



**UNIMORE**  
UNIVERSITÀ DEGLI STUDI DI  
MODENA E REGGIO EMILIA



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# National report on Italy

Construction of the state of the art on:

- **webplatform economy**
- **Industry 4.0**
- **and Smartworking**

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# Report structure

## An overview of the Italian industrial Relations System - *Edoardo Ales, Iacopo Senatori*

- Labour market trends
- Industrial relations and legal background
- Collective bargaining
- Workplace representation

## Webplatform economy and Industry 4.0 - Davide Dazzi, Ilaria Purificato

- The two issues in the national public debate
- Industry 4.0: legislation and collective bargaining experiences
- Webplatform economy: legislation and collective bargaining practices

## Telework and smartworking - Carlotta Favretto, Chiara Gaglione, Marco Tufo

- Telework and smartworking legislation
- Telework and smartworking in collective bargaining

## A glossary of Italian terminology related to Digital Work - Leonardo Battista, Emanuele Menegatti

# Overview on the Industrial relations system

## Labour market trends

Unemployment rate is 9,8% and employment rate is 59,5%, with high asymmetry:

- By gender
- By age
- By geographical area

Autonomous workers are 23,2% (15,7% in Eu)

Labour market reforms are impacting on the quality of employment but not on its quantity. Pension reforms are retaining older workers in employment

# Overview on the Industrial relations system

## The state of industrial relations

**Union density** is about 33,4% without counting autonomous unions

- sectoral differences (public 56%, manufacturing 35,2% and commerce 23,5%)

## Collective bargaining

- coverage is about 80%
- is mainly sector-based

## Social partners:

- Three main trade union confederations (Cgil, Cisl and Uil) with a weakened relationship with political parties
- High fragmentation of employers' organisations
  - Current opposite tendencies: *cooperation vs isolation*

# Overview on the Industrial relations system

## The legal background

The landmark legal provision of the Italian industrial relations system is the **freedom of association**, enshrined in Article 39 of the Constitution (1948)

The **Workers' Statute** (1970) establishes and regulates the functioning and the rights of a special workplace representation bodies (RSA)

**Legal minimum wage** under discussion

# Overview on the Industrial relations system

## Collective bargaining

**Low level of institutionalization:** Italy traditionally follows a voluntaristic model in which legal regulations are rare, at least in the private sector , and the autonomy of the parties involved is high

According to a **pluralistic approach**, more collective agreements can coexist in the same sector: 864 collective agreements are registered in the archive of the Italian Council of Economy and Labour

- In order to regulate the representativeness of the signatory parties a intersectoral agreement has been signed in 2014

Collective bargaining follow a **multi-level pattern**

- Cross-industry agreements
- Industry-wide collective agreements at the national level
- Decentralised level (mainly at the company level) -21% of the workforce

# Overview on the Industrial relations system

## Workplace representation

Workplace representation bodies can be established in unit with more than **15 employees**

The Italian system of industrial relations is classified as **single-channel** representation model

There are **two alternative forms** of workplace representation bodies:

