

"Prima i nostri"

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Ticino's own answer came two years later. On 25 September 2016 the cantonal electorate accepted the popular initiative "Prima i nostri" (Our people first), launched by the cantonal section of the Swiss People's Party and supported by the Lega, by 56,101 votes (58.02 per cent) to 38,361. The counter-proposal of the Grand Council, which would have committed the canton to seek solutions respecting the preference for residents within the limits of federal law, was rejected.¹ The initiative amended the cantonal constitution. It required the canton to ensure that, at equal professional qualifications, those who live in its territory are given preference on the labour market over those who come from abroad, that no resident is dismissed as a result of a discriminatory decision to replace local with foreign labour or has to accept substantial wage cuts, and that a sound professional "complementarity" between Swiss and foreign workers is promoted.² The cantonal government, which had opposed the initiative, declared on the evening of the vote that it would apply the content of the constitutional article.³

A cantonal constitutional amendment requires the guarantee of the Confederation, which is granted if the amendment is not contrary to federal law (Art. 51 para. 2 Cst.) and on which the Federal Assembly decides. The Federal Assembly granted the guarantee on 4 December 2017. The rapporteur of the committee, the Ticinese National Councillor Marco Romano, explained that the amendment did not contradict higher law but left only a "reduced" margin for its application, while Federal Councillor Simonetta Sommaruga had described that margin as almost nil.⁴ The guarantee thus confirmed that the article was valid only because it could be interpreted in conformity with federal law and the free movement agreement, which in practice meant that it could not impose a general preference for residents on private employers.

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The implementation failed in the cantonal parliament. On 21 February 2018 the Grand Council rejected the implementing law by 44 votes to 32 with 2 abstentions. The majority report argued that a preference for residents violated federal law and the free movement agreement and left no room for cantonal action: legislating would mean "making a law against the law".⁵ In September 2020 the government again recommended the rejection of a motion that asked it to implement the initiative directly, citing the Federal Act on Foreign Nationals and Integration and the free movement agreement as obstacles.⁶ What remained were measures within the canton's own sphere, above all in the recruitment policy of the cantonal administration and of entities controlled by the canton, which formalized a practice already largely in place.

1 Notes

1. "Approvata Prima i nostri", RSI, 25 September 2016, <https://www.rsi.ch/info/ticino-grigioni-e-insubria/Approvata-Prima-i-nostri--973053.html>. ↩
2. Ibid. (initiative aimed at "preferenza indigena" and "complementarità professionale" and at preventing discriminatory dismissals). Constitution of the Republic and Canton of Ticino, SR 131.229, Art. 14 para. 1 lit. b, j and k, <https://www.droit-bilingue.ch/de-it/1/13/131.229-14-18.html>. ↩
3. Consiglio di Stato, press release of 25 September 2016 (above). ↩
4. "Prima i nostri, ci siamo", RSI, 4 December 2017, <https://www.rsi.ch/info/ticino-grigioni-e-insubria/Prima-i-nostri-ci-siamo--1051545.html>. Federal Constitution, Art. 51 para. 2, <https://www.droit-bilingue.ch/en-it/1/10/101-51-59.html>. ↩
5. "Prima i nostri, bocciatura", RSI, 21 February 2018, <https://www.rsi.ch/info/ticino-grigioni-e-insubria/Prima-i-nostri-bocciatura--1066413.html>. ↩
6. Consiglio di Stato, message no. 7885 of 9 September 2020 on motion no. 1381 "Prima i nostri: non dimentichiamocene nel 2019–2023", with committee report, https://www4.ti.ch/fileadmin/POTERI/GC/allegati/rapporti/28409_7885%20R-min.pdf. ↩

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