The representation of non-standard workers in Italy

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Expérimentations et changements institutionnels: comment agir sur l’avenir du travail et de l’emploi?
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The main issues

• Who are the non-standard workers to be organised or represented? 
  *(The issue of labour market institutions: the problem?)*

• Who shall represent non standard workers? 
  Confederations, sectoral unions, professional unions? 
  *(The issue of representation institutions: the solution?)*

• How trade unions could or should represent non-standard workers? Is it possible to use collective bargaining? Servicing and organising are alternative or complementary strategies? 
  *(The issue of regulatory institutions: the solution?)*

• What could or should be the role of established (sectoral) unions?

• The Italian experience as a source of insights and reflections on institutional change and experimentations

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The emergence of non-standard work

Since the late 1990s, a number of labour market transformations emerged:

• The progressive liberalisation of fixed-time contracts (but with a very recent change that substantially reduced job protection in open-ended contracts coupled with significant subsidies)

• The introduction of temporary agency work

• The growing importance, including in the public debate, of a number of self-employment positions which, for a number of reasons, have been regarded as eluding rules on subordinate employment

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Which non standard workers?

- In 2014, employment was distributed as follows in Italy (thousand workers):

<table>
<thead>
<tr>
<th>Type of employment</th>
<th>No.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employees</td>
<td>16,780.2</td>
<td>75.3</td>
</tr>
<tr>
<td>Fixed-time employees</td>
<td>2,277.3</td>
<td>10.2</td>
</tr>
<tr>
<td>Temporary agency workers</td>
<td>298.6</td>
<td>1.3</td>
</tr>
<tr>
<td>Self-employed</td>
<td>5,498.7</td>
<td>24.7</td>
</tr>
<tr>
<td>Professional workers without employees</td>
<td>1,071.9</td>
<td>4.8</td>
</tr>
<tr>
<td>Self-employed workers without employees</td>
<td>2,227.5</td>
<td>10.0</td>
</tr>
<tr>
<td>Worker cooperative members</td>
<td>41.5</td>
<td>0.2</td>
</tr>
<tr>
<td>Continuous collaborators</td>
<td>378.2</td>
<td>1.7</td>
</tr>
<tr>
<td>Total</td>
<td>22,278.9</td>
<td>100.0</td>
</tr>
</tbody>
</table>


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Fixed-term workers in Italy (1993-2014)

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Collaborators in Italy (2004-2014)

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Which unions? How to represent them?

- **Fixed-term workers**
  - No specific representation, integrated in sectoral unions
  - At sectoral level, restrictive clauses and thresholds
  - At company level, a combination of higher thresholds and stabilisation paths

- **Temporary agency workers, collaborators and other atypical self-employed workers**
  - The establishment of specific unions (NIdiL-Cgil, 1998; Alai-Cisl, 1998, then a merger established FeLSA in 2009; CPO-Uil, 1998, now UILTem.p@)
  - For collaborators, a combination of services and organising aimed to set standard conditions and especially obtain the transformation into employee status
  - For TAWs, a sort of ‘complementary’ bargaining which is mainly relevant for training and welfare benefits

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Effectiveness and critical aspects

- The basic protection provided to fixed-term workers (the stabilisation of their employment contract) at workplaces is heavily dependent on the business cycle.
- Efforts at inclusion of fixed-term workers coexist with forms of exclusion (e.g. participation to collective bonuses).
- TAWs are covered at the same time by the sectoral and the ‘professional’ unions. This is a source of tensions between them and of ‘jurisdictional disputes’.
- Although it is hard to assess precisely in terms of density, membership in the ‘special’ unions seems significant as it includes some 190,000 workers in 2014 (if we consider only TAWs and collaborators density would be some 28%, slightly less than the overall density of 32% - as for Istat 2012).

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But they are very few in the unions (2013)...

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Do the Italian unions protect them?

- There were early and significant efforts on the part of confederal unions to take up the representation of non-standard workers.
- However, the protection tools and strategies remained rather traditional and tensions emerged due to the established institutional setting (representation and collective bargaining).
- Overall, the effectiveness of these experiences seems limited, especially for fixed-term workers.
- Organising seems difficult, more viable at company level.
- Servicing remains an option, but possibly with a minor role in the Italian trade union system, apart from the ‘specialisation’ in representing TAWs and collaborators.
- The recent labour market reform (the ‘Jobs Act’) changes the framework as it brings fixed-term and open-ended contracts closer and provides scope to regulate collaborations: this may be a far bigger challenge to traditional representation strategies.

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