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THE ITALIAN WAY TO INTERNAL DEVALUATION AND SOCIAL ACTORS' STRATEGIES AGAINST AUSTERITY AND THE FLEXIBILIZATION OF THE LABOUR MARKET¹

O CAMINHO ITALIANO DE DESVALORIZAÇÃO INTERNA E ESTRATÉGIAS DE ATORES SOCIAIS CONTRA A AUSTERIDADE E A FLEXIBILIZAÇÃO DO MERCADO DE TRABALHO

Giulia Frosecchi²
Giovanni Orlandini³

SUMMARY: 1. Introduction: the Italian way to internal devaluation; 1.a Precarization of labour and weakening of trade union action at company level (amendment of dismissal law); 1.b Circumvention of the CCNL by means of exceptional employment contracts; 1.c Downward competition on labour costs by means of outsourcing and value chains; 1.d Promotion of decentralized collective bargaining and its power to derogate from the law and freezing of collective bargaining in the public sector; 2. The trade union(s) strategies; 2.a Bargaining strategy; 2.b Judicial strategy; 2.c Confrontational strategy; 3. New challenges for workers and new challenges for their organization(s); 3.a Italian trade unions' strategies; 3.b Alternative experiences of (and in favour of) precarious workers; 4. Anti-austerity protests: the involvement of trade unions and social movements; 5. Concluding remarks; Bibliography.

SUMÁRIO: 1. Introdução: o caminho italiano para a desvalorização interna; 1.a Precarização do trabalho e enfraquecimento da ação sindical na empresa (alteração da lei de demissão); 1.b Contenção da CCNL através de contratos de trabalho excepcionais; 1.c Concorrência decrescente sobre os custos da mão-de-obra por meio de terceirização e cadeias de valor; 1.d Promoção da negociação coletiva descentralizada e seu poder de derogar a lei e o congelamento da negociação coletiva no setor público; 2. As estratégias do sindicato (s); 2.a Estratégia de negociação; 2.b Estratégia judicial; 2.c Estratégia de confronto; 3. Novos desafios para os trabalhadores e novos desafios para a (s) sua (s) organização (ões); 3. as estratégias dos sindicatos italianos; 3.b Experiências alternativas de (e a favor de) trabalhadores precários; 4. Protestos anti-austeridade: o envolvimento de sindicatos e movimentos sociais; 5. Observações conclusivas; Bibliografia.

1 INTRODUCTION: THE ITALIAN WAY TO INTERNAL DEVALUATION

Italy, differently from other Southern European countries, has not suffered the Troika's intervention, nor it has resorted to financial assistance from European Institutions. Notwithstanding that, the latest Italian Governments have adopted labour market reforms which have faithfully transposed the Council Recommendations adopted during the European

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¹ The contribution is the result of a joint reflection of the two authors; in particular, Giovanni Orlandini is the author of chapters 1 and 2, while Giulia Frosecchi is the author of chapters 3, 4 and 5.

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Semester. Most likely, the recent measures have been more incisive and comprehensive than in other Southern EU Member states⁴. Indeed, because of the Monti Government's reforms adopted in 2012 (Law 92/2012) (Piazza Myant 2016) and, especially, thanks to the Renzi Government's laws (the so called Jobs Act, that is Law 183/2014 and enforcement Decrees from 2015) (Pizzoferrato 2015), the labour law framework has been modified in depth⁵.

These reforms are functional to achieve the main aim pursued by the EU through the austerity policies: lowering labour costs. This is, apparently, a paramount necessity in Southern European economies that aim to regain competitiveness within the internal market (so called internal market devaluation) (Schulten Müller 2013). However, it seems extremely difficult to achieve this objective in the Italian system, which is characterized by a low degree of institutionalization of the labour market and the minimum wage is established exclusively by collective bargaining, which is, in turn, not regulated at all by law. Obviously, in a system as such, the aim of the competitive devaluation can be pursued only indirectly, through reforms that weaken the trade unions' bargaining capacity (at company and national level) and restrain the scope of the CCNL (Collective agreements at national/industry level), which, in Italy, is responsible for setting the minimum wage for each sector. The precarization of the labour market, improved and implemented by the latest reforms, can be read, from this perspective, as an effective instrument to weaken the trade union action, especially the collective bargaining strength (Cruces et al 2016). On the other hand, the growing flexibilization and instability of the labour market caused by the recent reforms, especially those implementing the austerity policies pushed forward by the EU institutions, have represented breeding ground for new collective identities and social movements that attempt, or have attempted, to respond to the necessities of precarious workers with traditional and/or innovative strategies. Without going into the controversial debates on precariousness (Della Porta 2015; Standing 2011), for the purpose of this chapter, we understand precariousness as the condition of highly unsecure employment, caused by the liberalization of the labour

⁴ See Council Recommendation of 12 July 2011 on the National Reform Programme 2011 of Italy and delivering a Council opinion on the updated Stability Programme of Italy, 2011-2014 Council Recommendation of 9 July 2013 on the National Reform Programme 2013 of Italy and delivering a Council opinion on the Stability Programme of Italy, 2012-2017.