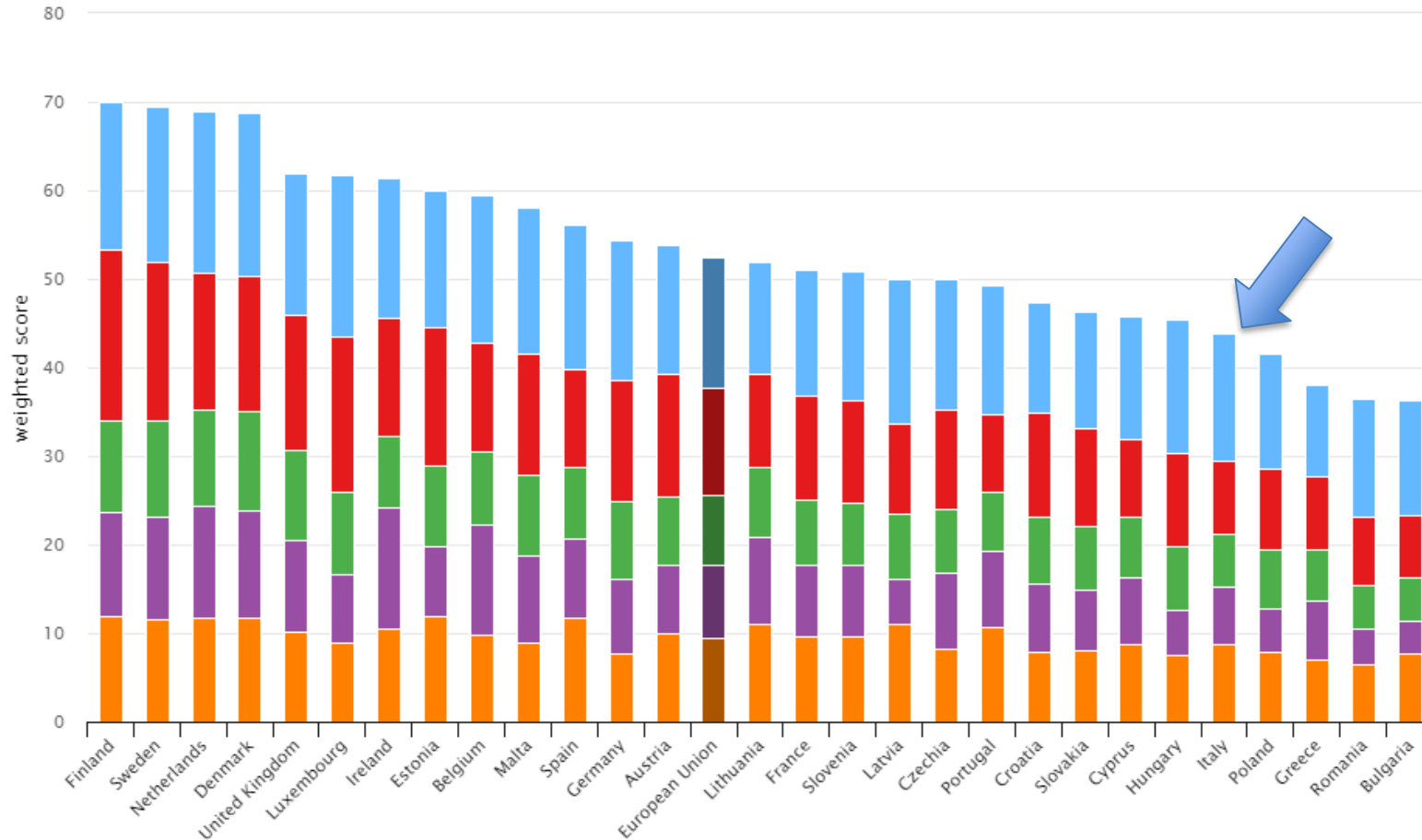
- Rsa (Trade union representative structure at company level) introduced by Law
- Rsu ((Unitary Workplace Union Structure) introduced by the 1993 intersectoral agreement

# DIGITALIZATION IN ITALY

Digital Economy and Society Index

Legend

- 1 Connectivity
- 2 Human Capital
- 3 Use of Internet
- 4 Integration of Digital Te...
- 5 Digital Public Services



European Commission, Digital Scoreboard



# PUBLIC DEBATE ON DIGITALIZATION

## WEBPLATFORM ECONOMY

Platform economy and gig economy entered into the public debate but mainly limited to some court statements (Uber in 2015 and Foodora in 2018) and relevant “grassroots” trade union initiatives

