SURVEY REGARDING THE IMPLEMENTATION OF DIRECTIVE 2002/14 (Legislative Decree 25/2007) ON INFORMATION AND CONSULTATION IN ITALY

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TRADE UNION INFORMATION AND CONSULTATION IN ITALY

On March 22, 2007, the Law Decree n. 25/2007 came into force, implementing Directive 2002/14 / EC, which strengthens the rights of information and consultation provided by the trade union collective bargaining, and foreseeing administrative sanctions. Before this law decree, the law on the issue of trade union information and consultation was fragmented and limited to certain specific situations, such as the use of ordinary and extraordinary redundancy fund, mobility procedures, collective holidays, transfers of undertakings or a line of business, supply of temporary employment, work "on call", night work. Other situations are provided by collective bargaining, which, in its "compulsory part" and for different sectors, provides for a more systematic and extensive system of information and consultation with unions on topics of significant interest for the unions and on the company's employment trends, such as the use of overtime, restructurings, spin-offs, outsourcing and mergers.

In case of larger companies, the new legislation foresees the extension of trade union information and consultation rights to the major business issues for employment and work organization and entrusts to the Territorial Labour Offices the task of investigating and punishing violations.

The new consultation and information obligations concern employers, individuals or legal entities, engaged in economic activities organized in the form of private or public company, including non-profit organisations, located in Italy (Article 2). The effect of the new legislation, which applies only to larger companies, is delayed in time (Articles 3 and 9):

The rights to information and consultation are recognized to "workers' representatives", as defined in accordance with current legislation and collective bargaining, in particular in the national multi-industry agreements of 20 December 1993 and 27 July 1994 (Article 2), which are given, even for these purposes, the same protection and the same guarantees provided for employees' representatives by law and by collective bargaining (Article 6). 'Information' shall mean any form of transmission of information by the employer to workers' representatives (Article 2). 'Consultations', however, is any form of dialogue, debate and exchange of views between representatives of workers and employers (Article 2). Consultation must be preceded by adequate information provided by the employer in appropriate times and manner, and must allow workers' representatives to express an opinion, meet the employer and obtain a reasoned response to any opinion expressed (Article 4). The rights to information and consultation, in particular, concern the following issues related to corporate activities:

a) the recent and foreseeable development of the company and its economic situation;

b) the employment situation and its expected trends in the enterprise, any risks to employment levels and related law enforcement measures;

c) decisions likely to lead to significant changes in work organization and working contracts (e.g. outsourcing activity).

In detail, the definition of locations, times, subjects, methods and content of trade union information and consultation rights (Article 4) is left to collective bargaining, even pre-existing bargaining. For these purposes, specific reference is made to collective agreements "entered into between the employer and the most representative national trade union organizations", without excluding the decentralized and enterprise bargaining, in accordance with higher-level agreements (Article 2).

Workers' representatives and experts who assist them, however, have specific obligations of non-disclosure for the information received on a confidentiality basis, and "qualified as such by the employer ... in the legitimate interest of the undertaking", which can not be disclosed to employees or to third parties, up to the end of a three-year period after the expiry of their term of office (Article 5). This confidentiality requirement supplements those ordinarily provided by the Privacy Law for the protection of the privacy of natural and legal persons, with particular regard to the so-called sensitive data, such as, data of a judicial or health nature or related to the sexual sphere (Legislative Decree n. 196/2003). Collective bargaining, may authorize the employees' representatives and anyone assisting them to pass on confidential information to employees or third parties, who, in turn, must respect the obligation of confidentiality, in the manner foreseen. However, the employer is not obliged to hold consultations or to communicate information which, due to its proved technical, organizational and production needs, are likely to seriously harm the functioning of the undertaking or to damage it. For the concrete identification of such assumptions and for the settlement of any disputes regarding the confidential nature of the information provided and determined as such by the employer, the law defers to collective bargaining the establishment of a special conciliation commission and the discipline of its composition and functioning.

In the event of a breach of confidentiality, in addition to civil liability, offenders shall be liable of the disciplinary measures established by the collective agreement, but specific administrative sanctions are foresees only for the experts who were requested to assist workers' representatives.

Any breaches of the information and consultation obligations by the employer involves an administrative fine of a minimum of € 3,000.00 to a maximum of € 18,000.00 for each violation. The breach of confidentiality, however, entails an administrative fine from € 1,033.00 to € 6,198.00, imposable only on the experts who assist the workers' representatives. The last paragraph of Article 7 relies on the expertise of the local Territorial Labour Office to report violations and their consequent administrative sanctions, recalling the application of law n. 689/1981 on administrative sanctions and Legislative Decree n. 124/2004, on the supervisory tasks and powers of the inspection staff of the Ministry of Labour. In particular, Article 13 of the aforementioned decree provides for the power of the inspection staff, when it finds the perpetration of an administrative offense, to serve a formal notice of default to

the employer and invite him to regularize the violations still remediable - belatedly – through the payment of a fine equal to the minimum amount foreseen by law. The breach of confidentiality, however, does not seem remediable, since disclosure of the secret is irreparably detrimental to the substantial interest protected by the law (see. Ministry of Labour, circular no. 24/2004). The breach of trade union information and consultation, however, might be remediable, but, it is believed, only on condition that the information will be provided, although later than what foreseen in the contract, but in any case in time to allow the joint examination of the matter and in any case certainly not a posteriori, after the occurrence of the event that should have been the subject of prior information and consultation.

ADMINISTRATIVE SANCTIONS

1. Violation of the right to information and consultation: for not having informed and consulted the union representatives on important employment business issues and the organization of work in the undertaking. SANCTION from € 3,000.00 to € 18,000.00

2. breach of confidentiality: for having disclosed information received by the employer and in confidence and from the employer qualified as confidential, in the legitimate interest of the undertaking. Sanction: from € 1033.00 to € 6198.00.

JOB ACT, WELFARE BUFFERS AND STANDARDS ON RE-EMPLOYMENT

Jobs Act indicates a reform of the labour law in Italy, promoted and implemented in Italy by the Government led by Renzi, through various legislative measures enacted between 2014 and 2015.
The term comes from the acronym "Jumpstart Our Business Startups Act" which refers to a US law, enacted during the presidency of Barak Obama in 2012, in favour of small-scale enterprises through the allocation of funds. In Italy, however, the term was used to define a set of more general employment regulatory measures.

In cases of suspension or reduction of the production activity, the undertaking is required to communicate in advance to corporate representatives and members of the comparatively most representative territorial divisions of trade unions, the grounds for suspension or reduction of working hours, the extent and expected duration, the number of workers concerned. Upon request of either party, a joint examination shall follow. The whole procedure must be terminated within 25 days from the date of communication, reduced to 10 for companies up to 50 employees.

In cases of objectively unavoidable events, which make the suspension or reduction in production non deferrable, the company is in any event obliged to notify the persons above about the expected duration of the suspension or

reduction and the number of workers concerned. If the working time reduction exceeds 16 hours a week, there shall be a joint examination. Requests for approval must be submitted electronically to INPS within 15 days of the suspension or curtailment of activity, indicating the cause of the suspension or working time reduction and its estimated duration, the names of workers concerned and the hours required. This information is sent by INPS to the Regions and Autonomous Provinces for the purpose of involvement in active policies.
Ordinary wage subsidies are granted by the territorially relevant INPS office. The evaluation criteria of these requests are set out by a Ministerial Decree.

