



Independent Workers and Industrial Relations in Europe

WP3. Country case study: Italy

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Part I. General overview on new autonomous workers

1. Definition of the national framework on new autonomous workers

In Italy, self-employment is disciplined by the Title III of the Civil Code where a “genuine” self-employed worker (*lavoratore autonomo*) is defined as a worker who legally commit herself to perform a service or a work under payment, without being subject to any form of subordination towards the customer, working with her own assets and mainly through her own work (Art.2222).

Unlike employees, self-employed workers assume an “obligation of result”, namely the commitment to achieve a given outcome agreed with the customer, rather than an “obligation of means”, that implies the commitment to provide work force for a given period of time. According to the regulatory framework that juxtaposes independent workers to subordinated ones, under the status of independence the workers cannot be salaried and are not subject to the social protections associated with salaried work (i.e. they are excluded from major employment protection acts).

1.1 The political and public debate

Independent work has traditionally represented a relevant source of employment in Italy, which has followed three main phases of development. Until the 1970s, the major part of independent work was composed of “small bourgeois” in the retail sector. During the 1970s and the 1980s the development of industrial district has seen the growth of self-employment in the small manufacturing enterprises. A third phase started during the 1990s and currently in expansion is characterized by the proliferation of professional independent workers in the tertiary sector, following the post-industrial transformation of the economy. Given the numerical incidence of self-employed workers over the last decades, independent work, in its diverse components, has played, and it is still playing, a crucial role in the Italian economic development (Semenza 2000). This centrality has not always been acknowledged in the public debate, because of a deficit in the political representation, in the involvement in the policy making and

in the cultural influence an important part of the productive and occupational system is suffering (Ranci 2012:55).

Three main critical perspectives have traditionally characterized the public debate and political recognition of the independent work in Italy. First, self-employment has long been **associated with the small and medium enterprises** which characterized the development of the Italian productive system. Accordingly, the small size of such companies has been interpreted as the incapacity of the industry to grow, to invest and to expand in order to maintain and possibly to increase its competitiveness and its capacity to innovate. Second, independent work has long been seen as a permanent **area of fiscal parasitism**. The world of liberal professions and self-employed workers in Italy is associated with the idea of political nepotism and fiscal privileges they enjoy. Third, the spread of self-employed workers in professional activities and in the advanced tertiary sector has been predominantly interpreted by commentators and scholars as **bogus self-employment** (Pallini 2006). Such misconception deals with a double development in the Italian labour market since the 1990s. On the one hand the notable diffusion of economically dependent self-employed workers has long explained the growth of self-employment (Pedersini 2002). Economically dependent self-employment corresponds to an intermediate blurred area of independent work, where the workers are generally hired through a service contract featured by an exclusive contractual relationship with a unique customer. Accordingly, such a work relationship turns out to be only formally independent, but substantially characterised by economic dependency from one single employer, who also sets organizational constraints. These two features undeniably qualify the work as false self-employment. On the other hand, the origin of bogus-self-employment in Italy traced back to the introduction of semi-subordinate contractual arrangements in the labour market as a way to raise employment. What followed was a widespread abuse of these semi-subordinate contractual arrangements as a cheaper and more flexible alternative to traditional subordinate contracts. Companies in fact increasingly exploited the semi-subordinated contracts as a tool to hire staff at cheaper labour costs. The main differential in terms of labour costs relies on the reduced social contributions to be paid by the employer, compared to the percentage deposited for employees.

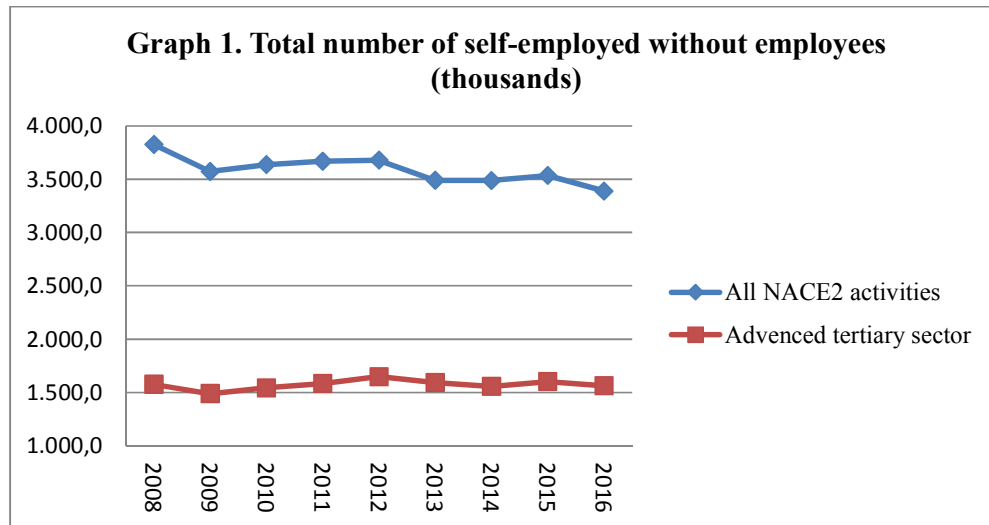
Bogus self-employment certainly embodies an important share of independent work in Italy, but neither the only one nor the most relevant. Nevertheless, public opinion and media debate has for long considered independent work as a spurious form of employment compared to the traditional salaried and subordinate employment relations. Only recently, there has been a significant rise in the interest towards independent professionals and their public regulation, thanks both to some contributions of scholars and the increased visibility in the political arena of policy initiatives purposely addressing demands and needs of self-employed.

1.2 Quantitative overview¹

The phenomenon of self-employed without employees in the advanced tertiary sector² (Rapelli 2012) has known a relative stability in Italy during the last decade, swinging between 1,500 thousand and 1,600 thousand after the 2008 (see Table 1). During the same time-lapse the population of self-employed in all the whole Italian economy has decreased, displaying a drop in the share of independent workers in the primary and secondary sectors, as shown in Graph 1.

