

# DEVCOBA

Developing Collective Bargaining in the Care Sector

## WP2 Country Report ITALY

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## Introduction

In the aftermath of the pandemic crisis, the issue of labour and skill shortages in the care sector has become a most relevant debate amongst Italian social partners, who have started to openly and systematically associate it with the issue of working conditions and quality of services. There seems to be an increasing consensus about the necessity to increase the attractiveness of care work by breaking a cost-containment management logic, raising wages, recognising skills and improving working conditions. Several NCAs' renewals and attempts at harmonisation in the private sector testify to this awareness. However, working conditions and wages in the LTC and ECEC sectors in general (both public and private) remain low, and the fundamental issues affecting the two sectors appear far from being resolved. In this report, we identify several political and structural factors that influence these outcomes and assess the extent and limitations of the initiatives of the social partners.

The report is based on the data collected through 16 semi-structured interviews conducted with high-ranking national officials of the most relevant trade unions and employers' organisations in the ECEC and LTC sectors, complemented with the analysis of the main collective bargaining agreements.

Section 1 reviews the existing country literature on the topics of collective bargaining and industrial relations in the LTC and ECEC sector and assesses its contributions and limits, revealing how this field has remained, so far, mostly unexplored. Section 2 analyses the features of Italian industrial relations for both sectors and identifies those elements that hinder the improvement of wages and working conditions through collective bargaining. It also reviews recent changes in industrial relations dynamics that have led to the renewal of several NCAs in the private sector. Section 3 focuses on the actors of the industrial relation system, describing their features and focusing on their current attempts at coordination in a system that lacks formal mechanisms and favours opportunistic behaviour. It also delves into the struggle of organising care workers in the two sectors and reviews recent attempts at overcoming this obstacle. Finally, section 4 takes stock of the issue of labour shortage in the country.

## Section 1: Literature Review

### 1.1 State of the art

Within the realm of labour market studies and industrial relations, few analyses systematically examine Italian welfare services and their transformations. Despite the existence of a substantial debate of a political and welfare-oriented nature, little attention has been paid to the development of these issues from a labour perspective, understood in a broad sense. As Mori, Pavolini and Neri (2020) argue, the urgency of filling this gap, both theoretically and empirically, is even more relevant when considering the central role that labour plays in the provision of these services. Work in the welfare sector (from teachers to doctors to home care assistants) is, in fact, a labour-intensive activity, meaning that it requires an intensive use of labour that is difficult to replace with technology. At most (as in healthcare), it requires a strong interplay between the use of technology and professional skills, due to the intrinsic nature of activities that focus on personal relationships with users/patients (see the essays in Vicarelli and Bronzini, 2019).

The effects of the organisation and regulation of employment on working conditions remain largely unexplored, despite the profound and radical transformations that the sector is undergoing. Italy, under the pressure of conflicting forces, has implemented strategies aimed at diversifying the provision of welfare services through outsourcing and privatisation practices. Unable to manage the process internally via direct public provision, public authorities have sought to meet the demand for services by relying on a growing and substantial array of private for-profit and non-profit providers. The opening of the welfare sector's functional boundaries to new actors has triggered two related consequences for labour that deserve closer attention from both a theoretical and an empirical point of view. On the one hand, these processes have contributed to fragmenting and weakening labour regulation and the definition of working conditions in personal care services, fuelling trajectories of impoverishment and precariousness for workers in the sector. On the other hand, the number and nature of the actors involved in the employment relations arena and at the negotiating tables have changed, with complex implications for the architecture of collective bargaining and the representation of interests.

An analysis by Keune and Pedaci (2020) provides an initial overview of the debate on the transformation of industrial relations in the public sector, particularly in the healthcare and education sectors, following the financial crisis. By comparing the situation in five major European economies (Denmark, the Netherlands, France, Italy, and Spain), the focus is put on the strategies adopted by trade unions to shape and manage the ongoing changes in the two sectors, especially regarding the levels and quality of employment in these services, and taking into account the constraints imposed by the institutional context and the choices made by the employer side. Mori and Neri (2020), focusing on the Italian case, reconstruct the state of the art of labour relations in welfare services. They also explore the issue of the fragmentation of the actors involved in the definition of working conditions, and the challenges that these dynamics pose to interest representation. Finally, they focus on the transformations that have occurred in collective bargaining. They have highlighted how the processes of liberalisation and privatisation of supply in social and healthcare services have been worsening the fragmentation of labour relations, leading, among other things, to an increase in inequalities between workers belonging to the same professional groups but employed by employers of different types. The attempt to respond to the growing demand for services, in conditions of resource scarcity, has led to the further narrowing of the scope of public provision and public employment relations, while expanding the area of private supply and private labour relations. The overall effect is, on one hand, a containment of labour costs and a general worsening of workers' conditions; on the other hand, it is an increasingly pronounced regulatory and contractual fragmentation. In this sense, they argue, we are not witnessing so much a dualization of the labour market - or, if we want, a strengthening of pre-existing

dualisms - but rather a progressive segmentation of the market into a growing number of parts or different segments, some of which tend to escape any form of collective regulation and effective control.

## 1.2 Focus on Domestic Work

The country-specific literature (both academic and grey) on domestic work has, so far, shown a scarce interest in the topic of collective bargaining in the sector. Most literature tends to focus on working conditions or to adopt a social policy lens that does not consider the role and influence of industrial relations in the evolution of domestic work in the country. This is, at least in part, surprising, since **Italy is one of the few countries to have developed a full-fledged system of industrial relations to regulate domestic work**. In particular, Italy has been singled out as one of the few countries to have developed a sector-wide, national and inclusive system of collective bargaining for domestic work and where the negotiation of terms and conditions of employment happens with the least interference from the State. (Seiffarth, 2023). The *Contratto collettivo nazionale di lavoro domestico* (National collective bargaining agreement for domestic work; from now on Domestic Work NCA) was signed for the first time in May 1974 and has since been renegotiated ten times (the latest renewal was signed in April 2024). Housekeepers and elder-care workers are the most relevant categories regulated under the NCA, although the contract adopts a broader definition of domestic work that includes babysitting. On the workers' side, the contract is signed by the three main union confederations (CGIL, CISL and UIL) and by Federcolf, a catholic organisation which is currently the only Italian union representing solely domestic workers. On the employers' side, the collective agreement is currently signed by the national association DOMINA (Associazione Nazionale Famiglie di Datori di Lavoro Domestico) and by the umbrella organisation FIDALDO (Federazione Italiana Datori di Lavoro Domestico) that gathers the historically most representative employers' organisations. Currently, the Domestic Work NCA is the primary source of regulation of domestic employment in the country.

Only recently, the uniqueness of the Italian case has started to attract attention from scholars. (De Vita & Corasaniti, 2022; Seiffarth, 2023) and international organisations (De Luca, 2020). Scholarly contributions have focused on the empirical exploration of the behaviour and strategies of the social partners (De Vita & Corasaniti, 2022) and on the assessment of the role of collective bargaining and industrial relations in the regulation and formalisation of domestic work (Seiffarth, 2023). These early studies have also singled out the unique logic of action of domestic employers' associations, which has been linked to the equally unique nature of their constituency, composed of private individuals or families rather than of profit-driven economic organisations (De Luca, 2020). Unions and employers' associations have been framed as instrumental to regulatory efforts in the sector (De Luca, 2020; De Vita & Corasaniti, 2022; Seiffarth, 2023). It has been shown how they have replaced an absent state in shaping the boundaries of what can be defined as domestic work (De Vita & Corasaniti, 2022).

### 1.2.1 Collective representation in the Domestic Work sector

The spontaneous growth of a form of collective organisation of interests in domestic work is a singular occurrence, especially considering several well-known factors that make organising in the sector extremely difficult, and that are particularly pronounced in systems based primarily on direct employment, like the Italian one.

**There are several obstacles to the organisation of domestic workers**, the first and maybe more challenging one being the high level of informality of the sector, which, combined with the physical, and sometimes social, isolation that characterizes the job results in the invisibilisation of a large share of the workers involved and, in the inability to reach them. Moreover, the match between offer and demand is often facilitated by informal networks rather than formal structures, reducing the probability of regularisation (Pasquinelli & Rusmini, 2013). This circumstance is then combined with the unique nature of the employer, which is not a for-profit enterprise but rather a family or an individual. The interaction is based on a personalistic relationship between employer and employee, and one that is often not recognised as a work relation. The personalisation of the employment relationship and the lack of recognition of the nature of the relationship add up to processes of isolation to create a special kind of imbalance of power (Della Puppa, 2012) and an obstacle to organising. There are also practical obstacles for the unions wishing to reach these workers, like the impossibility of exercising any form of monitoring inside the workplace (De Vita & Corasaniti, 2022). Finally, the fact that the workforce is predominantly a migrant one also brings about its specific challenges, first and foremost, the fact that migrants are actively *made* vulnerable through the design of migration institutions that make them more dependent on the employer and consequently reduce their power in the relationship (Shutes & Chiatti, 2012).

**On the other side, in a system based on direct relationships, the emergence of an organised form of representation of the employers is even more unexpected.** The cultural views on domestic work tend to prevent the individual and the families from identifying as employers at all, and therefore as part of an organizable constituency in that sense (Seiffarth, 2023).

The picture painted by the literature so far seems to point to **a series of political and cultural-political reasons to explain the “curious incident” of the development of a system of industrial relations** that regulates domestic work in the country. This system was first developed before the period of acceleration of the “new social needs”, and it seems to have been the strong political labour culture of the sixties and the seventies - that had its roots both within the communist and the catholic movement - that created the fertile ground to grow the unlikely structure of industrial relations (Seiffarth, 2023). The process was supported by the activism of catholic inspired families that brought about the first employers’ associations (De Luca, 2020). Associations which from the beginning expressed the need to create a regulatory framework for domestic work. After a pronouncement from the constitutional court that recognised the right of domestic workers to organise, these associations offered themselves as legitimate bargaining parties to traditional unions, which, in turn, had also undergone a cultural process of acceptance of domestic work as work (Seiffarth, 2023).

Later developments intervened to solidify the structure and role of industrial relations for domestic work in the country. In particular, De Vita and Corasaniti (2022) link the uniqueness of the shape and logic of Italian industrial relations in the sector to the **resilience of the Italian familistic model of care**.

Like other Western countries, starting from the 1990s, Italy underwent a gradual process of externalisation of care. However, this did not entail a shift to a market-dependent model of care provision. The cultural strength of the familistic model favoured the complete abstention of the State from developing a coherent and overarching system of public management of care. Also, it prevented private for-profit organisations from filling in the gap of service provision. The cost of expanding care needs was unloaded almost entirely on the families, as the Italian model of externalisation of care was almost wholly based on the shift of care tasks from unpaid female family members to paid female workers external to the family unit but integrated into family life. **This circumstance gave a unique nature both to unions and to domestic employers’ associations.** The members of employers’ associations are not for-profit economic entities and are, at the same time, employers and citizens in need of care, with different income levels, who

need to obtain care services in a system that provides limited alternatives. On the other side, traditional unions' constituency includes both domestic workers and employers, the latter in the form of care recipients (pensioners) and of their family members (other workers). **The nature of the constituency seems to have favoured collaborative and continuative relations between employers and workers' associations.** While employers' associations have an obvious interest in containing the prices for the services and ensuring that they remain affordable for middle- and lower-class families (Seiffarth, 2023), they also show an understanding of the link between the quality of work and of the quality of the services offered. In particular, they support the professional training of domestic workers and, through collaborative collective bargaining, they have favoured processes of formalisation that allow for a standardised evaluation of professional abilities (De Vita & Corasaniti, 2022). This has been balanced on the other side by a general inclination of the unions to compromise and recognise the uniqueness of the domestic employment relationship, leading to high levels of collaboration on the mutual interests of the employers and the workers (De Luca, 2020; De Vita & Corasaniti, 2022; Seiffarth, 2023).

### 1.2.2 Collective bargaining in the domestic work sector

The development of the Italian recipe for “care outsourcing” was incentivised through unregulated cash for care schemes, whose unrestricted allocation favoured this model of marketisation through direct employment (Shutes & Chiatti, 2012), and which explains the unique incidence of the latter among European economies. The high level of informality of the system was also solidified by the crystallisation of a special institutional regime of domestic work that allows for the unequal treatment of the workers (Borelli, 2021). In time, **the state completely abstained from modifying an old set of rules and relinquished any responsibility for creating a modern institutional framework that would recognise the changing role and nature of domestic work. The task of creating a regulatory framework for domestic work was taken up by the social partners and achieved through collective bargaining** (Seiffarth, 2023; De Vita & Corasaniti, 2022):

- **Regulation through collective agreements:** The Domestic Work NCA establishes domestic work as real work and domestic workers as real workers in an employment relationship that needs to be regulated.
- **Formalisation through professionalisation:** Through collective bargaining, the social partners recognised domestic work as a profession, mainly through the establishment of levels of retribution based on training. They also supported attempts at further professionalisation through the creation of a bilateral training and research body, called Ebincolf, that in 2021 was accredited to provide certifications of training to domestic workers. The attendance at these courses was incentivised by increasing the hours of paid leave that workers can obtain when in training.
- **Formalisation through integration of social protections:** The national bargaining agreement also *partly* compensates for the shortcomings of national regulation on social protection for domestic work. The agreement established the creation of a bilateral body, Cas.sa.colf, that manages a healthcare fund. Cas.sa.colf provides an integration for the worker to the meagre paid sick leave mandated by the law (which is entirely paid by the employer for a maximum of 15 days per year) and reimburses contributing employers. Moreover, through the bilateral body, the social partners set up a COVID-19 relief fund, which was the only support that (regular) domestic workers received during the pandemic, having been excluded from other government protections (Seiffarth, 2023).



➤ **Formalisation through service provision:** it is primarily thanks to the everyday activities of the employers' and workers' organisations that any of these standards are implemented (Seiffarth, 2023). Both employers' associations and unions set up a network of services at the local level, which favour the regularisation of the employment status of domestic workers by providing information, legal support and directly publicising incentives and advantages of a regularised contract for both parties (De Vita & Corasaniti, 2022; Seiffarth, 2023). Italian unions have been known to have developed a capacity for service and counselling provision, providing support in regularisation processes not just to workers but also to employers (Meyer, 2015). Services also work as a gateway to discussing working conditions and performing more traditional representative tasks. On their side, employers' associations also offer services like the management of payroll and tax and legal consultancy, through which they can reach the families (De Luca, 2020).

### 1.2.3 Challenges of collective bargaining and representation of domestic work

According to Seiffarth (2023), while having played an important role, **collective bargaining in domestic work has some fundamental limits that depend on the nature of collective bargaining and the inadequacy of workers' representation**, two circumstances that limit what can be achieved in terms of equal treatment.

