

***Preliminary  
investigations on  
indirect competition  
among Italian  
employers'  
associations, and the  
relevant effects on  
collective bargaining***

Michele Faioli and Silvio Bologna

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Michele Faioli, Università Cattolica del Sacro Cuore

Fondazione Giacomo Brodolini

00185 Roma - Via Goito, 39

tel. 0644249625

fax 0644249565

info@fondazionebrodolini.it

www.fondazionebrodolini.it

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*Introduction by Claudio Lucifora*

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# Introduction

Claudio Lucifora, Università Cattolica del Sacro Cuore

Employers' associations (EAs) are important actors for the industrial relations and collective bargaining (CB) system. Employers and unions typically negotiate over work standards in wages and working conditions on behalf of their member companies and employees, respectively. The ability of EAs to organise a sizeable share of companies in an industry or region, and maintain it over time depends on several factors, some of which are common to the logic of collective action (Olson, 1965), such as freeriding and compliance with standards; other factors are specific to their particular nature as non-governmental organisations (NGOs) of for-profit members. In other words, EAs have to represent the collective interests of companies that otherwise compete, on product and labour markets, for both customers and employees, thus facing the need to reconcile these opposite interests of competitors within a single organisation (Behrens, 2018).

In this respect, while most of the industrial relations literature has mainly focused on EAs' membership strength and associational density, in this paper, the authors depart from this perspective, and concentrate on the functioning and governance of EAs, i.e. their role in representation and coordination activities, CB, information sharing to promote better coordination, and provision of training.

Other activities, performed in the interest of their affiliated members, often include influence on regulations and standards set by policy makers. The role of EAs can sometimes be aimed at *reducing competition among affiliated firms*, within their scope of action (i.e. workforce, industry, or territory), by enforcing forms of collusion of employers in the product or labour markets, such as restrictions to the entry and survival of non-affiliated firms, and fewer job opportunities for workers in affiliated firms (by means of non-poaching agreements). Since the success and survival of EAs also depend on their membership and on the effectiveness of their actions – such as number of affiliated firms and employees covered, membership fees, etc. –, they often engage in indirect competition with other EAs over membership, thus *increasing competition both within and between their scope of action*.

EAs have then to pursue two distinct but complementary goals: the first one is to extend their membership base as much as possible in order to obtain resources to

run the association and to provide a number of services; the second one is broader in scope, having to do with the need of EAs to influence policy making, lobby for contributions or subsidies, and gain recognition vis-à-vis other organisations.

In this respect, the functioning of Italian EAs represents an interesting case study. Remarkably, in Italy, the number of EAs has increased dramatically in recent years, reaching a total of 900, the vast majority of which have only few affiliated firms. In this scenario of fragmentation of social partners and industrial relations practices, the authors investigate how the goals and governance of EAs have evolved. A diversified set of the main Italian EAs is analysed, namely: Coldiretti, Anitec-Assinform, Confindustria Energia, the Italian Banking Association (*Associazione bancaria italiana*, ABI), Confesercenti, Federdistribuzione, the National Confederation of the Craft Sector and Small and Medium-Sized Enterprises (*Confederazione nazionale dell'artigianato e della piccola e media impresa*, CNA), and Legacoop. More in detail, Coldiretti represents the agricultural and food transformation industry, Anitec-Assinform information and communication technology (ICT) companies, Confindustria Energia the energy sector, Legacoop the world of cooperatives, CNA handcraft and more broadly small companies, Confesercenti the world of trade, and Federdistribuzione the retail sector, whereas ABI is the leading EA in the banking sector.

The structure of Italian EAs is examined, evaluating the impact of their internal regulations on the functions they pursue. Several structured interviews were conducted with the main Italian EAs in order to better understand the framework in which they are operating, and their functioning within the Italian industrial relations system. Today, barely anyone can define the Italian EAs as mere aggregates of employers, in certain industries, aimed at creating a form of representativeness of collective interests in the wider society.

The methodological approach applied is multidisciplinary in nature, based on the interaction between the structure of EAs (which is defined as “static analysis”), and the performance of EAs (conventionally defined “dynamic analysis”). In relation to the structural dimension, bylaws and further internal regulations adopted by EAs to define the rights and obligations of members, officers, and sectoral groups within their framework were examined. In relation to the performance dimension, analysis focused on a set of functions that EAs generally carry out, such as: CB, lobbying, assistance to members, etc. A framework scheme was created that analyses, under qualitative and quantitative viewpoints, such functions, rating in a range of flexibility versus rigidity the data studied.

The key features of the analysis are as follows. First, the paper focuses on the “indirect” competition taking place among EAs, which erodes the representativeness of CB, with detrimental social effects, such as high inequality and in-work poverty, low skilling, poor productivity, and low quality of training and vocational schemes. Second, poorer industrial relations increase the spread of unregulated CB with low-quality agreements, such as the “pirate” collective contracts signed by unknown social partners. Third, competition among EAs takes the form of strategic overlapping in CB, with collective agreements being signed outside of the jurisdiction of each EA, such as those of the metalworking industry applying collective bargaining agreements (CBAs) of the retail sector, or multi-purpose CBAs extensively used in various sectors. These critical points of the Italian industrial relations systems are significantly determined by the regulatory system governing the Italian EAs system. The following part of the paper is organised as follows. First, the methodology of analysis is described. Second, the main features of the structure and governance of EAs are described. In the third section, in connection with the taxonomy proposed, the main results of the analysis carried out are presented, highlighting the differences between the “static analysis” and the “dynamic analysis”. The fourth section discusses the implications arising from the multidisciplinary perspective for EAs’ goals, highlighting the expected regulatory changes for the Italian industrial relations system. In the last section, conclusions are presented.

## ***Methodology of analysis. Why, how, and to what extent our investigations concern the Italian EAs***

While in the industrial relations literature on EAs the focus is traditionally placed on membership strength and associational density, we focus on the core business of EAs, i.e. their role in representation and coordination activities, CB activity, information sharing to promote better coordination, and provision of training.

Other activities performed in the interest of their affiliated members often include influence on regulations and standards set by policy makers. The role of EAs can sometimes be aimed at reducing competition between affiliates by enforcing forms of collusion of employers in the product or labour markets, such as restrictions to the entry and survival of non-affiliated firms, and fewer job opportunities for workers in affiliated firms. For EAs, the integration of their membership is a complex phenomenon that relates to several dimensions of compliance, namely joining the association, paying the fees, and acting in accordance with the association's goals and decisions.

In this paper, we investigate structures, goals, and governance of a set of main Italian EAs (e.g. Coldiretti, Anitec-Assinform, Confindustria Energia, ABI, Confesercenti, Federdistribuzione, CNA, and Legacoop).

Firstly, we examined the structures of such EAs, evaluating the impact of their internal regulations on the functions they pursue.

In addition, we conducted a series of interviews with the top executives of these EAs. Such interviews provide a multidisciplinary framework of the Italian EAs that clarifies their complex structure, thus allowing for better understanding of the current situation of the Italian industrial relations system, in addition to shedding light on their involvement, if any, in the drafting of the National Recovery and Resilience Plan (NRRP).

Today, barely anyone can define the Italian EAs as mere aggregates of employers, in certain industries, aimed at creating a form of representativeness of collective interests in the wider society (mainly in relation to politics and the economic and financial world). What we propose in this essay is a multidisciplinary framework that may play an important role in updating literature concerning the economic, legal, and industrial relations approach to Italian EAs.



The multidisciplinary framework is based on the interaction between the structure of EAs (which we also define “static analysis”), and the performances of EAs (referred to also as “dynamic analysis”). In relation to the structure (static analysis), we examined bylaws and further internal regulations that the EAs adopted to define the rights and obligations of members, officers, and sectoral groups within their framework. In relation to performance, we examined a set of functions EAs generally carry out. Among those, we focused on bargaining, lobbying, assistance to members, etc. We created a scheme that analyses, under qualitative and quantitative viewpoints, such functions, rating in a range of flexibility versus rigidity the data we studied.

In particular, such multidisciplinary framework is based on a scheme, where 1 corresponds to the lower parameter, and 5 to the maximum parameter, within a range that takes into consideration several queries and/or materials concerning the static and the dynamic areas we selected for our investigations.

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation						Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system						Presence of different sources
S1-C	Direct funding system of the EAs long-term financial sustainability						Membership fees
S1-D	Indirect funding system of the EAs long-term financial sustainability						Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres <sup>1</sup> , etc.)
S1-E	Power of influence on controlled companies/institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)						Funding and appointment of management bodies

<sup>1</sup> Most of Italian EAs and worker associations operate two types of structures: *centro di assistenza fiscale* (CAF) and *patronato*. The difference lies in the type of services provided: whereas the former provides tax advice (its name literally meaning “tax advisory centre”), *patronato* deals with procedures linked to social security and allowances provided by the State, such as unemployment benefits and bonuses (in addition to providing tax advice). In the light of the above, and in the absence of equivalent terms in English, the present essay refers to CAF as “tax advisory centres” and to *patronati* as “workers and retirees service associations”.

Step 2	Interviews along with a matching analysis with Step 1 outputs	1	2	3	4	5	
S2-A	Internal relationships (national level / local level)						Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)						Do inputs concretely arise from the centre or not?
S2-C	Services to members						Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members						On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation						Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP						

This essay refers to three main elements: (i) indirect competition; (ii) uncontrolled collective bargaining; and (iii) strategic overlapping. These also represent some of the main criticalities of the Italian industrial relations system. We found that such criticalities are significantly determined by the current situation of Italian EAs. To sum up, indirect competition among EAs creates forms of uncontrolled collective bargaining, with detrimental social effects - low-quality CBAs, with consequences in terms of in-work poverty, low skilling, low productivity, and low quality in training/vocational schemes. Such indirect competition consists of strategic overlapping in CB scope (e.g. EAs of the mechanical sector try to deal with scopes/fields of CBA application in the commercial sector).

## **A snapshot on Italian EAs: structure and governance analysis**

All the interviews showed that the EAs analysed have a centralised system of governance, as specified in their statutes and internal regulations: inputs, in terms of lobbying and strategical goals, are developed at national level, and then implemented at local levels (regional or provincial) by the territorial structures of each association. All associations are mainly or essentially funded with members' financial contributions.

The centralised system of governance is the outcome of the structure of the Italian industrial relations system, where CB predominantly takes place at national level, and social dialogue essentially occurs between the Government and federations/ confederations.

Of course, a double trajectory within the centralisation process emerges: in the first cluster, we may include most of the oldest EAs, which have historically implemented a centralised system of lobbying and CB or, more recently, controlled decentralisation opening up to company-level derogations (Legacoop, CNA, ABI, Coldiretti, Confesercenti, and Federdistribuzione). In the second one, mention must be made of Anitec-Assinform, Confindustria's recently established federation whose mission is limited to lobbying activities at national and EU (European Union) level: the lack of collective negotiations is the result of several factors, including its recent establishment following the merger of Anitec and Assinform, and the fact that its affiliated companies apply different collective agreements (from the trade, energy, and steelwork sectors).

Having regard to centralised associations, only some of them have a widespread presence on the territory: these are the cases of Legacoop and Coldiretti, the former representing cooperatives, the latter agricultural companies. Both associations, born in the aftermath of the Second World War, during a period usually referred to as "First Republic" (1946-1994), were linked to mass parties with widespread presence all over Italy; in particular, Coldiretti is still inspired by the principles of social Christianity voiced by the Christian Democracy, one of Italy's most important political parties in the past, while Legacoop was linked to the Communist Party, and is currently part of the progressive wing. Even though mass parties disappeared in the mid-1990s, and

ideological boundaries are now blurred, both associations maintain a strong “political” and local commitment. Of course, the territorial roots and the social vocation of Legacoop and Coldiretti must not lead to defining them as associations that merely represent small and medium-sized enterprises (SMEs) acting in local relevant markets: they also give voice to big players, such as Mutti in the case of Coldiretti, and Unicoop Tirreno in the case Legacoop.

