Italy

Introduction

The Beginning Of Modern And Corporatist Unions

The birth of modern Italian unions is generally considered to have been toward the end of the 19th century with the establishment of the *Camere del Lavoro*. As of 1889, unions and strikes were no longer a crime in Italy, although strikes continued to be regarded as a breach of contract (as opposed to an employee's right) under contract law. In 1906, the *Confederazione Generale del Lavoro*, the first large national trade union, was established, and in 1910, *Confindustria*, the first large employers' association, was formed.

In 1922, when fascism made its way into Italian history, a national fascist union was also formed, the *Confederazione nazionale delle Corporazioni sindacali*, and in 1925, *Confindustria* and the fascist union recognized each other the exclusive representation of employees and employers respectively.

In 1926, the fascist government began shaping the corporatist system, whereby only one workers' union (the fascist union) was recognized by the government, which maintained strict control over it. Corporatist unions became entities belonging to the national government system and strikes were again considered a crime. Eventually, the corporatist system was completed when it was ruled that collective agreements drafted by the representatives of professional categories (those categories included in the corporatist system) were binding for all those belonging to such categories.

Unions Under The Italian Republican Constitution

In 1943, the fascist regime in Italy collapsed, and the corporatist system was abolished. The democratic Constitution of the Italian Republic was then enacted in 1948 and remains in force to this day. The Constitution sets forth the main principles of union law. It provides:

- Freedom of union activity is established;

- Only one duty may be imposed on unions (i.e., their registration in accordance with the law) upon the condition that they have an internal democratic organization;
- Registered unions are legal entities under the law and they may, acting as one body (where all unions are represented in proportion to the number of their respective members), negotiate and enter into collective agreements that are binding upon all employees in the same field; and,
- Strikes are a constitutional right that may be exercised in accordance with the law.

However, to date, the statutory provisions necessary to implement such constitutional principles have not been enacted (with the exception of some statutory provisions concerning strikes affecting "essential services," which were enacted in 1990 and amended in 2000). The lack of such provisions is primarily the result of historical developments in Italy.

In 1944, union activists had agreed to reorganize a national Unitarian workers' trade union, under the name of *Confederazione Generale Italiana delLavoro* ("CGIL"). Subsequently, however, in 1950, the growing cold war confrontation and ideological differences induced mainly catholic activists and members to leave the CGIL, which was then primarily a communist/socialist oriented organization, to establish the *Confederazione Italiana Sindacato Lavoratori* ("CISL"). Soon after, other workers and activists formed two additional unions, the *Unione Italiana del Lavoro* ("UIL") and the *Confederazione Italiana Sindacati Nazionali Lavoratori* ("CISNAL").

All unions opposed the enactment of laws implementing the Constitution with regard to registration (and internal democracy) of trade unions and the enactment of laws regulating strikes. Unions feared that such laws would enable the government to control them and effectively limit strikes. CISL, UIL, and CISNAL, which had fewer affiliated employees than CGIL, also feared that a law providing for a national Unitarian representation of employees, in proportion to the number of members, would effectively benefit CGIL. The unions' position resulted in a lack of parliamentary support for initiatives aimed at implementing the constitutional model. Therefore, in the absence of statutes, union law has ultimately been created by case law, customary practices, and the internal rules of unions.

Collective Agreements

Italy's Constitution envisaged a system where collective agreements negotiated by registered unions would be binding for the generality of employers and employees; however, absent any law on the registration of unions, collective agreements were binding only for those employers and employees that voluntarily accepted them.

As an interim measure, when the fascist regime ended, the collective agreements produced by corporatism were expressly excepted from the abolition of that system. However, absent an implementation of the Constitution, unions could not negotiate new collective agreements binding for the generality of employees.

In 1959, Parliament gave the government the power to make collective agreements enforceable as a matter of law, on a case-by-case basis, but the Constitutional Court stopped this practice, holding it inconsistent with the Constitution.