Although being the only source of regulation and protection of domestic work, **collective bargaining couldn't close the regulatory and pay gap between domestic work and other kinds of employment**. In terms of working time, dismissals, and maternity leave, the regulatory differences are still substantial:

- The CCNLD sets the maximum working time for live-in domestic workers at 10 non-consecutive hours per day and 54 hours per week, way above the national 8 hours per day/40 hours per week set by national law for other workers, and in clear violation of the European Union Working Time Directive. This also generates a disparity in economic treatment by reducing access to the extra pay due to overtime, violating the principle of equal treatment set by Convention No. 189.
- On the other side, protection for dismissal is extremely weak since the matter is still regulated by outdated legislation that cannot be compensated through collective bargaining. Dismissal can be notified verbally and, with the only exceptions of absence justified by sickness, accident or maternity leave, the notice time for domestic workers amounts to only 8 days.
- Maternity protection regulation is also in violation of Convention No. 189, as Domestic workers are only entitled to the basic maternity leave period (5 months) and do not have access to further benefits and parental leave, and can easily be dismissed at the end of the maternity leave period.
- Finally, pay levels are extremely low when compared to other sectors. While representing an improvement, the extra contributions offered by the bilateral body do not match the standard pay leave for live-out workers and employees in other sectors.

The peculiarity of workers' and employers' associations' constituencies influences what and how can be achieved through collective bargaining and emerges from the existing literature both as the reason for its relative strength and the root cause of its weakness. **The inadequacy of the workers' representation depends on its top-down and racialised nature and the conflict of interest generated by the nature**

**of the employer.** While traditional unions manage to reach several workers through service provision, they fail at creating any form of political engagement and at integrating domestic workers into their structure (Marchetti, 2012), which results in the exclusion of domestic workers from regulatory processes (Seiffarth, 2023). This makes it extremely difficult for the traditional unions to overcome (both nationally and locally) the internal conflicts deriving from representing both the employers and the workers, and to undertake more radical action. This ends up favouring general compromise and mediation (De Vita & Corasaniti, 2022). The same problem presents itself with Federcolf, whose faith-based nature and strong link with the Catholic Church also tend to favour a form of bargaining that takes into account the interests of the families (Seiffarth, 2023). While moderation has provided the basis for stable and ameliorative bargaining, it can also lead to institutional complacency that ends up reproducing preconceived notions regarding the position of (migrant) domestic workers in society (Seiffarth, 2023). This situation results in the reaffirmation of the racialised division between domestic workers and the rest of Italian society. It feeds into feelings of distrust towards unions that tend to be seen by migrant workers as protectors of the interests of the Italian families, which in turn reinforces existing recruiting and involvement difficulties (Castagnone et al., 2013).

**On the other hand, it is a fact that at least a part of the employers can also be classified as vulnerable members of society:** a household can be spending up to a third of its income to pay a domestic worker, and this kind of private expenditure is contributing to the spread of old-age poverty (Osservatorio DOMINA sul Lavoro Domestico, 2021). This situation represents a limit to what can be achieved through collective bargaining. On the one hand, it puts a clear limit on the availability of employers' associations to increase the economic burden on families by expanding workers' retribution. A clear example was the stalling of the bargaining efforts to improve maternity leave conditions through the collective agreement (Seiffarth, 2023). On the other side, the limited economic availabilities of the families represent the biggest obstacle to the formalisation of domestic work, making the extension of collective bargaining dependent on contingent economic dynamics. Employers engage in various degrees of expense moderation, which range from using completely submerged labour to under-reporting working hours in regular employment contracts. The latter strategy, in particular, is usually framed as a compromise agreement between the family and the worker, since the former can save some money, and the latter can meet the necessary criteria for the regularisation of its migrant status and avoid paying taxes on part of its income. However, in a situation of economic crisis, part of these relationships slip back into informality, as shown by post-COVID statistics (Osservatorio DOMINA sul Lavoro Domestico, 2023). Finally, a system largely based on illegality and uncertainty incentivises conservative attitudes and reinforces the tendency of employers to set employer-friendly rather than worker-friendly employment conditions (De Vita & Corasaniti, 2022).

Next to these fundamental problems, De Vita and Corasaniti (De Vita & Corasaniti, 2022) also raise the issue of the **threat coming from the spread of actors with dubious legal status within the spaces left open by informalization.** First, like in other sectors, the lack of a national law on representativeness favours the **spread of Domestic Work NCAs signed by scarcely representative unions and employers' associations.** These agreements could represent a threat to the achievements of the most representative NCA. Second, the authors point out that the **unchecked diffusion of private agencies** could seriously undermine formalisation efforts, as these actors tend to misapply the regulations on pay and working conditions and set up sub-standard training courses that undermine efforts at developing widely applicable professional standards.

The literature is currently unanimous in its consideration that **these difficulties cannot be overcome without the intervention of the State**, since “the main challenge in this sector still seems to be a widespread inability to conceive of care as a collective and public responsibility” (De Vita & Corasaniti, 2022, p. 546). Without an overall reform of the care system, there is only so much that the social partners can achieve to compensate for the inequity of the system. According both to Seiffarth and De Vita and

Corasaniti, unions and employers' organisations are aware of these limitations and have lately intensified their lobbying efforts, demanding several policy reforms (Osservatorio DOMINA sul Lavoro Domestico, 2023): in a joint platform, they ask for a re-design of migration policies, for legal intervention to address unequal treatment in terms of maternity and sick leave and disability benefits and also for a financing effort that covers the cost of this improvement. Finally, they ask to implement a fiscal relief system to further reduce the costs shouldered directly by families.

#### **1.2.4 Potential empirical and theoretical gaps to be filled**

In this section, we reviewed the first studies that attempt to fill the existing research gap on the role of industrial relations in the domestic work sector.

The Italian case emerges as an interesting case study on the role of industrial relations in a highly unregulated system. Further studies could help to establish and theorise the role of industrial relations in the formalisation of domestic work and explore how the shape and composition of representativeness impacts the contents and conditions of this formalisation. Empirically, this would require examining how the social partners react to the emergence of new economic actors offering the commercial intermediation of domestic work and how far they can intervene in their regulation. A comparative study of highly informal systems could help advance theorisation.

## Section 2: Industrial Relations and Collective Bargaining

### 2.1 Country-specific issues

As illustrated by the SOWELL project (Breuker, Dorigatti, Mori & Neri, 2022), working conditions and wages in the ECEC and LTC sectors in Italy are generally poor. While both sectors grew - both in terms of the offer of services and employment levels - it was a “poor” growth, based on the devaluation of labour.

In a context of permanent austerity, the expansion of services was primarily achieved through informalisation (aka domestic work) and outsourcing, which was widely used to contain public expenditure by exploiting the cost differentials between the private and the public sector (Mori 2017). Meanwhile, the growth of employment in the public sector was inhibited through across-the-board hiring freezes and wage restraint policies. While working conditions in the public sector are, on average, better than in the private one, these do not offer a particularly high benchmark against which to measure other sectoral agreements (hereinafter NCAs). The wage levels set in the public sector NCAs are low, both in general and when compared to other parts of the economy (Breuker, Dorigatti, Mori & Neri, 2022), and are unable to compensate for the general deterioration in working conditions and the increased workloads. This means that **currently, neither the public nor the private sectors can produce working conditions that are attractive to qualified workers**, a situation which has led to the intensification of the **labour shortage problem**.

So far, industrial relations actors have not been able to counteract these tendencies and reverse the downward competition cycle that was triggered by this mix of cost-containment and outsourcing. Besides the adverse policy scenario, there are several reasons for this failure that can be traced to the institutional features of the industrial relations system. In sum, these features are: i) the **divide between the public and the private sector**; ii) the **uncoordinated fragmentation of the system**, which fosters downward competition; and iii) the **uneven application and implementation of the rules and standards set by collective bargaining**. These three elements represent significant obstacles to the upgrading of wages and working conditions in the two sectors.

#### 2.1.1 The public/private divide

The **regulation of terms and conditions of employment and wage setting** in the Italian care sector mirrors the features of the national system of industrial relations, which is based on a two-tier bargaining structure and characterised by a clear-cut public/private divide. NCAs are signed at the national level and are complemented by decentralised integrative agreements negotiated at the company level, according to a model of ‘organised decentralisation’ which ensures a **high degree of vertical coordination**. Against this shared background, however, **marked differences characterised the regulation of collective bargaining in the public and private sectors**. While in the public sector, procedural rules for collective bargaining are set by the law and ensure the harmonisation of employment standards, industrial relations in the private sector are entirely based on voluntarism, resulting in low levels of horizontal coordination and high degrees of fragmentation.

In the **public sector**, LTC services and 0-3 ECEC services (creches) are covered by a single NCA with a *de facto erga omnes* extension, i.e. the NCA for Local Functions, applicable to workers employed by local administrations. The 3-6 part of the ECEC sector (kindergartens) is instead considered as the first step of the educational cycle and is covered by the NCA for Education and Research, applying to all personnel working in public schools. Such a low degree of fragmentation in collective bargaining in the public care sector results from a specific legislative framework adopted in the 90s to regulate public employment and

aiming to ensure, within each branch, homogeneous wage levels and working conditions across the whole Italian public administration. **The country-wide standardisation of terms and conditions of public employment** was pursued through the definition of representativeness standards and the monopolisation of the representation of public administrations. A formal verification procedure establishes which unions are entitled to negotiate the public NCAs, guaranteeing high levels of representativeness. Unions admitted to sectoral negotiations at the national level are those that have a representativeness of at least 5% within the relevant sector (or bargaining area), computed as the average between an ‘associative’ and an ‘electoral’ criterion. The associative criterion is the percentage of union checkoffs (*deleghe*) collected by a union out of the total amount of checkoffs within the sector. The electoral criterion instead corresponds to the percentage of votes collected by a union out of the total number of votes cast for the election of employees’ representative bodies at the workplace. Moreover, a majority principle applies, according to which NCAs can be signed only if they have the support of at least the majority of the representative unions formally allowed to take part in the negotiations. An NCA is valid only if the signatory TUs represent as a whole at least 51% of the workforce, calculated as an average between the ‘associative’ representativeness and an ‘electoral’ representativeness, OR if they reach at least 60% of the “electoral” representativeness. On the other side, representation of the public employers has been unified in the National Agency for the Representation of the Public Administrations, the ARAN (*Agenzia per la rappresentanza negoziale delle pubbliche amministrazioni*), which compulsorily and monopolistically represents all public administrations in collective bargaining. The unification of employers’ representation, together with the enforcement of the representativeness criteria and of the majority principle, ensures the legitimacy of the agreements and high levels of horizontal coordination and guarantees a *de facto erga omnes* extension of public sector agreements. This system contributes to keeping wages and working conditions homogeneous and higher than in the private sector.

Conversely, in the **private sector, there are no procedures to assess representativeness, and the NCAs are legally binding only for the employers and employees belonging to the organisations that have signed them, or that choose to apply them even though they are not members** of the signatory employers’ associations. **Voluntarism results in high degrees of associational fragmentation and in the multiplication of the actors participating in the industrial relation system**, which, in turn, translates into the multiplication of collective agreements and favours downward competition. The impact of fragmentation on the private/public divide is further accentuated by **the lack of both formalised and informal mechanisms of inter-sectoral horizontal coordination between the private and the public sector**, as well as by the absence of institutionalised forms of intra-sectoral horizontal coordination between private care NCAs.

### 2.1.2 Fragmentation

**Organisational fragmentation mixed with voluntarism favours the fragmentation of collective bargaining in the private sector.** Like in the rest of the economy, in LTC and ECEC workers’ representation is highly fragmented, divided between the relevant federations affiliated to the three national union confederations (CGIL, CISL and UIL) - separated along traditional ideological lines - and several autonomous unions. On the other side, employers are also fragmented, represented by multiple organisations divided along traditional cleavage lines (catholic vs. secular; large vs. small; profit vs. non-profit).

Historically, pluralism has incentivised an identity-based fragmentation, solidified through the creation of several **flagship agreements** rooted in the identities of the signatory EOs (private commercial, catholic non-profit and cooperatives). More recently, however, the possibility recognised to employers’ association

to freely identifying their negotiating counterpart has prompted forms of conflict and downward competition based on the creation of **“separate” NCAs** - signed with one or more union confederations to politically isolate another - or of **“minority” agreements** - signed with autonomous unions in open defiance of the three confederations. Finally, the lack of a regulatory framework has also incentivised the spread of so-called **“pirate” agreements** signed by scarcely representative organisations on both the employer and union sides.

**Over the last 20 years, the number of collective agreements that are formally applicable to private ECEC and LTC service providers has multiplied, providing individual employers with the opportunity to resort to “contractual shopping”, meaning to opt out of most representative agreements and pick the NCA that they consider the most advantageous.** Based on an elaboration of the data on collective bargaining provided by the National Archive of Collective Agreements at the CNEL (the Italian National Council for Economy and Labour), we calculate that there are currently 38 registered NCAs that are applicable to private LTC services (of which 4 are sector-adjacent and only partly overlapping NCAs, see Annex 1) and 20 NCAs applicable to private ECEC services (see Annex 2). Interestingly, however, while the sheer number of NCAs would suggest a total ungovernability of the sector, there is evidence that the practice of contractual shopping is not as diffused as it potentially could be. **A more careful analysis of the data – supported by our interviews – confirms that only a small number of minority or separate agreements are competitive with the most applied ones.** The Archive of the CNEL reports for each NCA the specific sub-sector of application (referencing the NACE codes), as well as the coverage in terms of the number of firms and workers. According to this register, of the 34 NCAs in the **private LTC services** (both for-profit and not-for-profit), only two cover more than 100.000 workers. The NCA of Social Cooperatives is the largest one, as it applies to 9406 cooperatives employing 400272 workers overall. Not all these Social Cooperatives are operating in LTC and ECEC services; however, the Confcooperative Federsolidarietà (Interview 4) estimates that at least half of the registered workers are operating in the two sectors. The UNEBA NCA is the second largest one, applying to 6313 LTC providers that employ 128973 caregivers. While the following four largest NCAs (AGIDAE, ARIS, AIOP, and ANASTE, in size order) apply to a range of workers oscillating between 17,000 and 10,000, almost the whole range of remaining sector-specific agreements cover a workforce of less than 1000 workers. Several NCAs apply to a single provider with fewer than a dozen employees. Finally, next to contracts that predominantly cover LTC services, some cover a broader range of services that are nonetheless relevant for the sector (see Annex 1). For example, the joint ARIS-AIOP contract for non-medical personnel in private health facilities covers all kinds of health facilities, including those that specialise in long-term medical care; however, since its focus is on private hospitals, it should not be considered one of the most relevant agreements for the regulation of the LTC sector.