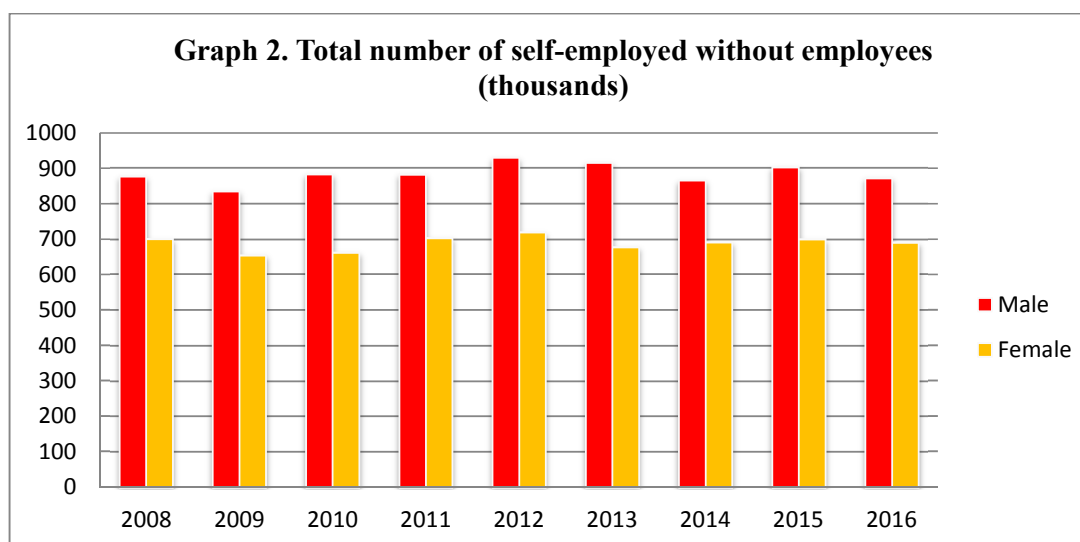
¹ All data presented are based on our elaboration on EUROSTAT data, last update on 06.10.2016.

² According to the above definition, a circumscribed set of economic categories of the Statistical classification of economic activities in the European Community (NACE) can be grouped under the I-Pros label, namely: Information and communication (NACE key J); Financial and insurance activity (NACE key K); Real estate activities (NACE key L); Professional, scientific and technical activities (NACE key M); Administrative and support services (NACE key N); Education (NACE key P); Human health and social work (NACE key Q); Arts, entertainment and recreation (NACE key R); Other service activities (NACE key S).



When the gender dimension is at stake, the male component of independent work is overall and along time more numerous than the female group of self-employed (Graph 2.).

Differences are reported also among occupations. Within the advanced tertiary sectors, professional, scientific and technical activities are those areas where the largest part of self-employed is occupied in Italy, amounting to about half of the entire population. Other relevant activities in this regard are (i) human health and social work activities; (ii) other service activities; (iii) arts, entertainment and recreation industry; (iv) administrative and support service activities (for details see Table 1).

**Table 1. Self-employed without employees in the advanced tertiary sector (thousand)**

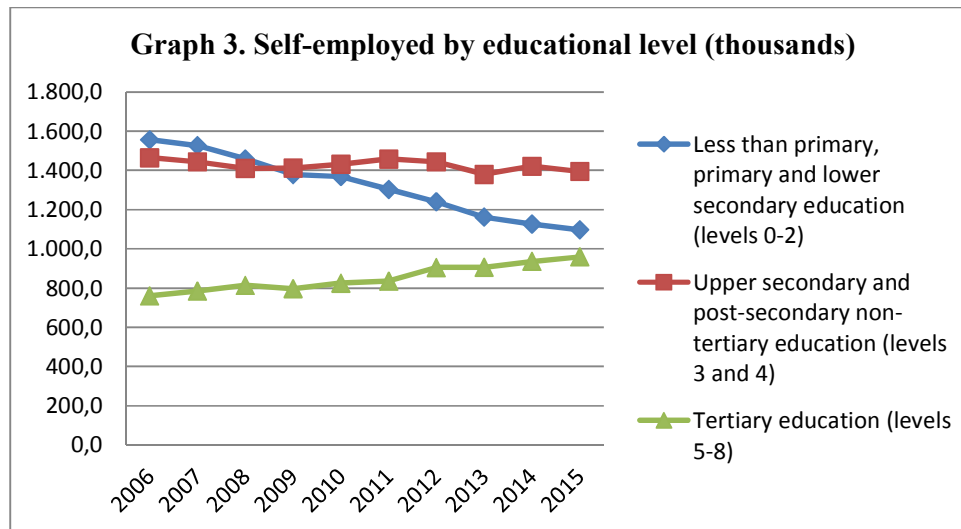
	2008	2009	2010	2011	2012	2013	2014	2015	2016
Information and communication	91,4	77,4	86,7	109,1	110,8	99,4	89,8	103,5	89,5
Financial and insurance activities	71,0	78,2	70,0	78,7	86,2	76,9	75,1	90,0	76,2
Real estate activities	50,1	49,3	49,2	63,1	58,7	59,3	47,2	50,6	60,2
Professional, scientific and technical activities	662,4	620,1	629,6	647,2	676,7	665,4	672,2	693,8	669,2
Administrative and support service activities	115,9	99,3	92,2	99,8	105,8	101,1	100,0	101,6	115,5
Education	96,3	87,5	88,5	82,6	85,3	90,9	95,2	91,6	80,7
Human health and social work activities	188,3	174,9	205,2	195,4	208,5	218,7	207,5	210,4	194,5
Arts, entertainment and recreation	86,8	76,9	97,9	99,3	91,4	102,2	91,0	93,6	118,7
Other service activities	214,8	226,5	225,9	210,9	225,0	179,6	178,8	167,7	158,0
Total	1,577	1,490	1,545	1,586	1,648	1,593	1,556	1,602	1,562

Source: our elaboration on EUROSTAT 2016

Note: the yearly values refer to the Q1 of each year

In terms of educational level, the EUROSTAT dataset does not allow to isolate self-employed workers without employees in the advanced tertiary sectors from the whole population in all the sectors. Nevertheless, the overall picture turns out to be meaningful

to understand the overall trend. In fact, while the amount of self-employed with primary (levels 0-2) education has markedly decreased from 2006 to 2015 and those with secondary education (levels 3 and 4) have remained stable, conversely the population with tertiary education (levels 5-8) has noticeably increased (see Graph 3.).



Other national sources of data

- Administrative INPS (National Institute of Social Protection) data: information on workers registered in the separate social security fund
- ISTAT: Rilevazione sulla forza lavoro (Italian Labour Force Survey)

2. Legal and institutional framework

2.1 Legal frameworks regulating independent work

Self-employment in Italy is regulated by the Civil Code (Book V, Title III, art.2222-2238). Defined as ‘workers 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’, they are legally bounded to the customers by an “obligation of result”, namely the commitment to achieve a commonly agreed outcome. Conversely employees have to abide by an “obligation of means”, the commitment to provide their own work for an established time-lapse.

The regulative discipline on self-employment has long remained unaltered, overall excluded from the political agenda in Italy. A recent wave of legislative interventions has given a new impetus to the category of self-employed, introducing important changes in the field:

1. Legislative Decree 81/2015³, reform of employment contracts
2. Legislative Decree 81/2017⁴, also called Self-employment Statute

Both legislative decrees are part of the broader labour reform called Jobs Act.

One of the main goal of the LD 81/2015 was to reorganise and rationalise the several Italian "atypical" contracts introducing relevant changes also in relation to employment contracts⁵. Some of the changes affected “coordinated and continuous collaborations” (co.co.co.) and contracts based on specific projects (co.co.pro)⁶.

Over the years, these two types of contracts have been widely used and often abused by employers. Abuses consisted mainly in the misuse of these contracts in order to contract workers at lower costs than employees, even when the work carried out had all the characteristics of the subordinate work.