⁵ The Conte Government, led by Lega and 5 Stars Movement (installed in March 2018), appears very critical towards the labour market reforms of previous governments. The Minister of Labour, Luigi Di Maio (5 Stars leader), as first action, has promoted the adoption of a Law Decree that limits the use of short-term contracts and increases the amount of indemnities in case of unfair dismissal (Decree Law 12 July 2018, No. 87, so called *Decreto Dignità*, converted into Law 9 August 2018, No. 96).

market and the increase in the bogus self-employment practice, which have been recently fostered by the post-crisis reforms, briefly illustrated in the first part of the chapter.

In the next pages, we synthetically point at the main legislative interventions aimed at achieving this objective and we review the counter-strategies adopted by confederated and grassroots trade unions and the main social movement experiences, which have developed from the self-organising of precarious workers. Last, the relationship between these various subjects in the context of the anti-austerity protests is addressed.

1.A PRECARIZATION OF LABOUR AND WEAKENING OF TRADE UNION ACTION AT COMPANY LEVEL (AMENDMENT OF DISMISSAL LAW)

The most significant reform of the so called Jobs Act concerns the legal framework for dismissal⁶, which provides that, in case of unfair dismissal, newly employed workers (those hired with the so called “contract with increasing protections”) cannot claim (and obtain) the job reintegration – as the workers hired before the Jobs Act approval – but they can only claim a low indemnity, predetermined by law, which does not constitute an effective deterrent to unfair dismissal (Carinci 2015). This reform is clearly relevant (also) for the Italian industrial relations system. Indeed, originally the right to be reintegrated was conceived as an instrument to support the trade union activity at company level. Therefore, considering the low institutionalization of the Italian system and the absence of a legal framework for collective bargaining, this tool was extremely important. The lack of institutionalization is also the reason why the *Statuto dei Lavoratori* (1970) provided for the right of representation and the right of trade union action at company level, and, on the other hand, left to the social partners the task to make these rights effective⁷. It is true that the right to be reintegrated was applied only in large companies (with more than 15 employees), but this aspect does not undermine its function and the graveness of its reform. To the contrary, as a result of the 2015 reform, the bargaining power of large companies’ employees is, *de facto*, equated with that of workers employed by small businesses, where it is no accident that the wrongful termination suit are not filed and the trade union membership is very low.

⁶ Legislative Decree No. 23/15.

⁷ Article 19, Law No. 300/1970.

In the EU institutions' and Italian Government's rhetoric, this reform should have been functional to overcoming the segmentation of the labour market: the reduction of protection against unfair dismissal should have led to an increase in permanent employment contracts, which are less protected but (precisely because of this) are more appealing than the temporary employment contracts. As a matter of fact, this has not happened, also because the temporary employment contracts (mainly fixed-term and agency contracts) have been further liberalized⁸; and also the few norms that limit their application have been weakened precisely by the reform on unfair dismissal⁹, inasmuch as it has removed the deterrent effect of the sanction for abuse of temporary employment contracts, that is the conversion in open-ended employment contracts. A worker who obtains, through the Courts, the open-ended employment contract because of the violation of the maximum temporal limit allowed for the fixed-term contracts with the same employer (set at 36 months by the Jobs Act, now at 24 months)¹⁰, could be dismissed immediately afterwards if the employer pays him/her a given – and low – number of monthly payments (which can be even reduced if the parties come to an agreement)¹¹.

The employment data, collected in the aftermath of the reform's implementation, confirm that this norm has failed to create permanent jobs. In 2015, an increase in the conclusion of open-ended contracts has been registered. However, this was due exclusively to the strong economic incentives attached to this type of contracts and provided for by the stability law (which exempted the employer from the payment of pension contributions for three years). Since 2016, the incentives have been reduced and the same has occurred for the open-ended contracts, which rate is back at the previous levels.

1.B CIRCUMVENTION OF THE CCNL BY MEANS OF EXCEPTIONAL EMPLOYMENT CONTRACTS

⁸ Articles 19-29, Legislative Decree No. 81/15.

⁹ As Carinci 2015 observes “in the system outlined by the Jobs Act, indefinite contracts and fixed-term contracts are put at the same level: the choice between one or the other is not subject to effective limits; both are widely flexible, both throughout the performance of the employment contract and in the phase of terminating the employment contract”, p. 9.

¹⁰ The Conte Government has partially reduced the temporal scope of the fixed-term contracts with the so called *Decreto Dignità* (see above), by reducing from 36 to 24 months the maximum length of fixed-term contracts that can be concluded with the same employer.

¹¹ The minimum months of salary due according to the Jobs Act were 4. This minimum indemnity has been raised at 6 months by the above mentioned *Decreto Dignità* (2018).

The 2015 reform has triggered a growth of, not only, temporary employment contracts, but also employment relationships of a peculiar nature, which do not belong to the scope of application of the CCNL and are not subject to the minimum wage set therein. A first type is *lavoro accessorio* reformed in 2017 in *lavoro occasionale*¹², a kind of Italian version of mini-jobs. *Lavoratore occasionale* is a worker who earns less than 5000 thousand euros a year (2.500 from a single user) and works less than 280 hours in a year. This type of worker can be paid to a minimum of 9 euros net per hour (plus the contribution to the social security system). The impressive spreading of these kinds of jobs (in the first nine months of 2016 more than one million and three thousands workers were employed in this way) and the will to avoid the referendum promoted by CGIL (see below), brought the Government to reform the previous legislation in April 2017. The new law imposes on the user an online procedure as a condition to initiate the relationship with the worker, which should lessen the risk of abuses. The sharp reduction of these types of contract, registered in the follow-up of the 2017 reform, demonstrates how their success was due to a fraudulent use.

