



COLLECTIVE BARGAINING IN ITALIAN SCHOOLS, HIGHER EDUCATION AND RESEARCH

The teachers and the staff of state school, state university, public research agencies, Italian national agency for new technologies, energy and environment (Enea), academy of fine arts and music (Afam) are state employees.

BARGAINING IN THE PUBLIC SECTOR

Up to the early 1970s, terms and conditions of employment in the public sector were regulated by law, while the private one has always been contractualized, i.e. regulated by individual and collective contracts. Eventually, trade unions began a gradual unification process between public- and private-sector employment. This process took place in stages over a twenty-year period and ended in the 1990s, when Parliament passed law 421/1992, whereby public employment would be governed by the same rules as those in the private sector, even though the employer is still the state or a government agency. In that way 3 million persons have been contractualized, with the exclusion of magistrates, university teachers, diplomats, police and the armed forces.

The laws governing employment relationships are those of the private sector but a public employee is not a "private" employee. There is an important difference between public and private work, stemming from the different purposes private firms and public agencies have. Furthermore, even though they might have the same legal capacity and powers of a private employer, government agencies are required to act in a transparent, fair and impartial manner, in accordance with laws and regulations.

The agreement governs all matters concerning employment, except the aspects that continue to be reserved for the law, such as: recruitment, the number of employees and the basic principles for the organization of the divisions. Italian Constitution guarantees freedom of teaching and professional autonomy.

Public employees are broken down by division, such as the state employees, health workers etc and there are more than 20 different national contracts.

In the sectors of education and research there are the following contracts:

School sector

- teachers and staff (administrative, technical and auxiliary personnel)
- School principals

Higher education sector

- University staff (administrative, technical and auxiliary personnel)
- AFAM personnel (teachers and staff)
- University managers

Research sector

- Public agencies personnel (researchers and staff)
- ENEA personnel (researchers and staff)
- Research agencies managers

University teachers' employment conditions are still regulated by law.

BARGAINING LEVELS

In every public division there are two bargaining levels, as in the private sector:

1. Four-year national labour agreement (CCNL - contratto collettivo nazionale di lavoro); the salary part expires every two years;
2. Supplementary agreement, which is negotiated at the level of agency or ministry.

There are master agreements or collective master agreements for all public divisions.

The agreement is entered into freely, if both government and trade unions find it mutually advantageous, and becomes effective when the parties sign it.

In the absence of an agreement, the public employer acts with the powers of an employer, taking full political and legal responsibility.

National labour agreement

The national labour agreement is negotiated:

1. on the public side by ARAN (Agenzia per la Rappresentanza Negoziabile, a body with legal personality which represents the government employers in negotiating activities). Government authorities (state, regions, municipalities, agencies) do not take part in these negotiations, but do give ARAN guidelines on the objectives to be achieved and the financial resources available. At the end of the negotiations they approve or reject its results. The ultimate authority on the public side, as far as schools and AFAM are concerned, is the Ministry of Education, University and Research (MIUR - Ministero dell'istruzione, dell'università e della ricerca) while for universities and research institutes it is the Sectorial Committee (composed by University rectors and research institutes presidents respectively)
2. on the trade union side, by representative unions, that is the unions whose average between the percentage of dues-paying members and its votes is at least 5%.

In the school sector there are about 40 unions, but only five **of them** are over 5%, **just like** in University, research and AFAM sector.

If the agreement is reached, Aran signs if the trade unions that decide to sign account for at least 51% of the workers represented, as measured by the total of each signing union's members.

Supplementary agreement

SCHOOL SECTOR

There are three bargaining levels for supplementary agreements, depending on the matters at hand:

National level: on the public side, there is the director general and management representatives from the departments concerned of the Ministry of Education, University and Research;

Regional level: On the public side, there is the regional director;

School level: as far as school level is concerned, on the public side, there is the principal. On the trade union side, there is the Unitary Workplace Union Structure (RSU) elected by the workers in that school and the province-based representatives of the trade unions that have signed the national labour agreement.

