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# **Equal opportunities and collective bargaining in the European Union**

Selected agreements from Italy  
Phase II

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**EUROPEAN FOUNDATION  
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by

Myriam Bergamaschi

## Summary

The research, whose purpose was to identify good agreements from the point of view of equal opportunities, required initial investigation of the various dimensions of the concept of equal opportunities in Italy: content, methods of enforcement and breadth of the area concerned, the actors involved and the process that led to the agreement.

Agreements were selected with account being taken of the entire national situation and the two bargaining levels (centralized and decentralized); the sector concerned was not a binding selection criterion but was nonetheless important with regard to some issues. We have examined 20 agreements, all concluded during the current decade. Two of them are national agreements, while the others are the result of decentralized bargaining. The breakdown by sector is as follows: five agreements concern the industrial sector, six the public sector and nine concern the tertiary sector, both private and public.

The 20 agreements have been divided into three categories:

1. ten self-declared equal-opportunities agreements (stating the intention of promoting equal opportunities);
2. six agreements that explicitly attempt to address discriminatory practices;
3. four agreements that appear "good" once they are considered in context.

The spread of agreements and clauses on equal opportunities remains, in several aspects, limited and problematical, even though it is supported by both national legislation and EC directives. The most influential in this respect is the Positive Action, 1991 which, among other things, provides incentives for positive action in the private sector, including the granting of ad hoc funding.

The most significant "dimensions" of the concept of equal opportunities, in terms of this investigation, are: a. those inherent in contents that provide women with substantial benefits; b. those deriving from the active presence of women in the process of constructing and implementing agreements.

As regards the former dimension, that of content, the main aspects are working times, a re-balancing of women's presence in typically male jobs and in positions of responsibility, recognition of the social value of motherhood and promotion of the reconciliation of work and family responsibilities. Changes in working times seem to be a fundamental factor, offering flexibility that is in the interest of both employers and workers alike. The changes envisaged (and expressly aimed at both men and women) range from the extension of rights to time off and parental leave, to the introduction of job-sharing, the extension of part-time working, and even the city-hours plan

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(co-ordination of shop, office, public services and school hours at local level). In the agreements examined, positive actions are established in two ways: on the one hand, in the form of "preferential treatment" and, on the other, in the form of equal-opportunities policies whose aim is to correct disparities between men and women. In the former case, equal opportunities between the sexes is promoted by establishing female "quotas" or by introducing measures that give women priority access to positions of responsibility, whereas in the latter case the focus is on reviewing regulations, changing procedures or providing women with training so they can adjust what they have to offer employers.

The second aspect - the active presence of women in the process of construction and implementing agreements - is apparent mainly in agreements that explicitly attempt to address discriminatory practices and in those that apply European regulations concerning sexual harassment. In agreements of this kind, women are included as a third group, alongside the two traditional partners of industrial relations (representatives of workers/employers at the various levels). Women enter onto the scene as research and investigation teams (whether or not in the form of organized groups) and are able to perform a decisive promotional function. But this is not usually reflected in the assumption of a negotiating role, except in the case of issues that lie outside the bounds of "traditional" bargaining that is, pay, job classification, working times) and require new methodologies to establish new rules and new contents. This is true in the case of the stipulation of agreements on the adoption of the code of practice to combat sexual harassment in the workplace. In general, women take on responsibility for more complicated issues that are not strictly associated only with production and the workplace, and tend to develop bargaining strategies that are not based on the "simplification" of the role of women workers. As a result of this, women are more likely than are their male union counterparts to undertake investigative work to tackle issues that have thus far been governed by company management alone (a typical example being selection and access). It is possible to conclude that the traditional trade unions are capitalizing on women's skills in areas where the protection of women's rights is part of general union strategy for protecting workers; where new skills are required, the unions need to make room for women around the bargaining table.

If we move on to consider the results of research on bargaining structure (at both centralized and decentralized level), it emerges that centralized bargaining is retaining an important function in only some of the areas considered, which have a general, indicative value (such as the improvement in the law on maternity, and sexual harassment); decentralized bargaining, on the other hand, covers the issues of access, segregation and the adoption of instruments for the effective redistribution of opportunities between the sexes. However, in the case of decentralized bargaining, we need to draw a distinction between agreements that accept equal-opportunities policies in general terms and agreements that perceive positive action as a means of providing "specific advantages" for women.

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As regards the number of male and female workers covered by bargaining on equal opportunities, 13 of the 20 agreements studied provide total coverage of all workers. However, it is the subjects covered that mark the difference between agreements that are aimed at specific groups and those that are not. For example, all the agreements on working times, the adoption of codes of conduct to combat sexual harassment and the reconciliation of working life and the caring role, cover workers of both sexes, whereas those concerning issues such as selection, access or the reassessment of typically female roles target specific groups of women.

Our research does not provide any answer to the question concerning the influence of female unionization: in Italy, the data on women's participation in trade unions are very fragmentary and difficult to trace. And we come up against similar obstacles when we try to collect data on women's presence in plant-level union structures or investigate the relationship between these two indicators and sectors with high or low levels of female employment.

It nonetheless seems reasonable to assume that women's presence in union management roles will have a positive effect on the designing of equal-opportunities policies, though this is not an absolute rule. It would not, for example, appear to be vital that the female promoters of action to achieve "good" equal-opportunities agreements be managers of a union organization; what is more important is that such women are strongly motivated, are able to withstand pressure and isolation and have a strong, militant spirit. What is decisive is their political capacity to seize the opportunity when company management or the trade unions are unable to avoid making a commitment concerning equal opportunities.

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## I. Introduction

The aim of our research was to identify a sample of "good agreements" from the point of view of equal opportunities. One of the main issues was to look at the various dimensions of the concept of equal opportunities as they have emerged in the Italian experience: from content, methods of enforcement and size of the area concerned, to the actors and processes that led to the agreement. Analysis of agreements by subject area proved to be a useful instrument, including for the purpose of identifying how demands have been constructed and incorporated in an agreement and to what extent the ground has been laid for the promotion of equal opportunities. It should, however, be pointed out that, in this phase of the research project, the criteria governing the selection of "good agreements" did not take account of the results achieved by such agreements during their application.