Eventually, courts found a way to pursue a general application of the new collective agreements, at least concerning their minimum wage provisions. The Constitution in fact provides that employees are entitled to salaries that are proportional to the quantity and quality of their work performance and sufficient to carry out a life with dignity. Courts argued that, even where collective agreements were not applicable, the minimum wages provided by the agreements should be used as a test to measure whether actual salaries were sufficient to meet the Constitutional requirement.

The Workers' Statute

Although trade unions certainly had played a role in Italy, it was not until 1970 that a statute was passed setting forth a single and consistent body of rules applicable to industrial relations. Known as the *Statuto del Lavoratori* ("Workers' Statute"), it remains the main source of statutory law concerning unions, as well as a fundamental law with regard to labor law in general.

With regard to industrial relations, the Workers' Statute sets forth the ground rules concerning freedom of union activity (prohibiting discrimination as well as employer-backed workers' unions) and the establishment and role of Works Councils (including a detailed review of Works Councils' rights at the workplace). The Workers' Statute also grants trade unions a general and effective judicial remedy to protect their rights.

The enactment of the Workers' Statute immediately followed the period (from 1968 to 1969) of the deepest industrial relations conflicts in Italy's postwar history, which may explain certain pro-labor provisions (e.g., the right of reinstatement in case of unjustified termination, except by small companies), as well as the fact that the provisions on establishing Works Councils expressly favored the main existing national unions.

From A Single Trade Union To The Proliferation Of Trade Union Organizations

After an initial effort to create a united national confederation of trade unions, ideological differences led to the creation of independent, competing national organizations. Three of them (the CGIL, CISL, and UIL) slowly overcame the deep divisions of the 1950s and began to coordinate their actions over the years, until the signing, in July 1972, of a *Patto Federativo* (Federative Pact). Ideological divisions have, however, prevailed again occasionally, such as in 1984 and in 1999.

The greatest challenge to the three main national unions has, however, come from workers' dissent from union policies and the consequent establishment of competing unions. The "new" unions often represent only workers of specified business fields (although with high affiliation rates), are seldom organized in national federations of different trades, and are sometimes organized locally rather than nationally. "Spontaneous" organizations are sometimes formed over certain issues and later lose their strength or dissolve.

Legislation tended to favor unions representing workers on a broad basis (both regarding business fields and geographically) and with continuity. The Workers' Statute originally provided that Works Councils, *Rappresentanze Sindacali Aziendali* ("RSAs"), could be established "within the unions affiliated to the more representative national unions." Such "privilege" was subject to criticism, but survived (including judicial scrutiny) for more than 20 years, until 1995, when a national referendum abolished it, so that now RSAs may be established within the unions that have signed collective agreements implemented by the relevant employer.

Meanwhile, the main unions and employers' organizations tried to overcome this issue, and, in 1993, agreed on a system of election of Works Councils, *Rappresentanze Sindacali Unitarie*, ("RSUs"), where minor unions could also be represented, but still assuring some advantages to the major ones.

"*Concertazione*," "Social Dialogue" And Projects Of Implementation Of Art 39 Of The Constitution - Reforms Of Collective Negotiation

In the two recent decades, the word "*concertazione*" (literally "tuning") has widely been used to define a process whereby unions, employers' associations, and the government jointly discuss the main economic issues, with the aim of reaching a common understanding on goals regarding growth, inflation, employment rates, productivity, salary increases, employment, and social security reforms. Under the Constitution, the government decisions may not be bound by contractual obligations. However, through the *concertazione*, the government attempts to adhere to the main principles agreed upon with unions (e.g., the laws on temporary work and private pension funds), while unions and employers' associations negotiate salaries and other collective bargaining issues (e.g., working hours), taking the goals of national economic policy into consideration.

Despite its political relevance, the goals agreed upon through *concertazione* have sometimes been perceived by workers as an imposition of limitations upon their claims, inducing them to turn to other unions to protect their interests. Moreover, *concertazione* implies that discussions on economic and social objectives take place at a national level and that unions and employers' associations are able to assure compliance with the common goals identified during discussions.

