AND EFFECTIVENESS OF COLLECTIVE BARGAINING

CHAPTER I
MOST REPRESENTATIVE ASSOCIATIONS AND THE GUARANTEE COMMITTEE

Art. 24
(*Most representative workers' and employers' associations and responsible for sectoral collective bargaining*)

1. Workers' and employers' associations registered under Title I of this Law shall be considered as the most representative if they meet, respectively, the following requirements:
a) for workers' associations, having at least a number of members equal to 5% of the total number of workers employed in the sector concerned;
b) for employers' associations, having a minimum of members equal to 5% of employers, who employ at least 10% of the total workers employed in the sector concerned.
2. The composition of delegations responsible for sectoral collective bargaining for each workers' and employers' association shall be proportional to the degree of representativeness according to the requirements referred to in paragraph 1 above.
3. The most representative workers' and employers' associations pursuant to this Article shall be entitled to sign sectoral collective agreements with erga omnes effectiveness as referred to in Article 25.
4. If no association within a specific sector can reach the minimum number required by letter a)

and b) of paragraph 1, the Guarantee Committee, by way of derogation from the above mentioned requirements, shall authorize all workers' and employers' associations, with at least one member working in that sector, to formally take part in bargaining, in order to ensure the right to a sectoral collective agreement.

Art. 25

(*Determination of erga omnes effectiveness*)

1. The Guarantee Committee shall certify the compliance with the requirements provided for by this law for the erga omnes effectiveness of the sectoral collective agreement, should one of the following conditions be met:

a) the sectoral collective agreement has been signed by the most representative workers' association or coalition thereof, whose membership consist at least of 50% plus one of workers employed in the sector concerned, and by the most representative employers' association or coalition thereof gathering members that employ at least 50% plus one of the workers of the sector subject to bargaining;

b) in the event that the representativeness requirements referred to in letter a) above are not met:

bb) if the requirement is not met by any workers' association or coalition thereof, the sectoral collective agreement has been signed by the most representative workers' association or coalition thereof gathering at least 66% of the total number of members of workers' associations employed in the sector concerned, provided that the total number of workers that are members of the various workers' associations in that particular sector is equal to or greater than 50% plus one of the total number of workers employed in that sector;bbb) if the requirement referred to under letter a) above is not met by any employers' association or coalition thereof, the sectoral collective agreement has been signed by an employers' association or coalition thereof representing a number of employers employing at least 66% of total workers employed by employers that are members of the various employers' associations, provided that the latter employ in the overall 50% plus one of the total number of workers employed in the sector subject to bargaining;

c) if the requirements referred to under previous letters a) and b) are not met, the sectoral collective agreement has been signed by a workers' association or coalition thereof and an employers' association or coalition thereof, following approval by referendum in accordance with the procedures set out in Art. 27 below. The union referendum may concern both parties, employers and workers, or only one of them, depending on whether the requirements of letters a) and b) above are not met by the individual trade union or employer's association, or coalition thereof, or by both employers' and workers' representatives in the sector, respectively.

2. The requirements referred to in letters a) and b) above may be fulfilled also during the different stages of bargaining, it being sufficient that the above mentioned criteria of representativeness are met before the signing of the sectoral collective agreement and continue to be met at least until its filing and publication.

Art. 26

(*Procedure for collective bargaining*)

1. Six months before the expiry of a sectoral collective agreement the procedure for the conclusion of a new collective agreement or the renewal of the same one under the same conditions shall be initiated. For this purpose, the Guarantee Committee shall convene the various workers' and employers' associations.

2. Workers' and employers' associations concerned by collective bargaining shall submit to the Guarantee Committee the documentation required within forty-five days from the receipt of the notification referred to in paragraph 1, for the purpose of checking the representativeness requirements within the reference sector. This notification shall disclose the workers' or employers'

coalition intended to be established for the purpose of collective bargaining.
3. Within thirty working days the Guarantee Committee shall rule on the participation of the most representative associations in the negotiations for the collective bargaining and on the composition of delegations, pursuant to paragraph 2 of Article 24.
4. Anyone interested can apply to the Guarantee Committee for a review of its decision referred to in the previous paragraph, possibly providing additional documentation supporting the right to participate in negotiations for collective bargaining. The outcome of the review shall be issued within seven working days from the application. An appeal may be brought to the Labour Judge against the outcome of the review of the Committee.

