



U.L.S.A.

UFFICIO DEL LAVORO DELLA SEDE APOSTOLICA

Please note that this is a working translation. The Italian version is the normative text.

APOSTOLIC LETTER ISSUED *MOTU PROPRIO* OF

BENEDICT XVI

APPROVING THE NEW STATUTE OF THE LABOUR OFFICE OF THE APOSTOLIC SEE (ULSA)

Twenty years ago, 1 January 1989, my venerable predecessor John Paul II, with the Motu Proprio “On the first anniversary”, instituted the Labour Office of the Apostolic See, with the task of contributing to “ensure that, in the particular labour community operating in the employ of the Pope, the dignity of every collaborator be actively honored; the economic and social rights of every member be recognized, protected, harmonized, and promoted; respective duties be ever more faithfully fulfilled; a lively sense of responsibility be stimulated; ever better service be rendered”.

Emphasizing above all the ecclesial and pastoral mission of those who serve in the Holy See, insofar as it is a participation in the universal mission of the Roman Pontiff, the nascent Office was entrusted with the implementation and consolidation of a true and proper labour community – as punctually described in the Letter of the Supreme Pontiff John Paul II of 20 November 1982 regarding the meaning of labour performed for the Apostolic See– and its jurisdiction, functions, and capacity were fixed. These particular prerogatives were reaffirmed in 1994 in the Motu Proprio “The Solitude” with which the Servant of God John Paul II definitively approved the Statute of the ULSA. Reiterating with this document the typically communitarian concept of labour relations and the specific nature of service rendered to the Holy See, the Pope asked the Labour Office of the Apostolic See to continue consolidating the labour community with steps aimed at promoting the full execution of the Bylaws provided for its protection and to resolve any problems which should arise regarding labour.

In light of the principles recalled above, which inspired and dictated its constitution, as well as the valued commitment through the years of Labour Office members to accomplish their statutory duties with an authentic spirit of faith and ecclesial service, I wish to reaffirm the unique function assigned to the Labour Office of the Apostolic See of contributing – in conjunction with Administrations, Bodies, and Institutions – to the promotion and consolidation of the envisaged labour community, an example of co-responsibility and Christian solidarity.

In keeping abreast of transformations taking place in society, culture, and the world of labour in general, as well as the journey of responsiveness and collaboration accomplished within the various Vatican Bodies, the ULSA is aware of the particular task, which it is called at present to accomplish for the professional, spiritual, and social formation of personnel, in accordance with the ecclesial mission of all who collaborate with the Successor of Peter in his ministry of service to the universal Church.

In the area of its proper duties, the Office therefore will never fail to strive for participation in internal or external initiatives intended for the cultural enhancement and continuing professional education of personnel, in order to encourage the necessary identification of each person with the values and ideals of the institution.

I order that the present Apostolic Letter issued Motu Proprio, with which I approve the attached Statute, be published in the Acta Apostolicae Sedis.

I decree that the provisions herein established have full and lasting value as of 1 January 2010, anything to the contrary notwithstanding, albeit deserving of special mention.

Given in Rome, at the Apostolic Palace, on 7 July of the year 2009, the fifth of my Pontificate.

BENEDICTUS PP. XVI

STATUTE OF THE LABOUR OFFICE OF THE APOSTOLIC SEE (ULSA)

CHAPTER I

DEFINITIONS, JURISDICTION, AND FUNCTIONS

Art. 1

Definition

1. The Labour Office is the Body responsible for the promotion and consolidation of the labour community of the Apostolic See.

It is governed by the present Statute.

Art. 2

Jurisdiction

The activity of the Office relates to the labour, in all its forms and expressions, provided by personnel in the employ of the Roman Curia, of the Governorate of the Vatican City State, and of the Bodies or Institutions administratively managed directly by the Apostolic See (hereinafter called "Administrations").

Jurisdiction may be expanded to other Bodies or Institutions only by decree from the Superior Authority.

The specific qualification of contracted personnel is determined by the Bylaws and organic tables of the single Administrations.