Also “training” contracts are used as tools for underpaying the youngest workers. Not only apprenticeship, which in Italy is a contract of employment that allows to pay less the job performer (two-tier wage system) and not to pay contributions¹³; but, above all, the internships (*stages*), to which companies very often resort instead of concluding apprenticeship contracts. The *stage* is not even a contract of employment: it should be a pure training conducted at workplace, but in fact, (also because of the few labour inspections) the trainee is often employed in economically relevant activities, and often with a very low professional content. The legislator has implicitly acknowledged the abuse of internships, and has introduced a “minimum compensation” for the trainees of at least 300 euros a month (euphemistically called “participation allowance” and not salary, but subject to taxation as income from employment).

The “para-subordinate workers” shall be included among those workers who are not entitled to the minimum wage provided for by the applicable CCNL, called *collaboratori coordinati e continuativi* (co.co.co); these workers are “formally” self-employed, as not subject to strict employer’s control, but in fact “economically dependent” from a (single) user.

¹² The former *lavoro accessorio* has been replaced by the new *lavoro occasionale*, introduced by decree by the Government (Law Decree No. 50/2017) in order to avoid the referendum promoted by the CGIL asking for its abrogation.

¹³ Articles 41-47, Legislative Decree No. 81/15.

The 2015 reform¹⁴ has abolished the obligation (as required by previous regulations) to pay the minimum wage set by the sector collective agreement, to employees who perform "similar activities". This type of self-employment contract is also used to carry out activities related to the so called platform economy (De Stefano 2017). Hiring the platform workers as co.co.co. provides a legal cover to the relationship, but it does not ensure any guarantee to the worker as to the wage; the fee is fixed by the company, which can also reduce it unilaterally, as the worker does not have any bargaining power in this respect (and to dismiss him/her, the company can simply disconnect him/her from the digital platform).

As a response to the needs of protection of this kind of economically dependent workers, the Government adopted Law 81/2017 that deals mainly with social security protection of self-employees (in general), and does not introduce any special protection (even on the remuneration) for economically dependent workers.

1.C DOWNWARD COMPETITION ON LABOUR COSTS BY MEANS OF OUTSOURCING AND VALUE CHAINS

Also the rules on outsourcing and subcontracting favour both precariousness and the lowering of wages. The spread of outsourcing in Italy has been possible both because of the rules on subcontracting and on transfer of - parts - of undertakings¹⁵, and because of the "voluntaristic" and not regulated industrial relations system. The presence of many different CCNL, some of them signed by trade unions and employers' - unrepresentative - organizations, and the freedom of the employer to apply even a collective agreement not strictly related to the economic activity carried out, favours the contractor, who is allowed to outsource to companies that apply much lower minimum wages. In Italy, in the service sector, the "cooperatives" are a widespread phenomenon; here trade unions are normally weak and unrepresentative, and CCNL providing for extremely low wages are applied. This also explains the limited extension of agency work in Italy, which is less convenient than

¹⁴ Article 2, Legislative Decree No. 81/15 ; the new rules, on one side, try to reduce the use of this kind of contract, in case the worker performs his activity in the organization of the user; on the other, they delete the protecting rules provided by the former law (see Carinci 2015, 10-12).

¹⁵ In this case, the most important reform was adopted in 2001, with a the Legislative Decree No. 18/01 reforming Article 2112 of the Civil Code on transfer of undertaking, and in 2003, with the Article 29, Legislative Decree No. 276/03 on subcontracting.

subcontracting to “cooperatives”, because it requires equal treatment and prevent wage dumping.

Outsourcing also concerns the public sector and results from the privatization process. Entire sectors of activities previously carried out by public bodies have been transferred to companies, which are legally private but remain economically controlled by the State or by local authorities. The collective agreement of civil servants is no longer applicable to the respective workers and their employment relationship is governed by special rules laid down by the same laws that privatized them. The result is a completely abnormal scenario, as often the employment contract of these workers is regulated by rules that cumulate the most unfair aspects of the public and the private sector.

A clear example of the political will to use privatization and outsourcing as means to weaken the union and reduce wages is the “foundations of the Opera Theatres”. The recent reforms have converted these foundations in private bodies and, in order to ensure a balanced budget, the management has had to declare collective redundancies, outsourcing the dismissed workers to a public service company. Furthermore, they have provided for both the revocation of wage increases laid down by company level collective agreements and the liberalization of fixed-term contracts.

1.D PROMOTION OF DECENTRALIZED COLLECTIVE BARGAINING AND ITS POWER TO DEROGATE FROM THE LAW AND FREEZING OF COLLECTIVE BARGAINING IN THE PUBLIC SECTOR

As is well known, the fostering of decentralized collective bargaining is one of the main instruments suggested by the European institutions to strengthen the companies’ productivity and competitiveness. In the absence of a legal framework for collective bargaining, in Italy this objective has been pursued also through norms that regulate the individual employment relationship. The reforms approved in the latest years constantly refer to the decentralized level of collective bargaining (as an alternative to the CCNL), as a way to derogate from the law. The “symbolic” norm is Art. 8, Law 148/2011, that provides for the possibility to conclude so called proximity agreements at plant level, in order to reduce the standards set by law or by CCNL, as regards a consistent number of matters. In addition, also the Jobs Act provides for a general norm that recognises the company level as an alternative

to the national one, when it comes to integrate or derogate the norms of temporary and flexible contracts¹⁶. However, the minimum wage set by CCNL has remained untouched and it cannot be derogated from by decentralized agreements.