**By crossing the data on the number of associations with those on NCAs’ application, it results that only a smaller core of unions participates in the relevant collective agreements:** the three main union federations representing public workers, the FP CGIL, FP CISL and UIL FPL; FISASCAT CISL and UILTUCS, which are the federations of the tertiary sector that bargain for cooperative workers inside the CISL and the UIL (within the CGIL representation is unified inside the FP CGIL); a more or less stable coalition of autonomous unions that have signed separate agreements with AIOP; and a relatively new coalition of autonomous unions that has signed the latest ANASTE NCA. Amongst these autonomous unions, the level of representativeness is highly variable and, in some cases, numerically disputable.

On paper, a similar kind of extreme fragmentation is also visible on the employer side, where more than 40 associations are involved in the collective bargaining. However, **the number of employers’ associations that participate in the competitive NCAs is reduced to a smaller core**, traceable to the most established associations still divided along the traditional cleavage lines: LEGACOOOP Sociali,



CONFOPERATIVE Federsolidarietà, AGCI (social cooperatives); UNEBA and ARIS (catholic non-profit); AIOP (private profit and non-profit health care); and ANASTE (Confcommercio).

In the **private ECEC services, the situation is similar**, but the analysis of the data suggests that fragmentation is far less intense than in the LTC sector, especially when it comes to the 0-3 segment of the sector. Of the 20 registered NCAs, only 4 can compete in terms of application levels. The NCA of Social Cooperatives applies to educators in externalised crèches, where, according to several of our interviewees, they are currently the predominant player, and to a specific professional figure, which is that of the “social educator” that supports kids with special needs at all schooling levels and whose employment is mostly externalised to cooperatives. Besides this contract, the following three NCAs apply to a range of 60,000 and 30,000 workers: ANINSEI Confindustria to 68560 workers; FISM to 39626; and AGIDAE to 35457, while the remaining agreements cover fewer than a hundred workers each. ANINSEI is an association affiliated to Confindustria that represents private for-profit schools. FISM is an association that represents private Catholic schools that, for the most part, work in accreditation with the state, while AGIDAE represents Catholic schools that are directly dependent on (and financed by) the church authority.

Like in LTC services, available data suggests that only a small core of TUs and EOs bargain the most relevant agreements. The most applied NCAs are signed by the three confederations and by two representative autonomous unions (SNALS Confsal and SINASCA). Scarcely representative rank-and-file organisations have negotiated the remaining NCAs, but none of the major NCAs have been signed with coalitions of scarcely representative autonomous unions. If we consider the 0-3 and the 3-6 segments separately, the level of fragmentation further decreases. In the 0-3 segment, the most relevant NCA is that of the Social Cooperatives – although the FISM is also partly relevant since it represents some institutes that bring together the crèches with the kindergartens. In the 3-6 segment, there are only 3 relevant actors and NCAs, the ANINSEI, the FISM and the AGIDAE.

#### *2.1.2.1 Pirate agreements and minor NCAs*

The limited success in terms of application of many of the minor contracts, suggests, on the one hand, that contractual multiplication responds (also) to other logics besides challenging the relevance of the most applied contracts, and on the other hand, that the traditional EOs in the care sector still maintain political power and influence over their members.

A first example of these different logics is the spread of scarcely applied **“pirate” agreements**. While typically used as tools to create subcontracting chains in sectors like logistics and the food industry, in the care sector - where outsourcing is mostly direct - the incentive to create the un-applied “pirate” contracts seems to come from several earning possibilities that appeal to actors that operate mostly locally: for the actors behind the alleged EOs, it is an opportunity to access public funding and gain political connections, for those behind the alleged TUs, it extends to charging workers for services and training. For example, an official of the FILCAMS CGIL (Interview 7) reports that the multiplication of the domestic workers NCAs started after it became clear that some funding would be flowing into the formalisation of the sector in the context of the COVID-19 relief plan (Piano Nazionale di Ripresa e Resilienza - PNRR). Interestingly, **it seems that the ECEC sector offers fewer incentives to create pirate agreements than the LTC sector**. This might have something to do with the size of the sector, with the fact that the majority of the private schools are accredited services that need to apply specific standards - while the purely private sector is not directly financed - or with the nature of a service that prompts higher levels of social attention and control, or even with the level of self-awareness and education of the teachers.

**Next to the “pirate” contracts, there are a few scarcely applied minority contracts** that can be traced to small employers’ organisations that are interested in signing a flagship agreement that reflects their

identity, as well as to regional associations that are locally relevant, but nationally not representative. A small EO can be opportunistically interested in signing a minority agreement to carve out its own space in the political and socio-economic system. Signing a collective agreement allows an EO to participate in national discussions on the governance of care services and cultivate political influence despite their narrow representativeness.

*It often happens that I meet with the Ministry, for example, recently we had a discussion about disability policies. And I, who represent 6,000 cooperatives, am on the same level as an association that represents 30 people. (Interview 4, President of Concooperative Solidarietà)*

**The emergence of new actors can also depend on political dynamics internal to collective organisations.** In 2022, the association Concommercio Salute was born within Concommercio, which is the largest Italian confederation representing business enterprises. The EO signed a separate NCA for the socio-sanitary sector with CISL and UIL, which seems to operate in direct competition with that of another long-standing member of Concommercio, ANASTE. The NCA of Concommercio Salute gained some recognition; however, its application levels are currently set at around 2300 workers. If it were to grow, it could challenge ANASTE, which presently covers slightly less than 11.000 workers, but so far it seems that the NCA has not had the kind of success that was expected. This seems to have more to do with political dynamics internal to Concommercio than with the considerations of individual service providers regarding competitiveness.

While these alternative logics seem to be predominant in the care sector, **there are also cases of EOs that try to carve their space directly into the industrial relations system by presenting themselves as credible alternatives to some of the most applied NCAs.** However, so far, none seem to have succeeded in either sub-sector. The main example appears to be found in the ECEC sector, where the national organisation Federterziario, which nominally organises employers within the tertiary sector, managed to strike a coalition with an autonomous union to sign a collective agreement for private for-profit schools. The Federterziario NCA has similar wage levels to the other reference contract for private for-profit in the sector – the ANINSEI NCA - but worse working conditions, which could make it an appealing alternative for private schools looking to contain personnel costs. However, the NCA is currently applied to less than 3000 workers, while its direct competitor, ANINSEI, is applied to almost 70.000 (Annex 2). According to a union official of CISL Scuola (Interview 15), this depends on the organisational power of the confederation Confindustria, to which ANINSEI is affiliated. On the one hand, the associational power derived from participating in the confederation prevents en masse defections: it is more convenient for employers to be affiliated with an association that has higher institutional power and can offer more services. On the other side, this institutional and organisational power makes associations affiliated to Confindustria politically more relevant, having a higher capability to influence standard-setting in the sector.

#### 2.1.2.2 Competition between major agreements

In both sectors, **the most significant agreements in terms of coverage are signed by the most representative unions** (the ones affiliated to the three confederations), and the minority agreements that compete **in terms of coverage and political influence with the main ones are signed by long-standing sectoral EOs.** This speaks to the continued political relevance of those organisations that first participated in the industrial relations systems of the two sectors, but also to the high degrees of competition that emerge within the boundaries of identity-based fragmentation.

The **LTC sector is the one that shows the highest levels of competition between major agreements**, due to the number of actors involved. However, recently, there has been a push for the renewal of NCAs, with the Social Cooperatives leading the way at the beginning of 2024 by signing an



ameliorative NCA that brought wage levels in social cooperation close to those of the public sector. This decision prompted the second most significant player, UNEBA, to finally unblock the negotiations over the renewal of its contract, which had expired for 5 years. Nonetheless, the situation in the sector remains critical because of the **resistance of the smaller relevant EOs to increasing wages**. The other contract applied to catholic non-profit providers, ARIS, expired in 2012, and, because of the impossibility of finding an agreement for a renewal, the FP CGIL withdrew its signature. Next to it, there is the AIOP contract, which has similar application levels to ARIS and applies to profit and non-profit actors in the private health sector, including but not limited to residential care. Unlike the ARIS NCA for residential care, the AIOP one is a minority agreement signed with a coalition of autonomous unions, but it has also long expired, since 2015. Although, through the years, wages for both ARIS and AIOP have been partly actualised through “bridge” agreements – through which the employers have agreed to small wage increases - these actualisations are not sufficient to compensate for inflation, and, to this day, there is no consensus over a renewal. Finally, there is the ANASTE agreement, which is a minority agreement that applies to private residential care and that is generally identified by other players in the sector as a “dumping” agreement – both in terms of wages and of working conditions.

As explained, competition in the private 0-3 segment of the ECEC sector is extremely low, while **in the private 3-6 segment it is less intense than in the LTC in terms of numbers of organisations involved, but it is heightened by the fact that the most significant player - the ANINSEI - is the one organization which is resorting to a downward competition strategy**. While both the FISM and the AGIDAE have recently invested in the renewal of the contract, both economically and politically, the ANINSEI signs an NCA whose economic and working conditions are considerably inferior to those set by other relevant agreements in the sector.

*[If I apply the ANINSEI contract] I pay less, I have only the union rights that are tied to Law 300, that is, the Workers' Statute - so very little representation, just to be clear, which instead I have much more of in the other contracts. I have significantly fewer obligations, and salaries... 400 euros per month is not a small amount. [...] So let's say that the most coveted contract right now is the Confindustria one, but for now we have, how can I put it, some issues with it, as trade union organisations. (Interview 15, Union Official, National Secretariat CISL Scuola)*

This discrepancy has led the two most representative unions in the sector - first the FLC CGIL and then the CISL Scuola (followed by the SNALS Confasal) - to refuse to sign the renewal of the NCA. The ANINSEI has nonetheless decided to proceed to the signature of a separate agreement with the UIL Scuola RUA in 2024. The analysis confirms that fragmentation brings a critical element of instability to the system as it favours opportunistic behaviour and competitive strategies - within and amongst organisations - that obstruct the harmonised improvement of working conditions in the two sectors. However, it also points to the fact that the competitive dynamics that affect standard setting the most are those between the established social partners. While minority and “pirate” agreements can become powerful competitive tools in individual disputes at the local level, at the national level, there is no emerging organisation that can challenge the traditional actors in terms of political influence.

### 2.1.3 Informality

Like in the rest of the Italian economy, even in the private sector, **collective bargaining coverage is formally high (OECD & AIAS, 2023)**, which would suggest that the main challenge to workers' rights and wages comes from contractual dumping. However, several interviewees agree that **the actual bargaining coverage is lower than the formal estimate because of the incidence of informality**. In fact, in some contexts, the problem is not so much the *formal* but the *factual* application of the contents of the contract, whose dispositions are evaded in the everyday practice of the firm. This is a relevant issue

especially in smaller private companies and in those areas of the countries where the system of industrial relations is overall weaker, as the southern regions - while more established companies tend to either shop for a cheaper contract or stick to the most representative NCA but utilise the system of the “derogation” (a formal procedure to allow exceptions or postponements of the application of the provisions of the NCA).

*Often in the south, the contract is not applied. This is a bit... not in a homogeneous way, but more like a patchwork. Frequently, the contract is not used, or it is used improperly. [...] For example, I hire you for 18 hours, but you work 30. [...] I mean, in Lombardy, all the cooperatives apply the contract by default; no one questions applying the contract. They might get angry at you because you increase the wages etc., etc., but they start from the assumption that the contract is applied.*  
(Interview 4, President of Confcooperative Solidarietà).

## Domestic Work

Despite its uniqueness, the situation in the domestic work sector shares several similarities with that in formalised LTC services, with contractual proliferation in the sector being particularly high. There are currently 30 registered NCAs in the domestic sector, of which 21 established only after 2016, and 8 between 2006 and 2014 (table 4). Unlike for formalised services, no data on application levels is available at the CNEL, however there are reasons to believe that most of these agreements are pirate agreements. As reported in the literature review, there is a wide consensus that the main NCA for the sector is the one signed by the three main union confederations, and, since the most representative organisations are the main vehicle of formalisation, it is arguably also the most applied. In fact, according to a union officer at the national level, also in the domestic work sector pirate agreements are not signed to compete with the main one but rather to qualify for resource allocation. In the end, informality confirms itself as the main problem also in the application of the Domestic Work NCA: *“However, we have not found such a massive application of these contracts, because usually, those who get regularized do it properly. [...] In fact, the problem is irregular work.”* (Interview 7, Union Official, National Secretariat FILCAMS CGIL).

## 2.2 Recent Developments in Collective Bargaining

Despite the strong incentives to downward competition deriving from the configuration of the system of industrial relations, recently, there have been developments that suggest a change of strategy for some of the major players in the sector. In particular, the intensification of the labour shortage problem has pushed most of the EOs representing the non-profit sector to agree to improve the conditions set in their collective agreements.

**The most significant development for both the LTC and the ECEC 0-3 sector has been the renewal of the NCA of Social Cooperatives**, which entails a substantial upgrade of wages *compared to the former version*.

*We recently renewed the social cooperation contract. We secured an agreement that, in the history of that particular contract, is by far the richest of all, with an increase that, for the 2023/2025 three-year period, and only for the portion that goes into the pockets of all the workers, is 12.5%. This results in an increase of almost 18% for some professional roles.*  
(Interview 1, Union Official, National Secretariat FP CGIL)

While representing a sizeable advancement, the NCA still presents some significant limitations. First, it does not manage to overcome the issue of derogation. To address the concerns of individual cooperatives regarding the economic sustainability of wage increases, the NCA includes a **possibility to sign integrative agreements on gradual implementation**. A cooperative can ask for a delay on the implementation of the upgrades in the economic treatment (except for the first wage increase). Cooperatives that claim to face objective economic obstacles to their full implementation can ask unions to agree on a more gradual implementation schedule than the one set in the national NCA. **This speaks to the political nature of this renewal**. If the government and regional and local authorities do not approve further funding for the services, there is a chance that several cooperatives will ask for an *accordo di gradualità* (gradual implementation agreement), which could lead to the necessity to open several new local rounds of bargaining. While the unions would control derogations, a massive use of the instrument could seriously slow down the full implementation of the agreement.

On a positive note, the application of this new contract aims to harmonise the wage levels of cooperative workers with those of public employees, with the most substantial upgrade being the one for educators in creches, thanks to the upgrade in the professional category. It is, however, less ambitious in terms of upgrading working conditions, which remain inferior to those in the public sector. Ongoing issues are a higher weekly working time in both the LTC and ECEC sectors, and, for social educators and educators in creches, the issue of the suspension of pay during the interruption of services in the summer, and connected to this, a lot of involuntary part-time work.

