1. The key policy challenge – A flexible and inclusive labour market

1. What would you consider to be the priorities for a meaningful labour law reform agenda?
Green Paper: "Modernising labour law to meet the challenges of the 21st century"

1. The key policy challenge – A flexible and inclusive labour market

1. What would you consider to be the priorities for a meaningful labour law reform agenda?
Introduction of minimum, uniform rules for all contractual forms of employment (social security contribution, minimum wage per hour, employment termination rules, etc.) including the reference to collective agreement (both agreed at national and company internal level) for more effective protection. Reform of collective bargaining rights and existing provisions governing the termination of employment contracts (i.e. reducing the recourse to effective protection measures in favour of an increased compensation for damages protection).

2(a). Can the adaptation of labour law and collective agreements contribute to improved flexibility and employment security and a reduction in labour market segmentation? 

2(b). How?
Possibility to define individual clauses by derogation to collective agreements

3. Do existing regulations, whether in the form of law and/or collective agreements, hinder or stimulate enterprises and employees seeking to avail of opportunities to increase productivity and adjust to the introduction of new technologies and changes linked to international competition? How can improvements be made in the quality of regulations affecting SMEs, while preserving their objectives?

Tax and social security incentives applicable to the flexible part of the salary (including the application of contractual allowances/contractual bonus link to flexibility in the working hours, e.g. multi period working hours)

4. How might recruitment under permanent and temporary contracts be facilitated, whether by law or collective agreement, so as to allow for more flexibility within the framework of these contracts while ensuring adequate standards of employment security and social protection at the same time?

We deem that the above mentioned actions could improve employment flexibility and productivity and contribute to the harmonisation of the employment market (to the benefit of a more effective competition), as well to the security of workers globally considered

2. Modernising labour law

2.1. Employment transitions

5. Would it be useful to consider a combination of more flexible employment protection legislation and well-designed assistance to the unemployed, both in the form of income compensation (i.e. passive labour market policies) and active labour market policies?

As above mentioned, we would like to point out again that we consider necessary a change in the protection measures applicable to dependent employees as well to the collective bargaining rights provisions in order to ensure more flexibility. It is necessary to accelerate the process for the effective enforcement of Italian applicable provisions law (pursuant the law known as Bisaglia law) in the areas of job placement and re-employment in order to move towards an efficient and more successful political strategy, that still require a bureaucratic simplification and an even more valuable use of engagement, including indefinite contracts. In this context, horizontal and vertical mobility could result encouraged, introducing individual and collective compensation rewards such as training bonuses (using tax incentives). In this case, the use and scope of joint funds should of course be broadened.

6. What role might law and/or collective agreements negotiated between the social partners play in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life?
See n. 5

2.2. Uncertainty with regard to the law

7. Is greater clarity needed in Member States' legal definitions of employment and self-employment to facilitate bona fide transitions from employment to self-employment and vice versa?

In this respect, we believe that efforts should be made not in the direction of legal redefinitions but towards the approval of a different regulation able to reduce differences in the economic field as well in the one related to social protection. For example, as far as social security is concerned, it would be useful to introduce an individual pension account, feed in with contributions uniform in the amount despite the the
form of the employment contract

8. Is there a need for a “floor of rights” dealing with the working conditions of all workers regardless of the form of their work contract? What, in your view, would be the impact of such minimum requirements on job creation as well as on the protection of workers?

The introduction of minimum, homogeneous rules shall be executed together with the progressive growth in flexibility of subordinate employment, in terms of effective measures of protection, individual negotiability of a greater level of protection as provided for by collective agreement vis-à-vis the minimum legal limits, imposed by applicable law, mechanisms of tax and contribution incentives applicable to the variable part of the salary.

2.3. Three Way Relationships

9. Do you think the responsibilities of the various parties within multiple employment relationships should be clarified to determine who is accountable for compliance with employment rights? Would subsidiary liability be an effective and feasible way to establish that responsibility in the case of sub-contractors? If not, do you see other ways to ensure adequate protection of workers in “three-way relationships”?