From 1 January 2016, as stated in the legislative decree "employment rules will also apply to collaborative relationships consisting in the performance of work which is

³ D.Lgs. 15 giugno 2015, n. 81. Disciplina organica dei contratti di lavoro e revisione della normativa in tema di mansioni, a norma dell'articolo 1, comma 7, della legge 10 dicembre 2014, n. 183.

⁴ L. 22 maggio 2017, n. 81. Misure per la tutela del lavoro autonomo non imprenditoriale e misure volte a favorire l'articolazione flessibile nei tempi e nei luoghi del lavoro subordinato.

⁵ It has introduced the employment contract with progressive protection in case of dismissal. This change significantly decreases the economic risks - for the employers - related to the dismissals, making, therefore, the employment contracts more attractive.

⁶ Barbara Caponetti. (2015). Italy : Economically dependent self-employed work in the Jobs Act. European Observatory of Working Life, 2015–2017.

exclusively personal, continuous and whose performance is organized, also in terms of place and working hours, by the employer.”

At the same time project contracts are suppressed (starting from 25 June 2015) while the previous rules and regulations continue to govern the existing contracts until their expiration.

The reference point for co.co.co. remain art. 409, n. 3) of the Civil Procedure Code where coordinated and continuous collaborations are defined as “the performance of continuous and coordinated work, mainly personally, even if outside of the scope of an employment relationship”.

After 25 June 2015, co.co.co. contracts remain valid and fully effective when collaborations consist in the performance of work which is “mainly” (not “exclusively”) personal and the details of the activity are decided by the collaborator in coordination with the employer. There are some exceptions to these changes: co.co.co. remain valid in any case when they are specifically provided for and regulated by national collective agreements in order to go through peculiar production and organizational needs of the relevant business sector. Similarly, Co.co.co remain valid also in other case: a) when they are provided for registered professionals (e.g. accountants and lawyers), b) when they are provided by the members of corporate bodies (e.g. directors and auditors) c) when they are provided for associations and amateur sport associations affiliated to the national sport federations (CONI) and their affiliated organisations for sports promotion.

With the legislative decree 81/2017, called Self-Employment Statute, some crucial aspects of self-employed workers have been tackled in a systematic way, although some issues, especially related to social protection measures, were already granted in the past (Perulli 2017)⁷. It doesn't modify the regulation of self-employment contracts (as stated in the Italian civil law). Despite that it identifies unfair clauses which, if foreseen in a self-employment contract, can entitle the self-employed workers to a compensation (the one-sided change of contract terms and conditions, to cease the contract without notice, terms of payment longer than 60 days, non-written contracts).

⁷ Perulli, A. (2017). Il Jobs Act degli autonomi: nuove (e vecchie) tutele per il lavoro autonomo non imprenditoriale. *Rivista Italiana Di Diritto Del Lavoro*, (2).

In addition, some protection measures (previously foreseen only for employees) have been introduced in relations to intellectual property.

The Self-Employment Statute foresees also some measures aimed at fostering job opportunities for self-employed through Governmental Employment Agencies and through the possibility to compete in tenders of consultancy services.

On the side of social security there are some relevant changes: in principle, the absences for maternity leaves, sicknesses or accidents at work do not imply the termination of the contract (if the client agrees), but an unpaid stay (no longer than one hundred and fifty days per year) and the possibility to find a substitute commonly determined. In addition, self-employed workers can receive the maternity benefit contemplated by the law even if they do not suspend their activities during legal period of the maternity leave. Moreover, self-employed workers are also granted paid parental leaves (up to six months during the first three years).

2.2 The dual system of the liberal professions

The regulative discipline of self-employment in the so-called liberal professions (*libere professioni*) is based on a dual system.

On the one side the law recognizes the **licensed professions** whose practice is subordinated to a state examination and to the registration in a professional order (the so-called *regulated liberal professions* or *professioni ordinistiche*⁸). For these professions the enrolment to the register is compulsory, but it follows a state examination carried out under the control of the associations themselves, entrusted by the State and under the surveillance of the Ministry of Justice. In some cases, a period of professional internship precedes the state examination, whose length is established by the relative association. The main responsibilities of the register are: updating the members' list; ensuring the application of the legal ethics; guaranteeing to customers the quality of the services offered, as well as their congruity with the professional fee

⁸Licensed professions are regulated by the Civil Code. The law determines what intellectual professions' practice is subordinated to the registration in a professional association (art. 2229).

applied; monitoring members' continuous training and education. In Italy, the total number of licensed professions is particularly high, amounting to more than 30 associations⁹. Such number has no equal in the other European member states. The registration to the professional orders generally ensures to the members a private, professional social security fund, as well as an insurance system covering maternity leave (albeit limited), illness and pension scheme.

On the other side, juxtaposed to the first group of regulated professions, a wide array of non-regulated professions has spread, without receiving the same legislative recognition. These include both the non-regulated associative professions and the professional freelance activities in non-liberal professions, such as in the creative and artistic industry (the so-called VAT-registered workers). The **non-regulated associative professions** are not formally recognized by the State. They are generally organized and supervised by professional associations whose membership is not compulsory, given that the State has never entrusted these associations with the same regulatory powers delegated to the professional registers. In Italy there are about 30 associations. The legislative discipline regulating the associative professions has recently changed: the law no. 4/2013 has in fact introduced similarities with the legal frameworks applied to licensed professions. The law 4/2013 stipulates the establishment of a parallel associative system dedicated to all the professional activities that are not recognized by law. Two main reasons underpinned such a reform process. Firstly, the European Union has strongly encouraged the member states to liberalize the market for private professions, with the directives 1988 and 1992 on professions, followed by the Bolkestein Directive - 2006/123 / EC. The European directives were also oriented to discourage the creation of new orders. Secondly, the reform acknowledges the growing need to recognize a wide array of professionals and workers, who were operating in a completely unregulated market, at the margins of the system of orders. Hence the law no. 4/2013 has sanctioned the possibility for non-regulated professional associations to be formally recognized by the Ministry of Economic Development, according to a

⁹ It includes: architects, social assistants, lawyers, biologists, chemists, labour consultants, journalists, engineers, physicians, psychologists, veterinarians, obstetricians, nurses, notaries, accountants, pharmacists, geologists and surveyors.

defined set of criteria that these associations must comply with (peer review and control; specific requirements for vocational training; the approval of an ethical code). Consequently, if on the one hand the new legislative framework has introduced stricter controls on the practice of such professionals, in the safeguard of the customers/clients, on the other hand it has institutionalised a series of professional associations, formally delegating them to monitor and to sanction the professional activity of their members.

The group of non-regulated professions includes also the wide bulk of the workers carrying out **professional freelance activities in professions without either a register or an association of reference** (the so-called VAT-registered workers). The State in this case does not exert any forms of regulation or control over their practice, but at the same time it does not provide any specific social protection.

Importantly, the distinction between regulated and non-regulated professions is crucial in a perspective of social protection systems. In the Italian framework such dualism reflects the willingness to keep separate the regulated professions controlled by a professional register, which provide specific private social protection schemes, and the non-regulated professions whose members lack of the large majority of social protections.