Last, in the public sector, the containment of labour costs has been achieved by freezing the salary increases, since 2010¹⁷. In Italy, public employment relationships have been privatized in the 1990s (that is, since then, public employees are hired with a standard employment contract) and the law on public employment protects their right to conduct collective bargaining¹⁸. Nonetheless, from 2010 to 2018, the Government has failed to allocate the resources functional to the contract renewals.

2 THE TRADE UNION(S) STRATEGIES

In the light of the current scenario, let us briefly review the trade unions' responses.

Given the marked pluralism and the serious conflicts between Italian trade unions, we cannot talk of a single and generic trade union strategy. In particular, the conflict arises between some federations belonging to CGIL (especially FIOM) and other federations (confederated in CISL and UIL), as well as between confederated trade unions and grassroots trade unions, which are strong mostly in the public sector and services sector. In view of this context, we choose to put emphasis on the most significant actions carried out in the latest years to fight against the austerity policies.

2.A BARGAINING STRATEGY

The necessity to protect the CCNL and its economic function, as a tool to guarantee minimum wages at national level, has brought CGIL closer to the other confederations.

¹⁶ Article 52, Legislative Decree No. 81/15.

¹⁷ The same line of intervention on collective bargaining, based on decentralization in the private sector and block of negotiation in the public sector, has been followed in the other Southern countries in order to pursue the internal devaluation (Cruces et al 2016).

¹⁸ Legislative Decree No. 165/01, the organic law on public employment.

Indeed, on the one hand, the recent reforms legitimate or even promote the conclusion of decentralized collective agreements, also signed by unrepresentative trade unions, on the other hand, in January 2014, the three main confederations have reached a joint agreement with Confindustria (the most important business organization). In this agreement, the social partners have set shared rules as regards the company level representation and collective bargaining, based upon the principle of majority. On the grounds of this agreement, the federations belonging to CGIL-CISL-UIL have renewed several CCNL, as the agreement for the industrial sector, which has been signed also by FIOM, after some years of sharp contrasts with the other federations. Noticeably, this renewed unity has carried some costs for CGIL, which had to accept a strong decentralization of collective bargaining, even if governed by the CCNL, and, for this reason, less extensive than that allowed by the law. The aim pursued by the most recent CCNL is precisely to limit the possibility to derogate from the protections provided for by law, or even to reintroduce (where possible) tools to increase the guarantees (as for the working time). However, nowadays the discretionality given, by the CCNL, to the decentralized agreements is very high.

As already mentioned, the decentralization does not concern wages (yet), which determination is of exclusive competence of the social partners. According to the CCNL, company level agreements can only provide for wage increases, linked to the productivity, and cannot reduce the minimum rates set at national level.

Also thanks to these elements, in Italy, the national system of collective bargaining retains a wide diffusion: an average of 80% of the companies apply the CCNL, while in some sectors (as construction) this percentage is even higher.

In this context, the adoption of a legal minimum wage (foreseen by Law 283/2014, but never implemented) would entail a substantial weakening of the role of the CCNL and, as a consequence, of the confederated trade unions.

In the service sector, the enforcement of the CCNL and the contrast to social dumping is pursued also via the so called social clauses, that the confederated trade unions have managed to include in the CCNL. These clauses oblige the employers, in a supply chain, to fulfil the CCNL signed by the most representative trade unions, and protect the workers in case of new procurement contracts. In this respect, the trade unions exerted an intense political pressure on the Government during the adoption of the code on public procurement, obtaining the inclusion of an explicit obligation on the successful tenderer to implement the

collective agreement¹⁹. However, this issue remains extremely problematic, because of the EU competition norms.

2.B JUDICIAL STRATEGY

Next to the bargaining strategy, the unions (especially CGIL) are acting at political and judicial level. At political level, CGIL promoted a comprehensive bill on labour law and trade union rights (a new “Charter of universal rights of workers”, opposed to the Jobs Act) and it called for three referendums to repeal some of the recent reforms. These referendums did not take place, because of a decision of the Constitutional Court (which did not admit the one on dismissal) and because of the intervention of the Government that amended the existing legislation (reforming the “accessory” jobs and the law on subcontracting). At least with reference to these latter cases, the initiative of CGIL succeeded in producing concrete legal effects.

On the other side, the judicial activism of unions (acting in Court) has led to important decisions of the Constitutional Court. The Court in 2013 declared unconstitutional the current rules on representation in the workplace (or rather, the lack of rules), calling on the legislator to fill the legal gap²⁰; in 2015 the Court declared unconstitutional the freezing of collective bargaining in the public sector, urging the Government to renew the collective agreements²¹. The Court adopted also key judgments on the abuse of fixed term contracts in the public sector, which led to the stabilization of many temporary workers (in 2016, in the school sector²² and in the lyrics foundations²³).

However, it is obvious that the judicial strategy remains weak, also because the Government has reacted to these constitutional rulings passively: no law has been passed on representativeness and the resources to sign a new collective agreement have been allocated only by the stability law for 2018 (3 years after the judgment was released).

2.C CONFRONTATIONAL STRATEGY

¹⁹ Article 30, Legislative Decree No. 50/2015 (which implement Directive 2014/24/EU).

²⁰ Constitutional Court, Judgement No. 231/13.