*When it's fully implemented, an educator working for social cooperatives will have a salary that is not very different from that of an educator hired tomorrow morning by a municipality. However, that educator works 38 hours instead of 36, and when they reach the end of June, the contract is suspended because the services close, and they risk being without pay - unless they are on a vertical part-time contract and don't work those two summer months. I mean, no matter how much you gain, there is still so much to be done to bring them to the same level. (Interview 1, Union Official, National Secretariat FP CGIL)*

Despite its limitations, **the success of this ameliorative bargaining strategy has been sanctioned by the decision of UNEBA also to renew its NCA**, including similar provisions and increasing wages by 10.4% on average. The fact that the two contracts covering the largest share of workers in the private sector have been strengthened testifies to the willingness of non-profit employers to move away from a destructive form of competition in the LTC sector to a more sustainable equilibrium.

Recently, the search for harmonisation has also produced the **merging of two of the smaller NCAs** regulating sanitary transportation services (ANPAS e MISERICORDIE).

*We recently carried out an operation that combined two small contracts, those of ANPAS and Misericordie; these are two associations mainly involved in healthcare and social healthcare transportation. We brought them into a single agreement, and the idea is to combine them with the Italian Red Cross to create a contract for emergency and transportation services. (Interview 1, Union Official, National Secretariat FP CGIL)*

**Also in the private ECEC sector, non-profit employers have decided to invest in improving working conditions.** Both the FISM and the AGIDAE NCAs have been renewed, the first in 2023 and the second in 2024, renewals which involved wage improvements and the increase of the contribution to the complementary pension funds, which in the case of FISM entailed the decision to negotiate participation in a fund previously eligible only for public school workers (ESPERO). Like for the Social Cooperatives NCA, on the EO's side, there is a willingness to collaborate to make the contract more attractive and more competitive both towards the public contract and to other downward competitive agreements. This is particularly relevant for FISM, which is the most exposed to the competition coming from the ANINSEI

contract. It is, however, a general necessity of a sector that tends to lose a lot of workers in favour of the public one.

*The idea, therefore, was to sign a contract that, on the one hand, was economically sustainable and, on the other hand, could be appealing to the workers. Obviously, our educators, our teachers, as much as they are attached to our projects, when faced with a work schedule that offers 7 fewer hours per week - the one proposed by the State - and an economic gap that is about 300 euros gross in difference, I think it's absolutely legitimate for these women—and now there are even some men—to decide to move to the State. (Interview 6, President of FISM)*

The developments in both sectors suggest that we are assisting in a season of renewed protagonism of collective organisations and possibly in a new stage of industrial relations. It is a fact that social partners are trying to mobilise their power resources and build first-time coalitions to challenge the structural recourse to cost containment and downward competition. This is happening despite several indicators that suggest that these power resources are limited. The following section focuses on the analysis of these indicators and on how actors try to navigate systemic obstacles to collective action.

Table 1. Collective bargaining in Italy in ECEC/LTC

| Analytical dimensions |  | ITALY<br>[both sectors, unless otherwise specified]   |
|-----------------------|--|---|
| CB structure          | Main level where CAs are signed  | National-sectoral.  |
|                       | Second main level  | Decentralised at the organisational level.  |
|                       | <b>Vertical</b> coordination between different levels                        | Organised decentralisation: integrative role at the second level.   |
|                       | Number of CAs applied  | 1 in public LTC, 1 in 0-3 public ECEC, 1 in public 3-6 ECEC;<br>38 in private LTC (of which 5 most relevant); 20 in private ECEC (of which 4 most relevant) |
|                       | Degree of fragmentation in CB  | Low in the public, high in the private sector.  |
|                       | Inter-sectoral <b>horizontal</b> coordination between public/private CAs     | Formally none.  |
|                       | Intra-sectoral <b>horizontal</b> coordination between private sector CAs     | Low degree of formal coordination (the same CA is signed separately by different EOs). Some voluntaristic efforts at coordination.                          |
| TU structure          | Degree of TU fragmentation   | High degree of fragmentation [confederal TU + rank-and-file TUs].   |
|                       | Nature of the relationship between TUs                                       | Competition for recruiting the same membership.   |
|                       | Degree of centralisation in decision-making                                  | Highly centralised structure: decisions made at the peak national level.  |
|                       | Structure of workers' representation in the care services                    | Embedded in larger categories – no ad hoc dedicated structures.   |
|                       | Inter-sectoral horizontal coordination between public/private sector workers | In general, voluntaristic with incentives built into union structures. One experiment at unifying representation (CGIL).                                    |
| EO structure          | Degree of EO fragmentation   | High degree of fragmentation [size of enterprise, cooperatives, profit/non-profit].   |
|                       | Nature of the relationship between EOs                                       | Different membership but competition based on labour costs in the CAs.  |
|                       | Degree of centralisation in decision-making                                  | Highly centralised structure: decisions made at the peak national level.  |

## Section 3: Collective Representation in Italy

### 3.1 Membership and Representativeness

Pluralism and voluntarism favour the fragmentation of collective representation in both sectors. Fragmentation is especially a problem for TUs, which **suffer from the fragmentation of their potential membership** in a sector where **participation levels are low and organising is especially hard**.

While the relevance of each EO can be assessed through the data on the application of the collective agreements (see section 1), estimating the weight of trade unions is not as straightforward. It is **difficult to access data on trade union membership** in the private sector, since there is no compulsory mechanism to assess representativeness that would force organisations to offer a transparent count of members. Membership counts are treated as a political resource, and it isn't easy to obtain precise data. Moreover, it is not typical of union organisations to break down data for sub-sectors, which means that all calculations obtained for this study are *estimates* of the actual level of membership for LTC and ECEC workers. A different situation presents itself in the public sector, where the ARAN implements periodic assessments of trade unions' representativeness. However, even in the public sector, data is not broken down by sub-sector, which makes it currently impossible to access precise membership data for public LTC and ECEC workers.

One can get a general idea about union representativeness from the data on the public sector. In the case of the **Local Functions** (relevant for public 0-3 and LTC services) of the Public Sector, the most representative union is the FP CGIL, followed by the CISL FP and by the UIL FP. Only one autonomous union, the CSA Regioni Autonomie Locali, overtakes the representativeness threshold. Regarding the public **Teaching and Education sector** (relevant for ECEC 3-6), it is the CISL FSUR that leads the representativeness count, followed by FLC CGIL and UIL Scuola RUA. In this case, there are three representative autonomous unions, of which the most representative one, the SNALS CONFASAL, also signs the most representative collective agreements in the ECEC private sector together with the three confederations. In the **Public Health sector** (relevant for LTC), the three main confederations - led by CISL - are again the most representative, while none of the autonomous unions that sign the public sector agreements is relevant in the case of private LTC.

However, what emerges from the interviews is that organising in the two sectors is especially hard and in general, unionisation levels are low, especially in the private sector, both in LTC and ECEC.

When it comes to **externalised and private services both in ECEC and LTC**, a national union officer of FP CGIL estimates that, in sum, its organisation counts between 120.000 and 150.000 members from either one or the other sector - at least half of which are working for cooperatives. These numbers are relatively low considering that the total number of workers employed only in cooperatives is 400.000 (see table 2). According to him, even by putting together the members of all the union organisations in the sector, one wouldn't reach half of this amount. Moreover, this membership is unevenly distributed between bigger companies (again, especially cooperatives), where unionisation levels are higher and smaller companies, where it is traditionally harder to organise. However, he also states that membership levels are constantly rising.

In the **private 3-6 ECEC** sector, unionisation levels are low. Amongst the union confederations, it is CISL that represents the lion's share of the sector, due to the weight of catholic schools amongst the private educational institutions. In an industry that counts around 250.000 employees, a national union officer estimates that CISL has around 10.000 stable members and that it reaches around the same number of workers through service provision.



The only exception to low unionisation trends seems to be represented by **public 0-3 ECEC services**. If the public provision of public ECEC services has been shrinking - and it is currently estimated that only 26.000 workers are employed in the sector - its unionisation levels seem to have been holding. According to a national union officer of the FP CGIL (Interview 2), these are indeed relatively high, and the majority of workers in bigger municipalities are unionised. For example, in Milano, where there are over 3.000 workers employed in these services, around 50% are members of CGIL, and the rest are, for the most part, affiliated to the other organisations. The situation appears to be similar in other big municipalities, although CGIL is not always the most representative organisation.

## 3.2 Structure of social partners and internal coordination

### 3.2.1 Trade Unions

**Autonomous unions tend to represent workers in the sector of reference exclusively.** Usually, representative autonomous unions in Italy have a national secretariat responsible for bargaining at the national level and local units that provide services and are responsible for collective bargaining at the local level. However, it seems that most of the autonomous unions in these two sectors – and especially in LTC - cannot engage in systematic efforts for collective bargaining at the local level, meaning that their representative action focuses primarily on offering support for individual dispute resolution and on service provision.

**Within the confederations, instead, responsibility to organise these workers is allocated to sectoral federations that represent broader constituencies than ECEC or LTC workers.** All federations are organised according to levels of competence. The central body of the federation is at the national level, where a national secretariat is responsible for collective bargaining. Then there are regional bodies responsible for coordinating action and policies at the intermediate level, and, finally, local units for workplace representation that are responsible for integrative bargaining. These are also responsible for service provision and the resolution of individual disputes.

Within the three main confederations, representation is at times complicated by how bargaining competences are divided across the sectoral federations, which at times can create coordination problems and frictions:

➤ **Lack/weak of coordination between public/private federations.** This is an issue that is especially relevant for the private LTC, where representation was traditionally allocated to federations organising public sector workers, and where the expansion of the private sector and externalisations has led to the solidification of a fragmented representation, divided between different federations within the confederations. This applies both to CISL and UIL, where two separate federations are involved in the NCA negotiations: the federation representing the public personnel (i.e., FP CISL and FPL UIL) as well as the federation organising in the tertiary sector (FISASCAT CISL and UILTUCS UIL). The two confederations rely exclusively on soft forms of internal coordination to support unitary action.

**The only organisation that responded to the challenge through organisational change is the CGIL**, which decided to allocate to the FP the responsibility for bargaining, also for the private sector – Social Cooperatives included. This was a first-time strategy that entails a much stronger form of internal coordination.

*It was an organisational choice, I must say, quite innovative for the Federation, which has always worked a bit in silos, right? Keep in mind that we were born as the Federation of public workers [...], and today we have more private sector workers than public ones, and we have the whole problem of keeping the entire supply chain together. Our policy*

*has always been to at least affirm the principle that equal work should correspond to equal treatment, both in economic terms and in regulatory terms. To try to achieve that goal, I need to implement integrated policies. So, I need to try to keep the supply chain together, which is very complicated because there are gaps that, even within the same sector, are quite significant. (Interview 1, Union Official, National Secretariat FP CGIL)*

➤ **Effects of systemic changes on unions' structures.** While currently internal organisational frictions affect representation mostly in the LTC sector, **the current plans to reform the organisation of ECEC services are bound to cause new tensions within confederations.** The traditional distinction between 0-3 ECEC as a socio-educational service and 3-6 ECEC as a purely educational one has favoured the crystallisation of a specific organisational structure that sees public sector federations responsible for bargaining for the creches (0-3) and for the social educators (mostly cooperatives), while the federations organising teachers (FLC for the CGIL; CISL Scuola for the CISL; UIL Scuola RUS for the UIL) participate in the collective bargaining for kindergartens (3-6). This clear distinction of responsibilities has meant that so far bargaining in the two parts of the sector has moved on two different tracks, requiring little coordination between different federations. However, in 2017 a reform established the formal integration of education and training system from birth up to six years, emphasizing the importance of educational continuity between the two segments and promoting the creation of public, unitary ECEC institutions, comprising both services for children up to 3 years of age and those for children aged between 3 and 6 (Breuker et al., 2022). So far, this reform has not produced significant systematic changes, and the former distinction between 0-3 and 3-6 has proven to be highly resilient. In fact, besides a few exceptions in the private sector, the structural integration between services for children under 3 and services for children between 3 and 6 years old is still an exception. If, however, the plans to integrate creches and kindergartens were eventually to move forward, it would require rethinking the whole structure of collective bargaining in the sector.

➤ **Internal conflict between categories representing personnel and pensioners.** The other challenge that confederations face is the **coordination of the strategies of the federations organising the LTC personnel and of the demands emerging from the federations representing pensioners**, thus the users/clients of these services. While these federations are not involved in collective bargaining, their weight inside the organisation is high, since they are numerically the largest ones within all three confederations. This means that they have high political power inside the organisations and in setting their agendas concerning public policy demands and strategies. Through these two, the tension between the worker-users and the worker-provider that is observed in the case of domestic work also emerges concerning structured services. While this tension does not necessarily result in open conflict, it is an element of internal contradiction that might hinder innovative action. For example, in their public agendas, pensioners' federations tend to put a lot of emphasis on the reduction of fees and not to engage with the problem of the quality of work, possibly worrying that the latter would affect the former. There are, however, forms of internal soft coordination that are used to prevent conflict. Usually, when it comes to participation in joint tables, confederations try to overcome possible tensions by moving responsibility for the discussion to the confederal level.

### 3.3.2 Employers' Organisations

**With regards to EOs**, while the predominant identity-based membership ensures high levels of internal coordination, conflict of interests can emerge within those that organise players of significantly different sizes. This is a particularly relevant topic for non-profit providers, who have to face the contradictions deriving from the considerable enlargement of some of their members, which challenges the very nature of these organisations.



The most obvious example of this issue is that of social cooperatives. Over the last 15 years, some social cooperatives have dramatically grown, with some that can claim revenues that exceed the threshold of 100 million euros. These are known as the *portaerei* (aircraft carriers) and specialise in subcontracting, competing on cost containment by relying on economies of scale. The increase in size entails a dilution of workers' participation and the reliance on efficiency-oriented organisational logics. The expansion of these cooperatives puts pressure on smaller ones that cannot rely on size to contain costs, intensifying the effects of the current system design.

In the case of the recent NCA renewal, some of the larger cooperatives were the most vocal in expressing concerns, especially those operating in the ECEC sector, since the educators are the recipients of the most significant wage increases.

*"So, in truth, the strongest opposition came from the very large cooperatives [...] there was a real opposition during the negotiation phase, with letters of complaint, petition drives. [...] Those who only deal with public tenders, of course, are threatened by a significant increase in contract costs because if they bid at the lowest price, and their margin is 1 or 2 at most, even just a 5% increase can throw everything off balance." (Interview 4, President of Confcooperative Federsolidarietà)*

However, smaller cooperatives were also reluctant and concerned about the economic impact of the decision on their budgets. In fact, it could be argued that larger cooperatives are the ones with the broadest operational margins and that can better manage an increase in the cost of labour. Moreover, bigger cooperatives are most unionised amongst the cooperatives and the ones with the strongest institutional relationships.

In this context, the three **umbrella organisations demonstrated an extremely high coordination and persuasion capacity**, managing to convince the majority of their members to vote in favour of an NCA that improved working conditions and wages without having received any assurance of increased public funding. To do so, they largely tapped into their ideational power.