On the other side, other centralised associations do not feature the same territorial presence: they do not have representative offices, and delegate the representation power to local top managers of the affiliated companies (i.e. ABI and Federdistribuzione). Such a trend can be ascribed mainly to the fact that they represent only or mainly big players/multinational corporations of the sector concerned, and constantly try to define common conditions and terms of employment to ensure a level playing field. In addition, Anitec-Assinform does not act at all at local level, as it engages only – as previously stated – in lobbying activities with EU and domestic public players.

The structural commonalities entail the same trajectory in the context of services provided to members: therefore, all the associations replicating at local level their national structure (confederal/federal) provide legal, administrative, and tax advice to their members. Services may be provided directly by the association (Coldiretti, Legacoop, and Confesercenti), or indirectly, either through specific bodies appointed by the boards, or through their funding mechanisms (CNA). An intermediate case is ABI: traditional services are provided directly by ABI, while research and training are provided by its controlled company Abiservizi.

Some associations also provide additional healthcare assistance to their members (Confesercenti) or company workers (Federdistribuzione), or professional training (CNA). Exceptions are represented by Anitec-Assinform and Confindustria Energia, which do not provide services to its members (i.e. tax advice) in line with the vision of their umbrella organisation, Confindustria: such services are ensured at local level only by this EA’s peripheral bodies and/or controlled companies.

The pandemic emergency has increased the assistance provided by EAs, both in qualitative and quantitative terms: some associations have organised daily calls and mailing lists to inform their members about legal developments (Federdistribuzione and ABI), or have provided legal advice for short-time wage funds (*cassa integrazione guadagni*) to companies operating in sectors or geographical areas of the country that had never experienced economic difficulties (Confesercenti). The response has always been quick in consideration of a rapidly changing economic and institutional

context: ABI has negotiated several protocols on health and safety in the workplace based on the cautious or flexible approach adopted by the sectoral legislation, in line with the course of the pandemic.

Services may be provided directly by local structures of the associations or by external companies controlled by the same associations in terms of funding mechanisms or appointment of the managerial board and supervisory bodies. Only ABI has a centralised system of services provided by the two main offices in Rome and Milan.

If we shift from the structure to the functioning of the associations, they broadly differ in terms of ideological positions, as a result of the history of Italian capitalism, as well as of the activity sector: some of them aim to promote a fair competition model and the values of a perfectly competitive market (ABI), while others have a stronger social soul, and are actively engaged in ethical campaigns and political action to promote a social-market economy model. In this regard, Coldiretti has set up an observatory against organised crime in agriculture and in the agrifood system, which is chaired by Giancarlo Caselli, a judge who dealt with several mafia cases in the past, and is now at the helm of the Public Prosecutor's Office of Palermo after the assassination of judges Giovanni Falcone and Paolo Borsellino; in addition, it has established Fondazione Campagna Amica, a foundation aimed at promoting Italian products (fruit and vegetables), "zero food miles" distribution, and eco-friendly and responsible tourism. Going in the same direction, Legacoop is involved in the drafting of so-called "legality protocols" (*protocolli di legalità*), which contain commitments and best practices to avoid mafia-related organised crime inside the same companies; it also offers support to individuals who wish to start up cooperatives, and educational campaigns in primary and secondary schools, with a view to promoting the values of the cooperative world and mutual assistance.

Despite ideological differences, what captures the attention is the importance attached to the notion of corporate social responsibility: all the statutes are accompanied by codes of conduct detailing the ethical values pursued by the associations and the affiliated corporations. The main principles are: fair market competition; non-discrimination in employment relationships and in relationships with suppliers; promotion of environmental sustainability; and fight against corruption and organised crime. Of course, the entry into force of the code of conduct does not automatically imply that the actors of the economic system have an ethical business practice. In any case, the infringement, by the members (companies and/or federations), of the code of conduct may lead to the suspension from the association and, in the most severe cases, to the expulsion from it and to the prohibition to use the EA's logo.

Certainly, the effectiveness of the ethical dimension greatly differs from one sector to another: the clearest example is represented by Legacoop, which has an internal department certifying the budget of its members for legal purposes.

All the interviewees highlighted that the lack of legislation implementing Article 39 of the Italian Constitution, which sets out a mechanism to provide *erga omnes* effectiveness to CBAs, engenders risks of unfair competition among companies operating within the same economic sector: companies often choose EAs that have signed CBAs with less favourable conditions than those subscribed by the oldest and most representative EAs. Competition also takes place even among the most representative EAs: this is the case, e.g., with Federdistribuzione, Confcommercio, and Confesercenti, all representing companies operating in retail and commerce. All the managers interviewed highlighted the need for an intervention by public authorities to strengthen and clarify the legal framework. The exception proving the rule is represented by the credit sector: ABI represents over 80% of the banks operating in Italy, and has signed a national agreement with the most representative trade unions – the Italian General Confederation of Labour (*Confederazione generale italiana del lavoro*, CGIL), the Italian Confederation of Workers' Unions (*Confederazione italiana sindacati lavoratori*, CISL), and the Italian Labour Union (*Unione italiana del lavoro*, UIL); this is also due to the specific nature of the banking sector, where most workers (around 75%) are affiliated to trade unions, and the need for highly qualified workforce is also pursued with strong benefits.

All the EAs analysed recognise the importance of developing economic and political relations at EU level. In any case, there is no uniformity of action: while most of them have a representation office in Brussels (except for Confindustria Energia), only some of them are affiliated to EU-level sector associations, or engage in lobbying activities. The sectors with EAs' strongest EU and international action are banking and agriculture, mainly due to the transnational dimension of banking services and to the fact that, starting in the 1950s, EU treaties have institutionalised a common set of rules applicable to all EU Member States in the agricultural field (the so-called "common agricultural policy").

The only EA not currently acting at EU level is Confindustria Energia: the reasons probably lie in the fact that the energy sector – both distribution and production – is still in the hand of Italian companies, without the intervention of foreign competitors.

If we remain in the EU policy field, all the EAs analysed have been consulted by the Government in relation to the drafting of the NRRP<sup>2</sup>, funded through EU contributions: several priorities have been voiced to the current Cabinet (led by Mario Draghi) and to the former one (led by Giuseppe Conte) considering the features of the specific sector concerned and of related needs. CNA has urged an administrative simplification process, deeming it to be more urgent than cuts to labour costs. Anitec-Assinform has expressed the necessity to digitise administrative activities (in particular, the empowerment of e-health and, more in general, of cloud services) and to support Industry 4.0 processes. From its side, Legacoop has highlighted the importance of the third sector, as well as the need to create private-public partnerships for care services. In any case, all the EAs have not explicitly clarified whether their proposals have been specifically accepted by the Government, or formalised in the text of the NRRP.

In addition, in a constantly evolving context, the interviews highlighted a common concern for the risk of a fragmented implementation of the NRRP, due to the fact that most of the matters covered by the Italian “New Deal” (i.e. health, research, and training) fall under the joint responsibility of central and regional authorities: when it was drafted (beginning of November 2021), some of the Regions had not yet set the deadline for the implementation of the NRRP.

Last but not least, some of the EAs are currently implementing research and co-partnership activities on matters covered by the NRRP, independently from the concrete proposals formulated to the Government: in this regard, Confindustria Energia has recently signed, with trade unions and some NGOs, a protocol for the energy transition of Italy based on the concepts of sustainability and cooperation between social partners; from its part, Federdistribuzione, leading EA in the retail sector, has commissioned a study to develop strategies to reduce the environmental impact of shopping malls (through decarbonisation and installation of electric vehicle charging stations in parking areas).

In relation to the following diagrams, we refer to Confindustria Energia as “CEN”, Anitec-Assinform as “AA”, Coldiretti as “COL”, CNA as “CNA”, ABI as “ABI”, Confesercenti as “CONF”, and Federdistribuzione as “FD”.

In addition, we start from the following scheme to consider the items we studied (S1-A,

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<sup>2</sup> The full text of the NRRP is available at: <https://www.governo.it/sites/governo.it/files/PNRR.pdf>.

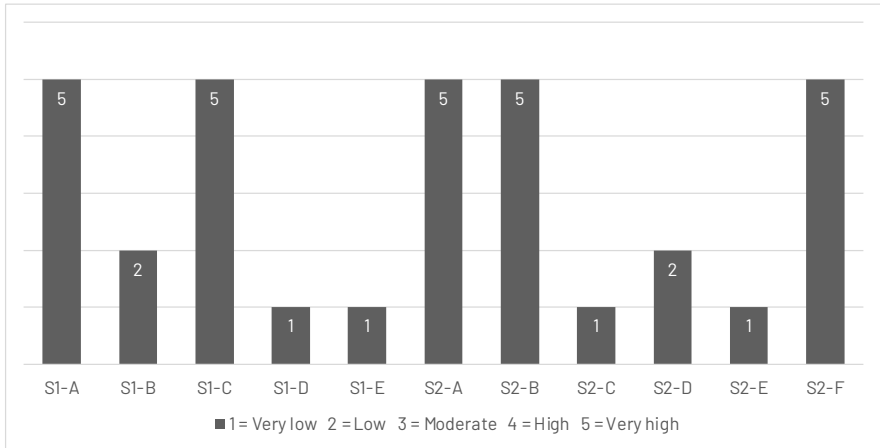
S1-B, S2-1, etc.), as well as the values/parameters that allow us to measure the impact of the selected items.

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation						Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system						Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability						Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability						Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)						Funding and appointment of management bodies
Step 2	Interviews along with a matching analysis with Step 1 outputs	1	2	3	4	5	
S2-A	Internal relationships (national level / local level)						Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)						Do inputs concretely arise from the centre or not?
S2-C	Services to members						Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members						On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation						Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP						

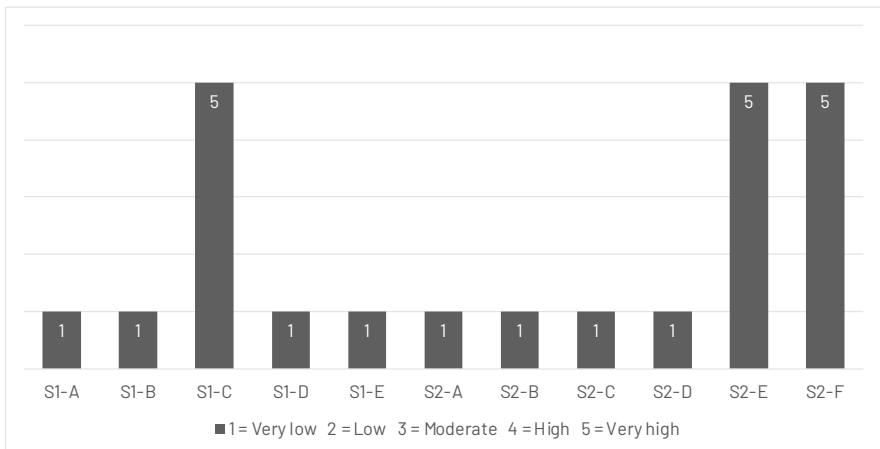


Below is the analysis of the S1 and S2 items concerning each EA.