In selecting agreements, we considered the whole of Italy and both bargaining levels (centralized and decentralized); the sector concerned was not a binding selection criterion but was nonetheless important with regard to some issues. The agreements identified concern mainly Central and Northern Italy. It is difficult to say whether this reflects the true situation - that is to say, whether there are really very few equal-opportunities agreements covering Southern Italy and the islands - or whether this is a reflection of the lack of centralized organization of data on bargaining (see section II. Sources and materials).

One of the first general conclusions that can be reached is that the spread of agreements and clauses concerning equal opportunities is still, in the main, limited and problematical. The greatest incentives therefore derive from national legislation and European directives: collective bargaining in Italy has tended to rely on these two components for the definition of clauses and agreements on equal opportunities. It has to be said that both employers and trade unions exhibit a marked lack of interest in the subject. The relative spread of agreements seems to be mainly the result of the Positive Actions Act, 1991 which, among other things, offers incentives for positive actions in the private sector, including the granting of ad hoc funding.

Of the various "dimensions" of the concept of equal opportunities in collective bargaining, the two that appear, from our findings, to be the most significant are content and the active presence of women in the process of formulating and implementing agreements.

With respect to content, the major issues are working times, corrective balancing of women's presence in typically male jobs and in positions of responsibility, recognition of the social value of motherhood and promoting the reconciliation of work and family life. Changes in working times seem to be a fundamental factor, offering flexibility that is in the interest of both employers and workers alike. The changes envisaged (and expressly aimed at both men and women) range from the extension of rights to time off and parental leave, to the introduction of job-sharing, the extension of part-time

working, and even the city hours (the coordination of working times with shop, office, public services and school hours at local level). In the agreements examined, positive actions are established in two ways: on the one hand, in the form of "preferential treatment" (Ballestrero, 1996) and, on the other, in the form of equal-opportunities policies whose aim is to correct disparities between men and women. In the former case, equal opportunities between the sexes is promoted by establishing female "quotas" or by introducing measures that give women priority access to positions of responsibility. In the latter case, the focus is on reviewing regulations, changing procedures or providing women with training so they can adjust what they have to offer employers.

The active presence of women in the process of constructing and implementing agreements is apparent mainly in agreements that explicitly attempt to address discriminatory practices and in those that apply European regulations concerning sexual harassment. In agreements of this kind, women are included as a third group, alongside the two traditional partners of industrial relations (representatives of workers and employers at the various levels). But recognition of their presence nonetheless poses further problems for our research work. Women enter onto the scene as research and investigation teams (whether or not in the form of organized groups) and are able, in this capacity, to perform a decisive promotional function. But this is not usually reflected in the assumption of a negotiating role, except in the case of issues that lie outside the bounds of "traditional" bargaining (that is, pay, job classification, working times) and require new methodologies to establish new rules and new contents. This is true in the case of the signing of agreements on the adoption of the code of practice to combat sexual harassment in the workplace. In general, women take on responsibility for more complicated issues that are not strictly problems associated only with production and the workplace, and tend to develop bargaining strategies that are not based on the "simplification" of the role of women workers. As a result of this, women are more likely than are their male union counterparts to undertake investigative work to tackle issues that have thus far been governed by company management alone (a typical example being selection and access). It is possible to conclude that the traditional trade unions are capitalizing on women's skills in areas where the protection of women's rights is part of general union strategy for protecting workers; where new skills are required, the unions need to make room for women around the bargaining table.

If we move on to consider the results of research on bargaining structure (at both centralized and decentralized level), we need briefly to look at the relationship between equal opportunities and the two levels at which bargaining takes place. Centralized bargaining is retaining an important function in only some of the areas considered: improving upon the law on maternity; sexual harassment; the social organization of time. These bargaining activities are not solely linked to issues that have remained constant over time, but seem also to look towards the needs of the various actors involved and towards the complexity of the current situation. Decentralized bargaining, on the other hand, covers the issues of access, segregation and the adoption of

instruments for the effective redistribution of opportunities between the sexes. However, in the case of decentralized bargaining, we need to draw a distinction between agreements that accept equal-opportunities policies and the other agreements that perceive positive actions as a means of providing "specific advantages" for women.

As regards the number of male and female workers covered by bargaining on equal opportunities, our research indicates that 13 of the 20 agreements studied provide total coverage of all workers. However, it is the subjects covered that mark the difference between agreements aimed at specific groups and those that are not. For example, the agreements on working times, the adoption of codes of conduct to combat sexual harassment and the reconciliation of working life and the caring role all cover workers of both sexes, whereas those concerning issues such as selection, access or the reassessment of typically female roles target specific groups of women.

Our research does not provide any answer to the question concerning the influence of female unionization on equal-opportunities bargaining or on the quality of agreements: in Italy, the data on women's participation in trade unions are very fragmentary and difficult to trace. And we come up against similar obstacles when we try to collect data on women's presence in plant-level union structures. These limitations also prevent us from investigating the relationship between these two indicators and sectors with high or low levels of female employment, with a view to establishing mechanisms for the representation of interests.

From this point of view, the situation is very fluid and difficult to define in terms of coordinated features. It nonetheless seems reasonable to assume that women's presence in union management roles will have a positive effect on the formulation of equal-opportunities policies, though this is not an absolute rule. It would not, for example, appear to be vital that the female promoters of action to achieve "good" equal-opportunities agreements be managers of a union organization; what is more important is that such women are strongly motivated, are able to withstand pressure and isolation and have a strong, militant spirit. In comparison with these qualities, whether or not the women concerned belong to organized groups or are organically connected with the actors involved in union relations, seems less important. What is decisive is their political capacity to seize the opportunity when company management or the trade unions are unable to avoid making a commitment concerning equal opportunities.

We have examined 20 agreements, all concluded during the current decade. Two of them are national agreements, while the others are the result of decentralized bargaining. The breakdown by sector is as follows: five agreements concern the industrial sector, six the public sector and nine concern the tertiary sector, both private and public.

The twenty agreements have been divided into three categories:

1. ten self-declared equal-opportunities agreements (i.e. stating the intention of promoting equal opportunities);
2. six agreements that explicitly attempt to address discriminatory practices;
3. four agreements that appear "good" once they are considered in context.