As far as temporary agency work is concerned, we believe important to maintain the currently applicable system, including contracts of indefinite duration, that should be used more often. With regard to clauses applicable to temporary agency contract, current framework could remain unchanged, even if the discipline currently in force, should become stricter according to recent changes, introducing exemption procedures (e.g. bank guarantee provisions) so to limit the exposure to possible damages (contractual liability also towards third parties), and reduced prescription terms.

10. Is there a need to clarify the employment status of temporary agency workers?

2.4. Organisation of working time

11. How could minimum requirements concerning the organization of working time be modified in order to provide greater flexibility for both employers and employees, while ensuring a high standard of protection of workers’ health and safety? What aspects of the organization of working time should be tackled as a matter of priority by the Community?

2.5. Mobility of workers

12. How can the employment rights of workers operating in a transnational context, including in particular frontier workers, be assured throughout the Community? Do you see a need for more convergent definitions of ‘worker’ in EU Directives in the interests of ensuring that these workers can exercise their employment rights, regardless of the Member State where they work? Or do you believe that Member States should retain their discretion in this matter?

2.6. Enforcement issues and undeclared work

13. Do you think it is necessary to reinforce administrative co-operation between the relevant authorities to boost their effectiveness in enforcing Community labour law? Do you see a role for social partners in such cooperation?

14. Do you consider that further initiatives are needed at an EU level to support action by the Member States to combat undeclared work?
The purpose of the Federation is to represent, assist and defend the interests of the sector in relation to all technical/economic, social, and cultural issues on national, European, and international levels. In particular, the Federation:

- Encourages and promotes sector progress, in the interest of the national economy, productive system as a whole, also supporting the development of international cooperation through initiatives with international organizations and industry associations.
- Improves working conditions of the represented businesses categories by submitting and supporting proposals for new laws and regulations.
- Performs economic researches and studies, monitoring all the sector’s relevant indicators, and promotes public debates concerning scenarios of interest to the sector as a whole.
- Monitors the labor market development and participate in the sector’s social dialogue with the unions, by promoting labor regulations more in line with the requirements of the service industry where labor flexibility is a fundamental competitive factor, and by assisting single associations when asked.

The Federation represents 7,000 companies employing 600,000 workers with an overall turnover of 102 billion Euros, organized in 44 industry associations and 63 local organizations. Mr Alberto Tropi will lead Confindustria Innovativo and Technological Services for the next three years.

Confindustria Servizi Innovativo e Tecnologici represents businesses that offer consulting services, advertising, public relations and marketing, computer technologies, digital contents, media, engineering, internet, certification bodies, radio and television networks, research and surveys, satellite applications, training, technological and professional services, telecommunications. Altogether all the above sectors are a very significant part of the economy representing 18% of the Italian GDP.
CONINDUSTRIA SERVIZI INNOVATIVI E TECNOLOGICI