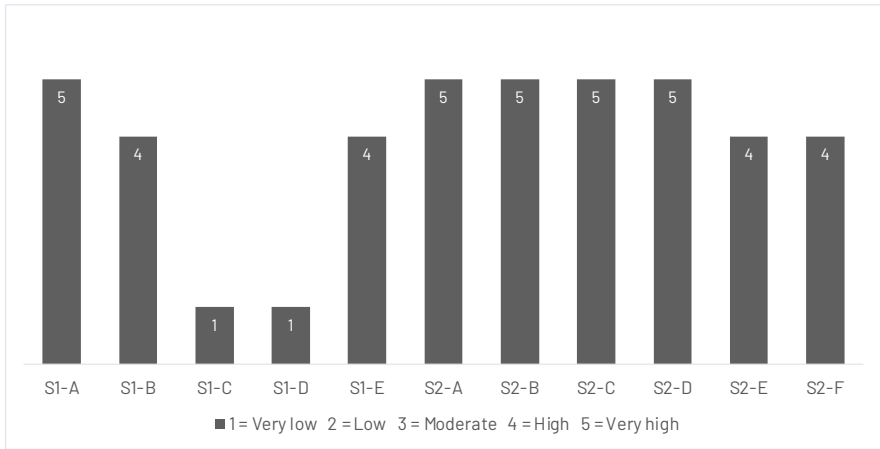
### 1. Confindustria Energia



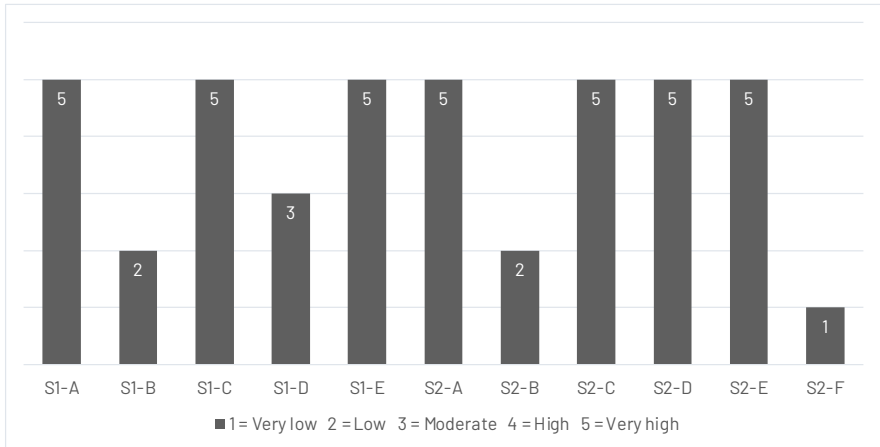
### 2. Anitec-Assinform



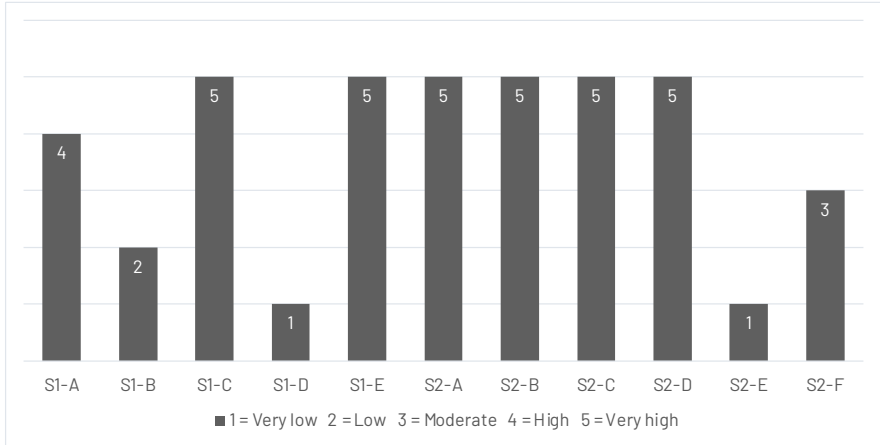
### 3. Coldiretti



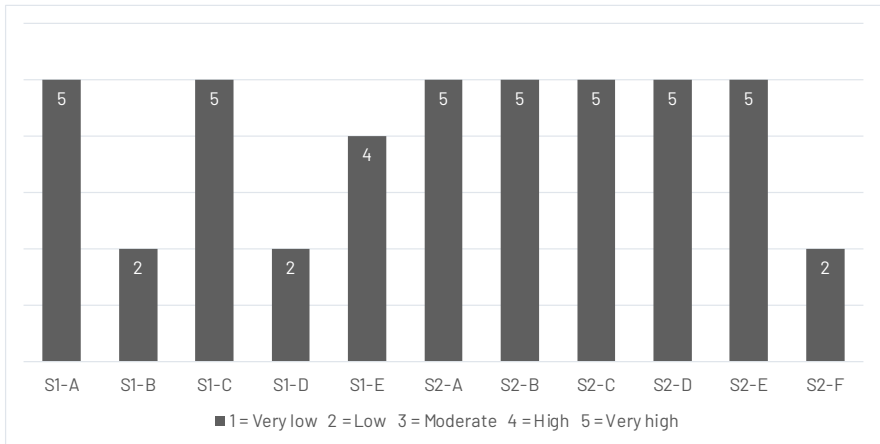
### 4. CNA



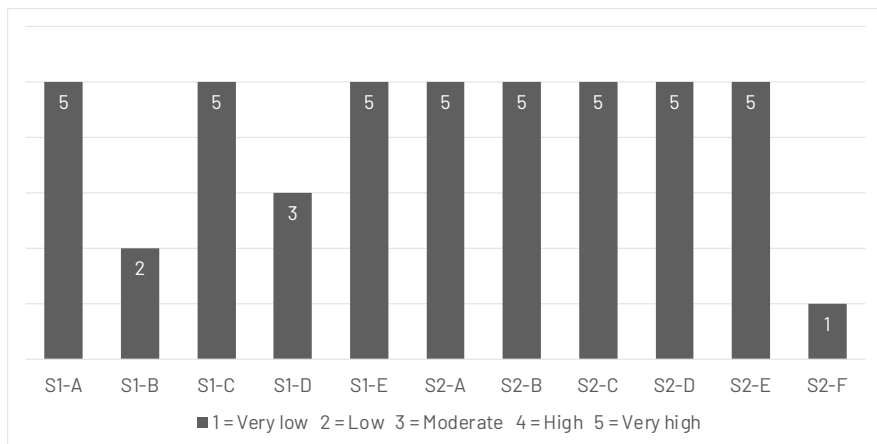
### 5. ABI



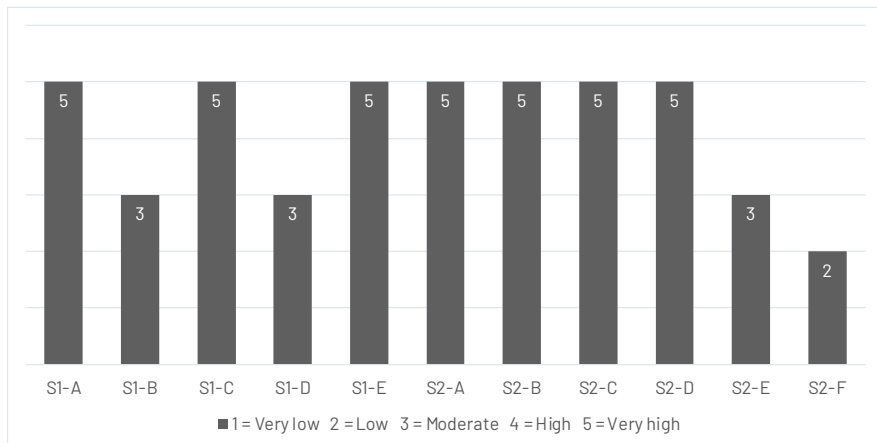
### 6. Confesercenti



## 7. Federdistribuzione

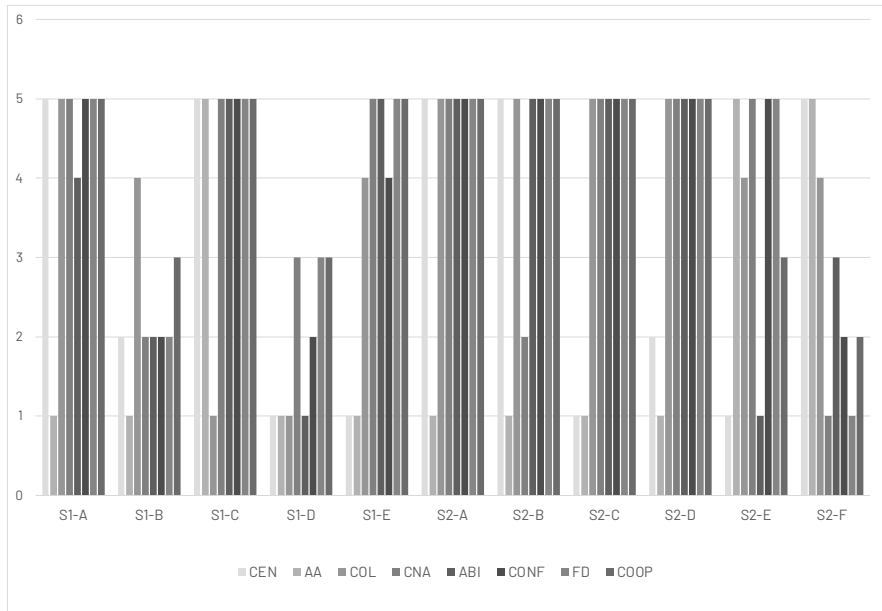


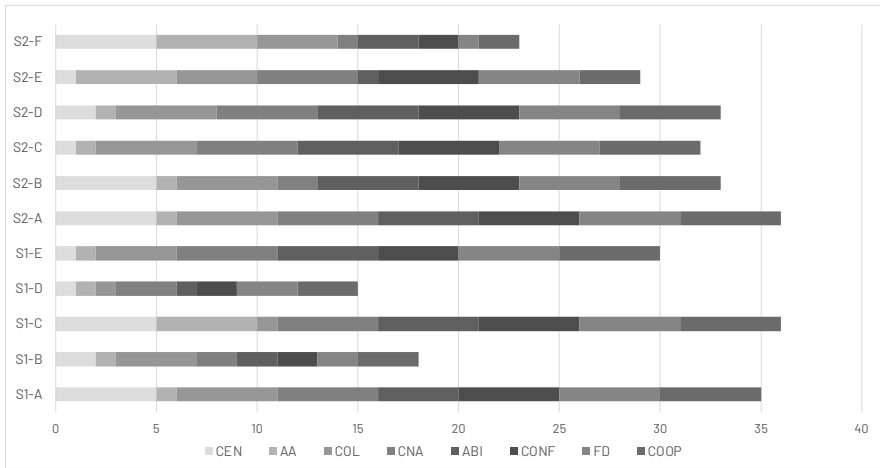
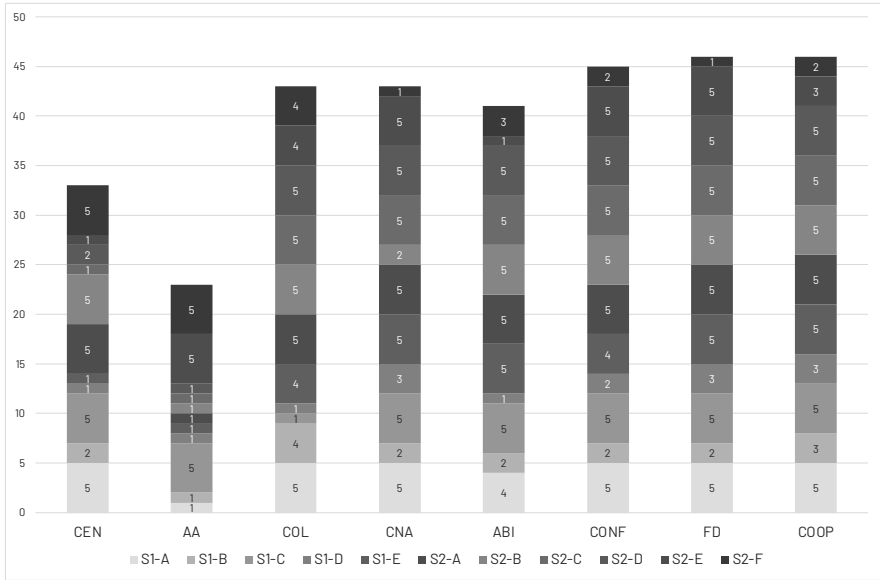
## 8. Legacoop



We also attempted to have a general snapshot of the multifactorial frame concerning the S1 and S2 items:

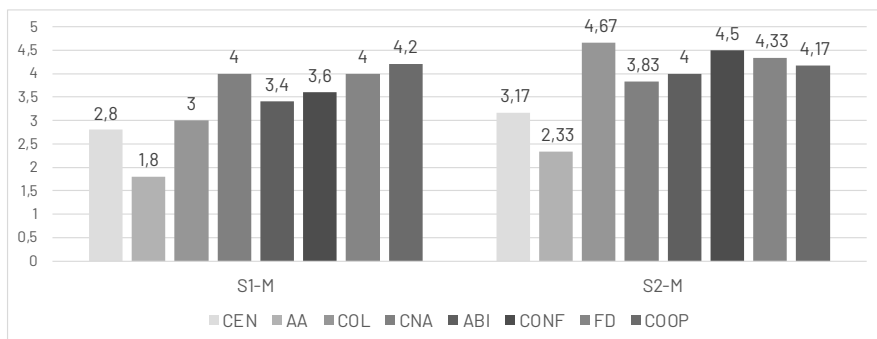
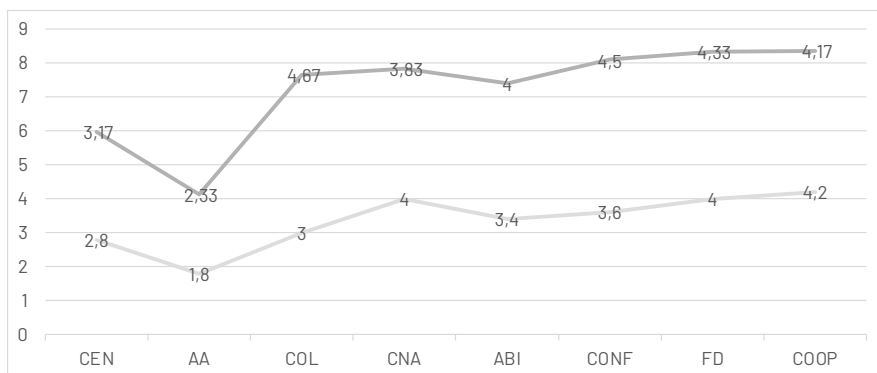
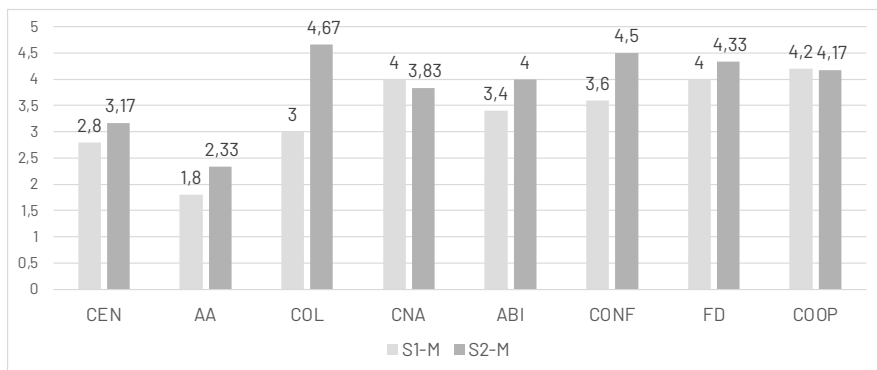
STEP	CEN	AA	COL	CNA	ABI	CONF	FD	COOP
<b>S1-A</b>	5	1	5	5	4	5	5	5
<b>S1-B</b>	2	1	4	2	2	2	2	3
<b>S1-C</b>	5	5	1	5	5	5	5	5
<b>S1-D</b>	1	1	1	3	1	2	3	3
<b>S1-E</b>	1	1	4	5	5	4	5	5
<b>S2-A</b>	5	1	5	5	5	5	5	5
<b>S2-B</b>	5	1	5	2	5	5	5	5
<b>S2-C</b>	1	1	5	5	5	5	5	5
<b>S2-D</b>	2	1	5	5	5	5	5	5
<b>S2-E</b>	1	5	4	5	1	5	5	3
<b>S2-F</b>	5	5	4	1	3	2	1	2





Furthermore, we investigated the means of the S1 and S2 elements:

STEP	CEN	AA	COL	CNA	ABI	CONF	FD	COOP
S1-M	2.8	1.8	3	4	3.4	3.6	4	4.2
S2-M	3.17	2.33	4.67	3.83	4	4.5	4.33	4.17



## **Focus. Research on the selected EAs**

The preliminary outcomes that we sketched out in the previous section arise from an analysis of the static and dynamic aspects of the EAs selected.

Also in connection with the taxonomy that we developed (implicit competition, uncontrolled CB, and strategic overlapping), we provided an overview of the main results of the research we carried out, highlighting the differences between what we defined “static analysis” and “dynamic analysis” of the Italian EAs we studied.

### **1. Confindustria Energia**

#### *a) Static analysis<sup>3</sup>*

##### Aims

Confindustria Energia is one of Confindustria’s federations that represent companies operating in the energy sector. Based in Rome, it has a two-fold aim: (i) political representation of energy corporations, and (ii) promotion of a cooperative model of industrial relations with trade unions.

The federation applies and follows the principles contained in the code of conduct of Confindustria.

##### Structure

The members of Confindustria Energia are eight sectoral associations (gas, oil, electricity, and renewable energy) representing collective interests compliant with the aims and principles of Confindustria Energia itself.

The procedure to become a member of Confindustria Energia is based on the principle of “democratic centralism”: membership applications must be unanimously approved by the General Council.

Members must respect the statute and the code of conduct, and are subject to sanctions (suspension and/or expulsion) depending on the seriousness of the infringement (i.e. failure to pay membership fees).

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<sup>3</sup> The static analysis is based on the version of the statute in force, available at: <https://www.confindustriaenergia.org/wp-content/uploads/2018/12/Statuto-Confindustria-Energia-indice.pdf>.



Having regard to the governance structure, it consists of the General Council, the President, the Vice-Presidents, and the presidents of the associations affiliated to Confindustria Energia.

The General Council is the executive body, whose composition is structured so as to ensure an equitable representation of all the energy sectors: each association cannot have more than one fourth of the seats within this body.

The main functions of the General Council are: appointment of the President, the Vice-Presidents, and members of the Council of Auditors and of the Council of Arbitrators; definition of the strategic goals of the federation; budget approval; setting of membership fees; approval of membership applications; and adoption of sanctions against members following the opinion of the Council of Arbitrators.

In addition, mention must be made of the Executive Committee, composed of the President, the Vice-Presidents, and the presidents of the associations belonging to the federation. This body represents a link between the associations and the General Council: it proposes the name of the President to the General Council, develops the federation's strategy based on the directives of the General Council, and may exercise the powers of the General Council in case of urgency.

The President is appointed by the General Council on a proposal from the Executive Committee. Even for this organ, the "democratic centralism" principle is fully applied: at least four fifths of the votes of the members of the General Council are needed in order for the President to be elected. He/she legally represents the federation, and implements the decisions adopted by the General Council.

Additionally, Confindustria Energia features a Chief Executive Officer (CEO) and a Committee of CEOs of the associations belonging to the federation: they play a coordination role, in addition to being entitled to table proposals on the activities of the federation.

### Funding mechanisms

Assets consist of personal/real properties. The federation cannot distribute profits or cash in hand. Most of funding comes from membership fees.

Membership fees are paid to Confindustria Energia by its member associations, which collect individual membership fees.

### Other: services provided

No tax, social security, or administrative advice is provided, in line with the vision of Confindustria, the umbrella organisation.

## b) *Dynamic analysis*<sup>4</sup>

### Aims and structure

Confindustria Energia aims to represent all companies operating in the energy sector (oil, gas, electricity, and renewable energy), and is divided into branches based on the type of energy produced. In any case, all affiliated companies (members of the associations party to Confindustria Energia) shall comply with the vision that Italian capitalism should be based on the concept of sustainability.

The federation boasts a two-fold scope of action: (i) lobbying on the political world, and (ii) CB (i.e. the periodical renewal of the CBA of the energy sector) through the development of cooperative industrial relations. In this regard, a proposal has been tabled recently by Confindustria Energia, trade unions, and consumers' associations on energy transition, which is structured in 10 points<sup>5</sup>.

The internal structure of the federation is very light: it consists of the Presidency, the CEO, and three departments (dealing with, respectively, external relations, administration and audit, and industrial relations). Most of employees are temporarily posted by the affiliated companies.

The Board operates according to the "divide et impera" mechanism: pursuant to the statute, the three Vice-Presidents chair the associations of the gas, energy, and oil sectors.

### Funding mechanisms

The main source of funding is represented by membership fees (member associations collect and transfer financial contributions to it), with the amount being calculated based on the number of employees and on the revenues of each company. A minor part of the budget comes from fees paid for the organisation of events.

### Involvement in the drafting of the NRRP

During the interview, no mention was made of a role played in the drafting of the NRRP; in any case, the federation is currently carrying out joint discussions with different associations on the future of the Italian economy (e.g. Utilitalia and Aci Fondazione).

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<sup>4</sup> *The dynamic analysis is based on an online interview with Domenico Noviello, CEO of Confindustria Energia.*

<sup>5</sup> *The text of the proposal is available at: <https://www.confindustriaenergia.org/1-4/>.*

## EU and national-level activity

Confindustria Energia is currently planning to open an office in Brussels. Its role is much more powerful at national level, especially in relation to bargaining with trade unions. The main issue it is currently dealing with is the renewal of the national CBA, due to the structural crisis of the oil sector since 2005: the federation suggests compensating very low wage increases with more company welfare benefits.

Confindustria Energia does not provide tax advice or consultancy on social security to members, in compliance with the general approach of Confindustria, the umbrella organisation.

In terms of ethic dimension, Confindustria Energia applies the code of conduct of Confindustria.

### c) Table

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/ vertical level) and centralisation					X	Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system		X				Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability					X	Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability	X					Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/ institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)	X					Funding and appointment of management bodies

Step 2	Interviews along with a matching analysis with Step 1 outputs	1	2	3	4	5	
S2-A	Internal relationships (national level / local level)					X	Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)					X	Do inputs concretely arise from the centre or not?
S2-C	Services to members	X					Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members		X				On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation	X					Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP					X	

## 2. Anitec-Assinform

### a) Static analysis<sup>6</sup>

#### Aims

Anitec-Assinform is part of Confindustria, the most representative Italian EA, and represents all the companies operating in the ICT and digital sectors: its main goal is to promote the digital economy. It is articulated in activity areas reflecting the economic sectors where the members operate (ICT and consumer electronics): market consumers, digital society, digital infrastructure, innovation and internationalisation, internet of things and Industry 4.0, supply chain innovative technologies, digital transformations in health, e-commerce, legal affairs and lobby, and study and research.

<sup>6</sup> The static analysis is based on the updated version of the statute and on the implementing regulation of the statute of 18 June 2019, available at <https://www.anitec-assinform.it/asso/statuto.kl>.

## Structure

Anitec-Assinform is a federation structured only at national level. Its main organs are: the Assembly, the Executive Council, the Presidency, the President and the Vice-Presidents, the Council of Auditors, and the Council of Arbitrators.

The Assembly, which is composed of the representatives of all the companies affiliated to Anitec-Assinform, approves the budget and amendments to the statute, as well as appoints the President and the Vice-Presidents. Its main function is to set the strategical goals of the federation.

The Executive Council is composed of the President, the Vice-Presidents, the Presidents of the internal areas of activity of the federation, and the 36 members appointed by the Assembly in consideration of the different amounts of financial contributions paid to the federation. The main functions of the Executive Council are: to propose the name of the President to the Assembly, to submit a budget proposal to the latter, to decide on membership applications, and to set membership fees.

The Presidency, which is an executive organ, mainly sets the short-term line of action, and decides on the medium-to-long-term strategy. It also manages the financial resources of the federation, and appoints the CEO. The President is elected by the Assembly on a proposal from the Executive Council for a four-year term, and cannot be re-elected: he/she institutionally represents the federation, and supervises the implementation of the decisions of the Executive Council. The role of President can be defined as that of a "primus inter pares": he/she supervises and coordinates the activities of the Vice-Presidents, of the Presidency, and of the members of the Executive Council.

The CEO manages the internal structure and the staff of the federation, with a specific focus on administrative and financial issues.

## Funding mechanisms

Assets consist of personal/real properties. The federation cannot distribute profits or cash in hand.

Membership fees are paid to Anitec-Assinform by each member company.