## II. Sources and materials

Our work in gathering the research material was systematic and divided into the following phases:

- firstly, we focused on national organizations that have observatories or archives on collective bargaining and then moved on to examine the regional situation, focusing on regional research and study centres on industrial relations. In both cases, we investigated the archives and observatories run by employers' associations, trade unions and State bodies;
- we conducted a telephone survey using a structured questionnaire (based on a set of pre-established questions with a limited range of responses). The aim of the telephone questionnaire submitted to the heads of the various local centres was to ascertain:
  - the existence of an archive or observatory on collective bargaining;
  - the time span covered by the material collected;
  - the type of agreement covered: public/private, and company/regional/national;
  - the method used in indexing the content of agreements and how gender-related content was identified;
  - computerization of the archive.

The survey enabled us to identify the following centres as potential sources of information:

1. At national level
  - the **Comitato Nazionale dell'Economia e del Lavoro [CNEL** - National Council for Economic Affairs and Labour] has a computerized archive of national multi-industry agreements and industrial and service sector agreements signed since 1988; it also has a computerized archive of company agreements, based on a sample collection for the period 1990-1992. Both these archives are currently being updated. The information retrieval system used can be accessed by the user. The archives are open to the public and printouts are available. The contents classification system comprises 12 headings covering the main clauses of agreements, with each of these being divided into subheadings. Gender-related content can be identified by consulting certain subheadings;

- In 1984, **CESOS/CISL** set up an observatory on bargaining at company level in the industrial sector. Research is conducted on the basis of a sample of production units with more than 20 employees. The archive is computerized and printouts of agreements are available;
- **Monitor Lavoro/CGIL** keeps an archive of bargaining at company level, based on a sample of 500 enterprises; it has a computerized system that is compatible with the one used by CNEL. The archive contains some 2000 agreements signed between 1990 and 1995.

## 2. At regional level

The existence of archives and observatories tends to be limited to Central and Northern Italy and to be linked to trade union organizations. Employers' associations do not have centres that are open to outside users, except in the case of specific issues such as the cost of labour and pay (see, for example, the periodic survey conducted by Assolombarda).

The data collected by local centres are partial and fragmentary and all the institutions are currently going through a phase of transformation, since they have undertaken to adhere to the CNEL model. The only two permanent regional observation centres are IRES in Lombardy and IRES in Emilia Romagna, the former of which has been systematically collecting data on industrial relations, on a sample basis, since 1986. The survey in Lombardy is conducted on the basis of a questionnaire that is sent to 100 industrial enterprises with 50 or more employees. Since 1996, IRES in Lombardy has also been managing an observatory on decentralized bargaining, using the CNEL classification system. IRES in Emilia Romagna has a database (including full texts) of 2600 agreements signed in the industrial and service sectors over the period 1991-1994. Work on classifying agreements began in the mid-1980s and led to an extensive collection of company agreements covering the period 1987-1990. The content of agreements is currently being classified using the system developed by CNEL.

There are also some associations and centres set up by women, which have collected agreements: Centro Donna Chances in Genoa, Agenzia Pari e Dispari in Milan and Il Cittadino Ritrovato in Rome. And there are many other centres working on specific aspects of women's situation, which can offer useful documentation.

The main aim of our telephone survey was to gather information concerning decentralized bargaining. National bargaining regarding all the public and private sectors can be more easily documented, since the data are much more accessible (as well as being systematically collected by CNEL). Articulated bargaining which is decisive as regards measuring the presence of equal-opportunities issues in collective bargaining - is more complicated as a subject of overall analysis because of its fragmentation.

### III. Self-declared equal-opportunities agreements

In this section, we shall look at self-declared equal-opportunities agreements that state the intention of promoting equality between women and men. This category comprises:

- equal-opportunities clauses in national collective agreements and decentralised company agreements;
- undertakings concerning procedures that promote the implementation of equality policies;
- the launching of positive action plans.

The concept of "good agreement" underlying the selection presented in this section was that of seeking out, in both national and company agreements, clauses that explicitly address equal opportunities in such a way as to cover a broad range of measures. These range from improvements in procedural and formal aspects to the adoption of new parameters for job evaluation, measures that take account of the need to reconcile working life and the caring role, and methods of recruiting, selecting and training staff, with account being taken of the need to recover specific professional competence and status.

The distinctive feature of this type of agreement is that the explicit statement of intent as regards addressing equal opportunities is accompanied by a variety of features, many of which might be found individually in other types of agreement - what distinguishes the agreements included in this section is that they make provision for a range of measures.

The possible weakness of this type of agreement is that an agreement might, precisely because of the broad range of actions identified, fail to define the phases and instruments that are needed if the objectives set are to be reached and, in some cases, simply propose research hypotheses and plans.

Two of the 10 agreements selected are national collective agreements, one covering the service sector (banks) and the other covering an independent, non-profit-making association in the health/social-welfare sector. Of the company agreements selected, two cover the wholesale distribution sector, two the heavy engineering sector, one covers the transport sector, two cover the service sector and, finally, there is an agreement on the organization of city hours in a municipality.

## 1. National collective agreement: credit companies

This agreement was signed on 16 November 1994 and came into immediate effect; its period of validity is four years for the legal clauses and three years for the economic clauses. The signatories are Associazione delle Casse di Risparmio Italiane [ACRI - Association of Italian Savings Societies], Associazione tra le Aziende di Credito [Assicredito - Association of Credit Companies], banking federations affiliated to the CGIL, CISL and UIL, FABI [Federazione Autonoma Bancari Italiani - Independent Federation of Italian Banking] and FALCRI [Federazione Autonoma Lavoratori del Credito e Risparmio Italiani - Independent Federation of Italian Workers in the Credit and Savings Sector]. It is a private, national contract covering the credit sector. Total employment in the sector is of the order of 330 000, with women accounting for approximately 30% of the total.

Although it does not expressly make provision for *Comitati Pari Opportunità Paritetici* [Joint Equal Opportunities Committees], the agreement does not prevent positive action from being proposed by "working parties" - bodies operating within plant-level union structures, comprising mainly women.

### *Content*

With regard to equal opportunities, the agreement restates the principles of non-discrimination, both direct and indirect, set out in Positive Action Act, 1991 and makes provision for "examination of the situation of equal opportunities as regards female staff", as well as for the promotion of "positive actions".