Non-contract labour relations or labour provided by collaborators are excluded from this Office's jurisdiction.

In the event of dispute, certification of the nature of a Body or Institution administratively managed directly by the Apostolic See is entrusted to the Secretariat of State.

Art. 3

Functions

1. The Office, through its bodies and in collaboration with the Administrations, participates in the development of the labour community and, in particular:

a) Elaborates and proposes amendments, additions, and cancellations and formulates opinions on the regulatory actions and Bylaws of the single Administrations;

b) Promotes uniformity in the application of general and particular Bylaws and unity of direction in personnel management, also for the purpose of favouring mobility between different Administrations and roles;

c) Favours improvements, insofar as is compatible, in the economic, welfare, and social security conditions of personnel;

d) Collects, elaborates, and disseminates information deemed necessary and useful for the achievement of its institutional objectives;

e) Plans and implements study and labour research programs and stimulates, through participation in qualified initiatives, cultural enhancement and continuing education regarding methods, tools, and expertise, as well as the implementation of plans for personnel training;

f) Promotes conciliation and, failing that, proceeds to arbitrate in individual, multiple, or collective labour-related disputes between Administrations and their current or former contracted employees, within the limits of jurisdiction set out in Art. 2.

CHAPTER II

OFFICE STRUCTURE

Art. 4

Bodies

1. The Office is constituted of:

— the Presidency

— the Council

— the Director

— the College of Conciliation and Arbitration

Section I

The Presidency

Art. 5

Appointment and Duties of the Presidency

1. The Presidency is composed of the President, appointed by the Holy Father, and two Assessors, appointed by the Cardinal Secretary of State, who are experts in labour issues and in the organization and management of personnel and who do not belong to the Administrations set out in Art. 2.

The President and the Assessors are appointed for a five-year period.

2. The Presidency, within its jurisdiction, formulates legislative and regulatory proposals and furnishes opinions to the Secretariat of State.

3. The President:

- a) Represents the Office in every ambit;
- b) Convenes and chairs meetings of the Presidency and the Council;
- c) Manages and directs, through the Director, the activity of the Office;
- d) Promotes, with the assistance of the Director, uniformity in the application of Bylaws and unity of direction in personnel management within the single Administrations;
- e) Submits the proposals of the Office in the field of labour legislation to the competent Authority;
- f) Updates the Council, and promotes its opinion, on the state of the problems and initiatives adopted by the Presidency;
- g) Notifies those concerned of the deliberations of the Office's collegial bodies and makes known, if so requested, labour-related decrees of the Superior Authorities.

Section II

The Council

Art. 6

Composition, Appointment, and Duties of the Council

1. The Council, chaired by the President of the ULSA, is composed of:

— the two Assessors, as per Art. 5 paragraph 1;

- a representative of the Congregation for the Evangelization of Peoples;
- a representative of the Secretariat for the Economy;
- a representative of the Administration of the Patrimony of the Apostolic See;
- a representative of the Secretariat for Communications;
- a representative of the Fabric of St. Peter's;
- a representative of the Governorate of the Vatican City State;
- four personnel members – composed of: a cleric, a religious man or woman, and two lay persons – after consultation with the personnel.

All members are appointed by the Cardinal Secretary of State.

2. In the event of termination or resignation of one of the Members, even for unexcused absences from three consecutive meetings or for the loss of the qualifications which led to the appointment, the same modalities for his/her substitution shall be followed, for the remaining period of the mandate.

3. The Council remains in office for five years. The appointment procedure must be initiated three months before cessation of its mandate.

4. The Council is the consultative and preparative body for draft legislation in the areas provided for by Art. 3.

It may be invested with the functions of dispute conciliation in accordance with Art. 14 paragraph 2.

Art. 7

Convocation and Deliberations of the Council

1. The Council must be convened at least three times per year and whenever the Presidency deems necessary or seven members of the Council request it.

2. A convocation notice containing the agenda shall be sent by registered mail at least ten days before the meeting.

3. The agenda shall be established by the President, who also includes any topics of discussion proposed by at least four members.

