



# Relaunching Collective Bargaining Coverage in Outsourced Services

RECOVER COUNTRY REPORT

## OUTSOURCING OF SERVICES AND COLLECTIVE BARGAINING COVERAGE IN ITALY

An analysis on cleaning, ICT and  
facility management service

Marcello Pedaci

Adolfo Braga

Carmela Guarascio



UNIVERSITÀ  
DEGLI STUDI  
DI TERAMO



This publication constitutes a deliverable of the RECOVER project – Relaunching Collective Bargaining Coverage in Outsourced Services.

This project has received funding from the European Commission, DG Employment, Social Affairs and Inclusion under Agreement No VS/2016/0351.

October 2018

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The Sociological Research Centre on Everyday Life and Work - QUIT (Centre d'Estudis Sociològics sobre la Vida Quotidiana i el Treball) is coordinating the research project RECOVER: Relaunching Collective Bargaining Coverage in Outsourced Services.

QUIT – Sociological Research Centre on Everyday Life and Work  
Universitat Autònoma de Barcelona  
Campus UAB, Edifici B- C/ de la Fortuna s/n  
08193 BELLATERRA, Spain

For more information: [oscar.molina@uab.cat](mailto:oscar.molina@uab.cat)  
<http://pagines.uab.cat/recoverproject/en>

Please refer to this publication as follows:

Pedaci, Marcello; Braga, Adolfo; Guarascio, Carmela (2018): *Outsourcing of services and collective bargaining coverage in Italy. An analysis on cleaning, ICT and facility management services*. Country Report - RECOVER project. [<https://ddd.uab.cat/record/202074>]

## CONTENTS

INTRODUCTION .....	5
SECTION I - OUTSOURCING, COLLECTIVE BARGAINING COVERAGE AND FACILITY MANAGEMENT COMPANIES .....	7
1. COLLECTIVE BARGAINING COVERAGE.....	7
1.1. Main characteristics of the collective bargaining structure.....	7
1.2. Collective bargaining coverage .....	8
1.3. Collective bargaining coverage and non-standard forms of employment .....	11
2. THE EXTENSION, REGULATION AND FORMS OF OUTSOURCING .....	13
2.1. Main forms and extension of outsourcing .....	13
2.2. The regulation of outsourcing.....	16
3. FACILITY MANAGEMENT COMPANIES .....	19
3.1. Definition, importance and regulation of FM companies in the country .....	19
3.2. Representation, social dialogue and collective bargaining in the FM arena .....	20
SECTION II - CASE STUDIES: OUTSOURCED ACTIVITIES AND FACILITY MANAGEMENT COMPANY CASE .....	23
1. THE CASE OF CLEANING ACTIVITIES .....	23
1.1. Developments of persons performing the activity, forms of outsourcing, clients’ characteristics and pressures .....	23
1.2. Representation of workers and employers.....	27
1.3. Collective agreements and bargaining coverage .....	28
1.4. Strategies deployed by social partners to solve coverage problems.....	34
2. THE CASE OF ICT SERVICES .....	37
2.1. Developments of persons performing the activity .....	37
2.2. Forms of outsourcing, clients’ characteristics and pressures .....	39
2.3. Representation of workers and employers.....	42
2.4. Collective agreements and bargaining coverage .....	44
2.5. Strategies deployed by social partners to solve coverage problems.....	45
3. FACILITY MANAGEMENT COMPANY .....	48
3. 1. Introduction.....	48
3.2. Business strategy, organisation, employment structure .....	49
3.3. Collective bargaining and workers representation .....	52
3.4. Strategies developed by social partners in order to cope with coverage problems ...	55
CONCLUSIONS .....	57
REFERENCES .....	61



## INTRODUCTION

Collective bargaining coverage is a key aspect of industrial relations systems; it significantly affects the degree of workers' protection and earnings disparities (and more generally working conditions disparities); its developments influence tendencies of labour market dualisation and socio-economic inequality. This relevant institution of the industrial relations systems is increasingly under pressure. It is challenged by several phenomena, including restructurings of (global) value chains, outsourcing practices, workplaces fragmentation and diffusion of non-standard forms of employment.

This report is part of the international research project *Relaunching Collective Bargaining Coverage in Outsourced Services (RECOVER)*, funded by the European Commission DG Employment, Social Affairs and Inclusion and involving 5 European partners. Its main aim is to analyse collective bargaining coverage in outsourced services with a view to identify coverage problems, gaps, conflicts – across different groups of workers – related to outsourcing practices. With this regards, the project focuses on different realities/ manifestations of outsourcing: these include workers in facility management companies, temporary agency workers, self-employed, bogus self-employed. Moreover, the project aims to analyse the capacity of existing institutions in dealing with collective bargaining coverage problems and the strategies deployed by social partners at national, sectoral and company level to address gaps, conflicts, etc. Finally, another objective of the project is to analyse the collective bargaining position of facility management companies and their workers in the context of national and sectoral collective bargaining frameworks.

The report discusses the findings of three case studies. The first two focused on two different outsourced services in the Italian context: one on a high-qualified activity and another one on a low-qualified activity, specifically on: 1) *cleaning services* and 2) *ICT services*. Then, the research is completed by a study on a *facility management company* operating in Italy. Case studies followed a mixed-method approach. We did an extensive analysis of existing documents and other materials, including collective agreements, press materials, policy documents of unions and employers' associations, reports and statistics. Then we did a series of interviews with key trade unionists and representatives

of employers' associations. In particular, in the case of cleaning services, we did 5 interviews with trade unionists, 3 with employers' representatives and 3 with experts, including a representative of a sectoral bilateral organisation. In the case of ICT services, we did 8 interviews with trade unionists and 3 with experts. Finally, we did 4 interviews in the facility management company; these involved HR manager, two workers' representatives (of which one was member of the European Work Council of the – multinational – company) and a key trade unionist, selected because of his responsibility in negotiations, campaigns and other initiatives related to the company.

# SECTION I - OUTSOURCING, COLLECTIVE BARGAINING COVERAGE AND FACILITY MANAGEMENT COMPANIES

## 1. COLLECTIVE BARGAINING COVERAGE

### 1.1. Main characteristics of the collective bargaining structure

The Italian industrial relations system is characterised by a low degree of «legal institutionalisation» and by a high level of voluntarism at least in the private sector (Baglioni 1998; Cella and Treu 2009). Legislation (and, more generally, the State) has a limited role in the regulation of collective bargaining, conflict and workers/employers representation. Only in the public sector law regulates several aspects (Cella and Treu 2009; Bordogna 2016). From the early 2000s, the Italian industrial relations system is increasingly under pressure and has undergone several changes, including a weakening of social dialogue and collective bargaining and a trend to de-centralisation (Carrieri and Treu 2013; Leonardi and Sanna 2015; Gottardi 2016; Leonardi and Pedersini 2018). Such pressures and changes have been driven by different factors, exogenous and endogenous, including the globalization, the increasing global competition, the recent economic crisis, the growing fragmentation of the value chains and of the labour market (Carrieri and Feltrin 2016; Leonardi 2017).

Against this landscape, collective bargaining is still articulated (and takes place) in two-levels: national-sectoral level and company level. This structure was defined/introduced by the tripartite agreement signed by the major workers and employers' organisations on 23 July 1993 (Treu 1993; Alleva 1993). It represents a sort of «constitutional charter for industrial relations» or a «basic agreement» (Accornero et al. 1998; Cella and Treu 2009). The national-sectoral bargaining «is the core of the system» (Cella and Pedersini 2014; Leonardi et al. 2017). It establishes minimum rights and standards; it has a fundamental role in defining wage floors for the different job profiles, together with their periodical increases, as to safeguard the wage purchasing power against inflation. Social partners have then the possibility to integrate, adapt and improve employment terms and conditions at the second-level bargaining. Normally, sectoral agreements determine

modes and issues of decentralised bargaining. It is worth noting that, unlike many EU countries, in Italy, there is not a formal administrative extension procedure to guarantee universal collective bargaining coverage (European Commission 2018; Leonardi 2017)<sup>1</sup> and there is not even a statutory minimum wage.

The second-level bargaining mainly takes place within companies; however it can take place, alternatively, at territorial level; this solution is widespread above all in sectors characterised by high incidence of small enterprises and temporary work, such as agriculture and construction industry, as well as in craft sectors. Second-level bargaining usually sets up pay rises, in particular performance-related pay rises<sup>2</sup>; more generally, its main aim is to stimulate productivity and competitiveness. It is not compulsory and is greatly influenced by the presence of unions within the company. Since the 2000s there has been a growing pressure to expand the possibility for opening clauses through company-level bargaining. However, their diffusion is still limited; this is explained mainly by the high incidence of small enterprises, frequently unprepared, lacking competencies and attitudes to meet such a solution (Bellardi 2016; Leonardi et al. 2017).

## **1.2. Collective bargaining coverage**

According to data provided by different international sources (Visser 2016), in Italy, collective bargaining coverage is estimated to be around 80%; and such a value remained untouched over the years. In other terms, eight out of ten employees are covered by at least a multi-employer agreement. And national estimates are even higher (CNEL-ISTAT 2015). Unfortunately, the data available are aggregated and refer to the whole national workforce; while there are few data disaggregated by sector. Anyway, coverage is considered to be at the higher level in metal manufacturing and at the lower level in textile and clothing industry and in several services sectors, where union density – which

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<sup>1</sup> However, the courts often refer to the minimum wage set up in the national-sectoral collective agreement in the cases they are asked to judge whether a pay conforms to the constitutional requirement for pay to be «commensurate with the quality and quantity of the work done».

<sup>2</sup> A survey (OCSEL-CISL 2013) carried out on more than 1,500 company-level agreements, signed from 2009 to 2012, evidenced that the main issues tackled by the documents were: pay (40% of the agreements), restructuring and crisis management (38%), union rights (20%), working hours (19%), social benefits (14%) and training (13%). However, in the more recent years, the issue of restructuring and crisis management significantly increased (OCSEL-CISL 2015; 2017).

significantly affects it – is below the national average (Pedersini 2012; Cella and Pedersini 2014). In public sector coverage is instead quite universal and union density has always been higher than in the private sectors, around 50%, (Carrieri 2011; Bordogna 2016; Pedersini 2014; Carrieri and Feltrin 2016).

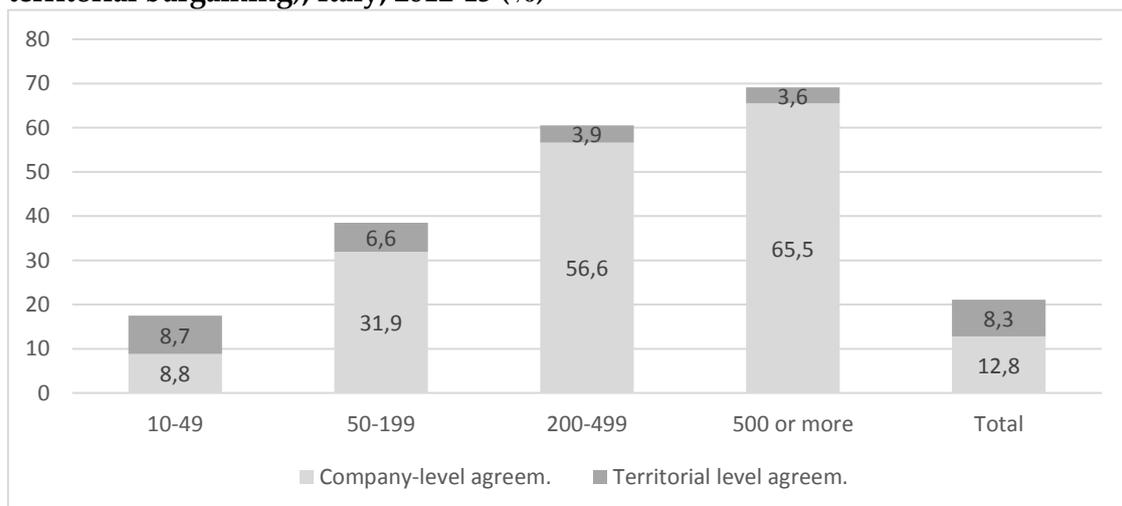
About sectoral bargaining, it is necessary to evidence two tendencies. First, it still features a high complexity and fragmentation (European Commission 2016; Leonardi et al. 2017). According to data provided by the *Consiglio Nazionale dell'Economia e del Lavoro (CNEL)*, responsible for keeping an archive of collective agreements, in 2017, in Italy, there were 809 national-sectoral agreements. This quantity of documents has increased over the years, following an upward trend; they were 561 in 2013, 618 in 2014, 798 in 2015 and 757 in 2016. The phenomenon is driven by different factors; an important one is the increasing presence of agreements signed by poorly representative employers and workers' organisations. In the majority of cases, they set worse conditions (with regards to both economic and normative treatment) compared to national-sectoral agreements signed by the most representative unions and employers' associations. They are called «pirate agreements». Their coverage, even if limited, is growing. The economic crisis and the increased competition have enhanced this tendency. Pirate agreements are mainly applied by small and craft enterprises and small cooperatives, in particular in services sectors and construction industry. Among the above-mentioned 809 national-sectoral agreements, the Italy's major trade unions, CGIL, CISL and UIL, have signed only 32.5%. The described phenomenon (fragmentation and diffusion of the pirate agreements) is a key concern and challenge for social partners: it is an important cause of coverage gaps and conflicts and of between-workers inequalities and disparities about economic and normative treatment.