### *Special features*

This agreement

- provides for unpaid leave for family and personal reasons and for study, up to a maximum of one year;
- extends to fathers or guardians of infants the right to rest days after the birth;
- introduces unpaid leave of absence to care for children between the ages of three and four years who are suffering from serious illnesses;
- in amendment of the national collective agreement of 1990, extends part-time working in such a way as to broaden the staff categories entitled to take advantage of this possibility. The agreement makes express provision for both "horizontal" and "vertical" part-time working; weekly working hours may vary between 15 hours and 32 hours and 30 minutes;



- makes provision for refresher and vocational-training courses for male and female workers who are absent for long periods, including the case of maternity, to ease their reintegration into the world of work.

## **2. National collective agreement covering male and female employees of ANFAS**

This contract was signed on 3 June 1995 by ANFAS [Associazione Nazionale Famiglie di Fanciulli e Adulti Subnormali - National Association of Families of Children and Adults with Learning Difficulties and Physical Disabilities] and occupational trade union organizations affiliated to the CGIL, CISL and UIL. It covers the private social/health-care/educational sector and is valid from 1 January 1994 to 31 December 1997.

Some 90% of ANFAS members are women, but men still account for 16 of the 21 members of its management bodies. It has approximately 5000 employees, some 85% of whom are women; women are distributed evenly at all occupational levels. Male employees tend to be concentrated in jobs in which physical strength is required to ensure that disabled people receive the help they need.

### *Content*

This contract covers the invisible discrimination that can be inherent in the use of neutral language; the entire text has been rewritten using "non-sexist" language. As a result of this, gender becomes a guiding criterion in defining the treatment of male and female workers, providing the necessary guarantees that differences in treatment on the basis of gender differences cannot be perpetuated.

It is considered vital that equal-opportunities policies be laid down in writing and, to ensure that such policies are effective, agreements must contain not only specific clauses that define forms of intervention but also stipulate rights in a language that is compatible with stated principles. The previous agreement, like many others, used expressions and terms which implicitly suggested that women were marginal in the world of work. It is common, even when the text of an agreement contains clauses concerning equal opportunities, for the language used to confirm a stereotyped image of women workers. This is in sharp contrast with the officially egalitarian statements contained in clauses referring specifically to women (Salfi, 1996).

The agreement aims to impose a use of language that is respectful of the gender characteristics of the people involved, on the basis of the belief that use of the so-called "neutral masculine" is prejudicial to women's interests. (The Italian language has no neuter gender and uses the masculine for mixed groups, positions and various other functions.) The use of appropriate terminology should, therefore, draw attention to the need to respect equal rights, eliminating any sexist implications from the outset.

*Special features*

The agreement does not only introduce the use of the masculine and feminine forms for any term referring to all the enterprise's male and female employees, but also carefully rewords all phrases referring to occupational, organizational and management functions, with a view to emphasizing the presence and needs of the female workforce.

**3. Company agreement: Coop Liguria**

This agreement was signed on 5 June 1992, coming into immediate effect for a period of three years. The signatories are the management of Coop Liguria, trade unions affiliated to the CGIL, CISL and UIL and plant-level representation. It is a company agreement and applies to a cooperative in the commercial sector (wholesale distribution, with a considerable female presence); it covers not a specific group of female workers but all employees of the Coop in the region of Liguria.

The agreement refers to the national collective agreement of 20 December 1990.

*Content*

The agreement contains equal-opportunities clauses on issues concerning labour policy and personnel management and the setting up of a joint committee at company level, one of whose tasks is to formulate two "special vocational training projects" to be submitted to the Commissione Pari Opportunità [Equal Opportunities Commission] of the Ministero del Lavoro [Ministry of Labour], with a view to securing financial aid under Positive Action Act Law, 1991.

*Special features*

As regards equal opportunities, the agreement makes provision for:

- revision of recruitment and selection methods to eliminate information requirements that are discriminatory to women;
- a company undertaking not to change the ratio between female and male employees (women currently account for 51% of the total workforce) and to "increase the percentage of women in higher professional and managerial posts";
- measures to promote the reconciliation of the caring role and working life, granting workers the right to work part-time for the first two years of a child's life and to take twelve months' unpaid leave;

- special training programmes to allow women and men who are returning to work after a prolonged absence (including for maternity) and who are having practical difficulties in reintegrating in working life to refresh their skills and revive their career paths.

#### **4. Company agreement: Coop Estense**

This agreement was signed in October 1992 in the Cooperativa Estense by workers' plant-level representatives, trade union federations affiliated to the CGIL, CISL and UIL and the company management. Coop Estense operates in the commercial sector (wholesale distribution). The agreement covers all units in the provinces of Modena and Ferrara. The total workforce amounts to some 2400 workers, 60% of whom are women. The text of the agreement refers to the national collective agreement of 20 December 1990 and an agreement signed by the management and workers' plant-level representatives in September 1992. There is a joint equal-opportunities commission, comprising six members, which has participated (together with the social partners, employees and outside experts) in defining and implementing the actions covered by the agreement.

##### *Content*

The content of the agreement comprises a positive-action project to identify and eliminate "internal and external" obstacles that impede women from taking a role within the framework of a policy to optimize human resources to achieve company objectives.

Positive action to optimize female resources is divided into three phases: the first comprising research on the internal and external labour market and analysis of factors preventing women's access to higher posts; the second concerning action to remove the "direct and indirect obstacles to better access for women workers within Coop Estense to management roles"; and the last phase, with the objective of overall monitoring and assessment.

##### *Special features*

- The agreement makes provision for training and information seminars to combine research findings with practical experiments;
- positive action comprises organizational change in a specific sector, taking account both of the management of working times with a view to reconciling working life with the needs of women workers with family commitments, and of women's ambitions and career paths;

- the agreement sets up a round table of representatives of the social partners and the equal-opportunities committee, which is responsible, during the course of positive action, for examining the proposals put forward by outside experts and the committee itself. This round table is another opportunity for assessing and "adjusting" the plan for implementing positive action in relation to the needs of the organization and the capacities of employees of both sexes.