The Council shall deliberate only in the presence of the majority of its members and through an absolute majority of those present. In the event of a tie vote, the final decision rests with the President.

Minutes of all meetings are sent to the Cardinal Secretary of State.

Art. 8

Special Commissions

1. The Council may entrust the examination of certain issues to special referent Commissions, in which representatives from the Administrations and personnel, as well as external experts, may be called upon to participate.
2. Commissions must report within the time period established by the Council, formulating, be they authorized, proposals upon which the Council shall deliberate.
3. Commission members are appointed by the President, who shall establish their procedural modalities.

Section III

The Director

Art. 9

Appointment and Duties

1. The Director is appointed by the Holy Father for a five-year term, which may be renewed.
2. The post of Director may not be filled by a person who holds or has held managerial duties in one of the Administrations set out in Art. 2.
3. The Director:
 - a) Assists the President in managing the Office's personnel and voices an opinion on the hiring and appointing of the same;
 - b) Participates with a consultative vote and acts as actuary in meetings of the Council and the Presidency;
 - c) Collaborates with the President in planning meetings of the Council and the Presidency and in preparing decrees, overseeing their drafting;
 - d) Liaises between the Office and the Administrations;
 - e) Maintains relations with personnel representatives;
 - f) Supervises the study and investigation into proposals concerning norms and formation programs for personnel;
 - g) Promotes the implementation, according the directives of the Presidency and in collaboration with the single Administrations, of promotional initiatives for the formation and mobility of personnel;
 - h) Oversees the mandatory attempt at conciliation in labour-related disputes which fall within the jurisdiction of the College or of the Tribunal of the Vatican City State.

Section IV

The College of Conciliation and Arbitration

Art. 10

Composition, Appointment, and Duties of the College

1. The College of Conciliation and Arbitration is composed of persons qualified in law, prudence, and equanimity, appointed by the Cardinal Secretary of State, from whose members he chooses the President.

2. College Members are appointed for a five-year term, which may be renewed.

3. The duty of settling labour-related disputes belongs to the College of Conciliation and Arbitration.

It shall examine and rule on single disputes through Commissions, each constituted by three Members.

4. The President shall set the schedule of hearings and the composition of the Commissions biannually, designating who shall chair each.

In case of impediment of one of the three Members, the President shall substitute him or her with another Member of the College.

5. In the absence of a Commission Chair, the presidency falls to the most senior in order of appointment of the Commission Members present.

Dates of appointment being equal, seniority of Commission Members shall be determined by age.

CHAPTER III

DISPUTES

Art. 11

Submission of Petition

1. Anyone claiming to be aggrieved by a labour-related administrative measure, unless the measure was approved specifically by the Supreme Pontiff, may submit a petition to the Labour Office or may appeal to the Vatican Judicial Authority, following the mandatory attempt at conciliation before the Director of the ULSA, which is a condition for admissibility.

2. In the event the Bylaws of the respective Administrations so provide with specific rules, the person claiming to be aggrieved shall exhaust all degrees of internal appeal before making use of the means provided for in the present article, under the penalty of inadmissibility of the petition in question.

3. Disputes, be they individual, multiple, or collective, related to violations of specific regulations applicable to labour-relations, within the scope of jurisdiction defined in Art. 2, shall be resolved through the forms of conciliation mentioned below and, in cases of failed conciliation, through the examination and decision of the College of Conciliation and Arbitration.

Collective disputes are those associated with the interests of an entire category of contracted employees.

Multiple disputes are those related to the selfsame legal issue or to selfsame requests submitted by multiple employees in a single petition or in single preliminarily-gathered petitions.

4. Every right derived from the labour relationship is limited to a term of five years, effective from the day in which it may be claimed.

The submission of the petition to the Director for completion of the mandatory attempt at conciliation shall interrupt the statute of limitations until the parties are notified of the report, which concludes the mandatory conciliation phase.

5. Matters under jurisdiction of the Disciplinary Commissions provided for by the General Bylaws of the Administrations set out in Art. 2 shall be excluded from both petition and appeal.