Art. 27
(*Union referendum and referendum procedure*)

1. The union referendum is the democratic instrument for approving a single agreement text agreed upon by employers and workers and for granting erga omnes effectiveness to the sectoral collective agreement, in the event that associations do not meet the representativeness requirements pursuant to letters a) and b), paragraph 1 of Article 25 above.
2. To be valid, the opening of the referendum procedure shall be requested to the Guarantee Committee, pursuant to letter e), paragraph 9 of Article 28.3. The opening of the referendum procedure shall be requested by the most representative workers' or employers' association in the sector concerned or coalition thereof, which does not meet, individually or in coalition, the requirements set out in letters a) and b), paragraph 1 of Article 25. The referendum procedure may involve both workers and employers, or only one of the two parties, depending on which of them, workers' or employers' association or coalition thereof, does not meet the requirements set out in letters a) and b), paragraph 1 of Article.
4. In the event that the workers' associations admitted to negotiations do not meet, individually or in coalition, the requirements set out under letters a) and b), paragraph 1 of Article 25, and do not agree on the text of the agreement, the opening of the referendum procedure may not be requested earlier than eighteen months after the formal opening of the negotiation procedures, unless otherwise expressly agreed upon by all workers' associations admitted to the negotiations in order to shorten or extend the time limit. In the latter case, in order to obtain the derogation, the procedures and controls set out in Article 26 shall be conducted again. The opening of the referendum procedure may in no case be requested earlier than six months after the formal opening of the negotiation procedures. At the end of the eighteen-month period, in the event that all workers' associations admitted to negotiations that do not meet, individually or in coalition, the requirements set out in letters a) and b), paragraph 1 of Article 25 do not agree on the text of the agreement, the procedure for collective bargaining referred to in Article 26 shall be resumed.
5. The opening of the referendum procedure may also be requested before the eighteen-month period has elapsed, but not earlier than the aforementioned minimum six-month time limit, in the event that a contracting union party that does not meet, individually or in coalition, the requirements set out in letters a) and b), paragraph 1 of Article 25 agrees on the text of the agreement with the other union counter-party that meets, individually or in coalition, the requirements of letter a), paragraph 1 of Article 25.
6. In the event that the union referendum is unsuccessful, a request shall be made for the collective bargaining procedure referred to in Article 26 to be initiated anew.
7. The referendum procedure shall be carried out with the greatest possible transparency with regard to the parties concerned and shall ensure their greatest possible active and democratic participation.
8. All workers and, separately, all employers active in the concerned sector may participate in the referendum procedure and cast their vote, depending on whether the referendum procedure is requested by a workers' or by an employers' association or a coalition thereof.
9. For the sectoral collective agreement to have erga omnes effectiveness and to be filed and

published in accordance with this Law, the absolute majority of the votes cast shall be obtained. For employers, this shall be calculated according to the number of workers employed by them compared with the total number of votes validly cast by those invited to vote in the union referendum. The expression "votes validly cast" shall mean all votes in favour of and against the referendum proposal.

10. Dates, voting modalities and any other procedures not covered by this Article shall be indicated in the request for opening of the referendum procedure to the Guarantee Committee, under and for the purposes of paragraph 2 of this Article.

11. The most representative associations or coalitions thereof may ask the Guarantee Committee for the opening of the referendum procedure to extend the erga omnes effectiveness of a sectoral collective agreement even if the condition referred to in paragraph 1 above is not met.

Art. 28

(*Guarantee Committee for collective bargaining and representativeness of workers' and employers' associations*)

1. The Guarantee Committee for collective bargaining and representativeness of workers' and employers' associations shall be established, in order to supervise the proper application of the procedures for sectoral collective bargaining and for the verification of the requirements of the associations wishing to take part in the negotiations as well as to carry out other tasks entrusted to it by this Law.