*"Why did I say this contract is a paradigm shift? Because, in fact, by signing we stuck our necks out, not towards the unions, but towards our members, our cooperatives. [...] But I explained the political vision to my colleagues, so much so that I was given a full mandate to sign [...] If we continue with a vision that says, "we're here because we're useful and cost less", for me, we're dead. I mean, the moment they decide you're no longer interesting, they throw you away and you're erased from the system. But this is inevitable because you have no entrepreneurial capacity, so you can't survive in the market because you can't hold economically, and you're always squeezed." (Interview 5, Vice President of AGCI Solidarietà)*

This ability of EOs to use ideational power to coordinate action was also evident in the case of the renewal of the FISM NCA in ECEC services. This points to the resilience of a specific capacity of those organisations that have a strong social identity to harness ideological resources (based on these identities) to guide collective action.

## Multinationals

They are not yet predominant in the Italian care system, but they are expanding like in other European countries, and the social partners expect that, if downward competition intensifies, they could become predominant in the LTC sector. So far, no systematic data is available about which NCAs they apply and about their involvement in recent bargaining processes. To the best of our knowledge, most of the multinationals that operate in the country apply either ANASTE (like Colisée – a French multinational that offers residential care) or AIOP (like KORIAN – part of the Clariane group). More recently, the Confcommercio Salute NCA has also emerged as a possible competitor, as it appears that the multinational KOS Care has widely adopted it throughout its facilities. However, in the case of acquisitions, multinationals also sometimes simply adopt the NCA that was formerly applied within the service or structure that they buy, making it difficult to paint a comprehensive picture.

### 3.3 Coordination between social partners

As said, there are no formal coordination mechanisms in place to ensure the harmonisation of standards in the ECEC and LTC sectors. **Coordination is voluntary and enforced through the role of social partners, who use their associational and political resources to create alliances.** While there is evidence that the traditional actors have been able to activate their power resources to defend their position in the system, the renewals of the Social Cooperatives NCA and the FISM NCA (see section 2) shows that more recently they have been trying to activate those same resources to modify the dynamics of collective bargaining and competition in the sector. Despite the obstacles to coordination derived from the systems' voluntarism, the worsening of the labour shortage problem has prompted several attempts to create new collaborations within EOs and between the EOs and TUs. In general, all actors seem to concur on the necessity of some form of harmonisation of wage levels and working conditions, to reduce downward competition. However, the manner and conditions to achieve this harmonisation are still a matter of discussion and sometimes conflict, and the dynamics of competition between actors threaten existing attempts.

#### 3.3.1 Between Unions

**Associational pluralism entails high levels of competition for membership**, with sectoral federations competing amongst themselves and with autonomous unions for members. **Federations *can* collaborate on collective bargaining platforms** while trying to isolate the autonomous unions. However, **unitary action amongst the federations is not a given.**

As said, the signing of “separate” agreements is not infrequent, and it is a powerful political tool to isolate one of the other organisations. Moreover, the three confederations do not always share the same strategies regarding the setting of benchmarks. CGIL tends to be the first one to withdraw from negotiations when the conditions are deemed too low, while the others follow only at times. For example, CGIL was the only one to withdraw from the ARIS NCA when it was not possible to find an agreement for its renewal (see section 2).

Recently, the confederal front seems to be united in the LTC sector, where the federations all signed the Social Cooperatives contract, and they all refused to sign the ANASTE contract. In private ECEC, the confederations have moved together for the renewal of the FISM contract, but over the past few years, there have been several conflicts regarding the ANINSEI NCA, with CGIL refusing to sign the second-to-last renewal, CISL joining forces with CGIL during the negotiations of the last renewal and with UIL eventually deciding to sign the agreement separately.

### 3.3.2 Between Employer Organisations

EOs **represent different memberships**; thus, competition for recruitment is not an issue. However, they care about **preserving their identity and their flagship NCAs, which makes harmonisation amongst contracts complicated** and the creation of a single contract for the two sectors highly unlikely. While cooperatives have a strong and unique organisational identity, they also do not need to merge with others as they are big enough to stand on their own. On the other hand, catholic organisations want to preserve their confessional nature and have an agreement that reflects specific values.

**This is an issue that is especially relevant for the LTC sector**, which, as shown in section 2, is the most competitive and the most fragmented of the two. In the LTC sector, the two organisations that seem to cooperate the most are ARIS and AIOP. The two associations are similar in size, and their constituencies partly overlap (although AIOP does not have a clear confessional connotation). One of the current attempts at contract harmonisation is the merger of the ARIS and AIOP's NCAs for long-term residential services.

While the smaller organisations are generally not available to renew their NCAs and did not appreciate the move of the Cooperatives to upgrade the contract and try and force the hand of the State, they do participate in joint lobbying efforts. All the major national employers' associations – including ANASTE – join in a national inter-organisational coordination council for the socio-sanitary sector (CIASS - Coordinamento Inter-Associativo del Settore Socio-Sanitario). So far, however, the political relevance of this kind of “soft” initiative seems to have been limited.

*So, all together, we managed, with a great deal of effort, to create a series of common documents that provide a guideline ... aiming to give direction to the previous government, which absolutely neglected it. However, even the new government, frankly, isn't giving much importance or attention to this sector. So, the will and awareness that it is necessary to take strong and collective action, this is present." (Interview 13, President of ANASTE)*

*"In the meantime, we have produced, so to speak, documents concerning Law 33, the one on elderly people. [...] I must tell you, in all fairness, that all that work didn't yield great results, because neither the Ministry of Health nor the Ministry of Labour intended to use any part of the work we produced to rewrite it into a decree. However, we did our part in urging them; we also organised a conference and invited the Deputy Undersecretary for Social Policies on several occasions, trying to find a synthesis with the government regarding our wish, which was to develop relevant services for the territory. [...] However, this is not currently happening, because, in practice, they haven't allocated resources, and secondly, they haven't made an effort to implement the suggestions we provided. But the inter-associative coordination is also participating in public moments; [...] So, we are trying to act in a coordinated manner, not thinking that one is stronger than the other, but fundamentally thinking that each one, together with the other, is stronger. (Interview 12, Member of the National Board of ARIS)*

### 3.3.3 Between TU e EO

While the adverse institutional design and the low representativeness levels hinder the abilities of social partners to intervene to modify the functioning of the sector radically, organisations have built organisational and power resources that leave some leeway for collective action. As mentioned in the first

part of the report, in both sectors, there are examples of **cross-side coalitions**, between the confederations and EOs with a strong social identity component (Social Coops and FISM). These coalitions are built against the third and often unacknowledged party of industrial relations, the State and its administrations. At the same time, they have the potential to pull other organisations to a higher standard threshold. The renewal of the Social Cooperatives NCA goes exactly in this direction.

However, not all the EOs are currently willing to engage in what they consider risky economic arrangements. With the goal of harmonisation in mind, tables have been opened to discuss the renewal of the ARIS and AIOP contract. Earlier this year, joint discussions led to the signing of two *accordi ponte* (bridge agreements) with ARIS and AIOP, which entailed harmonised wage increases across both NCAs. These wage increases were meant to compensate for the long periods of contract vacancy for both NCAs and set a standard wage base on which to bargain a new joint NCA. However, the project is currently stalled as the two EOs refused to move forward in the renewal without insurance of further funding and of the possibility, and the confederations decided to call a strike against both organisations.

Confederations also have **mechanisms of local coordination** in place, aimed at favouring a political exchange with the administrations and creating thresholds to service provision standards, usually by asking for the introduction of externalisation standards to obstruct cutthroat downward competition.

### 3.3.4 The state as the third party of industrial relations in care services

Coordination efforts between EOs and TUs have taken the shape of a first-time lobbying coalition. Narratively, collective bargaining organisations are identifying the State as the third party of employment relations in the care sector, to reveal its direct responsibility in the definition of working conditions and service quality in the socio-sanitary sector.

*Our sector is atypical, in the sense that at least 80% of our work is done for the public sector, but we have a private law contract, which means that our client is public, but he is not a party to the work contract. What does this entail? It means that all the increases we determine within a contractual table must be paid by someone else, who is not present at the table. This is a serious contractual flaw, because we are unable to guarantee to our members and cooperatives the stability of the system in terms of economic recognition. (Interview 5, Vice President of AGCI Solidarietà)*

The State, as the primary buyer and financier of private care services, has a direct responsibility for the definition of wages and working conditions – a responsibility divided between different bodies at different levels.

The government is responsible for general budgetary decisions and for establishing a benchmark for the definition of the costs of labour in public procurement contracts. Austerity measures and imposed budgetary restraints are the main drivers of the increasing recourse of local administrations to externalisations. Moreover, considering that part of the fiscal cuts has been implemented through hiring freezes in public services, the government can also be considered directly responsible for the increase in workloads and worsening of working conditions in the public sector. Next to this, the government also has a responsibility to determine a minimum benchmark for public procurement services. In particular, the Ministry of labour is responsible for producing a yearly assessment of the cost of labour in care (and other) services, an assessment that must be used as a benchmark by local administrations when designing public call for tenders and defining service rates.

The other levels of the state that have a responsibility in the definition of the working conditions in the sector are regions and local administrations. Italian regions have high budgetary and organisational independence in the governance of socio-educational services, in particular regarding LTC and 0-3 ECEC. They also set regional benchmarks for accredited services. Local administrations, on the other hand, decide

how to allocate local budgets and whether to externalise a specific service or not, and define call for tenders' criteria within the framework set by the law. They also define the criteria for evaluating service quality. Depending on how these criteria are defined, they can put pressure on service providers to set worse working conditions.

*There is a perception among politicians, at the regional level but especially among municipalities - which are the most burdened in terms of budgets and cuts - that social cooperatives are a way to save money compared to internal management of services. [...] If the public perception is that, so to speak, social cooperatives need to be squeezed to make some savings, it's clear that this sector has no chance of taking off. (Interview 5, Vice President of AGCI Solidarietà)*

*There must be sustainability for the worker in relation to their salary, and for the organization, in relation to the sustainability of costs and the organization itself. [...] For example, we are accused by the unions of using involuntary part-time work, right? But there's an issue [...] even within home care, but also within nursing homes, services are discussed in terms of time units. [...] In other words, I provide the service, and the remuneration is based on the minutes it takes to do the task. And this is really against any logic of quality service for the person, because you don't go in, take a doll, put it in the bathtub, dry it, and put it back, you know. (Interview 3, President of Legacoop Sociali)*

The decision to jointly lobby the state is, however, not so obvious. TUs have traditionally preferred to keep lobbying efforts separated, for fear that the explicit recognition of the external budgetary limits could provide an alibi to employers not to improve working conditions. On the other hand, EOs have been trying to avoid an increase in labour costs to protect their profitability. Moreover, employers working on externalised services have an interest in maintaining good relations with local administrations.

However, all actors involved are starting to recognise the political advantage of joint lobbying towards the state. The signing of the Social Cooperatives NCA can be considered the most radical embodiment of this logic so far, and a form of lobbying. For the first time, externalised service providers recognise the need to confront the state and the local administrations, where they usually tended to privilege collaborative strategies to preserve good relationships with the buyer. This is because they start to fear that downward competition will become economically unbearable and self-destructive for their organisations.

*We are heading toward a showdown; obviously, no one likes this, because we know that building agreements, winning tenders, etc., requires good relationships with public entities [...] But these keep lowering the price [...] Look, I could cite hundreds of examples where, especially in municipalities, they come and tell you: "How can we make this work? We no longer have money in the budget, but you don't want to leave the kids on the street or the elderly alone, right? You have this calling." So, you go lower and lower and lower. And obviously, all of this then impacts human resources because, in the end, there are no other areas where you can spread the costs. (Interview 4, President of Confcooperative Federsolidarietà)*

On the other hand, unions decided to abandon their defensive stance and recognise the limits of a bargaining strategy exclusively targeted at employers. The creation of the observatories politically reinforced this attempt at permanent collaboration.

*If we look at the social cooperation contract, we did something that had never been done before. That is, in response to the long-standing request from all our counterparts to go knock at the door of the local administrators to ask for tariff adjustments, we included in the national contract the creation of this National Observatory on Tenders and Accreditations [...] It's something we've invested a lot in; it's not a trivial matter, politically, sitting together with employers to monitor the situation. But it tries to break a pattern that, at least in my view, is very problematic. (Interview 1, Union Official, National Secretariat FP CGIL)*

The signing of the contract was not just a way to put pressure on the local administrations, but also the government. In particular, it tried to exploit the mechanism that establishes that governmental assessment

of the cost of labour should be based on the conditions set by the most representative NCAs to set a higher benchmark for the calculation of the cost of labour in care services.

It is still too soon to assess the results of this kind of lobbying. The first reaction to the NCA renewal of the association representing local administrations (ANCI) was defensive, since it is the local administrations who must finance the increase of labour costs if the state does not intervene. ANCI tried to push for an interpretation of the current discipline for the design of call for tenders, that would allow municipalities to put a 5% cap on labour cost increases. On the other hand, the current government seems unwilling to increase financing.

It is, however, true that some local administrations and regional authorities intervened by setting a minimum benchmark. For example, the region Emilia Romagna has identified ANASTE as a dumping NCA that should not be applied in accredited services.

## 3.4 Organisational strategies in the two sub-sectors

### 3.4.1 Main demands emerging from the members

**Most of the workers approach unions to request services and individual protection.** On average, workers in these sectors tend to approach the union after their contract has ended or, in the case of outsourced services, when the contract for services is reassigned to a new provider. This situation usually entails the termination of the contract or the shift to a new employer. In the latter case, the main reason to approach the union is the desire to preserve employment; however, for unions, this is also a window of opportunity to discuss wages and organisational matters. In general, some organisational issues are particularly relevant for each part of the two sectors. Outsourced ECEC workers are often overworked but at the same time exposed to involuntary part-time, which can take the form of a suspension of the contract – and therefore of income - during the summer months. Workers in the public ECEC sector are negatively affected by the block of turnover, which has led to an overall workload increase and the ageing of educators and teachers, resulting in increased physical exertion and heightened stress levels. Finally, the intensification of workloads and working schedules in the LTC sector aggravates the already burdensome physical and mental loads associated with the job, leading to an increase in occupational illness and injuries.

When it comes to **organised collective action, the demands of workers in both sectors tend to focus on the recognition of workers' qualifications (which, of course, has an impact on wages) and on work organisation.** The main request is to **improve work organisation in favour of a sustainable work-life balance**, as workers across the care sector have been increasingly suffering from the intensification of workloads. However, the requests to improve work organisation are also linked to the desire to improve the quality of service offered.