A second important tendency to be evidenced (about sectoral bargaining) is the often lengthy delays – sometimes of months or years – between the date an agreement runs out and the date the next agreement is signed. This fact significantly affect workers' conditions, in particular pay level, reducing the “quality” of the coverage – or better of the protection – of the collective bargaining. According to data provided by the *Italian National Institute of Statistics (ISTAT)*, in June 2017 about 41.3% of Italian employees were

waiting for their contracts to be renewed (ISTAT 2017). The wait for renewal for workers with the contract expired is on average 65.5 months. The average wait calculated on total employees is 27.0 months, up compared to a year earlier (25.5). With this regards, an important role is played by public sector collective agreements: they are the ones with the longest delays.

Unlike national-sectoral bargaining, the coverage of second-level collective bargaining is rather limited. The data available on this phenomenon derive from sample-based surveys on Italian enterprises. Generally, they estimate the coverage of decentralised bargaining around 20-30%. (D’Amuri and Giorgiantonio 2014; Cardinaleschi 2016; ISTAT 2016; Banca d’Italia 2017). Such a percentage is significantly influenced by the size of the enterprise; it grows with the increase in the number of employees, as evidenced by many studies on small-medium firms (see for instance Regalia 2016). A recent survey carried out by Fondazione Di Vittorio (2016) shows that second-level bargaining (including both company and territorial level negotiations) involves 21.2% of enterprises, 17.5% of those with less than 50 employees (Figure 1). Against this backdrop, the study emphasizes the very limited diffusion of bargaining at company-level (only in 12.8% of the enterprises).

**Figure 1. Companies covered by second-level collective bargaining (company and territorial bargaining), Italy, 2012-13 (%)**



Source: Fondazione Di Vittorio (2016)

### 1.3. Collective bargaining coverage and non-standard forms of employment

Employees with atypical forms of contract (such as fixed-term contract, on-call work, apprentices, etc.) are generally covered by the national-sectoral collective agreements, as well as workers with permanent positions. And in majority of cases they are covered also by second-level bargaining, where it is implemented. Here we focus on the situation of temporary agency work (TAW) and self-employment. As said, these can be considered other manifestations of outsourcing.

Temporary agency workers are covered by a specific national collective agreement. Since the first rolling of the legal framework on this non-standard form of employment, through successive sectoral agreements, the Italy's major trade unions (Nidil-CGIL, Felsa-CISL, UILtemp) and agencies' associations (in particular Assolavoro) have increasingly extended and detailed regulations (Burroni and Pedaci 2014). The first national TAW agreement was signed on May 1998, however the most important and innovative is considered the agreement signed on July 2008 that has been renewed and partly revised on February 2014; in 2017 negotiations for a further renewal have begun. These collective agreements have focused on a series of pillars such as: the regulation of different issues regarding the use of this type of atypical contract, especially on equal treatment for agency workers with comparable user company's employees, according to the EU Directive 2008/104/EC; representation rights; stabilisation; collective negotiated welfare provisions, above all for sickness or accident, maternity, unemployment, further training; etc. In relation to these benefits, collective bargaining, in particular the 2008 agreement, has set up various bilateral bodies, that are considered to be best practices in TAW sector (Eurociett-UNI Europa 2013)<sup>3</sup>.

Unlike temporary agency workers, self-employed are largely uncovered by collective bargaining. This is particularly relevant in the case of self-employed without employees, and above all for the two profiles of: *self-employed workers in occupations where there is not a professional order* and *workers with contract for continuous and coordinated*

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<sup>3</sup> It is necessary to underline that an important role in regulating TAW is also played by collective bargaining in other sectors (in those of the user companies). Most sectoral agreements intervene, in addition to reasons for use and quantitative limits, on issues concerning the working conditions of agency workers, such as health and safety, information rights, etc. (Burroni and Carrieri 2011).

*collaboration* (the so-called co.co.co)<sup>4</sup>. Since the late 1990s, trade unions have tried to improve terms and conditions of self-employed workers, by using (also) collective bargaining. However, they have focused on workers with contract for continuous and coordinated collaboration, considered in a weaker position and with a status/situation (in terms of work organisation) quite similar to that of dependent workers. Unions have signed a number of company-level agreements, even if with a patchy distribution; these have involved both private and public organisations in different sectors, but above in services sectors. There are also interesting attempts/initiatives of national-sectoral agreement, for instance in the case of organisations carrying out professional activities (*Studi professionali*), which involves various types of high-level professional profiles (lawyers, architects, engineers, consultants, accounting clerks, etc.), in call centre sector and market research sector. However, also these attempts/initiatives involved mainly workers with contract for continuous and coordinated collaboration, regulating above all economic treatment and often guarantees in the case of sickness, maternity, accident at work (Di Labio 2013; Pedaci et al. 2017).

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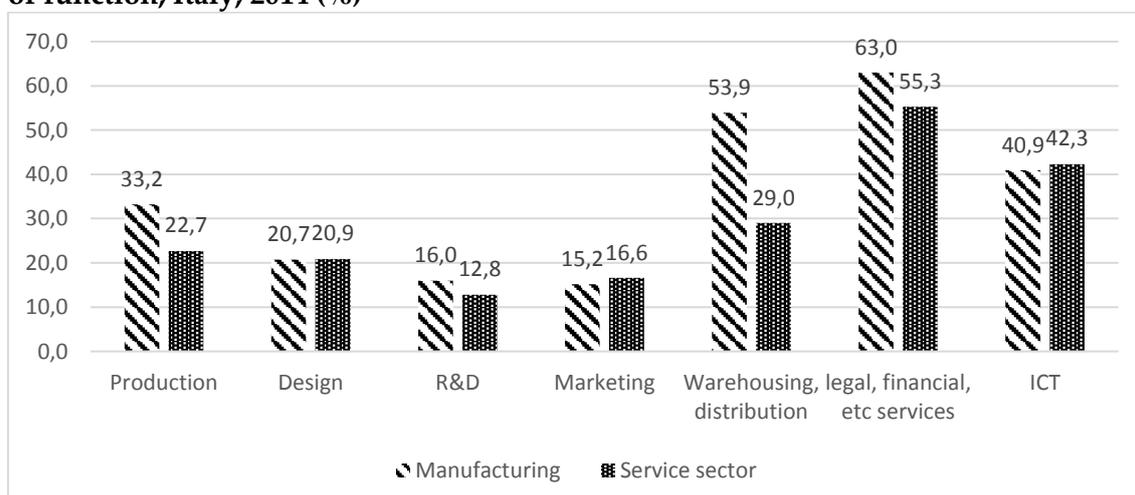
<sup>4</sup> It is considered a hybrid form of occupation, often called «semi-subordinated». Specifically it is a short-term contract according to which the worker must carry out a specific objective set by the employer/customer. The work is performed in a regime of coordination: the worker is free to decide means, place and timing of his/her activity but is required to adjust them according to the organizational framework and the productive structure of the employer/customer (Reyneri 2011).

## 2. THE EXTENSION, REGULATION AND FORMS OF OUTSOURCING

### 2.1. Main forms and extension of outsourcing

As well as in most EU countries, in Italy outsourcing of services has become widespread. Both large and small companies increasingly choose this solution/practice; and it is ever more pursued by public organisations. Outsourcing-to-other-company remains the most widespread form of outsourcing. According to data of ISTAT (2015), about 60% of the Italian companies outsource to other organisations legal, accounting and financial services (63% of manufacturing companies, 55% of services companies). More than 40% outsource ICT services (with modest differences by macro-sector) and a larger percentage shift activities related to logistics, transport, security, cleaning (54% of manufacturing companies, 30% of services companies). Outsourcing-to-other-company is increasing, in particular that concerning R&D, marketing, facilities management, ICT function. A trend driven by many factors, including the growing (global) competition and the high pressure on operational costs (ISFOL 2012; ISTAT 2015).

**Figure 2. Companies using outsourcing-to-other-company per macro-sector and type of function, Italy, 2014 (%)**



Source: ISTAT (2015)

Together with the traditional form of outsourcing, involving the shifting of activities to providers, there is also an increasing use of self-employed without personnel, bogus self-employed, temporary agency work, new forms of employment relation (such as crowd employment, etc.) that, as said, can be considered other manifestations of outsourcing. In the Italian labour market, temporary agency work represents a modest share of non-standard employment and total employment, or, as argued, an «occupational niche» (Reyneri 2011). However, it had/has a significant growth trend. TAW penetration rate is 1.6% (close enough to the European average) (CIETT 2016); this value has increased considerably over the last 15 years (it was 0.30% in 2000), despite the impact of the crisis (Reyneri and Pintaldi 2013). Moreover, it is needed to highlight that a relevant number of persons goes through such an occupational niche<sup>5</sup>. TAW is more widespread in manufacturing sectors, accommodation and food services and in business services.

In the Italian labour market the incidence of self-employment is very high. According to Eurostat data, in 2017, self-employed persons represented 22% of total employment, well above the EU-28 average (14.7%). Such a percentage has remained stable over the last ten years, recording only a modest decline (it was 24.3% in 2007). The large majority are self-employed persons without employees (15.8% of total employment, EU-28 average is 10.6%). Women and youngsters represent a lower percentage than among dependent workers and temporary workers. About one self-employed person out of three has a managerial or professional occupation; about 18% are technicians and associate professionals. Important segments (around 17% of total self-employed persons) are service and sales workers and craft and related trades workers. According to ISTAT (2017), workers on continuous and coordinated collaboration contracts are 1.3%. In the recent years it can be observed a growth of high-skilled self-employed persons (carrying out non-manual, intellectual and creative activities), mainly in occupations where there is not a professional order; they operate above all in the advanced tertiary services (designers, software developers, advertisers, trainers, interpreters, etc.) and in the well-being services (cooks, sports instructors, consultants, etc.) (CNA Professioni 2017). The

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<sup>5</sup> The number of agency workers with at least one hour-assignment increased from 106,700 in 2000 (corresponding to 63,500 full time equivalents) to 582,200 in 2007 (218,500 full time equivalents), in the recent years they are about 400,000 (EBITEMP 2000-2016).

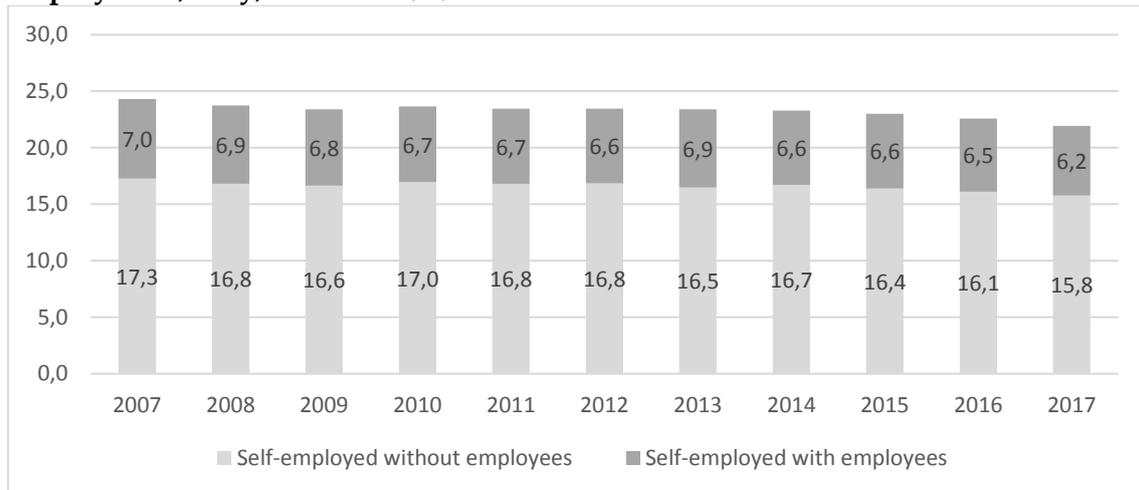
growth of self-employed persons is also driven by the increasing use of digital platforms (by clients/customers), a phenomenon that is challenging forms and institutions of regulation and protection of labour (Guarascio and Sacchi 2016; Tullini 2016; Lassandari 2017; Voza 2017).

As evidenced by several studies, self-employment includes persons with not only different occupations, but also different working conditions, in terms of pay levels, training opportunities, etc. (Ranci 2012; Di Nunzio and Toscano 2015). And many studies evidence growing inequalities and gaps between self-employed with high level of quality of work and self-employed with poor conditions (above all among workers on continuous and coordinated collaboration contracts) (ISFOL 2013; ISTAT 2017). Moreover, it is necessary to consider that a relevant share of self-employed persons are “bogus” or “dependent self-employed”. According to national estimates, they accounted 20-22% of the whole aggregate (ISFOL 2012; Mandrone e Marocco 2012). However, in the recent years, their incidence has declined because of the new legal regulation, which discourages the use of continuous and coordinated collaboration contracts and has deleted project-based work contract<sup>6</sup> (MLPS 2016; ISFOL 2016).