*b) Dynamic analysis<sup>7</sup>*

## Aims and structure

Anitec-Assinform promotes the digitisation of the Italian economy through lobbying

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<sup>7</sup> The dynamic analysis is based on an online interview with Eleonora Faina, CEO of Anitec-Assinform.

activities. It represents both national and foreign companies of the ICT sector (software, consumer electronics, and ICT services) operating in Italy (e.g. Oracle, Google, Italtel, Accenture, etc.).

The federation boasts a very light structure (with only twelve employees in addition to the CEO) essentially operating at national and EU level.

The federation is very well represented inside Confindustria inasmuch as the latter's current Vice-President responsible for digital issues comes from this federation. At EU level, it is member of Digital Europe, a leading trade association representing digitally transforming industries in Europe<sup>8</sup>.

### Funding mechanisms

Funding is based only on employers' financial contributions. No services are provided to members (e.g. legal and tax advice, anti-racket protection, etc.), which are normally provided at local level by Confindustria's peripheral bodies and/or controlled companies.

### Involvement in the drafting of the NRRP

As to the NRRP, the federation has taken part in preliminary discussions (i.e. hearings before the relevant parliamentary committees): dialogue with the Government was stronger during the Conte Cabinet, while it has been reduced with the current Draghi Cabinet (which adopts a more "dirigiste" approach).

### EU and national-level activity

The federation intends to lobby for the adoption of a domestic legal framework aimed at further implementing the digitisation of the Italian economy (i.e. e-health, Industry 4.0, and the creation of a national cloud system, all crucial areas of action of the federation).

The lobbying approach explains why Anitec-Assinform does not carry out industrial relations activities such as CB: in practice, affiliated companies apply different collective agreements, such as those of the telecommunications, trade, and steel sectors.

At the time of the interview, Anitec-Assinform had not yet taken part in roundtables with Regions for the local implementation of the NRRP because it was still unclear how EU funds would be reallocated to local bodies.

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<sup>8</sup> Further information is available at: <https://www.digitaleurope.org/about-us/>.

c) Table

		Parameters/Values					Materials/Queries
		1	2	3	4	5	
<b>Step 1</b>	<b>Due diligence / Documents and internal regulations</b>						
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation	X					Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system	X					Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability					X	Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability	X					Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)	X					Funding and appointment of management bodies
<b>Step 2</b>	<b>Interviews along with a matching analysis with Step 1 outputs</b>	1	2	3	4	5	
S2-A	Internal relationships (national level / local level)	X					Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)	X					Do inputs concretely arise from the centre or not?
S2-C	Services to members	X					Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members	X					On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EA's representation					X	Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP					X	

### 3. Coldiretti

#### a) *Static analysis*<sup>9</sup>

##### Aims

Founded in 1944 by Paolo Bonomi, Coldiretti is an EA representing companies operating in the agricultural, fishing, and food farming sectors. In terms of ideology, according to the statute, its vision is based on social Christianity<sup>10</sup> (which, pursuant to Articles 1 and 2, translates into the primacy of the human being and of the family, as well as of social solidarity), economic democracy (Article 2.11), and environmental sustainability (i.e. rational use of water). In the global context, it aims to defend and promote Italian agriculture (Article 2.4).

More in general, Coldiretti aims to represent its members at international, EU, domestic, and local level.

Moreover, mention should be made of its active engagement in promoting gender equality (Article 32).

##### Structure

Coldiretti is structured as a confederation encompassing different federations. Its main activities include: provision of political, economic, technical, and industrial relations information to its members; participation in EU and international-level bodies of the agricultural world; and provision of administrative, legal (labour law, social security, etc.), and financial advice to members through a widespread network all over the Italian territory – in this regard, it may resort to controlled companies or bodies (Article 3).

Coldiretti's member federations have a regional and provincial scope of action.

Membership applications by companies complying with the ethical values of the confederation are approved by the National Council. Pending the decision, companies may become members of another association with which Coldiretti has a cooperation pattern in place.

The internal structure of Coldiretti also includes two departments, which are aimed at promoting young entrepreneurs and female entrepreneurship.

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<sup>9</sup> *The static analysis is based on the 2013 updated version of the statute, available at: [https://www.coldiretti.it/wp-content/uploads/2017/09/StatutoConfederazioneApprovato\\_20\\_12\\_2013.pdf](https://www.coldiretti.it/wp-content/uploads/2017/09/StatutoConfederazioneApprovato_20_12_2013.pdf).*

<sup>10</sup> *For several terms of office, Paolo Bonomi was member of the Italian House of Representatives for the Christian Democracy political party.*



Having regard to the confederal organs, they include: the Assembly, the National Council, the President, the Executive Board, the Secretary General, the Council of Auditors, and the Council of Arbitrators (Article 13).

The Assembly mainly sets industrial relations policies of the confederation, may amend the statute, approves the budget, and appoints the President and the Executive Board.

The National Council is composed of the President, the members of the Executive Board, the presidents of the regional federations, and representatives from the two abovementioned departments. Its main functions are: to implement the Assembly's decisions; to define strategic initiatives and programmes; and to define strategies of sectoral political economy. Moreover, it sets the amount of the fee to be paid to Coldiretti by the single federations, proposes amendments to the statute for the Assembly's approval, approves the rules of conduct and incompatibility rules in relation to managerial responsibilities in Coldiretti and to roles in political institutions, and proposes the budget drafted by the Executive Board for the Assembly's approval. The Executive Board, composed of the President and eight members (including the Vice-Presidents), is the executive organ of the confederation. Among its tasks, it implements the decisions of the National Council, appoints the Secretary General, and proposes the appointment or transfer of directors for regional and local federations' approval, and supervises compliance, by the federations, with legislation, administrative regulations, and Coldiretti's internal rules. Additionally, it appoints its representatives in political, technical, and administrative bodies, as well as sets forth financial and administrative rules to be followed by federations, and related forms of control, and proposes the exclusion of members/bodies for the National Council's approval.

The President, a strategic organ essentially coordinating the activities of the confederation, is the legal representative, and is appointed by the Assembly for a five-year term, without the possibility of being re-elected for another term.

The Secretary General is appointed by the Executive Board on a proposal from the President, and provides support and technical assistance to all the organs of the confederation when it comes to implementing policies and strategies. Moreover, he/she coordinates and manages the different areas, and supervises the territorial structures for the implementation of national policies.

### Funding mechanisms

Assets consist of personal/real properties. The confederation cannot distribute profits or cash in hand.

Membership fees are paid to Coldiretti by each federation.

## b) *Dynamic analysis*<sup>11</sup>

### Aims and structure

Coldiretti is present all over the national territory through a widespread network of offices. Over the period known as “First Republic”, it acted like a typical 20<sup>th</sup>-century political party. It still proves to be very active not only in terms of lobbying at national and EU level, but also in terms of presence in the “physical space” of politics. At the same time, it boasts a very modern organisational structure: it carries out membership campaigns on the radio, TV, and social networks. It has also experienced an evolution in terms of area of representation: it now gathers not only small companies but also large ones, a trend that has brought to a very complex system of representation of interests.

In the framework of Coldiretti, an important part of the activities is represented by the services provided to the members (tax and legal advice, etc.).

The confederation features a highly centralised structure, with the Secretary General playing a crucial role.

### Funding mechanisms

Funding is based on a multi-faceted and complex system – membership fees are marginal, whereas most of funding comes from services provided to members, as well as from financial investments).

### Involvement in the drafting of the NRRP

As concerns the NRRP, Coldiretti played a marginal role: no concrete proposals to the current Government were mentioned, but only meetings with the former and the current Presidents of the Council of Ministers.

### EU and national-level activity

Coldiretti boasts a very strong presence within the EU scenario: it is member of Farm Europe<sup>12</sup> (a think tank that aims to stimulate research and debate on rural economies) and Copa-Cogeca<sup>13</sup> (an EU-level organisation encompassing all domestic EAs of the agriculture sector).

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<sup>11</sup> *The dynamic analysis is based on an online interview with Carmelo Troccoli, Director of Fondazione Campagna Amica, and member of Coldiretti.*

<sup>12</sup> Further information is available at: <https://www.farm-europe.eu/>.

<sup>13</sup> Further information is available at: <https://copa-cogeca.eu/>.

The confederation features a very strong social soul translating into the promotion of a model of sustainable and quality agriculture centred on national products. Ad hoc initiatives (e.g. the establishment of *Fondazione Campagna Amica*<sup>14</sup>) are developed to this aim. Moreover, it boasts strong engagement against the penetration of organised crime in the agricultural field by implementing several initiatives (e.g. the *Observatory on Mafia-Related Phenomena in Agriculture*<sup>15</sup>, chaired by Giancarlo Caselli, a renowned judge who has dealt with several mafia cases throughout his career). Furthermore, it resorts to external audit bodies recognised by Italian public authorities to carry out checks on the internal auditing procedures implemented by *Coldiretti* on its members. As to industrial relations, during the interview, the *Coldiretti* representative highlighted the concrete risk of unfair competition engendered by different industrial relations systems (in Italy, there is no legislation in place on CB in the private sector; therefore, mutual recognition among the social partners gives rise to a contractual system).

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14 Further information is available at: <https://www.campagnamica.it/>.

15 Further information is available at: [https://www.osservatorioagromafie.it/?\\_waf=1](https://www.osservatorioagromafie.it/?_waf=1).

c) Table

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation					X	Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system				X		Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability	X					Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability	X					Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)				X		Funding and appointment of management bodies
Step 2	Interviews along with a matching analysis with Step 1 outputs	1	2	3	4	5	
S2-A	Internal relationships (national level / local level)					X	Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)					X	Do inputs concretely arise from the centre or not?
S2-C	Services to members					X	Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members					X	On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation	X					Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP	X					

## 4. CNA

### a) Static analysis<sup>16</sup>

#### Aims

Founded in 1946, CNA is an EA representing artisans and SMEs in the crafts, industry, trade, and tourism sectors, and more in general the vast reality of small companies, artisans, and independent workers (Article 2 of the statute). It also aims to represent its members at international, EU, domestic, and local level.

#### Structure

CNA is structured as a confederation encompassing different federations. Its activities include: provision of political, economic, technical, and industrial relations information to its members; participation in EU and international-level bodies of the industrial world; and administrative, legal (labour law, social security, etc.), and financial advice to its members through a widespread network all over the Italian territory. In this regard, it may resort to controlled companies or bodies (Article 2) – e.g. EPASA-ITACO, officially recognised by the Ministry of Labour and Social Policies. The federations affiliated to CNA have a regional and provincial range of action. They are: CNA Agroalimentare (food farming), CNA Artistico e tradizionale (arts and traditional craftsmanship), CNA Benessere e sanità (welfare and healthcare), CNA Comunicazione e terziario avanzato (communication and advanced tertiary sector), CNA Costruzioni (building), CNA Moda (fashion), CNA Trasporti – FITA (transports), CNA Installazione e Impianti (equipment and installation), CNA Produzione (production), CNA Servizi alla comunità (services to the community), and CNA Pensionati (representing and providing services to retirees whose company was beforehand part of the CNA system).

In addition to the structure based on the federation-confederation dualism, CNA gathers four groups of interest carrying out lobbying activities: CNA Giovani imprenditori (young entrepreneurs), CNA Impresa donna (women entrepreneurs), CNA Industria (industry), CNA Turismo e commercio (tourism and trade), and CNA Cinema e audiovisivo (film and audiovisuals).

Having regard to the confederal organs, mention must be made of the Assembly,

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<sup>16</sup> The static analysis is based on the current version of the statute, available at: <https://www.cna.it/chi-siamo/statuto-e-regolamenti/>.

the Steering Council, the Presidency, the President, the Council of Auditors, and the Council of Arbitrators (Article 13).

The Assembly mainly sets the political strategy of the confederation, approves/modifies the statute, approves the budget, and appoints the President (and the Vice-Presidents), the Executive Committee, the Council of Auditors, and the Council of Arbitrators.