## **5. Agreement covering a positive actions project at OTE spa, Florence**

This agreement was signed on 24 December 1991 and came into force in mid-1993; it was agreed that it would remain in force until the positive-action plan it covered was completed. The signatories are the company management and the Workers' Council. It is a company agreement in the telecommunications section of the heavy engineering sector.

OTE spa has a total workforce of 452 employees, 117 of whom are women (as at December 1991); 62% of women employees are manual workers, while the remaining 38% are white-collar workers and professional and managerial staff. Of the 335 male employees, 246 are white-collar workers and professional and managerial staff and only 89 are manual workers. The positive-action plan directly involved 14 workers. The agreement refers to the Positive Action Act, 1991 under which applications were made for funding.

Activities are monitored by a research and action group, comprising members (men and women) jointly appointed by the trade union and management.

### *Content*

The agreement refers to positive action concerning job evaluation and enrichment for female manual workers. The plan is divided into three phases: 1. the first is devoted to analysis of the features of female employment in the company and a qualitative survey of all workers to ascertain their occupational characteristics; 2. the second concerns the implementation of training courses to improve professional competence and status; 3. and the third comprises assessment of the project.

### *Special features*

The agreement concerns three types of training course utilizing specific contributions, "depending on the individual areas of intervention and professionals involved". Training courses are accompanied by on-the-job training on how to use new machines, given by the company's in-house technical staff. The objective is to develop the group's overall capacity, with a view to monitoring of the entire process and workers' self-management.

## 6. Agreement covering a positive-action project at Zanussi Elettrodomestici, Susegana (Treviso)

This agreement was signed on 8 June 1993, entered into force in September 1993 and had a 12 months' trial period of validity. It was signed by the management of Zanussi Elettrodomestici, the national secretariats of trade unions affiliated to the CGIL, CISL and UIL, the regional secretariats of trade union federations and the executive of the Workers' Council of the Susegana (Treviso) plant. The social partners were assisted by the national equal-opportunities commission of the company group, "Ipazia", which is a national joint body (set up under an agreement of 22 July 1992), comprising 12 members, six nominated by the trade unions and six by company management. The national commission is supported by other commissions within companies in the group that have more than 500 employees (see agreement of 10 December 1993).

Zanussi Elettrodomestici spa has 12 700 employees, of whom 3 219 (25.3%) are women. It is a private enterprise in the domestic electrical appliances sector

The agreement of 8 June 1993, which we are analysing here, concerns the Susegana (Treviso) plant and covers a group of some 70 workers, most of whom are women.

### *Content*

The agreement makes provision for the introduction of a positive-action plan, entitled "Rosa al lavoro", to experiment with flexible working times (six days with three rotating, six-hour shifts), with a view to adapting them to the needs of a mainly female workforce "as a requirement for equal opportunities".

### *Special features*

- The agreement makes provision for the possibility of workers choosing a partner for flexible working times, from among the group of male and female workers involved.
- Provision is made for the option of choosing between a fixed shift or workers' self-management of their daily and weekly working times, via agreements among colleagues, "provided this is done in respect of the external limitations of the collective working times that apply within the section (...) and guarantees normal daily output, in accordance with the quantity and quality indicated".

### *Context*

This positive action is part of a larger project covering the entire Zanussi group; the aim of the programme promoted by the national equal-opportunities committee is, by means of an information campaign, to make people aware of the issue of sexual harassment (a helpline has been set up); to promote the occupational development of female workers and to spread the equal-opportunities "culture". Some of these actions have also been successful both in increasing female employment (which has risen from 19.5% to 25.6% in the Zanussi group) and in providing some women with the opportunity of advancing their careers and rising up the hierarchy.

The new methods of organizing working times, which were introduced on an experimental basis by the agreement we are analysing here, have not, however, received consensus support from the female workforce involved. There are various reasons for this, ranging from the nature of the group to the lack of involvement of women workers at the planning stage. The project was devised by the national equal-opportunities commission without any research to identify the needs of the people it was targeting. This meant that certain aspects (which proved to be decisive) concerning the size of the group and some of its features were ignored, the most outstanding being the fact that the female environment is too homogeneous in terms of age, which prevented the integration of various needs.

### **7. Agreement on part-time working at Ferrovie Nord, Milan**

This agreement was signed on 29 November 1994 and entered into force immediately, for an indefinite period; it was signed by the management of Ferrovie Nord, Milan, plant-level representation, regional trade union organizations affiliated to the CGIL, CISL and UIL and the independent trade union CISAL.

The region covered is the northern area of the hinterland of Milan, which extends into northern Lombardy.

It is a company agreement in the private road/rail transport sector. The company employs a total of 2564 workers, 12% of whom are women; generally younger than their male colleagues, women are concentrated in a few areas and services and at the lowest levels. In male-dominated sectors, women perform subsidiary functions, a situation that perpetuates segregation and the consequent exclusion of women from career advancement.

The agreement emerged in a context characterized by two previous agreements: the one of 13 November 1992 concerning a positive-action project (to promote access and the valuing of women's work), which referred to Positive Action Law 125/1991; and the one of 13 September 1994, establishing the equal-opportunities committee. The committee comprises three representatives of the company and three representatives of trade unions affiliated to the CGIL, CISL and UIL.

The agreement also refers to the regulations on part-time working set out in Law 864/1984.

### *Content*

The agreement explicitly refers to the possibility of introducing into the company "part-time working, with particular reference to central-office workers". According to the text of the agreement, permission to work part-time must be compatible with the tasks of white-collar work in the current organizational situation of the company's offices; this means that people who are in positions of responsibility and classed as professional and managerial staff are excluded.

