

Social Dialogue mapping

Description scheme for country overviews

ITALY

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/italy>

2/OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Italy

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

Criteria to define social partners' representativeness have been modified several times over the years. The first and only provision, until 1970, was contained in Article 39 of the Italian Constitution, which sets forth a single criterion based on the number of associates. Pursuant to the Workers' Statute, trade unions meeting the requirement set out in Article 19 are defined as 'most representative'. These unions can form Company Works Councils (*Rappresentanze sindacali aziendali*, RSA), which consist of union delegates in companies with more than 15 employees, in the industry or trade sector. Article 19 of the Workers' Statute does not contain any provision clearly identifying the 'most representative' trade unions; the definition was therefore left to labour courts.

The Memorandum of Understanding signed on 3 July 1993 (*Protocollo d'Intesa*, PI 1993, in Italian, 95 KB DOC), which was entered into by social partners and the government, set out that RSU can be set up by workers by means of elections and in lieu of RSA.

On 14 January 2014, Confindustria, CGIL, CISL, and UIL signed a new cross-sectoral agreement (TU 2014) whereby new rules on representativeness were established. In particular, according to TU 2014, in order to participate in national collective bargaining, trade unions must reach a representativeness threshold of 5% measured on the basis of the percentage of union members and of the votes obtained by the same unions in RSU elections. NCBA's are binding if signed by trade unions reaching a representativeness level of 50% +1 and if approved by the majority of workers through a referendum.

Moreover, TU 2014 states that firm-level agreements are binding if signed by the majority of RSU members or by the RSA receiving the majority of proxies from employees.

Trade Unions (1)

- **About trade union representation**

Employees enjoy the constitutionally enshrined right to organise unions and to strike. Labour unions are usually set up on an industry or trade-wide basis, with the various local unions forming a national body. NCBA's are implemented by employers' associations and unions, and are legally binding only upon employers and employees either belonging to the organisations that have signed them, or that have chosen to adopt them. A de facto extension of such collective bargaining is set out by labour courts. If

the company is staffed with more than 15 employees, they have the right to organise RSA or RSU. Either type of council can exercise the right to be informed and consulted mainly in the following cases: collective dismissal, business transfer, in case the company intends to install work or personal control devices directly involving employees, or in any other case provided for by the relevant NCBA. Article 39 of the Italian Constitution states that 'trade unions may be freely established' without restrictions or limitations. This, jointly with Article 18 of the Italian Constitution ('Citizens have the right to form associations freely [...] for those ends that are not forbidden by criminal law') confers upon workers wide freedom of union association. The trend shows a progressive shift in terms of strength and importance from national-level union activity to the decentralised level, in which special provisions are set for employers and employees.

• Main trade union confederations and federations

The most representative trade union confederations, in terms of members and, therefore, functions and activities, are CGIL, CISL, and UIL. In the past years, trade unions intensified cooperation, in particular at cross-sectoral level, with a view to tackling problems related to the economic crisis.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Italian General Confederation of Work (Confederazione Generale Italiana del Lavoro)	CGIL	5,539,472	2015	Yes
Italian Confederation of Workers' Unions (Confederazione Italiana Sindacati Lavoratori)	CISL	4,298,710	2015	Yes
Union of Italian Workers (Unione Italiana del Lavoro)	UIL	2,249,727	2016	Yes
Italian Pensioners' Union (Sindacato Pensionati Italiani)	SPI-CGIL	2,938,956	2015	No
Italian Federation of Workers in the Trade, Tourism, and Service Sectors (Federazione Italiana Lavoratori Commercio, Turismo e Servizi)	FILCAMS-CGIL	469,334	2015	Yes
CGIL Public Employment Union (CGIL Funzione Pubblica)	FP-CGIL	385,603	2015	Yes
National Pensioners' Federation (Federazione Nazionale Pensionati)	FNP-CISL	1,894,311	2015	No
Italian Federation of Trade Unions of Workers in the Tourism, Trade Service, and Related Sectors	FISASCAT-CISL	336,563	2015	Yes

(Federazione Italiana Sindacati Addetti Servizi Commerciali, Affini e del Turismo)				
CISL Public Employment Union (CISL Funzione Pubblica)	CISL FP	309,156	2015	Yes
Italian Union of Retired Workers (Unione Italiana Lavoratori Pensionati)	UILP	583,399	2015	No
Italian Union of Agrifood Occupations (Unione Italiana dei Lavori Agroalimentari)	UILA	225,472	2015	Yes
UIL Federation of Local Authorities (UIL Federazione Poteri Locali)	UILFPL	204,964	2015	Yes

Employers' organisations (1)

• About Employers' organisations

No obligations are incurred when joining an employers' association except for the obligation to apply the specified NCBA. These organisations will sit with other social partners to negotiate or renew the relevant NCBA. In recent years, employers' associations have complemented their traditional 'interest representation' role with two other functions:

- the provision of services in support of their members' business activities and development;
- in the framework of political economy governance, the promotion of forms of dialogue with political institutions on tax issues, strategic investments, European reforms, etc.

A further factor is the thriving of interorganisational innovations, particularly in the field of SME associations (paritarian institutions providing their members with welfare and services).