The Executive Committee is composed of the representatives appointed by the Assembly and of the national presidents of the unions (including retirees' associations and the presidents of groups of interest). Its main functions are: appointment of the Secretary General; development of the political strategy set by the Assembly and of services to achieve statutory goals; external administration and exclusion of regional and local units in case of breach of the code of conduct or of the statute; submission of the budget proposal to the Assembly; approval of the statute of the bodies controlled by CNA; and provision of services to members (through EPASA-ITACO and ECIPA).

The Presidency is composed of the President and the Vice-Presidents, and is the representative body of the confederation at political and institutional level. Its main functions include: adoption of the multiyear strategic plan of CNA, and supervision on the activities and results of companies and bodies supported by CNA and of its investee companies.

The President, who is the legal representative of the confederation, is appointed by the Assembly for a four-year term up to a maximum of two consecutive terms of office. It is CNA's strategic body that essentially coordinates the confederation's activities.

The Secretary General, who is appointed by the Executive Committee on a proposal by the President, is in charge of supervising the administrative and financial management of CNA, as well as of submitting the budget and the final balance to the Presidency.

### Funding mechanisms

Assets consist of personal/real properties. The confederation cannot distribute profits or cash in hand.

Membership fees are paid to CNA by each federation.

### Other: subsidiaries

EPASA-ITACO provides administrative and legal advice in the fields of healthcare and social security. The Executive Committee of CNA approves the statute of this body, appoints its Board of Directors, and the Council of Auditors, and elects its President, Vice-presidents, and CEO.

ECIPA provides professional training to CNA members. As is the case with EPASA-

ITACO, the Executive Committee of CNA approves the statute, appoints the Board of Directors, and the Council of Auditors, and elects the President, the Vice-Presidents, and the CEO. ECIPA boasts financial autonomy: it is funded through CNA contributions and revenues from its activities.

#### *b) Dynamic analysis<sup>17</sup>*

##### Aims and structure

CNA boasts a widespread consolidated network all over the national territory, thanks to which it provides services (training, tax advice, and legal and administrative assistance) to members through controlled companies.

CNA features a highly centralised structure, with a crucial role of the national level of the organisation in terms of policy making, lobbying, and control over local bodies. The national-level structure is replicated at regional and provincial level according to a pyramidal pattern. Services in favour of members are provided at local level.

The national-level structure plays a pivotal role in terms of representation of the world of artisans and SMEs.

##### Funding mechanisms

Funding mainly comes from employers' financial contributions (around 75%), followed by contributions from bilateral funds (15-20%), with the remaining 5% stemming from the confederation's participation in different projects. Tax advisory services are provided by companies linked to CNA.

##### Involvement in the drafting of the NRRP

As far as the NRRP is concerned, CNA's role can be considered marginal: no mention was made of concrete proposals submitted to the current Cabinet, but only general statements referring to the need to simplify bureaucracy (deemed to have a more negative impact than labour costs), as well as a quick mention of the idea of creating a task force aimed at managing projects funded in the framework of the NRRP.

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<sup>17</sup> The dynamic analysis is based on an online interview with Maurizio De Carli, Director of the CNA Industrial Relations Department.

## EU and national-level activity

CNA's presence in the EU scenario is quite limited: the interviewee only mentioned the office in Brussels, which informs CNA about relevant activities carried out by EU institutions.

The organisation boasts a pronounced social soul: it has a code of conduct and a charter of values, and carries out a careful monitoring activity at local level when it comes to consenting to the use of the logo.

Membership campaigns and promotional activities are carried out through seminars. Moreover, a specific marketing department charged with communication activities is in place at national level.

As concerns the industrial relations system, the CNA representative interviewed highlighted the concrete risk of unfair competition engendered by different industrial relations systems, as it may happen that CBAs are signed by organisations that are not representative in comparative terms. During the interview, it was also pointed out that CNA, too, has sometimes carried out dumping actions to attract members, proposing more favourable contractual arrangements.

With specific regard to the pandemic, a task force has been established to deal with urgent needs of companies in relation to the health emergency at national and local level. Moreover, national agreements implementing health and safety protection in the workplace have been promoted.



c) Table

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation					X	Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system	X					Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability					X	Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability			X			Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/ institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)					X	Funding and appointment of management bodies
<b>Step 2</b>	<b>Interviews along with a matching analysis with Step 1 outputs</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
S2-A	Internal relationships (national level / local level)					X	Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)		X				Do inputs concretely arise from the centre or not?
S2-C	Services to members					X	Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members					X	On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EA's representation					X	Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP	X					

## 5. ABI

### a) *Static analysis*<sup>18</sup>

#### Aims

ABI is an association of banks carrying out its activities in compliance with the statute, the Constitution, and the Civil Code. It promotes the culture of rule of law, as well as a bank management practice inspired by a prudential approach, and aims to implement a fair competition model in the credit sector. It boasts a threefold range of action: (i) institutional, political, and economic representation of collective interests of banks; (ii) CB at national and company level; and (iii) training and research on economic, financial, and legal topics, also providing services to members.

All banks operating in Italy, EU banks not operating within the national territory, and companies working in the financial sector may join ABI. The Executive Committee decides on membership applications with a majority of two thirds.

#### Structure

The organs of the association are: the Assembly, the Council, the Executive Committee, the President, the Presidency, the Council of Arbitrators, and the CEO.

The Assembly, composed of all ABI members, appoints the Council and the Council of Arbitrators, and approves the budget.

The Council, which is the executive organ of ABI, is composed of 90 members appointed for a two-year term by the Assembly, selected from among the members of the Executive Committee, the CEOs of ABI members, and the members of the Executive Committee. The Council appoints the President, the Vice-Presidents, and the CEO, sets the number of members of regional committees, as well as the amount of membership fees, and approves the budget.

The Executive Committee, which is appointed every two years by the Council, proposes the candidate to be elected as President of the association, appoints every two years the CEO and the members of the Committee for Labour and Employment Affairs, as well as the members of the restricted/technical committees dealing with specific topics, and decides on the membership applications by profit-making companies (which represent a minoritarian part of its members).

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<sup>18</sup> The static analysis is based on the updated version of the statute, the code of conduct, and the charter of values, which are available at: <https://www.abi.it/Pagine/ABI/Missione.aspx>.

The President is elected for a two-year term of office, and can be re-elected only once: he/she legally represents the association, and supervises the activities based on the orientations provided by the Executive Committee. He/she is assisted by the Vice-Presidents.

The CEO actually manages the association, especially having regard to the staff. As far as the local level is concerned, ABI does not feature an internal local structure, but only regional committees composed of top managers of member banks and companies at local level: they do not have any bargaining power, but only engage it institutional dialogue with local public bodies.

### Funding mechanisms

Funding mainly comes from membership fees.

### Other: code of conduct

ABI boasts a strong social soul: the code of conduct states that the association promotes a sustainable development model, acknowledges the importance of environmental sustainability, contributes to fair and sustainable employment relationships, promotes a level playing field in the credit sector with the removal of competitive barriers, and fights against any kind of discrimination in the workplace.

### *b) Dynamic analysis<sup>19</sup>*

#### Aims and structure

ABI was established at the beginning of the 1990s as an EA following the privatisation of the credit sector. Until 1993, ABI was a mere association of banks, whereas the representative EA was Assicredito.

The association offers a double form of representation to its members, institutional and for CB, with different fees.

ABI has currently two main offices for industrial relations and social affairs in, respectively, Rome and Milan.

At regional level, ABI has only regional committees and no employed staff – the workforce is composed of bank representatives at local level. They are tasked with developing dialogue with public administration organisations on specific topics more linked with the territory (e.g. racket).

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<sup>19</sup> *The dynamic analysis is based on an online interview with ABI managers tasked with industrial relations issues.*

## Funding mechanisms

The main funding sources are membership fees, collected by the ABI administration, without the intervention of the National Social Security Institute (*Istituto nazionale della previdenza sociale*, INPS). Contributions arising from specific projects are risible. Having regard to the CB mandate, contributions are proportional to the size of the company/group.

## Involvement in the drafting of the NRRP

Several institutional meetings with the Government have taken place. One of the main claims put forward is the need to save costs linked to bank accounts.

## EU and national-level activity

ABI is very active in representing Italian banks at EU and national level: firstly, it takes part in the European Bank Federation (EBF)<sup>20</sup>, which features, as internal body for labour and social policies, the Banking Committee for Social Affairs. Recently, EBF has signed, with EU social partners, the joint declaration on the impact of remote work and digitisation in the credit sector<sup>21</sup>. Secondly, ABI formalised, in partnership with Confindustria, its adhesion to the International Organization of Employers (IOE)<sup>22</sup> with a view to boosting its involvement in the January 2022 International Labour Organization (ILO) focus on remote work in the credit sector. Thirdly, ABI maintains offices in Brussels and Frankfurt, and actively takes part in meetings with members of the European Parliament and trade unions, especially when the EU social dialogue takes place.

In terms of industrial relations practices, ABI supports companies in the negotiation of agreements at national and company level (no regional or local level is available). Supported companies are banks and companies providing services to them (i.e. customer services, ICT services, and real estate companies).

With regard to services provided to its members, ABIServizi, a company with a separated budget but controlled by ABI, provides services related to training, research, and organisation of events targeted at entities operating in this sector (banks and financial companies). In addition, ABIServizi publishes books and reviews,

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20 Further information is available at: <https://www.ebf.eu/>.

21 Further information is available at: [https://www.abi.it/DOC\\_Lavoro/Relazioni-sindacali/Internazionale%20e%20comunitario/Joint%20Declaration%20on%20The%20Impact%20Of%20Digitalisation%20on%20Employment%20\(2\).pdf](https://www.abi.it/DOC_Lavoro/Relazioni-sindacali/Internazionale%20e%20comunitario/Joint%20Declaration%20on%20The%20Impact%20Of%20Digitalisation%20on%20Employment%20(2).pdf).

22 Further information is available at: <https://www.ioe-emp.org/>.

and manages online platforms with a specific focus on credit legislation and case law. Generally speaking, ABI aims to promote a fair competition model within the credit sector; in this regard, during the interview, the sectoral CBA was defined as an “institutionalised guarantee” inasmuch as it engenders fair competition among banks since it sets the same working conditions. There is strong commitment to carrying out compliance programmes and to promoting, more in general, the culture of rule of law in compliance with the principles of the statute, whose Article 1, para. 2, sets out that ABI promotes the culture of rule of law, as well as sound and prudential management in the banking sector. More concretely, ABI has recently signed with trade unions an agreement on trade policies and work organisation<sup>23</sup>.

In the credit sector, around 75% of workers are affiliated to the most representative trade unions (CGIL, CISL, and UIL), which have signed the applicable – national and local – CBAs with ABI: therefore, there is no risk of competition among EAs. In other words, ABI company-level agreements have *erga omnes* effectiveness, even though the constitutional mechanism for the *erga omnes* application of CB has never been implemented by the legislator. In addition, to progressively spread the application of its CBAs, ABI has negotiated with trade unions a set of “complementary contracts” envisaging wages 20% lower than the normal ones, and more flexible classification systems and working time regulations to be applied by companies providing services complementary to the ones provided by banks.

Having regard to the pandemic emergency, the national offices of Rome and Milan have provided constant administrative and legal assistance to members, mainly organising calls with several participants. In addition, they have negotiated national and company-level protocols with trade unions on health and safety in the workplace since the outbreak of the pandemic.

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23 Further information is available at: [https://www.abi.it/DOC\\_Lavoro/Contratto-collettivo/Testi-e-accordi/Ccnl%20impiegati/Verbale%20di%20Accordo%20politiche%20commerciali\(8.2.17\).pdf](https://www.abi.it/DOC_Lavoro/Contratto-collettivo/Testi-e-accordi/Ccnl%20impiegati/Verbale%20di%20Accordo%20politiche%20commerciali(8.2.17).pdf).

c) Table

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation				X		Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system		X				Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability					X	Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability	X					Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/ institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)					X	Funding and appointment of management bodies
<b>Step 2</b>	<b>Interviews along with a matching analysis with Step 1 outputs</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
S2-A	Internal relationships (national level / local level)					X	Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)					X	Do inputs concretely arise from the centre or not?
S2-C	Services to members					X	Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members					X	On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation					X	Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP			X			

## 6. Confesercenti

### a) *Static analysis*<sup>24</sup>

#### Aims

Established in Rome in 1971, Confesercenti represents SMEs operating in the trade, tourism, services, handcraft, and industry sectors, totalling 1,000,000.00 employees. The confederation has 5,000 employees, 120 provincial departments, 20 regional branches, and more than 1,000 units at territorial level<sup>25</sup>.