### *Special features*

The agreement lays down the following conditions:

- part-time working is open to white-collar workers only: all employees with other functions are explicitly excluded (including manual workers responsible for moving rolling stock, as well as professional and managerial staff);
- permission to work part-time can be granted to a maximum of 10% of white-collar employees, calculated on the basis of the number officially employed at 31 December of the previous year;
- permission to work part-time may be granted for a limited period in the event of "proven serious family reasons", and may be revoked after a year. (These "reasons" are not specified, which means that, according to the wording, they do not include childcare);
- permission to work part-time may be granted for an indefinite period, without being reversible. Such permission may be granted for serious personal health reasons, serious family reasons and for workers with children under the age of six;
- part-time working hours are horizontal, from Monday to Friday, with two options (morning or afternoon working). Weekly working hours may be equivalent to: (1) 19 hours and 35 minutes a week (or 3 hours 55 minutes a day); (2) two thirds of full-time working hours, or 5 hours and 13 minutes a day. This latter option may be exercised only in the case of afternoon working;
- people who are working part-time cannot be asked to work overtime;
- when people transfer from part-time to full-time working, they shall be entitled to be treated, in terms of professional competence and status and sectoral employment, in the same manner as before;

- part-time employees are entitled to take part in selection procedures and internal examinations on the basis of the same methods and conditions that are set out for other full-time staff.

## **8. Company agreement: Compagnia Generale Trasporti (CGT), Milan**

Signed on 6 February 1995, with immediate effect and for an indefinite period, this agreement was signed between the general management of CGT, Milan and plant-level union representatives affiliated to the CGIL, CISL and UIL. The reference sector is commerce. It is a company agreement concerning an enterprise with its head office in Milan, but with other offices elsewhere in Italy. At 31 December 1994, the company and its various branches had 700 employees, of whom 88 (12.5%) were women. Close on 90% of its female employees are in white-collar jobs, 6% of whom are in positions of responsibility at professional and managerial level.

This agreement is the result of internal bargaining activity, which since 1992, with reference to Positive Action Law, 1991, has made provision for the company to undertake to provide data on the internal labour market and promote conditions for the establishment of "truly equal opportunities". Annual meetings have kept a constant eye on trends concerning the employment and career advancement of women at the various levels of job classification.

### *Content*

The agreement covers the integration of women in all occupational positions. It can be classified as an agreement whose purpose is to desegregate female labour and promptly ascertain the results of measures taken in this regard. The agreement tackles the development of equal opportunities by focusing on maintaining a balanced ratio of employees of the two sexes, encouraging women to use the instruments available to overcome a position of initial disadvantage, and integrating women in new product lines and areas.

The agreement also makes provision for positive action for women workers at the lower levels of job classification, with a view to creating new occupational roles that enable these women to access higher levels.



*Special features*

To establish greater interchangeability among the various occupational positions, the agreement makes provision for training courses for women workers:

- on new technology and data processing, for a total of 100 hours;
- on-the-job training to introduce women to new product lines and new areas; within the framework of this re-skilling strategy, provision has also been made for women to "shadow" more experienced workers.

**9. Company agreement: Banca Ambroveneto**

This is a complementary company agreement, which was signed on 3 January 1993 by workers' plant-level representation (including some female members), trade union federations affiliated to the CGIL, CISL, UIL and the independent trade union FABI, and company management. It came into immediate effect and was to remain in force until November 1995. The agreement covers all branches of Banca Ambroveneto throughout Italy. At 16 February 1996, the enterprise had 8888 employees, of whom 2113 (23.77%) were women. It is an agreement in the private banking sector.

*Content*

With respect to equal opportunities, the agreement makes provision for a set of measures to make working times easier for women and to optimize women's professional competence and status, as well as to protect the health of working mothers. Another important aspect is the setting up of a joint positive-action commission with responsibility for implementing an action/research project on direct and indirect discrimination in the area of career development and in personnel management strategies.

*Special features*

- The company undertakes to give women who are returning to work after childbirth or child-rearing a post that does not frustrate or diminish the professional competence and status they had previously acquired. For this purpose, provision is made for refresher courses;
- women workers who are pregnant or breastfeeding must, at their request, be given functions other than the ones for which they were employed, "when these functions are particularly onerous and/or harmful";

- fathers, instead of mothers, may take advantage of the "rest days" provided for under Law 1204/1971 (law protecting working mothers);
- provision is made for unpaid leave for an overall period of no more than 12 months, because of illness of children aged between three and six years and for reasons inherent in the care and rearing of children;
- for childcare, the agreement also makes provision for unpaid leave for an overall period of no more than 15 days, which need not be taken consecutively;
- within the framework of the regulation of access to part-time working, the company undertakes, should applications exceed the pre-established quotas, to give priority, in the following order, to male and female employees who are caring for children with disabilities, children under the age of three, chronically ill old people, and children aged between three and 12 years.

#### **10. Agreement on the "Piano Regolatore degli Orari" (city hours plan), Local Authority of Milan**

This agreement was signed in March 1994 by the municipal authorities of Milan, the Prefect's office, the Chamber of Trade and provincial trade union federations affiliated to the CGIL, CISL and UIL. It concerns the adoption of a "city hours plan for the municipality" to harmonize working times, free time and the social organization of time.

The agreement refers to Article 36 of Law 142 of 1990 ("Ordinamento delle autonomie locali" - Organization of local authorities); it also tackles the issue of the regulation of working times, with relevant competence being attributed to the mayor.

The agreement appears to be in harmony with the principles of Positive Action Law, 1991, and particularly with its Article 1, Paragraph 2e, where it makes provision for promoting "a balance between family and occupational responsibilities and greater sharing of these responsibilities by both sexes", as well as a "different method of organizing work, working conditions and working times".

In December 1994, a new agreement, signed by the same parties, set up a body to coordinate implementation of the working-times plan. Action plans to alter working hours and working times have also been launched - since at least 1993 - in various ways and various forms in several other Italian municipalities (Catania, Modena, Bolzano, Rome, Perugia, Livorno, etc).

#### *Content*

This is an agreement that tackles the relationship between working times, free time and models of the social organization of time.

The signatories have "responsibility and the right to manage issues concerning working times and city hours in a complementary and harmonious manner". The municipal authorities have the role of coordinating actions concerning city hours plan; the Prefect's office is responsible for monitoring peripheral State bodies and standardizing policy in the various municipalities of the province; and the trade unions and Chamber of Trade have the task of representing the interests of workers and enterprises, respectively.

The fundamental principles concern identification of optimal working times, recognition of the "sovereignty" of the individual with regard to the Public Administration, and increasing the flexibility of the time variable.

The objectives can be summed up as follows:

- changes in working times to ensure that they meet users' needs, on the basis of general rules "to be agreed between the parties";
- suggestions concerning differentiated and diversified working times, with use being made of all the instruments made available in this respect by current collective agreements;
- working in coordination with other current actions, especially in peripheral areas;
- contributing to the decongestion and efficiency of the urban system and to meeting the needs of less advantaged population groups.