Social Buffers

The Italian system of social buffers has recently been reorganized by Legislative Decree 148/15 implementing the Jobs Act. Many and significant were the changes, tending to a more inclusive system, while retaining the basic framework.

The ordinary and extraordinary wage supplement treatments, financed by contributions payable by employers and, in small part, workers and managed by INPS, intervene to protect the worker's income in the event of a corporate crisis that requires a temporary reduction or suspension of work, with partial or total reduction in working time, preserving the employment relationship. Such treatments, after the amendments made by the Jobs Act, which mainly concern procedures and durations, continue to apply in the sectors and for the company size to which they previously applied.

For all other employers, provided they have more than 5 employees (in the previous law, the threshold was more than 15 employees), a system of bilateral solidarity funds shall be applied instead: the employers are obliged to adhere to their sectoral bilateral fund or, failing that, to the wage supplement fund (FIS) by paying a monthly rate, due partly by the employer and partly by the employee. In the event of a reduction or suspension of work but with the continuation of the employment relationship, the funds provide income support comparable to that of the ordinary and extraordinary wage subsidies.
In case the employment relationship is interrupted for a dismissal, individual or collective, or a fixed-term employment contract comes to its end, workers are entitled to an unemployment allowance called Naspi, which replaced the Aspi introduced by the Fornero Law, and it is intended to encompass, by 2016, also the mobility allowance, now applicable only in certain sectors.

Incentives for re-employment

The re-employment of workers entitled to wage supplement is supported by incentives.

Transition

Since the new law has reduced the maximum total duration of ordinary and extraordinary wage supplement treatments, certain provisions are provided to regulate the durations in the transition phase.

Bilateral solidarity funds

In all areas that do not fall within the scope of wage subsidy legislation, employers who employ more than 5 employees on average, are obliged to enrol in bilateral solidarity funds set up by order of the Minister of Labour on the basis of collective agreements, including cross-sector agreements, concluded by the most representative trade unions and employers' organizations at national level.

These funds, which are managed by INPS, are intended to assure employees a protection in case of a continuing employment relationship and in cases of reduction or suspension of work. The aforementioned legislative decree 148/15 implementing the Jobs Act revised the bilateral solidarity funds legislation already introduced by Law 92/12, in particular by lowering the previous limit of 15 employees and modifying the services provided. The already established funds under the previous regulations have to adapt to the new regulations by 31 December 2015. Failing that, the employers in the relevant sector, with more than 5 employees, shall participate in the income support fund.

Bilateral funds shall ensure, in relation to what provided for by legislation on ordinary or extraordinary wage subsidies, at least one ordinary check of an amount equal to the integration wage (80% of the total remuneration that the employee would have been entitled for the hours of work not provided) with a maximum duration of at least 13 weeks in a two-year mobility period and not exceeding the maximum periods laid down for the ordinary and extraordinary wage subsidies, according to the reason invoked, and in compliance with the maximum total duration of 24 months in a 5-year mobility period. Contributions shall be also paid to the worker's pension fund.
The rules relating to the possibility of direct payment by the INPS, and the requirements for compliance with the obligation to participate in active policies or activities of public utility for the benefit of the territorial community of belonging shall apply to workers with reduction of working time exceeding 50% in a period of 12 months.

A payment rate to the fund is not defined by law, but the law provides for the rate allocation between employers and workers to the extent, respectively, of two thirds and one-third. There is an additional contribution paid by the employer, in case of actual use of these services, established by the decree establishing the services, which shall not be lower than 1.5%.
The funds have a balanced budget requirement and can not pay benefits in lack of availability of money. The management of the solidarity Fund is provided by a management committee, composed of experts with the necessary experience and integrity requirements, designated by the trade

union organizations of employers and workers signatories to the agreement, and by senior officers of the Ministry of Labour and Ministry of Economy and Finance.

Collective redundancies

In case of collective redundancies, all companies with more than 15 employees must follow the procedures provided for by Law 223/91 (art. 4 et seq, 24).The collective redundancy is defined as a “redundancy of at least five workers in the space of 120 days within the territory of the same province, as a result of a reduction or change of activity or work or as a result of the cessation of the activity". Fixed-term employment contracts, contracts expiring due to end of work in the building sector or contracts linked to seasonal or occasional activities are excluded. It is considered collective redundancy also the case in which, at the end of the procedure, only one worker is dismissed: the requirement of 5 layoffs shall be considered only at the beginning of the procedure and not at its end, because the law has among its objectives to identify alternative measures to layoffs.

For companies that fall in the extraordinary wage integration application, if the collective redundancy takes place after a period of wage integration, the requirement of five dismissals in the space of 120 days shall not apply.

Procedures for collective redundancies

The undertaking with more than 15 employees who intends to proceed with collective redundancies must:

- notify the company trade union representation, stating the reasons for the measure, the number, corporate and professional profiles of excess workers, as well as the timing of the layoffs programme;
- notify the Territorial Labour Directorate;
- pay to INPS, as an advance on the total sum due by the undertaking, a sum equal to the maximum monthly treatment of additional salary, multiplied by the excess workers (only if it falls within the extraordinary wage integration application).

Moreover, joint meetings between the undertaking and the trade union organizations are foreseen to achieve an agreement. If no agreement is reached, a further attempt is foreseen by convening the parties at the Territorial Labour Directorate. Union agreements that provide for the total or partial re-employment of redundant workers may also provide for the use of such workers in different positions, even lower than those previously held, or the posting or mobility of one or more workers from a 'company to another for a temporary duration.

Criteria for the selection of workers

The identification of workers to be dismissed must be in relation to the technical-productive and organizational needs of the company in compliance with the criteria laid down by collective agreements. In the absence of contractual provisions, the following criteria, shall be used:

- family responsibilities;
- seniority;
- technical-productive and organizational needs.

However the choice of workers must be carried out in compliance with the principle (foresaw in Article 10, paragraph 4 of Law 68/99) according to which, after layoff, the number of disabled employees in the undertaking can not be less than the quota reserved to them. In addition, the company may not dismiss a percentage of female workers exceeding the one employed in the tasks taken into account (art. 6, paragraph 5-bis of Law 236/93).

Dismissal of redundant workers

Once the agreement with the unions is reached, or otherwise once performed all the indicated procedures, the company may lay off redundant workers, informing them in writing about their dismissal, in accordance with the terms of notice. The list of workers, indicating their name, address, qualifications, level of remuneration, age, family responsibility and how the selection criteria have been applied, must be notified in writing within 7 days from dismissal to the regional Labour Directorate and the sectoral trade union. Unfair dismissal (for non-compliance or violation of the procedures of selection criteria) may be challenged by the employee within 60 days of receipt of the notice, by means of any written document, including the involvement of the union. The appeal is ineffective if it is not followed, within the next 180 days, by the filing of the appeal to the court. But the right to return to a former job exists only if the dismissal is ordered without the observance of the written procedure, whereas in case of violation of procedures and violation of criteria for selecting workers, only monetary compensation applies. Any defects of prior notification to the company union representations can be remedied, for all legal purposes, as part of a union agreement concluded in the course of the collective redundancies procedure.

Incentive to self-entrepreneurship

The employee may apply for advanced several pay, in a lump sum, of the total amount of Naspi as an incentive to start a self-employed work or an activity as sole proprietor, or to get membership in a cooperative. The advanced several pay shall not qualify for social security contribution or family allowance.

Social security contributions

The social security contributions shall consider the remuneration of reference for the calculation of Naspi.