**The main request coming from the employers is the increase in public financing of care services**, as detailed in the previous section. Besides this common issue, some private employers also argue for **more autonomy in the definition of the modalities/organisation of service provision**. Cooperatives wish to regain freedom to experiment and innovate in the organisation of services. At the same time, LTC for-profit private providers lament an excessive limitation of “organisational freedom” – a very delicate topic, because depending on how “organisational freedom” is conceived, it could easily result in a worsening in the private/public divide in terms of working conditions and quality of services.



### 3.4.2 Organising workers in the LTC and ECEC sectors: Obstacles

While it could be expected that the decreasing levels of labour offer would have increased labour power, to this day, we are not observing a marked increase in industrial action. Low union membership density combined with a low workers' propensity to mobilise makes it hard to organise strike actions and mobilisations despite the favourable market circumstances. This difficulty is the outcome of several factors:

- First of all, there is a **cultural/psychological element** that is common to care work in general and hinders organising efforts. Care workers have been famously described by sociologist Nancy Folbre as *prisoners of love* (Folbre, 2017), meaning that the emotional attachment and the sense of responsibility that they feel towards the recipients of the care services prevent them from engaging in radical and more efficient forms of protest and collective organising.
- Next to this psychological element, there are **personal characteristics of the workforce** that can act as an obstacle to organising. For instance, in the LTC private sector, there is a high incidence of workers who are *more exposed to the precarity of the workplace*, such as migrant workers or older women.
- The **precariousness of working contracts** is a general issue for workers in the private sector. In particular, in the private ECEC sector, workers tend to see their working position as temporary, as a passage to the public sector schools. Therefore, they show a lower propensity to engage in organising in what they perceive as a temporary workplace, but, at the same time, they wish to ensure contract renewals, which makes them resistant to exposing themselves to possible retribution for participating in any union activity.

*Well, people here are just there to leave when they can, that's the thing, not to stay for life, but to leave. And so, they care little about striking [...] they might come to the meetings, but often they ask to have them outside of working hours. First, because they don't want to give the employer the certainty that they are part of a union organisation. [...] And then they only get involved when the employment relationship ends. Then they come to us and start saying: 'I worked more hours than x and they didn't pay me.' In the end, you become, so to speak, accountants. And you make agreements where you don't contest the dismissal as long as the employer pays what's owed to the worker. That's how it is. (Interview 15, Union Official, National Secretariat CISL Scuola)*

- Difficulties in recruiting and organising are due to the **high fragmentation of workplaces and the low degree of unionisation**. This is true especially for social educators and workers in private schools, which tend to be very small in size, but also for those LTC workers working in small-sized residencies. Isolation, combined with the inevitable **personalisation of working relationships** and the fear of exposing oneself to repercussions, hinders organising efforts.

*It's very complicated, due to the fragmentation I mentioned earlier, to try to mobilise - or even just connect with the vast majority of workers. It's very complicated. Keep in mind that, for example, in social cooperatives, we conducted a consultation on the contract, which went well—we got 97% of the votes in favour—but we reached less than 10% of the staff. And we held over a thousand assemblies in a month and a half. Because if you have a cooperative providing support services for people with disabilities or school inclusion, those are workers who are isolated, which is one of the other big problems in this sector. They are solo workers [...] you often hold assemblies for 4-5-6 workers. And I think this is a very significant problem, because it becomes a bit self-perpetuating, right? (Interview 1, Union Official, National Secretariat FP CGIL)*

- Finally, next to structural issues, there are also **institutional obstacles to strike activity** in the sector. Law n.146/1990 mandates that strikes cannot affect the continuity of essential services

and sets the benchmarks that apply for the “continuity of services” to be realised. These benchmarks are stringent and limit the chances of organising an impactful strike activity.

*I have to say that Law 146, the one about strikes, has made this situation much worse. Because, especially for facilities open 24/7, 365 days a year, the law is so rigid and the number of staff present has been reduced to such a minimum, that, in fact, the initiative to mobilize for a strike is seen by the workers as an irrelevant issue [...] we have a problem there, because I have facilities where practically no one can strike anymore. So, this makes a difference, and has created, in the minds of those workers, the belief that this form of mobilization doesn't exist for them, even when it could. (Interview 17, Secretary of FP CGIL Modena)*

### 3.4.3 Organising workers in the LTC and ECEC sectors: Strategies

There are, however, signs that the **situation might be changing**, especially in LTC services. During September 2024, two nationwide days of strikes were announced by the confederations, to pressure private LTC providers to renew the contract - one against UNEBA and one against ARIS and AIOP. Mobilisations are also happening at the local level, and there are examples of strikes that overcame the obstacle of Law 146.

The fact that **this happens in LTC services rather than in ECEC services is puzzling**, because all interviewees agreed that teachers and educators have much stronger influence on the families than workers in LTC and can therefore exercise more pressure on their employers. A possible explanation is that those workers who are in the public sector can exercise this pressure as a *threat*, and do not necessarily need to come to action, an instance that, combined with a diffused sense of responsibility to ensure the service, has so far disincentivised strike action despite the worsening of the working conditions across the board. It is, however, true that in 2024 there have been various examples of mobilisations and public demonstrations of ECEC educators to put pressure on local administrations. On the other hand, workers in the private sector are hindered by all of the conditions clarified in the previous section.

Besides investing in the organisation of mobilisations, **TUs have been resorting to several other strategies that aim at reinforcing their associational power and strengthening their institutional and political resources.**

Regarding recruiting, **technology** was mentioned as a tool that has proven valuable to reach isolated workers, especially during the pandemic, but also after. The officers that we interviewed mentioned WhatsApp groups, online assemblies or Facebook live streams as instruments that are better suited to reach isolated workers who must juggle highly complex work schedules. However, technology is perceived by officers as a limited tool, because the virtual setting has proven not to be conducive to actual enrolment in the union. While it represents an entryway, it must lead to a moment of face-to-face interaction to become an effective enrolment tool.

*We need that physical dimension, because people, at least in our experience, still struggle a lot to sign up for the Union outside of a personal, mediated relationship, right? I mean, very few people go on the portal or website and ask how to register online, because they need that physical connection. [...] This is what we've been doing with these workers for a long time, we try to make you come to the union office where we hold the assembly [...] or tell us where you are and we'll come to you. (Interview 1, Union Official, National Secretariat FP CGIL)*

Through collective bargaining, territorial bargaining, and lobbying, unions are also trying to harmonise conditions and wages to decrease competition, while strengthening their institutional power.

*We are trying to give the sector its own identity, and we are doing so through the contract; the contract is not just a collection of rules, right? It's also a solidaristic dimension, a social dimension, even a cultural dimension, if we want. And so,*



*consequently, it must find its own harmony, its own alignment, among the various contracts. And this would also take out some of the other contracts, in a way. (Interview 15, Union Officia, National Secretariat CISL scuola)*

Unions can also use collective bargaining to support mobilising efforts at the local level by **strategically negotiating mandatory consultation requirements**. For example, in the Local Functions NCA, the unions were able to insert a mandatory consultation provision, which forces local administration to consult with unions if they plan to outsource a service. Early information allows unions to organise, mobilise, and influence the outcomes of the procedure. This kind of provisions supports a bargaining strategy called *contrattazione di anticipo* (in advance bargaining), meaning the attempt to politically intervene in the organisation of the services through the pre-emptive determination of outsourcing standards.

Finally, **traditional unions are also attempting to innovate their strategies with regard to domestic work**. In particular, there are some examples of attempts at a more holistic approach to representation, with unions trying to collaborate with migrant communities and local associations. These attempts, however, are still extremely limited in scope, mainly because they are highly labour-intensive for officers, and outcomes do not evenly reward the efforts. To overcome this obstacle, it appears that traditional unions are trying to insist on **recruitment through formation**. As they have obtained the authorisation to certify skills formation, they hope that the context of the training courses will also work as a possible recruiting gateway. Besides recruitment, in the case of domestic work, unions also use individual litigations to try to reorient legal interpretation and strengthen institutional standards. Finally, traditional unions have recently engaged in broad **joint lobbying strategies** that do not focus exclusively on domestic work but also on a request to reform care policies and migration policies.

### 3.5 Recent initiatives to strengthen collective bargaining and representation

The collaboration between confederal unions and social cooperatives for the renewal of the NCA has led to the creation of a **Bilateral National Observatory and of a network of Bilateral Regional Observatories on subcontracting and accreditation**, in charge of monitoring the procedures and contents of public calls for tenders and the rightful implementation of the Social Cooperatives' NCA. The regional observatories have the task of monitoring the methods and outcomes of local calls for tenders, collecting data, and signalling or contesting anomalies to local administrations. They report to the National Observatory that, in turn, can draft joint documents to be used for lobbying activities and national political campaigns.

The creation of the observatory aims to strengthen the collaboration between the social partners, to produce data to support joint lobbying activities towards the state, to strengthen the social cooperatives' contract and to strengthen the reputation of work in care services in general and in social cooperatives in particular.

The creation of the observatory confirms the intention of Social Cooperatives' organisations to pursue a lobbying strategy based on increasing the perception of the social value of care work.

**EOs have also been moving individually** to support a change of discourse around the governance of care work. For example, Legacoopsocial invested in the **creation of a campaign for job and service quality**. The campaign *Lavoro che cura, lavoro che include* (Work that cures, work that includes) aimed at raising awareness about the issues related to the current model of care service provision, at building a discourse around the importance of care work and its social value, at increasing public support to bolster lobbying activities towards the state and at strengthening of the reputation of work in care services in general and in social cooperatives in particular.

An interesting **example of an innovative TU strategy** to strengthen representation comes from a local branch of the FP CGIL. In Modena, the union developed a project to monitor the worsening of working conditions in the socio-sanitary sector and its effects on the health of the workers. The project *Professioni Sicure* (Safe Professions) aims to use this knowledge to protect these workers from job loss and to influence the creation of a more sustainable organisational strategy for local providers. Its ambition is to make the issue of working conditions in the sector publicly relevant by showing its connection with the quality of the services provided.

Table 2. Collective representation in Italy in ECEC/LTC

| Analytical dimensions  |   | Research questions  | ITALY<br>[both ECEC and LTC, unless otherwise specified]  |
|------------------------|---|---|---|
| TUs structure          | Degree of TUs <b>fragmentation</b>  | How many TUs organise in the sector?  | High  |
|                        | <b>Membership</b> of TUs  | Do the TUs cover the same membership? Do the different TUs compete to recruit care workers?   | Competition for membership  |
|                        | Nature of the <b>relationship between TUs</b>                                       | How would you define the relationships between TUs? Collaborative or competitive?   | Competitive (between coalitions)  |
|                        | Degree of <b>centralization in decision-making</b>                                  | At what organizational level decision-making takes place within TUs?  | Highly centralised with regards to collective bargaining  |
|                        | <b>Structure</b> of workers' representation   | Are care workers organised through dedicated union categories? Or together with other groups?   | Only in autonomous unions. In the Confederations, LTC workers are organised within the Public Sector union and Tertiary Sector Union (Cooperatives), ECEC workers within the Public Sector union (0-3 and educators) and the School Workers' Unions (3-6) |
|                        | <b>Inter-sectoral horizontal coordination</b> between public/private sector workers | Does the TUs represent care workers in both the public AND the private sector?  | LTC: CGIL has unified their representation under the Public Sector Union, in CISL and UIL the Public Sector Union and the Tertiary sector union resort to joint bargaining.<br>ECEC: YES  |
| Characteristics of Tus | Characteristics of the most representative TUs                                      | For each TU, please specify:<br>- membership (absolute no. and % in the sector)<br>- sector (public and/or private)<br>- professional profiles of members | <b>LTC confederal:</b><br>FP CGIL (public and private socio sanitary sector); FP CISL and UIL FPL (public); UILTUCS and FISASCAT (private non-profit)   |
|                        |   |   | <b>LTC autonomous:</b>  |
|                        |   |   | <b>ECEC confederal:</b><br>FLC CGIL, CISL Scuola, UIL scuola RUA (public and private kindergartens)<br>FP CGIL (public and private creches); FP CISL and UIL FPL (public creches); UILTUCS and FISASCAT (private non-profit crechès)                      |
|                        |   |   | <b>ECEC autonomous:</b>   |

|                               |   |  |   |
|-------------------------------|---|--|---|
|                               |   |  | SNALS-Conf.Sa and SINASCA (public and private Kindergartens)  |
| <b>EOs structure</b>          | Degree of EOs fragmentation                           | How many EOs organise in the sector?   | LTC: 7 relevant EOs<br>ECEC: 6 relevant EOs   |
|                               | Membership of EOs                                     | Do the EOs cover the same membership? Do the different EOs compete to recruit care providers?  | No competition, identity-based fragmentation  |
|                               | Nature of the relationship between EOs                | How would you define the relationships between EOs? Collaborative or competitive?  | Competitive – recently with experiments at collaboration  |
|                               | Degree of centralization in decision-making           | At what organizational level decision-making takes place within EOs?   | Centralised at the national level   |
|                               | Structure of care providers' representation           | Are care providers organised through dedicated structures? Or together with other firms?   | Generally representing firms operating in socio-sanitary sector, most of which operating in LTC or ECEC.  |
|                               | Inter-sectoral horizontal coordination between EOs    | Do the diverse EOs adopt mechanisms/procedures to coordinate in CB?  | Voluntaristic coordination. Main instrument is that of the discussion Tables. Currently also engaging in joint lobbying towards the state.<br>Case of Cooperatives: creation of a Joint observatory, in collaboration with TUs.                       |
| <b>Characteristics of EOs</b> | <b>Characteristics of the most representative EOs</b> | For each EO, please specify:<br>- membership (absolute no. and % in the sector)<br>- sector (public and/or private)<br>- kind of firms organised | <b>LTC:</b><br>ARAN (Public)<br>Legacoop Sociali,<br>Confcooperative Federsolidarietà and AGCI (Cooperatives)<br>UNEBA (private catholic)<br>ARIS (private catholic)<br>AIOP (private profit)<br>ANASTE (private profit residential care)             |
|                               |   |  | <b>ECEC:</b><br>ARAN (Public)<br>Legacoop Sociali,<br>Confcooperative Federsolidarietà and AGCI (Cooperatives – crèches)<br>FISM (catholic, creches and kindergartens)<br>AGIDAE (catholic, kindergartens)<br>ANINSEI (private profit, kindergartens) |

## Section 4: Labour Shortage

### 4.1 State of the art in the two sub-sectors

The issue of labour and skill shortage has become a **core debate** in the country, openly and systematically associated with the issue of working conditions and quality of services. The awareness of this connection between labour shortage and poor working conditions is the grounds for the recent initiatives of TUs and EOs in the sector.

