

# I-WIRE

Independent Workers and Industrial Relations In Europe

## National report WP 3 **Italy**

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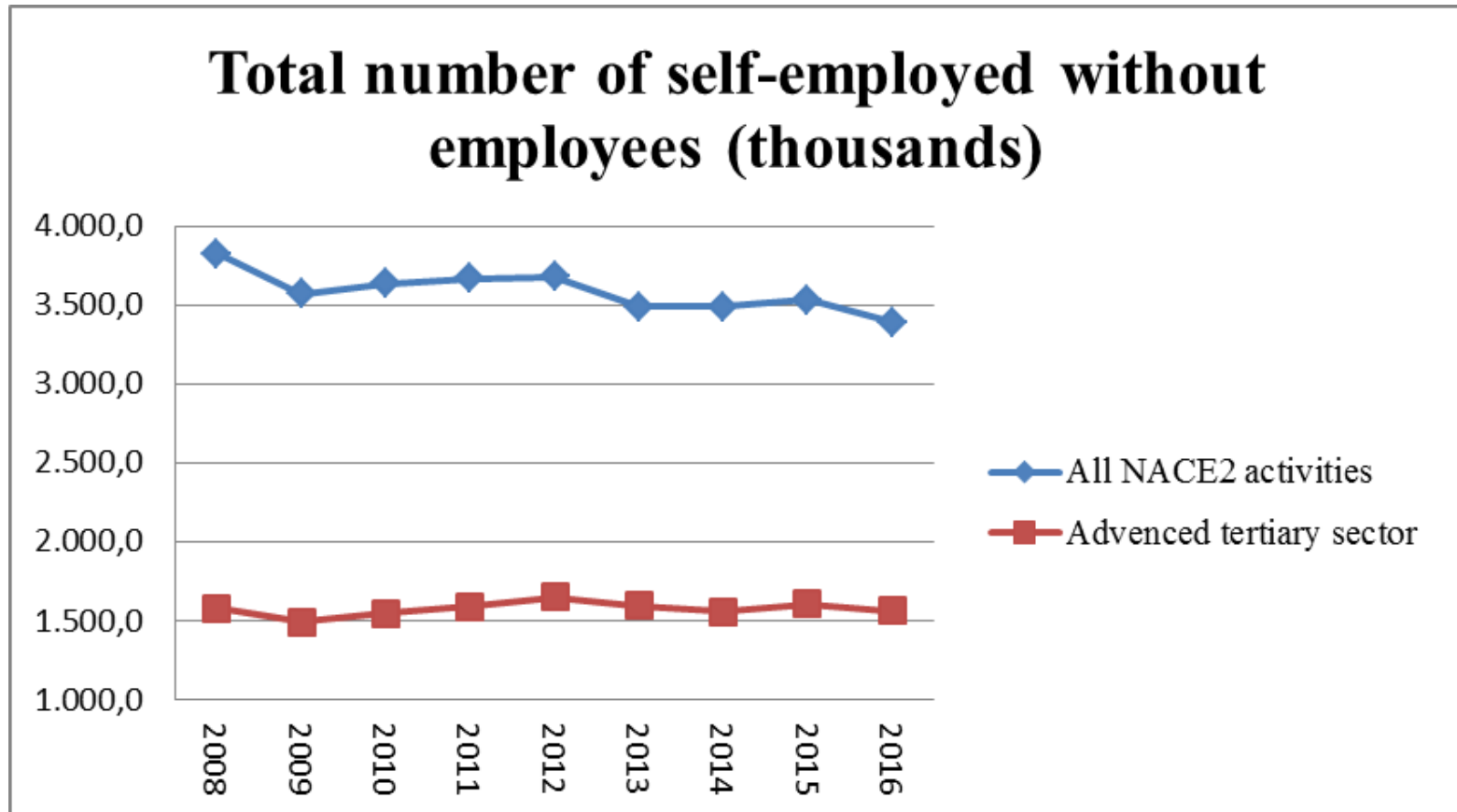