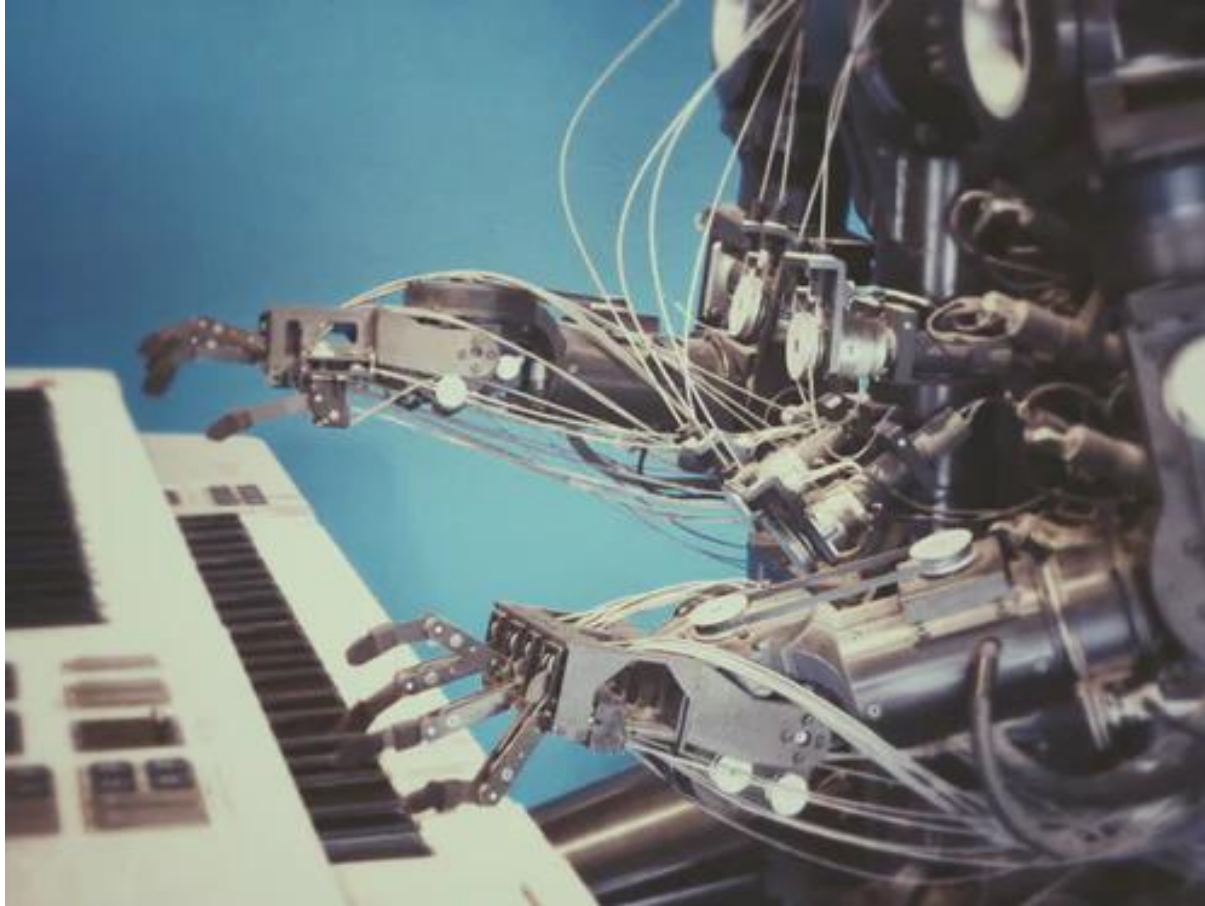
- analysis on gig economy are often limited to the formal definition of the hybrid figure of riders even though gig workers are much more and their social composition much more fragmented

## INDUSTRY 4.0

Centrality in the public debate (while some other digitalisation issues have been completely neglected)

- Generated by the «Italy’s Plan – Industry 4.0» of the former Ministry of the Economic Development
- the analysis of government documents and the initial reactions of the social partners, too, seem to be subject to the technological "fascination" of the Government's Industry Plan 4.0

# INDUSTRY 4.0



# INDUSTRY 4.0: LEGISLATION AND COLLECTIVE BARGAINING

The main legislative attempt refers to the **National Plan on Industry 4.0** (2017) and to the following Budget Laws providing for:

- **incentives and fiscal benefits** aimed at stimulating and encouraging businesses in increasing technological and digital investments (material and immaterial)
- A new **digital training system** based on new coordination bodies (Digital Innovation Hub and Competence Centers)

As a consequence of a general criticism of being **too much large company-oriented**, some fiscal measures provided for within the Plan “Industry 4.0” have been reduced or modified with a view to reshaping the fiscal tools in favour of **SMEs**

- In order to make workplaces more digital oriented a new instrument has been introduced within the “Growth Decree Law”: “**the expansion contract**” facilitates workforce turnover in those companies investing in technological innovation and hiring young people under open ended contract

# INDUSTRY 4.0: LEGISLATION AND COLLECTIVE BARGAINING

Even though the debate has been quite rich and dynamic in recent years, it seems that **industry 4.0** related issues **have only slightly impacted on collective bargaining**. All the **national union observatories** on decentralised collective bargaining register a limited and consistent reference to the terms of “technological innovation” and “industry 4.0” and are often used to describe the **main challenges** posed by digitalisation or to refer to **fiscal incentives** included in the National Plan.