²¹ Constitutional Court, Judgement No. 178/2015.

²² Constitutional Court, Judgement No. 187/2016.

²³ Constitutional Court, Judgement No. 260/15.

The strike is a weapon no longer used much by trade unions. However, in recent years there has been a significant increase in collective actions in Italy, especially in the public sector and services sector (Molina Barranco 2016). Again, however, a unified practice and a common trade union strategy are missing. Among the confederated trade unions, in recent years, CGIL alone has called most of the general strikes against austerity measures and labour law reforms. As a tendency, CISL is less inclined to resort to strike actions (especially in the form of a general political strike). Indeed, it did not even take part in the 2014 strike against the Jobs Act. Also for this reason, the latest general strikes have almost never been effective, having neither prevented the reforms, nor prompted the Government to amend them. On the other hand, neither the Center-Right nor the Center-Left Governments have legitimized the union as a political counter-part (having abandoned the neo-corporatist praxis of *concertazione*).

The grassroots trade unions are more strike prone than confederated trade unions, and they call for, even extreme, collective actions especially in certain sectors, such as the logistic sector where big groups operate (e.g. Amazon, GLS, Xpologic). Precisely in this sector, the confrontational strategies have been successful. For instance, in 2016, the GLS company based in Piacenza had to accept a plant level collective agreement which improves the working conditions set at national level (with a CCNL signed by confederated trade unions) and the permanent employment of a number of precarious workers.

Also the new forms of collective conflict and workers' organisations that seem to flourish in the platform economy deserve some attention. That is the case of the collective protest of the Foodora-Italia riders (Italian branch of the German company "Eat in time"), used as self-employed workers and paid 2 euro and 40 cents net for each delivery, assigned by an application (on the Uber model). By using also the social networks, in October 2016 the riders have organised a protest in Turin in front of a co-working space rented by Foodora, while receiving also the solidarity of many clubs and restaurants, Foodora clients (Tassinari Maccarrone 2016). This action, self-organised by the workers without the trade unions' support, has forced the company to recognise the workers the status of employees and apply the CCNL²⁴.

²⁴ The protest has triggered a judicial case before the *Tribunale di Torino*, which has declared (differently from what has occurred in other countries) the self-employment nature of the working relationship between the riders and the companies. As a consequence, these workers (at present) have not satisfied their economic claims (Judgment no. 778, 7th May 2018). The Conte Government, especially in the person of Luigi Di Maio, Minister

This case confirms the difficulties, especially of confederated trade unions, of representing digital workers: certain structures created within these unions – assessed further in this chapter – may represent these workers, but are not very effective, yet. On the other hand, as demonstrated by the Foodora case, these workers rather than becoming members of existing trade unions, self-organise new identities and adopt innovative and non-conventional actions²⁵.

3 NEW CHALLENGES FOR WORKERS AND NEW CHALLENGES FOR THEIR ORGANIZATION(S)

It is not an easy task to represent and organise the growing number of workers subject to the flexibilization of the labour market, which is an Italian issue mainly since the 1990s and has been pushed forward following the 2008 crisis. This is not surprising considering that traditional workers' organizations have grown around the large taylorist-fordist companies and a close-packed public sector and may lack, in their DNA, the capacity to address these new labour identities, or, to the contrary, they only need to readapt. Next to the trade unions' activism and attempts, the precariat has represented breeding ground for new experiences and social movements.

3.A ITALIAN TRADE UNIONS' STRATEGIES

All of the three confederated trade unions have addressed the precarization of employment, by attempting to provide a response to the needs of the workers mostly subject to the flexibilization of the labour market. The main strategy has consisted in the setting up of dedicated bodies within the Confederations. Indeed, in the latest decades CGIL, CISL and

of Labour, is considering the adoption of a measure that extends the scope of the employment protection norms to the platform economy workers. However, at the time we are writing, nothing concrete has been adopted.

²⁵ It is noteworthy that, on 31st May 2018, the Municipality of Bologna has signed a "Charter of rights for digital workers" with the Riders Union Bologna (grassroots and self-organised riders' organisation), which has the merit of having triggered this process, some companies of the digital food delivery, as well as with CGIL, CISL and UIL.

UIL, have made an effort to represent the so called precarious workers and address their claims by creating new structures within the Unions, not always properly considered federations in the traditional sense. In addition, the so called precarious workers reflect a wide range of heterogeneous employment relationships and perform their job in several industrial sectors. However, each of the confederations is trying to represent them under one single hat.

In 1998, CGIL created *Nuove Identità del Lavoro* (NIDIL), as a response to Law 24 June 1997, no. 196 (known as *Pacchetto Treu*, that is the first incisive liberalization of Italian labour law), with the aim to represent all atypical workers independently from the respective industrial sector (Colella 2015, 57). The NIDIL defines itself as a “struttura sindacale della CGIL”, literally a CGIL trade union *body* (not a proper federation), which mainly represents agency workers and atypical workers. The main tasks of NIDIL consists in the conclusion of collective agreements at various levels for agency workers and atypical workers in general, and the fight against the improper use of *parasubordinate* labour, that is the fraudulent use of atypical contracts - which are concluded mainly to overcome the costs of a regular employment contract – for employment relationships de facto fully dependent (e.g. bogus self-employment). All in all, its aim is to raise awareness on precarious work – which was a challenge especially at the beginning of the century - and improve workers’ working conditions²⁶. “The creation of NIDIL was the product of two opposing movements, strategic decisions by the CGIL, but also self-organized dynamics by precarious workers” (Choi Mattoni 2010, 217). Originally, this organization was not welcomed by the industry federations and only in 2002 it was recognised the status of a fledged category inside CGIL. The relationship with the industry federations is now regulated and rules for cooperation are established and – only – since 2008, NIDIL has decided to focus its strategy also on organising, although it mostly maintains a top-down approach, which does not require an active participation of members and still largely focus on the provision of services (Choi Mattoni 2010, 217-221; Colella 2015; Pulignano et al 2016, 44-47).