**The Pandemic was a turning point for the LTC sector**, as it initiated a series of shifts that resulted in what is currently perceived as a full-fledged crisis. While the public sector was always considered more appealing – because of the higher average wages and the stability of the employment relationship – hiring freezes had helped to slow down workforce movements and maintain a stable situation across the sector. However, during the pandemic, the public sector opened a hiring campaign that caused a massive move of the workforce from private to public providers. The intensifying of workloads and general worsening of working conditions did not spare the public sector, whose competitiveness was already based on frail ground, considering the comparatively low wage levels. Therefore, the “flight from private to public” has more recently turned into a **general exit from the sector**. Workers are exercising their market power by opting out, knowing that it would be easy to opt in again in case of necessity.

This dynamic intersects with the general problem of a **shortage of newcomers** to the sector. If the EO were already lamenting the poor programming of training programs that were not designed to meet the volumes required by the industry, the worsening of the working conditions is also affecting the general appeal of these professions, which is reflected in a decrease in the enrolment rates to said training programs.

Finally, those workers on the job who could train for a specialised role are disincentivised to proceed because they think the investment in terms of time and money will not match the return.

While the **ECEC sector** was less dramatically affected by the pandemic, it also suffers from similar dynamics. Like in LTC, both the private and the public seem to offer insufficient conditions to attract highly skilled workers, and enrolment in the relevant faculties is also decreasing. The worsening of workloads and the **inability to appropriately reward skills** exacerbate the issue.

*All interviewees agree that this inability to remunerate competences and work derives from, and results in, a **general social devaluation of care work** in the two sectors. The conditions offered are not just a structural result of the organisation of the sector and general economic dynamics, but also of the scarce social consideration of care work and of the lack of recognition of the skills that are necessary to perform it. Indeed, it can be argued that it is this scarce consideration that led to the current sectoral design, based on cost containment and downward competition. On the issue of strategies to increase the availability of labour at this moment, it lends itself to an answer of astonishing banality. I mean, it's enough to pay less and treat them better. However, that might not be enough on its own, in the sense that it depends on which angle we look at it from [...] a well-paid job and a job with rights is a job that also has greater social recognition. [...] A job that is poorly regarded is then easier to disqualify and pay less. [...] So, what should we do? It's those things, meaning we need to make those professions attractive again, even guaranteeing, I would say, for the new generations this is a particularly sensitive issue, a sustainable work-life balance. (Interview 1, Union Official, National Secretariat FP CGIL)*

All interviewees agree, at least in principle, that the only solution to make the sector attractive again is to **break with the cost containment logic, increase wages, recognise skills and improve working conditions**. This was indeed the logic that was applied to the ameliorative NCAs that were signed over the last year, and to the social partners' lobbying activity. The renewal of the NCAs and the harmonisation efforts are currently the primary strategy of the social partners to tackle the issue. Parallely, all actors are

focusing on **lobbying** towards the state to increase funding and redesign the sector and on lobbying to reprogram training and education.

While this is an interesting change in perspective over the sector, the results are still limited. So far, all that has been achieved is a relative improvement of wages in parts of the private sector, but the overall remuneration remains low across all parts of the two sectors, and the problem of labour shortage remains. If the problem is to reward and dignify care work socially, **the partial wage increases will probably not be enough to offset the adverse effects of the increased workloads and worsening of general working conditions.**

In the LTC sector, some individual employers have been resorting to **direct foreign recruitment to offset the effects of labour shortage.** Until now, it seems to be a relatively limited trend, and most of the EOs seem sceptical about investing in this strategy because they are convinced that the workers hired through foreign channels eventually tend to opt out of the sector or move to other countries. This scepticism feeds into, and is influenced by, the lack of a targeted national in-migration plan. However, recently, **UNEBA decided to invest in the creation of a national project for the coordination of direct foreign recruitment** of socio-sanitary personnel, modelling it on the experience of local recruitment strategy. Despite the lack of a state-coordinated effort, UNEBA can rely on the network built through the church to set up new migration networks. To the best of our knowledge, this is the first serious effort at coordinating direct foreign recruitment in the country, and it might indicate a possible future direction for the sector, especially in the absence of a national investment plan.

## 4.2 Other actors: the citizen-user and the state

The outcome of the design of a system of care based on informalisation and devaluation is the creation of a **contraposition between the right to care and the right to decent work.** If the citizen-user/carer divide is most visible in the case of domestic work, the whole system of care is currently built to foster this divide. **TUs are the most exposed** to the effects of this social divide since the workers themselves are part of both constituencies at the same time - a tension which reverberates on internal structures and strategies. There are, therefore, two significant absences from the discussion on how industrial relations can contribute to the development of a more sustainable system of care: **organised citizens-users** and **the state.** While we already discussed the importance of recognising the role of the state as an active and fundamental part of the system of industrial relations, not much has emerged from our interviews about the opportunity to create coalitions with organised users.

**Forms of organised activism of users are currently few and limited in scope.** In LTC, the nature of the service and its recipients seems to discourage any form of organised local activism. Families tend to mobilise only in case of extreme disservices, while the sheer necessity to handle care often prevails over other considerations. However, it is in this sector that the **most relevant and structured user associations** exist: the pensioners union federations (not born as LTC users associations but most relevant because of their composition) and the associations representing domestic workers' employers. However, these associations have a hard time proposing solutions that would overcome the user/worker divide, and their activism has not been able to push the issue higher on the public agenda.

On the other side, the ECEC sector is suffering from the **loss of an organised activism that was once widespread.** Organised parents' associationism was very common but is currently fading. This means that the power of these workers to mobilise families in their favour, which has always represented an essential

tool for workers, is increasingly reduced to the ability to generate occasional alliances on single relevant issues.

TUs admit to this loss and agree on the **potential** of organised workers-users' actions: *"That thing could trigger, and in some cases does trigger, war machines at the territorial levels. In my opinion, a bit less than we could."* (Interview 1, Union Official, National Secretariat FP CGIL)

Eventually, however, an alliance between workers and citizen-users is a potential power resource that remains untapped.



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## List of Interviews

| Interview Code | Type of Organisation | Sector   | Role and Organization                             |
|----------------|----------------------|----------|---|
| 1              | TU                   | LTC+ECEC | Union Official, National Secretariat FP CGIL      |
| 2              | TU                   | ECEC     | Union Official, National Secretariat FP CGIL      |
| 3              | EO                   | LTC+ECEC | President of Legacoopsociali                      |
| 4              | EO                   | LTC+ECEC | President of Confcooperative Federsolidarietà     |
| 5              | EO                   | LTC+ECEC | Vice President of AGCI Solidarietà                |
| 6              | EO                   | ECEC     | President of FISM                                 |
| 7              | TU                   | LTC      | Union Official, National Secretariat FILCAMS CGIL |
| 8              | TU                   | LTC      | National Secretary of SNALV Confsal               |
| 9              | TU                   | LTC      | General Secretary of Federcolf                    |
| 10             | EO                   | LTC      | Regional Secretary of UNEBA Veneto                |
| 11             | EO                   | LTC      | Member of National Secretariat of UNEBA           |
| 12             | EO                   | LTC      | Member of National Board of ARIS                  |
| 13             | EO                   | LTC      | President of ANASTE                               |
| 14             | TU                   | ECEC     | Union Official, National Secretariat FLC CGIL     |
| 15             | TU                   | ECEC     | Union Official, National Secretariat CISL Scuola  |
| 16             | TU                   | LTC+ECEC | National Secretary FP CISL (written)              |
| 17             | TU                   | LTC+ECEC | Secretary of FP CGIL Modena                       |

## Annexes

### Annex 1. NCAs registered in the National Archive of Collective Agreements at the CNEL – LTC

| Name (Signatory EOs)                                      | Sector of application  | Latest renewals           | Signatory TUs  | N. of Firms 2023 <sup>1</sup> | N. of Workers 2023 |
|---|--|---------------------------|--|-------------------------------|--------------------|
| <b>Most Relevant NCAs</b>                                 |  |                           |  |                               |                    |
| ARAN (Local Functions)                                    | Public LTC and public crèches (0-3)                                      | 2019-21, 2016-18          | FP CGIL, FP CISL, FPL UIL, CSA RAL, CGIL, CISL, UIL, CISAL         |                               |                    |
| LEGACOOOP Sociali, Confcooperative Federsolidarietà, AGCI | Non-profit Socio-sanitary-educational services (Also LTC) - Cooperatives | 2023-25; 2017-19; 2010-12 | FP CGIL, FP CISL, FPL UIL,   | 9406                          | 400272             |
| UNEBA   | Non-profit Socio-sanitary-educational services, (for the most part LTC)  | 2017-19; 2010-12          | FP CGIL, FISASCAT CISL, FP CISL, UILTuCS UIL, UIL FPL              | 6313                          | 128973             |
| ARIS  | Private residential LTC services – catholic non-profit                   | 2010-12                   | FP CISL, FPL UIL   | 159                           | 16459              |
| AIOP  | Private residential LTC services – catholic non-profit                   | 2012-2015; 2010-12        | UGL Sanità, FISMIC-CONFSAL, SI-CEL, FIALS, CONFSAL, FSE            | 332                           | 12077              |
| ANASTE  | Private LTC  | 2020-22                   | CIU, SNALV Confsal, Confsal, CSE, CSE Sanità, CSE Fulscam, CONFELP | 458                           | 10806              |
| <b>Other relevant NCAs</b>                                |  |                           |  |                               |                    |

<sup>1</sup> Le colonne "n° di aziende" e "n° di dipendenti" presentano i dati rilevati per mezzo delle comunicazioni mensili UNIEMENS dei datori di lavoro all'INPS a partire dal 2018. L'INPS elabora per il CNEL la media delle 12 rilevazioni mensili. The data is not broken down by sub-sector.

|   |   |                    |   |                   |        |
|---|---|--------------------|---|-------------------|--------|
| AGIDAE  | Private Socio-sanitary-educational services (including but not limited to LTC) - confessional | 2020-22            | FP CGIL, FISASCAT CISL, UILTUCS                           | 1695              | 17141  |
| ARIS-AIOP   | Non-medical personnel in private health facilities (some LTC)                                 | 2016-2018; 2010-12 | UGL Sanità, FISMIC-CONFSAL, SI-CEL, FIALS, CONFSAL, FSE   | 2203              | 146322 |
| AIAS  | Assistance to persons affected by cerebral palsy (also LTC)                                   | 2017-2019; 2010-12 | CISL FP; UIL FPL; UGL Salute; FIALS CONFSAL; CONFSAL; ISA | 222               | 4559   |
| ANPAS ODV - Confederazione Delle Misericordie d'Italia ODV            | Medical transport and ambulance service   | 2020-2022          | CGIL FP; UIL FPL; CISL FP                                 | n.a.              | n.a.   |
| <b>Less Relevant NCAs</b>   |   |                    |   |                   |        |
| ANPIT – CONFIMPRENDITORI-UNICA  | Private residential LTC services  | 2024-2027          | CISAL Terziario; CISAL                                    | n.a. <sup>2</sup> | n.a.   |
| CONFCOMMERCIO Salute Sanità e Cura-CONFCOMMERCIO Imprese per l'Italia | Private Socio-sanitary and educational services   | 2022-2024          | FISASCAT CISL; UILTUCS UIL; CISL FP (adesione)            | 16                | 2338   |
| UNCI-ANCOS  | Non-profit Socio-sanitary-educational services - Cooperatives                                 | 2024-2027          | CISAL; CISAL Terziario                                    | 137               | 2142   |
| UNFI  | Non-profit Socio-sanitary-educational services - Cooperatives                                 | 2014-2017          | ISA   | 74                | 1242   |
| FEDERTERZIARIO-CONFIMEA-CFC   | Private LTC – profit and non-profit (cooperatives)  | 2014-2017          | UGL SANITA'   | 44                | 829    |
| UNICOOP   | Non-profit Socio-sanitary-educational services - Cooperatives                                 | 2024-2025          | UGL Salute  | 41                | 487    |

<sup>2</sup> The contract replaces a previous one signed by a larger coalition of EOs. According to the CNEL, in 2022, that version of the contract was applied to 2210 workers employed in 202 firms. Data on the application of the new NCA is not yet available.

|   |   |            |   |    |     |
|---|---|------------|---|----|-----|
| SISTEMACOOOP;<br>SISTEMA COMMERCIO<br>E IMPRESA   | Non-profit Socio-<br>sanitary-<br>educational<br>services -<br>Cooperatives                             | 2021-2023  | FESICA<br>CONFSAL;<br>CONFSAL<br>FISALS;<br>CONFSAL | 40 | 415 |
| UNCI  | Non-profit Socio-<br>sanitary-<br>educational<br>services (non-<br>medical personnel)<br>- Cooperatives | n/a - 2014 | FIALS<br>CONFSAL;<br>CONFSAL                        | 21 | 216 |
| ITALIA IMPRESA - UNFI   | Non-profit Socio-<br>sanitary-<br>educational<br>services -<br>Cooperatives                             | 2019-2022  | ISA   | 24 | 185 |
| UAI; UAI UAAT; UAI TCS;<br>UAI FNGI; ATECA;<br>FEDERLIBERI;<br>UNIONLIBERI;<br>UNIONCONTRIBUENTI;<br>AISI; PROFESSIONE &<br>FAMIGLIA; IMPRESA &<br>FAMIGLIA | Non-profit Socio-<br>sanitary-<br>educational<br>services -<br>Cooperatives                             | ?-2024     | CONFINTESA  | 14 | 185 |
| FIDAP IMPRESE   | Non-profit Socio-<br>sanitary-<br>educational<br>services (non-<br>medical personnel)<br>- Cooperatives | 2024-2027  | FISAL ITALIA  | 14 | 135 |
| UNCI  | Non-profit Socio-<br>sanitary-<br>educational<br>services -<br>Cooperatives                             | 2024-2027  | FIALS<br>CONFSAL;<br>CONFSAL                        | 14 | 130 |
| AGESPI  | Private socio-<br>sanitary services,<br>including LTC   | 2017-19    | FP CGIL,<br>FISASCAT CISL,<br>UILTUCS, UIL<br>FPL   | 8  | 113 |
| CONFIMPRENDITORI  | Private residential<br>LTC services, non-<br>medical personnel  | 2015-2018  | USIL  | 18 | 105 |
| CONFIMPRESE ITALIA  | Private sanitary<br>and socio-sanitary<br>services  | 2022-2025  | FESICA<br>CONFSAL;<br>CONFSAL                       | 22 | 94  |
| CEPA A-CEPA SANITA'-<br>ESAARCO   | Private residential<br>LTC services –<br>profit and non-<br>profit<br>(cooperatives)                    | ?-2018     | CIU; FNAOPS;<br>fisnalcta; ONAPS;<br>SI CEL         | 6  | 95  |
| UNIMPRESA -<br>UNIMPRESA Sanità e<br>Welfare - UNIMPRESA  | Non-profit private<br>sanitary and socio-<br>sanitary services  | 2023-2026  | CONFAIL; CIU  | 11 | 74  |

