

## Summary

# POTENTIALS OF BILATERAL BODIES IN THE SEA FISHING. CURRENT SITUATION AND FUTURE DEVELOPMENTS

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Bilateral bodies are joint institutions composed of representatives of businesses and workers first set up in the early eighties. The most significant experiences are reported in the small craft business, as well as in the commercial, building and agricultural sector, all characterised by a highly fragmented production system and “precarious” and discontinuous employment, coupled with the absence of a wide trade union representation in workplaces. Along the traditional functions in terms of welfare and social security support, as provided by collective agreements, these bodies are now assigned the task to manage and regulate the labour market. The Italian bilateral system is the result of the application of a participatory model of solidarity and common management of resources. An analysis of the structure of the Italian trade union law, identifies bilateral bodies as the best-suited institutions, in the context of industrial relations, to provide for negotiations on a regular basis, promoting – in a collaborative effort among social partners – the stability of collective relations by trying to achieve a balance of powers in the context of ever-changing power relations. Drawing from an analysis of the development of bilateralism, the research aims at providing, in the context of the current regulatory framework, a useful insight into the role that these bodies are playing in the labour market. In particular, along with a preliminary investigation of the marine fisheries sector, the study of the evolution of bilateralism provides, above all, a thorough analysis of the provisions and regulations defining the setting up and functioning of bilateral bodies, through an examination of relevant collective agreements and legislation. This was achieved by getting in contact with trade union actors and employers in the fisheries sector. In this regard, particular attention was paid to the role of bilateralism as envisaged by the regulations laying down provisions concerning national collective agreements for workers on fishing vessels introduced on 8 March 2005 and 20 May 2009 and by the specific statutory provisions setting up the National Fishing Observatory (O.N.P.) and the Bilateral Body for the fisheries sector (E.BI.PESCA). Finally, the research presents a series of tables summarising the most significant experiences of bilateralism in some industries (services, construction sector, tourism, textiles, food, engineering, chemicals) . A comparative analysis among national collective agreements allowed for the identification of good practices that could be widely implemented in the fisheries sector, also taking into account the specific characteristics of the industry. The research aims at drawing up possible actions that will enhance the role of existing bilateral bodies in those areas that have become crucial in the current socio-economic system, through the adoption of innovative

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measures. The system that was previously characterised by large companies, mass consumption, welfare benefits provided for permanent employees, and by mechanisms of representation conceived for the interests of workers with open-ended full-time employment contracts, has now transformed into an economic model increasingly characterised by temporary and “precarious” work and by the growing demand for jobs that allow greater autonomy. Unions have traditionally been widely supported in workplaces with a high presence of blue-collar workers, whereas for some time now, the number of great industrial organisations has been shrinking and big companies are now replaced by many small and micro businesses where unions struggle to gain consensus. New jobs are characterised by insecurity, instability and underemployment, as well as by low wages, lack of legal protections, the absence of social security for old age and against diseases, accidents or unemployment. The current labour regulation tends to provide protection mainly in terms of workplace safety and job security. It is therefore of fundamental importance to identify the needs of those workers employed in new jobs, not only when they are in employment – where the temporary nature of the work relationship often makes it difficult for workers to establish close ties with their representatives – but also when they are not in employment, i.e. between one job and the other. The more the labour market becomes dynamic and flexible, through the increase of forms of employment characterised by short duration, the more it becomes difficult to guarantee adequate protection by focusing solely on the employment relationship. The challenge faced by social partners regards their role as regulatory bodies within the labour market. The union, in particular, has a twofold task: to guarantee workers’ protection within firms as well as to provide a whole range of protections at the level of the labour market. In our country, the union focused mainly on the first issue, without addressing the needs for protection at the level of the labour market, but rather building a network of safeguards only at the level of the employment relationship. The union, however, in order to effectively play its role must adopt new, more pragmatic policy tools to manage inequalities in the labor market and reduce the polarisation between insiders and outsiders. To this end, it is fundamental to redesign protection measures as well as to identify new tools that are equally effective as those existing in the past, in order to reduced differences caused by a regulatory framework that often offered strong support and protection to specific groups of workers and very weak protection to other. It is essential to focus not only on contractual rights, that are related only to the employment relationship and that have their source in contractual provisions and laws, but also on so-called social rights, i.e. rights that can be guaranteed through the adoption of ad-hoc measures on the part of public authorities. It is necessary, therefore, to define structured actions aimed at building an efficient system of active and passive labour

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policies that can provide safeguards and protections in the labour market to all citizens over their entire working life and applied to all forms of employment. This must be achieved by promoting the principles of fairness and universality, which require the extension of a series of fundamental rights to all workers, eliminating the current inequalities where some workers are protected both in their employment relationship and at the level of the labour market and others who have little or no protections at all. It cannot go unnoticed, however, that the desired increase in the number of protected workers and the extension of some forms of protection are difficult to achieve due to the limited availability of resources and because of the unsustainability of the present welfare system. It is, therefore, fundamental to best combine subsidiarity and solidarity, by guaranteeing a minimum level of social security and protection in the form of services and facilities, as well as by promoting the direct involvement of the private social sector to provide additional social services. It is in the light of the above that bilateral bodies, as defined by the Law introduced in 2003, could make an important contribution in a global and coordinated perspective, by striking a balance between protections at the level of the employment relationship and safeguards in the labour market, by means of forms of protection and support that are financed through ad-hoc funds supported by workers' and employers' contributions. There is no doubt that this system could contribute to the extension of the above mentioned rights, because, despite the difficulties that may arise, it can become the tool to reach –with appropriate measures gradually implemented – even those groups of workers currently without protection. This solution appears to be necessary today all the more due to the increase in the number of so-called “atypical employment contracts” as provided by Legislative Decree No. 276/2003. Bilateral bodies are therefore assigned new tasks in the field of social security and training activities, that could, on the one hand, contribute to reduce differences between workers' protection within firms and at the level of the market, and, on the another, they could represent a tool to strengthen the position of trade unions in the new labour market. Thus, by ensuring higher standards of protection, bilateral bodies could provide a possible solution to the difficulties caused by the current economic and social situation.

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