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Social Dialogue in the Liberal Professions

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Social Dialogue in the Liberal Professions

The Italian case

c|s

Team for preparation of the report.
The archive's documentary sources have been reorganised and classified by: Eliana Lamore, Martina Gherlenda e Anna di Domenicantonio.
The selection of sources was made by Francesco Monticelli e Franco Valente.
The text has been revised and integrated by Dario Campeotto, Danilo Lelli, Stefania Radici, Mauro Munari, Francesco Monticelli.
Editing is by Enrico Tezza (Collective agreements and bargaining, the organisational undertaking and trade union relations of Confprofessioni, changes in the last decade) and Francesco Monticelli (The agreements and contractual coverage in professional practices).

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Social Dialogue in the Liberal Professions

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Contents

Preface

The value of collective bargaining for employees
of professional practices within the ILO Conventions

Collective bargaining is a fundamental right and a central principle of the Constitution of the International Labour Organisation (ILO) drawn up in 1919 and incorporated into Part XIII of the Treaty of Versailles. The importance of collective bargaining was reaffirmed in the 1998 ILO Declaration on the principles and fundamental rights in labour and is the process by which employer and employee organisations establish their working relationship, working conditions and agree on industrial relations, identifying rights and responsibilities of the social partners for a harmonious workplace life. The ILO has produced several regulatory tools to aid collective bargaining, starting with the 1949 Convention 98 on the Right to Organise and Collective Bargaining and the 1951 Recommendation 91 on Collective Agreements. The 1981 Collective Bargaining Convention 154 defines collective bargaining as all negotiations which take place between employers' organisations, on the one hand, and workers' organisations, on the other, for determining working conditions and terms of employment, regulating relations between employers and workers and regulating relations between employers' organisations and workers' organisations. Collective bargaining is also considered to be a right that feeds other work-related rights, creating benefits that also include improvement in remuneration, conditions and quality

of labour. Studies have indicated that benefits extend to improvements in terms of company productivity and profitability, equality and organisational climate. During periods of crisis, collective bargaining aids firms' adaptability to company reorganisation and workers' adaptability of skills. Generally, it helps to build trust and mutual respect among employers, workers and their organisations, strengthening the constructive dynamics of industrial relations.

The ILO supports social partners and governments in applying international labour legislation, encourages the promotion of effective collective bargaining and provides assistance and examples of good practices to aid the development of bargaining mechanisms. Alongside its technical assistance, training and research the ILO has developed a two-part supervisory system for this very purpose: The first part, which takes place on a regular, periodical (official) basis, provides for two ILO bodies examining information regarding application in law and practice sent by Member States and worker and employer organisations. The second part provides (ad hoc) procedures based on the submittal of appeals.

In particular, appeals regarding the non-application of freedom of association and collective bargaining conventions are handled by the ILO Committee on the Freedom of Association Committee, a body appointed by the ILO Board of Directors and established with nine members who represent government, employers, workers and the Board of Directors in equal parts.

The technical assistance and training provided by the ILO to social partners aim to disseminate knowledge and improve application of ILO regulations and to specialise collective bargaining-related skills for those involved in bargaining procedures for the stipulation of collective agreements. Collective bargaining for employees in professional practices and the lessons learnt in forty years of its history provide a useful information structure for the future of collective agreements in the liberal professions sector and create an interesting case study for the ILO.

Alessandro Chiarabini

Head of Social Protection Unit
International Labour Standards Department
International Labour Organization, Geneva[1]

1. The opinions expressed herein do not necessarily reflect those of the ILO.

Introduction

This report is part of the project Social Dialogue for the Sustainability of European Professional Practices, jointly funded by the European Commission.
Social Partners, Social Dialogue, Collective Bargaining and National Collective Work Agreement within the Italian context of the Liberal Professions, are the key words in this report.
Social Partners is a term generally used in Europe to refer to "management" and "labour" representatives, or rather the employer and worker organisations. The term European Social Partners, in turn, refers to the European organisations involved in European Social Dialogue, as provided for in Articles 153 and 154 of the Treaty on the Functioning of the European Union.
In turn, the notion of *Social Dialogue* is an open question which is also ambiguous[2]. In the history of industrial relations in Europe, it took a certain amount of time - starting from the start of Social Dialogue at Val Duchesse in 1985 - to reach converging definitions. An explanation of the difference between "tripartite concertation", "consultation" and "social dialogue" was provided in the Social Partners' declaration at the Laeken Summit in December 2001. *Tripartite Concertation* means the exchanges between social partners and European public authorities. *Consultation* of social partners refers to the

2. C. Welz, *The European Social Dialogue, under Articles 138 and 139 of the EC Treaty*, Wolters Kluwer, 2008.

commission's activities and official consultations in the spirit of Article 137 (now 153) of the Treaty[3]. *Social Dialogue* means the bilateral work carried out by the social partners, even when not requested by the Commission, pursuant to articles 137 (now 153) and 138 (now 154) of the Treaty[4]. The ILO defines social dialogues as all exchanges of information, all consultations and all types of bargaining between social partner organisations and the government about economic and social policy-related matters[5]. We should therefore remind you that while in Europe, social partners attribute importance to the bilateral nature of social dialogue, internationally they adopt a trilateral approach that is supported by the ILO Terminology as mentioned above is useful to understand the context of collective bargaining and the same composition of parties that stipulate the collective contracts. While *collective bargaining* is the process through which business organisations and workers' organisations intend to arrive at the *collective agreement*, the latter is a private law agreement stipulated between worker and employer organisations, aimed at establishing working conditions. Article 39 of the Constitution gives trade unions the power to stipulate contracts with general efficacy for the entire represented category. There is a tradition in bargaining rules that comes from diplomatic ceremonies that social partners adhere to decide the general pre-contractual rules, the composition of delegations, bargaining timescales, spaces used, procedure, bargaining communication conduct, the ways to overcome bargaining stalemates, the formalities to follow, etc.

This report will talk of the forty years of collective bargaining by employees of professional practices and will highlight the relationship between social dialogue and collective bargaining, within an interpretative perspective where social dialogue includes collective bargaining, the hub of relations among social partners.

The report is structured in the following manner.

After recalling the functionality of a collective agreement and the profiles of collective bargaining as a preparatory background to the history of industrial relations from 1978 to 2018, there will then be a description of Confprofessioni's organisational and trade union relations' undertaking. The emphasis on representing the liberal professions was deliberate, to underline the organisational and cultural diversity of Confprofessioni compared with other employers in industry or trade, and to highlight the different relationship this entailed with Confprofessioni's trade union relations. This part explains the relational approach and the feelings of the Confprofessioni executives who are working in bargaining in the dual role: as entrepreneurs and as custodians of the public interest, pursued through their economic, healthcare, le-

3. Article 153 (ex article137 of the TCE): "1. To achieve the objectives provided for in article 151, the Union supports and completes the Member States' action in the following sectors:
a) improvement, in particular, of the work environment, to protect safety and employees' health;
b) labour conditions;
c) social security and social protection for workers;
d) protection of workers in the event that employment contracts are terminated;
e) information and consultation of workers. […]"

4. Article 154 (ex article 138 of the TCE): "1. The Commission has the task of promoting the consultation of social partners at Union level and takes all necessary measures to favour dialogue, arranging fair support of the parties. […]"

5. https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm)%20%20a

gal or engineering services. This dual purpose drives professionals to evaluate their employees' satisfaction as a principal topic in collective bargaining.
After describing the important points of collective bargaining seen from the professionals' point of view, we will move on to a review of the collective agreements stipulated in the forty years of contractual history. The description looks at technical profiles with an examination of the institutions introduced into contracts, with particular reference to contractual welfare.
The report concludes by recalling the changes made in the last ten years, starting with the 2008 recession and the efforts made to address the changes that derived from it, as well as the vehemence of the digital economy, online and on-platform work, which requires a specific approach and innovative solutions aimed at providing an answer to liberal professionals' new individual and collective needs. The recourse to corporate and contractual welfare seems to be the useful answer provided by social partners for searching for bilateral institutions that can provide the required services.
The opening up of Confprofessioni and Trade Unions to the European Union and to other European Confederations of liberal professions, in order to exchange good social dialogue practices and communicate about the innovative elements of Italian collective bargaining for professional practice employees, conclude the report on Italian good practice. Social dialogue in liberal professions reflects the leaps forwards and the halts in European social dialogue and continues the Italian tradition of trade union relations, enriching it in a central sector for sustainable European development.

Special thanks go to the European Commission that made this publication possible through its joint-funding of the social dialogue project Social Dialogue for the Sustainability of Liberal Professions Firms.

Fisascat CISL
Filcams CGIL
UILTuCS
Confprofessioni

1. Agreements and collective bargaining

1.1 Collective agreements and collective bargaining in professional practices

In January 1979, the fortnightly journal of legislative information sent the National Collective Agreement for employees of professional practices to professional practices, which was stipulated on 20 December 1978. 2018 was therefore the year that saw forty years of collective bargaining in the Liberal Professions in Italy. This report revisits the important moments of National Collective Agreements stipulated by the social partners of Italian liberal professions, in order to document the results achieved and to offer them as good practice to the liberal profession organisations in other European countries.

1.1.1 The Collective Agreement

Recommendation 91/1951 from the International Labour Organisation (ILO) approved by the International Work Conference of June 1951, defines "*collective agreement*" as all agreements in writing regarding working conditions and terms of employment concluded between employers and representative workers' or-

ganisations[6]. Recommendation 91/1951 also establishes the "binding" nature of the collective agreement that commits signatory parties to the relative obligations. Recommendation 91/1951 provides for the non-definition of collective agreements in Convention 98/1949, approved by the ILO Conference in July 1949, where the measures for promoting voluntary negotiation between workers' and employers' organisations on working conditions through collective agreements were set out. The ILO Convention 154/1981 on Collective bargaining approved by the ILO Conference held in June 1981 (67th Session) also defined collective bargaining in terms of "all negotiations which take place between an employer, a group of employers or one or more employers' organizations, on the one hand, and one or more workers' organizations, on the other for determining working conditions and regulating relations between employers and workers and regulating relations between business owners (or employers) or their organizations and one or more workers' organizations."

The collective agreement provided for in Italy falls within this international legislative framework, with some particular factors. First of all, its origin dates back to the corporative order that established collective agreements by the law dated 3 April 1926, awarding trade unions the power of legal representation of all members or non-members belonging to the category for which they were established. Consequently, the collective agreement stipulated was binding and mandatory i*n peius* by the individual agreement[7]. Having overcome the corporative system and restored union liberty, the validity of collective agreements was addressed in Article 39 of the Constitution, which had linked its general validity to all workers belonging to the represented categories at registration, as provided for by paragraph two of Article 39. Trade union registration was devised with the purpose of attributing greater contractual power to them, thanks to their legal status.

However, the mechanism in question has never been implemented and this is due to the fact that no law on the matter was ever issued[8]. According to what was emphasised by Giugni[9], collective autonomy has also taken on a private law legal status, recognised by the Italian system pursuant to Article 1322 of the Civil Code. For this reason, collective agreements in Italy are defined by the "contract of common law" doctrine[10].

Collective agreements and collective bargaining are described below in general terms, preparatory to the presentation of the historical evolution of collective agreements for employees of professional practices.

1.1.2 The functions of the Collective Agreement

Collective agreements can be distinguished by their functions.

The first is legislative, as its content is represented by the remuneration and terms and conditions for individual work agreements. It is defined as "regulatory" as it

6. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R091
7. See G. Giugni, *Diritto sindacale*, ed. Cacucci, 2014, page 134.
8. https://www.brocardi.it/costituzione/parte-i/titolo-iii/art39.html
9. G. Giugni, cit. page 139.
10. G. Giugni, *Rilevanza e natura giuridica del contratto collettivo di diritto comune*, in G. Giugni, *Diritto Sindacale*, op. cit.

does not concern an exchange but governs the contents of a "future contractual production"[11], as the "parties" agree on the terms that they will abide by in the future. These "terms" include those concerning work that includes the employment contract and a vast range of topics, such as working hours, rest periods, organisation of work, physical and mental conditions induced by the employment relationship, work location characteristics, health, pollution and so on[12].

The second function is the one referred to as "mandatory" as it starts up mandatory relations that do not refer to the parts of the individual relationship but to collective signatory subjects. There are different legal effects depending on the legislative or mandatory function. The mandatory clauses cover the duties and responsibilities of worker and employer organisations, the collective signatory parties that imply types of union self-protection to avoid the negative effects of the signatory subject on their own organisation or association[13].

The third function, called "institutional", that comes under the mandatory function but is extrapolated due to its importance in more recent bargaining, concerns the establishment of bilateral bodies for the management of some contractual institutions[14].

11. Thus defined in G. Giugni, *La funzione normativa*, in G. Giugni, *Diritto sindacale*, op. cit.

12. See European Commission and ILO:
http://ec.europa.eu/social/main.jsp?catId=706&langId=en;
https://www.ilo.org/global/topics/working-conditions/lang--en/index.htm

13. See La caratteristica comune delle clausole obbligatorie, in G. Giugni, op. cit.

14. L. Bellardi, Istituzioni bilaterali e contrattazione collettiva, Milan, FrancoAngeli, 1989.

Lastly, there is a third category of clauses that does not come under the ones stated above, but which is also considered to be a sub-component of the mandatory function, and that concerns the "constituent" function that corresponds to the matter of legal disputes between parties and that govern legal settlement or verification situations for specific company issues.

This function, also known as company, addresses a company management problem such as a company crisis, organisational restructuring and reduction of staff, innovative processes or training programmes. Due to the 2008 economic and financial crisis, measures referring to company reorganisation and consequent excess staff, to social security cushions[15] that were available are agreed within the mandatory function.

These mandatory clauses oblige the business owner to inform or consult workers' organisations about some management decisions that the company intends to take, and for this reason come under the mechanism of social dialogue accepted among the social partners. By considering the problems connected with subjective validity and the procedure that binds entrepreneurial powers, and the matters relating to subject validity of derogatory company agreements, the company or constituent function will not be included in this report.