2.3 Further forms of independent work: the semi-subordinate workers

Starting from the late 1990s, a wave of reforms introduced in the Italian labour market new types of flexible non-standard contractual arrangements. These legislative interventions aimed at raising employment, by promoting a higher contractual flexibility. These new contractual arrangements in fact configured as non-pure forms of self-employment, but that can be located at the border between dependent and independent employment.

- The short-term contract called “**Continuous and Coordinated Contractual relationship**” (**Co.Co.Co.** – *Contratto di collaborazione coordinata e continuativa*¹⁰), also referred as ‘semi-subordinate’ (*parasubordinato*). It embodies

¹⁰ The Continuous and Coordinated Contractual relationship has been introduced in 1997 by the law no. 196/1997 (the so-called “Treu package”)

an intermediate contractual category between the independent and the subordinated work, combining employment conditions typical of subordinated work with other characteristics featuring self-employment. The Co.Co.Co. workers in fact are formally autonomous given that there is no formal subordination to the employer, but they are functionally assimilated within the company's organizational chart. This entitles the employer to coordinate their activities according to the company's demands. The coordination power certainly represents a limitation to the full autonomy of the Co.Co.Co. worker. Another peculiarity is the continuity in the contractual relationship between the independent worker and the customer. In the absence of continuity, an occasional contractual relationship takes shape.

- The short-term contract called “**project contract**” (Co.Co.Pro. – *Contratto a progetto*¹¹). This new type of employment relationship presents most of the characteristics of the Co.Co.Co. but, differently from the previous one, each contractual relationship has to be linked to a specific project or service specified by the customer. The Jobs Act reform issued in 2015 has abolished the project contract.
- The figure of the “**occasional collaborator**” embodies another form of independent work (*Lavoratori autonomi occasionali*¹²). The occasional collaborator is defined as an 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. Hence the worker is not assimilated within the company's organizational chart. Importantly the contractual relationship has to be occasional, and not continuous, moreover the total yearly gross amount can't exceed 5,000€.

2.4 Bogus self-employment and measures to tackle it

The proliferation of false self-employment in Italy has a twofold origin. On the one side bogus self-employment traces back to a series of legislative interventions occurred

¹¹ The discipline on continuous and coordinated contractual relationships has been modified by the law no. 30/2003 (the so-called “Biagi Reform”) which introduced the project contract.

¹² The law no.30/2003 introduced the occasional collaborations, specifying that the contractual relationship cannot last for more than 30 days within the same year with the same employer and the maximum annual income under this type of contract cannot exceed € 5,000.

between the late 1990s and the early 2000 aiming at introducing some degrees of flexibility in the labour market¹³. The original aim of the legislator was to raise the rate of employment by providing new and more flexible contractual forms. What followed instead was a widespread abuse of these semi-subordinate workers as a contractual alternative to the traditional dependent salaried employment relationship. The companies in fact started exploiting these contracts as a tool to hire staff at cheaper labour costs, given that the social contributions to be paid by the employer turned out to be much lower compared to the subordinated workers.

The second explanation for bogus self-employment deals with the improper use of freelance work in the more traditional liberal professions. Independent professionals providing services for a company or an associated studio have been increasingly subjected to an employment situation of dependence from customers/employers who tied them within spurious service contracts. Despite their legally autonomous status, the pure autonomy of the independent professionals was restricted by imposing a daily working time, a physical working space and by limiting their work to a single customer. Exactly the presence of a unique customer for long can hide a situation not only of limited organisational autonomy, but also of economic dependence. Accordingly, such a type of relationship does not properly configure as independent.

In the effort to limit the problem of bogus self-employment, the government issued new measures in the very recent years. The law no. 92/2012 (the so-called “Fornero Reform”) has tried to control in particular the improper use of the project contract¹⁴ by imposing a new specific set of standards that configures a project contract as genuine. On this regard, the contractual relationship must be more strictly linked to a project – and not simply to a task or to a phase of the work – whose final goals have to be clearly specified by the customer. The independent collaborator has to be able to autonomously manage her objectives and accordingly, the project contract cannot refer to merely executive tasks. Importantly, the payment has to correspond at least to the minimum

¹³ The law no. 196/1997 (the “Treu package”) and the following law no.30/2003 (the “Biagi reform”) introduced increasing flexibility in the Italian labour market, by instating the Continuous and Coordinated Contractual relationship and the Project contract.

¹⁴ The new rules apply to working relationships starting after July 2012.

salary established in the national collective agreements signed in the specific sector of reference.

This reform has introduced also specific criteria enabling to distinguish between self-employed workers holding a VAT number and workers in a Continuous and Coordinated Contractual relationship. Accordingly, self-employed work has to be treated as a coordinated and continuous relationship, hence forming an employment relationship (with the burden of proof on the customer) if at least two of the following conditions exists:

- (i) the relationship lasts more than eight months within the solar year;
- (ii) the compensation deriving from the relationship represents more than 80 per cent of the total compensation earned by the worker within the solar year;
- (iii) the worker has available a work space at one of the customer's offices.

3. Public policy to support new autonomous workers

3.1 Social security system for independent workers

Overall the social security system for independent workers is dominated by a lack of protections, ranging from pension funds to the lack of unemployment support and sickness schemes.

As basic principle, in Italy there is no one homogeneous social security system applicable to all self-employed workers, but there are differences that trace back to the dualism in the regulatory framework between the regulated and the non-regulated professions.

Pension scheme. Independent professionals in the regulated professions, compulsory members of a professional register, belong to their own private professional social security funds (*Casse di previdenza e assistenza per i liberi professionisti*) linked to the register. These private funds, within minimum standards defined by law, offer social security schemes to their members according to specific rules and provisions. They also have their own insurance system concerning maternity leave (albeit limited), illness and pension.

Conversely, those professions not regulated by an order have long been excluded from the protections ensured by the professional registers (Bologna 2015). Since 1995 instead self-employed workers in associative professions and all the semi-subordinate workers (Co.Co.Co and Co.Co.Pro.) contribute to the Separate Management Fund (the so-called *Gestione Separata*) of the National Institute of Social Security (INPS – *Istituto Nazionale di Previdenza Sociale*). This fund was introduced by the law 335/1995 that reformed the Italian pension system infrastructure (the so-called “Dini reform”). The aim of the reform was to offer a minimum social assistance to these categories of workers who, until that time, had not been covered by any compulsory pension scheme. Hence the reform made the enrolment compulsory for all those categories of independent workers not covered by the private professional social security funds managed by the registers.

The two groups of workers paying social contribution to the Separate Management Fund differ in the extent to which they have to contribute. The independent workers with a VAT number are demanded by law to fully pay their own contribution, calculated on the basis of the total earning declared for the relevant year. At their turn, these workers are allowed to charge to the customer an additional share percentage up to 4% of the gross earning.