Historically speaking, Confesercenti was created out of the merger of four different EAs representing petrol pump attendants, peddlers, trade agents, and permanent traders.

#### Structure

Confesercenti is a confederation encompassing different federations (tourism, trade, services, retirees, entertainment, and legal gambling). Its activities include: political and economic representation of the world of small companies at institutional level, and provision of services to members in terms of administrative, legal (labour law, social security, insurance, etc.), financial, and training assistance through a widespread network all over the Italian territory. In this regard, it has established controlled companies in the field of complementary private healthcare, fiscal advice, promotion of digital innovation, and guarantees on credit granted by banks.

Confesercenti, as well as its federations, has regional and provincial departments. It is possible to establish branches of Confesercenti in foreign countries. All collective agreements are signed by national federations at the relevant level, jointly with the national confederation (Article 46, para. 3, of the statute).

Companies entitled to join Confesercenti, if they fulfil the ethical values of the association, are admitted upon deliberation of the Assembly.

Having regard to the confederal organs, mention must be made of the Assembly, the Presidency, the President, the Executive Board, the CEO, the Council of Auditors, and the Council of Arbitrators (Article 13).

The Assembly mainly sets the political strategy of the confederation, approves/

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<sup>24</sup> The static analysis is based on the version of the Statute in force, available at: <https://www.confesercenti.it/wp-content/uploads/2013/06/Statuto-depositato.pdf>.

<sup>25</sup> Further information is available at: <https://www.confesercenti.it/nazionale/>.

amends the statute and the code of conduct, and appoints the President and the Presidency, the Council of Auditors, and the Council of Arbitrators.

The Presidency is composed of the President, top national managers, representatives of territorial organisations and national federations, managers with a specific area of competence (labour, industrial relations, etc.), and the CEO. Its main functions include: setting of membership fees; budget approval; and implementation of the political strategy of the confederation.

The Executive Board, which is composed of the President, Vice-Presidents, and the CEO, manages and coordinates all activities. Its main functions include: implementation of the decisions of the Presidency and the Assembly; authorisation for the creation of tax advice centres; appointment of managers, the President, and the CEO of all institutions, bodies, and entities controlled by Confesercenti; and supervision on the management of peripheral organisations.

The President, who is the legal representative of the confederation, and signs CBAs, is appointed by the Assembly for a maximum of two consecutive terms of office.

The CEO has essentially an executive function: he/she collaborates with the President to implement confederal activities, appoints the editor-in-chief of the Confesercenti magazine, and prepares the budget.

#### Funding mechanisms

Assets consist of personal/real properties. The confederation cannot distribute profits or cash in hand.

Membership fees are paid to Confesercenti by territorial-level structures, which collects individual financial contributions.

#### Other: training

The statute envisages the creation of a training school.

#### *b) Dynamic analysis<sup>26</sup>*

#### Aims and structure

Confesercenti boasts a highly centralised structure, in which a crucial role is played by the national level of the confederation in terms of policy making, lobbying, and

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<sup>26</sup> The dynamic analysis is based on an online interview with Elvira Massimiano, Director of the Confesercenti Labour Policies Department.



supervision over local bodies (the confederation has the power to appoint an external administrator and to expel a local body in case of serious infringements of statutory and/or ethical terms). The national structure, which is high performing thanks to the constant joint work between the Presidency and the CEO, is replicated at regional and provincial level based on a pyramidal pattern. Services to members are normally provided at local level.

Confesercenti is well rooted all over the national territory thanks to the services (training, tax advice, and legal and administrative assistance) provided to members through its controlled companies.

### Funding mechanisms

Funding mainly comes from employers' financial contributions. Other financial contributions stem from bilateral funds and fees to be paid by companies for CB assistance. Contributions also come from controlled companies operating at local level (which are autonomous legal entities).

### Involvement in the drafting of the NRRP

In relation to the NRRP, Confesercenti engaged in dialogue with the Government (the Confesercenti President sits in the National NRRP Support Committee). The main problem highlighted in relation to the forthcoming implementation of the NRRP is that there is no uniformity among Regions but rather a multi-speed scenario.

### EU and national-level activity

Confesercenti features a structured presence in the EU scenario: the interviewee mentioned an office in Brussels; in addition, the confederation is member of the European Association of Craft, Small and Medium-Sized Enterprises (SMEUnited).

The confederation boasts a pronounced social soul, which can be found in its code of conduct, as well as in its internal audit mechanism (further details are available on the website).

As far as membership is concerned, it is possible to join the confederation also online. Moreover, membership campaigns are centred on a set of private healthcare benefits that are less expensive than those available on the market.

As to industrial relations, during the interview, the Confesercenti representative highlighted the concrete risk of unfair competition engendered by different industrial relations systems, as it may happen that CBAs are signed by organisations that are not representative in comparative terms.

Moreover, mention should be made of a joint CNA-Confesercenti workers and retirees service association currently in place.

As concerns the pandemic, constant support was provided to members, especially legal support to apply for temporary unemployment benefit schemes and in general for benefits in case of temporary suspension of production (also in rich geographical areas of the country, which, prior to the Covid-related emergency, had never or only marginally been impacted by the crisis).

c) Table

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation					X	Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system		X				Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability					X	Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability		X				Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/ institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)				X		Funding and appointment of management bodies

<b>Step 2</b>	<b>Interviews along with a matching analysis with Step 1 outputs</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
S2-A	Internal relationships (national level / local level)					X	Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)					X	Do inputs concretely arise from the centre or not?
S2-C	Services to members					X	Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members					X	On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation					X	Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP		X				

## 7. Federdistribuzione

### a) *Static analysis*<sup>27</sup>

#### Aims

Federdistribuzione is an EA born in 2012 that represents all the companies operating in the retail sector with a three-fold aim: (i) lobbying; (ii) CB on behalf of members, and technical assistance to them; and (iii) promotion of private healthcare assistance for workers.

The association aims to represent only big players: to join Federdistribuzione, a company must have at least 80 employees, and a revenue of more than 5,000,000.00 €. Membership applications must be approved by at least two thirds of its members.

#### Structure

Federdistribuzione is a hierarchical organisation mainly acting at national level. At local level, the EA is represented by territorial delegates appointed by the Executive Board on a proposal from the President, and are chosen from among local top managers of affiliated companies.

Having regard to the confederal organs, mention must be made of the Assembly, the Presidency, the President, the Executive Board, the CEO, the technical committees, the territorial delegates, the Council of Auditors, and the Council of Arbitrators (Article 13 of the statute).

The Assembly appoints the Executive Committee, the Council of Auditors, the Council of Arbitrators, and the President, and approves amendments to the statute. The decision-making mechanism is aimed at achieving the highest level of social consensus: decisions are valid if approved with at least 80% of votes.

The President is appointed by the Assembly from among the candidates indicated by the Executive Committee. He/she chairs the Executive Committee, and is the legal representative of the association. He/she is assisted by one Vice-President, who is appointed by the Executive Committee from among its members.

The Executive Committee, appointed by the Assembly for a three-year term, is composed of the managers of the eleven most representative companies based on membership contributions; if all of them belong to the food sector, a 12<sup>th</sup> member must

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<sup>27</sup> *The static analysis is based on the current version of the statute and the code of conduct in force, kindly provided to the authors by Federdistribuzione managers.*

be chosen from among those operating in another sector.

The Executive Committee is the executive organ of the association, having the broadest representation powers. It may also set up ad hoc technical committees and working groups: the former have consultative functions on most significant matters, while the latter are tasked with studying specific problems.

Mention must be made also of the General Council, which is a consultative body that sets the strategic goals and the main strategies to be pursued. It is composed of the President of Federdistribuzione, the presidents of affiliated federations, and the legal representatives of the companies belonging to the latter.

### Funding mechanisms

Assets consist of personal/real properties. The association cannot distribute profits or cash in hand.

Membership fees are paid to Federdistribuzione by national federations (belonging to the various sectors – food, fashion, etc.), which collect individual contributions.

### Other: code of conduct

The statute is complemented with the code of conduct, which contains the principles to be followed by all members in their daily operations. The main principles include: loyalty and good faith; honesty in human resources management; protection of environment and sustainability; non-discrimination; corporate social responsibility; and promotion of a working environment based on the implementation of health and safety principles.

### *b) Dynamic analysis<sup>28</sup>*

#### Aims and structure

Federdistribuzione is an EA representing all employers operating in the retail sector, both food (e.g. Esselunga and Pam) and fashion (e.g. Douglas, Zara, Coin, and Ovieste): all members have a workforce ranging between 1,000 and 25,000 employees, even though some of the companies are reducing their staff.

Until 2011, Federdistribuzione was a federation of Confcommercio. It eventually became a fully independent EA due to a different (and more modern) vision of the role

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<sup>28</sup> The dynamic analysis is based on an online interview with Francesco Quattrone, Director of the Federdistribuzione Labour Policies Department.

of national CB on employment conditions (e.g. on working time regulation), with the other EAs in the trade/retail sector having a conservative approach.

The technostructure of the association is very light: the Presidency acts jointly with four directorates (dealing with, respectively, labour relations, legislation for non-labour issues, communication, and relationships with suppliers). All the activities and staff of the association, which acts at national level, are centralised in Milan (in Rome there is only a representation office).

Decisions are made according to the unanimity principle.

At territorial level, representation is managed by managers of member companies (appointed every three years) due to the fact that Federdistribuzione has only 120 members, all of them being big players within the retail sector. The Legal Affairs Unit has two members of the staff who coordinate all local representatives. More concretely, 90% of issues are solved at national level in Milan, as member companies are multinational corporations with a consolidated centralised management tradition.

### Funding mechanisms

Having regard to funding mechanisms, Federdistribuzione is mainly (around 80%) funded by financial contributions from members (membership fees are calculated based on company size). Other sources of funding are fees paid for the organisation of a big event (Fiera Marca), and the contributions stemming from healthcare private funds managed by Federdistribuzione, paid by workers and employers<sup>29</sup>.

### Involvement in the drafting of the NRRP

Having regard to the NRRP, the interviewee did not point out an active role of Federdistribuzione in the drafting of the national strategy. What captures the attention is that the association is planning policies in line with the vision enshrined in the NRRP, based, *inter alia*, on the notion of environmental sustainability: in this regard, the EA has recently asked Boston Consulting to carry out a study on sustainability and decarbonisation, as, within the association, there is broad awareness that shopping malls significantly contribute to environmental pollution. In the meanwhile, the EA is negotiating protocols with Enel Energia, trying to identify a possible contribution shopping malls may provide to environmental sustainability (e.g. installation of electric vehicle charging stations in parking areas).

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<sup>29</sup> A small part of workers' and employers' contributions is devoted to the promotion of private healthcare.

## EU and national-level activity

As far as EU-level activities are concerned, a staff member is specifically tasked with EU policies. Moreover, Federdistribuzione is part of Eurocommerce, the representative association of trade companies in Europe (from which Confcommercio, a competing association in Europe, withdrew).

In the field of industrial relations, monthly meetings are organised within the labour team, which is integrated by the HR managers of member companies: this is another feature bearing witness to the centralised nature of the structure.

Federdistribuzione offers high-quality services to its members; in times of pandemic emergency, especially at the beginning, the association was in constant contact with member companies to provide support (i.e. a daily update on legislative developments was dispatched).

Membership campaigns are carried out through face-to-face meetings inasmuch as, in general, big players of the retail sector are reluctant to join EAs. During the interview, the Federdistribuzione representative mentioned “tailor-made meetings”, as they are organised based on each company’s needs.