15. The term social security cushions means a series of measures that aim to offer economic support to workers who have lost their jobs. These are, therefore, instruments the companies in difficulty that must restructure and thus reduce labour costs must use. https://www.lavoro.gov.it/temi-e-priorita/ammortizzatori-sociali/Pagine/orientamento.aspx

1.2 Collective Bargaining profiles

a) The general picture

Collective bargaining is the process via which business owner organisations and worker organisations intend to reach a collective agreement, using all forms of social dialogue and convincing measure that they have at their disposal, such as striking.
According to Giugni, collective bargaining is the main method for forming conflict between workers and employers and is the basic activity through which the trade unions and employers' associations protect the interests of the represented subjects.
As mentioned above, the ILO Convention on Collective Bargaining[16] concerns negotiations between the social partners, aimed at establishing working conditions, relations between employers and workers and relations between workers' organisations and employers' organisations.
The nature of collective bargaining is "bilateral" as it involves one or more employers, or one or more employer organisations and one or more workers' organisations[17].
Also, Collective Agreement-making is a negotiation process. The term "negotiation" was introduced into ILO legislation, deliberately replacing the term discussion to aid the social dialogue process[18]. Negotiations include all communications processes, from exchange of information to formal and informal interchanges aimed at achieving the collective agreement. As the validity of negotiations depends on "mutual trust", Collective Bargaining implies a decision-making process centred on the obligation of mutual trust and the improvement of the quality of industrial relations. The difference between the multiple forms of social dialogue is widespread and Collective Bargaining is one of these, together with the exchange of information and consultation of the parties[19].

b) The benefits of Collective Bargaining

We must remember that the benefits of collective bargaining are considered to be an "*enabling right*", a right that increases the responsibilities of the social partners. In addition to creating effective, stable industrial relations, collective bargaining allows "common benefits" to be achieved between workers and employers. An improvement in working conditions and quality of work brings with it an increase in productivity and the com-

16. ILO Convention 154/1981.
17. When referring to the parties to collective bargaining, ILO instruments refer to "one or more workers' organisations" (see for example Convention No. 154). Most labour laws use the terms "trade unions" or "labour unions". Convention No. 98 uses the terms "trade union membership", "union activities" and "workers' organisations" interchangeably to refer to the same institutions. From ILO, *Collective Bargaining a Policy Guide*, Geneva, 2015.
18. B. Gernigon, A. Odero, *ILO principles concerning collective bargaining*, International Labour Review, Vol 139, No 1, 2000.
19. Collective bargaining is at the heart of social dialogue. It is a substantive process involving negotiations between one or more employers or employers' organizations and one or more trade unions, with a view to reaching a collective agreement that regulates the terms and conditions of employment and relations between the parties. While it may be related to other processes, such as consultation and tripartite social dialogue, it remains a unique and distinct form of social dialogue. See ILO, *Collective Bargaining a Policy Guide*, art. cit.

petitive position of companies.
In turn, the advantages of collective bargaining create a chain of positive effects on sustainability for both the enterprise itself and for its economic context. For examples, quality of work generates improvements in pay rises and also on company profitability, it improves the conditions of family and work life balance, aids health and reduces the demand for social security aid, while also increase workplace participation. Fairness has repercussion on salary structures and on equal opportunities, thus promoting social justice. Quality in industrial relations increases the pursuit of working rights, institutional procedures enacted to resolve work-related disputes and encourages self-regulation of relational disputes, validating compliance with company regulations. Training improves skills and the understanding of company needs, thus encouraging collaboration between management and trade unions. Increased company performance helps companies to adapt to market changes, increases workers' efforts and the sharing of company problems, reduces staff turnover and aids new processes. Increased productivity also facilitates the introduction of sharing schemes, organisational adaptation processes and the move up of changes[20].

20. R. J. Flanagan, *Macroeconomic performance and collective bargaining: An international perspective*, in Journal of Economic Literature, Vol. 37, No. 3, 1999; L. Mishel, P. Voos, P., *Unions and economic competitiveness*, New York, M.E. Sharpe Inc. 1992; Z. Tzannatos, T. S. Aidt, *Unions and microeconomic performance: A look at what matters for economists (and employers)*, in International Labour Review, Vol. 145, No. 4, 2006.

c) the agreement process

Contractual processes are carried out at regular intervals, can be concluded with the stipulation of the collective agreement, when the contractual models are static or can continue through permanent bodies and procedures when said contractual models are dynamic[21].
Dynamic models reflect mature industrial relations systems that include not only bargaining but all the types of relations between trade union and employer organisations[22].
Collective bargaining can be split into various levels that correspond to the organisational levels of the negotiating subjects. In Italy, the negotiating levels used are interconfederal and national for the various sectors. According to Giugni, the cornerstone of the contractual system is the National Collective Category Agreement (CCNL) that is stipulated at regular intervals by the Social Partners' national category organisations[23]. As already mentioned, for each category, the National Category Agreement regulates both minimum wage applicable to individual employment contracts (regulatory function) and relations between the stipulating trade unions and the organisations (mandatory function).
The highest contractual level with a broader application is Interconfederal, stipulated directly by the workers' confederations and employers and applied to all businesses

21. See O. Kahn-Freund, Labour Relations, Heritage and Adjustment, Oxford University Press, 1980.
22. T. Treu, Il welfare del 2008, in S. Pirrone, Flessibilità e sicurezze, Il Mulino, 2008; G. P. Cella, T. Treu, Relazioni industriali e contrattazione collettiva, Il Mulino, 2009.
23. G. Giugni, Diritto sindacale, op. cit, page 166.

and workers belonging to the signatory organisations.
Lastly, a decentralised contract is the one stipulated at area or company level, relating to the provisions included in the category contract. This area of collective bargaining will not be looked at, given the national nature of collective agreements in the liberal professions sector.

d) The bargaining that leads to the collective agreement

Mention must be made of contractual "renewal" which is the stipulation of a new collective agreement to replace the previous one, but which does not amend the subjects contained in the expired agreement overall, covering the institutions and subjects that have become the subject of trade union conflict or about which consent has been created. As the contractual renewal procedure is not governed by law, each social actor decides their own strategy that implies consequent relation actions between the "parties". Generally speaking, the process starts with the submitting of "claim platforms" through which trade unions express their requests and which are the starting point for negotiations. In turn, employer organisations make their requests for amendments to the collective agreement, aimed at increasing profits, productivity and competitiveness. Negotiations can continue for long periods, sometimes with the organisation of forms of pressure such as strikes. Often, if the terms to progress in the bargaining process are not reached, the public authority intervenes, via the competent ministers. The first stage in contractual renewal ends with a draft agreement that summarises the Social Partners' stance after the negotiating phase and that does not necessarily correspond to the negotiating positions expressed in the claim platforms.

The draft agreement starts the second stage of contractual renewal that is split into two parts: consultation and signing. In the first stage, the draft agreement is submitted to the workers via suitable trade union tools for the formation of "trade union will", such as general meetings or referendum, and ends with approval or non-approval. The second stage of contractual renewal provides for the signing by all subjects taking part in the negotiations and other parties who did not participate, but who sign "in acceptance". In the event of signing in acceptance, the signatory organisations extend the effects of the collective agreement to its own members, even though the Constitutional Court has determined that it is not possible to evaluate the extent of representativeness of the signatory organisations in acceptance[24].

24. Constitutional Court, Ruling 244/1996. It must be mentioned that the ideal numerical threshold for measuring the rate of trade union representativeness and for selecting the ones involved in national collective bargaining has been set at a minimum of 5%, calculated as an average between the association figure (number of proxies relating to the paid trade union fees) and the electoral figure (votes obtained in regular elections of trade union representation, compared to the total number of votes cast) See the interconfederal agreement dated 10 January 2014,"Consolidated Text on representation".

2. The organisational undertaking and trade union relations

2.1 The protagonists

Collective agreements for professional practices, documents in the Confprofessioni archive and testimonies from those who have taken part in collective bargaining in recent decades, are the sources of this report.
There are so many protagonists of contractual history in the Italian Confederation of Liberal Professions They include Andrea Maniscalco, Daria Bottaro, Luigi Pezzi, Gaetano Stella and Leonardo Pascazio, who are a representative sample from whom we can obtain information and facts about this long history that we can conjure up once again here. Current members of the Agreement Commission, Leonardo Pascazio, Marco Natali, Ennio Bucci, Alessandro Rota Porta, Alberto Libero, Gaetano Stella, have inherited the experience accumulated over the past decades of collective bargaining and they can then transfer it to the new generation of collective agreements that are beginning to appear. This history tells of an arduous path, sometimes gruelling, that started in the 1970s, when the Confederation was obliged to take a defensive approach in negotiations arranged by the trade union. It is a path that has been travelled with vital milestones such as the stipulation of the Confederation's National Collective Agreement as a single

organisation representing the liberal professions, or the introduction of bilateral bodies and welfare services. The National Collective Agreement is the convergence of interests of liberal professionals in an agreement with social partners, a summary of the broader system of trade union relations that are both involved and shared. It is the factor that distinguishes professionals from other economic players. It is the guarantee of the correct functioning of miscellaneous practice organisational models, with an economic dynamic that is not always a simple one. It is the central subject of the institutional representation of the liberal professions.
This section takes a look at the "organisational facts", combining the lives of the protagonists with the national context of bargaining.
Analysing internal confederation correspondence, both prior and subsequent to collective agreements, listening to conversations from protagonists of the various historical stages and interpreting the effects of interconfederal agreements on collective contracts in the liberal professions have brought to light some topics that are worthy of attention, as relayed below.
Contractual welfare can be the key world that distinguishes the result of forty years of collective bargaining in the economic sector of the liberal professions. Welfare, or *well fare*, is a term with a strong social connotation that originally assigned family sustenance and that more recently has taken on the meaning of a *collective commitment* to support the *members of a social group*.
The meaning of welfare must be emphasised as it is possible, in the testimonies describing contractual experience, to connect *collective commitment* to the two "parties" in the bargaining process, i.e. the leaders of the association system for the liberal professions on the one

hand and the trade unions for professional practice employees on the other. In turn, it is possible to include both professional who own a practice and their employees in the *members of a group*.
Indeed, contractual welfare comes from within collective bargaining, it originates from a common effort by the social partners and is destined to organise services that are common to both represented populations, members of the same group that work in the practice.
By observing the evolution of collective agreements for professional practices in Italy, welfare can be considered as a representative element that has advanced the traditional bargaining approach to a contractual perspective that is inspired by the common interest of professionals and employees alike in professional practices. *Contractual welfare, therefore,* can be considered to be the flagship of the history summarised below.

2.2 The first bargaining tables

Historians of trade union relations agree about the role played by Luigi Pezzi in the reconstruction of the regulatory framework for first-decade collective agreements. His commentaries explain the 1983 and 1988 collective agreements article by article, but allow us to understand the contractual background too. The 1978 agreement was stipulated in the presence of the Minister for Labour and Social Security, Vincenzo Scotti and the Supreme Court Councillor, Peppino Niutta, representing the Ministry for Justice. The start of bargaining encountered a few relational difficulties between the social partners to the point that the Mario Messina's Office of Labour Relations was forced to intervene as a public mediator.

The agreement thus lost its bilateral nature, and became a "trilateral" agreement, with the government carrying out the most important role of inviting the other two parties to pay all professional practice workers a one-off amount of 80,000 ITL out of generosity, an invitation motivated by the fact that it was the first national collective work agreement in this sector.
The bargaining tables of that time were rather belligerent due to the fact that the territorial and sector members from the three trade unions Filcams-CGIL, Fisascat-CISL and Uiltus-UIL were joined by the Liberal Profession Associations: Federarchitetti, Sindacato Nazionale Biologi Liberi Professionisti, Associazione Nazionale Consulenti del Lavoro, Federazione Nazionale Sindacati Consulenti del Lavoro, Federazione Nazionale Libere Associazioni Dottori Commercialisti, Sindacato Nazionale Dottori Commercialisti, Sindacato Nazionale Geologi Professionisti, Sindacato Nazionale Geometri Liberi Professionisti, Sindacato Nazionale Ingegneri Liberi Professionisti, Sindacato Nazionale Autonomo Medici Italiani, Associazione Italiana Patologi Clinici.
The lack of a higher-level coordinator, *erga omnes,* of various representations of professionals, is the source of differing and distant positions, proven by the declarations on record made by some associations about this or that article.
It is necessary to reach the early 1990s to find a greater sensitivity towards the cohesion of Liberal Professionals and the awareness of the topics to be addressed that went beyond individual interests.
Aware that the European Union would have made considerable changes to the liberal professions' labour market, the professionals introduced the reference to legislative harmonisation among member states in the 1992

CCNL, referring to both liberal professions and collective bargaining and European social dialogue.
The conversations about the 1992 contract already refer to the topic of bilateralism. The idea of "equality", i.e. the presence of an equal number of social partner representatives in bodies, appeared in 1992, with the establishment of an equal body, named the National Observatory, comprising Confederazione Sindacale italiana liberi professionisti (Consilp) and three employee trade unions, CGIL with Filcams, CISL with Fisascat and UIL with Uiltucs. The influence of European policies (Council Directive dated 19.10.1992, 92/85EEC) also affected the liberal professions, as an equal opportunities working group was set up within the National Observatory.
The correspondence from the Liberal Professions Labour Agreement Commission on these topics was between Fasolo, Travers, Zini, De Rienzo, Porcelli, Insabato, Orestano, Pezzi and Stella. The tension to overcome to the defensive stance common in the 1980s can be felt in those reports. The Chairman of the National Collective Contract Commission often expressed his gratitude to members of the Agreement Commission for the contribution they made to the achieved results. In a letter from the CCNL Commission dated 11 February 1991, Fernando Fasolo expressed his gratitude for the known, appreciate experience that had allowed him to carry out profitable, effective work in the higher interest of the Liberal Professions, represented at the negotiating tables.
The correspondence sent for the renewal of the national collective agreement in 1992 shows the need to overcome the ethical content, such as salary, equal rises, the single classification that had distinguished the national contracts in the 1980s to then move on to more technical agreements that were more consistent with

the reality of professional practices. The likely repercussions of the imminent Single Market on professions and the need to increase representation of the liberal professions at the bargaining tables were outlined in a brief dated 15 June 1992, between Fasolo and members of the Agreement Commission. In particular, concern was expressed about the systematic exclusion of the liberal professions from subsidies such as the transfer of social security costs, collection at source considered to be unfair, and the inconsistent mechanism of income coefficients. Criticism was waged against the factors that automatically assumed increases in income at every increase in labour costs, also underlining the non-existent subsidy for structural investments by professional practices. The Confederation also claimed the right of Liberal Professionals to enter global bargaining with the government, the right to have a representation of the Liberal Professions in the annual comparison about the national budget and in socio-economic initiatives on healthcare matters, and more generally in initiatives aiming at social justice. The correspondence between Gaetano Stella, Salvatore Orestano and Antonio Albites Coen in those years shoes the common effort made aimed at identifying the factors that could lead to greater cohesion among all the professional categories. In November 1995, internal correspondence with Federnotai about the national Collective Agreement shows the progress achieved for a better "group spirit", matured with preparation of the claims platform for national collection agreement renewal on 10 December 1992. The documentation referred to highlights the attitude of the confederation executives regarding the change in approach to the CCNL and underlines the awareness of a marginal position of Liberal Profession

representation, that was assimilated to the "other small enterprise associations from the protocol stipulated on 7 November 1990" Being grouped together into a team including Confcommercio, Confesercenti, Confapi, and Confartigianato, lent more political weight, but meant sacrificing the professional and contractual identity of liberal professions. Identity and differentiation that will lead Confprofessioni to become the only social partner in collective agreements in the 2000s.

2.3 The general purpose of collective bargaining

Together with the protagonists of collective bargaining, an attempt was made to further study the goal that a collective agreement should achieve. The answer is rather a broad and varied one, differentiating the four decades of collective bargaining. Some people favour the unilateral protection of professionals, others are more sensitive to the organisational environment of the practice and therefore to employee satisfaction and those who, in turn, search for a mediation between the two positions.
First of all, the need to provide practices with a specific contract was determined, distinguishing it from the other in the services sector due to the peculiarity of the profession and the organisation of work in a professional practice. There was a great convergence about acknowledging the attempt to find contractual identity through the collective agreement, reinforcing the practices' position as collective and the approval of the agreement's recipient population.
The main aim of the collective agreement in terms of protecting the liberal professionals' interest to organise their work consistently with professional needs was a shared

one. The stance of those who include the search for employee satisfaction among the aims of the agreement deserves a special mention. Conversations on this matter brought to light two important elements for the management of practices: employee demographics and employee turnover. In reference to the situation in the 1990s, confirmed by a Confprofessioni study in 2006, 39% of employees (1.5 million) had a part-time contract and 38% were aged between 26 and 35. The majority (51%) of employees were below the age of 36, with females accounting for 97% of the total. There is also the staff turnover rate to be added to the female prevalence in the liberal profession labour market. Referring to the previous decades, working in a practice - especially for newly qualified book-keepers or surveyors - was the entrance point into a labour market, in order to acquire work experience that would then be useful for more remunerative careers. Consequently, the collective agreement that increased salaries and introduced measures to allow a balance of family and working life would have reduced turnover and increased the sense of belonging to the practice.
The amount of time a worker stays with the same company is a subject addressed by labour economists in the 1980s. If we think that acquiring accounting skills at an accountant's, technical skills at an engineering or architect's firm or healthcare skills at a dental surgery requires more investment than in other companies, it is possible to imagine the costs connected with the professional training of new employees in the practice and, more importantly, the costs deriving from employee turnover. From an economic point of view, therefore, intervening on salary increases became a main interest of professionals, as well as that of the employees themselves. It is therefore no surprise that a common inter-

est was identified between professionals and employees and the search for its pursuit within the agreements. A purpose that, even with highs and lows, is a constant of collective bargaining in the liberal professions.
By observing the higher employment stability in practices in recent years, we can conclude that, with the same economic cycle, the pursued contractual strategy has been effective.