2. The Guarantee Committee shall be composed as follows:

a) a jurist with experience in labour law and industrial relations, who shall chair it, appointed by the Congress of State and jointly indicated by the two experts appointed under letter b) below;

(b) two experts in labour law and industrial relations, one indicated by the workers' associations, the other by the employers' associations. The Great and General Council shall acknowledge such designation. If the workers' associations and/or the employers' associations do not agree on a candidate, within forty-five days after the entry into force of this law and, thereafter, within thirty days prior to the end of the mandate, the workers' associations and/or employers' associations shall each be called upon to indicate their candidate so that the Great and General Council shall appoint, from among them, the experts who will become members of the Guarantee Committee, one for the workers' associations and one for the employers' associations. Each workers' and employers' association may present only one candidate.

3. The appointed experts shall serve for a three-years term, which may be renewed for up to two further mandates and shall be formalized within sixty days from the approval of this Law.

4. Members of the Great and General Council, those holding office in the administrative bodies of workers' or employers' associations, the chairman, the secretary and members of the political secretariat of political parties and movements, as well as public employees and those having held such offices the year before the appointment shall not be appointed as members of the Guarantee Committee.

5. In the event of termination of office of one or more members, vacancies shall be filled within thirty days and no later than the first sitting of the Council, according to the above procedures.

6. After their official appointment by the competent authorities, members of the committee referred to in this Article shall attest that they have taken out an appropriate insurance policy providing cover against civil liability for damage against third parties, including Public Administration, when exercising their function.

7. Each member of the Guarantee Committee shall receive an annual fixed amount of EUR 5,000.00 (five thousand/00). 50% of their remuneration shall be equally borne by workers' and employers' associations. The methods and time limits shall be determined by agreement of the parties. The remaining 50% shall be paid by the Administration. The costs to be borne by the Administration shall be charged to a specific chapter in the State Budget to be established in the budget adjustment.

8. Having heard the interested parties and without prejudice to the search for unanimity, the

resolutions of the committee shall be adopted by majority and shall be deemed to be valid if the chairman and at least one member are present. In the event of a tie the chairman shall have the casting vote.

9. The Guarantee Committee shall perform the following tasks:

A) deciding on doubts or disputes, raised by the employee or the employer, about whether an employer belongs to a specific bargaining sector for the entry in the register of the Labour Office referred to in paragraph 5 of Article 30;

b) determining the status of member workers or members employers under this Law; c) verifying whether the requirements referred to in Article 24 for participation in the sectoral collective bargaining are met, attributing to each workers' and employers' association the degree of representativeness and defining the composition of the delegation in charge of the bargaining;

d) certifying compliance with the requirements provided for by this Law for the erga omnes effectiveness of sectoral collective agreements and arranging its publication in the Official Gazette in accordance with Article 3 of Qualified Law no. 2 of 26 October 2010;evaluating referendum terms and conditions, where the most representative workers' and employers' associations or coalitions thereof of a specific sector request for its opening;

assessing whether the content of firm-level supplementary bargaining are legal and compliant with the provisions of the collective bargaining of the relevant sector;

delivering its opinion on the opening of bargaining by derogation of Article 36 of this Law.

10. The assessment referred to in letter b) of the preceding paragraph shall represent the basis for the proportional allocation of service fees paid by workers and collected by the Social Security Institute in accordance with the procedures laid down in Article 12.

11. With regard to the overall employment rate for the sector concerned, the Guarantee Committee shall relate to the data formally published in the previous quarter by the IT, Technology, Data and Statistics Office.

12. The Guarantee Committee is supported by a supervisory body, composed of one representative of each workers' and employers' association as well as one member representing the Congress of State. This body meets at least once a year to check the proper exercise of the functions assigned to the Guarantee Committee and to draw up an annual report on the functioning and proper exercise of the functions delegated to the Guarantee Committee. The report shall be entered in the minutes of the meetings of the Guarantee Committee. In the event serious violations of the provisions of this Law and in the exercise of the functions assigned to the Guarantee Committee are detected, the supervisory body may file an appeal to the Labour Judge to request the suspension of the members of the Guarantee Committee and the revocation of the effects of the decision that led to the suspension. The members of the supervisory body shall hold office for three years from the appointment of the last member of this body. The members shall be appointed respectively by each workers' and employers' association and by the Congress of State and their appointment shall be notified, in order to be valid, by registered letter to the Guarantee Committee. The members of the supervisory body shall not receive remuneration for the tasks carried out.