In the case of semi-subordinate independent workers, the payment of their contributions is instead split between the worker (1/3) and the client (2/3).

Unemployment protection: Protection systems against unemployment for independent workers do not exist in Italy. The picture has been only partly modified in 2015 when the legislative decree no. 22/2015 has introduced a new support scheme in case of unemployment for semi-subordinate workers. The scheme provides for a monthly subsidy called DIS-COLL to those semi-subordinate workers enrolled in the Separate Management Fund of INPS. Hence the reform excludes as beneficiaries the whole population of self-employed workers.

Maternity leave: The dualism between regulated and non-regulated professions persists in the case of maternity. The independent workers members of professional registers are covered by their own private professional social security funds, according to the specific

qualifying conditions established by each fund. Generally, the maternity leave is quite limited.

A different regime exists for semi-subordinate workers enrolled in the Separate Management Fund of INPS. In such case, maternity leave is not compulsory (as in the case of subordinate workers) but the entitlement to the economic benefit does not occur in case of permanence at work. Maternity benefit, paid by the INPS, covers the 80% of the previous income for a maximum time-span of 5 months, hence rather limited.

Sickness benefit: Sickness benefits are provided to semi-subordinate workers enrolled in the Separate Management Fund of INPS, only if not members of other compulsory social security funds. They receive a sickness benefit in case of both hospitalization and illness, variable according to the total amount of contributions paid. Independent workers holding a VAT number are not entitled to any sickness benefit.

The 2016 DDL so-called “Measures for the protection of the self-employed without employees” (*Misure per la tutela del lavoro autonomo non imprenditoriale*) has introduced important changes in the social protection system applied to self-employed workers without employees, including also the liberal professionals. The new discipline:

- 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 (both mothers and fathers) for a maximum of 6 months;
- introduces a sickness scheme;
- enlarges the application of the discipline relating to security and protection at workplace to independent work;
- shift the controversies involving autonomous workers under the jurisdiction of the Labour Court.

3.2 Incentives and public policy to sustain and promote self-employment

In Italy, the main measures promoting self-employment currently in force at the national level dates back to years 2000. The Legislative Decree no. 185/2000 provides for two different types of incentives: the start-up incentives (the so-called *autoimprenditorialità*) and the incentives to self-employment (the so-called *autoimpiego*).

The start-up incentives aim at promoting the development of youth entrepreneurship for people under 35, especially in disadvantaged areas of the country. These incentives concern three main sectors of activity: (i) agriculture, manufacturing, craftsmanship or business services (with planned investments not exceeding €2.5 million); (ii) services in tourism, environmental protection, fruition of cultural heritage, technological innovation, etc. (with planned investments not exceeding €516,000); and, (iii) the development of social cooperatives in agriculture, manufacturing, craftsmanship or business services (with planned investments not exceeding €516,000). This measure however appears to finance a limited number of big investments, rather than being directed to the self-employed in a strict sense.

The incentives to self-employment concern the promotion of small business more specifically and is directed to unemployed people or first-time jobseekers. Three types of support are available, namely incentives for self-employment (up to €25,823); incentives to micro-enterprises (up to €129,114); and incentives for the start-up initiatives.

A further measure to support self-employment introduced a **facilitated fiscal regime** for self-employed workers. Since 2001 a special regime composed of an income tax fixed at 10 % and of the exemption from VAT payments has been applied for three years to self-employed starting their own business and with annual revenues lower than €30,987.

4. Collective representation and social dialogue

The collective representation of independent workers represents a tricky matter in Italy. The issue is crucial for the traditional strategies carries out by the trade unions which

have not been reactive in grasping the transformations in the labour market relating to the numerical and sectoral growth of independent work. Unions' strategies and campaigns have for long focused on workers in traditional employment contracts, namely subordinated salaried contractual arrangements (Ranci 2012). The demands emerging from a growing share of independent workers have been instead long neglected for a twofold reason. On the one side that trade unions have long deemed independent professional workers as a closed segment of wealthy work, in many cases protected by the professional registers. On the other side, the strategic focus of unions was devoted to the false self-employment which has markedly spread in the Italian labour market during the late '90s and the 2000s. The union strategies were devoted to cope with the new forms of precarious work, atypical contracts and flexible contractual arrangements.

However, it is also true that the world of professional self-employment has rarely tried to approach the unions, because of a cultural concerns towards the unions' action and because the core role played by the several professional registers that collectively represent the voice of their members.

The topic has very recently drawn attention thanks to the bottom-up pressure exercised the growing segment of low paid self-employed workers as well as by new emerging associations representing independent workers and spontaneous movements.

4.1 Trade unions

In Italy most of trade unions are affiliated to the three main union confederations: the CGIL (General Italian Confederation of Labour), the CISL (Italian Confederation of Workers' Unions), and the UIL (Italian Union of Labour).

At the end of the 1990s the trade union confederations started to rethink their organisations in order to extend their collective representation to a broader category of non-standard workers (Ambra 2013), including also self-employed.

The CGIL in 1998 created a new category called **NIDIL – New Identities of Work** (*Nuove Identità di Lavoro*) to represent atypical workers and temporary agency workers. Semi-subordinate workers fall into the broader group of atypical contractual

arrangements represented by NIDIL. The CGIL-NIDIL has been mainly oriented at contrasting the improper use of semi-subordinate contracts (including Co.Co.Co, project contracts, occasional collaborators) as a cheaper alternative to the salaried subordinate contract. The main goal was however to reduce precariousness. The NIDIL category has not specifically included independent workers in its organisational strategies.

The reorganizational attempts to include autonomous workers in the catchment area of the CISL started in 1989, when the **CLACS – Coordination of Autonomous Workers in Retail and Services** was founded (*Coordinamento lavoratori autonomi del commercio e servizi*). CLACS is a representation structure established to coordinate the various traditional categories where autonomous workers were enrolled. Then in 1998 the CISL created the **ALAI – Association of Atypical and Temporary Workers** (*Associazione Lavoratori Atipici e Interinali*) with the aim to enlarge the collective representation to the new forms of work. As in the case of NIDIL-CGIL, mainly semi-subordinate workers were targeted among atypical contracts. CLACS and ALAI have been merged in 2009 in a unique federation called **FELSA – Federation of Temporary Autonomous and Atypical Workers** (*Federazione lavoratori somministrati autonomi e atipici*). Felsa represents also independent workers in low-skilled sectors, such as gas station attendants and newsagents. Recently CISL created **vIVAce!**, a community of independent workers in new and traditional professions, as well as to freelancers holding a VAT number. The community aims at sharing information and building networks among independent professionals in poor working conditions. Through a collective voice, the community acts as lobbyist towards the trade union to get a fairer social security system, a cheaper taxation system and more employment rights for the members.

In 1998 the **UIL** created the **Coordination for Occupation** (CPO - *Coordinamento per l'Occupazione*), then re-labeled **UILTemp** (National Category of Temporary Autonomous Atypical and Vat holder Workers). Similarly to the previous two experiences reported, the aim of the new category is to represent and give collective voice to demands and needs put forward by all kind of new contractual arrangements, including independent workers.