### *Context*

The assumption that action can be taken with regard to this issue in the form of bargaining is based on an interpretation whereby the organization of time seems to be the result of social convention and of "a social construct" and "the outcome of a complex combination of individual and group strategies" (Local Authority of Milan, 1994). Working times are going through an obvious period of change, not only in the manufacturing and services sectors, but also in the Public Administration. Working times are now used as an indicator to ascertain the quality of life of male and female workers and their families. These changes are affecting people whose needs are not only different but often contradictory. This means it is up to negotiators to identify ways of directing negotiations towards an equitable outcome, with account being taken of the fact that working times no longer concern only the specific area of production processes but also affect other areas, having an impact on the general public and users of public services.

In the approach to the "city hour plan for the municipality", the gender issue is also reflected in recognition of the fact that women's needs are more complex now than they have been in the past and are being affected by increasing difficulties in the reconciliation of working life and the caring role. This is indicated by the fact that it was, in reality, women who were the prime movers behind these proposals for innovations concerning working times.

#### **IV. Agreements that explicitly attempt to address discriminatory practices**

The agreements we selected for this section explicitly attempt to address hidden discrimination of both the past and currently.

The selection was reached with account being taken of the fact that an agreement:

- specifically identified instruments for achieving the objective of non-discrimination;
- explicitly defined assessment methods and mechanisms.

The emergence of these agreements is also characterized by the presence of actions (in various forms and under various titles) promoted by women, whose work has contributed to bringing to light "invisible discriminatory processes". In addition to the level of female involvement, the agreements selected stand out for the level of monitoring set up, including joint bodies for equal-opportunities policies.

The subjects tackled by the agreements selected are access and selection, working times, and the reviewing of job-classification systems.

The agreements that come under this heading are the product of decentralized bargaining in both the public and private sectors. We have studied two industrial enterprises, one transport company, two public administrations and a bank.

##### **1. Agreement on staff recruitment, with the reservation of posts for women: Ferrovie dello Stato, Liguria**

In July 1995, an agreement was signed concerning the recruitment of 400 people under work/training contracts: the announcement made in October 1995 included posts reserved for women (30%). The agreement was signed by regional branches of the CGIL, CISL and UIL representing workers in the transport sector, plant-level union federations and the Ligurian regional management of Ferrovie dello Stato. In 1992, the national railways body was converted into a limited company, as part of a gradual standardization with other European services.

At 31 March 1996, female employees of Ferrovie dello Stato Spa [FFSS], at national level, accounted for 7.43% of the total workforce of 124 809 (9269 women and 115 540 men); of some 850 managers, only 40 (4.7%) are women; the situation is slightly better among professional and managerial staff, with women accounting for 7%. In Liguria (1995), women accounted for 10.46% of a total workforce of 6932 (725 women and 6207 men); women are absent from sectors that are deemed to be "men's prerogative" (engineering and workshop staff); and women are also lacking among "travelling" personnel and station staff.

FFSS Spa has both a national equal-opportunities committee and regional equal-opportunities committees (set up under the national collective agreement of 1994/95); these are all joint committees.

The Ligurian agreement of July 1995 refers to the previous national agreement of 25 March 1993 which, as regards equal opportunities, stipulates "respect of percentages (...) for all occupational job profiles". This was followed by a further agreement on "procedures for accessing the labour market", covering fixed-term and work/training contracts, which was signed at national level on 7 July 1995 (and became an annex to the 1994-1995 national collective agreement). This latter agreement stipulates that selection mechanisms must include provision for the drawing up of "separate lists of male and female applicants" so that, at regional level, "the total number of pre-selected candidates respects a percentage (...) of female staff, with reference to the percentage of those registered with employment offices and the percentage of those women present (...) in the sectors concerned".

### *Content*

This is a regional action that, by establishing access quotas, is intended to correct the balance between the female and male labour force. The objective is to alter the current structure of employment, especially in areas in which women are heavily under-represented.

### *Special features*

The agreement is specifically described as referring to the reservation of posts. Job advertisements issued with clauses reserving 30% of posts for women concern work/training contracts for skilled technicians, maintenance staff, traffic controllers, department heads and train-drivers.

### *Context*

An important role has been played by the regional equal-opportunities committee, which has worked in a hostile climate and "a social fabric not yet ready to accept the principles contained in Law 125/1991". Given the high level of female unemployment in the region at present and the total absence of women in sectors that are the sole prerogative of men, the regional equal-opportunities committee called for the percentage of posts reserved in notices of open competition to be raised from 30% to 50%. This call was met by considerable resistance both from the enterprise and from male trade-unionists; whilst the enterprise was strongly opposed to opening certain sectors to women, male trade-unionists limited themselves to "supporting" equal opportunities as a result of a powerful internal polemic prompted by the equal-opportunities committee (Ara, 1996).

The signing of the contract and issuing of announcements were followed by some complex events that threatened the possibility of achieving the proposed objectives: following the court case brought by some male applicants (who were excluded from the selection procedure for "traffic controllers"), the enterprise put a block on all recruitment, excluded 21 successful female applicants from the open competition and employed only the top 55 male candidates and one woman (it should be noted that 76 posts were covered by the open competition). The issue has yet to be resolved, even on the judicial level: among the Genoese magistrature, only one woman magistrate (in the second-degree ruling) held that the clause on posts reserved for women was legal, whilst other, male magistrates judged it to be "illegal". There are currently seven cases being brought by women, which are being supported by the trade union.

The national equal-opportunities committee of Ferrovie dello Stato had previously asked the Comitato Nazionale di Parità [National Equal Opportunities Committee], set up by the Ministero del Lavoro e della Previdenza [Ministry of Labour and Social Insurance], for an opinion on the legality of the agreement as regards the reservation of posts. On 12 April 1996, the examining body of the Comitato Nazionale di Parità examined the request and also analysed it in the light of the Kalanke ruling of the European Court of Justice and the ruling of the Italian Constitutional Court (Ruling 422, September 1995); the examining body issued the opinion that "the provision was the result of collective bargaining, was not a source of discrimination or prejudice with regard to men, but was a promotional positive action whose intention was to correct the under-representation of women in the enterprise".