Art. 12

Deadlines for Submission of Petition

1. A petition shall be submitted by the petitioner to the Office within thirty days of the date of notification, or, failing that, from the effective awareness of the measure against which one intends to appeal. In the event jurisdiction belongs exclusively to the Vatican Judicial Authority, the petition must be submitted to the Director for completion of the mandatory attempt at conciliation within the deadline set out in Art. 11 paragraph 4.

2. In the situation set out in Art. 11 paragraph 2, the deadline shall be effective from the date of notification of the decision with which the Administration definitively rejected the internal appeal process.

3. The same thirty-day deadline for petition submission to the Office shall apply also in cases of implied rejection by the Administration, wherein the latter takes no decision within ninety days of receipt of the petitioner's internal appeal, as per Art. 11 paragraph 2.

Art. 13

Procedure for Submission of Petition

1. A petition, as per Art. 12, must contain:

a) Name and surname of the petitioner, as well as the election of domicile in Vatican City or in Italy for the purposes of communications addressed to him/her;

b) Indication of the respondent Administration and the contested measure or the reasons which form the basis of the petition;

c) Elements which the petitioner believes are adduced in support of his/her reasons, with indication of the evidence to be presented;

d) Evidence, in cases of a petition against an implied rejection, of the date of receipt by the Administration of the internal appeal.

2. The petition shall be submitted either by registered mail with acknowledgement of receipt, or directly to the Labour Office, and shall be noted in the relevant register.

Art. 14

Admissibility or Inadmissibility of the Petition

1. The Director shall determine the admissibility of a petition within thirty days of its receipt, having verified the fulfillment of the conditions set out in Art. 13.

2. The Director may, with the authorization of the President, defer the conciliation attempt to the Council.

3. Against a declaration of inadmissibility, an objection may be lodged with the Director within ten days of notification, following the procedure set out in the preceding article.

The Director shall accept or reject the objection within thirty days.

4. Appeal to the College of Conciliation and Arbitration against the rejection of an objection shall be admitted within sixty days, which College shall rule on the admissibility of the petition and, if affirmative, may entrust the conciliation attempt to the Director.

The decision by which the College declares a petition inadmissible is final.

Art. 15

Mandatory attempt at conciliation by the Director

1. The Director, a petition having been admitted, convokes the parties for the attempt at conciliation.

2. Completion of the attempt at conciliation shall constitute a condition of admissibility for any request submitted in relation to labour-related disputes, be they individual, multiple, or collective, before the Labour Office or the Vatican Judicial Authority.

Inadmissibility must be disclosed, even *ex officio*, no later than during the first hearing before the College of Conciliation and Arbitration or the Tribunal of the Vatican City State.

3. The petitioner must appear in person and, only in cases of justified impediment, may be substituted by a special prosecutor delegated with authority to enter into conciliation efforts and appointed through a public deed or an authenticated private deed. The petitioner may be assisted by a person chosen from contracted employees or retired employees from his/her own or another Administration, or by an Attorney enrolled in the Register.

4. The respondent Administration, having received a copy of the petition, must notify the Director of the name of the designee it delegates with authority to enter into conciliation efforts at least five days before the date scheduled for the attempt at conciliation and deposit, within the same period, a record indicating its reasons and the evidence it intends to produce.

5. The mandatory attempt at conciliation must be defined within ninety days from the date on which the petition is admitted if overseen by the Director and within one hundred eighty days if deferred to the Council.

The deadline may be prorogated only once for not more than half of its duration by written agreement between the parties or by justified decision, respectively, from either the Director or the President.

Exceeded the deadlines set out in the preceding paragraphs, an appeal may be lodged in accordance with Art. 16 within sixty days, under penalty of revocation, to the College of Conciliation and Arbitration or the Vatican Judicial Authority.

6. The Director shall prepare a report on the attempt at conciliation, which, in case of justified impediment of the petitioner, may be underwritten by his/her special prosecutor.

In case of successful conciliation, the aforementioned report shall be enforceable.