Support to the relocation of workers recipient of Naspi (New provision of Social Insurance for Employment)

Employers who hire permanent full-time workers receiving the Naspi, shall receive an incentive equal to 50% of the remaining monthly allowance that would be paid to the worker, with the exception of workers who have been laid off in the preceding 6 months by a company with substantially the same ownership structure than that of the hiring company.

Unemployment benefits in the agricultural sector

The specific unemployment protection system shall remain valid for agricultural workers who do not fall within the scope of Naspi. Agricultural workers are entitled to unemployment benefits if they can assert:

- 2 years of seniority insurance as an employee;
- N 102 daily contributions in the two years preceding the submission of the application.

The allowance is equal to 40% of the salary and it is due for the number of worked days in the previous year, up to a maximum of 180. An amount equal to 9% for each day indemnified, up to a maximum of 150 days, shall be deducted from the above allowance as a solidarity contribution to finance the social security contribution to cover the entire reporting year. The application shall be presented by 31 March of the year following the year to which the bonus relates.

Transfer of a company in crisis

The consequences of the transfer of a company on employee labour relations are governed by art. 2112 of the Civil Code, which protects the continuity of the employment relationship with the employer and offers guarantees to workers for both the rights arising by seniority gained and the liability (of the seller and the buyer) for receivables due to the worker at the time of the transfer. However, the situation is totally different in case of a company in crisis.
Article 47, paragraph 5, of the law 428/90, provides that, when the total or partial transfer of the company is aimed to its rescue and to the preservation of employment for its workers, Article 2112 of the Civil Code shall not apply, provided that the certification of the situation of economic crisis and the signing of a union agreement for the maintenance, also partial, of employment are obtained.
Workers employed by the new employer are not entitled to the preservation of the economic and regulatory conditions which they enjoyed at the time of the transfer, “unless the agreement provides for more favourable conditions".

INFORMATION AND CONSULTATION THROUGH THE EWC (European Works Councils)

The EWCs are organs of workers' representation in companies or groups of companies with more than 1,000 employees located in the European Union, and at least 150 workers in two Member States. The workers' representatives appointed by trade unions or elected directly by the workers (according to national legislation or practices concerning the representation of employees in undertakings), sit in the EWCs and have the right to meet at least once a year and to be informed and consulted in advance by the management about the situation and the company's developments, as well as with respect to any significant decision that could have consequences, in at least two countries, on the workforce of the multinational group.

The European Commission "has as its objectives the promotion of employment, the improvement of living and working conditions so as to make possible their harmonisation while the improvement is being maintained, proper social protection, social dialogue, the development of human resources so to obtain an adequate an lasting level of employment and the fight against exclusion". In this perspective, Directive 94/45 on the establishment of European Works Councils and its subsequent recast (Directive 2009/38) and Directive 2002/14 / EC establishing a general framework for information and consultation of employees, were passed. These regulations, if fully exploited, could give rise to practices that go beyond the mere strict application of the information and consultation process and could provide very important elements for the union action and the development of a real European Social Dialogue. In this light, we must consider the fact that the European Works Councils are the only transnational bodies established by law. These representative bodies are critical because, on the one hand, they stipulate the obligation for companies to meet the representatives of the workers, provide them adequate information and provide moments of consultation; on the other hand, they provide an opportunity for delegates to meet with foreign colleagues with which to undertake network activities for the exchange of information and good practices.

In Italy the European Directive of 2009 was implemented by Legislative Decree n. 113 of 22/6/2012.

METHODOLOGY USED

In the vast majority of cases, workers' representatives in Italy are employees belonging to one of the local union organisations.
FAI CISL has conducted this survey by interviewing trade unionists who directly followed corporate negotiations. These are unionists with territorial, provincial and regional tasks.

A first meeting was held in January 2016 in order to explain to them the objectives of the project and the purpose of the research that FAI is carrying out in partnership with OBES Greece. Then, in the following months, trade unionists were interviewed individually at the FAI national headquarters.
The interviews were conducted jointly by the International Projects Manager and the person in charge for international policies.

REFERENCE FRAMEWORK

FAI CISL used the questionnaire template provided by OBES Greece and interviewed 11 trade unionists who followed the negotiations of 11 Italian companies distributed throughout the country: 2 in the North (Lombardy and Friuli Venezia Giulia), 4 in the centre (Lazio) , 4 in the south (Molise, Puglia, Calabria) and 1 operating throughout the country with regional and provincial structures, which have undergone major changes and for which, on the basis of Directive 2002/14 and on the basis of art. 6 of the National Collective Bargaining Agreement, it has been possible to implement information and consultation procedures with workers' representatives.

Article. 6 of the CCNL (National Collective Bargaining Agreement) provides for "Information and Consultation Rights". In this regard, it states: "In order to allow the trade unions signatory of the agreement an adequate knowledge of issues concerning relevant phenomena related to development and restructuring processes and technical and organizational innovations, as well as their effects on the organization of work and on employment and professional levels, the information set out at different levels competence will be provided".

1. AT NATIONAL LEVEL

At national level, the Parties shall normally meet in the first quarter of each year for a discussion on the restructuring programmes, reorganization and business development. The discussion is divided by sectors and segments, and examines economic, industrial and trade strategies, with particular reference to the formation of new businesses in the South, the restructuring processes and new investments. On the basis of this information, a discussion shall take place on prospects for achieving the objectives, and the appropriate verifications shall follow.

2. AT REGIONAL LEVEL

The parties, at the request of one of them, shall activate regional levels of information and consultation, with particular reference to development and investment programmes and to restructuring and reorganization processes. This level is not a negotiation level. It should not be confused with the 2nd level negotiation (local, group and company negotiation) widely practiced in large companies and multinationals, unlike what happens in the SMEs (small and medium industries), where the 2nd level negotiation encounters, at times, resistance by employers. To allow an adequate 2nd level negotiation in SMEs, CISL attaches great importance to territorial and/or industry bargaining, similarly to what happens in the agriculture sector.

3. AT COMPANY LEVEL

Company representatives inform the single trade union representation and the competent territorial unions on the final situation of the company, on production programmes and investment forecasts and their repercussions on work organisation, employment levels, professional dynamics.

The unionists interviewed followed the negotiations for the following companies:

1. **DANONE GROUP ITALY. MILAN OFFICE - VIA CARLO FARINI, 41- 20159.**

SITES AFFECTED BY REORGANIZATION: MILAN + CASAL CREMASCO PLANT (CREMONA), PRODUCING YOGURT WITH "ACTIVIA" TRADEMARK
BOTH SITES EMPLOYED ABOUT 180 PEOPLE IN OFFICE AND SALE ACTIVITIES ON THE TERRITORY.
THE REORGANIZATION STARTED IN MID-2014 AND WAS CONCLUDED IN MID-2015. IT AFFECTED BOTH THE MILAN HEADQUARTERS AND THE PLANT IN CASAL CREMASCO. AT THE BEGINNING OF 2014, THE COMPANY STATED AT EUROPEAN LEVEL THE INTENTION TO CLOSE THREE PLANTS TO OPTIMIZE THE PRODUCTION IN OTHERS. IN ITALY THE PLANT IN CREMONA WAS INVOLVED BOTH BECAUSE THEBUILDING WAS RENTED FROM GALBANI AND BECAUSE IT HAD ONLY ONE PRODUCTION LINE (ACTIVIA TRADEMARK), WITH HAD REGISTERED A SIGNIFICANT DROP IN PRODUCTION DUE TO THE CRISIS. THE COMPANY DECIDED THE CLOSING OF THREE PLANTS IN EUROPE TO RECOVER PRODUCTIVITY.
IN ITALY, ABOUT 100 JOBS HAVE BEEN ELIMINATED, 13 AT THE MILAN HEADQUARTERS (STAFF AND PLANT SUPPORT ACTIVITYES) AND THE REST IN THE CREMONA PLANT THAT WAS CLOSED.
THE REORGANIZATION OF THE TWO SITES WAS FOLLOWED BY THE MILAN - LOMBARDY FAI CISL SECRETARY GENERAL MASSIMILIANO ALBANESE - email: massimiliano.albanese@cisl.it.