CHAPTER II
SECTORAL COLLECTIVE AND SUPPLEMENTARY FIRM-LEVEL BARGAINING

Art. 29
(*Sectoral collective agreement with erga omnes effectiveness*)

1. The sectoral collective agreement that meets the requirements referred to in Chapter I shall have erga omnes effectiveness. The sectoral collective agreement may not contain provisions that are in conflict with the legislation in force. All employers and workers operating in the sector concerned by the collective agreement shall be required to implement and respect it. This shall also

apply to all other persons that are direct or indirect addressees of the rules and provisions contained therein.

2. The sectoral collective agreement shall be concluded in writing, under penalty of nullity, and shall be signed by workers' and employers' associations considered as the most representative in accordance with Article 24, and shall meet the other requirements provided for by this Law.

3. Only one sectoral collective agreement with erga omnes effectiveness may be concluded for each sector subject to bargaining. National bargaining sector shall be identified through specific agreements between all the registered workers' and employers' associations. To ensure the full legal validity of the agreements concluded, after their signing, they shall be immediately transmitted to the Guarantee Committee.

4. Once the sectoral collective agreement has been concluded, it shall be examined by the Guarantee Committee that shall certify its compliance with the requirements of this Law. Following the approval of the Committee, the sectoral collective agreement shall be published in the Official Gazette according to the law. The collective agreement shall have an erga omnes effect equal to a law, from its date of publication.

Art. 30

(*Content of the sectoral collective agreement with erga omnes effectiveness*)

1. The sectoral collective agreement shall include minimum wages and methods of remuneration, duration of working time and probationary period, precise rules with respect to the firm-level workers' association and its functioning, in compliance with what has already been established in Article 19 of this Law, period of validity, conditions and forms of revision, amendments to and termination of the agreement.

2. The sectoral collective agreement shall contain the amount of the service fee referred to in Article 11 and any issue agreed by workers' and employers' associations and not provided for by this Law. The sectoral collective agreement may set a service fee for employers implementing it, which shall be allocated to the employers' associations listed therein, and shall set out the amount, methods and terms of payment of this fee.

3. The sectoral collective agreement may contain a more favourable treatment for workers than that provided by labour legislation.

4. The sectoral collective agreement may regulate economic and regulatory aspects relating to specific agreement related areas.

5. All employers, except those employing family workers or operators in the farming sector, shall formalize the sectoral collective agreement applied also according to their core business, by entering it in a specific registry established within the Labour Office and regularly updated. The Labour Office shall transmit to the Guarantee Committee, at the request of the latter, the complete and updated list within five days of the request.

6. In accordance with letter a), paragraph 9 of Article 28 employers may submit a relevant application to the Guarantee Committee in order to know which sectoral collective agreement to apply, if the activity of their workers is not easily attributable to a specific working sector.

Art. 31

(*Termination of the sectoral collective agreement*)

1. The sectoral collective agreement shall provide for a period of duration which, in any case, shall not exceed ten years.

2. After expiry of the relevant period agreed by the parties, which shall not be longer than ten years as referred to in the previous paragraph, or if the parties do not reach an agreement on the revision of the content or renewal, the sectoral collective agreement shall continue to produce its effects, until the filing and publication of the new collective agreement of the same sector under and for the purposes of Article 29.

3. Within six months from the expiry of the sectoral collective agreement, workers' and employers' associations shall open consultation for the revision of the content or the renewal of the agreement.

