

Foreword

In the last fifteen years, and as a result of the passing of the Treu Reform (1997) and the Biagi Reform (2001-2003), Italian Labour Law has undergone a substantial overhaul. The reform process was a fragmentary and turbulent one and was marked by sudden changes of direction and social turmoil, which brought about the assassination of Prof Marco Biagi, immediately after the presentation of the White Paper on the Labour Market that he drafted.

Today, low rates of employment and labour market dynamism mostly affect young people and women. Major inequalities in terms of job opportunities are still prevalent between northern and southern Italy, and traditional phenomena such as precarious employment, over qualification, and graduate unemployment are more pronounced.

Low productivity – coupled with major differences between the labour costs borne by employers and workers' net income – furthers the improper use of contractual schemes in atypical and temporary work, quasi-salaried employment, joint ventures as well as the recourse to contractual arrangements to ease integration between learning and working, most notably training and apprenticeship contracts.

Shortcomings in employment services – alongside a failing educational system which is far from meeting the employers' needs – produced an attitude on the part of workers and trade unions towards employment aimed at safeguarding individual jobs, rather than guaranteeing overall occupational levels. In turn, this state of play results in increasing levels of dependence on the government – by way of income support measures which are provided on a permanent basis – thus discouraging processes such as restructuring, redundancies, and vocational training. The system of safety-net measures is not designed to

promote access to employment of workers made redundant and their participation in training or retraining schemes.

Undeclared work in Italy, which is reported to be twice or three times higher than in other European countries, is indicative of two aspects which are intimately intertwined. While acknowledging considerable levels of backwardness and illegality, one might also note the dynamic nature of an ever-growing society which strives to adapt to sudden changes in the world of work. Yet such attempts prove unsuccessful, for – as the recent reforms exhibit – extant legislation fails to keep pace with these changes and clings onto traditional contractual arrangements – e.g. permanent and salaried employment.

Accordingly, the fact that today Italian Labour Law is faced with much uncertainty should come as no surprise, as labour legislation is devoid of an underlying approach and fails to keep up with real production processes. Compounding the picture is the crisis of the industrial relations system at a national level. The reform issued by the Monti's Government in 2012 did not provide a solution to unravel some major knots in the Italian labour market, the consequence of certain historical events that took place at a national level.

Indeed, the parties to the employment relationship are not satisfied with the watered-down and fragmentary nature of labour legislation. Workers feel more insecure and precarious. Employers reckon that the regulation of the employment relationship is not in line with the challenges posed by globalization and the emerging markets. Such profound dissatisfaction with labour laws is apparent even in the aftermath of recent reforms, as labour legislation is regarded as complex and consisting of too many provisions, thus not providing safeguards to workers and disregarding current production processes and work organization.

We are of the opinion that some of the major issues in the recent reforms of labour laws in Italy are to be explained by the nature of the debate among lawmakers and trade unions, which is still parochial and self-referential. This is what emerges – yet partly – from the debate among legal scholars, which is still dominated by excessive attention to the formal aspects of the legal process resulting from high levels of state regulation, for central government still plays a major role in regulating the employment relationship.

The present volume includes a number of papers written in English and published in the last fifteen years in which the Italian labour market underwent many changes. The intent here is not only to provide the international readership with a frame of reference – in both conceptual and legal terms – that helps to appreciate the Italian Labour Law currently in force. The real

goal of this volume is to contribute to move beyond the self-referential nature of the Italian debate on the reform of labour laws. This would supply the reform process of the Italian labour market with an international and comparative dimension which – in accordance with the programmatic approach of Marco Biagi – should also feed the debate at a national level.