4.2 Quasi-unions

Acta - Association of Consultants in the Advanced Tertiary Sector is the first transversal (inter-sectoral) association founded in Italy to connect and organize independent professionals in non-regulated professions (namely outside the registers). The origin traces back to a group of autonomous professionals who, following a bottom-up trajectory, decided to fill a gap in the representation of autonomous workers. The starting point was the acknowledgement of the incapacity of both trade unions and employers' association to represent the demands of independent workers and accordingly the willingness to find new alternative channels and modes to ensure equality and rights to independent workers. ACTA addresses four main targets: (i) improvement of social security system (high pension contributions but limited protections and low pension scheme); (ii) fiscal issues (very high taxation); (iii) universal employment rights (in the Code of Labour rights are conferred only to subordinate workers); (iv) creation of networks among independent professionals.

The **CoLAP – Coordination of Liberal Associate Professions** (*Coordinamento Libere Associazioni professionali*), established in 1999, is an apolitical association that gathers together more than 200 professional associations with the goal to sustain and improve the dual system underpinning liberal professions in Italy. In particular the Coordination:

- independently and impartially represents the associations affiliated;
- sustains and promotes the dual system of liberal professions as a way to develop fair competition;
- helps the association to meet the necessary requirements to obtain institutional acknowledgement;
- promotes the creation of networks and collaborations among associations;
- promotes forms and tools to safeguard clients and customers;
- promotes functions of union representation;
- promotes the creation of private social security funds for the members enrolled in the associations.

Similarly to the CoLAP, **ConfAssociazioni – Confederation of Professional Association** represents the federations and the associations of liberal professions not regulated by a register with the aim of promoting at constitutional, legislative, economic and social level the role and the value of the associative system.

The **ConfProfessioni – the Italian Confederation of Regulated Professions** is the main transversal organization representing professional workers in regulated professions (19 professions were affiliated in 2016). It collectively represents the interests of professions in their relationship with political institutions at local, national and European level. Recognised as social partner, Confprofessioni signs the collective agreement applicable to subordinate workers in professional studios.

4.3 Movements

CLAP – Chambers for independent and precarious workers (*Camere del lavoro autonomo e precario*) is a federation of independent self-managed association that were bottom-up created to organize and defend the precarious work in general terms. This includes independent workers, workers in the cooperative enterprises, outsourced workers, precarious workers.

Coalizione 27 febbraio (#27F) is a spontaneous movement composed of a heterogeneous group of workers (VAT number holders, freelances, professionals, but also precarious, atypical and outsourced workers and students) gathered together by common problems. The lack of social security protections, a conditions of precariousness and the lack of rights are common issues faced by all these groups featured by different identities. The idea underpinning the coalition is to leverage on shared problems as a way to join the demands coming from different groups and to better coordinate the strategies towards unions and political counterparts. The slogan of the coalition is in fact “Cross the fights!”.

PIU – Intellectual Professions United (*Professioni Intellettuali Unite*) is a transversal association representing independent workers in tertiary sector and in the knowledge sector.

Beyond the transversal organisations, there are sector specific or profession-specific organization.

IVA sei partita (*Architetti e ingegneri in viaggio con Iva*) is a category association representing architects and engineers since 2012. The association was born in 2011 as informal movement to report and contrast the cases of bogus self-employment in architecture and engineer. Then the association was constituted to build an institutionalized collective voice demanding a free access to the liberal professions, the improvement of working conditions and a more generous social security system.

M.G.A. – General Mobilitation of Lawyers (*Mobilizzazione Generale degli Avvocati*) is a national association constituted in 2012, but borne as on-line movement the year before. Their claims are similar to those of architects and engineers members of IVA sei partita.

Quinto Stato is a movement of independent workers mainly involved in the new professions in the creative industry, in the communication and knowledge sectors, in research and education. The movement demands for universal employment rights and a more protective social security scheme. It calls for the support of the other associations and movements representing independent workers.

4.4 Interplay between Trade Unions, Quasi-Unions and Movements

The coordination between Trade Unions, Quasi-Unions and Movements has moved the first steps in the last years. Tracing back to a background where the interplay between these three actors was almost inexistent, the growing demands emerging from the independent workers has raised the need to coordinate and to share objectives and campaign in order to get larger visibility and more political acknowledgment. A telling example is certainly the legislative procedure of the decree called “Measures for the protection of the self-employed without employees” (*Misure per la tutela del lavoro autonomo non imprenditoriale*). The decree represents a path-breaking reform in the recognition of social, welfare and employment protections for the independent workers. The decree (approved on 22 Ma 2017) is the result of the joint lobby carried out by a coalitions of diverse unions, associations and movements.

Overall in Italy we assisted to a gradual erosion of the traditional role played by Trade Unions in collectively representing workers' demands, gradually substituted by non-traditional associational forms. Bottom-up associations have played in the recent years a crucial role in shedding light on universal demands and new needs putting forwards by independent workers that remained for long unheard. They have been able to gain high visibility in the public and political sphere thanks to their capacity to exploit the new social media and to target their strategies towards circumscribed practical demands.

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Part II. The case studies

The selection of case studies has followed two main objectives. Firstly, the selection aimed at pointing out the experience of transversal associations and organisations which recruit and organise independent workers transversally, across different economic sectors and occupations. Second, the analysis wanted to give account of the heterogeneous panorama of actors active and emerging in the collective representation of workers. A particular attention has been devoted to new significant experiences of a union, a quasi-union and a movement.

1. vIVAce! the community

1. Description of the organisation

Origin: vIVAce! the community (vIVAce! hereinafter) was officially established in October 2015 during an organizational assembly of the union confederation CISL. In particular, at the assembly commission on new works and new representation, the national secretary of the FELSA (the CISL federation representing precarious, autonomous and atypical workers) gave a speech dealing with the growing relevance of self-employment and the need of the union to address the demands raising from these workers. From this premises, the community vIVAce! was officially created on 18 August 2016 and coordinated by the national secretary of the FELSA herself. The origin of the community can be formally regarded as top-down, even if the founder acted as spokesperson and mediator of demands arising directly bottom-up from autonomous workers active in the federation FELSA-CISL.

Independence: the founder of vIVAce! defined the community as a spin-off of the union CISL. The community in fact does not configure as a classical union federation affiliated to the confederation CISL. However it is linked to the union CISL with regard to the provision of services as well as for

Geographic dimension: The community vIVAce! is a national on-line community, without local articulations. There are some geographic areas which are more active thanks to the presence of members who organise meeting and events, but the community is country-wide.