The other most representative trade unions have, progressively, followed a similar approach, that tries to unite in a separate body, different from the industry federations, all of those workers with atypical or flexible employment relationships, thus going in the direction of abandoning – for the sake of these specific bodies – both the rigid distinction between employed and self-employed workers and the differentiations based on the sector. In 1998,

²⁶ From the NIDIL-CGIL website, available at: <http://www.nidil.cgil.it/chi-siamo>.

CISL established Alai-CISL to protect self-employed and agency workers; in 2009 Alai-CISL and CLACS (*Comitato lavoratori autonomi del commercio e dei servizi*) united and gave rise to the FeLSa-CISL (*Federazione lavoratori somministrati, autonomi e atipici*), which addresses the claims of atypical, agency and self-employed workers²⁷. Last, in 1998, UIL founded the CPO (*Coordinamento per l'occupazione*), recently extended to atypical workers too and re-named UIL-Temp²⁸ (Columbo 2014, 478; De Franceschi et al 2014).

Italian grassroots trade unions tend to approach the issue of atypical employment relationship and precarization from a wider perspective, by linking it with the general problems of the Italian society, as the delocalization tendencies or the increase in the cost of living. As a demonstration of the constitutional relevance of the trade union freedom (Art. 39 Constitution, first sentence: “the trade union organization is free”), in Italy the *sindacati di base* (grassroots trade unions) are quite a number, very active and closer to the social movements’ approach, but their membership rate is consistently lower compared to that of the confederations. Therefore, it is not surprisingly that they often connect and cooperate with grassroots activists groups and self-organised precarious workers, as well (Choi Mattoni 2010, 222-223). The RdB-CUB (*Rappresentanze Sindacali di Base Confederazione Unitaria di Base*) case and its comprehensive strategy characterized by a bottom-up approach and an active involvement of workers is extensively described by Mattoni and Choi (2010, 223-226).

Another noteworthy, and most recent, example is provided by *Unione Sindacale di Base* (USB). During the Congress hold in June 2017, the USB has established a new branch named “Federazione del sociale”²⁹, which is composed by USB-Asia (the structure that deals with housing issues), USB Pensionati (pensioners) and SLANG (*Sindacato lavoratori autonomi di nuova generazione* - Trade unions self-employed new generation workers), this latter born in the course of the same Congress. The main and distinctive aim of this new entity is to reach out to all of those subjects of the labour market that cannot be organised by using the traditional trade union’s tools, in order to create and foster the contentious capacity of these kind of workers – such as the riders or workers in the informal economy – and “trigger the conflict”. Indeed, the *Federazione del sociale* – in line with the USB approach – completely rejects the idea to serve as a service provider for these workers, to the contrary it adopts a confrontational approach, to address the needs of the working class in a broader

²⁷ <https://www.felsa.cisl.it/>

²⁸ <http://www.uiltemp.it/>

²⁹ [http://www.usb.it/index.php?id=1132&tx_ttnews\[tt_news\]=100247&cHash=c9ba436b34](http://www.usb.it/index.php?id=1132&tx_ttnews[tt_news]=100247&cHash=c9ba436b34)

perspective, way beyond the employment terms and conditions strictly speaking, thus including, for instance, also environmental and housing issues. The relationship with social and local movements of various kinds has always been a feature of USB. In particular, Asia, which is now part of *Federazione del sociale*, has always worked together with housing social movements. In addition to the already existing cooperation with the grassroots movements of the single bodies composing the *Federazione del sociale*, this new identity is working to build cooperation and joint actions with all local and/or national social struggles and movements that address working class issues in the widest sense. For instance, for the demonstration called for 16th June 2018 in Rome, the *Federazione* has involved actively, amongst others, the *Brigate di Solidarietà Attiva*, a national anti-capitalist social movement, that aims to build social cohesion based on solidarity and mutualism (USB Delegate 2018)³⁰.

Overall, Italian trade unions, especially the three confederations, have been criticised because of the failure to represent comprehensively and in a homogeneous way atypical and traditional workers, which is considered one of the key causes for the reduction in trade union density. Maybe, the reason for such inadequacy can be found in the lack of what Bruno Trentin, in 1994, called the capacity to “rebuild, on new values and new rules, an effective and transparent solidarity among the various social groups of employed and self-employed workers” (Colella 2015).

Indeed, those employed with atypical contracts were - and mostly still are - seen as threats from those with a more stable employment relationship; therefore, also building a cohesive movement, at national level, as well as within one single company, is a real structural challenge (Choi Mattoni 2010, 220). On the other hand, the traditional conflict tools, such as the strike actions are not perceived by these workers as functional, because expensive and very risky, considering the instability of their contracts of employment (if a contract of employment exists at all).

