

RESEARCH

REPORTS

RECOMMENDATIONS

SALVO LEONARDI

THE HARD ROAD TO UPWARD SOCIAL CONVERGENCE:

THE INSIGHTS FROM THE ITALIAN TRADE UNIONS

**INSTITUTE OF
PUBLIC AFFAIRS**

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THE ITALIAN TRADE
UNIONS



Social Policy Programme

This report is one of a series of Western expert commentaries on research findings about the visions of the Europeanisation of industrial relations which trade unions from Central and Eastern Europe have, particularly in regard to building common EU-level standards. The research was carried out in Bulgaria, Lithuania, Poland, Romania, Slovakia and Slovenia, as part of the project titled ARTUS CEE ‘Articulation of the Trade Unions’ Strategies on upward convergence of social standards in the enlarged European Union – voices of CEE countries’ (VS/2019/0070), which was led by the Institute of Public Affairs (Warsaw). The other partners were the Central European Labour Studies Institute (Bratislava), the Centre for Economic Development (Sofia), the Lithuanian Social Research Centre (Vilnius), the Institute of Public Policy (Bucharest), and the Faculty of Social Sciences at the University of Ljubljana.

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Please refer to this publication as follows:

Leonardi, S. (2020). *The hard road to upward social convergence: The insights from the Italian trade unions*, Institute of Public Affairs, Warsaw.

ISBN: 978-83-7689-355-6

Publisher:

Fundacja Instytut Spraw Publicznych

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Layout:

Studio Grafpa, www.grafpa.pl



This report was co-financed by the Directorate-General for Employment, Social Affairs and Inclusion of the European Commission. The opinions expressed in this report reflect only the author’s views. The European Commission is not responsible for any use that can be made of the information contained therein.

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Premise

The process of upward convergence towards the social standards produced by the labour law and industrial relations in the countries of the ‘old’ Europe -- and to a certain extent transposed into the so-called ‘European social model’ -- represents a crucial challenge for the destiny of the EU. No enlargement or integration project can ever be said to have been achieved satisfactorily, as long as the gaps still separating the majority of the ‘Western’ countries and the newcomers (Central-Eastern countries; CEEs) after the 2004 and 2007 enlargements are not sufficiently filled. The reasons for this are political, economic and social. In fact, as in the national building processes of modern states, it is necessary to achieve cross-regional harmony which can prevent the harmful effects of economic and social inequalities, albeit in relation to (and given the enhancement of) certain differences and local peculiarities. We know that in addition to being morally and socially unfair, such inequalities promote competition and conflicts among different geographical and social areas, dividing the interests of collectives and groups in a way that is likely to be disruptive in the long run. Workers are pitted against each other, while the post-enlightenment values of universalism, inclusion and even international solidarity, typical of the European model of civilisation, are replaced by reactionary ideologies like nationalism, chauvinism, xenophobia and racism (Leonardi and Carrieri, 2020). These have led to many catastrophic wars in the past and are on the rise again today, with the worldwide success of populist and far-right movements.

In an age of globalisation characterised by the unprecedented mobility of capital, goods, services and -- when limited to EU citizens -- persons, businesses are more able than ever before to circumvent the old legal and social constraints imposed by decades of social struggles and conquests in their countries of origin; they migrate to where those are substantially weaker or even absent, according to what we commonly call ‘law shopping regimes’, ‘social dumping’, or ‘tax havens’. For workers and unions in countries with older and more robust social protection systems, this perspective represents (or is surely perceived as) a double risk: *outward*, with the relocation abroad of individual plants and also entire segments of the production systems, with the consequent de-industrialisation we have actually witnessed in recent decades, and *inward*, through massive immigration flows, impacting the internal labour markets and weakening the structural power resources of the native workforce, with consequences to wages, working conditions, and welfare benefits. On the other side, for workers and unions in emerging economies, this perspective is reversed: it entails the arrival of direct

foreign investments on the one hand, and on the other, the emigration of part of their excess working population, which helps to quickly transfer innovation and skills while increasing employment and, with it, the quality of life, wages and collective power resources. The centuries-old history of capitalism and labour movements has brought numerous examples of this kind of circular trend: relocation, organisation, industrial conflict, and social progress (Silver, 2003).

The trajectory of the last major EU enlargements, in 2004 and then in 2007, has given some evidence of this kind of scheme. It is certainly true that in the Western countries it has provoked a significant expansion of the markets of their national champions and companies, as well as an acceleration of the long-lasting de-industrialisation process -- with further erosion of social protections. It is a vicious circle, one impacting trade unions and their traditional tools, which are more and more often perceived by their constituencies as impotent and ineffective in impeding such deterioration. And it is equally true that social and living standards -- on average -- have significantly increased in the CEE countries, reducing a gap that had become very large during the decades behind the Iron Curtain. Nonetheless, about 15 years after that enlargement, much remains to be achieved. This is particularly true of pay levels, if it is the case that the distance and ratio between the minimum nominal hourly wages of the large majority of the Western countries and those of the CEE can be at the extremes of 11 (Luxembourg) to 1 (Bulgaria). This ratio may be reduced to approximately 7 to 1, if correlated to purchasing power (Schulten and Muller, 2019; Schulten and Lubker, 2019), but it is still a substantial difference, given aspirations to integrate effectively, like the EU has -- according to its treaties.

It is important to specify how the Western vs. CEEs division -- or EU16 vs. EU11, according to others -- represents an ideal/typical simplification of cleavage, since each of these two 'blocks' appears to be very different, internally (Waddington et al., 2019). For example, some countries are neo-corporative with coordinated economic markets, while liberal economic markets prevail in others. Aspects such as the different historical backgrounds, the national structure of the labour markets, the level of industrial and technological development, and the place in the international value chain all vary extensively among countries. In the field of industrial relations, both institutions and cultures are relevant, with regard to the different degrees of voluntarism or rather of state intervention, the functioning of collective bargaining and its effects, the degree of more or less centralised coordination, the formation of wages, the regulation of the right to strike, and worker participation in the enterprise. Furthermore, the level of unionisation of workers

and employers, their identities and ideologies, and their organisational models may differ significantly. These factors have always been the centre of attention in comparative studies of industrial relations, in which, on the one hand, there are supporters of the thesis of the *Variety-of-Capitalisms* (VoC) (cf. the pivotal study by Hall and Soskice, 2001), stressing the divergence between the various systems, and on the other, those who emphasise tendencies towards convergence – functional or neoliberal, upward or downward – according to different scholarship (among others, Baccaro and Howell, 2017). According to Gumbrell-McComick and Hyman (2013), we might say that the research analysts from the former group look at national systems with a microscope, and emphasise the importance of the national and local varieties of institutions and practices; the latter group, however, chooses to view matters through a telescope, catching more general and long-term trends and their more essential processes, as the formal institutions are always quite ‘pliable’, fit to be functionally adapted to new power relations between classes, while preserving the appearance of continuity. If the former analysts do not have difficulty in finding the persistence of diversity in the models and also of performances (France and Lithuania, two EU Member States involved in the ARTUS action, differ in collective bargaining coverage – from 98% to 7%; see OECD, 2018 and 2019; Muller, et al., 2019; Visser, 2019), the latter group – who will never deny the differences between, say, the Scandinavian ‘social-democratic’ model and the post-Thatcher, Anglo-Saxon ones – can give other empirical evidence of more or less drastic or rapid drops in most of the countries, in terms of the employment protection index (with a widespread growth of job insecurity and precariousness), welfare state protections, contraction in the coverage of collective bargaining agreements, union density rates, and industrial conflict.

Both of the approaches mentioned above contain elements of truth. There is in fact a *divergence* and a persistent variety in types of capitalism and industrial relations models (see Tab. 1), as well as a certain *convergence* in the so-called ‘Golden Thirties’ upward, and today downward, under the banner of neoliberal imperatives. Of course, a country’s starting point makes a difference in the results and data, but it is the direction of trajectories which we should focus upon, in order to really understand the historical phase. We could discover, for instance, that some of the countries with the highest union density in the world, namely the Nordic ones, are also among those with some of the greatest losses in percentage, during the last 20 years.

It is worth noting here that decades of European unity and integration have not erased the variety and gaps, but only minimally reduced them. They have

not, in any case, achieved that ‘harmonisation’ and ‘upward convergence’ which were solemnly promised in the Treaties and have constantly been reaffirmed in many EU legal and political program documents.

Tab. 1 – Some indicators of the industrial relations in the EU Member States (+ the UK, Norway, and Iceland) (in bold, the ARTUS project countries)

Country	Statutory minimum Wage (23/28)	Erga omnes (24/28)	Collective bargaining coverage (2017)	Trade Union density (2019)
Belgium	X	X	96%	53%
Bulgaria	X	X	30%	14%
Czech Republic	X	X	46%	12%
Estonia	X	X	19%	7%
France	X	X	98%	8%
Greece	X	(X)	18%	20%
Ireland	X	(X)	34%	24%
Latvia	X	X	14%	12%
Lithuania	X	X	7%	8%
Luxembourg	X	X	55%	32%
Netherlands	X	X	79%	17%
Poland	X	X	17%	12%
Portugal	X	(X)	72%	16%
Romania	X	(X)	35%	19%
Slovakia	X	X	24%	11%
Slovenia	X	X	65%	20%
Spain	X	X	73%	15%
Hungary	X	X	23%	9%
Cyprus	X		54%	44%
Malta	X		56%	52%
United Kingdom	X		26%	23%
Austria		X	98%	27%
Finland		X	89%	62%
Germany	X	X	56%	17%
Iceland		X	99%	90%
Norway		X	74%	46%
Denmark			84%	67%
Sweden			90%	66%
Italy			80%	34%

Source: Author’s elaboration on various sources: OECD, 2019; Visser, 2019; Muller et al, 2019

Industrial relations are not an issue to be approached from a strictly institutional or regulatory point of view as they are reflecting cultures, collective identities, and practices, which are very resilient and ‘die hard’. Top experts in this matter, for example Otto Khan-Freund, had already noticed the strong ‘path dependency’ of the different national systems in the past, when dealing with the issues of transferability and *legal transplant*. This applies much more often than in other branches of law, including labour law.

