The response of social partners to the COVID-19 crisis in Italy

Overview of industrial relations

The Italian system of industrial relations – and particularly the institution of collective bargaining – is characterized by the autonomy of the social partners engaging with one another as 'non-recognized associations' (Associazioni non riconosciute). In the years following the financial and economic crisis, criticism had been voiced with respect to the lack of social dialogue, including in the adoption of labour reforms that reshaped employment and labour market policies. The response to the COVID-19 crisis thus marked what may be seen as a new phase of renewing tripartite social dialogue, opening up space for negotiated responses by the social partners at various levels.

Responses to COVID-19 at workplaces in Italy

The recent COVID-19 pandemic triggered a revitalization of tripartite social dialogue, shaping the government’s response and leading to a key role for labour relations and collective bargaining between the social partners at both sectoral and enterprise levels in designing, adapting and implementing policy solutions. The government and the social partners adopted two national tripartite protocols, on March 14 and April 24, followed by a series of tripartite and bipartite sectoral protocols. Both national protocols became Presidential Decrees, giving them the force of law. Bipartite sectoral protocols were signed in almost all productive sectors. The tripartite protocols signed in two sectors (the Protocol on Logistics and Transport of April 20 and the Construction sites Protocol of April 24) were given the force of law through the Presidential Decree of April 26. The tripartite national protocols as well as the numerous tripartite and bipartite sectoral protocols gave rise to, and oriented the content of, a series of collective bargaining agreements signed at enterprise level.

1 This note was compiled in May 2020. Often additional details will be accessible through the provided sources.
2 As such, negotiation takes place among parties under private law and normally collective agreements are binding for the signatory parties only. This happened because social partners never implemented the constitutional provision requiring their registration under public law entities in order to sign collective agreements which would apply erga omnes. The experience of corporatism during the fascist period led them to resist registration under public law, to avoid possible control by the public authority. Erga omnes coverage of the wage components of collective agreements between private entities was thus introduced through jurisprudence, as sectoral collective agreements are used by judges as a benchmark of minimum guarantees which can only be improved upon (and not made worse) by individual employment contracts.
3 See also Committee on the Application of Standards, Individual Case - Discussion: 2015, Publication: 104th ILC session (2015), Employment Policy Convention, 1964 (No.122), Italy.
4 The protocol of March 14 has been transposed into Presidential Decree (DPCM) of March 22 and the protocol of April 24 has been transposed into Presidential Decree (DPCM) of April 26.
5 In particular: in the bank, insurance, chemical and pharmaceutical industry, energy, gas, glass, garment, food, stone and retail sector.
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**National tripartite agreements to support companies and secure safe working conditions**

Both tripartite protocols follow a similar structure and include a number of guidelines to reorganize work in undertakings and activities which continued operating during the crisis. The later protocol included more detailed provisions considering the resumption of activities in almost all productive sectors.

In particular, the guidelines include:

- Adjustments to expected productivity levels;
- Suspension of all “non-essential” activities;
- Maximization of smart-work and telework;
- Incentivizing the use of paid leave, including parental leave, supported by the economic measures put in place by the government;
- Using social shock absorbers when necessary;
- Fostering enterprise level collective agreements;
- Establishment of observatories and commissions to monitor the effective implementation of enterprise-level measures;
- Creation of territorial committees to coordinate COVID-19 policy initiatives;
- Involvement of enterprise doctors\(^6\) to identify risks and vulnerabilities;
- Roles for both enterprise doctors and workers’ health and safety representatives\(^7\) in ensuring compliance with the guidelines promulgated by health authorities;
- Encouraging adjustment to the shift schedules, minimizing contact among workers;
- Promotion of enterprise regulations regarding access of outsiders to the undertaking;
- The duty to sanitize working environments;
- The employers’ duty to tailor preventive measures to specific tasks and risks to which the workers are exposed;
- The duty to respect 1-meter physical distance between workers;
- The duty to limit workers’ movement within the undertaking and to stagger access to shared spaces;
- The duty to suspend / cancel all work-related travel;
- The duty to ensure health monitoring and medical checks prior to return to work following sick leave, and
- The need for the enterprise to inform contractors of workplace rules to ensure their effective enforcement.

Both protocols provided for the creation of an enterprise committee composed of enterprise union representatives, the enterprise doctor and eventually external consultants if deemed appropriate by the company. The committee was responsible for the enforcement and assessment of the protocols’ guidelines in the undertakings. In cases where the enterprise committee could not be created, the 24 April protocol foresaw the creation of territorial committees composed of joint health and safety bodies, territorial representatives for health and safety and representatives of social partners. Failure to comply with all the provisions of the tripartite protocols would lead to the suspension of productive activities.

**Collective agreements to secure safe working conditions in leading enterprises in different sectors**

These guidelines were then adapted and complemented to fit the specific needs of enterprises. Both protocols gave rise to a series of collective agreements in key enterprises across all productive sectors in Italy. In addition to provisions tailored to the particular needs of the enterprise, most of the enterprise-level agreements contain checklists with standard provisions, including, inter alia:

- The employees’ obligation to stay home when suffering from fever equal to or higher than 37,5\(^\circ\);
- The obligation to check employees’ temperature every day when entering the premises;
- The obligation to make sanitizer available and incentivize its use;
- The obligation to install toilets for employees of contractor companies and transportation workers (delivery drivers and logistics workers), and
- The obligation to clean and sanitize all common spaces (working stations; changing rooms; canteens etc.) at least daily.