³⁰ USB Delegate 2018; On the *Brigate di Solidarietà Attiva* see <http://brigatesolidarietaattiva.net/manifesto-politico/>

3.B ALTERNATIVE EXPERIENCES OF (AND IN FAVOUR OF) PRECARIOUS WORKERS

The widespread blossoming of new identities, which are shaped and structured in various ways, demonstrates that the traditional trade unions have not fully succeeded in achieving their aim, that is representing in a substantial and comprehensive way the needs and claims of precarious workers. New entities are engaging in the attempt to represent and organise precarious workers. These new identities are characterized by different approaches and underlying assumptions, especially as to the concept of “precariousness” and the goals to be pursued.

The various Italian experiences of self-representation of precarious workers that were born in the latest decades are so differentiated in the territorial and temporal scope, in the extent of the workers involved, in the strategies adopted and in the claims advanced that they can hardly be reviewed as a unique phenomenon. The academic literature has extensively assessed various cases (Mattoni 2014; Pedaci 2015; Giorgi Caruso 2015). In this contribution the focus is mainly on two experiences: the widely studied *San Precario* (Milan) (Murgia 2014; Hyman 2015), which has recently dissolved, and *Connessioni Precarie* (Bologna), at its heyday.

To trace the origins of San Precario we have to go back at the beginning of the century, when a relatively small group of workers from Milan created the *Collettivo*³¹ Chain Workers, which, as first significant action, organised the 2001 Mayday Parade in Milan. The Parade was intended to be an alternative to the traditional trade unions’ demonstrations, both in the form and in the claims advanced. It was carried out in the afternoon, “because precarious workers like to sleep in the morning of the 1st of May” (Fumagalli 2017), it was colourful and steeped in a party atmosphere. The aim was to communicate the energetic identity and strength of precarious workers, as to affirm a precise identity.

In the next years, the Chain Workers brought forward the project and worked on the renovation of the communication strategies, which lead to build a network that involved both Italian and European cities, and to organise the very successful Euro Mayday in 2004 (only in Milan over 50.000 workers participated and some trade unions, such as FIOM-CGIL, joined

³¹ A *collettivo* is an organised group of persons that meet regularly and organise actions in order to put forward specific claims, without adopting a hierarchical structure, nor a vertical approach.

it) (Fumagalli 2017; Mattoni 2008). Such a high participation was possible also due to the fact that the San Precario Network gathered and/or was connected to various experiences of self-organization and self-representation as, for instance, the *Rete dei Redattori Precari* (workers self-organized in the publishing sector) (Zampelli et al 2014).

The Parades - organised also after 2004 – as well as direct actions organised in critical points of the city of Milan, such as supermarkets, aimed at advancing specific claims: the right to choose the work, as opposed to the generic right to work, the income continuity, rather than the job continuity, and a general recognition of the paramount value of precarious workers, on the grounds that “the multitude of labour is, directly or psychologically, unstable and precarious” (Fumagalli 2015). These objectives were pursued by adopting a playful attitude, which, according to the organisers, reflected the precarious – and young – workers’ word. In addition, especially in the latest years, there has been an active involvement of migrant workers (Fumagalli 2017).

Next to the collective and political actions, legal assistance points for workers were set up: the *Punti San Precario*³². In 2011, the secretary general of CGIL refused to meet the representatives of one of these points and support their struggle for ending precarious work in *Librerie La Rinascita* (a chain of bookshops in Rome); eventually, these workers managed with their own self-organized action to negotiate with the owner of the bookshop chain (Sciotto 2011).

However, a generalization of this case would be misleading, inasmuch as it does not represent the only and habitual attitude of CGIL towards self-organised movements of precarious workers. Indeed, different is the case of the committee *Il nostro tempo è adesso*, which was very active in 2011 and 2012 and aimed at abolishing precariousness, in the sense of flexibility in the employment relationships. CGIL had a crucial role in supporting and promoting this self-organised group³³ (Ferrara 2015). Perhaps, in this occasion, the confederation was more prone to ally with the grassroots movement, given that, overall, it was pursuing analogous claims, hinged on the end of flexible employment contracts.

Around 2008/2009, the same people that had originally triggered the creation of the San Precario Network united with other social movements in the *Stati Generali della*

³² <https://mgaassociazioneforense.com/2015/11/09/a-roma-il-primo-sportello-di-consulenza-legale-e-fiscale-mga-precario-net/>

³³ See

https://www.fpcgil.it/2012/06/20/al_comitato__il_nostro_tempo____adesso__adesione_all_appello__la_meglio_giovent__del_nostro_tempo__22686/

Precarietà. The new collective identity started working on a new project and strategy, which would have strengthened the role of precarious workers as conflict agents. The idea was to organise a proper *sciopero precario*, which would have blocked the production flows. However, with the 2008 crisis also the vibrant experience of San Precario was forced to slow down. When Lombardia (the region of Milan) was seriously hit by the crisis, the precarious workers became unemployed. According to Fumagalli, the economic crisis caused a real consumption of the physical and psychological energies (Fumagalli 2017). So, this experience that found breeding ground in Milan (maybe also for the economic/social specificities of this area) and managed to spread all over Europe, did not resist the economic blow that hit the region where it was born and slowed down its activity until a couple of years ago when it dissolved (at least publicly).