These concerns, among others, have influenced a revived interest in legislation concerning unions. A number of controversial bills have been discussed and reviewed in Parliament (but not approved) concerning reform of industrial relations that would set precise statutory rules for the election of Works Councils and the identification of the most representative unions -- both at the national and local levels -- and that would address the issue of enforceability of collective agreements for the generality of employees and employers.

Some political parties and governments have opposed the concept of "social dialogue," preferring *concertazione*. Social dialogue, following the model developed between social partners and promoted by the European Commission, is defined as a process consisting of consultations between unions and employers' associations, which submit their conclusions and proposals to the government, for subsequent action by the government.

Another much debated topic is the scope and organization of collective negotiation. The debate concerns the "levels" of collective negotiation and the scope of the negotiation at each level. One of the main issues is whether minimum salaries and the main employment terms should continue to be negotiated and agreed upon at the national level, and which other levels of negotiation (regional or even by individual companies) should exist and what should be discussed at such other levels.

Trade Unions

The General Role Of Trade Unions

The activity of trade unions and employers' associations may affect single businesses and categories of businesses, as well as the economic and social policies of the country as a whole. Absent a statute setting forth the role of unions and employers' associations, each such organization determines its role (in the by-laws as well as through actual practice), which is also subject to historical developments, court decisions, and occasional provisions of law.

Unions negotiate shop collective agreements and national agreements (including those concerning workers of several different fields).

Unions and employers' associations contribute to the selection of a portion of the members of the *Consiglio Nazionale dell'Economia e del Lavoro* ("CNEL," "National Council for the Economy and Labor"), a governmental institution that, according to the Italian Constitution, has a consulting role for the government and the Parliament, and may submit bills of laws. Unions and employers' associations also contribute to the shaping of economic and social national policy, including through the *concertazione* and their participation in the public debate over political issues.

Unions also directly intervene in economical areas affecting workers, such as express provisions of law allowing unions to promote the formation of pension funds. Cooperative companies and associations linked to unions were also among the founders of one of the major Italian non-profit temporary work agencies.

Unions, through dedicated organizations (*Istituti di Patronato*), whose activity is expressly acknowledged and subsidized by the law, also carry out counseling activities in social security and pension matters and, through other similar organizations (*Centri di Assistenza Fiscale*), provide assistance in tax matters.

Under the law, unions and employers' associations designate their representatives in a number of governmental boards and committees, including: (i) the provincial commissions of conciliation, to which all labor disputes must be submitted before the parties may, absent a conciliation, revert to Labor Courts; (ii) boards of directors of governmental social security agencies; (iii) committees of the public placement offices; and (iv) committees competent for work at home. Unions are consulted, under the law, with regard to the authorization of certain types of fixed-term employment contracts and may be requested by Labor Courts to provide information and remarks relevant to specific litigation.

Employers' organizations, other than strict union-related matters, also carry out common study, information, and research activities (the most widely read Italian financial and business newspaper is owned and published by *Confindustria*), organize self-regulatory councils for specific business fields, and carry out lobbying activities.

Constitution Of A Trade Union

There are no specific provisions determining how unions should be established and organized. Therefore, unions are classified as "*associazioni*" (associations). The statutory provisions applicable to *associazioni* are quite flexible and substantially allow them to set up the organization deemed most appropriate in order to pursue their own objectives.

Contrary to what happens in other legal systems, a trade union does not need the recognition of either single employers or employers' associations in order to exist and carry out their activities (employers are, however, free to refuse to negotiate with one or more unions, except in those cases where the law expressly requires a consultation or joint review).

Even if a general statutory definition of "trade union" does not exist, statutes have occasionally identified requirements to be met by unions in order to qualify for certain specific purposes. For example, the assets of the corporatist unions were mostly assigned to five unions (the CGIL, CISL, UIL, UGL and CIDA), with the remaining divided among unions with the most members, from throughout the nation and the various business fields, and that had frequently negotiated collective labor agreements. Additionally, the designation of CNEL members should be made by unions selected according to substantially similar criteria.

Although the organizational models are not all the same, the main unions are organized under vertical and horizontal structures.