All of this has never prevented (and still does not prevent) continued study of industrial relations according to a comparative perspective which, as explained by a specialist in Italian juridical studies, Giovanni Tarello, has a twofold purpose: to find out what they are and how systems other than ours work, and also how the latter should evolve, based on the teachings learned from those others. It cannot and must not be a purely academic interest but should also (perhaps above all) be political and operative. A perspective linked to national and European unions needs to be adopted in particular; ARTUS does well in this sense, as it is essential today to have good comparative knowledge on the issues we are dealing with. There are at least four reasons why:

1. Because international institutions today play a role never before seen in terms of influencing the transformation of the social and employment systems in each individual country;
2. Because, at a time of growing globalisation, MNCs and international value chains have become absolutely central in determining developments and dynamics -- on an international scale and between countries, putting their regulatory systems and their production units in competition with each other, on the basis of costs and conveniences;
3. Because at the same time, transnational trade union structures have emerged, aimed at promoting cooperation and solidarity between workers and unions beyond national borders, according to renewed internationalist inspiration (international, European, regional trade union confederations, federations, social dialogue sectoral committees, European and World Works Councils, etc.);
4. Because ultimately, if the challenges become increasingly global (as all the evidence suggests they will), in areas such as capital and finance, unions must be able to recover their historical function and power at the same level.

It is in this theoretical approach that the ARTUS-CEE project has to be framed and developed, and we intend to provide the perspective of a Southern and Latin country, like Italy, from the viewpoint of an expert from an institute of research, related to the largest trade union confederation in the country.

Europe, work, and industrial relations in Italy: a brief introduction

Italy is part of that historical core of six countries which in the mid-1950s gave birth to the European project, and which was then promoting its expansion and consolidation over various decades through its progressive enlargement to an ever-increasing number of Member States, and the greater economic and political integration of its institutions. Its main political parties, the largest social partners' associations, and its civil society have, in their overwhelming majority, maintained the conviction (in many cases enthusiasm) that the project of European integration may be appreciated in several aspects: as a guarantee of peace and friendship among nations, for its economic beneficial effects, and for ensuring the growing well-being of its citizens. For many years, national and European observers have recorded this widespread sentiment, placing Italian public opinion at the top of Europe for Europeanist sentiments. Only in relatively recent times, during and immediately following the hardest phase of the crisis in 2008-2012, have such sentiments dropped significantly and sharply -- a tendency concurrent to concomitant, unprecedented growth among euro-sceptics. This process was largely due to the harsh austerity policies imposed by the institutions of the 'New European Economic Governance' with its 'secret letters' of the ECB, the Fiscal Compact, and the European Semester, through the pressing request for structural reforms (Leonardi et al., 2018; Pedersini, 2019). These have significantly relaxed the labour market protections for hiring and firing, and have also brought about a remarkable postponement in the age for retirement, a freeze of the civil servants' wages, and a push for substantial decentralisation in collective bargaining. The governments and laws that quickly led to the implementation of the above aroused widespread popular discontent, generating disillusion and resentment towards national and European policy makers; this was promptly seized by the populist parties (the right-wing ones in particular), who were capable of obtaining a huge return in vote and consensus. The migrant crisis between 2015 and 2017, with Italy in the Mediterranean front line, further exacerbated a widespread feeling of abandonment by the EU, due to conditions considered

unfair in the Dublin Treaty, but even more because of the rigid unavailability of the other Member States to receive a share of those migrants, in accordance with the spirit of solidarity celebrated by the Treaties and pledged in certain inter-governmental agreements. The laxity and indifference -- as was the common perception expressed in public discourse -- was not akin to the harshness and intransigence with which mandatory economic constraints had been imposed in previous years, in the peripheral countries most affected by the debt crisis -- with Italy being among them.

After the political elections of March 2018, and for 14 months, Italy was the first and only founding country of the EU to be governed by a coalition of two populist parties -- one radically right-wing (Matteo Salvini's *League*) and another with political characters that are more difficult to label (the 5 Star Movement). While seemingly split on everything, they were still rather united at that time by a feeling of scepticism towards the EU. This was not only toward technocratic elites but also the ideal of integration, in an essentially nationalist perspective, with strong elements of chauvinism and xenophobia (in the case of the League) (on the class and unionised voting in last Italian general elections, see Mattina, 2019; Leonardi and Carrieri, 2020).

Italy lost about 10% of its GDP in the crisis years. Subsequently, it began to recover lost ground, albeit with levels and growth rates which were among the lowest in the whole EU. Its public debt remains the fourth largest in the world in relation to its GDP, whereas the deficit has come back under control. For over 20 years and up to the present time, productivity dynamics have been lower than in comparable countries, thus wages are among the most stagnated in the whole OECD area. Italy is the second largest manufacturing economy in Europe, but the service economy is constantly growing. The level of digitisation, according to specialised European agencies, is the fifth lowest in the EU.

From a social and industrial relations point of view, Italy is commonly classified within the Latin or Mediterranean model. Beyond geographical, linguistic, and religious similarities, there are several other common features which Italy shares with countries such as Spain, and (to a lesser extent) France on one side, and Portugal on the other. All of these countries have known the traumatic experience of fascism -- at different times and with different durations; however, in the end -- having learned our lessons -- we all built up new democratic orders, embedded like few other comparable countries in progressive and social Constitutions, which a famous international rating agency defined as pervaded by 'elements of socialism'. In the Italian case, this is seen

in principles like the assumption of labour as a foundation of the Republic, in Article 1, or where (as in Article 3.2) the Republic has the task of removing any economic and social hurdles which obstruct the achievement of the substantial equality of the citizen and their participation at the economic, social and political life of the Country. Union freedom, collective bargaining, striking and workers' involvement are all constitutional rights, as well as sufficient, decent, and proportional pay for the employees and their families.

The political system has long known the presence of strong communist parties (in Italy, for decades, it was by far the strongest in the whole Occident) as well as rank-and-file trade unions and social movements, with higher levels of conflict and mobilisation than in Central and Northern Europe. The productive fabric sees a preponderance of SMEs, with particularly acute territorial gaps (like in Italy) between areas which are able to compete with the richest regions of the industrialised world, while others are lagging behind, among the poorest and most depressed areas. The welfare state, which developed later than elsewhere, is of a corporative-continental (Bismarckian) kind and has areas of universalistic coverage in fields like public health and education, with historically strong family and patronage characteristics.

Social and labour rights reflect and feed some of these dualisms, based on the type of employment contract and the size of the company, with the vast and growing needs of representation and protections of outsiders -- in precarious work and in small businesses -- who are excluded from the protections enjoyed to date by the insiders: these include workers with open-ended contracts, in unionised medium and large enterprises, or in the public sector.

Like the other Mediterranean countries, Italy has long enjoyed comparatively higher employment protection legislation. But over the past 20 years, this index has progressively dropped, in relation to workers who are incoming (through the proliferation of atypical contracts and sub-standards) and outgoing (greatly relaxing the old legal limits on unjustified layoffs). Today, Italy is a country with an unemployment rate which is higher than the European average, and -- above all -- a significantly lower employment rate, especially in the South, among young people and women. Fixed-term and involuntary part-time work have been growing steadily for years, and self-employment -- often fake -- has a greater weight than in Central-Northern Europe, as does irregular and undeclared work. As a result of the strong liberalisation of the labour market in recent decades, inequalities have also increased, as shown by international statistics on the Gini

coefficient. Absolute poverty affects millions of individuals and families, especially in the South, and poor work, when the contract is part-time and fixed term, for hours and/or short periods.

In the field of industrial relations, Italy -- like the other Latin countries -- presents a pluralism of organisations (the three main ones are CGIL, CISL, UIL), which historically originated in the ideological disputes of the post-war years; a two-tier collective bargaining system, with a hierarchical primacy of the national sector covering no less than 80% of wage earners; and a firm-level representation, widespread only in medium-large companies (approx. 30%) (Leonardi et al., 2018b; Pedersini, 2019). Striking is an individual fundamental right, acted upon collectively, while the workers' involvement is exercised mainly through the information and consultation rights provided for by law and collective bargaining.

While most of these characteristics are shared with the other Mediterranean countries, some important distinctions can be seen in the Italian model. First of all, there is a degree of voluntarism which has few analogies in the world, and is unlike that seen in other Latin countries (and beyond) where the intervention of the State and the law has always been very strong. All the main industrial relations institutions -- representation, collective bargaining, minimum wages, strike, and participation -- are still regulated by framework, peak-level collective agreements, with the sole exclusion of public employment, where the legal intervention is more pronounced. To date, Italy is the only EU member state, along with Denmark and Sweden, to have neither a statutory minimum wage nor an extension mechanism for collective agreements. Nonetheless, the degree of collective bargaining coverage ranks among the highest in the world (OECD, 2018; Garner, 2018), while the ratio between minimum and average/median wages (Kaitz index) is the highest in the EU, at 80%.