EUROPEAN COMMISSION  
*DG Employment, Social Affairs &  
Inclusion*

# Public and political debate

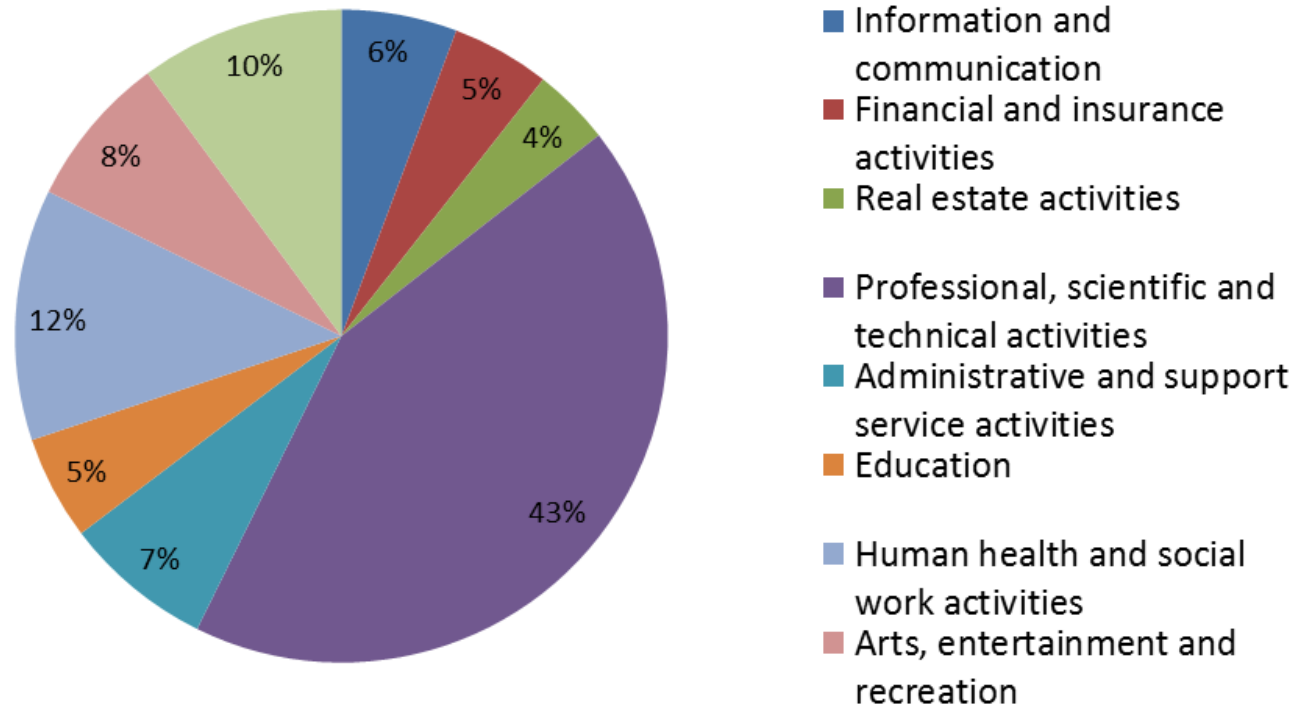
- Relevant phenomenon in Italy
- Three main orders of problem:
  1. self-employment assimilated with small-medium enterprises, → interpreted as incapacity to grow and innovate (Ranci 2012);
  2. Permanent area of fiscal parasitism;
  3. Interpreted as predominantly bogus self-employment in the legal debate above all (Pallini 2006).