THE ASSOCIATIONS AND THE LOCAL ORGANIZATIONS

Industry Associations

ACIF - FINANCIAL AND REAL ESTATE ADVISOR ASSOCIATION
AGESI - NATIONAL FACILITY MANAGEMENT AND ENERGY SERVICE ASSOCIATION
AIIP - ITALIAN INTERNET PROVIDER ASSOCIATION
AILOG - ITALIAN LOGISTICS ASSOCIATION
AIOICI - ITALIAN ASSOCIATION OF INDEPENDENT BODIES FOR CERTIFICATION AND INSPECTION
AISCRIS - ITALIAN RESEARCH, INNOVATION, AND DEVELOPMENT ADVISORY SERVICE ASSOCIATION
AISM - ITALIAN MARKETING ASSOCIATION
AITECH-ASSINFORM - ITALIAN INFORMATION TECHNOLOGY ASSOCIATION
AIU - ENGINEERING LABORATORY ASSOCIATION (USING BUILDING MATERIAL)
ALPI - TESTING LABORATORY AND INDEPENDENT CERTIFICATION BODY ASSOCIATION
ANIAF - NATIONAL AEROPHOTOGRAMMETRY ASSOCIATION
ANISGEA - ELECTRICITY, GAS AND WATER SERVICES ASSOCIATION
ASAS - ASSOCIATION FOR SPACE BASED APPLICATIONS AND SERVICES
ASI - ITALIAN SOA ASSOCIATION
ASSIRM - MARKET RESEARCH, SURVEYS, AND SOCIAL RESEARCH INSTITUTE ASSOCIATION
ASSOCERTIFICATR - DIGITAL AUDITOR AND CERTIFIED E-MAIL PROVIDER ASSOCIATION
ASSOCOMUNICAZIONE - COMMUNICATION COMPANIES ASSOCIATION
ASSOCONSULT - MANAGEMENT AND ORGANIZATION ADVISORY SERVICE ASSOCIATION
ASSOCENTRALI - NATIONAL CONTACT CENTER IN OUTSOURCING ASSOCIATION
ASSOIMMOBILIARE - REAL ESTATE INDUSTRY ASSOCIATION
ASSOKNOWLEDGE - ASSOCIATION FOR KNOWLEDGE
ASSOREL - FULL-SERVICE PUBLIC RELATIONS AGENCY ASSOCIATION
ASSOSOFTWARE - NATIONAL MANAGEMENT AND FISCAL SOFTWARE PRODUCER ASSOCIATION
ASSOTEC - INDUSTRIES PRODUCERS OF HIGH-TECH CONTENT GOODS AND SERVICES IN OUTSOURCING ASSOCIATION
ASSOTICKET - NATIONAL TICKET OFFICE ASSOCIATION
ASSTEL - TELECOMMUNICATION SERVICES PROVIDER ASSOCIATION
CISQ - ITALIAN QUALITY ASSURANCE SYSTEMS ASSOCIATION
CLUSIT - ITALIAN COMPUTER SECURITY ASSOCIATION
ENTE REGISTRO ITALIANO NAVAL - ITALIAN NAVAL REGISTER
FEDOWEB - WEB OPERATOR ASSOCIATION
FIAIP - ITALIAN PROFESSIONAL REAL ESTATE ASSOCIATION
FRT - RADIO TELEVISION ASSOCIATION
IMPRELINGUE - LANGUAGE AND CONGRESS SERVICES ASSOCIATION
OICE - ASSOCIATION OF ITALIAN ENGINEERING, ARCHITECTURAL AND TECHNICAL-ECONOMIC CONSULTING ORGANIZATIONS
RNA - NATIONAL ASSOCIATE RADIO
UNIREC - NATIONAL DEBT COLLECTION AND COMMERCIAL INFORMATION UNION.
AGICONSUL - ASSOCIATION OF JURISTS AND LEGAL ADVISORS
AICI - ITALIAN ASSOCIATION OF REAL ESTATE AND INVESTMENTS ADVISORS
AICOMEC - ITALIAN ASSOCIATION OF FINANCIAL CONSULTANTS AND AGENTS
AIFOS - ITALIAN ASSOCIATION OF TRAINERS FOR SECURITY AT WORK
AIPND - ITALIAN ASSOCIATION OF NON DESTRUCTIVE TESTING AND MONITORING DIAGNOSTICS
AISO - ITALIAN ASSOCIATION OF OUTPLACEMENT COMPANIES
ANGQ - NATIONAL ASSOCIATION OF QUALITY MANAGEMENT
ATEMA - ASSOCIATION FOR TEMPORARY MANAGEMENT
FEDERPERITI - ITALIAN FEDERATION OF ASSOCIATIONS OF INSURANCE SPECIALISTS

Local Organizations

ANCONA, AREZZO, ASCOLI PICENO, BARI, BELLUNO, BENEVENTO, BERGAMO, BIELLA, BOLOGNA, BRINDISI, CALTANISSETTA, CAMPOBASSO, CASERTA, CATANZARO, CHIETI, COSENZA, CUNEO, FERMO, FERRARA, FIRENZE, FROSINONE, GENOVA, GORIZIA, LA SPEZIA, LATINA, LECCE, LECCO, MACERATA, MANTOVA, MATERA, MESSINA, MILANO, NAPOLI, PADOVA, PALERMO, PERUGIA, PESARO URBINO, FESCARA, PIACENZA, PISTOIA, PORDENONE, POTENZA, PRATO, RIMINI, ROMA, ROVIGO, SALERNO, SASSARI, TARANTO, TERNI, TORINO, TRAPANI, TRENTO, TREVISO, TRIESTE, UDINE, VENEZIA, VERCelli, VERONA, VICENZA, VITERBO.

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