2. NESTLE 'PURINA PETCARE ITALY Spa - 49, Via San Osvaldo - UDINE.
IN 2015 THE PLANT WAS PURCHASED BY THE ENGLISH GROUP BOB MARTIN UK Ldt - 8 Wemberham La, Bristol BS49 4BS, UK.
FROM 1st JANUARY 2016, ABOUT 72 EMPLOYEES WENT TO BOB MARTIN AND ABOUT 8 REMAINED IN NESTLE' AND WERE RELOCATED TO OTHER OFFICES.
THE UNION NEGOTIATION WAS FOLLOWED BY FAI CISL FRIULI REGIONAL SECRETARY email: claudia. Sacilotto@cisl.it.

3. FIORUCCI - VIA CESARE FIORUCCI - LOC. SANTA PALOMBA, POMEZIA (RM).

FAMILY BUSINESS.
UP TO 1995, IT WAS THE LARGEST ITALIAN-ONLY COMPANY IN LAZIO, WITH APPROXIMATELY 1,500 EMPLOYEES. IT UNDERWENT A FIRST RESTRUCTURING IN 1996 (January), THE FIORUCCI FAMILY REDUCED THEIR WORKFORCE OF ABOUT 250 UNITS. SINCE THEN, THE REDUCTIONS HAVE ALWAYS BEEN AGREED WITH THE TRADE UNIONS PRESEN IN THE COMPANY. THE SUBSEQUENT REDUCTION IN THE NUMBER OF EMPLOYEES HAPPENED IN 2002, WITH THE OUTSOURCING OF CERTAIN BUSINESS SECTORS AND A FURTHER REDUCTION OF ABOUT 250 EMPLOYEES TOGETHER WITH THE OUTSOURCING OF SURVEILLANCE, CONCIERGE, SHIPPING WAREHOUSE AND SLAUGHTERING UNITS. THE LATTER WERE GIVEN TO EXTERNAL COMPANIES THAT ALREADY WORKED INSIDE THE PLANT. THOSE WHO HAD ALREADY ACHIEVED THE REQUIREMENTS DURING THE PERIOD OF SOCIAL BUFFERS AND ALREADY HAD THE RETIREMENT AGE, DECIDED TO RETIRE. THE OTHERS WERE RELOCATED IN THE ABOVE COMPANIES. IN 2003 THE COMPANY SOLD 70% OF ITS ASSETS TO AN AMERICAN INVESTMENT FUND (VESTAR CAPITAL PARTNERS) MAINTAINING A SHARE OF 30%. IN 2006 A PROCEDURE FOR MOBILITY WAS STARTED, WHICH INVOLVED THE OUTSOURCING OF THE CHEMICAL AND QUALITY CONTROL LABORATORY (ABOUT 70 PEOPLE) WITH THE SAME PROCEDURE AS ABOVE. IN 2007 THE RULES PROVIDING FOR A LONG MOBILITY (ABOUT 7 YEARS) WERE PASSED AND LED TO THE DROP OUT OF ABOUT 40 PEOPLE (ALL VOLUNTEERS). IN 2009, SOME OTHER 9 PEOPLE DECIDED FOR THIS LONG MOBILITY. IN 2011 AN ADDITIONAL PROCEDURE FOR MOBILITY FOR ALL PERSONNEL WHO HAD REACHED THE REQUIREMENTS AND WOULD BE LEAVING VOLUNTARILY (ABOUT 40 PEOPLE) WAS STARTED. IN THAT SAME YEAR, THE COMPANY CHANGED ITS OWNERSHIP AGAIN. THE SPANISH "CAMPOFRIO FOOD GROUP" PURCHASED THE SANTA PALOMBA PLANT, THE CURED PORK MEAT FACTORIES IN LANGHIRANO AND FRIULI, THE PLANT LOCATED IN VIRGINIA, IN THE U.S., AND ALL SALES OFFICES IN EUROPE.
IN 2013 CAMPOFRIO OPENED A PROCEDURE FOR THE MOBILITY OF ABOUT 300 PEOPLE. AN UNION AGREEMENT MADE IT POSSIBLE FOR 90 PEOPLE TO LEAVE VOLUNTARILY. FOR THE OTHERS, A SPECIAL LAY-OFF FUND PROCEDURE WAS OPENED. THEN THE WHOLE COMPANY WAS SOLD TO THE MEXICAN SHAREHOLDERS "SIGMA ALIMENTOS" ALTHOUGHT IT KEPT THE CAMPOFRIO BRAND.

IN DECEMBER 2015, A FURTHER PROCEDURE FOR MOBILITY WAS OPENED FOR ABOUT 14 VOLUNTARY PEOPLE (ALL THOSE WHO VOLUNTARILY DECIDED SO).
THE NEGOTIATION WAS FOLLOWED BY THE TRADE UNIONIST STEFANO PASSAMONTI (secretarial Member at FAI Rome - LAZIO) email: stefano.passamonti@cisl.it .

4. **CSI - ITALIAN FROZEN FOOD COMPANY SPA - FINDUS - VIA APPIA - 00144 (RM).**
FORMER FINDUS (WITH 700 EMPLOYEES) PROPERTY OF UNILEVER TRADING WHO SOLD IT TO CSI IN 2007/2008. THROUGH THREE MOBILITY PROCEDURES AND SUBSEQUENT RETIREMENT INCENTIVES (2008-2014), IT HAS GONE FROM 700 TO 360 EMPLOYEES.
IN JUNE 2015, CSI WAS PURCHASED BY THE BRITISH GROUP IGLO FOODS AND THEN BY NOMAD FOOD IN NOVEMBER 2015. TODAY IT IS EXPERIENCING A STRONG CORPORATE CRISIS. AFTER THE PURCHASE, IT ASKED THE UNION:
1) TO START UP A CONSULTATION FOR UNEMPLOYMENT BENEFITS FOR THE WHOLE PLANT LOCATED IN CISTERNA (POTENTIALLY FOR ALL 360EMPLOYEES) SPREADABLE IN 5 YEARS AND NOT EXCEEDING 12 WEEKS IN 24 MONTHS.
2) TO HAVE THE AUTHORISATION TO TRANSFORM OPEN-ENDED CONTRACTS INTO FIXED-TERM CONTRACTS BY FEBRUARY 19, 2016, AS COMPLETION OF THE PREVIOUS AGREEMENT SIGNED IN DECEMBER 2015.
THE TRADE UNIONIST THAT FOLLOWED THE NEGOTIATION WAS ATTILIO FAIOLA (FAI TERRITORIAL SECRETARY, LATINA - LAZIO), e-mail: attilio.faiola@cisl.it.