2.4 The state of trade union relations

By recognising mutual interest, one expects that industrial relations in the intellectual professions sector have been characterised by a permanent constructive environment between the parties involved.
To the contrary, some extremely difficult contractual phases have been pointed out, both internally and involving the workers' trade unions. Some professional associations, such as those for lawyers, dentists, accountants, and partly the one for labour consultants, had expressed positions that differed initially in relation to collective agreements, but then subsequently converged into signing. These are moments when the executive managers of a confederation must provide all their own energy to overcome the specific advantage of that association or the other and direct the professional community along the common goals. The discussions have highlighted the difficulty in combining a long-term strategic horizon, with a limited vision from some players in the confederal system in reconciling the entire association system's interest with those of each individual professional association.
Highlighting the common denominator that brings together all the professional parts of Confprofessioni in a

vision that can overcome the short term will remain the central focus of those who were at the helm of such an important group for Italy's economic and social development, Confederazione Italiana delle Libere Professioni.
With regard to trade union relations with CGIL, CISL and UIL, there are cases where negotiations were suspended due to such diverging stances. Documents in the archive show cancellation notifications of the collective agreement from trade unions or from Confprofessioni itself, fax communications announcing suspension of bargaining talks and communications from the Ministry for Labour about mediation carried out to get the parties to meet. The same faxes from the Ministry for Labour's under-secretary, Ornella Piloni, voice negotiating uncertainty that had led the Labour Relations Head Office (division III) to postpone the joint meeting from 5 to 10 October 2001, a meeting that only produce a memorandum of understanding in May 2002. One thing we noted was that there are often numbers that correspond to those of professional practices in the faxes that were circulating in the confederation and the ones that were sent to the three representative organisations for professionals (Confedertecnica, Consilp, Cipa): this allows us to realise that the organisational configuration of the confederation was still at a very early stage in 2000.
In light of these issues between the parties, the documents examined also show the good trade union relations that led to the achievement of important collective agreements for professionals.
Among these, the statement of agreement dated 26 July 1999 is without a doubt the architrave of future collective bargaining.
This agreement, which also contains the formalities adopted, as well as the contents of the bargaining pro-

cess, was born of an informal consultation between the parties that involves the three professional practice organisations (Consilp-Confprofessioni, Confedertecnica, Cipa) and the three trade unions CGIL, CISL and UIL. Identification of the CNEL premises and the request from FILCAMS-CGIL (Marconi), FISASCAT-CISL (Rondinelli) and UILTucs-UIL (Poma) to the director general of CNEL, Enrico Comes, for the committee room for the "meeting between the parties" shows the favourable pre-terms for the agreement that was then stipulated, on the very day of the meeting. Here, the Confprofessioni chairperson remembers that the meeting was organised to examine the entire contractual topic according to the provisions of the three respective national collective agreements for professional practice employees. The most important result was the "jointly shared stance of drafting a Single Contractual Text" to be applied to all employees of intellectual businesses operating in the practices and in professional service companies. Although the meeting report addressed the contractual structure model and the trade union relations system in a broader sense, three elements are referred to that are considered to be important for the development of collective bargaining in subsequent years. The first is recognition of the role of the liberal professionals' trade union confederations for national development, by sending the agreement to the State Council President's office, to the Ministry for Labour, the Ministry for Justice, the Ministry for Industry and the Ministry for Health: this is the prerequisite for Confprofessioni's qualification as a social partner by the government, formally granted in 2001. The employment structure in professional practices and their contribution to the GDP could not be ignored, but needed to receive the attention of public institutions, as the internal preparatory correspondence for the 1999 agreement proves. The second important element is the possibility of defining a contractual structure that is "open" to the request for joining from representation organisations that are similar to regulated intellectual businesses. Considering the dynamics of unregulated intellectual professions in Italy and Europe in the second millennium, the broadening of agreements will have a historical bearing. This contractual innovation includes the single subject of services carried out at the same level of qualification. The third, and just as important, point concerns bilateral tools. With regard to what is stated in contractual texts that were still in effect at that time, harmonisation became increasingly necessary. In particular, it was necessary to confirm the National Equality Commission for the entire sector, with relative work groups and establish the national Observatory for the sector as a bilateral tool that is consistent with the contractual structure model. It also became necessary to confirm national bilateral events for the technical area (EBN-SPT) and for the dental segment (EBN-AO) also extending the possibility of joining already operational bilateral bodies to others. Confirmations that are signed in what was defined as the "historical CNEL agreement". This was not the end of the matter of bilateralism, but the agreement provided for the establishment of a coordination body to coordinate bilateral bodies nationally and for the entire professional sector, to manage matters that were considered of general interest for practice employees, the establishment of social security and pension funds and health and safety training. Faced with these innovations that were introduced in the CNEL agreement, the other topics found in agreements of that time, such

as protection, labour market or level 2 trade union relations go unnoticed.

2.5 The influence of the national context on professional practice contracts

As part of the more general context of industrial relations, the collective agreement for liberal professionals is affected by the national interconfederal agreements.
The 1993 and 1998 agreements, and also the 2009 and 2011 agreements, were essentially agreements on procedures and method, while the ones from 1995 and 1996, 2002 and 2007, on pensions, the labour market and welfare had characteristics making them resemble technical agreements more.
Although it may well be easily perceivable, the testimonies collected can underline how, as for all economic sectors, the liberal professions sector was also affected by the effects of interconfederal collective bargaining, and more generally, by government policy. The persons interviewed with more contractual experience referred to the Labour Pact, translated in law by the Treu package that governed temporary work (law 196/97). By observing the documentation about Confprofessioni conferences, the attempt to involve all political coalitions, in order to convince them of the needs of the Liberal Professions, can be seen. It is also necessary to note the hard effort made by the Confprofessioni Chairperson to provide equal distance and inclusion of all social actors, like in 2008.
On 12 September 2008, Confindustria has presented its own platform in a document entitled "Ipotesi di accordo fra Confindustria e Cgil, Cisl e Uil sulle relazioni industriali per il rilancio della crescita del Paese attraverso la

maggiore produttività, per il miglioramento della competitività delle imprese e delle retribuzioni dei lavoratori e per lo sviluppo dell'occupazione". This trade union initiative had generated consent and dissent, and on 22 January 2009, led to an agreement on contractual models, signed by Confindustria, CISL and UIL, but excluding CGIL. The duration of national collective agreements and level two agreements was thus reduced to three years and the planned inflation rate and income policy introduced in the 1993 agreement were abandoned. Moreover, it entrusted the possibility of intervening in fiscal and contribution incentives contained in programmes agreed between the parties to achieve productivity, profitability, quality, efficiency, efficacy and competitiveness goals, to level two bargaining, carried out on the topics delegated by the CCNL or by law.
While agreeing with the new contractual model proposed by Confindustria, the confederation leaders promote trade union relations that also include the CGIL in social dialogue from those years, avoiding further divisions that could have compromised the agreement renewals.
At the same time, Confprofessioni uses the Framework Agreement for contractual model reform, from 22 January 2009, as it offered types of bilateralism for additional welfare service operation, a central topic for Confprofessioni.
In brief, there is the general belief that a collective agreement plays a decisive role in reconciling productivity and labour law, especially in economic cycles of crisis and reorganisations. For this purpose, some examples should be noted in the interviews to compare collective bargaining measure in other sectors with the ones introduced by Confprofessioni to address the crisis.
In the period 2008-2009, collective agreements from

other sectors focused on remuneration, while the Confprofessioni agreement focused on welfare, offering social protection services. In the three-year period 2012-2014, when trade union efforts centred around bilateralism to address the crisis, due to its several years' experience in the matter, Confprofessioni introduced social security tools to support income for professionals and for employees of professional practices. Bilateralism was therefore recognised as the new generation of collective bargaining that associates the provision of services to professionals and employees of professional practices with the governance of trade union relations. The establishment of agreements that are aimed equally at employers, liberal professionals, and at workers, employees of professional practices deserves more attention from experts in labour law.

There is an agreement between the parties dated 12 May 2009, regarding the relationship between economic context and social dialogue in liberal professions. It is entitled "Avviso comune sul ruolo e le sinergie del sistema paritetico/bilaterale sugli ammortizzatori sociali e sul welfare contrattuale". This agreement recognises the impact that the international economic crisis had on the liberal professions sector and the consequent effort by the government to support liberal professionals' income through the use of social security cushions in exemption. However, the parties highlighted a need to consider the bilateral system as a vital response to the crisis. In particular, the establishment of the bilateral body EBIPRO on 27 January 2009 was mentioned in the agreement, together with the purpose of promoting initiatives to temporarily support the income of workers involved in reorganisation and restructuring processes. In addition to addressing the ceasing and suspension

of working relations, it was possible to fund re-qualification courses for staff interested in these provisions. Lastly, the agreement refers to the entire bilateral system (contractual welfare), specifying the role of Fondoprofessioni for continuous training development and re-qualification of staff, the function of Cadiprof for additional healthcare provision and the role of Previprof for additional pension funds. The Ministry for Labour's request to resort to contractual welfare in periods of crisis was accompanied by a request to exclude employer payments to the bilateral system from taxable and social-security payable revenue.

As we can see, this example of agreement allowed the role of Confprofessioni in collective bargaining in the last forty years to expand to institutional social dialogue with the Ministry for Labour and the consequent cooperative action. Referring to the terminology adopted by European social partners, while social dialogue refers to bilateral relations among social partners, cooperation concerns the trilateral negotiation relations between social partners and public institutions. Testimonies on this subject speak of the importance of the trilateral cooperative agreement, especially after the Ministry for Labour recognised Confprofessioni as a "social partner" in May 2001. The memorandum of understanding between Confprofessioni, the State Council President's office, and the Minister for Labour required Confprofessioni to respect the content and "cooperative procedures" expressed in the Social Pact, an essential condition of Confprofessioni being admitted to the cooperation table, at the same level as the other production forces. The preamble to the memorandum of understanding is rather significant, as it acknowledges Confprofessioni's "representativity" as a trade union association for liberal professionals.

On examining collective bargaining in several sectors during this same period, we see the role of social dialogue in the Liberal Professionals' sector being confirmed, to allow competitive markets and maintaining employment.

2.6 Relations inside the confederal structure

While the communication process in Confprofessioni, regarding collective bargaining, has adopted a standard protocol in recent years, with consultation of associations that represent professional areas, the subsequent validation by the general council and consequent resolutions in the early decades of its organisational life, and also the exchange of information about collective agreements was not standardised. There are countless exchanges in correspondence dating back to the nineties, sent using the technology of the time (fax) that are aimed at parties inside and outside the confederation. From a technical point of view, this type of exchange, which becomes "bilateral", is a very high organisational cost, as any decisions between one party and the other affect other relations in the informal network, changing them. This organisational feedback on bargaining positions, in fact risked sending the decision-making structure back to square one. In all cases, the decision-making communication process in Confprofessioni at that time, defined in any literature on association systems as "disconnected incremental" provoked delays and inefficiencies. It would happen that, once a common stance was taken by Confprofessioni and CGIL, CISL and UIL trade unions, the confirmatory process had to be started up again while awaiting validation from the professional practice associations, as shown in communications between the national trade union administrative office and Confprofessioni. At that time, Confprofessioni's offices were located in Rome, at Palazzo di Giustizia, on gratuitous loan from the Lawyers' association. The trade union representatives for professionals at that time were: Maurizio Buonocore, Antonio Albitez Coen, Daria Bottaro, Potito di Nunzio, Virgilio Baresi, Antonino Rando, Giovanni Insabato, Bruno di Franco, Egidio Lorenzi, Paolo Scarano, Luigi Pezzi. If we refer back to the fax transmissions, we can understand the amount of time that such a communication flow could take due to there being no paper in the fax machine, requests for sending again due to the fact pages were missing, and so on and so forth. One curious fact, on 20 December 1996, 36 faxes with the same subject (CCNL 1996) were sent, due to irregularities in the transmission process. In addition to said difficulties in information flows, there were also replacements of association representatives, caused by renewals of association positions. For example, in the period July to October 1996, Salvatore Orestano took over from Potito di Nunzio as a professionals' trade union representative, who instead left the appointment. Often, changeovers increase the need to rebuild an information framework for the new appointee and acquire relational trust. Elements that further lengthen the internal negotiating process, which then reflects on external trade union relations. In addition to these problems in internal communications at Confprofessioni, there were other external delays due to the renewal of trade union appointments at CGIL, CISL and UIL, during their conferences, like the ones announced by the Secretary Savino Pezzotta in 2005.

In the case in question, the 1996 exchanges which began

on 7 February, continued until December. On 20 December 1996, the trade union representatives at the Confederation were informed that the draft agreement with the trade unions CGIL, CISL and UIL had been signed. Mediation by the Minister for Labour Treu is a recurring fact in correspondence, as the Consilp-Confprofessioni proposal had been accepted after being discussed on 19 December with the Director General, Giuseppe Cacopardi. In spite of this negotiating action, there was no true collective agreement reached. On 3 March 1997, the Italian National Dentists' Association (Associazione Nazionale Dentisti Italiani - ANDI), proclaimed its own contractual autonomy, inviting its members to not apply the Consilp agreement and starting up separate negotiations with CGIL, CISL and UIL for a specific collective agreement for dental surgeons. The debate that took place in Confprofessioni on this matter, documented in several formal exchanges, should be noted, which aimed to identify a common stance to be notified to the trade unions. In fact, on 20 March, a letter was sent by Confprofessioni to FILCAMS, FISASCAT and UILTUCS and referred to the obligations of representation and reminded them of the presence of the trade union that represented dental surgeons within Confprofessioni. The invitation to the trade unions to observe contractual obligations, is an important moment in these forty years of history, that shows both the contractual power gained in previous decades and the communication formality that would increase the credibility of Confprofessioni in trade union relations. With regard to internal trade union relations, the Chair of Confprofessioni sent a communication to the professional associations that were a part of Confprofessioni, to legally position the hypothetical negotiations between ANDI and FIL-

CAMS, FISASCAT and UILTUCS, and to remind them of the sense of belonging and "contractual identity". The confederation's management group that achieved significant results both externally (exclusivity of relations with the trade unions) and internally (association cohesion) was formed by Virgilio Baresi, Luciano Amato, Salvatore Orestano and Riccardo Tarabella, with Gaetano Stella as secretary general. If we look at the results of the National Liberal Professionals' Convention held in Vicenza in October 1998, we can see that the strategy used to strengthen the liberal profession system in Italy was successful. The following persons took part in the conference: the Minister Tiziano Treu, the President of the European Parliament Petitions Committee, Sandro Fontana, the Vice President of the European Parliament Economic Committee, Carlo Secchi, the MEP sitting on the European Parliament Legal Committee, Antonio Preto, the representative of the European Council of Liberal Professions, Professor Gianpaolo Prandstraller, led by Maria Carla De Cesari from Il Sole 24 Ore and Giovanni Francavilla from Italia Oggi. The conference, as indeed its title would make us believe (liberal profession: opportunities and needs for employment) highlighted the role of professional practices for occupational growth. The same director of the Ministry for Labour, Giuseppe Cacopardi, admitted that liberal professionals were not yet included in the employment development provisions that had been drawn up by the ministry. Twenty years later, we must acknowledge that, with the exception of some regions that are sensitive to the liberal professions' world, professionals are still *de facto* excluded from the use of EU funds.

