

## **New Institute for the Development of the Vocational Training of Workers Statute (ISFOL)**

### **Art. 1**

#### *Status*

1. The Institute for the Development of the Vocational Training of Workers (ISFOL), which was established by decree of the President of the Republic No. 478, on 30 June 1973, operates in the fields of training, social policies and employment at the purpose of contributing to employment growth , human resources development, social inclusion and local development.

2. ISFOL, a national research body, is endowed with independence of opinion and with scientific, methodological, organizational, administrative and accounting autonomy, as established in Legislative Decree No. 419, of 29 October 1999; seated in Rome, it is subjected to the supervision of the Ministry of Labour and Social Policies and operates in support of the competences of the State, the Regions and the Autonomous Provinces on the topics set forth in paragraph 1.

### **Art. 2**

#### *Purposes and assignments*

1. For the purposes set forth in Art. 1, ISFOL:

a) carries out and promotes activities of study, research, pilot testing, documentation, information and evaluation, consultancy and technical assistance;

b) provides technical-scientific support to the State, the Regions and the Autonomous Provinces, to local bodies, to the Standing Conference for the relations between the State and the Regions and the Autonomous Provinces, and to the Unified Conference set forth in Legislative Decree No. 281, of 28 August 1977;

c) may carry out technical-scientific consultancy activities for the Ministry of Labour and Social Policies, for other ministries and national, and public institutions;

d) cooperates with other research institutes and the Regions and the Autonomous Provinces on assignments and functions that they carry out in relation to the topics set forth in Art. 1, paragraph 1, also by implementing activities, programmes and projects assigned by them;

e) promotes, carries out and implements the activities foreseen by the National Programme for research set forth in Art. 2, paragraph 2, of Legislative Decree No. 204, of 5 June 1998;

f) cooperates with international organisations and EU institutions;

g) implements specific national experimental projects and initiatives of innovative and exemplary character;

h) oversees the enhancement, dissemination and transfer of the results of its activities, including those implemented through the collaborations set forth in paragraph 3;

i) carries out training activities within university research doctorate courses, also through its own programmes of scholarship and of research grants in implementation of Art. 4, paragraph 4, of law No. 210, of 3 July 1998;

l) carries out statistical research activities in accordance with the decree of the Ministry for Institutional Reform and Regional Affairs of 31 March 1990, as part of the National Statistical System (SISTAN) set forth in Art. 2, of Legislative Decree No. 322, of 6 September 1989, in compliance with the legislation regarding the issue of the safeguard of persons and of other subjects in the processing of personal data.

2. For the purposes and assignments set forth in the previous paragraphs, ISFOL, in compliance with the criteria and procedures determined by its regulations, may stipulate agreements and conventions, participate in or establish consortia, foundations and enterprises with national and international, public and private bodies, even with majority stakes.

3. The Institute can establish operational seats on the national territory in order to provide, for the required period, support to the Regions, Autonomous Provinces and local bodies. For this purpose, it can establish one decentralised seat in a locality of the European Social Fund's Objective 1 regions and another in Objective 2 regions. The Institute can also establish an office in the European Union in order to favour cross-fertilization of its activities with those carried out at Community level.

### **Art. 3**

#### *Organisation and operation*

1. With its regulations ISFOL organises:

- a) the organisation and the operation of its organs and structures;
- b) its administration, finances and accounting, even in derogation to the decree of the President of the Republic No. 696, of 18 December 1979, and to the decree of the President of the Republic No. 367, of 20 April 1994, if necessary;
- c) its overall endowment and, in respect of the provisions in force and of national collective labour agreements, its personnel.

2. The regulations set forth in paragraph 1, letters a) and b) are subjected to the approval of the Ministry of Labour and Social Policies which can express motivated criticism within forty five days from their reception. The regulations set forth in paragraph 1, letter c) are approved by the Ministry of Labour and Social Policies with the agreement of the Ministry of Economy and Finances within sixty days from their reception. Once the above-mentioned terms elapse the regulations become executive.