5. **HEINZ - PLASMON - VIA MIGLIARA, 45 - BORGO GRAPPA (LT).**
PLASMON: COMPANY FOUNDED BY CESARE SCOTTI IN 1902 IN MILAN. IN 1963 IT WAS PURCHASED BY THE ENGLISH GROUP HEINZ. IN 1969 THE LATINA PLANT WAS INAUGURATED, WHICH TODAY HAS 350 EMPLOYEES. UP TO 2006, IT HAD 560 EMPLOYEES. IT PRODUCED BABY FOOD, FRUIT JUICES, CHILDCARE PRODUCTS, DIET RUSKS FOR BREAKFAST.
ITS ADMINISTRATIVE OFFICE WAS IN MILAN. THE PLANT HAD A GENERATIONAL REPLACEMENT FROM 1998 TO 2002 FOR ABOUT 200 PEOPLE WHO RETIRED.
IN 2006 (APRIL) A MARKET SHRINKAGE LED TO A FIRST MOBILITY PROCEDURE AND SUBSEQUENT RETIREMENT INCENTIVES THAT DETERMINED THE OUTPUT OF 60/70 PEOPLE.
FROM 2006 TO 2010, THE ECONOMIC CRISIS LED TO FURTHER MARKET SHRINKAGE AND A LOSS OF VOLUMES EQUAL TO € 30,000 / 35,000 TONS / YEAR.
IN 2010 (APRIL) ANOTHER MOBILITY PROCEDURE WAS OPENED FOR ABOUT 56 PEOPLE WITH SUBSEQUENT RETIREMENT INCENTIVES. UNLIKE THE PREVIOUS MOBILILITY PROCEDURE, WHICH REMAINED OPEN FOR 6 MONTHS, THIS ONE REMAINED OPEN FOR TWO YEARS AND WAS CLOSED IN 2012. ANY AGREEMENT MADE BY THE COMPANY HAS ALWAYS PROVIDED THE EXCEPTION, REQUEST BY UNIONS, FOR THE RECRUITMENT OF PERSONS WITH PERMANENT CONTRACTS (RECRUITMENT WITH DUTIES OTHER THAN THOSE HELD BY THE PEOPLE COMING OUT FROM THE SAME MANUFACTURING FACILITY).
IN 2013 THE COMPANY WAS SOLD TO WARREN BUFFETT SUPPORTED BY A BRAZILIAN FINANCIAL PLAYER (3G CAPITAL) BUYING THE HEINZ WORLD AND THEREFORE THE LATINA PLANT. IN SEPTEMBER/OCTOBER 2013, ANOTHER PROCEDURE FOR MOBILITY WAS

OPENED WHICH ENDED 31 DECEMBER 2013 AND SAW THE INVOLVEMENT OF 30 UNITS WHO RECEIVED RETAIREMENT INCENTIVES.
IN APRIL 2015, THE COMPANY DECIDED TO OUTSOURCE ITS LOGISTICS DEPARTMENT (SUPPLY OF RAW MATERIALS) WITH A NEW MOBILITY PROCEDURE FOR 21 PEOPLE. THIS PROCEDURE WAS MANAGED WITH MANY STRIKES AND TRADE UNION ACTIONS. THE PEOPLE INVOLVED WERE YOUNG. AN AGREEMENT WAS SIGNED FOR THE RELOCATION AND SEARCH OF VOLUNTEERS IN THE WHOLE PLANT. VOLUNTEERS WHO AGREED TO GO HAVE SIGNED AN AGREEMENT IN JULY AND LEFT THE COMPANY ON 30 SEPTEMBER 2015. OTHERS WERE RELOCATED IN THE PLANT AND OTHERS WERE ABSORBED BY THE NEW COMPANY "NUMBER 1 LOGISTICS GROUP" BASED IN CESENA.
THE TRADE UNIONIST THAT FOLLOWED THE NEGOTIATION WAS ATTILIO FAIOLA (FAI TERRITORIAL SECRETARY, LATINA- LAZIO), e-mail: attilio.faiola@cisl.it.

6. EROPOMELLA COMPANY - STRADA ASI CONSORTILE, 7, 03013 FERENTINO (FR)
MANUFACTURER OF DAIRY PRODUCTS AND BUFFALO MOZZARELLA. FOUNDED IN 1929 BY THE POMELLA FAMILY, IN A SHORT TIME IT CONQUERED A MARKET SHARE AND GREW TO A MAXIMUM OF 52 EMPLOYEES IN THE '80S. LATER, THE COMPETITION AND THE EMERGENCE OF OTHER DAIRIES IN THE AREA LEAD THE COMPANY TO A STAFF REDUCTION AND IN 2000 IT HAD 28 EMPLOYEES. THE VARIOUS PEOPLE WHO RETIRED WERE NOT REPLACED. IN 2003, WITH THE CRISIS, THE POMELLA FAMILY BEGAN TO THINK OF CLOSING THE COMPANY.
IN JULY 2004, A BULGARIAN BUSINESSMAN, MR. AMIRYAN ASHOT, MEMBER OF A NOBLE FAMILY, DECIDED TO ACQUIRE AND RESTRUCTURE THE POMELLA COMPANY TO REVIVE IT IN THE MARKET NOT ONLY AT DOMESTIC LEVEL BUT ALSO INTERNATIONALLY. HE WANTED TO KEEP ONLY 10 OF THE 28 REMAINING WORKERS. THE OTHERS WOULD BE HIRED, IF NECESSARY, AS SEASONAL WORKED.
THE UNION PROPOSED TO WORKERS A COLLECTIVE WORKING TIME REDUCTION AND A LOWERING OF THE GENERAL LEVEL SO AS NOT TO ARRIVE AT THE EXPECTED LAYOFFS. THE PROPOSAL WAS MADE TO THE NEW COMPANY MANAGEMENT WHICH ACCEPTED IT AND RETAINED THE SAME WORKFORCE.
SINCE 2004, THE NEW COMPANY REDUCED STAFF ONLY FOR RETIREMENT OR VOLUNTARY RESIGNATION; THE BUSINESS HOURS OF THE REMAINING PEOPLE IS GROWING AND GETTING BACK TO NORMAL.
THE NEGOTIATION WAS FOLLOWED BY THE TRADE UNIONIST MARCO VACCARO (FAI SECRETARY, FROSINONE), e-mail: marco.vaccaro@cisl.it**.**

7. ITALIAN HEADQUARTERS - VIA GIUSEPPE RIPAMONTI, 89-20141 MILANO.
CARGILL ACTIVITIES IN OUR COUNTRY ARE:

- **PRODUCTION AND SALE OF ANIMAL FEED;**
- **ADVISORY SERVICES FOR ANIMAL NUTRITION;**
- **PRODUCTION AND SALES OF SWEETENERS AND STARCHES;**
- **TRADE OF GRAINS AND OILSEEDS;**
- **TRADE OF INGREDIENTS FOR THE FOOD INDUSTRY;**
- **TRADE IN COCOA AND CHOCOLATE.**