• Main Employers' organisations

The main employers' associations are:

- Confindustria;
- Italian Banking Association (ABI) – banking sector;
- National Confederation of Craftsmanship and SMEs (CNA);
- Confartigianato Imprese;
- Italian Confederation of Businesses in the Trade, Tourism, and Service Sectors (Confesercenti);
- Italian General Confederation of Companies, Professional Activities, and Self-employment (Confcommercio);
- Italian Confederation of SMEs (Confapi);
- Legacoop, Confcooperative, and AGCI (cooperative sector).

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Confartigianato Imprese	–	700,000	2015	Yes
Italian General Confederation of Companies, Professional Activities, and Self-employment (Confederazione Generale Italiana delle Imprese, delle Attività Professionali e del Lavoro Autonomo)	Confcommercio	700,000	2015	Yes
National Confederation of Craftsmanship and SMEs (Confederazione Nazionale dell'Artigianato e della Piccola e Media Impresa)	CNA	643,439	2015	Yes
Italian Confederation of Businesses in the Trade, Tourism, and Service Sectors (Confederazione Italiana Esercenti Attività Commerciali, Turistiche e dei Servizi)	Confesercenti	350,000	2015	Yes
Autonomous Confederation of Craft Unions (Confederazione Italiana Esercenti Attività Commerciali, Turistiche e dei Servizi)	Casartigiani	200,000	2015	Yes
General Confederation of Italian Industry (Confederazione Generale dell'Industria Italiana)	Confindustria	150,428	2015	Yes
Italian Banking Association (Associazione Bancaria Italiana)	ABI	703	2017	Yes
Italian Confederation of SMEs (Confederazione Italiana della Piccola e Media Industria Privata)	Confapi	83,000	2016	Yes
Confederation of Italian Cooperatives (Confederazione Cooperative Italiane)	Confcooperative	18,766	2015	Yes
National Association of Cooperatives and Benefit Societies (Lega Nazionale delle Cooperative e Mutue)	Legacoop	11,661	2015	Yes
General Associations of Italian Cooperatives (Associazione Generale Cooperative Italiane)	AGCI	7,298	2015	Yes

Social Dialogue on OSH (2)

• National level

The Permanent Advisory Committee for health and safety at work (Commissione Consultiva Permanente per la salute e sicurezza sul lavoro) The Committee, according to Art. 6 of legislative Decree 81/2008), is established at the Ministry of Labour and Social Policies and chaired by a representative of this Ministry. It also includes: two representatives of Prime Minister's Office which belong to, respectively, the Department of Equal Opportunities and the Department of Public Function; seven representatives from the Ministries, ten representatives of the Regions, ten representatives appointed by trade union organizations, ten representatives appointed by employers organizations . The members of the Commission and the secretaries are appointed by Decree of the Ministry of Labour and Social Policies, by appointment of competent organisms and hold the office for 5 years.

The Commission has the following tasks ^[2]Legislative decree no. 81, April 9th 2008, Implementation of the Article 1 of the Act no. 123, August 3rd, 2007, concerning the protection of health and safety at workplaces (in Italian): to evaluate issues concerning regulation implementation relative to safety and health at work and provide legislative proposals; to express opinions and views on yearly plans of the steering, evaluation, coordination and surveillance Committee; to define promotional activities; to validate good practices; to draw on a yearly basis a report on the state of implementation of OSH regulation, on the basis of information by the SINP, to be transmitted to the Commission of competent Parliaments and to the Presidents of the Regions; to process standard procedures for the realization of risk analysis (for companies with more than 50 employees); to identify organization and safety management models; to develop qualification criteria of the role of trainer for safety and health at work, taking into account also specificities and peculiarities of reference sectors; to develop any necessary guidelines to risk assessment related to work-related stress.

Within the Commission, sectors and criteria are identified in order to define a system of qualification for companies and self-employed workers; such a system is based on specific experiences, competences and know-hows acquired through training courses concerning health and safety at work. The expertise acquired is a qualification that represents a driver for participation to public calls for tenders or subcontracting and related funding or financial support.

Regional Committees of coordination (Comitati Regionali di coordinamento) The Regional Committees, according to art. 7 of Legislative Decree 81/08 ^[2]Legislative decree no. 81, April 9th 2008, Implementation of the Article 1 of the Act no. 123, August 3rd, 2007, concerning the protection of health and safety at workplaces (in Italian), have the functions of planning and providing guidelines for prevention and surveillance activities on the territory in compliance with national regulations and in agreement with the Steering and Evaluation Committee (Art. 5 of legislative Decree 81/08 ^[2]Legislative decree no. 81, April 9th 2008, Implementation of the Article 1 of the Act no. 123, August 3rd, 2007, concerning the protection of health and safety at workplaces (in Italian)). The Committees are chaired by the President of the regional council or a regional councillor. The members are representatives of various organisms and bodies involved in the implementation of policies concerning health and safety at work, such as: ASL (Local Health Units), ARPA (Regional Agency for Environment protection), Fire brigade Inspectorate, Regional agencies like INAIL, ANCI (National Association of Italian Municipalities), UPI (Union of Italian Provinces), Maritime health Authority, Port authorities. Moreover, four representatives from employers' organizations and four representatives from trade union organizations are included.