The internal discussion for the renewal of the collective labour contract was started on 10 July 2000 in Rome

in Via Savoia 78. The following attended the National Collective Agreement Renewal Committee, ready to start a new phase in trade union relations: Pezzi (ADC), Braggion and Nicolini (ANCL), Porrà and Mattiuzzo (ANDI), Ingangi (ANF), Missiroli (FIMMG), Monducci (SRNC), Bottaro (UCLA), Civetta (UNGDC). The most important topics were the realm of application, qualifications and profiles and the contractual area. The National Collective Labour Agreement (CCNL) was signed on 24 October 2001.

In 2003, internal relations among trade union associations for independent professionals seemed to improved when the collective agreement (CCNL) was signed by the members of Confprofessioni: Associazione Dottore Commercialisti (ADC), Associazione dei Liberi Architetti (ALA), Associazione Nazionale Consulenti del Lavoro (ANCL), Associazione Nazionale Dentisti Italiani (ANDI), Associazione Nazionale Forense (ANF), Associazione Nazionale Medici Veterinari (ANMVI), Associazione Nazionale Notai (Federnotai), Federazione Italiana Medici di Medicina Generale (FIMMG) Associazione Psicologi Liberi Professionisti, Sindacato Nazionale Ragioniere Commercialisti (SNRC), Unione Nazionale Giovani Ragionieri Commercialisti (UNAGRACO), Unione Giovani Dottori Commercialisti (UNGDC), and by Confedertecnica and CIPA.

The same members remained in the 2004 CCNL, desired to integrate some contractual elements and apply the "contractual harmonisation" process, started via the statement of agreement from 24 October 2001, and with the statement of agreement from 9 July 2003. The parties worked to draw up the regulations for all institutions regarding the labour market that had been amended by Leg. Decree 276/2003 by 30 March 2005. The interviews we have collected underline how this moment was decisive for rewriting the entire national agreement for professional practices, with relative regulation of institutions that referred to collective bargaining from the Biagi reform, such as apprenticeships, introduction to work contracts, on call work and so on. Harmonising the entire contractual text into a single document would have avoided the continuation of statements of agreement, that caused confusion in "collage" operations on the legislation of that time. While the amount of documentation during this period increased considerably, testimonies from protagonists in the collective bargaining in liberal professions talk of other momentous milestones, such as the bilateral body's contribution to managing contract application issues, funded with a 0.30% contribution of the pay table, 0.20% of which was paid by employers and 0.10% by employees, for which area regulation was delayed until the time when the reference structures were fully operational. After a long stalemate period, the private healthcare assistance fund was also started up. The structure, that should have gone live from 2001, was actually suspended due to internal objections, in both Confprofessioni and in the trade unions, regarding various management profiles. Agreements on payments due to the fund is a common goal that was achieved. Another result worthy of mention is the coordination of professional training, achieved thanks to the equality fund Fondoprofessioni. The 2004 statement of agreement, circulated in Confederation offices.

On 5 August 2004, the importance of contractual identity for liberal professions, intended as a well-structured, cohesive collective, was once again highlighted. In short, unity is strength!

2.7 Bilateralism

The agreement on governance and on the function criteria for bilateral bodies, associations, institutions and funds as provided for in the CCNL dated 10 December 2009, intended to rationalise the bilateralism system, eliminating improper activities and duplications.
Informal and formal sources from Confprofessioni confirm the importance and central nature of bilateralism.
Starting from the 1990s, the emphasis placed by collective bargaining in free professions on bilateral institutions is a main topic for all Confprofessioni senior management. In international literature, bilateralism in Italy is considered to be an exemplary case. Bilateralism is a common managerial practice with two parties, started in Italy in the 1980s in the construction and craftsmanship sector, to administer a common fund. In spite of its historical origin, executives at Confprofessioni claim the origin of bilateralism lies in the professional practice sector. It is believed that if an institution created as part of an agreement is a bilateral body, its joint management is a great innovation that opens doors to a new contractual generation, consistent with the labour market's evolution and social partner representation in the liberal professions. Bilateral bodies, as entities born from professional practices' collective agreement, comprise the social partners that sign the contract, provide services to the professionals and their employees, and are legally and organisationally autonomous. After underlining the fact that non-signatory professional associations of the professional practice CCNL can join the bilateral body by acceptance, some interviewees remember the difficulty connected with co-management. The bilateral body is not a public subject that provides

private services, but a private subject that provides a service for public purposes. And not just that. The bilateral body possibility is aimed at the two represented populations, i.e. liberal professionals and their employees.
The importance of bilateralism in collective agreements must be emphasised as it reinforces common choices that have been aided by social dialogue. The bilateral body and its managerial mechanism in fact creates a new form of social dialogue, which commits the social partners to a common action in response to common needs. The bilateral body, created within the collective agreement, and also consolidated therein, appoints a new contractual method that goes beyond defending individual interests and is focused on understanding the needs of young professionals' families and practice employees. The bilateral system is therefore an important element of the social partnership.
However, after this jump ahead, conversations record opposing signs, with a return to the awareness of the difficulties linked to the consolidation and development of bilateralism, the difficulties present in liberal profession employer associations. As an example, we can name the stalemate period for bilateral bodies that should have started in 2001, but which, due to different opinions on the function, they only became operational in 2005.
As in all innovative processes, there are periods of leaping ahead, and periods of standing still, especially when the innovative is characterised by the coming together of several players. The Confprofessioni chairperson, Gaetano Stella, must persevere in carrying out the innovative process, towards the milestone expected and consolidating the benefits allocated to professionals and professional practice employees alike.

2.8 The most significant collective contracts

A forty-year long story always have important parts, historical occurrences, and paradigmatic agreements that deserve a special mention. For this reason, a question about the most important moments of collective bargaining in the liberal professions was included in the consultation on use, and the following years were given as answers: 1992, 1999, 2004, 2006, 2008, 2011, 2015. The concentration of the most important milestones being in the last decade may be attributed to the growing awareness among the parties that they must stipulate agreements that are useful to the entire sector and to common interests. When an agreement can go beyond the economic factor and govern matters such as social protection of professionals' and professional practice employees' families, it is considered to be an agreement worthy of note. Some subjects interviewed spoke of the example of the 1996 collective agreement to prove the limitation of the contractual vision adopted that was narrowed down to salary increases, tables of the various levels and a one-off allowance. To the contrary, the 1992 agreement is used to show how the parties had recognised the role of professional business for economic and social development in Italy, with the introduction of the balanced National Observatory body and with the field of application expanded to associate practices. For its broad vision, the 1992 agreement will have effects on future years, like the ones referring to innovative areas contained in the joint Consilp, CGIL, CISL and UIL communication during the installation of the Observatory at Federnotai on 14 October 1997. In that announcement, Gaetano Stella for Consilp, Pietro Marconi for FILCAMS-CGIL, Mario Marchetti for FISASCAT-CISL, Paolo Poma for UILTuCS-UIL and the Deputy Minister for Labour, Federica Rossi Gasparini, emphasised the need to relaunch Consilp, with its vision identified, to lead the difficult changeover to new European provisions about professionals. 1999 is linked, in turn, to the signing of the statement of agreement at CNEL, as mentioned above, with which the expansion to joining of other organisations representing professionals was approved and a broader, more structured bilateral system was set up. We must also recall the importance of the 2004 agreement that led to the roadmap for the formulation of a single contractual text. As the 2006 agreement is the first collective agreement that was autonomously signed by Confprofessioni in the name of and on behalf of professional associations that are members of Confprofessioni, the responsibility of the Confprofessioni senior management in the difficult task of bringing together the entire Italian professional sector must be emphasised. In turn the 2008 National Agreement defined the professional areas: economic-administrative, legal, technical, medical-healthcare. In this agreement too, there were discussions about various topics: salary increases, with positions initially very different between Confprofessioni and trade unions, contractual duration from two to three years, workers' welfare, contributions paid by professionals to the additional pension fund for practice employees (Previprof) that was to increase from 0.25 to 1.55%. There was also a lively debate about the sector's bilateral body that should have joined Cadiprof, Previprof and Fondoprofessioni. However, even at that time, the topic of welfare aimed at economic, personal and family support, was widely accepted. The 2011 agreement was the first one presented on Confprofessioni's initiatives with the in-

tention of creating a new legal structure that complied with the new institutions that had previously developed and at the same time protecting professional practice employees' rights. 2011 is to be remembers as the year when level two bargaining was introduced to regulate certain institutions, depending on local needs. Lastly, 2015 is acknowledged as an important agreement as it was stipulated by Confprofessioni as the sole employer party due to its representative nature.

2.9 The organisational undertaking of Confprofessioni for collective bargaining

The interviews recorded allow us to explain the organisational undertaking of Confprofessioni for collective bargaining.
The centrality of collective agreements must be unanimously repeated and it must also be pointed out that the work dedicated to collective bargaining occupies a considerable number of staff and workload.
In the early years of contractual experience, perhaps indeed for the entire first decade, Confprofessioni's function was limited to taking part in negotiation tables that were focused on the economic aspect, with the parties involved in clear opposition to each other.
In later years, the belief in the role played by collective agreements increased and Confprofessioni started negotiations that were less defensive and more constructive, also thanks to the contribution of certain trade unionists such as Piero Marconi from FILCAMS-CGIL, who showed great sensitivity towards liberal professionals' issues. Also, it is not easy to understand the nature and dynamics of the professional world, as it had mixed

elements, where trade union associations representing specific professional interests co-exist. It has been found that the very nature of the professional practice seems to be alien to the associative culture that Confprofessioni is slowly growing. The same can be said for the professional's indifference towards the application of the National Collective Agreement (CCNL), a matter usually handled by accountants or labour consultants. For this reason, Confprofessioni has committed to forming an association network involving multiple representatives of professionals, which is an arduous task.
The 1999 CNEL agreement is decisive in the sense of its aggregative nature, as the constitution of bilateral bodies, the start-up of additional healthcare assistance, additional pension funds and training helped to promote awareness of associations and collective bargaining among liberal professionals. Another important moment in the increase of association spirit was the recognition of Confprofessioni as a social partner by the Government in 2001, as already mentioned.
Lastly, contractual welfare was a great help in promoting the spirit of belonging, as it made professionals aware of the usefulness of a contractual approach that can aim to satisfy and take care of professional practice employees.
Despite this progress, the contractual journey has often been hindered due to the difficulties in understanding important strategic decisions for the entire professional sector's development, such as expanding agreements to other professional categories with no official orders.
The corporative short-sightedness in this respect, which is common to all representation organisations, prevents subjects from seeing the advantages of the economies of scale on the service issued by bilateral bodies to the same professions who are members of a professional organi-

sation. Also, other difficulties arose when professionals linked salary increases for employees with increases in their professional fees.
The differences of opinion among the various liberal professional trade union associations emerged, with a certain liveliness in some cases, at the time of agreement renewals, especially the economic part, which was much more explicit in showing short term benefits and costs.
The main point pursued by Confprofessioni was innovation, divided into several profiles: innovation in welfare, innovation in bilateral institutions, innovation in the approach to the well-being of practices, innovation in addressing economic crises that have also affected professional practices more in recent years.
Basically, this tension shown towards the production of innovative collective agreements has increased the undertaking of Confprofessioni's organisational structure, changing from residual bargaining to cutting-edge bargaining. If we think of the new features that the professional practice national collective agreement has managed to introduce, such as apprenticeships on several levels, including internships, remote work, temporary work, and on call work, we can imagine the organisational undertaking in studying the suggested institutions and in preparing the technical documents for negotiations.

2.10 The innovative areas of collective bargaining of professional practices

Innovation is actually the topic with which we will conclude this report about the perception of collective bargaining over recent decades. Like in all companies, particular interest and collective interest co-exist in professional practices . However, the very nature of the liberal profession and the organisational set-up of professional practices prefer the convergence of interests into a common purpose that is the collective well-being of the professional group, a characteristic element that, in the words of various people we spoke to, promotes the development of the liberal professions system.
First and foremost, trade unions and Confprofessioni discuss the different contractual positions of employees and professionals during collective bargaining, but, together, they talk about what joins the two parties in a collective interest that is intended as a common asset of the practices. The conversations in the past show how the professional practice is an experimental laboratory for the entire structure of trade union relations working to address the transformations occurring in the world of work in the new millennium.
Of these transformations, we must remember the change in the notion of a self-employed worker, addressed in Law 81 of 22 May 2017, which considers the safeguarding of self-employed workers on both the economic and social fronts and expands the flexibility of work contained in employees' contracts. Collective bargaining for professional practice employees offers the opportunity to look at multiple self-employment profiles - in the theory of labour law and contractual practice - in addition to those of the professions that are regulated by professional organisations. The digital economy is expanding the boundaries of self-employed work exponentially, creating new professions that deserve legal safeguarding and social protection, goals that can be pursued through the new generation of collective agreements started by Confprofessioni, together with FILCAMS-CGIL, FISASCAT-CISL and UILTuCS-UIL.

The sphere of application of the 2015 CCNL, mentioned on several occasions, includes all those professional activities, including associations, in the economic-administrative, legal, technical, healthcare and other intellectual activity areas, but also extends to the structures that carry out other instrumental and functional activities and services. There is a need to monitor the evolution of the labour market involving non-employees, to provide further answers to the needs of this emerging sector.

In the opinions collected for this paper, it is incontrovertible that bilateralism and welfare are the supporting axis of agreements of the future, providing those answers awaited by professionals, social actors and public institutions.

Born as an additional contractual solution to the regulatory function of an agreement, bilateralism, aimed at regulating employment contracts, is taking on an important thematic autonomy for both the promotion of professional practice employees' involvement and participation, and for the future of collective bargaining. And not just that. Corporate welfare in the liberal professions, also called *private welfare* or *contractual welfare*, is important for the range of services that it offers and for the observance of the different values that it pursues. The relationship between collective autonomy and negotiated welfare is a privileged relationship which is more effective than the one linking the public administration to homogeneous, abstract interests.

The collective agreement for liberal professions is a tool for legislative and economic regulation of working relationships and is also the tool used to create social protection consistent with individual needs, as part of a general contractual pattern that provides specific packages that can be adapted to family and individual needs,

ranging from the need for care to the need for professional development, or for income support.

These are the new elements that the European Commission has recognised by approving the Social Dialogue in Liberal Professions project presented by Confprofessioni, together with other European professional associations, to Celplis and the Italian trade unions.

Merit for the results achieved must go to the Presidents of the professional associations that make up Confprofessioni and the senior management of Confprofessioni. Conversation have frequently led to talk of the worthy merit of the trade unionists involved in the negotiations: Piero Marconi, Aldo Amoretti, Franco Martini, Danilo Lelli from FILCAMS-CGIL, Mario Piovesan, Mario Marchetti, Pierangelo Raineri, Dario Campeotto from FISASCAT-CISL, Gabriele Fiorino, Brunetto Boco, Paolo Poma, from UILTuCS-UIL.