THE FORMER PLANT IN TERMOLI (CAMPOBASSO-MOLISE) PRODUCED ANIMAL FEED, EXCEPT PETFOOD. IN 2011/2012 CARGILL ACQUIRED THE BRAND RAGGIO DI SOLE. IN THE PLANT, WHICH AT THE TIME HAD 19 EMPLOYEES, A SPECIAL LAY-OFF FUND WAS OPENED DUE TO A CORPORATE REORGANIZATION. SOME WORKERS SPONTANEOUSLY DECIDED FOR MOBILITY, HOPING FOR A RELOCATION WHICH UNFORTUNATELY DID NOT COME FOR EVERYONE; OTHERS WERE PUT IN MOBILITY AT THE END OF THE LAY-OFF PERIOD.
THE PLANT WAS CLOSED AT THE END OF THE SPECIAL LAY-OFF PERIOD THAT DID NOT INVOLVE ONLY TERMOLI BUT ALL THE CARGILL GROUP ITALY.
CARGILL BEGAN ITS ACTIVITIES IN ITALY IN 1962 AND, AS A RESULT OF SEVERAL ACQUISITIONS THAT CONTINUED OVER THE YEARS, NOW HAS ABOUT 700 EMPLOYEES SPREAD AMONG ITS PLANTS IN CASTELMASSA (RO), CHERASCO (CN), FIORENZUOLA D'ARDA (PC), MELFI (PZ), MILAN, MILAZZO (ME), SANTA MARIA DI MUGNANO (MO), SOSPIRO (CR), SPESSA (PV) AND PADUA.
THE NEGOTIATION WAS FOLLOWED BY THE TRADE UNIONIST Raffaele DE SIMONE (FAI REGIONAL SECRETARY, MOLISE), e-mail: raffele.desimone@cisl.it**.**

8. COCA COLA - V.LE EUROPA - BARI (PUGLIA).
IN 2010 THE BARI PLANT, WITH ITS 120 WORKERS AND 30 EMPLOYEES, WAS CLOSED. IT WAS A HISTORIC COMPANY HANDED DOWN FROM FATHER TO SON WITH ALSO A SOCIAL ROLE BECAUSE IT HIRED PEOPLE INDICATED BY THE COURT. THE HELLENICK BOTTLE COMPANY, (GREEK GROUP INCORPORATED IN COCA COLA IN 1969), BOUGHT THE PLANT ALMOST SIX YEARS AGO AND AFTER A SHORT WHILE DECIDED TO CLOSE IT BECAUSE IT WAS NO LONGER PRODUCTIVE. NO NOTICE WAS GIVEN TO ANY TRADE UNION LEVEL. A MEMBER OF THE SINGLE UNION REPRESENTATION HEARD ABOUT THE NEWS AND INFORMED THE UNIONS. COCA COLA DECIDED TO CLOSE AND ASSURE A JOB TO ALL PERSONNEL. THE UNION PROCEDURE STARTED, WITH UNION NATIONAL AND TERRITORIAL MEETINGS, FOLLOWED BY MEETINGS WITH LOCAL INSTITUTIONS (MAYOR AND PREFECT). A NEGOTIATION WAS HELD IN CONFINDUSTRIA FOR THE RELOCATION OF EMPLOYEES AND NEGOTIATIONS AD PERSONAM WERE UNDERTAKEN.
ABOUT TEN WORKERS WERE OFFERED MOBILITY, WITH EARLY RETIREMENT. OTHER WORKERS WERE SENT TO OTHER COCA-COLA PLANTS ACROSS ITALY, UPON THEIR CHOICE (MARCIANESE, ORICOLA, AND OTHERS). 4-5 PEOPLE WERE PLACED IN A LOGISTICS COMPANY IN BARI. OTHERS WERE SENT TO EMILIA ROMAGNA TO WORK IN THE FRIDGE/SHOWCASES CARE AND MAINTENANCE, OTHERS WERE GIVEN INCENTIVES TO RESIGN. A SMALL GROUP WAS RELOCATED IN THE TRADE DEPARTMENT IN VARIOUS ITALIAN OFFICIES. ALL WORKERS WERE RELOCATED.
THE NEGOTIATION WAS FOLLOWED BY THE TRADE UNIONIST PASQUALE FIORE (FAI SECRETARY, BARI - PUGLIA), email: pasquale.fiore@isl.it .

9. NOSTROMO - PLANT OF PORTOSALVO (CALABRIA).

THIS PLANT, OWNED BY A SPANISH COMPANY, DEALT WITH TUNA PROCESSING AND CANNING AND EMPLOYED 115 PEOPLE.

THE COMPANY DECIDED TO CLOSE THE PLANT IN 2010/2011, WHEN IT WAS ACQUIRED BY MARENOSTRO AND THE ENTREPRENEUR VINCENZO CERAVOLO, WHICH HAD TAKEN PRECISE ENGAGEMENTS AND A FINANCING BY THE STATE. BUT THE COMPANY WAS NEVER SUCCESSFUL AND WENT BANKRUPT IN 2015. CERAVOLO WAS JUSTICE WITNESS AND IN SPITE OF MEETINGS WITH THE PREFECT, DID NOT PAY WORKERS, WAS IN ARREARS WITH THE ELECTRICITY COMPANY AND STOPPED THE INCOMING OF RAW TUNA. HIS EMPLOYEES ARE STILL IN MOBILITY AT PRESENT.

THE TRADE UNIONIST THAT IS FOLLOWING THE NEGOTIATION IS MONACO SEBASTIANO. E-MAIL: sebastiano.monaco@cisl.it**.**

10. INDUSTRIA MOLITORIA S.R.L. DI IOPPOLI &. C.

EDIBLE FLOUR TRADE - VIA AVOGADRO, 10-88900 CROTONE - CALABRIA

HISTORIC COMPANY OF THE CROTONE PROVINCE, FOUNDED IN 1988, FAMILY-RUN BY THE IOPPOLI FAMILY. MILL PRODUCING FLOUR FROM WHEAT AND DISTRIBUTING IT AT FIRST TO PROCESSING INDUSTRIES, BAKERIES IN CALABRIA, PUGLIA BASILICATA AND SICILY. WITH THE PASSING OF YEARS, ITS ACTIVITY WAS GREATLY SHRINKED AND THEY ONLY SUPPLIED THE CALABRIA REGION.

INITIALLY THE COMPANY HAD 22 EMPLOYEES, DISTRIBUTED BETWEEN PRODUCTION, SALES, TRANSPORT OPERATORS AND EMPLOYEES. LAST YEAR, DUE TO ECONOMIC PROBLEMS THAT DID NOT ALLOWED THE ACTIVITY TO CONTINUE, THERE WAS A COLLECTIVE LAYOFF THAT INVOLVED ALSO THE COMPANY MANAGER.

THE NEGOTIATION WAS FOLLOWED BY THE TRADE UNIONIST FRANCESCO FORTUNATO (LOCAL SECRETARY FOR CATANZARO/CROTONE/VIBO).E-MAIL: francesco.fortunato@cisl.it.

11. ITALIAN BREEDERS ASSOCIATION

THE BREEDERS ASSOCIATION, MADE BY THE ITALIAN BREEDERS ASSOCIATION (AIA), SECOND LEVEL ASSOCIATION TO WHICH ADHERE OTHER ORGANIZATIONS OF REGIONAL / PROVINCIAL BREEDERS ASSOCIATIONS (ARA-APA) OPERATING AS BRANCH OFFICES FOR THE INSPECTIONS CARRIED OUT BY AIA, UNDER LAW 30/1991, ENSURE THE GENETIC IMPROVEMENT.

THE SYSTEM OF BREEDERS ASSOCIATIONS SEES THE CURRENT INVOLVEMENT OF ABOUT 2,400 WORKERS (LIVESTOCK CONTROLLERS, COMPUTER EXPERTS, ADMINISTRATIVE STAFF, GENETICISTS AND LABORATORY TECHNICIANS, STAFF IN OTHER ACTIVITIES).