Italy has also the highest union density rate among European countries (estimated between 34-37%), after the Nordic countries, where trade unions manage unemployment insurance (the Ghent system). Even more impressive is the absolute number of union members, largely due to the enormous and peculiar weight exercised by retired members: there are about 11 million members only considering those affiliated to the three major confederations (CGIL, CISL, UIL), out of a population of 60 million inhabitants -- not counting at least two other million who are affiliated to the minor autonomous unions

(Carrieri and Feltrin, 2016; Leonardi, 2018a). There are many employers' associations, although the largest and most representative ones number a dozen, grouping hundreds of sector federations and branches, affiliated in confederations (Confindustria, Confcommercio, Confartigianato, Confapi, ABI, and Lega Cooperative, just to mention some). Such fragmentation -- which affects the overall number of national contracts, often signed by little or even obscure association -- is due to the fact that the Constitution allows for free negotiation between free associations, while a more selective regulation in this regard has never been implemented. There were 350 industry-wide national agreements in 2008, and now there are almost 900 (CNEL, 2020), with serious risks of wage dumping between different contracts in the same branch or sector.

Social dialogue remains rather strong at the bipartite and inter-sectoral levels, with the signing of a number of framework agreements on income policy, representation, collective bargaining and labour market policy. The tripartite corporative concertation, which was quite strong and practiced between 1992 and 2007, has gradually been shelved due to the divisions between the unions, and above all for the increased unilateralism of the governments which are increasingly reluctant to use that practice as a democratic channel of economic and social governance. This unilateralism of governments -- particularly strong between 2011 and 2018 -- appears at this stage, with the new government, to leave room for greater availability for tripartite social dialogue.

At the time of writing these notes, the country is experiencing its most devastating crisis since the times of the Second World War, due to the COVID-19 pandemic. After this serious health emergency, an economic and social crisis awaits the country in the coming months, and perhaps years. The social partners and trade unions are likely to be called upon for a concerted national effort, and a return to tripartite concertation is therefore likely. In the meantime, in the most difficult days, the union has asked for the closure of all non-essential products and services, negotiating with the government, even harshly, regarding the exact list of categories of companies and workers to be kept open, for the common good -- despite the strongest contagion risks, and also for what concerns shared and collectively agreed guidelines for preventing infection at the workplace, signed with the unions nearly everywhere (Fondazione Di Vittorio, 2020).

Changes observed in the Italian industrial relations system in the post-2008 years

The Italian industrial relations system has been experiencing a long transition phase for over a decade that does not seem to have reached its end, at the moment. The most recent origins of the current system are based on a tripartite framework agreement, signed by the social partners with the government in July of 1993. On that occasion, the fundamental rules governing representation in the workplace were established, as well as the bargaining system collective, and income policy. In particular, the single channel of representation in workplaces with over 15 employees was established; a bargaining system was articulated on two levels -- the national sector and corporate or territorial for small enterprises, with the hierarchical primacy of the former; a trend in wages was set in national contracts and conditioned by compliance with the programmed inflation rate. Those principles and rules inspired the evolution of industrial relations in all of the subsequent years, until the outbreak of the crisis in 2008. National contracts were signed at the scheduled deadlines (every two or four years), but often with serious delays, and safeguarded the purchasing power of wages over the long term. What was lacking, however, was the development and diffusion of bargaining at the level of companies and territories, where increases in productivity were also expected to translate into better wage dynamics. Instead, it happened that only 20% of Italian companies were covered by a second-level contract, for a total of about 35% of wage workers employed in companies with at least 10 employees (Leonardi et al., 2018b). Wages suffered overall due to that, comprising one of the most stagnant trends among OECD countries.

The enlargement of the EU between 2004 and 2007 has not exercised any direct influence on the collective bargaining system. That said, the need to further promote the competitiveness of Italian companies has grown, in terms of the sustainability of labour costs for businesses. However, the crisis of 2008 and the influence of European policies to combat it have also had a great influence. The social partners had already been reflecting for some years on the need to strengthen the role of bargaining at the company level, reducing the degree of centralised coordination of the sector contract, without abolishing it in so doing. In 2010, the most important private Italian multinational, FIAT, had unilaterally abandoned its association with the national contract of the metalworking sector, defining a completely autonomous system of rules, at the origin of a tough dispute with the left-wing union FIOM-CGIL. It was a choice that FIAT also justified with the need to maintain a degree of

competitiveness for its Italian factories, in accordance with the global challenge, as in the case of its Polish factories. Thanks to the strong, worsening derogations adopted with the new system, it was possible for FIAT to consider it convenient to bring the production back to Italy which it had initially moved to Poland.

In the years of the crisis, the multi-employer collective bargaining system (built in 1993) was subjected to strong pressure towards substantial decentralisation, more or less coordinated, or rather disorganised (Leonardi and Pedersini, 2018). The decisive factor in this regard was the request made by the ECB to the Italian government in 2011, to anchor the dynamics of wages almost exclusively to the productivity of individual companies. The response of the Italian government at the time (Berlusconi) was an immediate transposition, with the adoption of a rule allowing individual the company level to make worse exceptions to national contracts, even in many cases to the law, given certain conditions -- for example, in order to cope with a prolonged crisis, to save jobs, or expand employment. This possibility offered by the law has been contested by the major unions and its use up to now has remained rather limited. In the meantime, the social partner associations have signed a series of inter-sectoral framework agreements with which they confirm the two contractual levels and the importance of their centralised coordination, at the national and sector levels. At the same time, the prerogatives of decentralised bargaining are expanded, with the possibility of exit clauses, on matters and according to the procedures laid down by national contracts.

A central theme emerges in the measurement and certification of the representativeness of the social partners who have signed collective agreements at the national level. In a system that has not defined the selection criteria by law and that leaves all social actors free to enter into collective agreements, the biggest problem is seen in the strong growth of signed texts of minor organisations -- scarcely representative -- which stipulate contracts in derogation from the main ones, thereby exerting internal wage dumping against the most genuinely representative contracts. The major social partner organisations are demanding that the principles established today by their framework agreements be transposed by the legislator, so that only contracts signed by those organisations that exceed certain thresholds of representation are considered effective in a sector -- for example, for trade unions, which have an average of more than 5% of workers between votes and members, to access negotiating tables, and 50 + 1% to sign binding collective agreements throughout the sector. These are all issues that ultimately arise from internal system problems, and not external ones, such as those related to the enlarged EU space.

The EU enlargement and the position of the Italian trade unions

At the time of the enlargements in 2004 and then in 2007, the Italian unions obviously wondered about the potential effects this would have on employment and working conditions in their country. The fear, common to other more consolidated realities, was twofold: firstly, that of strong growth in direct foreign investment, and therefore the relocation of plants and entire segments from the value chain to countries with clearly lower wages and working conditions; secondly, the risk of a strong wave of immigration seemed destined to depress employment and wages, especially in the less-qualified levels of manufacturing, construction and agriculture. Ultimately, this was considered double dumping, external and internal. At the time of enlargement to the three Mediterranean countries (Spain, Portugal, Greece) around 1981, the greatest concern had been about the impact on agricultural products, but unlike unions such as the French ones, there had been no stiff opposition to the enlargement by the Italian ones. And it was essentially the same on the occasion of the enlargement with the countries of the CEE. There were two reasons for this: a political-moral one and pragmatism of interests. In the first case, the Italian leadership and union leaders have always nurtured a very strong Europeanism, convinced that after 1989, Europe should again find that unity of destinies that the Cold War had torn apart. Even on immigration, an optimism of will and solidarity prevailed at that stage. In the second case, it was a question of taking note of the fact that the relocations in those regions had already been a widespread reality for some time, for example in the clothing and footwear industries in Romania. Therefore, thanks to the entry of these countries into the EU, it would become possible at least to raise the standards and wage levels of those countries, reducing the current convenience in transferring Italian production. The base of workers and members probably had a stronger sense of risk, but the debate on these issues at that stage was limited to the ruling leaderships, and a positive alignment prevailed. An often-uncritical attitude towards European choices (often determined by stronger countries than Italy), has revealed a kind of awe among the ruling class of this country.

Today, in informal discussions, a critical evaluation of those choices coexists with the disenchantment of knowing that there is no going back; all you have to do, and as quickly as possible, is to raise the level of these countries, in terms of the legal viewpoint, social practices, wages and working conditions.

The EU at the supranational level, and the unions also at the bilateral level, must encourage this evolution in every way.

Today, the Italian unions observe the evolution of industrial relations systems in the countries of Central and Eastern Europe with great concern. While appreciating the progress made in transposing the *acquis communautaire* in the sphere of social norms and workers' rights, the distances in the coverage levels of collective bargaining and the almost total absence of sectoral coordination are judged to be too wide and profound. Moreover, they are concerned about the lack of any centralised collective bargaining, the low presence of workers' representation in the workplace, the level of unionisation, and the quality of social dialogue at the national and tripartite levels. But above all, we see the consequence of all these weaknesses: the serious wage gap that separates most of these countries from those of Western Europe. The difference between the nominal levels of hourly minimum wages between the countries that set them by law is quite striking. With the exception of Slovenia, all the countries in CEE present levels which are considerably distant from those of the North-Western area. Even the latter are not extraordinary, but differ that in some of them only a small minority enjoys the legal minimum, where instead collective bargaining is intact, collective and individual, and significantly integrates the basic one. In countries where collective bargaining has low and very low coverage levels, those coincide with the individual incomes of workers. This geographical disparity appears more contained if we correlate this nominal data with purchasing power or even with the national median value. A European measure that establishes an equal minimum standard for all countries -- as critically observed by the Italian unions -- would certainly have some benefits, for example bringing all countries to the level of 60% of the median wage, but would not reduce the current gap between the various countries. This is a topic which we will return to later, in a paragraph dedicated to this area.