Workers are affiliated to a union specific to a certain business field (e.g., the metal workers business, the chemical business, etc.), and such union has a territorial organization, with provincial, regional, and national offices. Unions of different business fields are then united in a federation of unions and/or workers. Often the federation has its own territorial organization with provincial, regional, and national offices. Employers' associations have adopted a similar organizational structure.

The Scope Of Trade Union Rights In Businesses

The law expressly sets forth the right to carry out union activity within businesses (including the organization of workers' meetings and referenda among workers, the posting of public notices on a union notice board, the activities aimed at the affiliation of new members, and the collection of contributions for the unions). Such rights belong either to the Works Councils or to workers, and not to external union activists.

There are, however, circumstances in which the law provides rights to trade unions that are external to a business:

1. In case of a transfer of business, under the laws implementing the European Acquired Rights Directive (Council Directive 77/187/EEC of February 14, 1977), the purchaser and the seller must inform their Works Councils and the external unions at least 25 days before the planned transaction (the unions may then trigger a mandatory consultation process);

2. In case of a collective dismissal, under the laws implementing the EEC Council Directive 75/129/EEC of February 17, 1975, an employer must provide certain information regarding the collective dismissal to the Works Councils, if any, and to the external unions (the unions may then trigger a mandatory consultation process);

3. Some collective agreements provide that, in case of a collective transfer of workers, a notice must be given to unions and a consultation may be requested by them;

4. In case an employer applies for *cassa integrazione* (a type of social shock absorber, whereby employment contracts are temporarily suspended and

a social indemnity is paid to workers instead of their wages), the employer must give prior notice to the Works Councils, if any, and to the external unions, which may request a joint review of the situation;

5. Council Directive 94/45/EC of September 22, 1994 (on the establishment of European Works Councils "EWC") has been implemented by Legislative Decree n°74/2002. Along the guidelines of the Directive, the Legislative Decree provides for a special negotiating body, jointly appointed by the Works Councils and the external unions that have signed the applied NLCA, in charge of determining the structure, activities, prerogatives, and duration of an EWC.

6. Council Directive 2001/86/EC concerning the employees' involvement in European Company (European Company "EC" is provided for by EU regulation n°2157/2001) has been implemented in Italy through Legislative Decree n°188/2005. Such Legislative Decree provides for a "delegation body," formed by members elected or chosen by Works Councils together with unions stipulating the applicable collective agreements, which is in charge of negotiating the concrete modalities of employees' involvement in the management of EC.

7. Legislative Decree n°25/2007, which has implemented Council Directive 2002/14/EC concerning employees' right of information and consultation, provides that employers employing more than 50 employees must inform and consult employees on the actual and future trend of the company's business, on the occupational situation, and on possible company's decisions that may affect the organization of the work and the employment contracts. Applicable collective agreements provide for the timing and the modalities of the above information and consultation procedure.

8. Legislative Decree n°81/2008, which consolidates the laws on safety at work, grants some prerogatives to trade unions and in particular: a) in case of contracts, subcontracts, and supply agreements, requires that all costs borne by the contractor in order to implement safety at work's measures must be disclosed to local structures belonging to the more representative unions on a national basis upon request; and b) in companies or business units employing more than 15 employees, the workers' representative for safety at work is elected or appointed within the company's Works Council.

The Function Of Trade Union Representatives

Italian statutory law neither precisely defines, nor gives a clear role to, trade union representatives. The few existing provisions grant TRUs (of the unions connected with the relevant Works Councils) the right to attend workers' meetings within an employer's premises and further grants TRUs who are members of the provincial or national management boards of a union the right to paid leave in order to participate in the meetings of those boards (the number of paid leaves to which TRUs are entitled is not provided for by the law, but left to collective negotiation). TRUs holding provincial or national offices within a union are entitled, upon request, to unpaid leaves in order to carry out their union activities.