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<sup>6</sup> Introduced by Law 30/2003, it was quite similar to continuous and coordinated collaboration contract. One of the main difference was that the objective of the contract was the development and completion of a specific project or the realization of a specific activity (which had to be clearly specified in the contract). The renewal of the contract was not allowed since the contract was based on a specific project/activity; the only situation in which a renewal was admissible was whenever the project required more time to be completed. If necessary, the employer was allowed to sign a plurality of contracts with the same workers, one for each specific project/activity. It was deleted for the frequent cases of abuses.

**Figure 3. Incidence of self-employed with and without employees on total employment, Italy, 2007-2017 (%)**



Source: authors' calculations on Eurostat data.

## 2.2. The regulation of outsourcing

The Italian legislation defines procurement (or outsourcing) contracts as contracts by which a part (contractor) takes on, organizing the necessary means and managing at his/her own risk, the obligation of completion, for a money consideration, of a work or service commissioned by a contracting organisation/person (client). When a public administration is the client, and the contracted work is aimed at satisfying a public interest, procurement contracts are regulated in numerous special laws. The execution of a work needs to conform to the technical modalities that have been agreed by the parties. According to Italian legislation, it must also comply with the rules of art, i.e. the criteria generally adopted for that type of work.

The main obligation of the client is the payment of the money consideration, to the extent established at the time of the contract and unless price changes agreed during the execution. Other obligations to be borne by the client must also include the one aimed at ensuring that the contractor, for the whole period of the relationship, has the legal possibility of carrying out the work entrusted to him/ her. The risk of the completion of the work, taken on by the contractor, does not extend beyond the execution of the work itself professionally made and therefore has a merely technical content. Moreover, the client (in relation to the contractor) is jointly liable for wage payment, wage tax and social

security contributions and injury compensation relative to the employees of the contractor.

Delegated Law 11/2016, aimed to implement European directives (2014/23, 2014/24, 2014/25), proposed important changes about the regulation of public procurement. In labour-intensive public contracts, where labour cost is 50% of the total contract amount, the application of the lowest price criterion is excluded. The new regulation shall encompass criteria and rewarding methods for the evaluation of tenders that in the awarding favour those companies that undertake the commitment to promote the employment of local workforce and to use, as a priority, the employees already employed in the same contract. Moreover, according with the Delegated Law, in public contracts, social clauses should be introduced to promote employment stability and adequate working conditions. Public administrations have to refer to national collective agreements and territorial agreements in force in the sector and for the area where the services are performed. Collective agreements must be those stipulated by workers and employers' organisations comparatively more representative at national level and those whose scope is strictly connected with the activity that is the object of the public contract. The New Code on Procurement has implemented many of these innovations. However, several new rules still require guidelines, etc. A central issue in the social-political debate is the increasing misalignment between labour protections in the case of public procurement and labour protections in the case of a private contract.

Outsourcing issue is not widespread in the collective bargaining at the different level. National-sectoral collective agreements usually introduce/strengthen information and consultation rights for workers representatives and some confirm/strengthen legal regulations concerning the transfer of undertaking. Interesting examples are the collective agreements concerning tourism, multi-services, environmental hygiene sector. They strengthen the obligation for the transferee of a new employment relation with the employees of the transferor, specifying that no further trial period is needed/can be required. Agreements on environmental hygiene and multi-services extend this kind of mechanism to all employees involved in the contract, while the tourism collective agreement provides for the transferee the possibility to exclude (i.e. do not hire) workers

who, in the transferor, performed coordination and control functions.

Several social partners have criticized the rule of collective bargaining requiring the recruitment of the staff present in the transferor without a trial period. In their opinion, it prevents the incoming company from asserting its ability to better select and train personnel, having to take a certain number of employees upon itself without having previously tested their skills and attitudes. Moreover, in the face of the repeated transfers, the workers involved do not identify themselves with the company entrusted with the service (for example, the cleaning company), i.e. the formal employer, who after two or three years, when the contract expires, changes, but with the client (a hospital, a school, etc.) where they usually work over time. This mechanism also leads to a problem of loyalty of resources for the contracting company, which does not have the power to retain workforce that is more skilled and useful for the production process, having to hand over it to another competing company that wins the tender.

Under the provisions of the Legislative Decree 276/2003, the succession from one company to another in the management of an outsourced service does not constitute a transfer of a business or rather a branch of a business, since the transfer of a complex of goods organised between the old and the new contractor does not occur. In this regard, while the collective agreement for multi-services is restricted to ensuring the “maintenance of employment levels”, the social clause provided by the collective agreement for tourism go further this obligation and this kind of labour protection. Its social clause obliges the transferee to hire the staff of the transferor at the same economic conditions, including individual *ad persona* pays (e.g. bonus) that will be renegotiable in event of subsequent collective salary rise. However, it is worth noting that in all the above-mentioned cases, companies (transferees) have to respect rules, including those regarding hiring, etc. if they apply the same national-sectoral collective agreement or at least another agreement that includes a similar provision. In other terms, if the transferee applies a collective agreement without a specific regulation on the transfer of undertaking (or, even worse, if it does not apply any collective agreement), it would not be obliged to take on the employees dismissed by the outgoing company.

### 3. FACILITY MANAGEMENT COMPANIES

#### 3.1. Definition, importance and regulation of FM companies in the country

According with the most common definition, facility management means the integrated management of non-core services and processes supporting the core business of an organization. The *International Facility Management Association (IFMA)* proposes 12 main services grouped in four areas: building related services, space related services, people related services, management services. According to IFMA estimates, the Italian facility management (FM) market is the fourth in Europe, with a total turnover of about 27.4 billion euros, with a potential turnover of more than 40 billion euros. It involves around 566,000 workers.

Italy is characterised by a «developed market» of facility management, together with Germany, Luxemburg, France and Ireland. This means that FM suppliers, in these countries, have been operating for at least 20 years and they have a wide and diversified services' portfolio (Ferri and Pala 2009). However, in Italy, such a market is highly fragmented, with the dominance of small-medium enterprises. Most are single or multi-providers, operating above all in labour intensive activities, such as cleaning, and in specific operations, such as technology maintenance (Pala and Pristerà 2004; Cigolini and Pala 2008). Large (global) providers produce only 15% of total turnover (IFMA 2010; 2015).

Most FM companies are the evolution of firm specialised in one or few services, in particular in cleaning activities, building maintenance. Other are spin-off of bigger organisations, who operates in other sectors. Some – those with the largest dimension – are part of multinational companies. The services with the highest turnover are street and ground maintenance, with 20.5 billion euros, building maintenance (15.6 billion) and waste management (14.8 billion euro). The majority of FM companies are concentrated in the Italy's Northern regions.

### **3.2. Representation, social dialogue and collective bargaining in the FM arena**

In Italy, FM companies have collective representation through the federations, affiliated to the major employers' organisations, operating in the sectors of cleaning industry and multi-services industry, such as Anip-Confindustria, Unionservizi-Confapi, Cna, Casa, Legacoop, Confcooperative, Fnip-Confcommercio. This is partially explicated by the fact that the trajectory of most FM companies began in the cleaning activities. Together with the above-mentioned associations, which are the most representative ones, there are also a number of poorly representative organisations, with a small membership composed mostly by small medium, cooperatives and craft companies. Anyway, now, there is not a specific organisation representing only FM companies. Unfortunately, there are not precise and updated data on employers' organisations density.

In the Italian context, there are national collective agreements covering multi-services, global services, facility management companies. The most important one (in terms of coverage) is the *CCNL Servizi di pulizia e multiservizi*, signed by the most representative workers and employers' organisations in the sector of cleaning activities, multi-services, etc.: Anip-Confindustria, Unionservizi-Confapi, Cna, Casa, Legacoop, Confcooperative, Fnip-Confcommercio, on the side of employers, Filcams-CGIL, Fisascat-CISL and UIL Trasporti, on the side workers. This collective agreement is an evolution of the one concerning (and covering) cleaning companies. As admitted by social partners and stated in the text of the agreement, the decision to change (*«to make the agreement evolve»*) was influenced by the transformations of the sector, i.e. by the emerging orientation – and strategy – of the companies, in particular of the medium-large ones, to wide and differentiate the range of services offered. This was the response to a changing context, in which clients (i.e. private companies of different sectors, public administrations, etc.), increasingly demanded/outsourced integrated services, or in other terms complex packages of activities, and required to have a single provider.

Social partners decided to broad the scope of the collective agreement, including a number of activities, far beyond cleaning: a relevant part of those usually comprised in the definition of global services, facility management. And then they decided to regulate employment terms and conditions of employees performing these activities. The

collective agreement establishes that in its sphere of application can be included, as an example but not exhaustive, not only cleaning activities, but also building, grounds and machinery maintenance and management, security, damage control, catering, general and support services, transport.

Such an evolution of the collective bargaining begun in 2003. A key role has been played by the employers' associations, which pro-actively promoted a discussion and dialogue on the argument. They claimed that the collective agreement then in force was under pressure; sectoral companies considered it inadequate to the "new" context, to the evolution of the market. Trade unions participated to the discussion and accepted to modify the national-sectoral collective agreement. They agreed on the necessity to set up *«an instrument to regulate the market of multi-services, global services and facility management»* (Filcams-CGIL, trade unionist).

The *CCNL Servizi di pulizia e multiservizi* has in fact become the point of reference for the FM companies operating in Italy. Nevertheless, case study evidences that the collective agreement, expired in 2013, is still under pressure. A further broadening of its scope is once again a central issue of social partners' debate. Social partners speak about a necessary *«trajectory of modification»*, *«strategy to upgrade»* as to include other professional profiles, increasingly used by FM companies. However, unions also emphasize the problem of the boundaries between existing sectoral collective agreements. A further broadening of *CCNL Servizi di pulizia e multiservizi* appears complicated without a more comprehensive review of the sector-based bargaining system. As a trade unionist explains: *«we must be very careful, we cannot conflict with other sectoral collective agreements. And the sector-based bargaining system is something we are not in a position to dismantle or change at the moment»* (Fisascat-CISL, trade unionist). Anyway, the issue of FM companies, of the growing heterogeneity of their professional profiles and of the opportunity of a revision of the collective bargaining is on the table.

However, in the Italian context, there are other national collective agreements, signed by poorly representative employers' and workers' organisations (FederImprenditori, Unionliberi, Acis, Adli, Fedimprese, Unci, Anpit etc. as employers' representative, Cisl, etc. as workers' representative), concerning above all small and medium enterprises,

craft companies, cooperatives. Sometimes they are called *CCNL Facility management*, but the activities they cover/regulate are the same of the above-examined collective agreement. While, as we will see below, the true peculiarity of these contracts, defined «pirate agreements», is the fact they set up worse conditions with regards to both economic and normative treatment, promoting *de facto* forms of economic and social dumping. Their coverage is limited, but it is growing.

## SECTION II - CASE STUDIES: OUTSOURCED ACTIVITIES AND FACILITY MANAGEMENT COMPANY CASE

### 1. THE CASE OF CLEANING ACTIVITIES

#### 1.1. Developments of persons performing the activity, forms of outsourcing, clients' characteristics and pressures

According with the most common definitions, «cleaning activities» include a variety of activities, such as: interior and exterior cleaning of all types of buildings, specialised cleaning (of window, chimney, fireplaces, furnaces, ventilation ducts, etc.), cleaning of industrial machinery, cleaning of swimming pool, means of transport, disinfecting and exterminating, street sweeping, snow and ice removal, etc. Cleaning activity is often indicated as an emblematic case of «bottom-end service work» (Wills 2009), generally linked with poor working conditions (Eurofound 2013), with most of workers, who perform it, coming from the weakest and most vulnerable segments of the population (Herod e Aguiar 2006; Zuberi 2013).

In Italy workers performing cleaning activities are about 475,000; they represent 2.5% of the employed population and more or less the 8% of persons working in services branches, excluding trade. As in other countries, women, migrants and person aged 50 or over are over-represented (Eurofound 2013). Female workers are about 67%. Migrant about 27%, frequently from Eastern Europe. The share of foreign workers has sharply increased during the last decade; but in is necessary to underline that it shows important variations across Italian territories: it is high in the Northern regions, about 35%, modest in Southern regions. Here, after the outbreak of the economic crisis, there is an increase of Italian workers (Pedaci and Di Federico 2016), most are «male bread winner». Young workers are just 3%. The large majority of workers have below-average levels of educational attainment.

Cleaning activities have been increasingly outsourced, more extensively and intensively from the early 1990s. A number of private and public organisations, both large and small-medium, of the different sectors (from manufacturing to trade, financial services

and other services) have contracted out cleaning – and related operations – of their buildings, premises, facilities, machinery; in almost all cases to other organisations. Cleaning is a typical example of outsourced-to-other-company service. Cleaners normally work for companies that compete for contracts with clients.

Case study findings confirm that the decision to outsource this activity is driven by different, but often interrelated, motivations, such as: to concentrate on core functions, to access external specialisations, to shed the responsibility of the organisation of this kind of activity, including the maintenance of labour standards, rights, social security. However, as evidenced by other studies (Wills 2009; Zuberi 2013), the main driver is reducing costs level, above all labour costs that represent the predominant part of operational cost. According to Eurostat data, the share of personnel costs in production is about 50%; but for social partners it is much higher. Outsourcing is frequently motivated by the attempt to circumvent company-level employment relation institutions, collective bargaining system, labour market regulations.