### **Art. 4**

#### *Three-Year Activity Plan*

1. The Institute prepares a three-year plan of activities, updated annually, which identifies the objectives, priorities and human and financial resources for the entire period, also taking into account the European Union research programmes and ensuring coordination with the support and technical assistance activities carried out by the Institute.
2. The Plan and the annual updates shall be adopted by resolution of the Board of Directors, at the proposal of the Director-General upon consulting the Scientific Advisory Board; they are approved by the Minister of Labour and Social Policy within forty-five days, after which period, if there are no reactions, they are enforceable. The Plan is also submitted to the Ministry of Economy and Finance - Department of State General Accounting and Department and the Civil Service which examine the staffing needs in the programming period in order to get clearance for approval by the Ministry of Labour and Social Policy.

### **Art. 5**

#### *The organs of the Institute*

1. ISFOL's organs include:

- a) the President;
- b) the Board of Directors;
- c) the Scientific Advisory Board;
- d) the Board of Auditors.

2. The President's remuneration, as well the emoluments and tokens of the Board of Directors and the Board of Auditors, shall be determined by the Minister of Labour and Social Policy, in consultation with the Minister of Economy and Finance, on the basis of any directive by the President of the Council of Ministers.

### **Art. 6**

#### *The President*

1. The President, appointed by decree of the Prime Minister, subject to deliberation of the Council of Ministers, upon proposal of the Minister of Labour and Social Policies, having listened to the opinion of the parliamentary commissions, remains in office for four years and is renewable only once.

2. The President legally represents the Institute and exercises the following functions:

- a) defines the agenda of the Board of Directors meetings upon consulting the Director-General
- b) supervises the Institutes affairs and ensures its technical-scientific coordination;
- c) supervises the institutional relations;
- d) submits to the Board of Directors, at the proposal of the Director-General, the identification and definition of the objectives to be pursued and the programmes to be implemented, human resources-related

data and the three-year programming document needs;

e) ensures cooperation with the Minister of Labour and Social Policy, in its ministerial supervision, by transmitting determinations subject to approval;

f) ensures constant coordination between the functions exercised respectively by the Board of Directors and the Director-General.

3. The President summons and presides the Board of Directors and the Social and Institutional Partnership Committee. Provides for the topics and the acts delegated by the Board of Directors; exercises all competences not expressly attributed to other organs by law and by regulations in keeping with the criterion of distinction between steering and management activities.

4. The President, in case of absence or of temporary impediment, may delegate the legal representation and the other functions related to his/her office to a member of the Board of Directors designated as Vice President.

5. If necessary, the President can establish policy committees, with advisory and proposal functions, on specific fields of activity of the Institute that are compliant with the assignments set forth in Art. 2. Acknowledges the principle of representation of social and institutional partnerships in setting up said committees

## **Art. 7**

### *The Board of Directors*

1. The Board of Directors is a steering and planning organ; as a rule it is convened by the President once a month. The Director-General participates in the Board of Directors meeting with an advisory role. The Board of Directors deliberates on:

a) identifying and defining, at the President's proposal, the objectives to be pursued and the programmes to be implemented by adopting the general guidelines for the ordinary and extraordinary management of the Institute, defining its financial needs;

b) approving the Tree-Year Activity Plan and on related updates, on the budget and related amendment notes, on the final balances and reports regarding the activities set forth in Article 12;

c) the proposals for statutory amendments and the regulations foreseen in Art. 3 with simple majority;

d) appointing the Director-General and the Heads of the Departments in Art. 10;

e) defining, in accordance with the criteria set by the decree of 30 March 2001, No. 165, as amended by Legislative Decree 27 October 2009, No. 150 and by Legislative Decree of 29 October 1999 No. 419, the main organizational guidelines and identifies the Directorate-General's objectives, taking into account the provisions of the Three-Year Plan;

f) verifying the coherence of the results obtained against the guidelines provided, using the results of the independent evaluation carried out pursuant to Article 14 of Legislative Decree October 27 2009, No. 150;

g) appointing the Independent Body for Performance Appraisal

2. The Board of Directors remains in office for four years. Taking into account the provisions of Art. 13, paragraph 1, letter b) of Legislative Decree 29 October 1999 No. 419 it is composed by the President and by four members of proven scientific and professional experience appointed by the Minister of Labour and Social Policies, two of which designated by the Minister of Labour and Social Policies, two by the Conference of the Presidents of Regions from the regional departments competent in matters covered by the Institute, and one by the Minister of Education, University and Research. In case of equal number of votes the President's vote counts double.