Works Councils

General Requirements And Principles

The Workers' Statute originally provided that Works Councils (specifically RSAs) should be established in a substantially non-electoral and unilateral way by "initiative of the workers," but within the "most representative" trade union organizations at the national level, within each "productive unit" (i.e., each plant, office, division, or branch with a separate and autonomous identity from a geographical and organizational point of view, and that, together with other units, make up the whole employing establishment). Therefore, trade unions effectively could (and to a certain extent still can) appoint their own representatives to RSAs without the need for a general election by the workers. However, as a result of a referendum held in 1995, the original provision of the Workers' Statute was amended, granting the power to appoint RSAs to all trade unions that had signed collective agreements implemented by the employer.

With a collective agreement, the *Protocollo d'Intesa* (Protocol of Intents), signed on July 23, 1993, between *Confindustria* and the major national unions (INTERSIND, CGLL, CISL, UIL), a totally new concept of workers' representation at the workplace was introduced. The Protocol of Intents was followed by a more detailed collective agreement signed on December 1, 1993, among the same parties, which introduced electoral procedures to allow the workers to choose their internal representatives within the Works Councils in a more democratic manner. The new Works Councils were named *Rappresentanze Sindacali Unitarie* (Unitary Works

Council, or “RSUs”), with the adjective “unitary” stressing the fact that all elected members were forming a single and cohesive representative body regardless of their trade union’s affiliation.

The reasons for this epochal revolution in Italian industrial relations were an increasing lack of workers’ support for the main national unions, their preference of the minor but increasingly more powerful unions at a local level, and criticism of the original provisions of the Workers’ Statute on the formation of Works Councils.

RSUs have mostly taken the place of the old RSAs in Italian industrial relations.

Election Of Works Councils

The Workers’ Statute does not set forth express provisions concerning the employees who may be appointed as RSAs. However, according to the collective agreement of December 1, 1993, RSUs may be established in the productive units where more than 15 workers are employed, by initiative of:

1. The unions that signed the Protocol on July 23, 1993;
2. Unions that signed the national collective bargaining agreement actually applied in the productive unit; and,
3. Unions, formally established under the law, pursuant to articles of associations and bylaws, and that obtained the written support of at least five percent of the workers with voting rights.

Both the latter two categories of unions must expressly accept the contents of the collective agreement of December 1, 1993.

The establishment of an RSU (where all unions participating in an election are represented) entails the waiver of the single unions to their statutory right to form an RSA (and if an RSA already exists, the RSU will take its place).

RSUs may consist of a variable number of members, depending on the total number of workers employed in the relevant “productive unit”:

1. Three members for productive units with fewer than 200 workers;
2. Three members for every group or fraction of 300 workers in each productive unit with fewer than 3,000 workers; and,

3. Three members for every group or fraction of 500 workers, in addition to those indicated in the previous point, in each productive unit with more than 3,000 workers.

Workshop agreements may provide for a larger number of representatives to be appointed. The total number of members of the RSU are elected as follows:

1. Two-thirds are elected by secret vote among the competing electoral lists by all the workers belonging to the productive unit; and,

3. The remaining one-third is assigned to the unions that signed the national collective bargaining agreement actually applied in the productive unit (in proportion to votes cast in the elections).

Works Council Members

The Workers' Statute does not limit the term of office of RSA members, whereas under the collective agreement of December 1, 1993, members of RSUs remain in office for three years.

The Workers' Statute provides for specific rights and protection for RSA members /managers, and the collective agreement of December 1, 1993, extends such prerogatives to RSUs.

Upon at least 24 hours' prior notice to their employer, Works Councils' managers are entitled to a certain number of paid leaves (the amount of which varies in connection with the total workforce of the productive unit) in order to carry out the duties connected with their office. They are also entitled to a certain number of unpaid leaves to take part in union negotiations and external activities such as congresses and seminars.

In case of unlawful dismissal of a Works Council's manager, the Workers' Statute provides that the court may, upon joint petition of the dismissed worker and his or her union, order the immediate reinstatement on a precautionary basis and before a final decision on the case whenever the court deems that the employer has not provided relevant or sufficient evidence of proof.

In case of transfer of a Works Council's manager to a different productive unit, the consent of the trade union to which he or she is affiliated is required.