Little and insufficient progress has been made on each of the above issues, with serious regressions, such as some countries considering contractual coverage or unionisation. However, there is another type of issue, about which the Italian unions have expressed their strong disappointment towards some countries in CEE. There are at least three major areas where there is currently a deep and worrying divide between the two sides in Europe:

1) the authoritarian and populist right-wing involution of some of the Member States, supported by large majorities, has included very significant support from the respective working classes;

2) the attitude, judged to be chauvinistic and opportunistic, in the way most of the governments of CEE countries react to the challenges of immigration: they seem unable to share the same solidarity -- which they themselves had been massive beneficiaries of in the past -- with other States and peoples;

3) the repression, in some countries, of certain civil rights and individual freedoms, solemnly recognised by the European Treaties and by the post-Enlightenment cultural evolution of 'old' Europe, and among some of the new Member States repressed according to traditionalist, conservative and illiberal ideas: sexual orientation, post-traditional family, multi-culturalism, freedom of information and the judiciary system. All terrains on which the Italian unions (but not only these) may invoke a change of course (also at the European level) by the governments and companies of the CEE countries, and on which important convergences and solidarity alliances have also been made with the respective unions, have been used, as in the denunciation of authoritarian moves by the Orban government in Hungary, or of the attack on the judiciary system in Poland.

The public debate on social dumping

The existence of a strong gap with the most recently enlarged countries, which is both regulatory but above all one of practices and power resources, is undoubtedly a factor in social and wage dumping (Bernaciack, 2012). Therefore, for Italian workers and most of the Western ones, it is a constant risk in their occupations. The relocation of individual factories from Italy to Poland, Slovakia, and Romania, due to lower labour costs in those countries, has led to the loss of thousands of jobs, only rarely compensated for by some exceptional returns, as in the case of FIAT, in Pomigliano, in 2010-2011. There are numerous cases in which important multinational groups have announced, or have directly proceeded, with the closure of factories in Italy in order to move their production to the East. Some of them have been recipients of important public funds and various forms of incentive, but abandoned the country after a short time; this occurred in the case of the international steel giant, after having 'killed' the possibility for competitors to obtain the property of ex-Ilva, with a bid that was originally more promising. The media gave wide prominence to these cases, helping to fuel a climate of relative hostility in public opinion, and promoting the message of populist and nationalist parties, who are always ready to accuse the EU and its 'sacred' rules on freedom of movement, capital, goods and services (as well as men) as the root of all evil. Alternately, they complain about the impossibility of giving economic aid through national government initiatives, to help companies stay in the country.

In response to cases like those mentioned above, a recent legislative decree was put forward by the Five Star Movement in 2018, introducing a norm according to which companies that have benefited from some kind of public funding, incentive or tax breaks, may leave the country to relocate their production in other countries, but if that occurs within five years of receiving the support, the entity will be obliged to return what was obtained, along with extra fees. It is an expressly anti-delocalisation measure which has encountered the unions' approval, while its effectiveness has yet to be determined.

Nowadays, many multinationals use the policy of relocation in an unscrupulous way, and where they do not put it directly into practice, they use it during negotiations as a threat to condition new concessions, downward. It is a well-known problem for the international workers' movement, and the Italian case, from this point of view, is not very different from that of other countries from 'old' Europe. Starting with the aim of raising the standards of new arrivals following the enlargement of 2004-2007, towards upward harmonisation as proclaimed in the EU treaties, we ended up suffering from powerful downward pressure, such as when entrepreneurs threaten to leave if certain labour costs are not brought close to those of the neighbouring countries in Central and Eastern Europe.

The Italian unions are against reacting to these challenges by claiming a protectionist closure (as the populist parties would hope for), intercepting the fears and frustrations of an increasing share of workers and voters. The Italian unions believe, however, that the gap must be reduced and quickly bridged. Obviously, there is awareness of the advantages that these countries and workers derive from this gap in attracting foreign capital and investment. Therefore, effective cooperation among the unions of those countries could, to this end, be limited. But there is a problem concerning sustainability: wages too low in relation to the productivity and professionalism of the work -- the latter of which has grown year after year and legitimises a more equitable remuneration. Furthermore, if the unions fail to meet these widespread expectations, their decline -- already very advanced -- could be fatal.

A resumption of the role of the union and social dialogue at all levels is necessary. To this end, the EU must offer real and convincing support, for example by promoting the construction and consolidation of a more robust contractual framework than today. One way to do so is by promoting the extension of collective agreements and their greater role in negotiating wages and working conditions with trade unions. On these grounds, the Italian trade unions have achieved strong sharing and synergy with those of the CEE countries within

the ETUC. Their cooperation there has become very strong, as evidenced by the common position (with some differences in nuances by the CISL) reached on the occasion of the harsh internal confrontation regarding European initiative on the minimum wage.

Today, however, the main concerns regarding the issue of social dumping derive from the national internal situation, rather than the international one. The lack of legal rules on representation and collective bargaining has favoured, in these difficult years, the proliferation of the number of national sector contracts, signed by smaller organisations and alternatives to those of the historical and most representative associations of the social partners. These contracts contain conditions in various worsening parts, as they aim to reduce the cost of labour for companies, while increasing labour flexibility and wage containment. Wage dumping has led to considering these texts ‘pirate contracts’. Out of almost 900 national sector contracts, these agreements now constitute two thirds, despite the fact that coverage in terms of the companies and workers concerned remains very low in the manufacturing sectors. Instead, they are starting to have a certain erosive force in the service sectors. The widespread concern about the deterioration of the system is inducing many experts and policy makers to consider defining more certain criteria and thresholds of representativeness by law, in order to select only those collective agreements which have been signed by the major organisations, and to equip them with a binding force extended to all companies and workers in the sector.

The European integration and the Italian unions’ expectations for the EPSR and European social dialogue

Italian unions are deeply and sincerely in favour of European integration. On the occasion of the recent European elections, they were fearful of a strong win by the populist and anti-Europeanist forces, and committed themselves at every level -- even signing a joint document with the main association of employers in support of the European ideal, and against all those who would like to liquidate it, regressing to a nefarious and worrying nationalism (Leonardi and Carrieri, 2020). In her last speech as General Secretary of the CGIL, at the Congress of her organisation in January 2019, Susanna Camusso said that ‘Nationalism is the great enemy of human and humanist development and of the future. In this nationalism, there are no answers for the world of work, even if that is what American and Brazilian workers, like so many Hungarians or Italians, have believed. This nationalism does not bring quality jobs, nor does it stand up to big

multinational corporations. It is a class nationalism, which speaks to fears and the absence of alternatives. It produces protectionism, unfair competition, and social dumping. We must tell ourselves frankly that, if we do not defend Europe, we will not reform it. We need multilateralism, international rules and global spaces, we need Europe.' Similarly, the CISL remarks, 'The national anti-European, xenophobic and racist populisms that have grown up across the EU, have sprung directly from the interplay between anarchic globalisation and a short-sighted, cowardly European policy that, in the past decade, has clashed with the needs, expectations and hopes of wider areas of the population' (CISL, 2019).

On the eve of the last European elections, the Italian unions signed with the largest association of employers (Confindustria) a joint document, in which they forcefully claimed the value of the pro-European ideal, rather directly accusing those irresponsible and reactionary political forces that today they want to sink it.

However, the Italian unions are very critical of the policies adopted above all in recent years by the European institutions. They harshly contested their inspiration and action in support of austerity, with its dramatic consequences -- in many countries, including Italy itself -- on the living and working conditions of vast and growing segments of European society. They criticise the plans by which many Member States are being asked to weaken their social protections and their coordinated collective bargaining or wage formation systems -- on the occasion of the European Semester and the so-called country-specific recommendations. They call for a strong rethinking of those policies, starting with the new European economic governance, through an expansionary policy based on the growth of wages and aggregate domestic demand. In the most acute phase of the crisis, the Italian and Spanish unions greatly appreciated and shared an approach such as that of the Marshall Plan for Europe, launched by the German DGB. Italian unions are asking that the EU strengthen its democratic profile by widening the prerogatives of the European Parliament. The fundamental objective is to reconcile economic and social Europe. Austerity policies have seriously damaged the image and perception of the EU in a large part of European public opinion, especially in some countries, among the working classes. The only possible and realistic way to reverse this trend is to bring social Europe back to the centre of EU concerns and policies. The disaster caused by COVID-19 will be a definitive occasion for the EU to show if it is capable of giving just and effective answers to the problems of its peoples, or not. And in the latter case, it should prepare for a sad, if not tragic, exit from the scene.

As far as the European Pillar of Social Rights (EPSR) is concerned (Lorcher and Schomann, 2016; Hacker, 2019), the Italian unions expressed their appreciation, while also complaining of its limited legal effectiveness, which they hope will soon be consolidated into more binding formal acts. Among others, Principle 6 is appreciated, relating to notions such as ‘fair wages’, ‘decent standard of living’, adequate minimum wages, and in-work poverty prevention). Now the Social Scoreboard, already on the agenda of the institutions and the European union, is needed to monitor the 20 principles that make up the EPSR in 12 areas.

A Social Progress Program is needed for upward convergence across the EU, regarding the quality of employment and social and labour rights. This is also true of inclusive and autonomous collective bargaining, effective worker involvement, and participation, which are also pillars of the European social model. In recent months, the initiative launched by the new President of the EC, Ursula von der Leyen, has been interpreted with relative favour for a European initiative on the minimum wage, albeit with the findings and requests that we will discuss later, in a paragraph dedicated to this topic. Transnational group agreements will also be addressed.

On all these issues, the Italian trade unions are very committed and active within the ETUC, which the Secretary General, Luca Visentini, also currently reflects. In the political geography within that organisation, they are placed in the bloc of countries and trade unions that over the years have insisted, with increasing force, on strengthening the supranational powers of European as well as trade union institutions; these include the ETUC and sectoral federations. This is a line that they have almost always shared with the other Mediterranean unions, and more recently with those of the CEE, once not infrequently placed on the side of those national movements more inclined to minimal intervention by Europe.