The history of collective agreements in the liberal professions that have been stipulated in forty years of bargaining allows us to understand that the relationship between employer and employee in a professional practice is a special relationship. Historical asymmetries in the structure of employment contracts are reduced in practices, thus stabilising them: the employee becomes a central subject, who talks with the professional, and has the tools required to enhance his dignity as a worker and as a person. Collective agreements, commented on by various persons consulted, generate an essential connection between work and living conditions, showing work to be a decisive resource, that can define everyone's place in society. It is a vital connection between work and production: production of the existence of the person first of all, and then of professional production. The work of professional practices lends sense to terms such

as growth, development, well-being and also reshapes the most important entries in economic dictionaries. Intelligent work by practices also creates prosperity. Collective agreements for professional practice employees confirm a sociological tradition whereby work is of a vital, practical and symbolic central nature. The changes made to collective agreements, since the one stipulated in 1978 to the most recent collective bargaining are eloquent reminders of the transformations that have occurred and are occurring in work, the changes in how work is organised in a professional practice and prove that work is much more than jobs as "pieces of work", to take on the true meaning of "work", a human, physical and mental activity used to achieve a positive result for all. The collective agreements for professional practice employees signed in forty years of social dialogue are material and mental tools used to decipher work that go beyond the patterns inherited from the past and look towards a prosperous and sustainable future.

3. The agreements and contractual coverage in professional practices

3.1 From Consilp to Confprofessioni: evolution of the signatory parties

Before commencing an analysis of the discipline of each collective agreement, it must be pointed out that there have been several changes in the structure of the employer signatory parties since 1978. The first collective agreement was signed formally by individual professional associations, with Consilp - Confederazione Sindacale Libere Professioni, as the level two confederation now known as Confprofessioni was then called - acting in a role of "assistance". A structure that stayed the same more or less until the early 2000s, when Confprofessioni began to autonomously sign collective agreements in the name of and on behalf of the professional associations that comprise it.

The range of professional associations that have signed or identified their own relative professional practice collective agreement in the 40 years of contractual history has changed greatly and is constantly evolving.

The field of contractual application is also progressively extended to including all existing professional activities. There are several associations that have subscribed to protocols and reports that apply the professional practices' CCNL, even without directly being a part of Confprofessioni.

From a trade union point of view, Filcams, CGIL, Fisacat Cisl and Uiltucs, the service industry category federations belonging to the main employer associations have always subscribed.

3.2 The first National Collective Labour Contracts for professional practices in 1978

The Collective Agreements signed on 20 December 1978 was of a significant social and political importance and was immediately greeted as the "first post-corporative collective agreement that intervenes to regulate an important private labour contract sector outside enterprise, that is not affected by the suspicion of low representation of the contracting parties and in particular of the employer side". The initial characteristic that comes to mind was the signatory parties' value of representation. Up to that moment, there was in fact only one collective agreement stipulated on 13 October 1953 and renewed on 31 July 1968, that was considered unusable as a regulatory source due to the lack of representation for the employer parties. This was a lack also confirmed by the non-implementation of the agreement based on Law no. 741 from 14 July 1959, the so-called Vigorelli law, which tried to use legislation to make collective agreements more representational erga omnes.
Subscribing to the 1978 agreement was the result of a long process of elaborations caused by the hardship in defining a uniform discipline for very different situations and to "allow one or more exponential bodies, that can act as a counterpart to worker organisations to emerge from the large number of employers of individual and individualist work".

The *vulnus* that existed in contractual governance for professional practices up to that point could also cause clear risks.
If any validity could be acknowledged of the previous collective agreements in courts of law, the judge could establish the rules and rates parameters at his own discretion, with consequent uncertainty and differences in judgements of each case. The advantage in terms of regulatory certainty coming from full contractual legislation was therefore immediately clear.
The regulatory framework applicable to professional practice employee contracts at the time was rather uncertain and only have the corporative collective agreement stipulated on 23 March 1939, still effective after the abolition of the corporative system by article 49 of leg. Decree no. 369 23 November 1944, as a possible specific source. Laws governing private employments in general, therefore the Royal Decree RDL Lgt. No. 1825 dated 13 November 1924, the laws from the civil code and the laws governing particular institutions (hours of work law no. 692 15-3-1923; rest law no. 379 etc dated 22-2-1934 etc) were also applied. Social realities in different regions had given rise to local regulations and regulations for professional sectors.
The lack of previous processing made negotiations especially difficult, therefore.
Commentators from the period quickly pointed out the more important points of conflict were:

- Stipulating a new contract with consequent recognition by trade unions that were first employment contracts for professional practice employees and not renewal of other contracts.
- Cost of living allowance, i.e. that element of remuneration that served to adapt the salary to the

change in the cost of living. Faced with the requests from the trade unions, the professional associations believed it wise to accept the adoption of the allowance, however introducing the incidence on remuneration gradually over time.

- The non-provision for trade union activity permission for all employees, stating that they didn't acknowledge the legislation contained in Laws 300/1970, the so-called Workers' Statute.

The collective agreement was signed by 16 professional associations (Federarchitetti, Sindacato Nazionale dei Biologi Liberi Professionisti, Associazione Nazionale Consulenti del Lavoro, Federazione Nazionale Sindacati Consulenti del Lavoro, Federazione Nazionale delle Libere Associazioni Dottori Commercialisti, Sindacato Nazionale Dottori Commercialisti, Sindacato Nazionale dei Geologi Professionisti, Sindacato Nazionale Italiano Geometri Liberi Professionisti, Sindacato Nazionale Ingegneri Liberi Professionisti, Sindacato Nazionale Autonomo Medici Italiani, Associazione Italiana Patologi Clinici, Associazione Professionale Medici Oculisti, Sindacato Nazionale Periti Industriali, Sindacato Nazionale Ragionieri Liberi Professionisti, Sindacato Nazionale Revisori Ufficiali dei Conti, Sindacato Nazionale Veterinari Liberi Professionisti) together with CONSILP, the Italian Confederation of Italian Freelance Professionals, at that time. As mentioned, this collective agreement was then used to outline a practice that would continue for many years, that saw each association intervene directly in subscribing to the CCNL, without awarding proxies in this sense to the level two confederation.

The collective agreement was applied to employment contracts established in the practices of professional architects, lawyers and legal prosecutors, biologists, labour

consultants, accountants, geologists, surveyors, engineers, doctors, notaries, industrial appraisers, book-keepers, veterinary surgeons and auditors. It was also specified that graduates or school-leavers who were enrolled, even if only temporarily in professional registers, panels, orders or special lists, who carried out self-employed professional work and graduates or school-leavers who were fulfilling work placements or internships in practices, solely while awaiting authorisation to exercise their respective profession were excluded from the realm of application of the collective agreement, as provided for by the systems of the respective professional laws.

This was a statement that was in harmony with the spirit of that time, when there was a clear distinction between professional work, considered to be self-employment, and subordinate work. In defining the classification of staff, the parties were however well aware that practice organisation could produce highly specialised staff whose service was characterised by extremely high professional content.

In this sense, in the five levels of classification, that described professional practice staff, the declaratory judgements placed the category of workers who, with a high school or junior high school leaving certificate in the specific sector of expertise of the professional practice, carry out managerial work, supervising all the practice's activity with broad decision-making powers and freedom of initiative" at the first and highest level.

Commentators were quick to point out how "the collective parties in this case were referring to an actual alter ego of the practice owner. This is what we would call an employed professional, which means the person who carries out all the professional work of the practice owner and carries out with broad powers, but as an employ-

ee", even if it appears clear that the functions described in the judgement were mainly organisational, management and supervisory activities within the practice.
Starting with the 1978 collective agreement, the parties paid special attention to the establishment of apprenticeships were already considered the main entry tool for young people into professional practices at that time "to acquire the technical and practical knowledge required to qualify in certain technical sectors and for young people with no work experience to qualify".
Contract law was clearly affected by the content of Law no 25 dated 19 January 1955 and was characterised by the exclusion of using apprenticeships due to the necessity of certain qualifications. Those with high levels of professionalism were not included in the field of application, and for which a certain level of training was already necessary.
The regulatory framework was important but suffered from a very early stage of trade union relations. The laws on trade union rights already mentioned and the almost entire absence of mandatory clauses are testimony of that The only reference to a direct commitment by the parties can be found in the provision for a balanced committee, established at the Ministry for Labour, to manage any disputes about the interpretation and application of the national collective agreement.

3.3 Renewals in the 1980s

The contractual content remained sturdy and basically unchanged for the next two renewals. On 12 May 1983, a statement of agreement was signed for the renewal that only concerned the economic part. The renewal agreement on 25 July 1988 was harder work, on the

other hand. In describing the context of trade union relations where negotiations were taking place, one of the commentators stated that "the grievance has had to overcome some serious difficulties, also caused by some serious economic and legislative demands that are contained in the employees' trade unions' claims, which are not always in line with the general situation of liberal professionals, who while supporting the automatic nature of cost of living, are tied to rates that are not index-linked and that are subject to ministerial authorisations, which are always delayed".
The awareness then formed, that the social partners and collective bargaining could no longer limit themselves to governing employment contracts in an employment contracts in professional practices, but had to play a more important role in regulating the labour market and in the economic dynamics of the sector.
For this purpose, the first provisions aimed at identifying permanent premises to communicate between the parties were introduced.
The preamble to the statement of agreement on rights to information and trade union reports stated this, wherein the parties expressed their common intention to "start up a new phase in trade union relations, building the conditions for consolidation and to overcome the precarious nature and fragility of reciprocal relations that has marked prior experience".
Regular meetings were planned "to discuss important issues relating to the qualitative and quantitative tendencies of employment, to the role of professional activities in the Italian economy and society", referring specifically to some topics such as youth and female unemployment and unemployment in the south of the country, the consequences of development processes of

professions and the introduction of new technologies and their impact on employment.
Innovative provisions that had a considerable impact in strengthening trade union relations in the sector and that led to a significant development in social dialogue. One essential contribution in this regard was the gradual strengthening of the Conslip's role as the level two organisation that managed to effectively summarise the applications from each association.
The structure whereby each association held the power of subscription to the collective agreement and acted as assistant to Consilp remained. The confederation, however, was taking on an increasingly central role in contractual balance.
The professional services market, that was becoming larger at this time, required constant analysis of the ongoing changes, with the need, therefore, to swiftly provide suitable protection.
The national and international context had also changed thoroughly and required a continuous presence on the labour market, to work for the social forces that could not be faced with split representation that had never taken place up until then.

3.4 Agreements and renewals in the 1990s

The collective agreement signed on 10 December 1992 represented a further step forward towards a stable, complete regulatory framework and a full structure for trade union relations.
The parties agreed to establish bilateral tools that could actively manage the collective agreement "to address issues of significant interest regarding qualitative and quantitative employment trends and the roles of professional activities in the national and international economy".
The awareness that a large part of the labour and professional market's future was in the hands of a supranational body led to a long-sighted vision of social dialogue being the governing tools of economic and social change. In this sense, it was established that "the parties, bearing in mind the imminent EU deadlines, agree on the need to actively take part in the development of social dialogue, so that harmonisation of legislation and collective bargaining regarding employment in member states can be analysed and studied further".
This is how a joint body comprising in equal measures representatives from Consilp and Filcams Cgil, Fisascat Cisl and Uiltucs was established: the National Observatory within which an Equal Opportunities Work Group and the National Joint Committee were then set up.
The National Observatory was identified as the tool for studying initiatives adopted by the parties regarding employment, the labour market, training and professional qualification with the task of processing proposals for professional qualification, data monitoring and the definition of proposals for apprenticeships and training and employment contracts, within the sector's socio-economic sector.
The other two tools were used to study a specific topic further, that of equal opportunities (also due to the changing European legislative context that had involved the adoption of an ad hoc directive on the matter) and a traditional role of formation of collective disputes, the Joint Committee
The 1992 collective agreement was also a turning point in the approach to the labour market. It was decided to promote the use of multiple tools that could meet the

respective needs of professional practices and workers to aid the entry of certain categories of workers with particular situations into the job market, developing interventions to "facilitate the meeting point between demand and supply of work and, by governing it, allowing greater flexibility in the use of workers". Plenty of room was given over to training and employment contracts, part time work and the hiring of redundant employees and a possible differentiation was introduced for the splitting of working hours, due to the "extreme variability of professionals' needs".

The field of application changed to the point of considering relations between all professional practices "even if managed in associate form, in professional practice form, or, where permitted by law, in company form between professionals and the relative employees" as part of the contractual group, acknowledging that more complex organisational methods of professional activities were beginning to be seen on the market.

This awareness also brought about a new structure of staff classification. For the first time they were divided into administrative and legal, technical and medical and healthcare areas. This allowed professionals that the world of professional services had created at the start of the contractual path to be better organised.

In line with this logic, apprenticeships were increased, with the possibility of using them extended even further. There were still several exceptions in particular concerning the highest qualified workers with higher qualification levels, in the belief that they already had adequate training for the positions they had to fulfil.

We must mention that on 19 July 1993, some technical profession associations started up a level two confederation, Confedertecnica, that continued an

autonomous contractual path throughout the 1990s, but which then came to an end at the start of the new millennium, when the sector's representational bodies developed a common path.

This collective agreement was followed by a contractual renewal in 1997, which contained provisions for new flexibility tools. The parties started up the preamble for introducing a regulation of institutions such as job sharing and remote work to reconcile life and work, in the awareness that the sector was composed in particular of a high percentage of women.

1999 was a turning point for trade union relations and for collective bargaining in the sector.

The need to reorganise a fragmented contractual system drove all the most representative social partners of the sector to meet up to commence a common contractual path. Consilp, which had in the meanwhile changed its name to Consilp - Confprofessioni, and the other employer organisations, then decided with the employees' trade unions to set out the stages aimed at the signing of a single contractual text.

In addition to Consilp - Confprofessioni Confedertecnica and Cipa, the Italian confederation of professionals and artists, which was characterised by a varied composition of participants and that had historically subscribed to the national collective agreement for professional practice employees with the same trade union counterparts, were also protagonists of this initiative.

The need to make room for new professional activities, that were different than the ones that traditionally defined the boundary of contract application, and the need to enhance the role of professional organisations in order to take part in the cooperation proposals for changing the labour market structure that were made

nationally and supranationally, undoubtedly contributed to this decision.
On 26 July 1999, a statement of agreement was signed at Cnel, wherein it was considered "a priority to create a contractual structure that also has the function of being a container open to possible applications to join from organisations representing new and/or multiple activities that are similar to regulated intellectual ones" and "to facilitate the redefining of the realm of application for the National Agreement" to be the reference point for all sector workers!
The undertaking was therefore to move towards the establishment of a broader, better structured bilateral system (up to that time, only two bilateral bodies had been established, one for the technical EBN/SPT area and one for the dental sector EBNAO) and to review the classification of staff and flexibility institutions.
The existence of three different collective agreements made these operations especially difficult and forced the parties to carry out a thorough alignment project of the various provisions.
The text contained real guidelines for future bargaining that were progressively implemented into subsequent contractual renewals.