Organisational structure and governance: vIVAce! configures as an on-line community. The members enrol on-line on the vIVAce! website (<http://www.vivaceonline.it/>) given that the community so far has not created territorial structures. The goal is to establish territorial structures in the whole country following the confederal congress of CISL that will be held in June 2017. The choice to be in the first stage only on-line organised followed a twofold rationale. Firstly, independent workers traditionally detached from the union representation can be more easily approached through the web, also to overcome their cultural scepticism towards the traditional unions. Second, this labour market segment very often work through the web, without a specific physical workplace. In the words of vIVAce!'s founder “ now we are at a crossroads: on the one hand we realize that it is important that there is a physical structure because you cannot expect to carry on the activities only on-line, but if we structure as simply another union federation at territorial level we miss the peculiarity and the beauty of this brand new thing”.

It is formally steered by an appointed governing body: the first elections will be held in two years. Importantly a scientific committee of five members with diverse educational background (political science, psychology, marketing, HRM) and professional experiences (union official, researcher, educator, marketing consultant) has been created. Such variety of competences and skills should embody a fertile ground to develop the strategic actions of the community.

Organisational form: The vIVAce! personnel is mainly formed by volunteers who actively animate the community at local level by organising activities and meeting. The dependent paid personnel counts the coordinator and two young employees responsible for the communication tasks.

2. Members

Kind of independent workers represented: The membership rate is not available given that the community is at a very early stage, but the community after few months is in the order of some hundreds. The membership is extremely heterogeneous, but concentrated on independent workers enrolled in the Separate Management Fund of INPS. They operate in very diverse occupations, from lawyers to marketing consultants to experts in designing European projects.

Members' recruitment: Members are currently recruited mainly on-line and through word of mouth. The community has implemented a widespread campaign on the main social network to inform, attract and recruit new members. The word of mouth is the second recruitment mechanism they adopted, defined as more traditional but however always effective.

Given that the community is still under structuration, the membership is free for the year 2017. A fixed membership fee will be established starting from January 2018. Nevertheless the members can avail themselves of the whole array of services and conventions provided by the CISL for its members both on-line and in person at their territorial offices:

- fiscal services: accounting support, help in applying for a VAT number
- legal services
- consultancy services dealing with welfare system
- assistance in the regional and European project preparation
- health services
- conventions with hotel and transportation

Moreover they are entitled to use of offices and meeting room provided by CISL venues.

The community offers also ad hoc services for its members such as the on-line Freelance help-desk: it offers direct assistance and support to specific demands through Skype appointment between vIVAce! experts and workers.

A double path of training is under construction: on the one side the community aims at providing coaching and mentoring, while on the other the goal is to offer specific technical courses.

3. Collective representation and strategies

Strategies of collective representation: The community pursue two main objectives. On the one hand it aims at collectively represent and organise the demands and the voice of the independent workers, while on the other it want to share a constructive culture around the world of autonomous work inside the union.

The community vIVAce! is not in favour of collective agreements for independent workers. The intrinsic individual nature of these workers demands individually established terms and conditions of employment.

Strategies of mobilization and involvement: To mobilize its members, the community launched on-line campaigns on the main social media, as well as it participated to fairs and events that might represent occasions of visibility and promotion, such as the “Job Fair”.

Political role: vIVAce! carries out a lobbying action with the government when issues of interest of its members are at stake. An important lobbying activities was conducted, together with many other associations during the legislative procedure for the approval of the decree so-called “Measures for the protection of the self-employed without employees”.

Coalitions: The community vIVAce! is open to collaborate with any other association that operate in the field. It is not formally included in any coalition, but it carries out lobbying actions with other organisations.

4. Future perspective

In the near future vIVAce! aims at establishing itself as a reference for the world of self-employment. The structural configuration it will adopt is one of the open questions. The community's founders want to follow an inductive strategy by opting for the most suitable structure according to what the contact with the working reality and the members point out.

2. ACTA - Association of Consultants in the Advanced Tertiary Sector *(Associazione dei Consulenti del Terziario Avanzato)*

1. Description of the organisation

Origin: The Association of Consultants in the Advanced Tertiary Sector (hereinafter ACTA – *Associazione dei Consulenti del Terziario Avanzato*) is the first association founded in Italy, in their words “to give voice to independent professionals - trainers, consultants, researchers, computer scientists, creative - who operate outside the orders and the professional registers”. Acta was founded in 2004 by a small group of about 20 independent workers who decided to self-organise themselves adopting a bottom-up approach. The association in its embryonic phase was mainly conceived by the first (and current) president who gathered together a group of workers with her same demands and needs. The rationale underpinning the conception of the association was the intention to fill a void in the collective representation of the world of work of independent workers. According to the Acta's promoters, both the trade unions as well as the business associations have not been able to understand and gather the interests and the demand coming from this specific segment of the labour market.

Independence: Acta is a politically independent association. When the association was founded, sponsorship and affiliation proposals arrived from different parts: traditional trade unions, political parties as well as business associations (such as the associations of the retailers and of the artisans). However the promoters constituting the original nucleus opted for maintain a clear independence. Internationally Acta is affiliated to

Freelancers Union (FU) and to the European Forum of Independent Professionals (EFIP). The collaboration with the FU started in 2012: the close working path soon led to recognize each other as sister organizations. Since January 2010, Acta is part of the EFIP Steering Group, a European forum bringing together freelance professional organizations with the common goal to promote self-employment as a viable career choice alternative to the dependent employment. Acta is the only Italian organisation affiliated to the EFIP.

Geographic dimension: Acta is a national association. Formally created in Milan, since the early stages the association was oriented to operate and represent at national level. The choice of the geographical scale was driven by its core objectives: advocacy, lobby and collective representation towards the political sphere and the national institutions. Accordingly, Acta since the beginning rooted at national level.

Organisational structure and governance: Acta is directed by a board of 14 members, including a president, a vice-president and 12 councillors. They are all elected.

Organisational form: The actions and the structure of Acta are supported and carried out by volunteer personnel. Acta does not own any physical venue: when necessary, it rents offices from other organisations, such as Smart, and co-working spaces.

2. Members

Kind of independent workers represented: The membership is transversal, covering different occupations. As general guideline, Acta does not represent independent workers in regulated professions, since they are supposedly represented by the orders. The very first group of members were the educators. Then three main occupational group followed: the ITC technicians, the translators and the communicators. The consultants are also numerous. The capacity to recruit new member is strongly connected with the word of mouth among workers in the same sector and with the communication campaigns launched through the new social media.

Members' recruitment: Acta in 2017 reported a membership of about a thousand workers paying the annual fee. The fee corresponds to €50 for all members, excluding young workers under 30 who are entitled to pay €30. The main reason to affiliate to Acta is the advocacy strategy the association pursues since its foundation, given that the services offered to the members are rather limited. Nevertheless the necessity to attract new workers by enlarging the range of services is acknowledged as fundamental. For this purpose Acta has started a close cooperation with the association Smart. The more structured organisation of Smart, backed by the financial and organisational support of SmartBe, qualify Smart has a solid and fruitful partner. With Smart, Acta aims at providing training and specialised courses to its members. In 2017 Acta launched a new service for fiscal support: in collaboration with professional studios in the sector, workers in special regimes are offered assistance for income tax return. Thirdly an info point office was created where independent workers have the possibility to address their specific employment issues. After the first office launched in Milan, new four venues followed across the whole country.