Art. 32

(*Firm-level supplementary agreement*)

1. Firm-level supplementary agreements shall be concluded by employers and the appointed or designated firm-level workers' association in compliance with the conditions laid down by this Law, in order to increase corporate efficiency, optimize productivity, reward efforts and performance quality of workers even by introducing non-discriminatory staff selection criteria.
2. If no agreement at company level is reached on the content of the firm-level supplementary agreement, the firm-level workers' association and the employer may refer the bargaining to the most representative workers' and employers' associations of the sector concerned or coalitions thereof.
3. In the absence of a firm-level workers' association, bargaining on the firm-level supplementary agreement may be carried out by the most representative workers' associations in the sector concerned.
4. Once the firm-level supplementary agreement has been concluded in compliance with this Law, it shall be examined by the Guarantee Committee that shall certify its formal legitimacy and compliance with the provisions of the relevant sectoral collective agreement.
5. The effectiveness of the firm-level supplementary agreement ritually signed shall be subject to approval by the majority of the employees of the employer or employers signing it, through a democratic and transparent referendum procedure.

Art. 33

(*Contents of the firm-level supplementary agreement*)

1. The firm-level supplementary agreement shall regulate the issues agreed by the respective sectoral collective agreement. Except for more favourable derogations for the employees concerned by the sectoral collective agreement, the firm-level supplementary agreement shall not change the contents of the sectoral collective bargaining. Upon the infringement of the constraints and limits imposed by the sectoral collective agreement, the clauses of the firm-level supplementary agreement shall be void.
2. The firm-level supplementary agreement may freely regulate matters or aspects that have not been regulated by the sectoral collective agreement, unless the sectoral collective agreement expressly and precisely excludes that certain aspects may be subject to firm-level negotiations and bargaining, for reasons of worker protection.

Art. 34

(*Application and termination of the firm-level supplementary agreement*)

1. The firm-level supplementary agreement shall have a maximum duration of ten years and shall end with the expiry of the relevant sectoral collective agreement.
2. The firm-level supplementary agreement shall continue to produce effects until the filing and publication of the new sectoral collective agreement pursuant to and for the purposes of Article 29. Starting from this date negotiations shall be opened for the conclusion of a new firm-level supplementary agreement under Article 32.

Art. 35

(*Collective or firm-level agreement without erga omnes effectiveness*)

1. All associations, either registered or not, shall be free to validly conclude collective or firm-level agreements.
2. Collective or firm-level agreements concluded pursuant to the previous paragraph shall become effective only with regard to signatories or affiliates of the associations concluding the agreement as they shall not have erga omnes effectiveness on the sector or workers of the firm concerned that are not affiliated to the associations concluding the agreement.
3. The collective or firm-level agreements referred to in this Article shall not contain less favourable provisions for workers than those contained in the sectoral collective agreement concluded pursuant to Article 29 and in the firm-level supplementary agreement referred to in article 32, if any.

Art. 36
(*Temporary serious crisis of employers*)

1. Following agreement between the most representative workers' association or coalition thereof in the relevant sector and the employer concerned or the respective employers' association, after consulting the Guarantee Committee, individual conditions, which are more favourable than those established by the sectoral collective agreement applicable from time to time, may be temporally reduced in the event of a declared temporary serious crisis of the employer.

TITLE IV FINAL AND TRANSITIONAL PROVISIONS

Art. 37
(*Final Provisions*)

1. After the entry into force of this Law, whenever the expression "workers' organisation" or "union" or other equivalent terms are used in a law provision to refer to a registered workers' association, the provision shall be understood as referring to the workers' association mentioned in letter b), paragraph 1 of Article 2.
2. After the entry into force of this Law whenever the expression "employers' organisation", "professional association" or other equivalent terms are used in a law provision to refer to a registered employers' association, the provision shall be understood as referring to the employers' association mentioned in letter c), paragraph 1 of Article 2.

Art. 38
(*Transitional rules for associations to adjust to the provisions of this Law*)

1. Registered associations under previous rules, which do not meet the requirements and conditions referred to in this Law, shall adjust to the provisions of Article 6 no later than ten years after the entry into force of this Law.
2. Until the entry into force of the new sectoral collective agreements meant to determine the amount of the service fee, fees shall amount to 0.40% of gross salary earned by workers after deduction of the amounts referred to in paragraph 1 of Article 12.
3. Collective labour agreements in force on the date of publication of this Law shall remain fully valid until their natural expiry, except as required by following paragraph 4, and in any case not later than five years after the entry into force of this Law.
4. If, on the date of entry into force of this Law, there are more collective agreements that

regulate the same sector, these agreements shall lapse as from the date of filing and publication of the sectoral collective agreement pursuant to and by virtue of Article 29. Since Article 9 of Law no. 7 of 17 February 1961 is no longer applied by reason of its repeal, workers may not request the application of the more favourable clauses contained in the various agreements existing at the time of the entry into force of this Law.