3.5 Collective agreements in the early 2000s

The first step towards achieving these goals was the statement of agreement dated 24 October 2001. There were important new features introduced into individual contractual subjects.
The foundations for establishing Cadiprof, the additional healthcare fund for employees of professional practices,

were laid, stating that "the parties, in declaring their desire to develop a social policy that meets workers' needs, agree to set up an additional healthcare fund and for this purpose will appoint a national bilateral joint technical committee to identify the specific areas of intervention in additional healthcare assistance". This is a historical moment for the professional practices sector and more generally for the Italian collective bargaining system. Thus, the first national healthcare assistance fund was created.
From a legislative point of view, the need to harmonise staff classifications was also pointed out. Up to that point, as mentioned above, they have been kept in three different collective contracts, that were not the same in professional profiles or number of levels.
Another statement of agreement was signed on 9 July 2003, for the renewal of some parts of the national collective agreement, that contained some important provisions for the "contractual harmonisation process".
In this case too, the new parts, on apprenticeships, substitution of workers on maternity/paternity leave, and working hours went on to modify and integrate the contents of the previous national collective agreements signed by the individual employer organisations.
Apprenticeship legislation introduced by this agreement was especially important as it reinforced the expansion process by resorting to the use of tools that were finally completed in subsequent renewals. The possibility of hiring young workers with apprenticeship contracts was thus allowed, for the acquisition of most professional qualifications.
The introduction of a new regulation about working hours as implementation of the leg. decree 66/03, acknowledging the European directive on this subject, was also important.

The long approach to a single national collective agreement for the sector enjoyed a new step forward with the statement of agreement on 28 July 2004, by which the parties decided to "work together to draw up a single contractual text for the next contractual deadline".
This agreement concentrated on a few institutions in particular: national trade union relations, decentralised trade union relations, resolution and issues linked to the setting up of Cassa di Assistenza Sanitaria (CADIPROF), a general classification of workers, salary tables and seniority pay increases.
The need to further develop interparty relations was achieved through the forecast of a possible establishment of a bilateral sector body with multiple functions that were not just the mere issuing of services to members, but also support for strengthening the parties' role in the job market.
A few years went by before the body was actually active, but the seed for spreading a participatory system in the sector had been permanently planted. In line with modern trends in trade union relations, the possibility was given of signing territorial collective agreements, thus starting up a regional development of trade union activities. From a legislative point of view, the 2004 statement also introduced training leave due to the recent start-up of Fondoprofessioni *"Fondo Paritetico Interprofessionale Nazionale per la formazione continua negli Studi Professionali e nelle Aziende collegate"* and reviewed the field of application of the national collective agreements and also classification of staff.
With regard to the former, it was decided that the national collective agreement concerned employment contracts set up in practices belonging to the following professional areas:

- Administrative - Economic - Legal professional area (Labour Consultants, Chartered Accountants, Auditors, Lawyers, Notaries).
- Technical professional area (Engineers, Architects, Surveyors, Industrial engineer, Geologists, Agronomists, and Forestry experts).
- Medical - Healthcare and Dental professional area – (Doctors, Consultant Doctors, Dental Surgeons, Orthodontists).

A general clause was also included, referring to the "other professions authorised by law to practice the professional autonomously, of an equivalent and uniform value to the professional area that are not explicitly included in the afore-mentioned list".
A considerable expansion of the field of application, consistent with the aim of creating a single collective agreement for all professions. With regard to the latter, classification of staff, harmonising the various contractual areas led to eight levels being identified, with a distinction of profiles by professional area that corresponded to the contractual field of application.
The declaratory judgements and professional figures identified indicated a top-down composition of the practice and the main conducting of working activities but qualification of the middle manager who carried out high-level management functions was also included.
The collective agreement dated 3 May 2006 was the finishing line for the single path started up with the protocol that was signed at the Cnel in 1999. The parties decided to fully rewrite the contractual text, implementing all new current legislation and provisions contained in agreements that had been stipulated in previous years. It was the first collective agreement that Confprofessioni subscribed to autonomously in

the name of and on behalf of the professional associations with which it was formed.
The professional practices national collective agreement thus led to the "single and national discipline of employment contracts for all professional activities, even if managed as a practice, as an associates' practice and, where permitted by law, as a company with relative employed staff". A considerably simple operation, that was a pure counter trend to the complex nature of other contractual processes, that, as we have seen, was achieved via a long, delicate integration process of different subjects and applications. The contractual sphere of application was the same one for the areas identified in 2004, including the "Other professions of equivalent and uniform value to the professional area not explicitly included in the list".
One of the real representative points of the agreements was the description of the inclusive nature of the contractual provision. The parties decided that the national collective agreement should also govern "as far as is compatible with the current legal provisions, employment contracts and services carried out in periods of work experience by workers in the sectors employed through various forms of employments and with different training methods". The perimeter of contractual actions thus began to move away from the traditional field of work as an employee to also include trainees. No real regulation for such contracts was introduced, but the introduction of certain forms of protection began to appear.
The parties further strengthened the bilateralism system by providing for a more complete regulation of the national sector bilateral body, now more clearly identified as a real regulation body for the labour market, with tasks and duties that ranged from income support to

apprenticeships and health and safety in the workplace. The possibility of forming regional bilateral bodies, which would be set up at national level, were also provided for. Additional healthcare assistance, obtained through Cadiprof, was already a consolidated reality at this point and was confirmed and developed further in the 2006 national collective agreement. For decentralised trade union relations, the possibility of signing regional agreements, even though what the exact realm of operations would be, was confirmed. The parties had also only achieved a complete structure of relations for all professional organisations and trade unions representing the precondition to govern territorial bargaining with this national collective agreement. In consideration of the countless new items introduced by the Biagi law, the parties also regulated various forms and modes of employment. Regulation of the following types of contract was also included in the national collective agreement: apprenticeship, part-time work, job-sharing, temporary work and remote work.
Apprenticeships were mainly regulated in the form of qualifying apprenticeships consistently with the contents of leg. decree 276/2003.
Almost all contractual qualifications could be obtained through this contract, except for middle management, level 1 and level 5 and lower. Apprenticeships lasted from 35 to 48 months and young adults from the age of 18 to 29 years of age could be hired. Regulation of the especially streamlined, simplified institution was selected that led to important results of usage.
The approach taken by the parties towards part-time work was extremely important, in line with the intentions already stated in the past, aimed at creating the institution of "ideal means to help supply and demand of work meet

in the middle" and at highlighting "the function that will allow the connection between working structure activity flows and staff rolls, as well as an answer to the needs of workers who are already employed".
The desire was to provide protected flexibility, also confirmed by the contractual welfare guarantee of the additional healthcare fund for all workers regardless of their type of employment contract.
With a view to equip the sector with flexibility tools for the organisation of work, the parties decided to thoroughly regulate remote work, an especially important way to provide labour with the idea of reconciling life and work balances. A statement of agreement was drawn up on 29 July 2008 for the renewal of the 2006 national collective agreement, which made some important changes to the contractual text. First of all, the realm of application was divided into four areas:

- Economic-administrative professional area (labour consultants, chartered accountants, book-keepers, accounting experts and auditors);
- Legal professional area (lawyers and notaries);
- Technical professional area (engineers, architects, surveyors, industrial engineers, geologists, agronomists and forestry experts, agricultural engineers);
- Medical-healthcare and dentistry professional area (doctors, consultant specialists, dentists, dental surgeons, veterinary surgeons, psychologists).

The bilateral body of the E.bi.pro sectors was then started up, providing for a specific payment and this led to the completion of the inclusion process in the realm of contractual welfare for workers with no contract of employment.
In fact, it was decided that the protections provided by Cadiprof could be extended to all contractors and trainees. This was an important provision that acknowledged the complexity of the modern job market.

3.6 The 2011 Collective Agreement: a rise in quality for professional practices

One of the historical moments in the progress of agreements for professional practices was the collective agreement dated 29 November 2011, used by the parties to create legislation that could contain the new vision of the labour market. The intention was to create a new set of rules for implementing the new labour institutions, for observing and maintaining workers' rights and legitimate expectations and for creating a modern system of relations with a finally complete overview of bilateral bodies.
The spirit with which the new regulations at that time were implemented intended to produce a series of contractual elements that made the creation of illegal working relationships no longer worthwhile and allow young people to access the job market while being protected.
This was one of the reasons why the agreement brought about a significant expansion of the subjective realm of effect, covering all intellectual professions, whether regulated or not. In addition to understanding the traditional four areas that had been identified in 2008, the regulations were extended to a fifth area of "other intellectual professional activities" that also included the professions that were not regulated by membership of a professional organisation.
While observing the national principles and criteria, the new national collective agreement created the possibility of local regulation of institutions such as: agreements to increase productivity, efficiency, competitiveness,

quality of work, profitability and innovation; temporary employment contracts, part-time work contracts; working hours; apprenticeships; traineeships and work placements; on call employment; private healthcare and pensions; training.
The openly declared intention with level two bargaining was to combat unemployment among youths and to facilitate emergence and re-entry into the labour market, especially in the poorer areas of the countries where it became possible to stipulate agreements notwithstanding the national collective agreement.
For the first time, the agreement contained the possibility for level two to regulate the governance of important institutions in consideration of specific local situations, providing for *in peius* and *in melius* regulations depending on territorial requirements.
Contractual welfare consolidated its own role as the linchpin of sector relations with an extension of competences in particular of the Ebipro bilateral body that had been established in January 2009.
From a legislative point of view, new flexibility tools were introduced. The 2011 national collective agreement was one of the first national agreements that controlled on call employment, which was subsequently provided with full regulations after complex bargaining with the trade unions. Moments in which there were especially intense work volumes were identified as possible reasons for resorting to this institution, such as the periods of tax return periods for each economic area and periods in which data requires storing and digitalising for all practices.
Apprenticeships were finally made fully operational in the three different types that were provided for at that time (apprenticeship for completion of the right-duty to education and training; qualifying apprenticeship to

obtain a qualification through on-the-job training and technical-professional learning; apprenticeship to obtain a diploma or further education paths) and it was also possible to make use of apprenticeships for all qualifications and all levels. One important new application was that apprenticeships were also made available for traineeships, an essential tool for the sector, that has been introduced recently and for which territorial experiments will possibly be set up.
The review of certain profiles carried out by incorporating those figures that up to that point had been regulated in additional protocols subscribed to by organisations that abided by the national collective contract was a formidable task. Healthcare was the area most developed, and doctors and dentists were also placed in the classification of staff.
The national collective agreement thus became a suitable tool for managing all relations established within the realm of professional practices at any level.

3.7 The 2015 Collective Agreement: protection for professionals and workers

The national collective agreement signed on 17 April 2015, the one currently in force, contains significant new elements that have had a considerable impact on the regulation of employment contracts in professional practices.
With regard to representation, we must state that this agreement was stipulated by Confprofessioni as the sole employer party.
The confederation's higher level of representativeness had been ascertained for some time and has also been officially acknowledged by the counterpart trade unions.

More generally, it must be pointed out that the changing economic context within which negotiations took place and were completed led to the identification of some new priorities to focus on.
On the one hand, the effects of the crisis had led to a number of considerations regarding regulatory tools that could be introduced or amended for the benefit of employment and the reintroduction of the more seriously affected categories. On the other hand, further to a suggestion from Confprofessioni, the need to continue with an inclusive expansion process of contractual welfare protection was identified, beyond the limits so far recognised, so that it would also include the liberal professionals.
If we stop a moment to look at the new features of the agreement, we must pay special attention to the provisions on welfare. With its absolute belief that ensuring protection for all those working in professional practices is of vital importance, the national collective agreement has introduced welfare coverage for the employer and for the professionals. The bilateral body is entrusted with managing these services, under Confprofessioni's guidance.
A real revolution that led to a reconsideration of the value and role of bilateralism.
This bilateralism was then further strengthened by a specific fund to support the income of professional practice employees experiencing a period of crisis and active policy interventions providing for contributions from the bilateral body to help the work-life balance and the right to study.
To encourage territorial bilateralism, local branches of the national body were also encouraged, known as counters, with the important task of managing the labour market by promoting supply and demand of jobs.

Consistently with modern trade union relation trends, the new national collective agreement also contained the possibility of finding local agreements that can allow regulation of work that reflects actual employer needs to a greater degree. A higher involvement of the territorial parties in regulating employment contracts was also supported, allowing parts of the national collective agreements to be amended in order to create high productivity, ensure preservation of employment contracts and help the discovery of illegal employment.
In reference to the regulatory part, the parties also introduced a regulation that aims to eliminate many of the restrictions that were introduced by recent regulation. The number of temporary contracts that can be activated by each employer was increased for temporary jobs and the obligation to observe gaps between different temporary contracts (so-called stop and go) was abolished.
Apprenticeships were confirmed as the main access tool for young people entering the job market, with a simplification of training obligations, an overall reduction of the hours of training and the provision for carrying out training in all possible manners: external training via accredited bodies, remote training in e-learning mode and internal training under the employer's direct responsibility.
In order to allow the outplacement of workers over the age of 50 who have been unemployed for a long period of time (more than one year) a specific permanent employment mode has been introduced. It is possible to pay these workers with a lower entry-level salary than the basic wage provided for by the national collective agreement for a period of 30 months (classification two levels below for the first 18 months, one level below for the remaining 12 months).

4. Changes in the last decade

The last decade has seen huge changes in bargaining due to the 2008 financial crisis and the development of the digital economy. These changes to the organisation of labour have gradually been reflected in professional practices, highlighting the first crisis in the world of liberal professions that affected some professional areas in particular, such as architects and lawyers. Faced with the new needs of professional practices, Confprofessioni has adapted its contractual strategy by introducing useful, new social security institutions. Contributions from the European Union will become important in this context, to address the crisis and to contribute towards the professionalisation of the practices.

4.1 The economic and social context of the last ten years

The last decade commenced with one year, 2008, that caused deep changes for the subsequent decades. The 2008 financial and economic crisis had caused a drop in the US and European GDP, with the lowest point of the recession reached during the second quarter of 2009. A reduction in demand affected almost all the largest areas of the world's economy, causing imports to decrease and at the same time a lower exportation capacity. The slowdown in international trade was then

intensified by the fact that banks' willingness to provide credit and guarantees for the exportation sector then also drastically decreased, due to the perception that there was an increased risk of insolvency. This interdependence among several areas of the world economy, which has increased greatly over the last decade further to economic and financial globalisation processes, has exacerbated the economic crisis and recession dynamic.
The extent of public interventions has been significant, with large increases in the public debt, causing tension in the public debt bond market and the discovery of unsustainable debt situations such as the case of Greece and Portugal, and Spain and Ireland to a lesser extent.
Support policies were mainly for the labour market, increasing resources aimed at these measures with special reference to the active policy, guiding resources and the re-employment of redundant workers and the re-qualification of skills.
Social partners have played a central role in public action aimed at defending employment by means of intervention from Interprofessional Funds to provide continuous training as a way of combating the employment crisis and of increasing workers' skills and employability.
After approval of Law 2/09, the Interprofessional Funds organised a number of actions to support workers and business in managing the crisis.
Law 2/2009 (Article 19) introduced the provision of unemployment benefit (in the sectors where lay-off benefit regulations do not apply) for workers who had been laid off due to "company or employment crisis", subject to the presence of an additional intervention of at least 20 percent from bilateral bodies, as provided for in collective bargaining, including those from the work adminis-

tration sector[25]. It is in this context that contractual welfare plays an important role, to support income, to fund professional training and medical care and to support additional social security.
Despite this convergence of the social partners on employment and welfare measures, the trade unions were divided on the bargaining for agreement renewal in the trade, tourism and services sector. The reason for this trade union discord, which was resolved by its approval in the "Labour Pact" Protocol, also subscribed to by Filcams Cgil, was the organisation of labour and Sunday working, apprenticeships, with the reduction of some hours of leave for the apprentices, the trade union's role in the company and, according to Filcams-Cgil, the infringement of regulations regarding trade union democracy, that had been agreed between the three unions.
On 12 September 2008, Confindustria presented its own platform in a document entitled "Ipotesi di accordo fra Confindustria e Cgil, Cisl e Uil sulle relazioni industriali per il rilancio della crescita del Paese attraverso la maggiore produttività, per il miglioramento della competitività delle imprese e delle retribuzioni dei lavoratori e per lo sviluppo dell'occupazione". A reform of the contractual model was proposed, with the need to relaunch growth through higher productivity, that "can and must be a common goal of workers and businesses". Considering collective bargaining to be a value unto itself, the proposal intended to fully substitute the "contractual structures" of the July 1993 Protocol, as an experiment and for a period of 4 years. The contractual model was signed by Confindustria, CISL and UIL in January 2009, with the

25. CNEL, *Le relazioni sindacali in Italia e in Europa*, Rapporto 2008-2009, Rome 2010.

exclusion of CGIL, introducing significant changes, such as a shorter contractual duration of three years and the abandonment of the 1993 model income policy.
Moreover, it entrusted the possibility of intervening in fiscal and contribution incentives contained in programmes agreed between the parties to achieve productivity, profitability, quality, efficiency, efficacy and competitiveness goals, to level two bargaining, carried out on the topics delegated by the national collective agreement or by law.
The framework agreement for the contractual model reform, signed on 22 January 2009, provided for the possibility that national or confederal collective bargaining could set out "further forms of bilateralism for additional welfare services".
For this purpose, and using bilateral tools, category agreements made use of this possibility by extending contractual welfare institutions, especially for additional healthcare and types of income and training support.