3. Collective representation and strategies

Strategies of collective representation: The main strategy of collective representation pursued by Acta is the advocacy of the citizenship rights of those independent workers operating outside the influence of the professional registers. In Acta's words "our proposals do not fit into a corporate logic, but they are mostly requests for equity, reforms for the elimination of discrimination and the extension of rights that should be universal among workers". Acta's advocacy action addresses three core questions:

- Welfare issues: high social security contributions combined with the exclusion from the system of protection and very low pension;
- Fiscal issues: higher taxes compared to other workers;
- Rights issues: in Italian legislative framework, the Labour Law is applied only to subordinated workers.

In order to achieve its objectives Acta carries out mainly lobbying activities towards the political sphere and specifically towards the government and the political parties. Acta

orients its strategy on contents, lobbying with all the political spectrum for specific technical requests, rather than for politically connoted or ideological issues.

Strategies of mobilization and involvement: Aware of the changing labour market where the independent workers operate and coherently with the marked digitalisation of such workers, Acta adopts innovative strategies of communication and members' mobilization. Acta has widely exploited the communicative potential of the new social media as a way to draw the attention of both the government as well as of the press. They organised for instance a fax-bombing, to obstruct the fax machines of the Senate with the aim to block their work, and a tweet-bombing launching and widely spreading word puns and provocative hashtags such as #refurtIVA and #malusRenzi. The symbolic dimension represented an important leverage of visibility for Acta. On this purpose, the very first collective action organised was the occupation of the Triennale in Milan, an important venue for exhibitions and events, given that as self-employed workers' association Acta could not occupy a physical workplace or go on strike. Once drawn in this way the attention of two important Italian newspapers, Acta organised in the same venue a flash-mob.

Political role: Acta has been audited by the parliament during the legislative procedure of approval and modification of the decree called "Measures for the protection of the self-employed without employees".

Coalitions: As general orientation, Acta has taken part to coalitions with other associations when deemed constructive to pursue specific objectives. The campaign for the approval of the decree called "Measures for the protection of the self-employed without employees" was supported by a large coalition that saw the active involvement of Acta together with trade unions (Consulta delle Professioni – CGIL), second level associations (ConfProfessioni) and movements (Coalition 27February, AltaPartecipazione). However Acta has refused to institutionally affiliate with other associations, but from time to time it adheres to goal-oriented swing-wing coalitions with all the stakeholders interested in.

4. Results and future perspective

Results: The main achievements are:

- The reduction of the tax rate in the stability law, the main legislative instrument dealing with public finance;
- The possibility to participate to European tenders;
- The 2016 decree so-called “Measures for the protection of the self-employed without employees” (*Misure per la tutela del lavoro autonomo non imprenditoriale*), currently under parliamentary approval. The decree introduces important reforms to the discipline regulating self-employment and to the social protections’ infrastructure. The new main elements are: the extension of the labour law application to self-employment; protections provisions ensuring the respect payment terms; the universal extension of some welfare rights such as the maternity allowance and the sickness allowance; the possibility to deduct from the tax rate the expenses occurred for transport and training.

Future perspective: The main future goals for Acta are the approval of the decree so-called “Measures for the protection of the self-employed without employees” and the implementation of a range of services for its members, in particular dealing with training and education.

3. CLAP – Chambers for independent and precarious workers *(Camere del lavoro autonomo e precario)*

1. Description of the organisation

Origin: the Chambers for independent and precarious workers (hereinafter CLAP) are a union federation of independent associations created in Roma in 2013. After this first venue, Padova and Naples launched two more Chambers. The rationale underpinning

CLAP traces back to the traditional Chambers of workers originated from the labouring and union movement in Italy, but also in France and Spain. The core idea is that the union has to be revitalized through a local, horizontal, bottom-up and self-managed organization.

Independence: CLAP is a federation of independent self-managed associations.

Geographic dimension: CLAP is a local association with three venues: Rome, Padua and Naples

Organisational structure and governance: Clap is a self-managed association. Its venue in Rome is located in an occupied warehouse managed by a network of volunteers. None of the volunteer is salaried, but they receive expenses reimbursement. Specifically the venue in Rome is hosted in a self-managed storehouse called ESC, occupied since 2006. ESC offers a wide range of services also to migrant people like assistance in job search, language training, legal help.

Organisational form: Clap is a federation of independent recognised associations. Clap in Rome constituted its association in 2013

2. Members

Kind of independent workers represented: CLAP overall organise precarious workers in a wide meaning, ranging from atypical and precarious dependent workers, to outsourced workers in both public and private sectors, as well as to pure and bogus independent workers. They are particularly active in the following sectors: public and private health, in the social services, in the cooperative sector and in the services dealing with migrant social policies. In such sectors the share of independent work is relevant. Clap in Rome has about 500 affiliated members who pay a fee.

Members' recruitment: CLAP strategy to recruit members is based mainly on the word of mouth, the use of social media to promote the services offered.

3. Collective representation and strategies

Strategies of collective representation: Clap aim at connecting the protection of employment and welfare rights of the diverse type of contractual arrangements existing in the labour market and that are subject to similar conditions of precariousness.

Clap propose a new union model that challenges the traditional unions which have historically

Displayed an ambiguous position towards this segment of the labour market. On the one hand they treated and organised the self-employed workers as purely false independent workers, while on the other hand wide share of independent work have not been targeted bt union strategies given that they were considered as rich workers who did not need collective representation.

Strategies of mobilization and involvement: Clap since the very beginning have mobilized the workers by offering a wide range of support services:

- legal assistance and consultancy
- fiscal assistance
- welfare assistance also by trying to establish new forms of mutualism

Clap also carry out activities of organising and campaigns. An important campaign was organised against the issue of the casualization of work and the non-paid work, culminated with the campaigns “Stop Voucher” and “same work same wage”. This latter campaign aimed at ensuring the same economic treatment to workers performing the same activities but with diverse employment arrangements. This is the case for instance of subcontracted workers in healthcare, where both subordinated and independent employees in outsourced services are generally paid less than their colleagues directly employed in the services. Other campaigns were organised to claim public policies in support of co-working, certainty in the payment for self-employed workers

Coalitions: Clap is affiliated and particularly active in the Coalition 27 February, a coalition of associations and movement that is campaigning and organising for a

universal welfare system and a fairer fiscal system through programmatic manifestos and lobbying with the political forces, in particular at the Ministry of Labour.

They collaborate, despite frictions and different positions, with some federations of the CGIL dealing with independent workers.

4. Results and future perspective

Results: CLAP is trying to signed a memorandum of understanding relating to a Bill of Rights for Independent workers they drafted and that they are presenting in the main Italian municipalities. They are currently negotiating with the City Council of Naples an agreement that would represent a first experience to pave the way to other cities.

Future perspectives: CLAP is strongly campaigning for the universal extension of social protections and employment rights to the whole labour market, including precarious, atypical and self-employed workers. This is the main objective they want to pursue in the next years.