5. Taking into account the existing collective agreements as on the date of the entry into force of this Law, until the conclusion of the agreement referred to in paragraph 3 of Article 29, national bargaining sectors are defined below:

a) industry;
b) handicraft;
c) trade and tourist trade;
d) services;
e) construction;
f) hotels, restaurants, bars and canteens;
d) banks;
h) insurance agencies;
i) Overall Public Sector.

6. Firm-level supplementary agreements existing as on the date of the entry into force of this Law shall remain fully valid until their natural expiry, where applicable, provided that they do not conflict with the provisions of the relevant sectoral collective agreement published in the meantime.

7. Within six months from the publication of this Law all employers are required to enter in the register referred to in paragraph 5 of Article 30. Employers failing to comply with this provision shall be subject to pecuniary sanction of EUR 250.00 (two hundred and fifty/00). Upon the expiry of that period, the Guarantee Committee referred to in Article 28 shall be required to carry out verification on the basis of the documentation received by the Labour Office and report to the Office any employer not registered, for the issuance of the sanction.

8. As of the date of entry into force of this Law, the employers who apply collective labour agreements not attributable to their core business, for the purposes of registration under paragraph 5 of Article 30, shall apply the sectoral collective agreement intended for them under this Law. The change of the collective agreement applied shall not, in any case, result, for the workers employed at the time of the change, in an overall worse treatment than that previously granted to them.

9. Until the agreement reached by all workers' associations has been filed, as referred to in letter b), paragraph 3 of Article 12, the criterion for calculating the allocation of the 75% of the total amount of service fees is set out in Annex "A" to this Law.

Art. 39

(*Transitional rule for exercising the right to strike in essential public services sector*)

1. Until the entry into force of the Law referred to in paragraph 2 of Article 22, the exercise of the right to strike of workers operating in essential public services, among which public road transport, including ancillary services or related to essential services which are crucial in order to give full effect to their provision, street cleaning, waste collection and transfer to dumps and disposal sites shall continue to be covered by the provisions in force at present, which rule the minimum provision of essential services in order to protect users of the Overall Public Sector.

Art. 40

(*Transitional rule for the Guarantee Committee*)

1. Until the members of the Guarantee Committee referred to in Article 28 are appointed and take office, the assessment referred to in paragraph 9 of the same Article shall be conducted by the Social Security Institute.

Art. 41
(*Repeals*)

1. Any provision contrary to this Law shall be repealed, such as:
- Title I and Articles 8, 9, 10, 11 of Title III, 26 and 27 of Title IV of Law no. 7 of 17 February 1961; - Law no. 23 of March 11, 1981;
Law no. 70 of 28 May 2003.

Art. 42
(*Entry into force*)

1. This Law shall enter into force on the fifteenth day following that of its legal publication.

Done at Our Residence, on 9 May 2016/1715 since the Foundation of the Republic

THE CAPTAINS REGENT
Gian Nicola Berti - Massimo Andrea Ugolini

THE MINISTER OF
INTERNAL AFFAIRS
Gian Carlo Venturini

ANNEX "A"

Application of the provisions referred to in paragraph 9, Article 38 of this Law.
The rule for allocating the service fee among the different workers' associations is the following:

1. in general terms, the allocation of the service fee is proportional to the number of members;
2. If the membership fee requested by one or more workers' associations is less than 0.15% of the worker's gross salary (the amount of the gross salary is calculated according to the rules applicable to the service fee set out in Article 12 of this Law) the proportional ratio between the amount of service fee to be paid according to the number of members of the individual association is to be revised in favour of workers' associations requesting a membership fee equal to or greater than 0.15% of the gross salary calculated in the above terms: members of the workers' association(s), who pay a service fee of less than 0.15% are counted for half. If the requested membership fee is less than 0.05% of the gross salary calculated in the above terms, it shall not entitle to any allocation.