About public administrations, it is also necessary to consider national governments pressures. Starting from the 1990s, many legislative initiatives have incentivised outsourcing of service provisions as a tool to reduce public spending. Then, after the economic crisis, governments' responses, largely based on austerity measures, hit public administrations in terms of staff levels and financial resources. These pressures have forced municipalities, schools, hospitals etc. to outsource a wide range of services, including cleaning activities (Bordogna and Neri 2014; Mori 2015; Neri 2017; Dorigatti 2017).

By using ISTAT data, we can estimate that more than 90% of persons performing cleaning activities are outsourced. As said, the large majority is employed by cleaning companies. And in this section we mainly focus on this form of outsourcing. Other forms of outsourcing are quite marginal. About 4% of cleaners carry out such a function as a self-employed and 1% are temporary agency workers. As explained by an interviewed person, TAW «*is not considered by cleaning companies, it is not so convenient, also because they can use part-time and overtime for their needs for flexibility, for the replacement of absent workers, etc*» (Filcams-CGIL, trade unionist). The remaining part of persons performing

cleaning activities are employed by different types of organizations, mainly by municipalities and other regional/local authorities, but also by banks, manufacturing companies, hotel, etc. Also in this sector, the phenomenon of work through platforms has appeared. The most important example is the platform *YOUGENIO*, offering – mainly to families – cleaning, house maintenance, (elderly, etc.) assistance and babysitting services. Now it is a very marginal phenomenon (according with social partners, it involves very few workers), but still to be monitored.

Cleaning companies are «*a very heterogeneous universe*» (Anip/ Confindustria. employers' representative), including organisations with different size, ownership, structure, dynamic, etc. The large majority are small enterprises with less than 19 employees (92% of all cleaning companies); they employ 22.7% of the sectoral workforce, often are craft-companies and family owned and usually operate in the local markets. Companies with more than 250 employees represent 0.7% of the total, however, they employ 45% of the sectoral workforce and produce the greater part of turnover and value added, most are multinational.

**Table 1. Some statistics on cleaning activities sector, Italy, 2008, 2011, 2015**

	2008	2011	2015
Enterprises - number	28,756	31,084	32,310
Turnover or gross premiums written - million euro	12,033.0	14,130.3	13,427.4
Gross operating surplus - million euro	1,388.3	1,422.6	1,456.4
Wages and Salaries - million euro	4,708.2	5,122.3	4,900.4
Employees - number	393,764	401,433	397,241
Employees in full time equivalent units - number	299,461	305,875	222,854

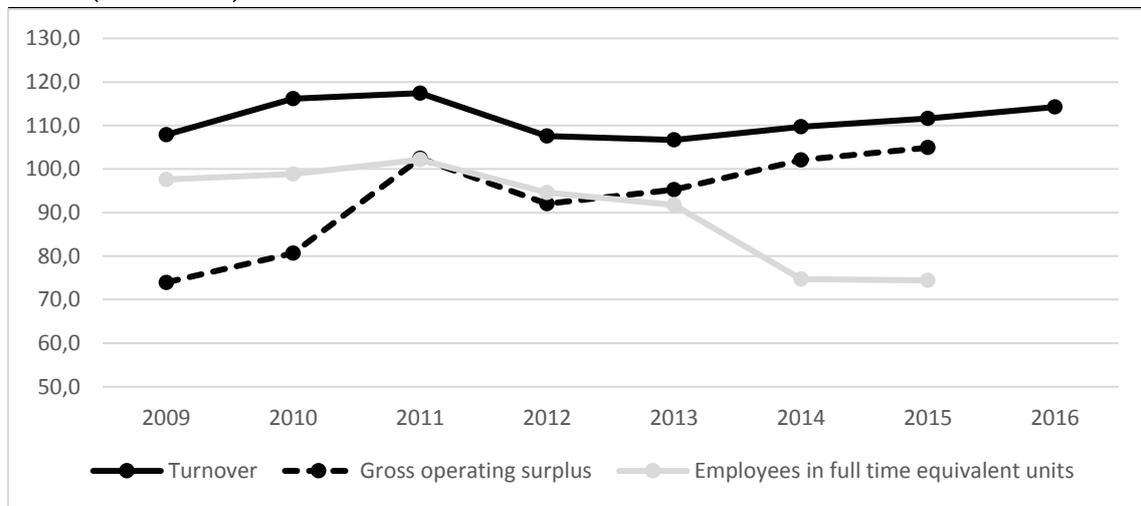
Source: Eurostat, Structural Business Statistics

The 2008 economic downturn had a strong negative impact on the sector; it registered a significant decline of the number of companies, of their turnover, value added and of the employment level. This tendency was/is a consequence of the strategies of costs containment and expenditure cutbacks of the clients, of both private organisations and public administrations. In a context of persisting difficulties and/or uncertain perspectives and spending review, they reduced their budget (also) for cleaning services. With regards to public administrations – as clients – austerity measures and cutbacks

policies, set at central level, had a huge impact. On the matter it is worth noting that, for the small cleaning companies, contracts with public administrations represent the most part of their turnover; this is estimated around 80-90% by the organisations representing small companies and cooperatives. However, in recent years, starting from 2014, there has been a certain trend reversal with an increase in sectoral turnover, number of enterprises and persons employed.

But the pressure of the so called «invisible third parties» (Jaehrling 2014; Jaehrling et al. 2011), i.e. the clients, is still very strong. It is affecting above all labour protection and employment terms and conditions. As an interviewed person says «*cleaners' working conditions are determined for 80 - 90% by clients behaviours*» (Filcams-CGIL, trade unionist). There has been a relevant growth of part-time arrangements (part-timers are about 80% of the sectoral workforce). Moreover, this trend has been accompanied by a decrease in working hours for all workers. This has led to an increasing incidence of part-time with a low number of hours, of what is called «marginal part-time», with less than 15 hours per week (Messenger and Wallot 2015), and of «very-atypical work» (Eurofound 2010). Such tendencies are confirmed by the continuous decrease of employees in full time equivalent units. In addition, it is necessary to consider that cleaning work is often split between the early morning and the evening, and this leads to inconvenient and often split working hours.

**Figure 4. Variations of turnover, gross operating surplus, employment, Italy, 2008-20016 (2008 = 100)**



Source: authors' calculations on Eurostat data

Case study findings evidence also a growing incidence of sub-outsourcing, usually from medium-large cleaning companies to the smaller ones, even if the supply-chain remains not very long; it generally does not include more than two levels. Such a tendency is mainly driven by the above-mentioned pressures to reduce the price of the service and then the operating costs. However, it is also affected by changes in public administrations' practices, in particular the centralisation of procurement procedures.

As in other EU countries, in the 2000s, most companies – above all the medium-large ones – implemented important restructurings. Specifically, they diversified activities, widening the services offered/provided, including, for instance, catering, transport, maintenance, security services, etc. In other terms, they are following a trajectory more oriented towards integrated services or facility management. As already discussed in the previous pages, this orientation and strategy was – and continue to be – the response to a changing context, in which clients increasingly demanded/outsourced complex packages of activities and required to have a single provider.

## **1.2. Representation of workers and employers**

Considering the dominance of the form of outsourcing-to-other-company, specifically to cleaning companies, in these pages we focus on the characteristics and developments of representation in this specific sector (i.e. cleaning industry). The main trade unions representing the persons employed by the cleaning companies are those affiliated to the Italy's major confederations: Filcams-CGIL, Fisascat-CISL and UIL Trasporti. Other workers' organisations, such as Cisa, Confsal, are poorly representative, but very proactive in promoting peyorative collective bargaining, in the majority of cases together with poorly representative employers' associations.

Social partners' estimates on union density vary between 20% and 25%. Even if below the national average it is however higher than in other services sectors. The dispersion of often isolated workers over multiple working places makes cleaning workers largely "invisible" to their co-workers and to the workers that work in the buildings they clean. It also undermines forming common identities and complicates union organization

efforts. In Italy, as in other countries, this is further complicated by the high presence of small and micro enterprises, in which unions are very often absent. As an interviewed person admits *«it is difficult to get to smaller companies, we do not even know many of them»* (UIL Trasporti, trade unionist). Moreover, most cleaners have a weak position and bargaining power; they are easily replaceable and highly blackmailed, are afraid of losing their job. In addition, several workers, in particular migrants, lack information about their rights, are unaware of rules, regulations, etc. And it is also to consider the high turnover; according to social partners estimates it is about 2% per month. Reducing the “invisibility” of cleaning workers is a strategic objective of the sectoral unions, as we will see below.

In Italy, cleaning industry is characterised by the presence of a number of sector-related employers’ organisations (see also Eurofound 2012). One of the most representative is Anip/Confindustria, founder and affiliated to the sector-related European-level employer organisation participating in the European sectoral social dialogue (EFCI-FENI). Its membership includes different types of cleaning companies, with different size, ownership, specialisation, etc. Other important and highly representative organisations are Unionservizi-Confapi, Cna, Casa, Legacoop, Confcooperative, Fnip-Confcommercio, representing above all small-medium enterprises, cooperatives and craft companies. All the here mentioned associations, affiliated to Italy’s major employers’ confederations, are signatories of the main national-sectoral collective agreement. Anyway, they are not only specialised in matters of industrial relations, but also in providing collective and tailor-made services, developed to address the specific needs of a member or group of members.

### **1.3. Collective agreements and bargaining coverage**

#### *1.3.1. Main characteristics*

For a long time, in cleaning activities, as a specific economic branch, industrial relations were quite under-developed. Such a situation has changed in the 1990s; relations between social partners got a more structured definition and collective bargaining has

become a consolidated practice. In Italy, as well as in other EU countries (Eurofound 2012), also the cleaning activities sector is characterised by the predominance of multi-employer bargaining, with industry-wide negotiations (and agreements) playing a key role in the regulation of employment terms and conditions. Then, single-employer bargaining, at company level, can be implemented. According to social partners' estimates, overall, collective bargaining coverage is about 70%.

There are two main sectoral collective agreements, signed by the most representative workers and employers' organisations. *CCNL Servizi di pulizia e multiservizi*, covers all type of enterprises, including cooperatives; it was signed by Anip-Confindustria, Unionservizi-Confapi, Cna, Casa, Legacoop, Confcooperative, Fnip-Confcommercio, on employers side, and by Filcams-CGIL, Fisascat-CISL and UIL Trasporti, on workers side. This agreement expired in 2013, it has not yet been renewed, now there are ongoing negotiations. Such a long delay is the consequence of non-concordant and sometimes conflicting positions on various arguments. Specifically, employers claim an increase of labour flexibility and a reduction of sick leave as to reduce absenteeism. According to interviewees, such a request is driven by the increasing competition – that is often unfair competition on labour costs – in the sector.

The other important sectoral collective agreement, *CCNL Servizi di pulizia – artigiani*, covers only craft companies; it was signed by Confartigianato, Cna, Casartigiani, Claii, on employers side, and by Filcams-CGIL, Fisascat-CISL and UIL Trasporti, on workers side. It is expired in 2016, but it is going to be renewed. The two here mentioned sectoral collective agreement cover the large majority of cleaners. According to an analysis carried out by the sectoral bilateral body *Organismo nazionale bilaterale per i servizi integrati (OMBSI)*, these agreements cover about 65% of the sectoral workforce.

Case study findings evidence also the presence of other sectoral collective agreements signed by poorly representative trade unions and employers' associations. They are frequently defined «pirate agreements». In comparison with the above mentioned and most widespread agreements, they set up worse conditions with regards to both economic and normative treatment (see below). There are not precise estimates about their coverage. According to several unionists and employers' representatives, it is still

limited, but it is growing. The economic crisis and the governments' responses, largely based on austerity measures, have strengthened this tendency; as an interviewed person says: «*the crisis has exacerbated the need to cut costs, in a number of companies, above all in the small and medium ones [...] and has led to a proliferation, a multiplication of such documents [pirate agreements]*» (Fisascat-CISL, trade unionist). According to ONBSI, now there are 26 sectoral agreements covering cleaning workers.

Pirate agreements are mainly applied by small and craft enterprises. In the majority of cases the clients are private organisations (or households), more frequently with small-medium dimension, operating in different sectors (from manufacturing to trade); but some clients are also public administrations, for instance municipalities. Some of this kind of collective agreement, as explained by an interviewee, «*are elaborated ad hoc, at the moment of a specific tender by a private or public organisation*» (Legacoop Servizi, employers' representative)

As examples of pirate agreement, we can mention that signed by Anpit, Cidec, Confazienda, Federimprese, Unica, as employers' organisations, and Cisol, as workers organisation and that signed by Unici and Confsal. The pressures and willingness to cut costs, in particular labour cost, is the motivation for the application of pirate agreements. They represent cases of social dumping and unfair competition. Increasingly they are a key concern for trade unions, but also for some of the most representative employers' organisations.

Together with cases of pirate agreements, the study evidences also cases of non-application of any kind of collective agreements. This practice is widespread among micro and small enterprises that are generally providers of small private organisations. It is worth noting that the recently approved rules for public procurement – following EU directive – strongly discourage the non-application of any collective agreement, as well as the application of pirate agreement (see par. 2.2. of the previous section).