4.2 Collective bargaining in the three-year period 2012-2014 in Italy

The collective agreement plays a decisive role in reconciling productivity and the right to employment during crisis situations. Examining collective bargaining in several sectors in this three-year period confirms the common efforts of the parties to guarantee competitive markets and maintaining of employment.
In fact, this period showed the effects of the economic crisis that took place in 2008-2009. The subject most frequently address in renewals in this three-year period was remuneration, present in all the collective agree-

ments considered by an Adept analysis, in 77% of local agreements and in 69% of corporate agreements.
A trend of decentralising national salary structures has been recorded, with the transfer of salary increase quotas to level two agreements, thus changing the increase brackets in basic pay. Due to the crisis, Collective Agreements could have foreseen that a share of the economic increases coming from contractual renewals was allocated to the agreement of remuneration elements that were linked to increases in productivity and profitability as defined by the level two bargaining.
The institution of seniority pay increases were also eliminated, frozen or suspended. The employment market is the second most common subject addressed in collective agreements, with types of contract being the subject of thorough revision by category bargaining, to adapt them to the legislative reforms in the employment market that had been implemented in the three-year period[26]. The need to optimise individual contribution and the specific professionalism of each worker was identified as a factor to include in work classification systems. Collective agreements introduce the setting up of professional mapping and assessment systems aimed at acknowledging workers' transversal skills, connecting them to remuneration with incentives.
There is a generalised use of training to address companies' profitability needs, at the same time ensuring career opportunities for the workers.
Working hours were also addressed, to ensure the flexibility requested by companies. This is the second most discussed topic on the negotiation tables.

26. Rapporto Adapt, *La contrattazione collettiva 2012-2014*, Adapt University Press, 2015.

According to the Adapt report, alongside regulatory intervention on the period of grace, availability bands and income support in the event of illness or accidents outside the workplace, the contractual renewal session in the 2012-2014 period was characterised by a number of measures to combat irregular forms of absenteeism, especially in reference to absence from work due to illness. Contractual welfare, implemented via a bilateral system, is widespread in both national and regional agreements, together with the topic of health and safety in the workplace.
The Apt report confirms the structure of collective bargaining as defined in the relevant interconfederal agreements. In almost all sectors of the economy, contractual structures are coordinated according to the principles of delegation and *ne bis in idem,* while allowing amendments and exceptions, in certain circumstances and according to specific procedures, to the collective agreement stands through the provision of exit clauses at decentralised levels.
In agreements during these three years of crisis, the part dedicated to regulating the trade union relations system is sizeable and is located in the first section of the agreements as proof of the central nature of the topic.
Regulation of trade union rights and prerogatives is emphasised, with particular reference to information and consultation procedures, trade union representation in companies and institutions regarding trade union leave, the right to hold meetings and the right to post notices.
Lastly, bilateralism is the subject of regulation in its dual role of labour market governing method and provision of services to companies and workers, and as a tool for the balanced management of specific corporate or sector matters.
The intervention of collective bargaining for the various categories, both at national and regional level, is usually

limited to methodical clauses through which the parties agree on the suitability of making changes to the existing structure, for example in terms of reorganisation and rationalisation of bilateral bodies.

4.3 The changes in the contractual context

If we compare the context of industrial relations at the end of the 1970s with the ones existing today, if we observe the right to work relevant to that time with the one existing today, or the role of the State in the 1970s and its role today, we gain the impression that more than forty years have gone by.
In addition to the globalisation of that period, we now also have the economic uncertainty created by the 2008 financial crisis, in addition to information and communication technology (ICT), we now have the internet of things (IOT), in addition to traditional economic sectors, we now have the *digital economy* that accounts for 7% of the Gross National Production worldwide, in addition to "just in time" production systems, we now have digitalised production processes, that affect 100% of the economy, including agriculture. In addition to the periodic migratory flows of the past, we now have permanent migration flows from Africa to Europe, internal migration from agricultural areas in China and India to the large cities, migration from Latin America to the United States, from Central Europe to Western Europe. A weak multilateral policy and a solely-proclaimed United Nations reform has taken over from the strong role played by the International Organisations of the time.
All the above factors have a combined effect on industrial relations and the right to work, with a reduction

in the power of the State's role in relational dynamics between Social Partners and the legislative incapacity to address the issues created by the undefined boundary between dependent and independent labour. The number of "false entrepreneurs" directed and controlled by an "abstract entrepreneur" is growing in the working world, as is the case of Uber[27] that creates new questions about the nature of working relationships and makes the concepts of the right to work obsolete.
Tiziano Treu, in his introductory speech at the International Society for Labour and Social Security Law congress[28], did not hesitate in highlighting the great challenges that the labour law experts had to face using a comparative approach[29].

4.3.1 Redefinition of the concept "labour"

The very concept of "labour" and the relative legal categories in its classification, required to regulate employment contracts, are seemingly impossible for the legal world to manage, which instead was able to produce labour legislation that was in force in the 1970s, supported by the State's role of mediator.
The European Confederation of Trade Union's resolution on illegal or informal employment has brought to light how the recent forms of crowd work can lead to an

27. E. Gonzalez-Posada, The Role of the State and Industrial Relations, International Society for Labour and Social Security Law, Turin, 7 September 2018.
28. International Society for Labour and Social Security Law, World Congress, Turin, September 2018.
29. T. Treu, Transformation of Work: challenges to the national systems of labour law and social security, Turin, 4 September, 2018.

"uncontrolled" job market[30]. Crowd work is one of the new forms of labour that is a result of the digital revolution.

Workers are connected to a digital network platform where the commissioning clients, the crowdsourcers, enterprises or individuals, upload the orders for which fulfilment is addressed at the "crowd" that provides the labour services. The person who is awarded the commission can be anywhere in the world compared to the place where the client is, can carry out the work at a time they consider appropriate, within the established time limit and use the methods they consider suitable.

Thousands of workers are connected to a digital platform and exchange professional services in return for a fee paid by the clients who make the specific requests. Geographical restrictions between client and provider no longer apply and the latter is free to carry out their remunerated work from any location. There is no intermediation from any party and the categories on which traditional working relationships are founded disappear.

The first crowd work platform was created by Amazon in the early 2000s, and now has more than 500 thousand workers registered in 190 countries[31]. In 2018, the population of Internet users[32] exceeded 4 billion (+ 7% per year), the number of people using a cellular phone exceeded 5 billion (+ 4% per year) and the population that uses social media exceeded 3 billion (+12 % per year)[33]. It is an interesting market for those companies that use the internet as a source of business, not with the purpose of avoiding traditional mediation of work and employment contracts, but to speed up their company productivity and profitability trends by using the opportunities provided by digital platforms[34]. The exponential growth of "crowd work" is linked to the advantages that the platforms offer to "workers", such as the possibility of also working in countries with low rates of industrialisation, such as those in Africa (Africa is the continent with the highest annual increase in smartphone and internet use), the opportunity to balance working life with family life, and to be free to decide when to work and so on. The disadvantages are the minimum standards of safeguarding and social protection, health and safety and fundamental working rights.

4.3.2 Digital gig economy

Crowd work is connected to work in the *gig economy,* recalling how European judges separated those who integrate *gig economy* workers into the employee category and those who consider them to be self-employed. These are interesting questions, especially if we extend the analysis beyond European borders. According to Richard Heeks, the business volume of the digital gig

30. European Trade Union Confederation, Resolution of 8/9 June 2016, cit by Treu, op. cit.

31. Amazon calls it Mechanical Turk (Amt), in honour of the famous Turkish mechanical chess player that defeated Maria Theresa of Austria: http://www.diritto-lavoro.com/2018/01/24/crowd-work/

32. Other Digital Platforms are Upwork, with millions of registered users in 180 countries, Freelancer with 15 million people registered around the world: see Il portale del diritto del lavoro, September 2018.

33. Cfr Global Web Index: https://www.globalwebindex.com; https://wearesocial.com/blog/2018/01/global-digital-report-2018

34. See Consigli per migliorare l'operatività sulle piattaforme: https://mashable.com/2016/03/24/advertising-strategies/?europe=true.

economy in the USA is 5 billion dollars and involved 60 million workers. Heeks groups together all *platform* and *digital gig economy* workers in the *on-line labour* (OLL) category, described as "temporary and invisible labour carried out via digital technology, to obtain remuneration and organised via online platforms that are themselves markets that join together consumers and vendors". The new OLL job market has shown a 35% annual growth since 2013, with increases reaching 65% if we consider some websites such as Zhubajie. Heeks[35] emphasises the reasons for such a growth to be employment opportunities for African, Indian or Chinese regions, opportunities for social inclusion, reasonable remuneration, career possibilities, flexibility, and the reduction in transport costs.

There are several dimensions in the working context that include the relationship between employers and trade union and go as far as the freedom of association, social dialogue, collective bargaining and all working rights. In turn, an employment contract includes the opportunity to find employment, contractual stability, career possibilities, occupational status, initiatives against discrimination at work, respect of privacy and the regulation of internal disputes. The area also contains labour terms, health and safety conditions, working hours and salary. All dimensions transformed by the digital economy.

Starting with the awareness that it is necessary to undertakes a new standard that can integrate the legal definitions with the "modular nature" of safeguarding and social protection, Treu starts his analysis of the possibilities offered by traditional institutions, such as labour

35. R. Heeks, Decent Work and the Digital Gig Economy, ILO International Conference, 2018.

legislation or collective bargaining, highlighting the possibilities that go beyond the social security systems that have been the consolidated one up to now. The fact that employment is still the largest and most significant category, despite the emergence of crowd work, cannot be ignored. Compared to the European Commission's recommendations to extend social protection schemes to include gig economy workers[36], there is a need to address the subject going beyond the need to regulate the contractual relationship or the social protection of this member of the labour market, but using a legal expert's thoughts on a new line of research with the relative theoretical structure suggested.[37]

While the reference point is still the ILO's concept of Decent Work, it is now necessary to devise a new framework of "basic standards" referring to the transformation of work brought in by the *digital economy,* establishing the right that work, even online, regardless of the worker's legal status, must have a clear system of regulations and protection.

4.3.3 Rights and welfare

More recently, new individual and collective working rights have emerged, with particular reference to the right of professional training connected to the technological role carried out, the right to privacy, which has been vio-

36. https://europe-liberte-securite-justice.org/2017/11/22/the-coming-of-the-gig-economy-a-threat-to-european-workers/

37. "The aim is to avoid a situation in which, having cut loose from the traditional descriptive categories, we merely register the existence of fluid boundaries between different cases and hand out protections at random, without any theoretical basis", Treu, op. cit., page 7.

lated by digital control mechanisms and on-line workers' right to "disconnect" for certain conditions. These rights require a study of consistent regulations and legislation for the protection of labour. There is a need to identify a hard core of rules and protections that can be applied to all workers, regardless of their status, transforming them into legal principles of labour legislation.

This is why the new labour geography imposes a number of new solutions for regulating employment contracts and working relations, from labour market management to social security. This new frontier of labour must be based on common principles and individual solutions that can meet the multitude of needs that the globalised, digitalised labour market has. There is a range of interesting solutions available in an international context, starting with regulation of the hidden economy and the necessary changes in social security. The changes to social protection systems is important for the planned changes to the liberal professions sector. First of all, there is talk of overcoming the distinction between "social security and assistance". The adoption of a "universal" approach would allow social protection to be extended to all forms of labour, both standard and non-standard. This emphasis is adopted by a trend of ILO experts, starting with Guy Standing, where social protection schemes would not be connected to entitlement which comes from the contributions paid, but to universal working rights and human dignity[38]. A second point concerns the calculation of pensions that are anchored to the duration of working life and not to the actual presence in the workplace, also including illness, accidents in the workplace, parental leave, unemployment and so on

38. G. Standing, Work after Globalisation, Edward Elgar, 2009.

in the calculation. Treu's broad social and legal reference traces the evolution of the role of the labour law expert in the area of labour and welfare policy, the State's function in labour policy, and of transnational collective bargaining. The progressive movement of collective bargaining towards a territorial and corporate level could be used in the liberal professions sector to adopt a clear reduction of confederal categories, such as the legal, economic, technical or healthcare ones. The attention paid to welfare or corporate well-being is a central argument of collective bargaining for professional practices and the emphasis on the tools that can be used as bonus systems, remunerative schemes or welfare schemes can help to identify new ideas to renew employment contracts in the sector. Finally, to use Treu's words, labour law must meet tangible and intangible needs in a context that is far removed from the industrial one. This is why the new responses from labour law experts must address both employment contracts, associating the opportunities provided by the digital economy with the quality and dignity of labour, and the area of industrial relations, associating national bargaining with territorial bargaining.

4.4 The horizon of new collective bargaining: Europe, Bilateralism and Active Policies

4.4.1 The opening up to European Union policies for the liberal professions

In 2015, the liberal professions in Europe accounted for 9,2% of the total work force in the 28 member states and 18,6% of the total of companies, with 4.5 million professional practices, 13 million employees and an

added value of 717 billion Euro, amounting to 10%. When unregulated professions are included, the statistics show 47 million workers can be included in this segment, with 22 million of the working population.
The particular definition of the professions in terms of "trust professions" highlights the placement of the liberal professions in the economic players that comes from the dual function of simply being service producers and, together, of being economic operators with public purposes.
With regard to the various definitions that exist in the Member States, the European Union Court of Justice intervened in 2001 to specify that the liberal profession is an intellectual economic activity that requires a high level of specialisation and is regulated by a professional order. The Court's intervention, based in turn on Directive 388/77 of 17 May 1977, then inspired subsequent definitions contained in European legislation, with particular reference to Directive 2005/36, of 7 September 2005, on the recognition of professional qualifications, amended by Directive 2013/55 on the same subject.
On several occasions, the European Union had acknowledged the importance of liberal professions for its development. When it was ascertained that Europe would become the most dynamic and competitive knowledge-based economy by 2010, spotlights were pointed at the intellectual professions, as the central component of the knowledge worker area.
The European Commission, published a report by its liberal professions working group (Bolstering the business of Liberal Professions, December 2015) that highlighted the huge transformation of the liberal professions and the difficulty in classifying them into a single conceptual category as in the UK, there is no term such as liberal profession regulated by membership to an official organisation, as the distinction is still that of being between "business" and "professions". Due to the dynamics of the professions, the European Commission recommends interventions on business ability, market access and financial instruments, such as structural funds and European investments.