HERDS OF DIFFERENT SPECIES SUBJECT TO CONTROL ARE OVER 47,000 AND REPRESENT, IN THE MILK SECTOR ONLY, MORE THAN 1.5000.000 UNITS OF CATTLE AND UP TO 79% OF THE PRODUCE.

THE NEGOTIATION WAS FOLLOWED BY FAI NATIONAL POLITICAL COORDINATOR: GIANNI MATTOCCIA. EMAIL: GIANNI.MATTOCCIA@CISL.IT .

RESPONSES TO QUESTIONNAIRES

1. Is there a written agreement between the employer and the trade union, establishing practical details of information and consultation? If yes, what does it include?

All respondent unionists have said that in accordance with what is foreseen in the national labour agreements for companies with more than 15 employees (in our investigation we considered all companies with more than 15 employees), Trade Unions are informed in advance as concerns restructuring plan or business restructuring including the workload restructuring and/or any change within the company. National labour agreements foresee information and consultation and this is respected by the companies concerned.

Even as regards the Italian Breeders Association (AIA), while respecting the roles of the Executive Committees and Departments, in order to raise the quality of services and productivity, for a fair sharing of the workload and for professional qualification, plans of restructuring and reorganization and their organizational models are previously brought to the attention of Trade Unions .

In the presence of restructuring and workers mobility needs within the same association and among those of the same region and neighbouring Province, time and mobility ways shall be agreed with the local trade-union representation, subject to acceptance by the workers concerned, and shall assure the worker the seniority and skills she has acquired.

AIA provides the trade union organizations signatory of the contract, during special meetings to be held no later than in the first and the last quarter of the year, preventive and final information on costs incurred, even on the economic situation, the national activity programmes divided by sector, in order to realize a coordinated development of the livestock sector, bearing in mind also the issues of employment level improvement.

During these meetings, AIA also provides information about organizational processes, significant, technological innovation, research and experimentation taking place in the sector. (Artt. 4 and 43 of the national labour agreements for employees of organizations of breeders and livestock organisations).

2. What kind of situation of changes in employment requiring information and consultation procedures did your company face? References.

The union respondents made reference to a wide range of situations, such as:

- In the case of the MOLINO Ioppoli company, the decrease from 22 to 11 workers eliminated the right to information and consultation, therefore, the information exchange and trade union activity within the company was greatly reduced.
- small variations in employment levels in mergers or incorporations of the provincial and regional breeders associations in the case of the Italian Breeders Association.
- layoffs of workers
- closure of a plant (Coca Cola)
- procedures of reduction of employment levels
- changing occupational roles
- rotation of tasks
- outplacement nationwide
- voluntary resignation
- transfer of a part of the staff to another company
- closure of the company.

3. What were the main problems you had to face?

This question received different answers. Some relate to issues that concern companies, others to working conditions in the companies, and others to the information and consultation procedure:

Corporate problems:

- *PLANT CLOSING*

- *CORPORATE FINANCIAL PROBLEMS*

- *REDUCTION OF PRODUCTION*

- *HARMONIZATION OF PROFESSIONAL LEVELS*

- *BUSINESS FAILURE*

- *CONTRACTION OF THE MARKET*

- *REORGANIZATION OF THE COMPANY*

Working conditions:

- *REDEPLOYMENT OF STAFF THROUGHOUT THE NATIONAL TERRITORY*

- *TRANSFORMATION OF WORKING TIME FROM FULL TIME TO FIXED TIME*

- *TRANSITION FROM 22 TO 11 WORKERS*

- *DISMISSAL OF ALL WORKERS OR DISMISSAL OF A CERTAIN NUMBER OF WORKERS*

Procedures:

In all the cases examined, the information and consultation procedures were implemented, although in a particular case (Coca Cola) communication to the trade unions came late.

4. Did information precede the decision making of the employer or the employer just announced an already made decision? Did he call you for information and consultation?

All respondents, except one (Coca Cola), who announced that a decision had already been taken, replied that the information was given before the decision-making process was initiated. In particular, the DANONE Group first informed the EWC and later the Italian trade union delegates.

The general impression is that in Italy there is a strong culture of information and consultation, and that employers rarely bypass it.

5. With whose initiative did information take place? Where did it take place? Who participated from each side (employee/employer)? Was there an agenda and who prepared it?

Normally the meetings took place at the premises of employers' organizations, in the presence of:

- the seller and the buyer, normally represented by the Managing Director and/or person responsible for the company's industrial relations. In one case, FEDERLAZIO of Frosinone convened the trade unions at their offices (Pomella case).

- the corporate advisor

- CONFINDUSTRIA.

- the unitary trade union representative body .

- External (local) union representatives and leaders

In most cases, workers' representatives were informed by the Unions, who in turn were informed by the company or by Confindustria, Assolombarda, Industrial Association.

The information took place in the company offices, in Confindustria and Assolombarda, at the Association of Industrialists, in Federlazio with an agenda prepared by the company's management or, in the case of Pomella, by Federlazio. In the Nostromo case, a written agenda had not been prepared.

6. Did your employer inform you in written using analytical and documented information about the above-referred changes in employment?

The majority of respondents answered that they had received analytical and documented information, as required by the procedure.

In one case, a written and detailed information was first given to the EWC (the Danone case) and then continued verbally at corporate level.

Two respondents (Ioppoli and Coca Cola cases) said they did not receive any written information. The information was only oral communication about the closure of the plant (Coca Cola) and the need to reduce staff (Ioppoli).

7. Did you ask for analytical information taking the initiative yourself, when for example there were rumors that there would be restructuring or redundancies? On what issues did you ask for information?

10 respondent trade unionists answered that they were aware of being able to exercise this right, so they took the initiative to ask information in writing, mainly on issues that concerned work organization and in particular the apparent slowdown in production, decline in sales and volumes, reduction of redundant staff, changes in classification levels and working hours, business and working plans, the closing time of the plant, the alternative arrangements for the relocation of workers at national or regional level. It the Danone case, clarifications were requested only verbally to the company.

8. Did you ask for assistance of an expert or any third party (e.g. an economist, a lawyer or an engineer)? What kind of assistance did you get?

Only one respondent answered that he had asked for technical advice from a higher level of the organization he belonged to. All other respondents replied they did not use any external assistance.

9. Did you have any objection about the information procedure followed? What juridical process did you engage (Labour Inspectorate, Ministry of Labour, Court of justice etc.) and what were the results?

None of the respondents said they had started disputes about the information procedure followed.

10. Was the information you received satisfactory? Did it cover the economic situation of the company, evolutions of employment and changes in work contracts or redundancies?

With the exception of two respondents, all others reported having received satisfactory information with an economic analysis of the situation. In a case, the business plan was not presented at the right time and one respondent said he had received information of a general nature only, and that this information was not sufficient, fragmentary, and not exhaustive.

11. Did you transfer information you got from the employer to employees and how did this disclosure take place?

The trade unionists interviewed responded they had transferred the information received by the employer to employees through the convening of Assemblies of workers. In one case, the workers were gathered in evening meetings three or four times a week. In the Coca Cola case, after meetings in Confindustria, the provincial trade union secretariats went out to inform workers waiting in the street, then meetings followed, a meeting with the city mayor and one with the prefect.

12. Did your employer give you information he said was confidential? Did he explain to you the reasons of confidentiality and how long would it last? Did you have any problems?

The answers to this question are equally divided. Half of the respondents said they had received confidential information at the beginning but then this information had quickly become public. Only in one case was the procedure made public through the media. The other half of the respondents were not requested any confidentiality.