### 1.3.2. Outsourcing and collective bargaining coverage

With regards to cleaning activities, outsourcing practices have significant effect on labour protection, including collective bargaining coverage, and then on working conditions. First, it is worth noting that employment terms and conditions (set up by the sectoral agreements) of cleaners employed by cleaning companies are often less generous than those of cleaners employed by other kinds of organisations, in particular in the cases of public administrations, schools, banks and financial companies. Indeed, in comparison with the industry-wide collective agreements of these sectors, the most widespread collective agreements for cleaning companies set inferior conditions with regards to several dimensions of the job quality.

As shown by Table 2, the agreements for cleaning companies establish lower wage levels compared, for instance, to those set by the collective bargaining for banks' employees or for regional and local public authorities' employees. This is more evident in the case of the agreement for cleaning craft companies. Such a difference is only partially mitigated by the recognition of the fourteenth. Then, the collective bargaining for cleaning companies set less favourable normative aspects, for instance a greater number of weekly hours. Other differences concern holidays, leaves, compensation for overtime, hours worked during public holidays, on Saturday and Sunday, etc.

**Table 2. Regulations of terms and conditions in some sectoral collective agreements for workers performing cleaning activities**

Sectoral collective agreement	Monthly wage (2)	Additional monthly payments	Weekly working time
Cleaning activities (2011-2013)	1,178.84 – 1,442.31	Thirteenth and fourteenth	40
Cleaning activities (craft companies) (2014-2016)	1,150.82 – 1,367.19	Thirteenth	40
Banks (2015-2017)	1,830.38	Thirteenth	37
Regional and local authorities (2006-2009) (1)	1,359.54 – 1,461.64	Thirteenth	36

(1) last agreement on normative aspects 2006-2009, last agreement on economic aspects 2008-2009.

(2) we refer to the provisions set up for the last year of validity of the agreement.

The above-mentioned differences represent the first element to understand the effect of outsourcing practices on workers performing cleaning activities. As highlighted by other studies, in particular on contracting out of services by public administrations (Bordogna and Neri 2014; Dorigatti and Mori 2016; Dorigatti 2017; Neri 2017), our findings shows outsourcing is often the way to fragment sectoral collective bargaining institutions, as to benefit of less onerous – for the employers – agreements/regulations. As said, this is the most important driver of outsourcing. In particular, in the case of labour intensive activity, such as cleaning, in which personnel cost has a relevant incidence on operating costs. As a trade unionist interviewed explains: *«there is no doubt that many times these agreements [collective agreements for cleaning industry] are used for dumping, with regards to other sectors; they are more convenient, they allow to lower costs»* (Fisascat-CISL, trade unionist).

Disadvantages for outsourced cleaners significantly increase when companies who apply one of the so-called pirate agreements employ them. In this case, collective bargaining coverage conflicts appears more intense and unfavourable for the worker and his/her working conditions. Table 3 reports some standards set up by two examples of pirate agreement. The comparison with the above-mentioned sectoral agreement immediately evidences the poorer economic treatment. In addition, the analysis shows worse conditions in terms of leaves (parental, sickness, etc.) and compensation for hours worked during public holidays, on Saturday and Sunday, etc.

**Table 3. Regulations of terms and conditions in some pirate agreements**

Sectoral collective agreement	Monthly wage (2)	Additional monthly payments	Weekly working time
Agreement signed by Cisa and Ampit, Cidec, Confazienda, Fedimpres, Unica	953.34	Thirteenth	40
Agreement signed by Fesica-Confisal e Unci	1,089.99 – 1,292.30	Thirteenth	40

Case study findings evidence another phenomenon, greatly relevant to understand the impact of outsourcing practices on labour protection, collective bargaining coverage, and working conditions. In comparison to some outsourcers' sectors (i.e. clients' sectors,

such as banks, schools, regional and local authorities), the cleaning industry is characterised by a higher incidence of cases of non-application of any kind of collective agreements, i.e. of companies and workers uncovered by collective bargaining. Such a situation involves above all micro and small cleaning companies, providing services to small and (but less frequently) medium private organisations (enterprises, professionals, associations, etc.) or households. An interviewed trade unionist explains: «*these situations [of non-application of any kind of collective agreements] are numerous in the sector, unfortunately they almost entirely escape the unions, we have no information, we do not know them, and we cannot control and denounce them*» (Filcams-CGIL, trade unionist).

In addition, it is necessary to consider the lesser diffusion of company-level collective bargaining (also in medium-large firms). This increases the differences, in particular in terms of pay level. Outsourced cleaners more rarely (compared to employees of banks, financial companies, public administrations, etc.) are covered by a second-level agreement; and, as a consequence, more rarely benefit of additional salary treatments, integrating the minimum pay set up by sectoral collective bargaining.

The situations of non-compliance with regulations set up by collective agreements, application of one of the so-called pirate agreements, non-application of any kind of agreement are greatly affected by the lack of union coverage of workplaces. However, a more relevant factor appears the poor control by public institutions. This is often caused by the widespread understaffing that characterises the public administrations, including inspectors, etc. In the case of public procurement, the recently approved regulations, under the pressures of EU directives (see par. 2.2, section I), aim to contrast the mentioned situations among companies that participate to public tenders. They represent an important advancement in the protection of outsourced workers – also in cleaning services. However, these new regulations are not yet completely implemented; as an interviewee explains: «*the approval of the new rules on procurement, with which the Italian Parliament has transposed the EU directives, is an important goal; but the path is not concluded; they have to be implemented through decrees, guidelines, etc.*» (CGIL, trade unionist).

#### **1.4. Strategies deployed by social partners to solve coverage problems**

Extending collective bargaining coverage, in particular of «good» agreements, is one of the main objective of the most representative workers and employers' organizations in the cleaning industry. Increasing the coverage of the national-sectoral bargaining is a key unions' strategy, in a sector characterised, as already said, by a high fragmentation of the sector, with a high incidence of small enterprises, cooperatives, craft companies.

An important social partners' strategy has been to contrast non-compliance by certain employers with regulations set by collective agreements and/or law, non-application of any agreement, application of pirate agreements. It has emerged as a major strategic activity for the unions but also for the major employers' associations that have an interest in a level playing field and in ousting unfair competitors, i.e. employers competing by circumventing the rules. Actions in this area include first of all campaigns denouncing non-compliance, abuses, unfair behaviours, etc.; frequently they have been unilateral initiatives, carried out by using traditional and new mass-media, organising public assemblies, demonstrations, etc. As an example, we can mention the recent campaign launched by the major unions, Filcams-CGIL, Fiscascat-CISL and UilTuCS, *#Fuoriservizio* (Out of order), specifically dedicated to the renewal and application of sectoral collective agreements; this included also protests and a two-day strike in May 2017.

In addition, social partners have tried to strengthen cooperation with public institutions, in particular with those with job inspection duties. Against this backdrop, an important joint action has been the creation of the above-mentioned bilateral body ONBSI. One of its objective/task is to support public institutions in their control functions and, more generally, to promote compliance with the law and collective bargaining. Within the debate between the social partners, there is also a proposal for a form of certification procedure for rule-abiding employers in the sector, attesting of the proper observance of regulations. In this proposal, certification could be used, for instance, as an attestation when tendering for public contracts. Moreover, the major workers and employers' organisations are lobbying government and parliament to completely implement and strengthen the regulations of outsourcing-to-other-company, in particular the principle

of (compulsory) application of collective agreements signed by the most representative sectoral social partners.

Increasingly, a key strategy of the major trade unions and employers' associations has been to address the "third parties" (outsourcers, clients). As discussed in the previous pages, these third parties play an important role in shaping working conditions in the sector, through the cost pressure they exert. Among unions, such initiatives have increased a lot in recent years. A key target here has been public procurement. Social partners have demanded changes to procurement rules, for instance the introduction of social clauses establishing minimum standards or requiring the application of sector collective agreements. Social partners have also pressured local governments, schools, universities, etc. to abandon the lowest price as the major selection criteria in tendering procedures. On the matter, social partners have signed agreements (*Protocolli di Intesa*) with municipalities and regions. As examples, we can mention the agreements with the local governments of Ancona, Bologna, Milano and Torino and with the regional authorities of Toscana and Piemonte. As said, these initiatives have increased in recent years, but they are not yet widespread and feature a patchy distribution. Moreover, such a strategy (addressing third parties) has been less prominent and less successful with private clients.

Linked to the above-mentioned initiative, sectoral unions are also promoting a more intense cooperation with federations of other sectors (i.e. of the clients' sectors). The aim is to use different pressure points to control/negotiate outsourcing procedure. This often allows to draw on the organizational strength of unions in better-organized sectors, for instance in public sectors. Among these kind of initiatives, we can include training for workers' representatives, working in the clients' sectors, on outsourcing of services practices, procedures, selection criteria, impact on employment terms and conditions of the outsourced workers.

Reducing the "invisibility" of cleaners, usually dispersed and isolated across many different workplaces and working outside regular working hours, is another sectoral union strategic objective. This is considered of great importance in a sector characterised by a high incidence of situation of poor working conditions. Unions have developed a

series of campaigns with the aim of strengthening the contacts between and the common identity of cleaning workers, increasing their representation and voice opportunities, recruiting new members, getting public recognition and respect, increasing collective bargaining coverage, improving job quality of cleaning workers. Campaigns usually included a mix of activities (organising, demonstrations, public information campaigns, etc.). An example is the recent campaign launched by Filcams-CGIL, *Siamo dove sei*, consisting in a wide communication campaign, massively based on social-media and including a series of short fiction available on different web pages and on YouTube.

## 2. THE CASE OF ICT SERVICES

### 2.1. Developments of persons performing the activity

ICT services is a growing segment of the Italian economy as well as in other countries, (Drahokoupil 2015; Berra 2014). The definition of this activity is not univocal in the literature. It includes a variety of operations, tasks, with blurred boundaries. An important attempt to define it is that of the OECD (2006); the international organisation (dis)aggregates ICT activities by NACE codes: 1) ICT manufacturing, 2) ICT commerce and 3) ICT service industries. In Europe, this latter segment represents 60% of the value added of all ICT activities. It includes software publishing, computer programming, data processing, hosting and web portals, telecommunication, repair of computers and communication equipment. Our report focuses on the first three activities: *software publishing, computer programming and data processing, hosting and web portals*.

In Italy, there is a long tradition of specialisation in ICT high customised services (Torrise 1996; Burrioni 2005; Ramella and Trigilia 2005). ICT services account 73% of total ICT activities in Italy. They have significantly increased over the past ten years. It is worth underling that, unlike other activities, during the economic crisis the demand for ICT services has grown. This was mainly because of many companies (of various sectors) needed/decided to respond to market changes and pressures by restructuring their core business, outsourcing the non-core activities, and strengthening the use of information and communication services.

According to ISTAT data, in Italy, workers performing ICT services, in particular software publishing, computer programming, data processing, hosting and web portals are about 618,000 (80% of all workers engaged in ICT activities). The most widespread professional profiles are software analyst and technician of application. However, as evidenced by other studies (Holtgrewe 2014), ICT services involve also executive (lower-skilled) jobs, above all in data processing. Moreover, many tasks, in particular the less complex, are undergoing a growing standardisation.

The large majority of the workers performing ICT services are employees (505,470, 82% of the total); the greater part are employed by companies specialised in/providing ICT

services. They usually have an open-ended contract, but there is a growing incidence of fixed-term contracts. On average, temporary contracts are about of 6 months, it depends on the duration of the project in which the worker is involved. In addition to ICT companies' employees, a growing number of workers performing ICT services are self-employed: they are more than 95,000 (15% of total ICT services workers). According to trade unionists, the phenomenon is widespread in software publishing and computer programming, where self-employed are around 30%. The remaining part of workers performing ICT services is employed by enterprises of other sectors (manufacturing, other services, public administrations, universities, etc.).

The incidence of self-employed – the large majority without employees – has greatly increased with the diffusion of digital platforms and their use by ICT services providers. The phenomenon of «online outsourcing» allows carrying out the productive process through new technologies, facilitating the search/use of (crowd of) workers. Several scholars speak about a risk of growing «de-professionalization of tasks» (Degryse 2016). At first, online outsourcing moved work to lower-wage areas within national economies (Bain and Taylor 2008), but, by the early 1990s, the spread of digital connectivity made it possible for destinations such as India and other less developed countries to capture large amounts of outsourced work, ensuring Western companies lower costs (Dicken 2015; Lambregts et al. 2016).

About 63% of ICT services workers are between 30 and 49 years old, and 27% are over 50 years. It is worth noting that youth are concentrated in game developing and graphics. ICT services are dominated by male workers, they are 64% of the total workforce; women are concentrated above all in data processing activities, where temporary contract are more frequent. Table 4 reports, for some professional profiles (operating in software publishing, computer programming and data processing, hosting and web portals), the incidence of self-employed, young people and women.

**Table 4. Workers performing ICT services (software publishing, computer programming and data processing, hosting and web portals), Italy (%)**

	Incidence of self-employed	< 40 years	Female
Analyst and software designer	22	41	17
Programmer technician	14	51	10
Application technician	18	48	20
Web technician	37	75	32

Source: authors' calculation on ISTAT data

## 2.2. Forms of outsourcing, clients' characteristics and pressures

The large part of ICT services are outsourced to companies specialised in/providing these kinds of activities, which, as said, constitute a specific sector (NACE 582, 62, 63<sup>7</sup>). They have different types of clients (private and public organisations, etc.) that buy on the market ICT specialised services. In the cases of software publishing, computer programming this is a long-standing phenomenon, increasingly explained by the need of strong (and continuously updated) specialisations. According to ISTAT data, enterprises of the above-mentioned sectors are about 81,000, with a high incidence of SMEs. Nevertheless, the majority of the value added is produced by enterprises with more than 250 employees, which are often multinational companies.