The Economic and Social Committee's Opinion on the role and future of professions in European civil society in 2020, dated March 2014, confirmed the need for policies focused on professionals, setting up a study group dedicated to them.
In 2014, the same Economic and Social Committee published a paper on the state of liberal professions in Europe.
For European Strategy 2020, European institutions had repeated the decisive role of liberal professions in achieving Europe 2020 goals.
Unlike other productive sectors where the economic nature is predominant, the liberal professions associate public purposes with the production of income and the business purposes with the ones directed at the common good, bringing together the public dimension, the economic dimension, the administrative dimension and the protection of people's and consumer rights in a consistent development perspective.
The multitude of purposes and the conciliation between private and public interest confirms the operational breadth of the liberal professions and their importance for Europe's sustainable development.
The Economic and Social Committee's Opinion allocates a special emphasis on association, recognising the institutional relevance of orders and the social security fund benefits. It is at this level of political representation that the associations and the national and European representations can contribute to the formation of

relevant legislation and the development of the liberal professions in Europe.
The European Commission's Entrepreneurship 2020 refers to the dual role of the liberal professional, who is an instrument for European competitiveness through their high level of competence and is also an entrepreneur working to address the typical issues of micro-entrepreneurship.
The Europe 2020 strategy is the EU programme for growth and employment in the current decade. It places an emphasis on intelligent, sustainable and inclusive growth as a means for overcoming structural shortcomings in the European economy, improving competitiveness and productivity and favouring the success of a sustainable social market economy.
The liberal professions are called upon to play a key role for achieving Europe's sustainable development targets.

4.4.2 European social dialogue in the liberal professions

The attention that Confprofessioni placed on European policies as the reference line for collective bargaining, already highlighted in the 1992 agreement, was recognised by the European Commission, which approved a social dialogue in liberal professions project in 2017, presented by Confprofessioni and the European Council of Liberal Professions (Ceplis), the Maltese Federation of Liberal Professions, the European Trade Union for managerial professions (Euroquadres) and Italian trade unions CGIL, CISL, UIL. In the history of industrial relations in Europe, it took a certain amount of time - starting from the start of Social Dialogue at Val Duchesse in 1985 - to

reach converging definitions. In the Social Partners' declaration at the Laeken Summit in December 2001m the difference between "tripartite concertation", intended as the exchanges between European social partners and public authorities, "consultation", intended as the set of committee activities and official consultations provided for by European law and "social dialogue", intended as the bilateral work of social partners, regardless of requests from the Commission, was clarified.
Forty years of collective bargaining in the liberal professions sector in Italy is a good "social dialogue" practice that the European Union has acknowledged as being worthy of diffusion in other European countries. For this purpose, Confprofessioni, and the other partners named above, is studying a social dialogue model for the liberal professions that can include collective bargaining as the supporting structure of the entire trade union relations system and that can be applied in other European Countries. This study foresees bilateralism as being the establishing element of the new generation of collective bargaining for professional practices and proposes joint-management practices for bilateral bodies as an additional element for social dialogue in the new millennium. The interest in the innovative bilateralism institutions introduced by collective agreements subscribed to by Confprofessioni has been expressed by both interprofessional confederations with a big tradition of social dialogue, such as the French Confederation (Union Nationale des Professions Libérales), and by the Ministries for Labour in Central Europe, such as the Bulgarian Ministry for Labour. The International Labour Organisation itself has expressed interest in spreading the Italian model of collective bargaining in the liberal professions internationally, not just in Europe, to add to

the social protection measures introduced in collective bargaining with public social security systems.

4.5 Innovation of collective bargaining in professional practices

If in 1978 the approach to collective bargaining in professional practices was rather "atypical" compared to bargaining in other economic sectors, the 2015 collective agreement strengthened this distinguished profile with the addition of other new elements concerning the definition of independent work and individual welfare.

4.5.1 The common interest in professional practices

Generally, the collective agreement is an agreement between subjects with different interests. The nature of the public interest that distinguishes the professional practice, the organisation of work and the type of work provided by the practice's employees (knowledge worker), are factors that drive the traditional antagonistic perspective of bargaining towards an interpretation that is closer to the common interests of professionals and employees.

Common interest supersedes the particular interests of the employer, the liberal professional, and the worker (professional practice employee) that remain unchanged when attention concentrates on the remunerative aspect. While the parties' interest is different, the conflicting profile converges on the practice's well-being, intended as collectivity. This competition of interests is reflected in industrial relations and the social dialogue between representatives of professional practice employees and the professionals.

Most labour law experts believe that the predominant labour law in Europe has lost its explanatory and regulatory ability, in a context with new job market practices both inside and outside the company, new labour market institution theories and also a society that has drastically changed in lifestyle and social relations. Nobody is suggesting that the basic principle of contractual relations and the legal foundation of the employment contract is abandoned. Legislative reforms of the labour market that move towards industrial pluralism and regulation of contractual freedom maintain the central nature of a work contract. What changes is the revitalisation of labour governance within the company, focusing the new governance topics on the competition of economic and social interests.

The direct consequence of considering "the interest" of people in a changed labour market has led to the labour law moving its focus from the employee category to the more general category of workers, or more generally, the person who is a part of the labour market with attention to the life cycle of the worker overall.

This historic change is not limited to "adding" new rights, but to searching for a new interpretative characterisation of labour law. A new area of work matters and relative legal concepts is being formed for "governance of labour", especially regarding the supply of labour, including social security, education and training, fiscal law, employability and mobility, entrepreneurship and the creation of jobs, migration and fundamental rights.

In particular, some aspects of social security and active labour policy, competitiveness, company law and tax legislation must be included in the analysis, so that the

consequences on the labour market structure can be understood.

One of the points that leads the experts to agree with each other is the fact that social protection must be guaranteed by regulations that are anchored in the work contract. The centrality of the collective agreement in the social dialogue mechanism gave rise to contractual welfare in liberal professions, progress in the concept of collective bargaining. The ILO Convention 154 from 1981 on collective bargaining limited the term collective bargaining to the determination of contractual terms and working conditions, in addition to the regulation of social partner relations.

Collective bargaining in the new millennium interpreted by the social partners in the liberal professions sector thus adds new life to the collective agreement, extending social protection to families through bilateral bodies and offering a new perspective of relations between the social partners[39].

4.5.2 The impact of the new forms of self-employment on labour law

Frey and Osborne's[40] study on the future of labour after digitalisation and Susskind's study on the future of professions, suffice to explain the radical transformations of the labour market in general and the work of professionals in particular, following the digitalisation of the economy.

39. ILO, Collective Bargaining: ILO standards and principles, Geneva, 2000.

40. C. B. Frey, M. A. Osborne, *The future of employment*, Oxford University, 2013.

In turn, the European Foundation for the improvement of living and working conditions identifies new forms of labour created by the *digital economy*. The scientific and statistical evidence that configures a job market centred on the autonomy to choose when and where to work, how much to work and which work to carry out, is irrefutable. If we consider the new forms of independent work and their precondition founded on the autonomy of the working service provided, it is difficult to trace these workers back to the category of dependent work. Labour law and collective bargaining search for answers to the following question: how can the new independent workers be protected? Takashi Araki from Tokyo University suggests four options. The first is to extend the concept of subordinate work to cover crowd workers. In countries that adopt the employee - self-employed dichotomy, this is the most common approach. However, it is not an easy task for judges to amend the definition, as is the case in the USA for the Uber and Lyft cases. In April 2018, the courts of Pennsylvania issued a ruling on Uber drivers, deciding that these self-employed workers did not belong to the employed labour category pursuant to the law in force (Fair Labor Standards Act). On the contrary, the courts of California adopted a ruling that expanded the notion of work as an employee based on what is defined as the ABC test. To prove that a worker in an "independent contractor", the employer must prove A that it does not control how the subject carries out their work, B that the subject provides a service that is not part of the employer's usual business, C that the subject undertakes a profession that is independent from that of the "commissioning" employer.

In France, where the dependent-independent dichotomy has been adopted, workers at the company Take

Eat Easy, who deliver takeaway food to homes, were not considered employees by the courts of Paris.
The second option is to introduce an intermediate category "between dependent work and self-employed work", an option that was adopted by German federal courts. In the UK, the notion of a worker is more generalised and according to the Employment Right Act 1996, the workers is defined as the individual who provides labour as part of an employment contract and other contracts, through independent work activity.
The third option concerns legislative introduction to ensure social protection of any type of work, like in Japan with the Workers' Compensation Insurance law, or in France with the Labour Law reform, known as the El Khomri Act that extends social protection to independent workers on digital platforms (*Travailleurs independants*).
Lastly, the fourth option provides for legal protection that goes beyond the competence of labour law and simply concerns human rights, as provided for in the German Civil Code (articles 134 and 138) or as stated in European Parliament and Council Regulations on the equality of online intermediation services (COM 238/2018).

4.5.3 The emphasis on individual welfare

The progressive trend towards decentralised collective bargaining has led to an emphasis on corporate welfare and individual welfare. The use of contractual autonomy to identify social welfare schemes or a tailor-made approach to social protection that meets the workers' specific needs (welfare flexibility) is a common occurrence in European collective bargaining. Similar schemes include consultant specialist appointments,

treatment and rehabilitation, training courses, home treatment, recreational activities, personal well-being services, reconciliation between work and home life and so on. Sometimes these social protection schemes are alternatives to bonuses. A new generation of collective agreements incorporate welfare services that are directly linked to employment contracts, the cost of which is deducted from the income received. Such *private welfare* takes on an important role in collective bargaining which goes beyond satisfying individual interests. The very concept of "social security" is transformed into a systematic approach to collective well-being. The goal of corporate welfare becomes that of promoting personal and private family life, and not just work life. In Italy, two different private welfare models are talked about in labour literature[41]. The first, known as pure corporate welfare, is illustrated in article 51 of the Presidential Decree no. 917 from 22 December 1986, according to which "pension and social security contributions paid by the employer or by the worker in observance of legal provisions and private healthcare contributions paid by the employer or the worker to organisations or funds for purely healthcare purposes in compliance with agreement or contractual or company regulation provisions are not included in calculations of income".
The legislative goal of making non-monetary forms of remuneration more consistent with individual needs was reinforced by section 190 of article 1 of law 208 dated 28 December 2015, sections 160-163 of article 1 of law 232 dated 11 December 2016 and law 205 dated 27 December 2017, that have expanded the content of corporate welfare in the private sector.

41. https://www.aiwa.it/magazine/dizionario-breve/

The second Italian corporate welfare model, called participatory corporate welfare, is outlined in law no. 208 dated 28 December 2015, but in section 184 of article 1, amended by section 160 of law no. 232 dated 11 December 2016, which allows the worker to choose between a bonus or participation in additional benefits as set out in Presidential Decree 917/1986, as reported above. In this case, the welfare benefits must not exceed the total of the bonus. We must point out that the "monetary" reward is subject to taxation, unlike welfare benefits, that are not taxed.
It is understandable how these legislative interventions can offer a scenario for social protection that can be adapted to individual needs, overcoming the traditional approach of incentives based on the ratio of effort and remuneration, placing corporate welfare in a new realm of trade union relations. Recognising a worker's ability to choose the corporate welfare structure encourages the parties to introduce new social protection schemes that meet individual needs and also influence the corporate organisational environment, as part of a logic that no longer sees working life as separate from private and family life.

4.5.4 Collective bargaining in professional practices as good practice

The 2015 Collective Agreement contains the new elements listed above that can be enhanced with the next national collective agreement.
Like in all productive categories, particular interest and collective interest co-exist in professional practices . However, the very nature of the liberal profession and the organisational set-up of professional practices prefer the convergence of interests into a common purpose that is the collective well-being of the professional group. Trade unions and Confprofessioni meet in the collective bargaining to discuss the divisions between employees and professionals and, together, they discuss what joins the two parties in a collective interest that is the common asset of the practices. The professional practice is thus an experimental laboratory of industrial relations working to address the new transformations of work in the new millennium.
One of these is the change in the notion of a self-employed worker, addressed in Law 81 of 22 May 2017, which considers the safeguarding of self-employed workers on both the economic and social fronts and expands the flexibility of work contained in employees' contracts.
Collective bargaining for professional practice employees offers the opportunity to look at multiple self-employment profiles - in the theory of labour law and contractual practice - in addition to those of the professions that are regulated by professional organisations. The digital economy is expanding the boundaries of self-employed work exponentially. They deserve legal safeguarding and social protection that can be pursued with a new generation of collective agreements. The sphere of application of the 2015 Collective Agreement now includes all those professional activities, including associations, in the economic-administrative, legal, technical, healthcare and other intellectual activity areas, but also extends to the structures that carry out other instrumental and functional activities and services. Also, the social partners in the liberal professions sector have undertaken to monitor the evolution of the labour market involving non-employees, to provide further answers to the needs of this emerging sector.

Lastly, bilateralism and welfare are the supported structure of the contractual approach in the 2015 agreement. This will have definite developments in the future, to provide those answers awaited by social actors and public institutions.

Bilateralism is becoming important for both the promotion of involvement and participation by professional practice employees and for the future of collective bargaining. And not just that. Corporate welfare in the liberal professions, also called *private welfare* or *contractual welfare*, is important not only for the range of services that it offers but above all for the observance of the different values that it pursues. The relationship between collective autonomy and negotiated welfare is undoubtedly a privileged relationship which is more effective than the one linking the public administration to homogeneous, abstract interests. In brief, the collective agreement is the tool used to create social protection consistent with individual needs, as part of a general contractual pattern that provides specific packages that can be adapted to family and individual needs, ranging from the need for care to the need for professional development, or for income support.

And finally, the 2015 Collective Agreement suggests a new generation of contracts, that is already an example of good practice in Europe.

This review of the collective agreements for liberal professions stipulated in forty years of collective bargaining in this sector highlights the fact that the relationship between employer and worker in professional practices is a special relationship. The historical asymmetries in the structure of employment contracts are reduced in professional practices, thus stabilising them: the employee becomes a central subject, who talks with the

professional, and has the tools required to enhance his dignity. The agreements examined generate an essential connection between work and living conditions, showing work to be a decisive resource, that can define everyone's place in society. It is a vital connection between work and production: production of the existence of the person first of all, and then of professional production. The work of professional practices lends sense to terms such as growth, development, well-being and also reshapes the most important entries in economic dictionaries. Intelligent work also creates prosperity. Collective agreements for professional practice employees confirm a sociological Weber tradition whereby work is of a vital, practical and symbolic central nature. The changes made to collective agreements, since the one stipulated in 1978 to the current collective bargaining are eloquent reminders of the transformations that have occurred and are occurring in work, the changes in how work is organised in a professional practice and prove that work is much more than jobs as "pieces of work", to take on the true meaning of "work", a human, physical and mental activity used to achieve a positive result for all. The agreements that social partners have signed in forty years of social dialogue are material and mental tools used to decipher work that go beyond the patterns inherited from the past.

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