Management Of Works Councils

The Workers' Statute provides that employers must provide Works Councils with a room on the premises or (according to interpretations) in the immediate surroundings of the productive unit. The room must be permanently assigned for the Works Council's use when the unit employs more than 200 workers. Apart from this provision, neither the Workers' Statute nor the collective agreement of December 1, 1993, lay down general management rules, and Works Councils are, in fact, free to establish their own organizational rules.

Functions And Rights Of Works Councils

The Workers' Statute grants RSAs (and the collective agreement of December 1, 1993, extends to RSUs) certain specific rights and powers, including:

1. The power to call meetings of workers (all or groups of them) to discuss any matter connected with trade union and working conditions (a limited amount of paid working time may be used to hold such meetings, while other meetings may take place outside working hours);

2. The power to hold internal referenda (such power must be jointly exercised by all RSAs if there is more than one); and,

3. The right to post notices, communications, and other documents on a Works Council's notice board, which employers must set up within the productive unit.

Agreements Between Works Councils And Management

The Workers' Statute does not specify whether RSAs have a general right to negotiate collective agreements, probably because of the unresolved issue of implementing the constitutional provisions on unions and collective agreements. RSAs have *de facto* negotiated shop agreements.

The collective agreement of December 1, 1993, formally acknowledged the power of RSUs to negotiate work shop agreements, although they must be "in conjunction with" the local representatives of the unions that sign the national collective agreements and within the terms, limits, and scope set forth by the national collective agreements applicable to the employer. Although this seems quite a cautious acknowledgement of an existing situation, the unions have, on this basis, increasingly delegated to Works Councils the "fine-tuning" of the provisions of the collective agreements to local needs (a "second level of negotiation" between the national and the individual levels).

Enforcement Issues

Article 28 of the Workers' Statute sets forth a general, strong protective bulwark for union activity. In case of any activity by an employer in contempt of the unions (i.e., aiming at hindering or limiting the exercise of union activity or rights, including the right to strike), local representatives of national trade unions may lodge a petition for an injunction (by which the employer is prevented from continuing the contested behavior and ordered to remove its consequences) with the Labor Court. Failure to comply with such an injunction may eventually result in a criminal offence. The general nature of this remedy also makes it applicable to any employer's activity affecting a Works Council's rights and prerogatives.

The Interaction Between A Works Council And A Trade Union

Another relevant and controversial issue is the identification of RSA managers, who are entitled to specific rights under the law, and the extent to which managers appointed by unions may be revoked by them. In the case of RSU members elected by workers, possible disagreements between any of them and the unions may also raise the issue of their continued representation of workers.

The coordination of the activity of Works Councils and trade unions remains crucial, much of which is not strictly regulated by laws or agreements, but keeps floating between the need of assuring the necessary autonomy to Works Councils, especially if elected by workers, and the need of trade unions to ensure a consistent negotiation and implementation of national agreements.

Trade Union And Works Council Employee Protection Rights

Strike

Among the various measures adopted by the trade unions to protect employees' rights, strikes may be deemed the most important one. As a constitutional right, a strike is neither punishable as a crime nor deemed a breach of the employment contract. Different types of strikes can be called (on-off strike, work to rule, wildcat strike, all-out strike, etc.).

Courts acknowledged that the constitutional right to strike is not limited to the negotiation of salary or other issues directly pertaining to employment terms and negotiations, but may also be exercised as a means of pressure regarding economic policy decisions by the government that directly affect workers' conditions. Strikes for mere political reasons (i.e., not even regarding issues directly related to workers' conditions), although not a crime, would be characterized as a breach of the employment contract.

Anti-Union Behavior

Unions have an effective remedy in court in cases of "anti-union behavior." Although such remedy is aimed at protecting unions' (and not employees') rights, unions may use it in connection with cases of alleged breach of provisions governing mandatory procedures of consultation/joint review with the unions (e.g., collective dismissal or transfer of business procedures), thus indirectly making it a tool to protect employees.