**Table 5. Enterprises in ICT sector, Italy, 2016**

ICT industry services	Enterprises
Software production, computer consultancy and connected activity	48,677
Data processing, hosting and connected activity, web portals	32,058
Software publishing	243

Source: authors' calculation on ISTAT data

Enterprises in software production are more widespread in Italy's Northern regions and here they registered a stronger increase over the past ten years. While they drastically reduced in the Southern regions (-23%) and in Islands (-8%). The regions with the highest incidence of enterprises and workers in software production are Lombardia and Lazio.

<sup>7</sup> Specifically, they are: 582 software publishing; 62 computer programming, consultancy activities, facilities management activities; 63 data processing, hosting and related activities, web portals.

A different situation can be observed about data processing. Enterprises carrying out this activity decreased in the North of Italy and increased in the South (+16%) and in Islands (+11%), and employees decreased in the North and increased in the South (+7%). Such a tendency is producing a territorial polarisation within the ICT services (Ramella and Trigilia 2005), also in terms of competencies. In Northern regions there is a growing number of university degrees focused on ICT activities and several initiatives/incentives of public institutions specifically targeting such a segment of the economy.

When a “client” outsources ICT activities to a specialised company, two situations could occur. First, the ICT services company uses its own structures, tools, workforce, etc. to accomplish the job. Second situation, the same company “sends” its employees – for a certain period – working on the client’s premises. In these cases, *smart working* is very frequent. This displacement of workers can last few or several months, depending on the service required/contracted out.

Sometimes the ICT services company *sub-contract* part or the entire realisation of the operations to other companies. Our case study (and our report) focuses on this latter practice, which is more interesting, within the RECOVER project, as form of outsourcing. In addition, we take into account the use of *temporary agency work (TAW)* and above all the use of *self-employed*, in particular of those without employees, that is a growing and challenging reality/manifestation of outsourcing in ICT activities.

As said, the first form of outsourcing occurs when a (large) ICT company outsources activities to smaller organisations, generally of the same sector. These become part of often-complex value chains, with sub-contractors called to develop parts of a project, a service, etc. The increasing standardisation of tasks is enhancing this process. Solving capacity issues appears the primary driver. However, sub-outsourcing also allows to shift pressure on time and work organisation and to reduce costs. On the matter, it is necessary to underline the intensification of global competition in ICT services, in particular software publishing, programming, etc. Cases of sub-outsourcing aimed to acquire specific competencies and/or to access specific innovations, even if present, are less frequent. These occur above all with start-ups. Sometimes start-ups develop a software or an application that gain a relevant slice of the market; in these cases (large)

ICT companies often try to buy property rights; this could also be considered as a strategy to reduce risks/costs of investments in new products, innovations. Sometimes start-ups become employees of the larger ICT company.

The second form of outsourcing (generally by an ICT company) is the recourse to TAW. This is still a marginal solution in the selected activity: agency workers have a modest incidence on all workers performing ICT services. They are about 1%; they usually have short or very short-term contract. Recourse to TAW is driven mainly by solving capacity issues or by the need to replace absent workers (for illness, maternity/paternity, etc.). It is worth noting that this form of outsourcing is used above all for the simplest and most standardised operations and for the less skilled jobs.

Outsourcing (by ICT companies) to self-employed is a growing practice. As evidenced in the previous pages, self-employment is a «heterogeneous universe», including a variety of occupational groups, status, economic conditions. This is also the case in ICT services. Here it is possible to find professionals, workers with contracts for continuous and coordinated collaboration, false autonomous, bogus self-employed, etc. Against this heterogeneous universe, some self-employed carry out important high-qualified and specialised operations, requiring high competencies. Other, instead are contracted to carry out simple and standardised executive jobs, such as data processing. In these latter cases, the main drivers of the outsourcing are reduction of costs and the transferring of risks, time pressure, flexibility, etc. Generally, self-employed performing ICT services tend to be polarised: on the one side, those with important experiences, high bargaining power and (usually) good working conditions, who, in the majority of cases, are satisfied of their occupational status; on the other side, those reined in autonomous or hybrid employment relations, often in weak position and with poor working conditions.

Outsourcing to self-employed throughout digital platform (i.e. *upwork*, *cocontest*, *freelancer*, *motawork*, *architonic*, *99chairs*) is not yet a widespread practice in Italy<sup>8</sup>. Usually, the employment relation is that of continuous and coordinated collaboration (Aloisi 2016; Donini 2016). Each platform has own regulations on terms and conditions (in

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<sup>8</sup> It is worth noting that in Italy, unlike other countries, several digital platforms do not have permission to operate (for instance, this is the case of *Mechanical Turk*).

particular on pay level, time), management of the disputes, etc. Companies outsource on digital platforms when the workflow can be segmented and (more frequently) some operations are standardised. Companies usually ask for the development of some graphics, parts of web sites, etc. There are platforms in which several professionals make a “draft” or proposal for graphic, web site, etc., without any economic compensation, and then the client (the ICT company) decides which proposal to accept. So digital platforms enhance unpaid work.

### **2.3. Representation of workers and employers**

The representation of ICT services workers is highly fragmented, with the presence of a variety of actors: various federations of the traditional trade unions, structures for workers with non-standard forms of employment, professional associations. Generally, membership is low, as confirmed by other studies (Di Nunzio 2018). Most employees of the ICT companies’ are represented by three federations of the Italy’s major confederations CGIL, CISL and UIL. The federations are those of the mechanical-engineering sector (Fiom-CGIL, Fim-CISL, Uilm-UIL), telecommunication sector (Slc-CGIL, Fistel-CISL, Uilcom-UIL) and commerce and services sector (Filcams-CGIL, Fisascat-CISL, UILTuCS-UIL). Affiliation to one or to the other depends mainly on the history of the company by which the worker is employed and for which he/she is working. Most ICT companies began their activity in the manufacturing of computers and/or electronic components, other in the telecommunications, then they changed/ upgraded their specialisations and activities. Nevertheless, they have continued – and continue – to refer to the same employers’ association, collective agreement, etc. Data on the coverage of these three contracts result inconsistent and ambiguous. Forms of coordination between different union federations are weak.

Workers with non-standard forms of employment, in particular temporary agency workers are instead represented by the major confederations’ *ad hoc* structures specifically dedicated to atypical workers. These structures are – to a certain extent – organised according to a non-sectoral principle (Regalia 2009) and their creation was/is a peculiarity of the Italian unions in comparison to other European countries (Gumbrell-

McCombrick 2010). Specifically, they are Nidil-CGIL, Felsa-CISL and UILtemp. Their recruitment is still sluggish. In many economic sectors (such as commerce and services), they operate jointly with the sectoral federations (affiliated to the same union).

These ad hoc structures aim to represent also a part of self-employed, the so-called collaborators, with a contract for continuous and coordinated collaboration. The other autonomous were for a long time excluded by the Italy's major union confederations, or were at the margins of their action. Recently, traditional unions have undertaken some initiatives to organize and represent autonomous workers. Among these initiatives, we can mention the *Consulta delle professioni* set up by CGIL in 2003, *vIVAce*, an association created by CISL, and *Networkers*, created by UILTuCS-UIL. They are ad hoc structures with the aim to represent the interests of autonomous and of workers with hybrid forms of employment. These structures offer a wide range of services, such as information, advice. They promote the creation of a community of self-employed and of spaces of discussion and sharing of experiences. They try to reach this goal through various instruments, in particular by using social network and new media. An important example are those of Networkers and vIVAce. The latter has organized 4 local initiatives called *Sharing Autonomi* that have included face-to-face meetings of self-employed workers as to discuss common problems, concerning also working conditions. This kind of action have allowed unions to have a direct contact with workers.

Recently, professional associations are playing a growing role. As admitted by many interviewed persons, self-employed feel closer to these organisations. For ICT services workers the most important professional associations are *AICA (Associazione italiana per informatica e il calcolo automatico)*, *Anitec-Assinform (Associazione Nazionale delle imprese ICT e dell'Elettronica di Consumo)*, *Assinter Italia (Associazione delle società per l'innovazione tecnologica nelle regioni)*. In additions, there are *AIAP (Associazione Italiana Design della Comunicazione Visiva)* for designers, *ACTA (Associazione Consulenti del Terziario Avanzato)* and *AESVI (Associazione Editori Sviluppatori Videogiochi Italiani)* for gamers and app developers. They act as facilitators for contracts and clients, but also on professional and technical issues, offering services, such as legal and tax advice, networking, organisation of public events, training, job opportunities, etc.

Trade unions have rarely collaborated with professional associations in promoting some specific initiatives. The most interesting example has involved UILTuCS-UIL; through its ad hoc structure, Networkers, it made a deal with the IWA (*International Web Association*) in order to implement the European e-Competence Framework (e-CF). It defines 40 competences and 23 professional profiles, representing a common language for the definition of ICT professionals. According to workers' organisations, this valorises ICT professionals, enabling the identification of the competences offered/required. The 2015 renewal of the national agreement of commerce and services sector has implemented this framework.

About representation of employers, most companies are represented by Confindustria. Smaller enterprises playing a role in communication and editing are represented by Confapi and Cna. Moreover, we can mention also Confcommercio and Confesercenti that represent above all enterprises operating in the sub-sector publishing software.

#### **2.4. Collective agreements and bargaining coverage**

As well as representation, also collective bargaining is quite fragmented. ICT companies refer to different sectoral agreements, depending, as said, by their history. However, the most important collective agreements are the two for commerce and services sector. One has been signed by Filcams-CGIL, Fisascat-CISL, UILTuCS-UIL, on the side of workers, and by the employers' association Confesercenti; the other one by the same unions and by the employers' association Confcommercio. These agreements cover both large enterprises and SMEs. Other companies and workers providing ICT services are instead covered by the collective agreement for the mechanical-engineering sector or by that for the telecommunication sector.

In other terms, ICT services do not have a specific collective agreement and, according with interviewees, this seriously affects the consolidation of a common identity among workers performing such activities. Indeed, there is a growing debate within/between unions and employers' associations on the possibility of a national agreement for all the workers involved in ICT activities (from manufacturing to services). As an interviewed

person argues: «*this could favour an innovation of labour regulations*» (Filcams-CGIL, trade unionist), partially considered non-adequate. For instance, regulations are considered non-adequate on working time issue: with this regard, it emerges that, the widespread of technologies, smart-working, new forms of work organisation put strong pressure on working time issue and suggest a different regulation. Increasingly ICT workers demand for a «right to disconnect», or for a «right to unavailability».

Temporary agency workers are covered by the agreement specifically dedicated to this sector/form of employment, signed by Nidil-CGIL, Felsa-CISL and UILtemp and the biggest agencies' association, Assolavoro. As said in the previous pages, since the first rolling of the legal framework, through successive national agreements, trade unions and agencies' associations have increasingly extended and detailed regulations and benefits for agency workers. The first national TAW agreement was signed on 1998, the most important and innovative is considered that signed on July 2008, partly renewed and revised in February 2014.

Self-employed performing ICT services are instead completely uncovered by collective bargaining. Trade unions have tried to improve terms and conditions of self-employed workers by using collective bargaining at company level. However, they have focused on workers with contract for continuous and coordinated collaboration, considered in a weaker position and with a status/situation (in terms of work organisation) quite similar to that of dependent workers. Anyway, about ICT services, few experiences succeed, and frequently these were not consolidated, were not renewed.

## **2.5. Strategies deployed by social partners to solve coverage problems**

Since the beginning of the last decade, with the relevant growth of autonomous workers, also in the ICT services, improving representation and collective bargaining coverage of the self-employed has become a key strategy of trade unions. However, across/within unions there are different positions on the opportunity and the modalities to do this. Some propose an extension of the collective agreements in force (with some revisions and integrations) to all types of self-employed, as to ensure that they are treated equally

to employees with regards to the most relevant aspects (pay level, training opportunities, welfare provisions, etc.). Others propose to set up specific regulations, for instance on working time, maternity/paternity leaves, etc. that take into account the peculiarities of self-employed and their different needs. This is also the position of most professional associations. Different positions emerge also among self-employed workers. According to case study findings and in particular with interviews to representatives of unions, a part of the autonomous workers – the weakest in terms of employment status, working conditions, etc. – prefer regulations quite similar to those for employees (on working time, leaves, welfare provisions). Another part of autonomous workers, instead, would prefer different regulations, considering their peculiarities, their specific situations. With this regards, a much-debated topic is the regulation of working time in a moment of increasing diffusion of smart working among self-employed. Anyway, the results of this debate are still sluggish.

With the exception of vIVAce and Networkers, unions are not planning specific initiatives for autonomous workers performing ICT services. Generally, they initiatives have targeted – and are targeting – all the self-employed. Unions' initiatives include meetings, workshops organised in co-working spaces or open-spaces. These are usually developed on particular issues, for example on the contents of the recent law on self-employment (Law 81/2017), fiscal issues, job opportunities, etc. Such kind of initiatives, as explained by the interviewed persons, aim to reach autonomous workers, to animate their debate, to hold information about their employment situation. Unions are trying to be active also on social networks, launching, for instance, campaigns on specific issues. A recent and important campaign (massively based on social networks) was on fair economic treatment.