# A quantitative overview

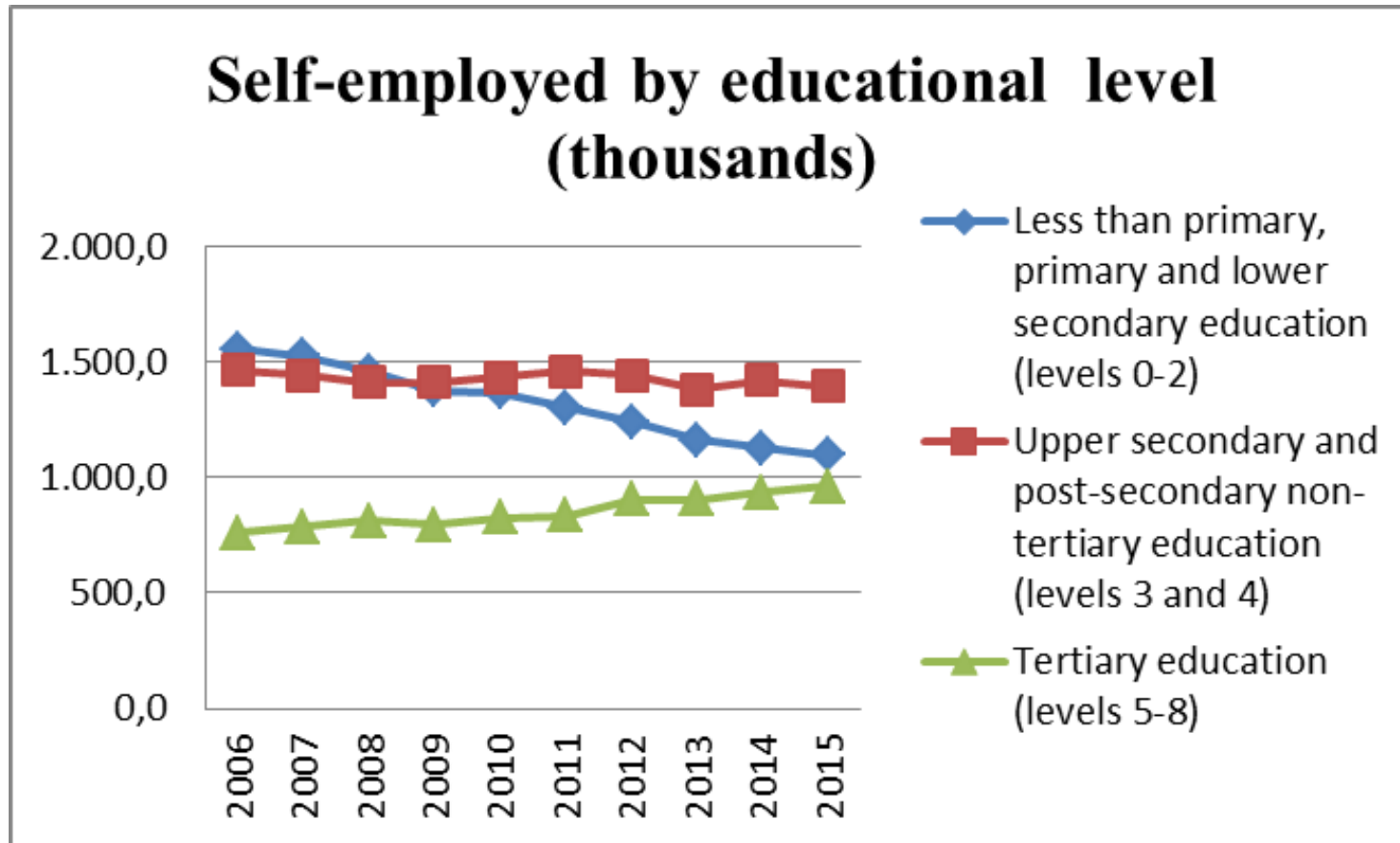


# A quantitative overview

**Self-employed without employees in the advanced tertiary sector (2016 Q1)**



# A quantitative overview



# Legal status

- Self-employment is disciplined by Title III of the Civil Code where a “genuine” self-employed worker (*lavoratore autonomo*) is defined as:

a worker who legally commit themselves to perform a service or a work under payment, without being subject to any form of subordination towards the customer, working with their own assets and mainly through their own work (Art.2222).

- Obligation of result ≠ obligation of means (like employees)

# Legal status

- Dual system of professions:
  - **licensed professions:** regulated professions (Civil code art. 2229) whose practice is subordinated to a state examination and to registration in a professional order (more than 30)
    - orders have powers of public regulation delegated by the state
  - **associative professions:** professions without register (non regulated)
    - Law no. 4/2013 has recently regulated these professions

# The semi-subordinate workers

- **Continuous and Coordinated Contractual relationship** (Co.Co.Co.): formally autonomous but functionally assimilated within the organisational chart of the company: task coordination
- **Project contract** (Co.Co.Pro.): similar to Co.Co.Co. but the contractual relationship is linked to a specific project/service  
→ Abolished in 2015 by the Jobs Act
- **Occasional collaborator**: autonomous worker engaged in a contractual relationship with a customer to provide a service but without neither forms of subordinations nor coordination power from the customer



# Bogus self-employment

- **Abuse of semi-subordinate contracts** as cheaper alternative to traditional employment
- **Liberal professionals** subject to situation of dependence from customers despite the formal autonomy
- The Fornero reform (law no. 92/2012) tried to control the improper use of the project contract
  - failure of the reform: it does not apply to highly skilled professionals

# Social security system

- Overall lack of protections for self-employed
- Dual system
  - **licensed professionals** with an order belong to their private professional social security fund with own rules
  - non-regulated professionals can enroll into either the Separate management fund (INPS) or other funds (trade or artisan: the fund does not identify the category)
- Copyright regime

# Social security system for self-employed

The 2016 DDL “Measures for the protection of the self-employed without employees” introduced changes in the social protection scheme:

- extends the **maternity leaves** to those workers who decide to not interrupt the working activity;
- extends the **parental leave**, including the economic compensations and the relating pension contributions, to independent workers;
- introduces a **sickness** scheme;
- enlarges the application of the discipline relating to security and protection at workplace to independent work;
- shifts the controversies under the jurisdiction of the Labour Court.

# Collective representation

- Weak interplay between TU, QU and movements
- The demands emerging from a growing share of independent workers have been long neglected by traditional actors
- The topic has recently drawn attention thanks to the bottom-up pressure exercised by association of independent workers and spontaneous movements

# Trade Unions

- The three trade unions confederations created new categories to represent non-standard workers, including self-employed (Ambra 2013)
- CGIL: NIDIL, Consulta delle Professioni, CLAP
- CISL: CLACS, vIVAce!
- UIL: CPO, then UILTemp

**Quasi-union:** ACTA that played a central role in the definition of the New Code of Autonomous Work

# Second level associations:

- CoLAP, Confassociazioni, Confprofessioni

## Movements

- Coalizione 27 febbraio
- Quinto Stato