13. In the case your employer provided you with information you asked, how much time did you have to examine data provided in order to form and express your views and opinions during consultation?

Three respondents replied they had had a week's time. One respondent replied that the problem did not arise because everything had already been publicized through the media. One respondent stated that he had asked for a derogation from the time granted. Two respondents had sufficient and adequate time to analyse the issue. The others replied the time granted was not appropriate.

14. Did you ask in written for clarifications on the information received? Did the employer answer to you in written, in order that you get prepared for consultation?

Five unionists responded positively to this question. One of them said he asked for clarifications but he did not obtain any. One claimed to have received clarifications only in a few cases. Four respondents did not obtain written explanations but only some verbally discussed explanations.

15. Where did consultation take place? Who participated from each side? Who wrote the agenda with issues to be discussed?

The consultation took place sometimes in the company's headquarters and other times at the premises of employers' organizations, at the presence of the company management and with the assistance of employers' organizations, the signatory organisations of the National Labour Agreement and the legal representatives of the various associations. The agenda had been defined in some cases by the employer, in other cases agreed upon by the employer and the Unions or just by the Unions.

16. How long did consultation last? Were there written minutes signed by the employer and the employees? Did you ask for assistance of an expert or any third part?

Responses vary greatly with regard to the duration of the consultation. Some said 1 day, others 3 times, 7 days, 1 month, 4-5 months. Only 5 of 11 responses stated that there were written minutes. There were no requests of assistance of external experts.

17. Did you ask the employer for justified responses to the opinions that you expressed during consultation? On which matters? Did you get them?

In nine cases trade unionists requested reasoned answers to the opinions expressed during the consultation, but they did not always receive a

documented response. Two respondents didn’t ask anything to company management.

18. With the exception of the consultation procedure, did you manage to create conditions pressing the employer towards your positions (trade-union pressure, allies in the community, political pressure, Ministry of Labour, Labour Inspectorate etc.)?

The unions used different ways to put pressure on the employer:

• Strike

• Strike Threat

• Interruptions of shifts

• Advertisement

• Announcement in the press

• Appeal to the mayor and to the prefect

• Convocation of the company management at the Ministry of Economic development

Three respondents said that pressures were made but without achieving satisfactory results.

19. How do you assess the results of the information and consultation? Did the opinion you expresses during consultation achieve in influencing or changing decisions made by the employer for changes in work organization or work contracts?

In 8 cases out of 11, information and consultation influenced, at least in part, decisions about changes in work organization and labour contracts. This shows that information and consultation can be used to achieve tangible results.
In two cases, however, the trade unionists were disappointed because the employer was adamant about the decisions taken even if the information and consultation took place and followed the practice envisaged in the national collective bargaining agreement.
A union leader also stated that they did not have the opportunity to perform any action.

20. Did you conclude to an agreement regarding the employer's decisions on the future?

Seven respondents responded positively, also because the presentation of the business plan by the company is required by law. In two cases the response was that the company did not present a real business plan but, in one case, the company presented a social management plan, and in another case a plan for the rationalization of operating costs.

One respondent replied that the company management concluded by giving information about things that had already occurred, therefore it was not possible to agree on anything.

21. What practical advice would you give to trade unionists facing analogous situations?

The advice collected refers to the different situations faced by our respondents:

- Maximum transparency for the workers (when multinationals decide to close, it is difficult to stop the decision)
- Information to workers and their involvement in the search for all possible solutions.
- Never give illusions or false hopes to the workers; inform them properly.
- Formation of cooperatives among workers.
- Always look for evidence of what the company offers.
- Try to have the information as soon as possible so that it can be well analysed and studied to have the framework of the crisis and to find the highest protection for workers.
- Solidarity
- Study the legislation
- Require the support of social institutions, the union at all levels (including the Confederation level) and institutions at all levels (local government, local authorities, ministry and ministry offices).
- Unity and support for workers.
- Assess whether the company's plans are really aimed at the development of the productive structure.
- Coordination with other trade unions.
- Use available legal means
- Keep written minutes

22. Which processes and means did workers' representatives use to inform all employees on the results of information and consultation?

All respondents used the union meeting and displayed notices in trade union boards in establishments/companies as the most appropriate means to inform employees. Some have used the union circulars, press releases after meetings, word of mouth, flyers, information technology and social media,

evening meetings, press releases and posting of ads to reach a wider dissemination of the information.

23. In case your employer did not give you information you required or refused information & consultation procedure did you proceed to juridical measures? If yes, which exactly and what was the result? Were there sanctions for the employer and if yes which?

All respondents answered this question negatively as there were no prerequisites for this type of action.

24. Do you consider that these sanctions were effective, dissuasive and proportionate to the seriousness of the offense to employment? Were there sanctions at all?

In the cases examined, sanctions were not applied as it was not necessary to take legal action.

25. In case the company belongs to a multinational grouping of companies, in which there is a EWC have you informed the EWC? Has the subject been discussed in the EWC? Has the EWC restricted Committee discuss the subject with the central management of the grouping in a meeting of information and consultation based on a report of the central management? Have you been called to participate in this meeting? Have you informed employees about the results?

Some respondents work in companies where the EWC is not present. In multinational groups where there is an EWC, this was informed only in a few cases (e.g. Danone Group, Plasmon, Nestle, Fiorucci, Findus, Cargill) and the Selected Committee did not address the issue with the general management.

26. What difficulties or obstacles have you encountered due to the Law, administrative system, juridical system or in general?

Some union members stated that they operate in very small realities and their actions were limited also from the legal point of view.

In the case of a multinational company (Danone group), the biggest obstacle encountered was to have agreed with the group a " WORK DOWRY" that in

our economic system could be done directly from a company to another, and therefore required the search for a strategy and was realised thanks to a "triangulation" with a service company for workers relocation.

One respondent stated that the entry into force of the "job act" (the Labour Law) allowed them to extend the period in which it was possible to make use of social buffers.

Another interviewee said that so far he has not encountered difficulties or obstacles, but the changes made to support income in the future may change something, because the new law is more restrictive than the previous one.

27. What would you suggest to other trade unionists facing similar problems?

The responses received may push for a thoroughly assessment of all the arguments put by the company on the negotiation table. Always be open to dialogue, with the aim of reaching a good agreement and, when needed, also ask the assistance of higher level organisms. For an adequate assistance and representation of workers, unionist must know very well contractual rules, the rules on information and consultation, the social laws, social buffers, labour law and European directives.

CONCLUSIONS OF THE ITALIAN NATIONAL REPORT

In most of the cases interviewed, good industrial relations can be found and the rules on information and consultation are sufficiently applied in large companies and multinationals. On the contrary, in SMEs, joining the union and the resulting good industrial relations are more difficult. For an adequate assistance and representation of workers employed in SMEs, FAI-CISL supports the increasingly widespread application of the 2nd level of territorial contracts and industry contracts, as this has been proven positive over time and gave excellent results in the agricultural sector.

As concerns multinational, EWCs complain about the lack of uniformity in industrial relations in all the countries where the multinational is present. In fact, the same company maintains excellent industrial relations in some countries but not so in others, adjusting its action according to the weight of the unions and the social and labour laws in force in that country. In addition, EWCs complain about the misuse by companies of the term "Absolute Secrecy and Confidentiality" of data and information communicated to them, considering that not all the information in reality should be confidential as some of it is already publicly known. Therefore, the "Secrecy" is a way adopted by companies to reduce the role of the EWC and the resulting information to workers.