In 2015, Nidil-CGIL has carried out an online survey on working conditions of self-employed. And more recently another online survey has been launched to hold information on digital platforms' workers. Filcams-CGIL, together with Fondazione di Vittorio, has set up a platform (*lavoratoridigitali.it*) in which workers can answer some questions on their working conditions. In addition, CGIL confederation has created *Idea Diffusa*, an online platform that involves researchers, trade unionists, employers, etc.

with competences on collective bargaining, digitalisation and working conditions.

Unions aim also to influence public policies. They are calling for a (permanent) table, together with professional associations, on conditions and protections of the different groups of self-employed. CGIL has also launched the *Carta dei diritti universali del lavoro* (Charter of workers' universal rights). It proposes a revision of the current legislation as to recognize to all workers – including self-employed – a set of rights, such as decent working conditions, fair economic treatment, possibility of voice, etc. Similar initiatives have been carried out also by CISL and UIL, with the aim to support the debate on terms and conditions of autonomous and of workers with atypical and hybrid forms of employment relation.

### 3. FACILITY MANAGEMENT COMPANY

#### 3. 1. Introduction

FMX<sup>9</sup> is a multinational company, founded more than a century ago, with presence worldwide and remarkable revenues. Now it is one of the world's leading facility management companies. The multinational entered Italian market at the end of 1990s, with the acquisition of a medium firm carrying out cleaning activities. In the following years, through mergers and other acquisitions, it strengthened its offer, including pest control, disinfection and related activities. Then, over the 2000s, as well as in other countries, FMX progressively widen the range of services provided becoming one of the most important organizations in the facility management, operating throughout the national territory. It has its legal and executive offices in Milan. Now services provided include cleaning, security, property (building maintenance, energy management, moving services), support services (reception, internal logistics, mail handling), catering. Cleaning activities are still the most relevant in terms of revenues.

The trajectory of the company as facility management provider was driven by structural market changes: by the increasing demand, at the beginning especially by the larger companies and by the larger public administrations, of integrated services, packages of activities. At the end of 2000s, FMX obtained its first contract for integrated services by an important IT company. Since then, it has followed a continuous path towards facility management, with increasing investments in this kind of activities.

FMX-Italy, as facility management provider, has different types of clients, including public administrations (a number of municipalities, but also schools, universities, hospitals, Army facilities, police stations), companies in various sectors (manufacturing, services, transport, financial services), large mall, shopping centres, etc. Its clients are both national and multinational companies and have different size; however, the majority are large organisations; micro and small enterprises are under-represented.

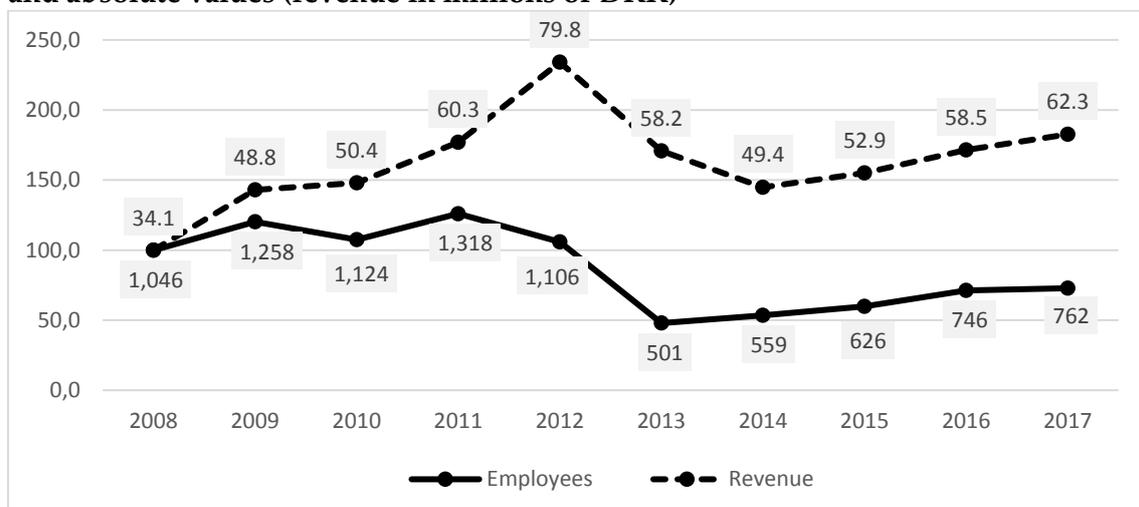
In 2017, FMX-Italy revenues amounted to more than 64 million euros and it employed 762 persons. These values have gradually grown over all the 2000s. The 2008 economic

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<sup>9</sup> In this report we use a nickname.

downturn has had a strongly negative impact on the company, as in the whole sector. FMX-Italy registered a significant decline in revenues; it suffered the impact of the strategies of costs containment and expenditure cutbacks of its client, both of private organisations and public administrations. Therefore, it reduced its personnel. However, the strong losses of revenues and employees (in particular in 2013) were due in a significant way also to the disinvestment of business, specifically to disinvestment of the pest control activities, identified as non-core.

**Figure 5. Variations of ISS revenue and number of employees, 2008-2017 (2008 = 100), and absolute values (revenue in millions of DKK)**



Source: FMX Annual Report 2008-2017

### 3.2. Business strategy, organisation, employment structure

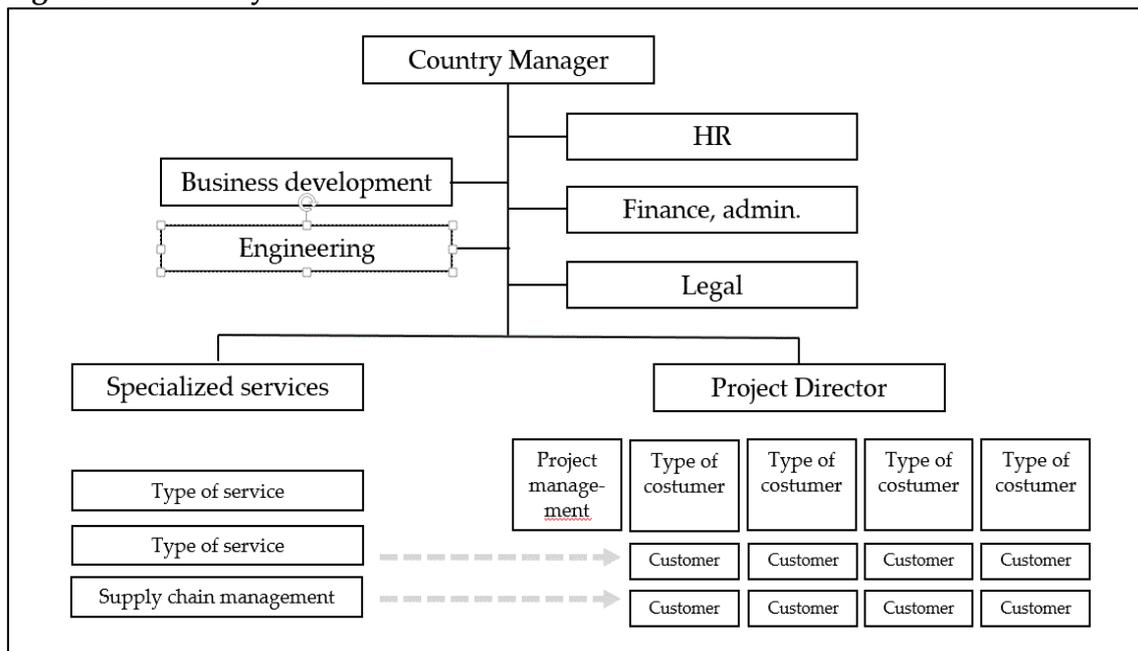
According to case study findings, important drivers for the company in the FM business are quality and innovation of the services. It has invested resources to obtain certifications in Integrated Quality, Health and Safety and Environmental. As stated in its official documents and confirmed by the management, the quality has been enhanced through a progressive automation of the delivery process, standardisation of the workflow, information and continuous monitoring and evaluation about the services. To that end, FMX-Italy has made significant investments in technologies, in particular in ICT. For instance, it offers a smart and integrated management of the building by using devices and sensors embedded into the building (including doors, windows, chairs, meeting rooms, dispensers, air conditioning systems). In addition, it offers to customers

ICT tools (for instance a web portal), by which they can obtain information and reports just in time on the activities carried out, their outcome, etc. However, together with quality and innovation, an important driver for the company in the FM business is also (and inevitably) price, in a sector characterised by high competition on this aspect.

FMX-Italy's employment structure is characterised by the presence of a variety of professional profiles. The large majority are cleaners, representing about 65% of the total persons employed by the multinational in Italy. A wide group is the receptionists (about 18%); other professional profiles include maintenance workers, logistics workers, administrative staff and technicians. Open-ended contract is the dominant type of employment relation. Temporary contracts are marginal. However, almost all cleaners have a part-time arrangement. According with case study findings, the needs for numerical flexibility, in particular in the case of replacements for sickness, maternity leaves, etc. are satisfied by using overtime, i.e. asking more hours to part-timers. As an interviewee says: part-time *«has gained an increasing role as instrument to ensure flexibility»*. Part-time is between 15-25 weekly working hours. Unlike cleaners, administrative staff, technicians and the other professional profiles usually have full-time arrangements.

Most FMX-Italy's employees are migrant workers, in particular those in cleaning activities (they are 70% of the cleaners hired by the company). Also women are over-represented, they are more than 60% of the personnel and are more often cleaning workers. According to interviewed persons, the employment structure of FMX-Italy features a high employee turnover, in particular among cleaners. The phenomenon derives above all from the temporary nature of the cleaning contracts and the possibility of transfer of undertaking when a cleaning contract is up for re-tendering. Figure 6 shows the structure of the company.

**Figure 6. FMX-Italy structure**



Source: FMX-Italy

Some workers, mainly cleaners, were transferred to FMX-Italy by other companies that outsourced their cleaning activities, relocating their employees (involved in such operations) outside the scope of the organisation. This is the case of a certain number of banks and of a couple of universities. Trade unions complain about the «opacity» of the employment structure, in terms of consistency and composition. It is characterised by a high variability, due to the variable geometry of the services contracts. However, workers' organisations claim a lack of adequate and timely information about persons employed, professional profiles, workplaces, etc.

FMX-Italy intensively and increasingly uses sub-outsourcing to other companies, for different kind of activities (from cleaning to security, property, support services) According to unions' estimates, about 70% of the activities contracted to the facility management multinational are sub-outsourced and carried out by other companies. Solving capacity issues appears the primary driver to this decision/practice. Even if outsourcing permits to FMX also to transfer pressures on costs, functioning as «risk transfer-chain» (Frade and Darmon 2005). Sub-contractors usually are not micro or too small enterprises or craft companies. As recognised also by trade unions, the company

prefers sub-contractors with a solid structure, consolidated expertise and possibly with quality certifications. «*They [FMX-Italy] try to buy well! They want to save costs, but also to avoid the deterioration of the quality of the services provided and then of their reputation*» (workers' representative). Nevertheless, it incurred in «*bad experiences*», denounced by trade unions: in particular, cases of sub-contractors that did not apply any collective agreements or applied a pirate agreement, with employment terms and conditions far below the sectoral average.

### **3.3. Collective bargaining and workers representation**

The Italian branch of FMX adheres to the main employers' association in the sector of facility management, i.e. Anip-Confindustria. Then it applies the sectoral collective agreement signed also by this organisation, *CCNL Servizi di pulizia e multiservizi*. As said in the previous pages, such an agreement covers a variety of professional profiles, a large part of those generally used by facility management companies. According with case study findings and in particular with management statements, now such an agreement covers all the occupations in the FMX-Italy. However, also here, some problems could emerge because of the widening of the services provided by the multinational. As (also) a trade unionist admits, «*given the strong investment in facility management, it is possible that soon we will find workers who are not adequately covered by the sectoral collective agreement, I think to workers performing advanced services*»

The multinational, in Italy, has also a company level collective agreement. This was «*inherited*» by the company acquired by FMX, when it entered the Italian market. A relevant aspect is that, since then, the company-level agreement has been applied only to the employees who worked/work in the Milan offices. In other terms, even now the company-level agreement involves only a (minority) part of the employees, those of the legal and executive offices. Here, employees are mainly administrative staff, technicians, coordinators of specific outsourced services, receptionists. They are about 70, less than 10% of the total company's workforce. All other persons employed by the multinational in Italy are not covered; among them almost all the cleaning workers. The agreement has been renewed in 2016 and, in this moment, there are ongoing negotiations for its further

renewal.

Company-level agreement sets up the right for employees to use the company refectory or to receive a meal contribution (of 5.29 EUR). Moreover, it provides a (limited) working time flexibility at the advantage (and on request) of the workers: 30 minutes, with the possibility of reducing the lunch break and going out in advance. It increases work permits for medical visits and examinations, for maternity/paternity needs and for training. It sets up also a performance-related pay rise; its amount can vary from 150 to 450 EUR, depending on company performance (it is also proportionated to the duration in the company and to hours worked). According to the assertions of the interviewed persons, the ongoing negotiations for the 2018 renewal are going to improve aspects concerning leaves and performance-related pay rise and are going to introduce some (even if limited) welfare provisions.