**32** collective agreements collected

- Setting up of **internal joint commission** (Ducati and Ima company agreements)
- Including “industry 4.0” issues as part of the **pay set** (variable part) (ie, Kone company agreement)
- **Specific training** aimed to adapt worker skills to digitalisation related restructuring (Saras company agreement and ENEL agreement)
- **Cyber-security** (credit sector) (Unicredit collective agreement)
- **Job description** and **job qualification** criteria (the last industry-wide collective agreement 2016)

# WEBPLATFORM ECONOMY



# WEBPLATFORM ECONOMY: LEGISLATION AND COLLECTIVE BARGAINING

## LEGISLATION

A **systematic legislative** intervention regulating webplatform economy and on-demand Apps is missing

- a recent **Decree Law** (n.101 3 September 2019) is the first attempt of regulating digital workers (riders) and providing minimum standards
- The decision of the **Court of Turin** (Foodora): riders are entitled to be paid according to the pay scheme included in NCLA of logistics
- Regional Law of the **Lazio Region** on “Rules for the protection and security of digital workers”

# WEBPLATFORM ECONOMY: LEGISLATION AND COLLECTIVE BARGAINING

## INDUSTRIAL RELATIONS

the most relevant attempts of regulating platform workers “*can be seen as the outcomes of collective actions organized by platform workers*” (ETUI):

- the budding of **self-organized worker representatives** among riders (Riders Unions) with local bodies strongly interconnected through the digital network;
- - the **Charter of Fundamental Rights of Digital Workers of Bologna** (2018), signed by the self-organized unions, the Municipality of Bologna, some food-delivery platforms and the local unions (Cgil-Cisl-Uil).
- - In 2018, also as a reaction to the protagonism of self-organized movements, **the NCLA for transport and logistics** signed by CGIL, CISL and UIL introduces and regulates the figure of the "rider";
- - In 2019, **LaConsegna** (a food-delivery company) of Florence signed a company agreement with CGIL, CISL and UIL in which the subordination of the riders is recognized and the consequent application of the national contract.
- - In July 2018, the main digital platforms (Deliveroo, Glovo, JustEat, Uber Eats, Social Food) formed **Assodelivery**,

# SMARTWORKING





# Telework - Legislation

- Regulation:
  - Private: single dispositions on working time, remote surveillance and health and safety;
  - Public: Presidential Decree 70/1999: definition as work performed by the public employee “in any place deemed suitable, placed outside the workplace, where the service is technically possible, with the prevailing support of information and communication technologies, allowing connection with the Administration where work is performed”; implemented by projects;
- Promotion:
  - Private: work-life balance, social inclusion, flexibility also through CB (see Italian Jobs act);
  - Public: Public Administration Reform 2015 (Madia Law).

# Telework - Collective bargaining

- Private
  - Company CA: introducing telework on an experimental basis => flexibility; social issues; business productivity; as a defensive organisational measure; work-life balance and social inclusion (especially after 2002);
  - IA 2004 (implementing EFA 2002): A form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis;
- Public
  - Framework agreement 2000 (implementing Pres. Decree 1999);
  - CA for single Administrations (implementing FA 2000).

# Smartworking - Legislation

## Law 81/2017 (Articles 18-24) on «Agile work»

- Definition: a peculiar execution mode of the employment relationship agreed by the parties, encompassing forms of organisation by stages, cycles and objectives, without strict time and place constraints, possibly involving the use of technological tools for carrying out the work activity. Work is performed partly inside the company premises and partly outside, without a fixed location, provided the respect of the maximum weekly and daily working time established by statutory law and collective bargaining;
- Agile work pact: flexibilization of employment contract contents (employer's power; workplace; working time; disconnection);
- Specific rules on health and safety and accidents at work;
- Work-life balance purposes: priority to requests of women being in three years after the end of maternity leave as well as of workers with disable children.

# Smartworking – Collective bargaining

- Experimentation (especially in large companies);
- Sectors: banking, insurance, food and those related to metal, energy and oil processing;
- Development of new skills;
- Work-life balance and productive growth;
- Results and employee's accountability;
- Disconnection;
- Performances' assessment.

# SMARTWORKING: Conclusions

- Telework: social inclusion and work-life balance instrument => traditional employment relationship;
- Smartworking: flexibility; work-life balance; results; employee's autonomy and accountability => Law 81/2017 + CA.