Checking And Safety Devices

Under the Workers' Statute, employers' decisions are subject to prior Works Council's approval if they concern the introduction of remote control devices (which, in any event, is allowed only for organizational, safety, and productive reasons, and not to check on workers) or the introduction and modalities of personal body checks (which, in any event, are allowed only within narrow limitations). In both these cases, absent an agreement with Works Councils, employers may obtain an authorization from the Labor Inspectors, against which the Works Councils and the unions may lodge an appeal with the Labor Ministry.

Other Union Rights

Other union rights include:

1. In cases where a court upholds a claim of collective discrimination on the ground of sex, the employer must prepare a plan to remove the consequences of discrimination, and in so doing must take into account the remarks by the Works Councils or, absent those, by the most representative unions;
2. Under the Workers' Statute, Works Councils may check the quality of employers' canteens;

3. During disciplinary hearings, employees may be assisted by union representatives (to whom they are affiliated or appointed for the occasion);

4. A workers' representative for safety matters may file complaints with authorities in cases where the measures adopted by an employer to assure safety at the workplace are deemed inadequate (such representatives also have a number of other rights); and,

5. Certain provisions strongly prohibit all discrimination on the grounds of union affiliation and activity.

Other Types Of Employee Representation

Internal Committees

Chronologically, the first Works Councils were the *Commissioni interne* (Internal Committees) established by collective agreements since the beginning of the 20th century, abolished during the fascist regime, and again re-established after the fall of that regime. The Internal Committees were panels - including blue-collar workers (*operai*) and white-collar employees (*impiegati*) - elected on the basis of separate lists. Internal Committees were aimed at keeping "good relationships" between workers and employees and between the different categories of workers (*operai* and *impiegati*). They also had other tasks typical of the Works Councils (monitoring the enforcement of labor laws, conciliation of disputes, consultation on a number of issues, etc.), but they had no power to negotiate collective agreements.

Internal Committees never obtained a formal recognition by law (although they are occasionally referred to in the Workers' Statute). By an agreement of April 18, 1966, employers' associations in different business fields and the main national trade unions again set forth a discipline of Internal Committees, confirming that they were not empowered to negotiate shop agreements. Internal Committees have progressively lost their importance and have almost disappeared.

Shop Councils

During the harsh industrial relations conflicts that took place at the end of the 1960s, groups of workers (most often carrying out the same type of duties, working within the same department/ office, or otherwise effectively united by similar interests) started spontaneously electing "delegates," who, together with

other "delegates" elected by workers of the same employer, formed the *Consigli di Fabbrica* ("CdFs," Shop Councils). In 1972, the main national trade unions recognized the CdFs, giving them the statutory rights and prerogatives of RSAs. Moreover, the unions empowered CdFs to negotiate shop agreements with employers. Labor case law confirmed the existence of such negotiation power by CdFs, as well as their rights under the provisions on RSAs. CdFs performed an active role until the beginning of the 1980s.

Additional Types Of Employee Representation

Other types of employee representation were developed in past decades by shop agreements, including "Canteen Committees" (to monitor the quality of canteen services) and "Experts" (to provide technical remarks in the negotiation of specific issues, such as assembly line timings, shifts, etc.), and may continue to play a role today.

The laws on safety at the workplace (implementing several relevant EU Directives) provide that workers may appoint a representative for safety matters ("RSM"):

- in case of employers with more than 15 employees, the RSM should be selected among the Works Council's members (see above); or
- in case of lack of Works Councils or in case of smaller employers, the RSM is directly elected by all workers.

With regard to safety matters, employers also have a number of duties to provide information to and consult with RSM members, who are entitled to receive adequate training, have access to documents and places, may make remarks and proposals to further safety at the workplace, and must be invited to the periodical meetings on the evaluation of risks. RSMs must also be assured the time (during paid working hours) and means necessary to carry out their functions, and the law also sets forth the minimum number of RSMs (one for employers with up to 200 employees; three for employers with between 200 and 1,000 employees; and six RSMs in all other cases).

Unions and employers have negotiated collective agreements specifically addressing the appointment and the activities of RSMs.

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