## **Art. 8.**

### *Scientific Advisory Board*

1. The Scientific Advisory Board is appointed in accordance with the principle of equal opportunities between men and women, by decree of the Minister of Labour and Social Policy and is composed of three members, one of which is elected by the researchers and technologists of the Institute in accordance with procedures to be defined in the Regulation on the organization and operation, and two identified among university professors, researchers, technologists, and experts - including non-Italian nationals – of proven scientific qualification, competent in the Institute's fields of research.

2. The members of the Scientific Advisory Board shall hold office for four years and may be reappointed once.
3. The Committee shall exercise the following functions: a) deliver an opinion to the Director on the Three-Year Plan and the annual update of research plans , b) express binding and non-binding opinions on the programmes proposed by the Director ; c) carry out advisory activities and preliminary activity at the request of the Board of Directors and the Director-General.
4. In the first session, the Committee shall appoint, within its scope, a coordinator and adopt a code of conduct of its activity.
5. The operation of the Scientific Advisory Board does not involve financial burdens on ISFOL budget.

#### **Art. 9**

##### *The Board of Auditors*

1. The Board of Auditors is the organ of control of the Institute's administrative and accounting regularity. The members of the Board are appointed among persons who possess specific professionalism.
2. The Board of Auditors remains in office for four years and is appointed by the Minister of Labour and Social Policies. It is composed by a president who is designated by the Minister of economy and finances and by two effective members, designated respectively by the Minister of labour and social policies and by the Unified Conference set forth in Legislative Decree No. 281, of 1977, and by a substitute member designated by the Minister of Labour and Social Policies. Substitute members are not 'paid and any fee and take over the functions in the event of death, resignation or disqualification of the appointed auditors.

#### **Art. 10**

##### *Ordering of the Institute*

1. ISFOL's ordering envisages the integration of management and responsibility of research and technical-scientific consulting activities and administrative activities and is structured as follows:
  - a) two departments necessary for the achievement of purposes set forth in Art.1. articulated in the following areas of expertise: training systems, labour market and social policies. The Departments are subdivided into units which carry out homogeneous activities;
  - b) executive offices for the management of the body's human, financial and technical resources for a total of no more than five. In turn, the said ordering will need to be further defined in the envisaged organizational regulation set forth in Art. 3, paragraph 1, letter a).
2. The Independent Body for Performance Appraisal carries out its activities referred to in paragraph 4 of Art. 14 of Legislative Decree 27 October 2009, No. 150 independently; it exercises strategic control activities of Art. 6, paragraph 1, of Legislative Decree of 30 July 1999, No. 286. It is appointed by the Board of Directors, upon consulting the Commission under Article. 13 of Legislative Decree 27 October 2009, No. 150.
3. A special Committee is established, according to the criteria and procedures laid down by the Policy Committee for Research Evaluation (CIVR) set forth in Art. 5, paragraph 1, of Legislative Decree n. 204, of 5 June 1998. The said special Committee is entrusted with evaluation of the results of the Institute's overall scientific activities with transparent procedures and public outcomes. The Committee's composition and specific activities will be defined in the organizational regulation set forth in Art. 3, paragraph 1, letter a).
4. In coherence with the Community guidelines on subsidiarity and social dialogue a Committee is established in representation of social and institutional partnership. Such Committee carries out advisory functions regarding the Institute's activities on the themes of employment policies, training and social inclusion. The composition and the main specific activities will need to be reconsidered in the organizational regulation.
5. The financial management of the Institute is subjected to the control of the Court of Auditors in accordance to Art. 12, of Law n. 259, of 29 March 1958.

#### **Art. 11**

##### *Management activities*

1. The Director-General constitutes an executive office and is the recipient of the guidelines issued by the President and by the Board of Directors.

2. The Director-General is responsible of coordinating the administrative, technical and legal management of the Institute. To this end, he/she supervises the activity by the Departments and the executive level offices, their organisation ensuring the technical, scientific, operational and administrative coordination of all operating units in order to implement the guidance documents, plans, programmes and general guidelines defined by the President and Board of Directors; he/she participates in the latter's meetings with consultative vote.

The Director-General shall take actions relating to the organization, ensures staff organization activities, and shall adopt the acts and administrative measures and exercise the powers of expenditure within the competence of his/her office, except those exercised by the Heads of Department.