The presence of RSUs in schools reflects a model based on negotiated cooperation between different stakeholders, each to protect its own interest: the RSUs that of workers, the principal that



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of the public education service which, however, is defined together with workers, families, students, local authorities, etc..

In the individual schools there are:

- A school board that sets policies;
- A teachers' committee that decides didactic activities;

The principal, who organizes the work of the teachers and the other staff on the basis of (national and school) labour agreements, the Board's policies and the didactic decisions of the teachers' council.

UNIVERSITY

Supplementary agreement is negotiated in any single university institution. On the public side there is the Rector and the Personnel Manager; on the trade union side there are the RSUs and representatives of trade unions who have signed the national contract.

RESEARCH AND AFAM

As far as Research Institutes and AFAM are concerned there are two bargaining levels for supplementary agreements: the national and the local level.

In the research sector, the national agreement is negotiated between the Research Center President (or his delegate) and the representative unions.

At the institution level (both for Research and Afam), it is the RSU the subject who negotiates.

UNITARY WORKPLACE UNION STRUCTURES (RSUS)

The RSU is a union unit located in public and private workplaces.

In schools, it appeared in September 2000 when greater autonomy was recognized. Every school may now adopt more decisions on organization and didactics without requesting authorizations to the ministry or to the provincial education authorities. Hence, a principal with more powers also in labour matters and, as a result, a unit that may carry out bargaining tasks to represent workers.

RSUs are usually made up of three people (six, if the school has more than 200 employees) elected by all, teachers and non-teaching staff, whether they are member of a union or not. People are elected on union lists, even though they are not members. The 3 (6) elected representatives represent all the workers of that school.

The RSU does not get involved with didactics, but with the criteria the principal adopts to utilize the school's employees to implement the school's educational plan and *with additional compensation*.

TRADE UNION RELATIONS

In addition to bargaining, the public and the trade union sides meet from time to time in accordance with a section in the national labour agreement called *trade union relations*.

A. Relations defined in the national agreement

Participation

Participation meetings do not produce agreements but *understandings*. These are a sort of political commitment but are not binding from a legal point of view.

Disclosure session



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This is a type of meeting where the documentation provided by the public side is reviewed. In this case, the public side fulfils its transparency requirements while the union exercise its control rights. Disclosures can be:

- a) ex ante, in that they precede a decision to be made by the public side, which has to outline the criteria it intends to follow;
 - b) ex post, in that they involve a control over acts performed by the public side.
- Matters covered are provided for by the labour agreement. A report is written up for every disclosure session.

B. Unformal meetings

The parties meet every time they deem it appropriate, including on matters that are not related to the national agreement.

BARGAINING LEVELS IN THE SCHOOL DIVISION

| | <i>Public side</i> | <i>Trade union side</i> | <i>Duration</i> | <i>Matters</i> |
|--|--|---|-----------------|--|
| 1. National Labour Agreement (CCNL) | Aran | Representative trade unions | 4 years | All except those reserved for the law |
| | | | 2 years | Cost-of-living adjustments |
| 2. National Supplementary Labour Agreement (Ccnl) | Director general + management of divisions concerned | Unions that signed the national labour agreement | Usually 2 years | Mobility criteria, criteria to utilize employees |
| Supplementary regional agreement | Regional director | Trade unions that signed national labour agreement | 1 year | Protection of health at work, Criteria for allocating and utilizing resources to combat marginalization and for schools with immigrants, training. |
| | | | 4 years | Permits in connection with right to study, criteria for local assemblies, procedures to cool off union conflicts at the regional level. |
| Supplementary school agreement (Cis) | Principal | RSU + provincial structures of trade unions that signed national labour agreement | 1 year | Utilization of school personnel Additional compensation Exercise of rights to perform union-related activities |