[The Italian unions on a European minimum wage](#)

We must begin by saying that Italy is part of that small group of five countries in the EU which does not regulate the minimum wage by law, but through collective bargaining. Therefore, there is no single inter-sectoral and inter-professional minimum wage: there exist as many minimums as there are national contracts and, within each of them, there are different types of work and professionalism. This primacy of collective autonomy over the State’s legislative intervention is an additional element of voluntarism which characterises the Italian system of industrial relations, as we have already mentioned. We must also add how the

choice of contractual method now unites countries belonging to different varieties of capitalism and industrial relations (Nordic, Continental, Mediterranean), but they are perhaps united by a comparatively greater force than in almost all countries that apply legal wage minimums. Moreover, countries with minimum wages agreed collectively on a contractual basis have comparatively higher levels than in the countries where they are set by law, as well as in terms of the ratio between minimum and median wages.

Like Sweden, Denmark, Finland and Austria, Italy is among the countries in which the unionisation rate is higher, as well as the coverage of collective bargaining which, in this case just like Sweden and Denmark, takes place without legal extension mechanisms. The minimum wages in Italy find an indirect extension through an old jurisprudential practice, which interprets and applies the principles of the 1948 Constitution -- remuneration must be 'proportionate to the quantity and quality of the work done and in any case sufficient to guarantee an existence dignified to workers and their families' (Art. 36, Const.) -- using the minimums set in the industry-wide agreements signed by the comparably most representative associations as benchmarking for the evaluation of treatment reported by an individual worker, denouncing his/her pay as lower than the collectively-agreed one. To avoid this kind of conflict in the courts, entrepreneurs spontaneously respect those minimum levels, on which they also calculate the amount of social contributions for retirement. Thus, in Italy there is no legal minimum wage, but there exists a sufficient and proportionate constitutional wage, according to the thresholds set by the national sectoral bargaining and for the different categories of qualifications and professionalism.

As we said above, the ratio between minimum and median wages in Italy (though calculated with difficulty among the many national sector contracts) is among the highest in the OECD area and the highest in the EU -- about 80%, where among the countries with the legal minimum wage, the highest level is reached in France, at 60% (Garnero, 2018; OECD, 2019).

It should be added that this relation depends on the minimum levels calculated as an average among all sectors, with some at high nominal levels (as in the banking sector), and others very low (as in cleaning or personal services). If in the first case the minimum net hour is also higher than 12 euros, for the lowest level, in the second case, it may not be higher than 6 or even 5 euros. As an average of all the lows, a level around 9 euros was estimated, equal to the highest statutory levels in Europe, lower than Luxembourg, France, or Ireland, but not too far from the German or British levels (Garnero, 2018).

Many observers are critical of the high number of poor workers in the sectors of services to people and in agriculture, as well as the circumvention of contractual minimums by employers. There are territorial and sectoral realities (agriculture, tourism and restaurants, leisure) where this may concern up to 30% of the workers. For a country with comparatively high levels of grey economy, informal and irregular work in very small companies, and with an absolutely inadequate number of labour inspectors, these risks are significantly greater than in the other contexts -- Austria and Scandinavian countries, where the minimum wages are also set by collective bargaining.

The 5 Star Movement, now in government with the Democratic Party (centre-left), has made the adoption of a 'European' law on the minimum wage a flagship program. It has presented its own bill, which is currently being examined and debated by the parliament and social partners. The aim is to consider minimum wages in force in each sector to be those set by contracts signed by comparatively more representative organisations. In any case, it is added, they must not be less than 9 euros gross, that is, including social insurance contributions. In the latest version of the draft law, the 9-euros-per-hour threshold -- contested above all by employer associations -- has been replaced with 70% of the national median wage. Italian unions are very reluctant to regulate the minimum wage issue by law. They believe that the system has worked well so far, guaranteeing minimum levels that are on average adequate and respecting a certain degree of diversity among situations in particular sectors. They also reject the accusation of not adequately supporting the lowest wages in the marginal sectors, demonstrating that even though the hourly nominal figure can be rather low, it rises significantly if the incidence of the 13th and 14th months is calculated on an annual basis, with that portion set aside for severance indemnity (an Italian peculiarity -- the many permits and reasons for leave). Instead, they share the need to combat the dumping of pirated contracts. Rather than ask for an hourly minimum wage, they ask the legislator for a law on the *erga omnes* of the most representative contracts.

At the European level, for example within the ETUC, the Italian unions claim to respect the various national specificities but follow with great attention and respect initiatives like those put forward by the new presidency of the European Commission: a European minimum wage, to be defined as the ratio between minimum and median, at the 60% level. As in the national debate on a minimum wage law, even at the European level, Italian unions express concern about legislative interventions that could erode their current prerogatives in the context

of wage bargaining. The fear is, for example, that employers, when required by collective agreements to pay higher gross wages, may be tempted to abandon those contracts and apply the normally lower legal minimums, with overall damage to workers, whose collective agreements include many other protections and rights, also economic, far beyond a mere salary issue. However, there is awareness that too many Member States in the EU have minimum levels below the threshold indicated by the European Commission. They could therefore derive widespread improvement from it. Nonetheless, their critical observation focuses on at least three aspects:

- 1) the legal minimum wage, although necessary in many contexts, does not in itself guarantee the elimination of poor work, as shown by the European tables, in which almost all countries with that system rank below low-income, and also poor, relative and absolute labour levels;
- 2) 60%, which for several EU countries can also be an important milestone compared to current levels, is still a threshold not even capable of reaching low-wage work status, which should correspond to at least 2/3 of the median level (66%). The fact that all the countries that have the legal minimum are below that threshold today, and in several cases even quite a lot, demonstrates the unsatisfactory character of that measure, now quite unanimously appreciated and invoked;
- 3) if the aim is also to increase the wages of the CEE countries, a measure of this type (the same for all) would not serve its purpose, but keep the current gap between the Member States unchanged, moving only slightly up towards the bar.

For these reasons, the Italian unions insist on considering the support to national and sectoral collective bargaining as the most effective tool for achieving higher average minimum levels, as well as faster and more widespread developments in wages in the CEE countries, where a legal low minimum wage is accompanied by negotiation almost exclusively at the company level. In the ETUC, the Italian unions therefore fought to integrate support for a possible European legislative measure on the minimum wage with a very strong impulse to the systems of collective multi-employer bargaining, that is sectoral and national. For example, this would be achieved by using mechanisms for extending effectiveness by law.

It should also be added that unlike the Nordic unions, which like Italian ones defend the primacy of collective bargaining for minimum wages, the Italian ones did not oppose the prospect of adopting a European minimum wage

-- which was discussed and voted on by all the organisations affiliated to the ETUC. It was finally approved, in February, with 80% consent. It was essentially done in a spirit of solidarity with the unions of the countries which currently have very low minimums, and especially for those of CEE, openly distancing themselves from the intransigence of Scandinavian colleagues, with whom they share a similar system, but whom they blame, nonetheless, for having a spirit that is too self-referential in many similar matters and not very sensitive to the needs of the European countries that are lagging behind today. International solidarity can sometimes require a small sacrifice of one's own peculiarities. In this case, if a measure such as the one proposed is approved, it will be necessary to find a formulation that safeguards the role of collective autonomy as much as possible, first at the European level and then nationally, during the transposition phase. This would mean, for example (as discussed currently in Italy), limiting the adoption of the legal minimum exclusively to cases of full-blown infeasibility of the collective bargaining tool, or in order to enforce it sufficiently due to companies' ease in circumventing it. This was a choice made by the Norwegian union, for example, in the sectors most exposed to the presence of posted workers and often at risk of irregularities, such as construction.

The importance (and expected developments) of the TCA

Among the few new and positive facts that have aroused interest and hope in these difficult years, within the otherwise-disappointing context of the Europeanisation of industrial relations, there is certainly the increase -- albeit limited -- in the number of transnational company agreements (TCA) (Sciarra, 2010; Lo Faro, 2012; Papadakis et al. 2011; Leonardi, 2013; Muller, Platzer, Rub, 2013). Their origins date back to the first union coordination of large multinationals in the automotive and tire sectors, as early as the 1960s -- including Italian Pirelli, for example. The goal, which is ancient yet more current than ever today, is to transfer the most typical and fundamental tool that the workers' movements at the national level have always had to the transnational level: collective bargaining. No system of information and consultation rights, such as those enjoyed by EWCs, can ever sufficiently substitute for bargaining and collective agreements. Similarly, no Europeanisation of industrial relations will have reached maturity if forms of negotiation coordination at the transnational, sector and group levels are not achieved. The Italian unions are very

convinced of this, and both at the level of European unions (ETUC and ETUFs) and at the level of large multinational groups where EWCs already exist, the need for this development has arisen. The databases prepared in this regard by the ETUC and the European Commission have archived approximately 350 texts of agreements in recent years, which are almost equally divided between international (generally signed by the world federations of the sector and by the national unions of the country of the multinational), and European (where EWCs played a fundamental role, although they would not be endowed with this power). Until recently, the TCAs signed by groups with headquarters in Italy numbered fifteen, including two banking groups such as UniCredit and Intesa Sanpaolo, in construction (such as Impregilo-Salini), and energy (such as Eni and Enel).