The Director-General implements the actions related to the organisation of the of the Departments and offices of the executive level, carries out personnel organization activities, adopts administrative actions and measures, and exercises the powers of expenditure and of acquisition of income falling within the competences of his office. The Director-General is chosen among experts of high professional qualification, who may also be external to the public administration. In such case the work relation is regulated through fixed-end contract of private law. If he/she is a civil servant he/she is placed out of role without benefits. He/she remains in office for four years and is renewable only once.

3. The Heads of the Departments of Art. 10, paragraph 1, letter a) are the executive offices at general level, and are responsible for the coordination of homogeneous activities for the operational and administrative management within the meaning of Article 16 of Legislative Decree 30 March 2001, No. 165. They are identified among administrative managers or executives as well as senior research directors outside the public administration, in accordance with the provisions of Art. 19 of Legislative Decree 30 March 2001, No. 165.

4. The President organises periodical meetings with the Director-General and the heads of the two departments in order to ensure their collective action and the integration amongst roles, functions and activities.

#### **Art. 12**

##### *Balances, reports and controls*

The board of directors deliberates the budget within the 31<sup>st</sup> of October of the year prior to the one it refers to, and the final balance within the 30<sup>th</sup> of April of the year subsequent to the closure of the accounting period. The budget and the final balance, drafted in accordance to the regulations set forth in Art. 3, are approved by the Ministry of labour and social policies within the terms foreseen by Art. 2, of the decree of the President of the Republic n. 439, of 9 November 1998.

#### **Art. 13**

##### *Financial resources*

1. The Institute's revenue is constituted by:

- a) an ordinary annual contribution for Institute operation and activities set forth in the three-year plan foreseen in Art. 11, at expense of the State and provided by the Ministry of Labour and Social Policies;
- b) contributions to INPS and INAIL destined to implement ISFOL research activities ISFOL in the field of social policies;
- c) possible contributions at expense of the Special Supplementary Fund set forth in Art. 1, paragraph 3 of Legislative Decree n. 204, of 5 June 1998;
- d) possible allotments and contributions by the European Union or by other international organisms or by public bodies;
- e) agreements with public and private entities;
- f) every other possible income related to its activities.

#### **Art. 14**

##### *Estate*

1. The Institute's estate is constituted by the movables and the real property of any type, which comes to the Institute from legacies, donations, purchases or in any other manner.

2. In case of dissolution of the Institute the net estate resulting from the winding up will be devolved to bodies with analogous purposes.

3. ISFOL can rely on the advice and under the patronage of the State Attorney pursuant to Art. 43 of the Royal Decree of October 30, 1933, n. 1611 and subsequent amendments and additions.

### **Article 15**

#### *Incompatibility*

1. The President and the members of the Board of Directors and the Scientific Advisory Board may not hold elective political office at Community, national and regional level, nor as members of regional councils, president of the provincial governments or councillor, mayor or councillor in municipalities with a population exceeding 20,000 inhabitants; in addition, the President and the members of the Board of Directors may not be directors or employees of firms or companies providing goods or services for the Institute's activities' and programmes.

### **Art. 16**

#### *Provisional and final regulations*

1. The President, the Board of Directors and the Board of Auditors appointed from the day of entrance into force of this Statute are dismissed upon nomination of the new organs which takes place within the following sixty days, during which period they carry out ordinary administration functions.

2. In case of serious and repeated non-compliance regarding its Activity Plans, the Minister of Labour and Social Policies declares the lapse of the organs and appoints an extraordinary commissioner with the powers provided for the President and the Board of Directors, for a maximum duration of twelve months, under penalty of the Institute's dissolution.

3. ISFOL's Statute, approved, integrated and modified by the decree of the President of the Republic No. 478 of 1973, by the decree of the President of the Republic No. 616 of 1977, and by law No. 845 of 1978, is repealed as of the date of the coming into force of this statute.

4. Possible subsequent amendments to the Statute are brought with the same procedural method followed for the adoption of this statute.

5. Within three months of the appointment of the new ISFOL organs the Regulation on the organization and functioning of the organs and structures and the rules of administration, finance and accounting shall be adopted in accordance with the provisions of the present Statute.