|   |   |           |   |   |    |
|---|---|-----------|---|---|----|
| FEDERAMBULANZE<br>SERVIZI ASSISTENZA -<br>UNIAP                                 | (catholic and<br>cooperatives)  |           |   |   |    |
| CEPA A SANITA'-CEPA<br>A-ESAARCO- FENAPI  | Private residential<br>LTC services –<br>profit and non-<br>profit<br>(cooperatives)                            | 2021-2024 | ALI CONFESAL;<br>SIA CONFESAL;<br>CONFESAL; CIU;<br>FENALS;<br>ONAPS        | 7 | 54 |
| CNL-Federazione Nazionale<br>per il Sociale                                     | Private LTC<br>services – profit<br>and non-profit<br>(catholic)  | 2019-2021 | FILD  | 7 | 45 |
| ESAARCO-CEPA A-<br>CEPA A Sanità-CEPA A<br>Federcoop-SAI-FER                    | Private residential<br>LTC services   | ?-2021    | CIU; SI CEL;<br>FNAOPS CGEL;<br>ONAPS; fisnalcta                            | 3 | 32 |
| LEGA IMPRESA  | Private LTC<br>services – profit<br>and non-profit<br>(cooperatives)  | 2016-2019 | FILAP; CIU  | 5 | 23 |
| CIU-ESAARCO-CEPA A-<br>ESAARCO Sanità-<br>ESAARCO Federcoop-<br>SAI-ESAARCO FER | Non-profit Socio-<br>sanitary-<br>educational<br>services (non-<br>medical personnel)<br>- Cooperatives         | ?-2021    | FISNALCTA;<br>FENAL Sanità; SI<br>CEL; CLI CIU;<br>FNAOPS CLI<br>CIU; ONAPS | 4 | 21 |
| FMPI CONAPI- CONAPI   | Private residential<br>LTC services, non-<br>medical personnel<br>– profit and non-<br>profit<br>(cooperatives) | 2017-2020 | CNAL  | 2 | 20 |
| CEPA A-CEPA SANITA'   | Private residential<br>LTC services –<br>profit and non-<br>profit<br>(cooperatives)                            | 2012-2015 | USAE; FNAOPS<br>USAE  | 1 | 9  |
| FMPI  | Private residential<br>LTC services, non-<br>medical personnel<br>– profit and non-<br>profit<br>(cooperatives) | 2022-2025 | CONFINTESA;<br>CONFINTESA<br>Sanità   | 1 | 5  |
| ITALIA IMPRESA- UNFI  | Private sanitary<br>and socio-sanitary<br>services  | 2019-2022 | ISA   | 1 | 4  |



|  |   |           |                              |   |   |
|--|---|-----------|------------------------------|---|---|
| Tavola Valdese-<br>Commissione Sinodale per la<br>Diaconia CSD | Private sanitary<br>and socio-sanitary<br>services -catholic<br>(Valdese) non-<br>profit                        | 2023-2025 | FP CGIL; CISL<br>FP; UIL FPL | 1 | 2 |
| ERSAF  | Private residential<br>LTC services, non-<br>medical personnel<br>– profit and non-<br>profit<br>(cooperatives) | 2021-2024 | CEUQ;<br>CONFEDIR            | 1 | 1 |
| ITALPMI  | Private residential<br>LTC services, non-<br>medical personnel<br>– profit and non-<br>profit<br>(cooperatives) | ?-2027    | UNSIL                        | 1 | 1 |

## Annex 2. NCAs registered in the National Archive of Collective Agreements at the CNEL – ECEC 0-3

| Name (signatory EO)   | Sector of<br>application  | Last<br>renewals                | Signatory TUs  | N. of<br>Firms<br>2023 <sup>3</sup> | N. of<br>workers<br>2023 |
|---|---|---------------------------------|--|-------------------------------------|--------------------------|
| <b>Most Relevant NCAs</b>                                       |   |                                 |  |                                     |                          |
| ARAN (NCA Local<br>Functions)                                   | Public LTC<br>and public<br>crèches (0-3)   | 2019-21,<br>2016-18             | FP CGIL, FP CISL, FPL<br>UIL, CSA RAL, CGIL,<br>CISL, UIL, CISAL   |                                     |                          |
| ARAN (NCA Education<br>and research)                            | Public<br>kindergartens<br>(3-6)  | 2019-21,<br>2016-18             | CISL FSUR, CISL, FLC<br>CGIL, CGIL, UIL<br>SCUOLA RUA, UIL,<br>SNALS, CONF.SAL,<br>GILDA UNAMS, CGS,<br>ANIEF, CISAL |                                     |                          |
| LEGACOOOP Sociali,<br>Confcooperative<br>Federsolidarietà, AGCI | Non-profit<br>socio-sanitary-<br>educational<br>services (also<br>educators and<br>crèches) (0-3) | 2023-25;<br>2017-19;<br>2010-12 | FP CGIL, FP CISL, FPL<br>UIL,  | 9406                                | 400272                   |
| FISM  | Private catholic<br>kindergartens<br>(and crèches)<br>(0-6)                                       | 2021-23                         | FLC CGIL, CISL Scuola,<br>UIL SCUOLA RUA,<br>SNALS – Conf.SAL  | 4613                                | 39626                    |

<sup>3</sup> Le colonne "n° di aziende" e "n° di dipendenti" presentano i dati rilevati per mezzo delle comunicazioni mensili UNIEMENS dei datori di lavoro all'INPS a partire dal 2018. L'INPS elabora per il CNEL la media delle 12 rilevazioni mensili. The data is not broken down by sub-sector.

|  |   |           |  |      |       |
|--|---|-----------|--|------|-------|
| AGIDAE   | Private catholic schools (including kindergartens)      | 2024-27   | FLC CGIL; CISL Scuola, UIL Scuola RUA, SNALS-Conf.Sal, SINASCA | 1147 | 35457 |
| ANINSEI  | Private schools (including kindergartens)               | 2024-27   | UIL SCUOLA RUA   | 5797 | 68560 |
| <b>Less relevant NCAs</b>  |   |           |  |      |       |
| FEDERTERZIARIO SCUOLA;<br>FEDERTERZIARIO   | Private schools (and crèches)                           | 2023-2026 | UGL SCUOLA; UGL; ANCL  | 360  | 2711  |
| FILINS   | Training centers, private universities, private schools | 2023-2026 | UGL SCUOLA   | 83   | 324   |
| FIINSEI;<br>CONFIMPRESEITALIA  | Private schools   | 2022-2025 | CIU; CONFAL SCUOLA   | 17   | 121   |
| UNIMPRESA;<br>UNIMPRESA Federazione Nazionale Scuola Privata ed Enti di Formazione;<br>UNIAP     | Private schools (and crechès), training centers         | 2023-2026 | CONFAL; UPLA<br>CONFCONTRIBUENTI                               | 30   | 102   |
| UNILAVORO PMI;<br>UNIPEL   | Private schools (and crechès), training centers         | 2026-2028 | CONFAL FISALS  | 15   | 102   |
| CIU; ESAARCO; CEPA A;<br>ESAARCO Federcoop;<br>ESAARCO Scuole e Formazione Professionale;<br>SAI | Private Schools (and crèches)                           | ?-2021    | FISNALCTA; FENALS<br>CGS; SI CEL; ONAPS;<br>CLI CIU            | 10   | 92    |
| CNL; Federazione Nazionale Scuola Privata  | Private Schools (and crèches)                           | 2019-2021 | FILD   | 15   | 60    |
| ASPA   | Private schools   | ?-2017    | UGL SCUOLA   | 6    | 57    |

|  |  |           |   |   |    |
|--|--|-----------|---|---|----|
| ANAP; EUROIMPRESE ALBA   | Private schools (and crèches)  | 2019-2022 | SELP; CONFASI; SLE                            | 7 | 32 |
| UNCI   | Non profit crèches (cooperatives)  | ?-2012    | SNALS CONFASAL; CONFASAL FISALS; CONFASAL     | 3 | 22 |
| CIU; ESAARCO; CEPA A; ESAARCO Federcoop; ESAARCO Scuole e Formazione Professionale; SAI      | Private Schools (and crèches)  | ?-2021    | FISNALCTA; FENALS CGS; SI CEL; ONAPS; CLI CIU | 6 | 17 |
| CNL; Federazione Nazionale Scuola Privata CNL  | Private schools (and crèches), training centers                              | ?-2024    | FILD CONFASAL; FILD CIU                       | 7 | 16 |
| ADLI   | Non-profit cooperatives and firms operating in the educational sector        | ?-2026    | FITESC; CIU UNIONQUADRI                       | 1 | 6  |
| CIU; ESAARCO; CEPA A; ESAARCO Federcoop; ADI; ESAARCO Scuole e Formazione Professionale; SAI | Private catholic schools (and crèches)                                       | ?-2021    | FISNALCTA; FENALS CGS; SI CEL; ONAPS; CLI CIU | 2 | 5  |
| Tavola Valdese; Commissione Sinodale per la Diaconia CSD                                     | Private sanitary and socio-sanitary services - catholic (Valdese) non-profit | 2023-2025 | FP CGIL; CISL FP; UIL FPL                     | 1 | 2  |
| ITALPMI  | Private schools (and crèches)  | 2022-2025 | UNSIL   | 0 | 0  |

### Annex 3. NCAs registered in the National Archive of Collective Agreements at the CNEL – Domestic Work

| Name of NCA  | EOs   | TUs  | First Signature |
|--|---|--|-----------------|
| <b>Main NCAs</b>   |   |  |                 |
| CCNL sulla disciplina del rapporto di lavoro domestico   | FIDALDO; DOMINA   | FILCAMS CGIL;<br>FISASCAT CISL;<br>UILTUCS UIL;<br>FEDERCOLF                 | 22/05/1974      |
| <b>Other NCAs</b>  |   |  |                 |
| Lavoro Domestico Badanti e Colf del Terziario            | COMPIE  | ULE; SILSE   | 15/12/2011      |
| Domestici Colf e Badanti                                 | CAPIMED; FENAILP  | CUB; FENALCA   | 09/11/2011      |
| CCNL Colf e Badanti                                      | FEDERPROPRIETA';<br>UPPI; CONFAPPI;<br>FEDERCASA;<br>CONFIMPRESEITALIA;<br>UNICOLF; ITALPMI | FESICA CONFSAL;<br>CONFSAL   | 19/07/2006      |
| Lavoro Domestico - Colf e Badanti                        | CONFIMPRESEITALIA;<br>CONFPENSIONATI;<br>USAE FNEL  | COSNIL Colf e Badanti;<br>COSNIL; SILSE                                      | 15/07/2008      |
| COLF e BADANTI   | CONFIMEA;<br>FEDERTERZIARIO   | SINALP   | 26/11/2008      |
| LAVORATORI FAMILIARI, COLF E BADANTI                     | EUROCOLF; CONFEURO  | E-ACADEMY;<br>MIGRANTI; OVER 50;<br>APS-ACADEMY                              | 20/05/2011      |
| Domestici - Colf e Badanti - conviventi e non conviventi | SIDA  | Sindacato SLI  | 16/02/2013      |
| Disciplina del rapporto di lavoro domestico              | CIU; ESAARCO; CEPA A;<br>ESAARCO Sanità;<br>ESAARCO Federcoop; SAI;<br>UNICOLF ESAARCO      | FISNALCTA; SI CEL;<br>CLI CIU; FNAOPS CLI<br>CIU; ASSOCOLF CLI<br>CIU; ONAPS | 01/11/2014      |
| Assistenza Domiciliare non Medica                        | UNSIK; UNSICOOP;<br>FEDERDAT  | CONFIAL  | 13/07/2017      |
| Lavoratori domestici                                     | FAPI; CESAC   | FILDI CIU  | 05/10/2017      |
| Disciplina del rapporto di lavoro domestico              | ANAP; PMI ITALIA  | SELP; LIBERO<br>SINDACATO COLF E<br>BADANTI; FILDA                           | 14/12/2016      |
| Collaboratori Familiari                                  | ASDATCOLF   | SILPA; SIDU  | 02/10/2017      |
| dipendenti del settore Lavoro Domestico                  | FIDAP IMPRESE   | FISAL ITALIA   | 23/11/2017      |
| CCNL per il personale dipendente del Settore Domestico   | CONAPI  | UNSIK  | 15/06/2020      |

|  |  |  |            |
|--|--|--|------------|
| CCNL per il personale dipendente del Settore Domestico | CONAPI; Federazione Commercianti Artigiani PMI (sottoscritto per adesione) | CNAL; CONFASI (sottoscritto per adesione)  | 13/03/2018 |
| CCNL per il personale dipendente del Settore Domestico | FMPI   | CONFINTESA; CONFINTESA SMART               | 14/12/2017 |
| Colf e Badanti   | LEGA IMPRESA; UIDD   | FILAP; FILAP Terzo Settore; CIU            | 25/11/2017 |
| Lavoro domestico                                       | CSE; CSE FNLEI; CSE FILAI; CONFENAL; CONFIMPRESEITALIA                     | CONFAE                                     | 06/03/2018 |
| Colf e badanti   | DDOMIA; SISTEMA IMPRESA  | FESICA CONFISAL; CONFISAL FISALS; CONFISAL | 25/06/2018 |
| CCNL per i dipendenti del Lavoro Domestico             | ANIAC; ADICOLF   | SINALP; SLI                                | 18/10/2018 |
| CCNL sulla disciplina del rapporto di lavoro domestico | UNILAVORO PMI; Associazione FAMILYCARE aderente a UNILAVORO PMI; FISDAT    | CONFISAL FISALS                            | 03/12/2020 |
| CCNL sulla disciplina del rapporto di lavoro domestico | UIDD   | CIU; SEAL; SALP; SEPI                      | 27/05/2021 |
| CCNL disciplinante i rapporti di lavoro domestico      | UNSIK; UNSIKOLF; ASNALI; ASNALI COLF                                       | CONFISAL; CISA; CONFIAL; SNALV CONFISAL    | 25/05/2021 |
| CCNL per il personale dipendente del Settore Domestico | FMPI; ARCO   | CONFASI                                    | 05/10/2021 |
| CCNL Settore Lavoro Domestico                          | FDP ITALIA; UNIONE   | CONFLAP                                    | 10/11/2021 |
| CCNL sulla disciplina del rapporto di lavoro domestico | CONFIMITALIA (affiliated to CIU); CONFIMITALIA Colf e Badanti              | SNALP (affiliated to CONFISAL); CONFAEL    | 13/12/2021 |
| CCNL assistenti familiari                              | UAI  | FNGI; FAILM                                | 17/01/2023 |
| CCNL per il personale dipendente del settore domestico | ITALPMI  | ITALPMI; UNSIL                             | 10/10/2022 |
| CCNL per i lavoratori impegnati nel lavoro domestico   | FITESC; ADLI   | FITESC; ADLI; CIU UNIONQUADRI              | 02/05/2024 |