As to CB, the most significant difference with other CBAs applied to the retail sector (e.g. the one concluded by Confcommercio) is that the national agreement negotiated by Federdistribuzione allows derogations by company or plant-level agreements on all the topics regulated at sectoral level.

There is broad social acceptance of the role of the national agreement within the retail sector: in a context of general reduction in revenues on the big players’ side, the sectoral level represents the tool to impede forms of unfair competition among competitors. Unlike in the past, when retail was experiencing a period of growth and expansion, some big players were planning to create an autonomous industrial relations pattern based only on company agreements. The reduction in revenues is also due to the thriving of e-commerce and to the use of franchising by big players of the retail sector (e.g. Carrefour franchisee minimarkets apply the sectoral agreement entered into by Confesercenti or Confcommercio, instead of the sectoral agreement signed by Federdistribuzione).

In the retail sector, the main problem is represented by the fragmentation of employers’ representativeness: Federdistribuzione is currently an actor of the industrial relations system, recognised by the Government (i.e. it is invited to take part in all institutional negotiation meetings organised by the Ministry of Labour and Social Policies); in this scenario, there are at least two other representative associations, Confcommercio and Confesercenti. In addition, Confindustria has invited Federdistribuzione to become one of its member federations; however, the latter is currently not interested in this option, preferring to remain fully autonomous inasmuch as it fears it would have no voice in case of co-optation.

c) Table

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation					X	Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system		X				Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability					X	Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability			X			Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/ institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)					X	Funding and appointment of management bodies
Step 2	Interviews along with a matching analysis with Step 1 outputs	1	2	3	4	5	
S2-A	Internal relationships (national level / local level)					X	Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)					X	Do inputs concretely arise from the centre or not?
S2-C	Services to members					X	Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members					X	On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation					X	Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP					X	



## 8. Legacoop

### a) *Static analysis*<sup>30</sup>

#### Aims

Legacoop is the EA representing cooperatives: in particular, it intends to implement the principles enshrined in Article 45 of the Italian Constitution, establishing that “The Republic recognises the social function of co-operation of a mutually supportive, non-speculative nature” and that “The law promotes and encourages cooperation through appropriate means and ensures its character and purposes through appropriate checks”.

In this regard, Legacoop aims to represent its members at international, EU, domestic, and local level.

If we jointly read the statute and the code of conduct, a strong social soul emerges, characterising this EA's internal and external actions. The promotion of cooperative culture is based on: full participation of members in company decision making; principles of corporate social responsibility, equity in trade relationships, and equality; fight against gender gaps; respect for workers' rights and dignity; promotion of rule of law through education; and fight against organised crime.

#### Structure

Legacoop is structured at national and regional level, and is internally articulated in federations (consumers, food farming, retail, housing construction, services, and social cooperatives): to become a member of Legacoop, the cooperative must be authorised by the national Presidency; then such authorisation needs to be ratified by the Executive Committee.

Legacoop national organs are: the National Congress, the National Assembly of Delegates, the Executive Committee, the Presidency, the Council of Auditors, and the Council of Arbitrators.

The National Congress is usually convened every four years, with its delegates being elected by the Legacoop Regional Congress. The National Congress is defined as the “sovereign organ of Legacoop” (Article 15 of the statute): it approves position papers,

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<sup>30</sup> *The static analysis is based on the updated version of the statute, the code of conduct, and the charter of values, which are available at: <https://www.legacoop.coop/associazione2/associazione/legacoop-nazionale/chi-siamo/organizzazione/>.*

sets the guidelines for Legacoop's strategic action, and appoints the Executive Committee, the Council of Auditors, and the Council of Arbitrators.

The Executive Committee is elected by the National Congress, whose composition is based on the principles of gender equality and promotion of young generations: young people, aged up to 40 years old, must represent at least 10% of its members, whereas at least 30% of its members must be selected from either gender. In terms of functions, the Executive Committee acts as the legislative body: it convenes the National Congress, appoints the President and the Vice-Presidents, approves the budget, sets the amount of membership fees, approves sanctions against members breaching Legacoop's internal rules, establishes the Committee for Equal Opportunities, sets the employment conditions for Legacoop employees, defines industrial relations policies, and evaluates CBAs signed by sectoral associations.

The Presidency is the executive organ of the association: it coordinates activities at different levels (national, local, and sectoral), appoints the editors-in-chief of Legacoop's periodicals, appoints and removes the Director and the Administrator on a proposal from the President, and manages the relationships of the EA with the public administration, trade unions, and other economic associations.

The President legally represents the EA.

The Director actually manages the administrative structure, with specific attention to the provision of services to members, as well as to the management of employment relationships.

The Administrator takes care of the administrative and accounting management of the association.

At territorial level, the regional structures of Legacoop represent the interests of Legacoop and its members. Moreover, such structures may decentralise part of their functions to provincial or sub-provincial bodies by defining financial management levels.

Legacoop may also authorise the creation of sectoral organisations (e.g. trade, retail, industry, food farming, etc.) if there is an adequate number of cooperatives, as well as sufficient financial resources.

### Funding mechanisms

Funding essentially comes from membership fees paid by each cooperative. It may also consist of extraordinary and voluntary contributions paid by members.

## *b) Dynamic analysis*<sup>31</sup>

### Aims and structure

Legacoop features a highly centralised structure: at national level, there are several centres of power whose competences are highly coordinated, which set the direction to be followed by local bodies. The internal architecture and functioning mechanisms are similar to those of the most representative Italian trade union, CGIL, and are also influenced by those of the former Communist Party, conventionally known as “democratic centralism” in political science.

Centralism is very well embedded in the power to sign collective agreements: such power is in the hands of the national-level Legacoop structure, which may delegate it to sectoral federations.

The national-level structure is replicated at regional level in regions with a high number of member cooperatives (Veneto, Lombardy, Emilia-Romagna, Lazio, Sicily, and Apulia).

### Funding mechanisms

The main source of funding is represented by members’ contributions, collected by the national-level Legacoop structure thanks to local organisations. In some sectors, provincial agreements may introduce further contributions for the assistance in CB negotiations and signature.

Another important source of funding is linked to audit: in compliance with sectoral legislation, every two years cooperatives are subject to a process of external audit to assess whether their budget fulfils law requirements and whether they actually implement mutualistic cooperation principles. Such a revision can be made by the Ministry of Economic Development or by external auditors: Legacoop has an internal team of auditors specifically devoted to this task. Each member pays for such service.

### Involvement in the drafting of the NRRP

As concerns the NRRP, the interviewee only mentioned the meetings Legacoop had with the current President of the Council of Ministers, Mario Draghi, and positively assessed his approach, albeit defining his Government as “asymmetric”. Furthermore, the interviewee stressed the need not only for economic growth but also for social justice within the NRRP, as well as the necessity to empower the third sector,

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<sup>31</sup> The dynamic analysis is based on an online interview with Antonio Zampiga, who is currently Legacoop Industrial Relations General Manager.

specifically when it comes to the management of some services by private actors, for which the mutualistic approach should prevail over a mere business and profit-based approach.

### EU and national-level activity

Legacoop boasts a strong presence at EU and international level: it is member of the International Cooperatives Alliance (ICA), which represents cooperatives worldwide, working with global and regional Governments and organisations to create legislative environments enabling the establishment and growth of cooperatives<sup>32</sup>. At EU level, Legacoop is part of Copa-Cogeca, an association bringing the voice of farmers and agricultural cooperatives to the EU level, as well as a lobbying structure in a sector, like agriculture, where, since its inception, the EU has developed a common policy.

Legacoop provides several services to its members all over the national territory through ad hoc structures, only funded by members' specific contributions: such structures, which are independent from Legacoop, mainly provide training activities and legal and administrative assistance to companies. In any case, Legacoop exercises political control over such structures.

Generally speaking, cooperativism in Italy is not a marginal phenomenon: especially in Emilia-Romagna, where cooperatives are widespread for historical reasons, cooperatives make up around 50% of big players.

Legacoop boasts a strong social soul inasmuch as it is centred on the promotion of a social market economy model. In this regard, it develops ad hoc initiatives including: protocols against organised crime; territorial observatories reporting to Labour Inspectorates forms of unfair competition based on low wages and poor working conditions; seminars at school explaining the purposes and functioning of the cooperative sector; funding targeted at startups established as cooperatives through the Coopstartup project, which is targeted at young generations who want to promote technological, organisational, and social innovation<sup>33</sup>; and support to the creation of cooperatives in a context of company crisis (e.g. workers may decide to buy a company in financial difficulties with a view to overcoming the hardships of the economic context). Resort is made to external audit bodies recognised by Italian public authorities with a view to auditing the internal audit procedures carried out by Legacoop on its members. As to industrial relations, during the interview, the Legacoop representative highlighted the concrete risk of unfair competition engendered by different industrial relations systems.

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32 Further information is available at: [https://www.ica.coop/en/about-us/international-cooperative-alliance\\_](https://www.ica.coop/en/about-us/international-cooperative-alliance_)

33 Further information is available at: <https://www.coopstartup.it/>.

c) Table

Step 1	Due diligence / Documents and internal regulations	Parameters/Values					Materials/Queries
		1	2	3	4	5	
S1-A	Technostructure articulation (horizontal/vertical level) and centralisation					X	Organs, statutes, and control by the centre at different levels (appointment of local representative bodies, and external administration)
S1-B	Multi-faceted funding system			X			Presence of different sources
S1-C	Direct funding system of the EA's long-term financial sustainability					X	Membership fees
S1-D	Indirect funding system of the EA's long-term financial sustainability			X			Companies/Institutions belonging to the organisation (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)
S1-E	Power of influence on controlled companies/institutions (e.g. service companies, bilateral institutions, workers and retirees service associations, tax advisory centres, etc.)					X	Funding and appointment of management bodies
<b>Step 2</b>	<b>Interviews along with a matching analysis with Step 1 outputs</b>	1	2	3	4	5	
S2-A	Internal relationships (national level / local level)					X	Do inputs concretely arise from the centre or not?
S2-B	Internal relationships (EU level / national level)					X	Do inputs concretely arise from the centre or not?
S2-C	Services to members					X	Normal services (i.e. safety at work, payslips, legal advice, etc.)
S2-D	Services to members					X	On top of standard services, special services in times of pandemic, ad hoc funds, and drafting and implementation of protocols and codes of conduct
S2-E	Overlapping areas of EAs' representation			X			Do different EAs compete in the same economic sector?
S2-F	Involvement in the drafting of the NRRP		X				

## **Conclusions. Findings concerning indirect competition and the relevant effects on CB**

The findings based on the previous dataset concerning the eight Italian EAs selected demonstrate that such associations do not contribute significantly to the stability of the Italian industrial relations system and of the related collective bargaining model. The distinction between the static and the dynamic aspects of EAs' structure reveals insights on their strategies.

We found that there is still a wide policy domain related to the traditional ideological adherence of EAs. In addition, the results show that it is useful to treat such associations as competing players within the Italian industrial relations system: as a matter of fact, there is no complementarity between the characteristics of the EAs.

EAs do not feature a significant capacity to stabilise the CB system. It is quite normal to observe forms of indirect competition among EAs that rest on their inability to resolve conflicts. This leads to some overlapping between CBAs that are also signed with a view to extending the scope towards other domains normally belonging/referring to another EA.

As to unionisation rates, Italian EAs do not separate membership status from CB. Moreover, in some cases, in order to increase the membership base, some EAs allow double membership, which, indirectly, means being bound to at least two different national CBAs. This finding needs additional research as to whether double membership status is a strategy aimed at undermining multi-employer bargaining or at attracting new members.

In relation to the services provided such as tax advice and further typical client-oriented actions, this entails an increase, on the one side, in membership campaigns and, on the other, in the scope of application of national CBAs. Such transformation of EAs into client-oriented services does not mean that the Italian system is experiencing a dissolution of multi-employer bargaining. In Italy, such transformations are aimed at maintaining the status of well-recognised EAs and at strengthening their position in the framework of competitive patterns among national CBAs. However, as concerns this finding too, further research needs to be conducted in order to understand whether it represents a mere reaction to organisational and budget problems caused by a reduction in membership.

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