Trade unions have been pressing for years for an extension of the company-level collective agreement. However, their requests have always clashed – and continue to clash – with the total opposition of the employer. As a trade unionist argues, «*it is a field of conflict*». The main reason – of the company – appears avoiding costs increase, even if the agreement does not seem particularly onerous; also unions consider it an important but «*modest*» integrations of employment terms and conditions. Management claims that the increasing clients' pressures to reduce prices – and then operating costs – prevent, for the moment, even small extensions. Nevertheless, an important motivation seems to be to grant something more (also in terms of rights) employees in more stable positions, considered as a *core-group*, with the (not declared) objectives of loyalty and involvement in the company mission.

The agreement has been extended to workers – carrying out maintenance, internal logistics and mail handling services – transferred to FMX-Italy by two banks and two universities. As recognised by trade unionists, such extension was the outcome of the successful pressures of unions and workers' representatives of the banks and of the universities. They requested that the FMX-Italy company-level collective agreement had to be applied to the transferred workers, threatening, otherwise, oppositions and mobilisations. As an interviewee explains, «*workers involved in the transferring were covered*

*by the company-level agreement in force in the bank or in the university; so the non-application of the FMX company-level agreement would have produced a strong deterioration of their working conditions» (trade unionist).*

As foreseen by the national-sectoral collective bargaining, in the company a workers' representative committee has been set up. Specifically, there is still the workplace-based representation institution called *RSA (Rappresentanza sindacale aziendale)*; it is an unelected organism, their members are appointed by unions who are signatories of the collective agreement. *RSA* gives workers a voice, while enabling unions to exert final control over their activity (Cella and Treu 2009). This is a frequent situation in the sector (Cevoli 2014). Unions and workers have tried to set up the most common workplace-based representation institution called *RSU (Rappresentanza sindacale unitaria)*; this is composed by a variable number of members elected by the whole workforce of the company. This is the form preferred and supported by the Italy's major unions as representation body. The main explanation of non-establishment of the *RSU* is, according to respondents, that it is *«very complicated because of the job instability of many workers; there are not the conditions for the elections of the RSU»* (workers' representative).

Some unions try to involve the whole workforce, but it is, in fact, a practice not followed by all the workers' organisations. As a trade unionist interviewed admits: *«we organize an assembly and ask the workers who wants to be the delegate, then we make the appointment; but not everyone does this»*. But, in addition to the difficulties linked to the job instability and high turnover of the company's workforce, case study findings suggest also a lack of propensity by several unions towards a more complicated but more inclusive procedure/institution of workers representation. In the case of FMX-Italy, *RSA* is composed by three members, appointed by *Filcams-Cgil*, *Fisascat-Cisl* and *Uil Trasporti*; they all belong to the group of administrative staff, technicians, coordinators of specific outsourced provisions. One of the member of the *RSA* is also part of the FMX's European Works Council.

According to the estimates of the trade unions, unionisation is in the sector average. It is higher among administrative staff, technicians, coordinators, which usually operate in the FMX-Italy's premises, lower among cleaners and other professional profiles, usually

working off-site. Relations between trade unions and management are defined as «*not cooperative but not even conflictual*» (workers' representative). Dialogue and negotiations have become consolidated practices, through which various aspects of the work organisation and employment conditions are regulated. However, as already evidenced, dialogue is poorly developed with regards contracts, clients, outsourced workers. On this issue, trade unions complain about the non-respect of the right to information included in the national-sectoral collective agreement (applied by FMX-Italy). A slight improvement occurred with the enforcement of the *European Works Council (EWC)*; it partially increased the information given to employees. Together with this aspect, the EWC experience is positively evaluated (by workers' representatives) also for the chance to discuss with colleagues of other countries of common problems.

#### **3.4. Strategies developed by social partners in order to cope with coverage problems**

A key union strategy within FMX-Italy is to reduce the «*opacity*» of the employment structure of the company, i.e. to get information on its value chain, contracts, transfers of undertaking, sub-outsourcing practices, etc. Increasingly Unions and workers' representatives (including EWC representatives) are pressing the management – also with media campaigns – for adequate and timely information. According with interviewees, such pressures «*partially succeed [...] but, they [the company] have to do something more*» (trade unionist).

Trade unionists have indicated – as another relevant key strategy – the extension of the company-level collective agreement coverage to all FMC-Italy employees. But, at the moment, it has not been successful. Management, as stated above, appears to be firm on its positions and opposes any extension beyond the headquarter staff. In the meanwhile social partners are going to sign the renewal of this (only-for-the-headquarter-staff) agreement, providing further improvements of terms and conditions, as described in the previous pages. The explanation of unionists is: «*while trying to extend the agreement, it is also important to improve the treatment of those who are already covered*» (trade unionist); this emerges as a common position among workers' representatives. However, elements of

ambiguity also emerge. And, for some unions, there appears to be an approach based on the «exclusion» or «subordination» (Heery and Abbott 2004; Heery 2009) of the interests of the less stable, more peripheral workers. As an outcome of the limited company-level agreement there are important within-the company differences in terms of normative and economic treatment.

Addressing «third parties» (clients of the multinational company) is another key strategy of workers' organisations. Initiatives have targeted above all public administrations that outsourced services to FMX-Italy. Trade unions have been demanding – to these clients – changes in outsourcing practices, as to reduce pressures on labour costs and then on work organisation and working conditions of the FMX-Italy workforce. About public procurement, a key argument was the overcoming of the lowest price as the major selection criteria in tendering procedures. As a trade unionist claims: «*the customer has great responsibility; but it usually ignores this fact, it does not matter*». Recently, after the economic crisis, such a union strategy has been intensified: attempts to dialogue with clients have increased. As an interviewee explains, «*there has always been some contacts, especially with public procurers, but, since clients pressure has strengthened, we have begun to act in a generalised way, trying to reach the largest number of customers of FMX-Italy as well as of the other sectoral companies*» (trade unionist). Unions have used various kinds of instrument and have implemented different initiatives: from lobbying, to mobilisations and media campaigns. They have obtained mixed results; sometimes they have signed agreements (*Protocolli di Intesa*) with municipalities (see above).

## CONCLUSIONS

Study findings show that outsourcing is a relevant phenomenon in both the activities we have considered, cleaning and ICT services; the first characterised by the dominance of low-skilled occupations, the second by high-skilled occupations. Between the activities, variations emerge about the main realities/manifestations of outsourcing, closely related to differences in jobs characteristics, skills, levels of technology, etc. Although common tendencies also appear, for instance the use of platform work, i.e. online outsourcing, and of new forms of employment. Cleaning is a typical example of outsourced-to-other-company service. The large majority of cleaners are employed by cleaning companies that compete for contracts with clients (public or private organisations, of different sizes and sectors). In the case of ICT services, an increase of forms of outsourcing within the “sector” (i.e. among organisations and workers specialised in/performing this kind of activities) can be observed. ICT (large) companies are becoming more and more frequently «leader» or «head» of complex and elaborated supply-chains; these include other (smaller) ICT companies, operating as sub-contractors, self-employed, etc. Against this landscape, the use of autonomous workers emerges as the most relevant and challenging phenomenon for labour protection.

Reduction of costs level is a key argument in both the case of outsourcing to other companies of cleaning activities and the case of outsourcing to self-employed of ICT activities. Even if this motivation is often interrelated with others, such as concentrating on core functions, accessing external specialisations, solving capacity issue. With this regard, the study evidences the important role played by the «(invisible) third parties» (outsourcers, tenderers, clients) (Jaehrling 2014; Jaehrling et al. 2011), who purchase services. Their behaviours, in particular their strategies and pressures to reduce the price of the service provision, significantly influence the organization, supply and working conditions of the provider of the service. This is particularly evident in the case of cleaning activities, usually considered bottom-end activities, requiring low skills. Anyway, third parties’ pressures are present and relevant also in the case of software publishing, computer programming, etc., even if social partners and companies refer more frequently to pressures of global competition

Study findings confirm the negative impact of the mentioned forms of outsourcing on collective bargaining coverage – and then on labour protections and working conditions. Across the realities/manifestations of outsourcing, such an impact is particularly intense where the contracting out of an activity to an external provider or to a self-employed is mainly driven by the will/necessity to reduce costs; where, in other terms, it is used to move elsewhere, to someone else, insecurity, responsibility, risk, pressures, etc. (Frade and Darmon 2005). Many employees of the cleaning companies have working conditions significantly less advantageous than workers who do the same job but are hired by companies from other sectors. Moreover, cleaners employed by cleaning companies are more frequently covered by «bad» collective agreements, i.e. the so-called «pirate agreements», which set up even worse conditions. And more frequently they work for companies that do not apply any kind of collective agreement; here working conditions – generally poor – are unilaterally and often informally defined by the employer. Within ICT activities, the growing recourse to self-employed means, in the Italian context, an increasingly more extensive segment of workers completely uncovered by collective bargaining. They are, in other words, at the margin of this institution of the industrial relations system. In both kinds of service (cleaning and ICT), the impacts of the discussed forms of outsourcing on collective bargaining coverage are producing intense disparities within the activities and a number of situations of protection gaps and low quality jobs. In cleaning activities, pay levels are greatly affected. Among self-employed performing ICT services problems concern mainly equal/appropriate economic treatment, working time, work-life balance, access to social benefit.

Existing institutions for the labour protection are evolving, but their capacity to deal with collective bargaining coverage problems (and related negative consequences) appear still limited. In the case of cleaning activities, the regulations for public procurement have been improved, under the pressures of European directives, but also of social partners' initiatives. However, they are not yet completely implemented. Moreover, they overlook outsourcing by private organisations. In the case of self-employed (performing ICT services), a recent legislative initiative (law 81/2017, the so-called «Statute of self-employment») has introduced a number of provisions in favour of self-employed; for instance, it regulates the relationship with the client, ensuring more protection against

abuses and misconduct, it sets up protections in the case of maternity/paternity and sickness. However, it has not completely addressed the problems of economic treatment, possibilities of voice, etc. In addition to the limits mentioned, it is worth noting that these institutions are challenged by the most recent changes, from the diffusion of digital platforms to the diffusion of new forms of employment.

The analysis of social partners' strategies to address the problems of collective bargaining coverage and, more generally, of labour protection, shows some similarities, but above all many differences between the activities examined. Differences are closely related to the ways in which industrial and work organisation are shaped, main forms of outsourcing, features of the workforce, resources and traditions of action of the industrial relations actors, in particular of trade unions. About cleaning activities, the major sectoral social partners have deployed – and are deploying – strategies to enforce/extend existing institutions of collective bargaining, to reduce non-compliance of regulations, mainly through campaigns and cooperative initiatives with public institutions, such as public inspectors, to reduce the “invisibility” of cleaners and improve their representation and voice possibilities. Increasingly, a key strategy of social partners, in particular of trade unions, has been to address the “third parties”, with the aim to negotiate criteria for the outsourcing of services, as to ensure more protection to the providers' employees. Such a strategy has been/is also an attempt to overcome the difficulties to reach the multitude of (often-small) cleaning enterprises. Unions have obtained some results, above all with public administrations, but still limited and with a patchy distribution; in addition, the action has been less prominent and less successful with private clients.

As said, in the case of software publishing, computer programming, etc. the use of self-employed (usually without personnel) emerges as the most relevant and challenging form of outsourcing. With this regard, it is worth noting that autonomous workers, up to the more recent years, have been excluded or have been at the margins of union action; as well as in other activities. Only since few years unions have been implementing specific initiatives to represent and protect self-employed, above all those with the frailest positions. Starting from a situation of weak membership (among self-employed)

and poor inclusion in the institutions of workers' representation and voice, the key strategy of the major unions has been to hold information about their employment situations, positions, expectations and then to strengthen the contacts, animate a debate, build a common identity of self-employed workers. A number of innovative and often creative initiatives have been implemented (from *ad hoc* structure for autonomous workers to campaigns, specific platforms, etc.). Results are increasing, but are still modest. Instead, the inclusion of self-employed in collective bargaining is still a topic of debate between and within social partners, with positions that are not always univocal, not always favorable.

Generally, in both cases, social partners' initiatives play an important role, but are not sufficient to solve protection gaps. On the one side, the study suggests the necessity of more relevant investments and more innovations, in particular by unions, with regard to strategies, approaches and practices for labour representation and protection, beyond the traditional sector and/or company-based ones and considering workers' differences. To that end, if the «representation of the diversities» is still under construction, unions' experiments of operating in the different «points» of the inter-organisational relations, such as the «triangular relation» client-employer-employees (Rubery et al. 2005; Havard et al. 2009), appears quite important and successful. And it appears as a promising way of action for the protection of outsourced workers. On the other side, findings support the idea of the relevance of supportive institutions at national and European level (Drahokoupil 2015), able to promote, for instance, the distribution of responsibility along the value-chains, encompassing regulations on equal economic treatment, working time, social provisions, etc. and the enforcement of workers' (and/or their representatives) involvement in outsourcing decisions and implementation.

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