Various European studies, some of which were also promoted or participated in by the FDV (also at that time, “Bruno Trentin” Association) (EURACTA and EURACTA 2; ITEM; Guarriello and Stanzani, 2018), investigated the nature of these agreements in depth, in terms of their origin, scope, negotiation processes, conflict resolution procedures, and the impact on national and local systems. The Italian unions, through their research institutes, have also followed this phenomenon with great attention, and like several experts in the field, consider it one of the few promising events for a Europeanisation/internationalisation of industrial relations. Carried out from below, it would be capable of developing more intense and effective forms of coordination between workers and unions in different countries, reducing the power of employers to place workers from one country against those of another. Direct experience and empirical research have revealed a number of benefits, linked to the transfer of approaches and good practices from one country to another. This seemed particularly true among German, French, Swedish or Italian groups in CEE countries, with weaker union and contractual traditions. But this is also the case between Western countries, as in the case of the Volkswagen Labour Charter, capable of extending its intense powers of involvement and participation in its Italian plants (Lamborghini and Ducati).

Those studies revealed a number of necessary requirements behind the good practices implemented. Among them we may include strong and well-structured industrial relations in the country with the Group’s headquarters, a management inspired by the desire to follow a high road to global competition, well-functioning and pro-active EWCs, and a good level of involvement by national and local unions, to avoid the intervention being perceived as too ‘top-down’.

The critical issues, however, appear equally clear, starting with their small and rather stagnant numbers, which are essentially limited to some large corporations, for a non-negligible total of around 10 million estimated workers worldwide. The initiative often starts from the management of the parent company, frequently in agreement with national unions which are interested in reducing the distance with other sites abroad, to reduce the convenience due to cost differentials. The subjects never concern the typical core business of bargaining, that is, wages and working hours. The dispute resolution system is generally ineffective and dissuasive. Implementation at the national and local levels almost always requires a new transposition negotiation, with the risk of re-nationalising and differentiating the impact of the agreement. The national systems do differ, for example regarding the binding force of collective agreements or the type of representation of workers in companies. The cultures and interests of the different national actors are also different, with the Western ones very interested in reducing the gap in conditions which incentivises direct investments abroad and relocations where the cost of labour is lower, and those where the labour cost is lower are also interested in raising it, but within limits that do not reduce the convenience of foreign investment in their country.

There is the great question of the legal status of these agreements (Schoemann et al., 2012; Muller, Platzer, and Rub, 2013), which while not prohibited by European legislation, are not expressly named and regulated. Their wholly-voluntary nature is both their strength and weakness -- on the one hand, it can make companies available to enter into negotiations, and ensure the unions of the richer countries do not risk much; on the other, there exist certain issues, as we listed above. The ETUC (and before, some ETUFs) have developed proposals and guidelines which also aim to induce the European Commission to intervene on this matter, through a Council Decision (2018). Among these particularly significant guidelines, the intention of giving these agreements an option of legal force, the centrality attributed to the European sectoral federations, the democratic mandate of the national unions concerned, and the non-regression clause appear to be particularly significant to more structured forms of arbitration and conflict resolution.

Among the most controversial points, which also emerged during the last two ETUC Congresses, is that of the role of the EWCs. In the ETUC project, this role becomes almost marginal -- to the point of contesting the value of agreements signed exclusively by these bodies. The reason is to guarantee certain

quality standards of such agreements, but there is also suspicion towards all those EWCs in which the delegates of the CEE countries have often appeared to have been arbitrarily selected by the local management, rather than in a genuine expression of union democracy. That type of approach has met the reluctance of European and national federations of sectors such as the financial one, where almost all of the numerous and important agreements bear the signature of the EWCs. For Italy, this concerns UniCredit and Intesa Sanpaolo (EURACTA 2). There are very few agreements signed only by the sector federations today, and these almost exclusively concern certain French multinationals in the manufacturing sector. The Italian trade union federations in the banking sector also claim the quality of these agreements. In the end, the Italian unions supported the ETUC proposal, raising a few objections, and once again finding the same alliances with the trade unions of the CEE and Latin countries. The Nordic countries were once again opposed to any evolution of the European industrial relations system towards strong legislative solutions (always fearful that this could jeopardise their robust national system based on collective autonomy). It should also be said that in some case studies, which we have also been coordinators and partners of at the European level (EURACTA 1 and 2; Guarriello and Stanzani, 2018), nationalistic and corporatist behaviour of unions, such as the Swedish one, has emerged; this may be noted, for example, in the household appliances sector, when faced with the possibility of plant closings abroad or organising transnational mobilisations, at the European and sector levels.

Migrant and posted workers

In recent years, public discourse has been pervaded by a sort of obsession with immigrants and public order. In European surveys, Italians were often at the top of the list for migrant-related fears. Despite extensive media coverage, or perhaps because of it, the level of Italian citizens' knowledge about this sensitive topic is among the lowest in Europe. Perception of the true percentage of non-Italian new arrivals, Muslims, crimes committed by foreigners, and terrorism is distorted and stereotyped. Between 2014 and 2019, the episodes of racism doubled. Surveys in metropolitan suburbs and industrial districts have recorded widespread resentment and anger against migrants and Roma, even from former leftist voters and trade union activists. In 2013, 64% of union members said they were in favour of accepting migrants from poorer countries. Today, 55% say that we have already accepted too many immigrants (Mattina, 2019). In the same period, the intransigent 'closed-door' policy has doubled the popularity of Salvini and now of the neo-fascists of *Fratelli d'Italia*.

For the trade unions, this represents a major concern, requiring new capacities to respond to the anxieties and expectations of their native constituency, safeguarding traditional values and attitudes in favour of hospitality, integration, and social justice (Leonardi and Carrieri, 2020). It is perhaps true that historically the Italian unions have been less sensitive than others in giving voice and representation to outsiders (Meardi, 2012), but this position has changed over time. In their moral and political concept of solidarity (Morgan and Pulignano, 2020), Italian unions seem to be among those in Europe who consider migrant inclusion one of the main objectives of their organisational and political agenda. The assumption is that global migrations represent an enormous, epochal phenomenon, for which the unions must rebuild and update their historic vocation for inclusive solidarity at work (Doellegast et al., 2018) and a new labour internationalism (Hyman, 2005; Martinez Lucio, 2010). For Northern labour's strategies, this can be a way to overcome their privileged position and partially compensating the global South for the injustices and suffering inflicted on those nations now escaping from poverty and wars -- the consequences of decades or centuries of colonial and capitalist exploitation of their raw materials, unfair trade policies and unscrupulous support for the local warlords (CGIL, 2020). Italian unions have always been against all military interventions, being among the most vocal promoters of the pacifist movement. They refuse to distinguish between asylum seekers and economic migrants, and firmly believe that immigrants represent a crucial resource for the national economy and, in the longer term, a way of halting the dramatic demographic decline and its consequences to the pension system (Fondazione Di Vittorio, 2020).

To the chauvinist slogan 'Italians first', unions reply 'workers first', focusing on a unitary class discourse, with no distinction as to nation, religion or ethnicity (the word 'race' is a taboo word in Italy). The range of the unions' actions in supporting migrants is quite broad, and part of a long-term policy of organising and servicing for a more and more vulnerable, diverse, and unrepresented workforce. It consists of a mix of workplace, organisational and political strategies (Galossi, 2017). At workplaces and at the sectoral level, inclusive collective bargaining can be the primary mechanism to ensuring inclusive solidarity at work and bridging potential divides, especially for the migrant workforce, normally employed in the hardest and worst-paid jobs. Equal working conditions and pay between native Italians and migrants, also in the case of the posting workers, is in the interest of the former group, as it reduces the risks of social dumping. In this case, it is solidarity in a political sense rather than in a moral one. The national identity of individuals does not matter, which is why

the status of the migrant worker does not recur as often in the texts of collective agreements, except in articles concerning language learning, diet, or annual leave, to enable non-European workers to reach their distant countries of origin. The otherwise laudable logic of *affirmative action* is rejected here, as it could fuel resentment and welfare chauvinism among the most vulnerable native citizens, which already happens when eligibility criteria for access to public nurseries and public housing favour immigrant families, as they are the poorest.

At an organisational level, migrant members are solicited in taking part in the union life, campaigns, and being candidates in works council elections and other internal bodies. Specialised local offices provide information and legal services, and in many interesting cases, they also remain open in the evenings for social use by the different communities, otherwise excluded from public spaces.

At the political level, trade unions are among the main organisers of some important campaigns. The hardest trade union battles concern the fight against the most hateful forms of exploitation, particularly widespread in agriculture, where there are too many situations of semi-slavery in the hiring and treatment of workers. Thanks to their strong commitment, the unions, through political lobbying, obtained a new law in 2016 that punishes illegal intermediation much more severely than before. The agri-food federations are very much involved in this daily battle, with forms of ‘street unionism’, now part of the organising strategies adopted in other sectors which are hardly affected by abuses: logistics, construction, restaurants, and food delivery. With an approach of ‘social movement unionism’ (McAlevey, 2015), trade unions are fighting with other civil society organisations for unconditional sea rescues, the retraction of Salvini’s *Security Decrees*, respect for the constitutional right of asylum seekers, the abolishment of the crime of ‘illegal immigration’; the closure of the infamous detention centres, and the recognition of the *jus soli* for migrants’ children who are born in Italy.

The Italian trade unions have considered the new Directive on posted workers (2018/957) an improvement over the old one (96/71) and of the existing framework. However, they emphasise that some important assumptions should be considered during its implementation. In particular, it must not affect fundamental workers’ rights -- to negotiate, conclude and enforce collective agreements, or to undertake collective actions in accordance with national legislation and/or practices. Furthermore, it must adopt a wider and more encompassing notion or ‘retribution’, as ruled by national norms and collective agreements of the hosting country: not only ‘minimum’, but equal pay.

Problems and criticisms have also been pointed out, including the following aspects:

- its limited scope, concerning only the core labour law (wages and conditions of employment), but not social security (contribution fees);
- the problems inherent in national systems of industrial relations (like the Italian one), where collective agreements lack general binding enforceability, even *de facto*, in all their parts;
- the unsolved domestic issue of the composition of the minimum wages and of the statutory enforceability to all the firms of a sector;
- the duration of the posting -- 12-18 months before receiving all working conditions is too long a time spent in posting on the territory.