In case of failed conciliation, the Director shall remind the parties in the report that they may lodge an appeal within sixty days either with the College in accordance with Art. 16 or with the Judicial Authority.

The Administration is obliged to appear before the Director of the ULSA in order to complete the attempt at conciliation. Any failure to appear amounts to a negative result of the attempt at conciliation, and note must be made in the relative report for the purpose of the subsequent determination of court fees by the College or the Vatican Judicial Authority.

Art. 16

Appeal to the College of Conciliation and Arbitration

1. The College shall hear the dispute on appeal, which shall be submitted to the Director within sixty days from the date of the report detailing the failed attempt at conciliation or from expiration of the deadlines set out in Art. 15 paragraph 5.

If the parties have not lodged an appeal with the College or the Vatican Judicial Authority within sixty days from the date of formation of the report detailing failed conciliation or from the expiration date of the aforementioned deadlines, the Director – with a decree – shall declare the dispute closed due to inactivity of the same.

2. The appeal must contain, under penalty of inadmissibility: indication of the parties and the contested measure; statement of the facts and clarification of the grounds for appeal; determination of the object; description of the evidence on which it is founded.

Five copies of the appeal and attached documents must be deposited. The address in Vatican City or Rome of the petitioner's Attorney must also be indicated in the appeal, in accordance with Art. 175 of the Vatican Civil Procedural Code.

The appeal shall be referred immediately to the College by the Director along with the documents annexed to it and the report detailing the attempt at conciliation.

3. The appeal shall be submitted either by registered mail with acknowledgement of receipt, or directly to the Labour Office, and shall be noted in the relevant register.

Art. 17

Procedure for Appeal before the College

1. Within ten days of receiving the appeal, the President of the College shall schedule a hearing, indicate the Commission and supervisor, and prepare the transmission of the appeal and the documents of the Administration.

At least thirty days must elapse between the date of transmission of the appeal and that of the scheduled hearing.

2. The Administration may submit its conclusions and any preliminary requests up to ten days before the hearing.

The aforementioned conclusions, along with its annexed documents, shall be deposited in five copies, one of which belongs to the appealing party. The latter is entitled to reply in writing, depositing five copies of his/her counterclaims no later than five days before the hearing.

3. In the event the respondent Administration pleads incompetence of the College because it is not a Body or Institution administratively managed directly by the Apostolic See, the President of the College shall suspend the proceedings and ask the President of the ULSA to formulate a petition of certification to the Secretariat of State in accordance with Art. 2 paragraph 3, attaching a copy of all procedural documents.

The parties shall be given immediate notification of the order.

4. Following certification by the Secretariat of State, the President of the College shall either declare the ULSA incompetent in material or set a new hearing, providing notice of it to the parties twenty days prior.

Procedural deadlines shall be suspended until the date of the decree, which sets the new hearing.

Art. 18

Hearing Procedure

1. The petitioner must appear personally at the hearing. The Administration shall be represented by a designee delegated with authority to enter into conciliation efforts.

At the hearing, the Commission shall again attempt conciliation. The attempt may be renewed until publication of the decision. In the event of conciliation, the Commission shall draft a report, which is enforceable.

2. If the attempt at conciliation fails, the Commission shall begin examination of the parties. Refusal to undergo examination shall constitute behavior assessable by the Commission for the formulation of its decision.

The Commission may appoint one of its members to gather evidence.

Parties may submit short explanatory briefs up to seven days prior to the hearing.

3. During oral proceedings, the parties may not repeat information already provided in writing, but shall be limited to providing brief descriptions of the more important details of the case and to presenting arguments related to the written claims of the other party.

4. Insofar as the non-judicial nature of the College permits, the provisions of the Vatican Civil Procedural Code shall be applied to the procedure.

5. Defense of the parties may be undertaken exclusively by an Attorney licensed to practice in accordance with Art. 1 of the attached APPENDIX.

6. Notification of the acts of the College related to conciliation and arbitration proceedings shall be sent through the Vatican Postal Service by registered mail with acknowledgement of receipt.