As already mentioned, the attempt to give rise to a *sciopero precario* did not only concern San Precario, as other realities took part in this effort, which, eventually, did not see the light of day. One of them was Conessioni Precarie, a project born in Bologna, from a group of Italian and migrant workers struggling against the Italian system that, since the Bossi-Fini Law, links residence permit and employment in a vicious way. In March 2010, they organised a successful strike of migrant women in Bologna and Brescia and in 2011, in conjunction with a migrants' strike, Conessioni Precarie was officially established. This social movement is still very active not only at national level, but also transnationally. Indeed, after having had a key role in the organisation of the first social strike, which took place in Italy on 14th November 2014 (and was not joined by confederated trade unions, but only by certain grassroots trade unions), it is now in the process of giving rise to a transnational social strike, which involves various international realities, such as Blockupy. The social strike is a “strike for those who cannot strike”, that is those who do not enjoy, in practice, the right to strike. In particular, “strike” is not understood in purely legal terms, but it is considered a way “to escape the power relation”, while “social” reflects the complexity of the precarious life that goes beyond the employment relationship (Rudan 2017)³⁴.

4 ANTI-AUSTERITY PROTESTS: THE INVOLVEMENT OF TRADE UNIONS AND SOCIAL MOVEMENTS

³⁴ <http://www.conessioniprecarie.org/>.

Following the 2008 crisis and the austerity policies adopted by the EU legislator, and implemented by the Italian Government, the social actors had a chance to gain new momentum. However, not all of them reacted in the same way to the increased flexibilisation of the labour market and reduction in social security coverage, indirectly triggered by the crisis. Indeed, in the austerity phase, grassroots trade unions and movements adopted a more confrontational strategy than the confederated trade unions, which participated to the social conflict only to a minor extent.

Andreatta has analysed the anti-austerity protests in Italy between 2009 and 2014 and has found a high mobilization of various social actors, although a proper anti-austerity movement has failed to emerge (Andreatta 2017).

The involvement of collective actors was heterogeneous, among the numerous data collected by the author, it is noteworthy to emphasise that the protests organised during the Berlusconi Government were participated by both grassroots trade unions and confederated trade unions (mostly CGIL); while a first decrease in the joint participation is observed during the Monti Government and a further decrease under the Renzi Government. In particular, the data show that the mobilization of confederated trade unions declined under the Monti Government, while the contrary can be said about grassroots trade unions that strengthened their contentious capacity with the appointment of the technical government. In that phase (the Monti Government), social movements were more involved in the protests, not to say they were the main actors. To provide an example of the division between grassroots trade unions and social movements, on one side, and CGIL CISL and UIL on the other, it is useful to look at mobilization of autumn 2013 (during the Letta Government, the 300-day government in-between Monti and Renzi). While COBAS and USB had organised a general strike for 18th October 2013 and, on the same day, had called for a demonstration joined by the NO Tav Movement and other groups as the social centres, the three confederations had called for a general strike and a big demonstration on 12th November 2013. The capacity of grassroots trade unions to involve social movements may be due to the fact that they generally adopt a democracy-frame, that is they direct their actions against EU Institutions and major powers, as banks, which allow them to find a connection with non-trade union social actors. However, overall, from the available data, it can be observed that only a little more than a half of the protests, organised between 2009 and 2014, were aimed at advancing anti-austerity

claims. In addition, social movements took part only to a minority of them. Therefore, trade unions in anti-austerity protests have had a leading role (Andreatta 2017, 213).

On 14th November 2012, the Italian confederations also joined the transnational mobilization organised by the European Trade Union Confederation (ETUC), which resulted “in the historic European transnational general strike action under the slogan ‘For Jobs and Solidarity in Europe. No to Austerity’” (Flesher 2016, 6-7). Indeed, CGIL – but not CISL and UIL – called for a four hours general strike for that day.

A feature of the Italian anti-austerity protest cycle is the important role of student movements in influencing and fostering the anti-austerity mobilizations. In particular, they succeeded in linking the condition of *precariousness* with the crisis and the austerity policies in the action-frame, also by building coalitions with trade unions (Andreatta 2017, 213; Zamponi Fernández 2016).

Overall, the different sectors of mobilization against austerity failed to unite, mostly because each trade union and/or movement had already a defined identity, a fact that, in certain occasions, has even represented a source of tension. Moreover, the 2008 crisis has weakened some social movements, since it has represented a “depressive element”, as proved by the San Precario case seen above.

5 CONCLUDING REMARKS

The sharp increase in the number of precarious workers has created new challenges, as well as new opportunities. On the one hand, the lack of enough structure of certain social movements and/or their local peculiarities risk hampering the development of stable and robust networks. Furthermore, the necessary attempt to move the social struggle of precarious workers on a transnational level brings along complex issues to be solved, and a long time shall pass before the effects of a strategy as such become evident. On the other hand, trade unions have to face an indirect, but decisive effect of the – increasing – flexibilisation of the labour legal framework, that is the ever-growing reluctance of workers towards what should be their key tool: the strike. Indeed, the more the employment relationship is precarious, the more the workers feel blackmailed and do not dare to join a strike action. It is a vicious circle, that could be reversed by learning new contentious strategies, maybe also by enhancing the cooperation with the self-organised groups of workers and social movements. However, in

order to find a common strategy, the different organisations should come to an agreement as to their claims, that is whether they want to fight for the end of precarious work (normally the traditional trade unions' claim), or they aim to change the whole society, in a way that fully integrates precarious workers and recognises their rights (mostly the social movements' claim).

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