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\(^6\) Which according to Legislative Decree No. 81/2008 (Art. 18) needs to be appointed by the employer in enterprises carrying out activities that expose workers to risk.

\(^7\) Legislative Decree No. 81/2008 (Art. 47 (4) provides that in unionized workplaces employing more than 15 workers, the workers’ representative for health and safety (RLS), is chosen by trade union representatives in the undertakings.
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More specific duties and obligations have been included in various enterprise-level agreements in the following sectors:

1. Automotive sector

Fiat-Chrysler Automotive (FCA) and trade unions signed an agreement for the progressive resumption of activities. It included, but was not limited to:

- Information sharing prior to the return to work through WhatsApp, e-mail and on the web portal “Employees” in a section dedicated to COVID-19;
- Information sharing and training on the new protective measures and behaviours when returning to work;
- Continuous plant-level monitoring through workers’ safety and health representatives;
- Regular cleaning and sanitization and ongoing use of masks and sanitizer in every productive unit, and
- Sign-in sheets to trace possible infections within the undertaking.

Ferrari and the trade unions agreed on a company regulation based on the resumption of economic activities over three phases, and also agreed on:

- Voluntarily screening of employees (blood tests and other exams aimed at giving a general overview of employees’ health condition in a given plant);
- The opportunity to use a specific app to have medical support including in the monitoring of eventual symptoms;
- Medical and psychological support to be provided both door-to-door and via telephone, and
- In the eventuality that employees were affected by COVID-19, the enterprise agreed to provide accommodation allowing them to quarantine in complete isolation, with door-to-door medical help and all necessary medication.

Other enterprise-level agreements were signed as well, for example, by Toyota, Piaggio and Magneti Marelli.

2. Home Appliance Manufacturers

Electrolux confederate unions (CGIL, CISL and UIL) signed an agreement with enterprise representatives establishing such measures as:

- A system to inform and involve employees in the implementation of health and safety measures;
- Collaboration with specialized hospitals in monitoring testing of employees;
- Development of an app which tracks employees and monitors risk of infection;
- Provision of hand sanitizer to each employee, and
- An additional 180 hours of paid leave for trade union representatives to be used by July 2020.

Whirlpool signed an agreement with the trade unions providing, for example:

- An additional chapter dedicated to COVID-19 in the Risk Assessment Document8 (DVR) within every undertaking;
- A checklist – to be checked by health and safety department in the undertaking – to verify compliance with the additional measures foreseen in the new chapter of the DVR, and
- Collaboration with the Red Cross to anonymously monitor the temperature of workers, contractors and visitors.

3. Energy

ENEL and unions representing their workforce signed an agreement which included:

- A revised shift system, minimizing contact between workers categorized as part of the “essential workforce”, through alternating periods of 14 working days;
- Workers not considered part of the “essential workforce” would stay home, but remain available as a backup to the “essential workforce” in emergency situations. Backup workers received regular pay (supported by the “solidarity bank” of working days, as outlined below) and if called to work they received an additional EUR400 indemnity;

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8 The creation of this document was made compulsory by Legislative Decree No. 81/2008 and was required to be present in every undertaking following a visit assessing the risks by an independent health and safety expert.
A “solidarity bank of working days” was created to avoid layoffs and ensure payment of salaries for workers who were neither part of the essential workforce nor could perform their tasks through teleworking;

Those workers designated as essential workforce were kept in isolation and accommodated in designated facilities within or near the undertakings, at the company’s expense. Enel also covered expenses for meals, ensured sanitization of the accommodation units, and placed psychological support at the disposal of workers, and

An additional fixed amount of EUR110 was paid to members of the “essential workforce” for each day spent in isolation.

Italgas signed an agreement with trade unions for:

The creation of territorial committees made up of enterprise union representatives within a given territory and representatives of management. The territorial committee would assess the extent of implementation of the national protocol signed by social partners in response to COVID-19;

The creation of a national committee composed of nine trade union representatives and six management representatives;

Extending telework arrangements to the entire workforce, including through the distribution of 400 smartphones, and

Training of additional workers who would be prepared to intervene in crisis situations.

Several other enterprise-level agreements were signed across nearly all sectors. This includes the garment (Gucci) and furniture (Natuzzi) sectors; electronics (Thales), eyewear (Luxottica); engineering components for oil and gas (Nuovo Pignone) with provisions similar to those outlined above.

Key effects of the agreements and outlook

The response to COVID-19 demonstrated the value of coordinated mechanisms of tripartite social dialogue and collective bargaining at different levels. The measures ensured minimum protections and guarantees for those who were called to continue working through the lockdown, as well as for those who returned to work following resumption of economic activity. Moreover, trade unions and employers were able to complement higher-level protocols with more adapted solutions at sectoral and enterprise levels.

In fact, the bipartite agreements proved to be critical tools for adapting the response to sector-specific OSH risks, production requirements and workers' concerns. Moreover, the creation – through the tripartite protocols – of bipartite labour-management committees contributed to the effective enforcement of health and safety measures. In a number of cases, these mechanisms were further strengthened in sectoral and enterprise collective agreements which established technical committees to collect and share best practices at national level.10

Access for further information

Please consult the information provided in the footnotes for sources and further information.

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9 This solution consists of a "deposit" where both the enterprise and worker can convey working days to cover for the payment of colleagues' non-worked shifts. ENEL covered the payment of one working day for each worker employed in Italy (around 30,000) and employees can on a voluntary basis "donate" their leave days.

10 Such was the case of the bipartite agreements in the stone and garment sectors.