Art. 19

Appeal Decision

1. Within one hundred twenty days of the submission date of the appeal, the Commission shall meet for the decision in chambers, during which it shall deliberate through a majority of votes.

If the number of pending appeals impedes the aforementioned deadline being met, the President of the College shall decree a reasonable extension, making it known to the parties.

2. Decisions must carry the letterhead “Ufficio del Lavoro della Sede Apostolica – Collegio di conciliazione e arbitrato” (i.e. “Labour Office of the Apostolic See – College of Conciliation and Arbitration”), followed by: composition of the Commission (President and Members); evolution of the case; resolution of any preliminary or incidental issues; legal motivation; decision; date of decision; signatures of the College’s Members; and, finally, the Office’s seal.

3. In the event of a successful appeal, the Commission shall repeal, in whole or in part, the contested measure and rule on the merits of the dispute.

4. Commission decisions are final, except in cases of revocation or nullity lawsuits, which are subject to the provisions set out in Art. 18 paragraph 4.

Decisions shall be enforceable upon notification of the parties.

Art. 20

Computation of Deadlines

1. All deadlines regarding activities of conciliation and arbitration of the ULSA shall be suspended from 11 August to 20 September each year, as well as during public holidays and non-public holidays, which per regulation or per special decree are non-working days.

Art. 21

Procedure for Appointment of the Council

1. Three months prior to the cessation of the Council, the procedure for the appointment of a new Council must be initiated in accordance with Art. 6 of the present Statute.

APPENDIX

REGISTER OF ATTORNEYS FOR THE COLLEGE OF CONCILIATION AND ARBITRATION OF THE LABOUR OFFICE OF THE APOSTOLIC SEE (ULSA)

Art. 1

Dispute defense before the College of Conciliation and Arbitration of the Labour Office of the Apostolic See may be undertaken, besides by Attorneys of the Roman Rota who have a degree in civil law, also by persons enrolled in the special Register established by the present norms.

The Register of Attorneys shall be kept by the College of Conciliation and Arbitration under supervision of the President of the ULSA.

Art. 2

Graduates in civil law may be enrolled in the Register, providing they have forensic experience and special expertise in the field of labour and are outstanding in their legal training and probity of life.

Art. 3

Enrollment in the Register shall be requested by direct application to the President of the ULSA, accompanied by documents which prove the qualities described above, along with an express declaration that the applicant resides in Rome.

Art. 4

Enrollment in the Register shall be determined by the President of the ULSA, having evaluated any information and heard the opinion of the President of the College of Conciliation and Arbitration. Enrollment shall be for a three year term, which may be renewed triennially until completion of the 75th year of age.

Art. 5

The President of the ULSA is not required to justify rejection of an application, and no appeal may be lodged against such a decree.

Art. 6

The practice of defense activities by those enrolled in the Register shall be subject to the swearing of an oath before the President of the ULSA or a delegate, according to the attached formula.

Art. 7

Legal advisers and Administration heads of office involved in a dispute may defend their respective Administrations before the College of Conciliation and Arbitration of the ULSA.

Art. 8

In the event an enrolled attorney fails to fulfill the aforementioned duties, the President of the ULSA or his delegate – having performed an investigation into the case and heard the person concerned and the College of Conciliation and Arbitration – shall issue a decree, not subject to objection, removing him/her from the Register.

Attachment to the Appendix

I,, enrolled in the REGISTER of Attorneys at the Labour Office of the Apostolic See (ULSA)

do promise and swear

to be faithful to the reigning Supreme Pontiff and to his legitimate successors; to accept and abide by with firm decision the Magisterium of the Church regarding doctrine and Catholic moral teaching; to fulfill with diligence and abnegation my professional duties; and to strictly observe the secrecy of office.

So help me God and these Holy Gospels, which I touch with my hands.

Signature.....

I, the undersigned, certify that the aforementioned Sir, enrolled in the Register of Attorneys at the Labour Office of the Apostolic See (ULSA), has today given oath in my hands.

In the headquarters of the ULSA.....

Signature.....