Generally speaking, the key concept and trade union mantra is 'Avoid war among the poor', explaining, in the face of xenophobic tendencies, that the real emergencies for the country are not a few small boats with a few hundred migrants escaping from wars, hunger and torture, approaching the country's coasts. Infinitely more serious and real are those troubles inflicted by a growing territorial divide, deindustrialisation, job insecurity, wage stagnation, injuries and deaths at work, or tax evasion -- all things for which migrants cannot be blamed. This is a bonding and bridging message that nevertheless encounters barriers and difficulties before becoming common sense.

Such a strong and convinced commitment in their favour is reciprocated by immigrants with their very significant contributions to union membership and revitalisation. If, in these hard times for Western unions, the Italian ones have limited their decline to acceptable levels, they owe much to the contributions by the new foreign members. Today, one in five members of the active workforce is an immigrant; this number is even larger if we exclude the public and banking sectors, which are still monopolised by the native employees (Leonardi, 2018).

Relations between the Italian unions and those from the CEE countries

The Italian unions attach great importance to the international sphere, believing that only at that level can we reach the solution of many and important problems that today afflict social and working conditions at national and local levels. In an increasingly globalised world and in an increasingly integrated Europe -- with the full freedom within it to move capital, goods, services and people, it is inconceivable (and ineffective, in any case) to try to lock

oneself in a narrow and protectionist, if not even chauvinistic, nationalism and xenophobia.

For moral reasons of solidarity and economic interest, the Italian unions have always cultivated union internationalism, attaching great importance to the supranational organisations of the workers' movement at every level (confederations and sectoral federations worldwide and European trade unions, ILO, TUAC-OECD, regional coordination, European or world works councils) and through preferential relations with the national unions of other countries. Over the decades following the Second World War, each of the three Italian confederations has built its own network of privileged connections with other unions, usually related for reasons of ideological orientation and industrial relations culture. Until the early 1970s, the CGIL was affiliated with the World Trade Union Federation, along with all the major communist-inspired organisations that were then linked to the Soviet Union, such as the French CGT and all the unions (at that time unified and linked to the old regimes) of Central and Eastern Europe, as well as a large part of the so-called Third World countries. It was a relationship that was critical though terminated in the 1970s, when CGIL entered the ETUC. CISL and UIL, to whose birth (1948-1950) the American unions actively contributed, have in turn developed relations with European Christian or Social Democratic unions.

The foreign policy of the Italian trade unions, from the 70s onwards, has overcome old ideological barriers, adopting common lines, which we find even now, in all international fora, where they almost always act by mutual agreement. Respect for democratic freedoms and workers' rights, beginning from those of association, collective bargaining, and strike, are a cornerstone of their international action. In the 1980s, they were very active in providing their solidarity and support for the extraordinary *Solidarność* movement in Poland. It was an organisation which was extremely large and internally pluralist at the time, able to fascinate the most radical and leftist sectors of the Italian union for the emphasis the Polish workers placed on factory self-organisation and direct action, but also -- obviously -- the more moderate and Catholic members, because of common Christian values, and the strong anti-communist ideology. It remained so throughout the democratic transition phase, which followed 1989. This relationship remained relatively steady, over time, with CISL becoming the main interlocutor even if not the only one, and CGIL being able to establish a relationship of strong agreement with the other confederation, a democratic heir of the old regime union.

Relatively strong bilateral relations exist today with the Slovenian unions -- to establish the necessary synergies in the protection of cross-border workers -- and with some of the major trade unions in Romania, where most of the immigrant workers from Central and Eastern Europe come from. On the Romanian trade union scene, Italians complain of the high fragmentation, considered a weak factor for a country that has suffered a serious deterioration in the levels of contractual coverage and union membership in recent years. Both CGIL and CISL have opened service offices (patronages) in Romania, in order to help posted workers in Italy to reconstruct their situation with contributions paid to the Italian social protection institute, or to inform seasonal workers about their rights to assistance for periods of non-work. The sectoral federations of construction and agriculture have established particularly strong ties with the Romanian trade unions (FRATIA). The goal is to encourage better knowledge of Italian legal and contractual rules in the field of work and trade unions, with particular emphasis on health and safety issues.

As far as trade unions in all other countries, relations are generally weaker on a bilateral level than with Poland and Romania, as there are accordingly fewer immigrant citizens and posted workers. There are very cordial relations -- as we were told in an interview with a CGIL national official for European affairs -- with the Slovak (KOS), Czech (CMKOS) and Hungarian (MASZS) unions. In the two Bulgarian confederations, the situation appears to be the opposite of that in Poland, with the CGIL more in tune recently with Podkrepa than with Citub; however, the relations between the respective research institutes have flourished for years, in terms of mutual learning and capacity building. Relations with the Baltic trade unions are very limited. The European projects for the exchange of practices and joint training, as well as the interaction in the EWC and at the level of European sector federations, offer important opportunities to discuss and jointly address problems of common interest.

It is worth mentioning that at the last Congress of the International Trade Union Confederation (ICTU), held in Copenhagen at the end of 2018, the Italian candidate, Susanna Camusso (CGIL), received almost unanimous support from all the unions in Europe, Central-Eastern Europe losing its challenge with the outgoing candidate by just a couple of percentage points.

Today the main converging issue between the Italian unions and those of the CEE has become the ETUC. It is in that context, in fact, that the organisations of these countries have repeatedly reached a substantial and *de facto* convergence of intentions and votes. This is starting from the very idea that the European

arena should become (more than it has already) the preferential area for seeking and achieving solutions aimed at upward harmonisation in the standards and rights of all workers in the EU, even if this requires -- and will continue to require -- a partial transfer of sovereignty and some renunciation of the primacy of one's own model. It is only in this way, as deduced from the official positions of the Italian unions, that the international solidarity can be achieved, which the whole world of work needs more than ever. This will be possible in essentially two ways: formal, by providing regulatory and legislative means with that support and empowerment to raise the status of those who are weaker today or being left behind, and informal, by developing forms of capacity building, acting as a lever for the exchange of information and good practices, joint training, union action side by side in the EWCs and in the sectoral committees of the European social dialogue, and organising mobilisation campaigns from below. In the toughest phase of the crisis (2011-2012), the unions of the peripheral countries most affected by the austerity measures, with the very active involvement of the Polish unions (although external to the euro zone and spared from that difficult moment), gave rise to mobilisation which with the support of the central countries, could have been more successful, as had happened with the fight against the Bolkenstein directive. That experience, albeit limited in scope and effectiveness, will have to be reactivated. Especially if, as in these months of Coronavirus, other dramatic moments for the world of work emerge. That is another occasion in which European trade unions could be called to a new general test of solidarity, on which they cannot and must not fail.

ETUC assessments and policy perspectives

The Italian unions have shared in many of the most recent strategic resolutions of the ETUC and its executive body, helping to amend them up to their final version -- in particular, the following points:

- Build and improve free and autonomous collective bargaining;
- Pursue wage growth and social convergence through greater collective bargaining;
- Fight against working poverty through rapid improvement of lower wages;
- Increase solidarity, reduce inequalities, and remove gaps (with greater collective bargaining);
- More democracy at work, improving worker involvement in the workplace;
- Increasingly effective transnational company agreements (TCAs), led by ETUFs, as key elements.

The Italian unions supported the creation of a European partnership for collective bargaining and the upward convergence of wages and working conditions, also through the creation of a social scoreboard relating to collective bargaining systems, with the aim of greater coordination, including the function of the answers to be provided to the European Commission during the European Semester.

As stated by the former secretary of the CGIL, today responsible for her national office for European and international affairs, 'We need a common program to build supranational actions and campaigns' (S. Camusso; ex Gen. Secr. CGIL). They also shared the need to commit to:

- EU and state initiatives to strengthen and extend the reach and coverage of CBs (min. > 60% of the workforce in 2025);
- Strengthening national legislative frameworks for BC coordinated systems;
- A key role of sectoral bargaining and an organised collective bargaining system;
- Transnational coordination, to be built within joint action programs and capacity building (through ESC Committee, 'Wage Increase Campaign', Social Scoreboard/Toolkit, Campaigns for full respect of workers' rights in multinationals, ETUI or bilateral courses, EU-funded projects).

The ILO, OECD, IMF, and ECB also finally recognise the benefits of collective bargaining to reduce poverty and inequalities, and to support domestic demand.

The national system should recognise the shared determination and involvement of workers in the workplace as a great stimulus to combine corporate innovation with social inclusion and worker satisfaction.

Some conclusions about the ARTUS project and its findings

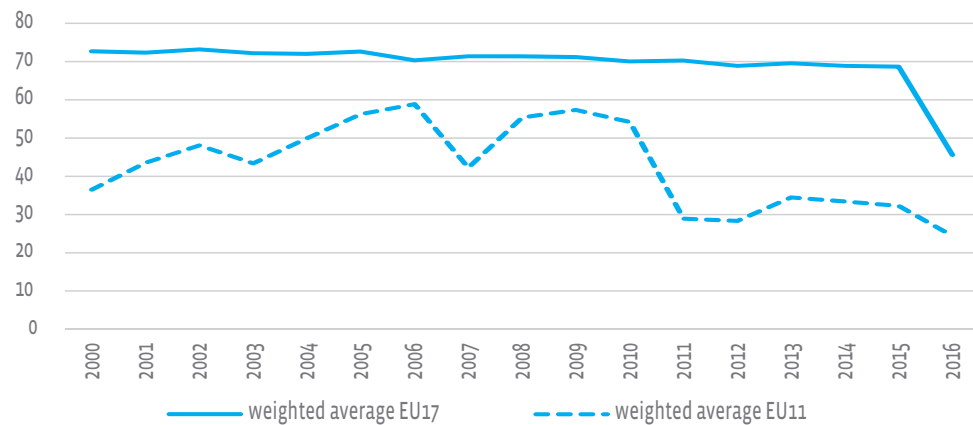
Upward convergence across Europe is considered more and more necessary in wealth and living standards, where social dialogue and collective bargaining are once more called upon to play an effective and irreplaceable role in fighting poverty and inequalities, fostering solidarity and inclusion, and enhancing dignity and democracy at work. What we have learned from these difficult times is that the EU needs more than the economic and financial convergence it has firmly and constantly pursued all these years: it also needs social convergence.

This should be the goal but it is still far from being achieved. The crucial issue is whether such a convergence, post 2004-2007 enlargement, is a ‘hardly attainable’ objective, as contended in the ARTUS comparative report. In particular, will the East-West division and gap be closed? Can different expectations be reconciled? Is a new internationalism of labour feasible?

If we look at comparative figures, surveys and studies, there are not many reasons for optimism or satisfaction. The landscape of the industrial relations in the CEE countries, 15 years after their accession into the EU, appears far from having reduced the gap. When this did happen, it was more the back and downward convergence of the Western countries than the upwards evolution of the CEE countries, especially for countries like Greece or Portugal after the very severe structural reforms by the Troika, in the worst years of the crisis.

Let us sum up some main issues. The collective bargaining coverage has been eroded in many countries, and resists quite well where extension mechanisms are surrogate in the severe weakening of the social partners’ membership, or otherwise where the latter is still consistent (Nordic and Italians). In an EU-27 average, 14 Member States are below the critical threshold of 50%, today. The gap between Western and CEE countries, which had narrowed before the outbreak of the crisis, enlarged again in the following years (Fig. 1).

Fig. 1 - Collective bargaining in EU17 and EU11: weighted average

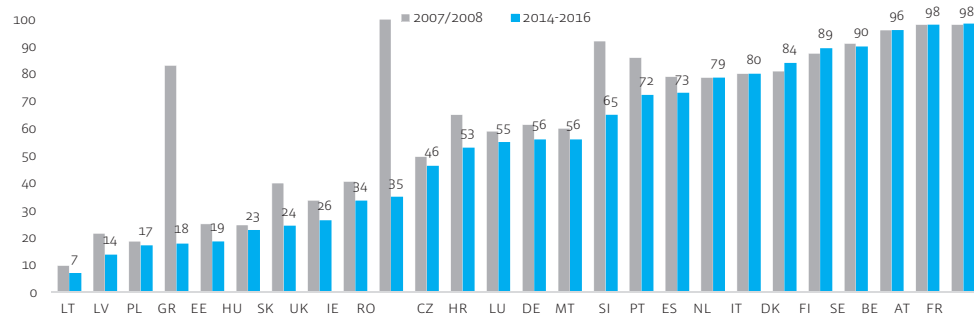


Source: Waddington, Muller, and Vandaele, 2019

Mostly, these are CEEs, aside from Slovenia (which is peculiar in that macro-region in many respects), but at the cost of an impressive drop from 98% to 65% in a decade. Romania, which was the other country in the area with traditionally high coverage, collapsed even more dramatically from more than

90% to the current level of 35%. In the Baltic area, there are countries like Lithuania where the coverage has reached a mere 7%, far away from what we can still define a European standard, whatever the sense of this expression may be (see Fig. 2).

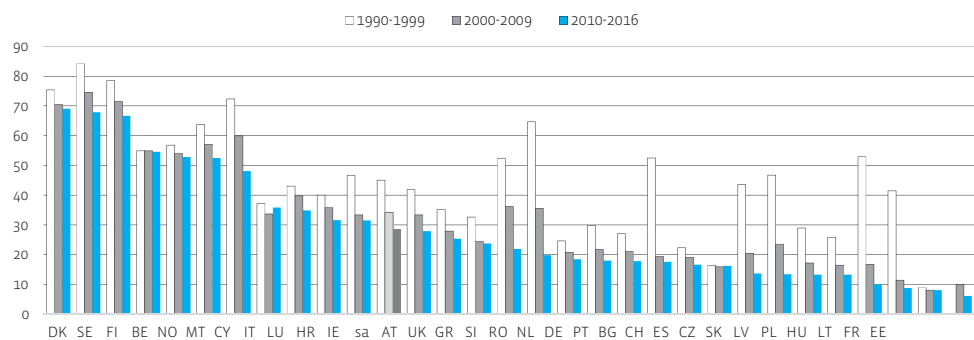
Fig. 2 – Collective bargaining coverage before and after the crisis (2007/2008 and 2014/2016) (percentage of the workforce)



*pre-crisis data for Croatia, Malta and Romania from 2000.
Sources: OECD collective bargaining database; for Croatia: Bagić (2019); for Malta: Debono and Baldacchino (2019); for Romania: Trif and Paolucci (2019); no data available for this time period for Bulgaria and Cyprus.

The union density figures tell us of another gloomy picture, too (Fig. 3). If the global trend is towards a decline, in the EU-27 there is an average of 34% in the Western EU-16 and much less than the half in the CEE EU-11 -- 13%. With all the well-known limits of this type of comparison, in this part of Europe, just before the transition, such a density was in excess of 70% nearly everywhere.

Fig. 3 – Trade Union density per country (1990-1999, 2000-2009 and 2010-2016)



Source: OECD administrative data except for Estonia (survey data), and Visser (2016) for Bulgaria, Croatia, Cyprus, Malta and Romania.
Note: bar graphs sorted by 2010-2016 averages. sa: simple average.

In an often-fragmented trade union landscape, workers' representation at the company level in most of the CEE countries is very weak, and often composed of non-unionised members. The practice of information flow and consultation is uneven, whereas the board-level employee representation is not institutionalised, except in a couple of countries, and then only in the state-owned or

state-controlled enterprises. The incidence of violations of workers' rights is higher than in the other parts of Europe, while the industrial unrest in sectors and company disputes is quite unusual. The tripartite system of the early years of the democratic transition and during the EU accession has shifted into an 'illusory' or 'PR corporatism' (Bernciack, 2018), with the governments using their unilateral interventionism nearly everywhere. Seen from a Western point of view, the posting workers debate, and the famous cases Viking and Laval have exacerbated concern and discontent among workers and their unions. The state of democracy in two or three of the CEE Member States is worrying, both in terms of individual liberties and democratic checks and balances, whereas the intransigent inflexibility of the Visegrad countries in taking part in the repartition of the migrant flows has very much irritated public opinion in the most exposed countries (Italy and the other Mediterranean countries, mainly) obliged -- by the Dublin Treaty -- to bear the greatest burden of such an epochal phenomenon.

To reverse the trend, greater supra-national and cross-country cooperation and effort are needed. As they have often done in their history, capital and management are using the *divide et impera* as the approach for their strategies to circumvent counter-movements and local resistance to their dominion.

Nowadays, all forms of solidarity are suffering from fragmentation of working conditions and growing inequalities. This concerns not only international but also national and workplace solidarity. In times of globalisation and unprecedented capital mobility, 'Workers become so remote from each other spatially that they never meet, do not speak the same language and never experience together the community and solidarity deriving from joint collective action' (Streeck, 2011). For more than a century, class-related and international solidarity has often been replaced by the national and ethnically related types. Nationalism, chauvinism, and xenophobia are now part of the history of the labour movement, and sometimes racism, too. National capital and labour, the bourgeoisie and the working class, although rivalling one another in domestic affairs, have always gathered in international arenas, to converge in joint movements for liberation and also in imperialistic adventures. An echo of these long-lasting inclinations can also be seen in recent times, in the ways national labour movements and public opinion have been taking part in tackling the partner countries' problems, at the EU level (Prosser, 2019). The central-periphery divide among countries -- which was largely a North-South divide during the management of the debt crisis -- was proof of how difficult is for national labour movements (trade unions and left-wing parties) to overcome national sentiment,

when the time comes to define 'us' and 'them', in a critical scenario. The West-East divide is another deep and unreconciled gap that impedes the birth of a spirit for an EU as a real United States of Europe.

Nationalism and egoism are hard to overcome, whereas international solidarity seems to be limited to rhetoric or a diplomatic exercise between politicians and union officials. The only way out for a trade union movement that wants to remain faithful to its historical inclusive vocation to solidarity and internationalist ideals, is to provide contrast to these political drifts, even against the common feelings of their members and constituencies. International workers' solidarity has always played an important role in the ideologies and values of the labour movement, as a result of a class-based concept of political organisation of the working class. A new internationalism in labour and trade unions is needed, to save labour from the assaults of global capital, and the European project, too. This should also happen even where and when it requires some sacrifice of organisations' habits and convictions: 'The claims of solidarity require individuals to tolerate views and practices they dislike and to moderate the pursuit of their own economic self-interest to help the disadvantaged' (Banting and Kymlicka, 2006).

The availability of the Italian trade unions to support a legal initiative on a European minimum wage, in spite of their preferences at the domestic level, is a proof of such a will; they are aware of the benefits for those who are now being left behind. In an essay on labour internationalism, Miguel Martinez Lucio (2010) has observed that there are two theses in the current debate:

- a) those who see the labour movement locked into national systems, unable to overcome their traditional habits and traditional activities;
- b) those who think that the old labour movement is trying to re-align the new current of mobilisation in addressing global issues.

The European labour movement, and namely the trade unions, both at supra-national and national levels, have no alternative than opting for the former model -- as a hope, as an ideal, and as a practice to revitalise in everyday policy.

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