The development of this controversy, which is unique in the Italian collective-bargaining scene, is leading not only to a thorough re-examination of case law but also to reflection on the application, by collective agreements, of Positive Action Act, 1991.

## **2. Job-sharing agreement: Sony, Rovereto (Trento)**

This agreement was signed on 7 December 1995 as an integral part of the agreement of 15 September 1995. It is a long-term agreement and is to be reviewed in mid-1997.

The agreement was signed by representatives of the enterprise and of the territorial unions (CGIL, CISL, UIL) covering the chemicals sector, and by plant-level union representation, with the aid and advice of the Agenzia del Lavoro [Regional Employment Agency] - a State body responsible for promoting the matching of demand and supply on behalf of workers and the long-term unemployed. Working alongside the bargaining parties, the Agenzia del Lavoro played a fundamental determining role in formulating the proposals covered by the agreement. Before the agreement was signed, it collected cognitive data and took action to raise awareness of the context (by offering training courses, etc), so as to facilitate the signing of the agreement.

The agreement covers the Sony plant in Rovereto (Province of Trento). Sony is a private multinational company and has two other plants in Italy (Rome and Milan). It is part of the rubber/plastics sector of the chemicals industry. The Rovereto plant produces audio cassettes and is largely robotized. The plant has a total workforce of 261 (at 30 April 1996), of whom 120 are women; female workers are employed mainly in manual jobs, have an average age of 28 and length-of-service histories that go back to the very opening of the plant (in 1987).

The agreement under examination has emerged in an environment in which, in November 1994, an other agreement had already been signed concerning the introduction of "part-time working on Saturdays and Sundays", which led to the recruitment of 35 employees, approximately half of whom were women. Although this latter agreement did not derive from any particular wish to promote equal opportunities, the objective of maintaining and increasing female employment levels is a line of continuity between the two agreements. Furthermore, protecting employment and increasing the flexibility of working times are closely connected to the gradual conversion of production at Sony from single product to diversified production.

### *Content*

The agreement has the objective of reconciling working life and the caring role and is based on job-sharing, support structures and refresher courses.

The agreement makes provision for workers of either sex with a child between the age of one and three years to avail themselves of a job-sharing arrangement whereby they work part-time, in four-hour shifts, "paired with a male or female colleague in a similar situation". It is a form of job-sharing that is arranged on the basis of three shifts, which the workers concerned can manage in a flexible manner. This type of part-time working in pairs makes it possible for workers to halve their night-shift commitment by rotating their working times.

The agreement protects the acquired right of working mothers not to be assigned to nightwork (Law 1204/1977) until their child is a year old, since it makes provision for part-time working, in pairs, on day shifts.

### *Special features*

Both parents are entitled to take advantage of the provisions of the agreement, one or the other alternately, if they are both employed at the same plant.

Although the solution has been adopted primarily with a view to childcare, it has been stipulated that it can also be used in the case of other "serious family reasons".



The agreement also refers to the enterprise's undertaking to contribute to the costs that employees have to incur for private childminding for a maximum of six months, should access to public childcare facilities be difficult because of the scarcity of places.

In addition to respect of the right to optional leave of absence (six months, by law), the agreement makes provision for a further period of unpaid leave, when a child is aged between nine and 12 months.

Refresher courses have also been set up to facilitate the return to work of women who have been absent for a long time on grounds of maternity. These courses are compulsory for women who have had extended leave.

To raise awareness of equal opportunities, the agreement makes provision for a course for all employees at the plant, "including managers and intermediate professional and managerial staff".

### *Context*

The agreement has emerged in a local, rather than a national, context, where the trade union concerned has a deep commitment to seeking out new bargaining methods and content that are not provided for by traditional bargaining. Also unique is the role played by Trento's Agenzia del Lavoro, and particularly the driving force of the group of women public employees who, in 1993, ran training and information courses on the subject of equal opportunities, aimed both at the trade unions and at company management in the region. Sony proved to be one of the enterprises most open to the idea and as a result, in 1994, with the assistance of the provincial trade union covering the chemicals sector, conducted a survey of a group of male and female workers, with a questionnaire on occupational activities, maternity and career paths. Following this, in May 1995, a positive-action working party was set up (comprising 14 members, six of whom were men, including management and trade union representatives and employees of Sony and the Agenzia del Lavoro), with a work programme ranging from issues associated with women's access to sectors in which they are under-represented to career opportunities and correcting the balance of family and work responsibilities.

The situation has, therefore, developed in a positive way because of the presence of these three components: a trade union that is open to innovation as regards method and content, a ministerial department that is interested in undertaking original initiatives, and a company management that is open and motivated as regards agreeing to using women as a resource in making new and more competitive production choices. To confirm this orientation, the agreement under analysis here also contains a section on integrating women in traditionally male jobs. This is being achieved by means of a theoretical and practical course leading to the qualification of "fixer" or production maintenance worker.

### 3. Positive-action agreement: Banca Commerciale Italiana

The agreement we are going to analyse here was signed on 25 November 1994 for the two-year period 1995-1996. It makes provision for experimentation with positive action, as suggested by Positive Action Law, 1991. The agreement was signed by central management of the Banca Commerciale Italiana [Comit] and the secretariats of the occupational trade union federations affiliated to the CGIL, CISL and UIL, plus an independent sectoral trade union, the Federazione Autonoma Bancari Italiani (FABI) [Independent Federation of Italian Banking]. The agreement covers all branches of the bank in Italy. Comit, which is currently being privatized, is one of Italy's largest banks, with more than 18 000 employees (1994), some 20.5% of whom are women - a percentage that is lower than the average rate of feminization in the sector, which is of the order of 30%. With respect to job classification, women tend to be placed in middle to lower-level posts with little professional content.

This agreement updates a previous one (also on positive action), which was signed in 1992, covered the period 1993-1994 and was based on five courses of action:

1. awareness measures aimed at all staff and particularly at management staff, with specific actions on gender issues within the framework of managerial training courses;
2. research on a sample of department heads, concerning their attitude towards equal-opportunities issues;
3. refresher training for female staff who have taken time off to have and raise children, with the objective of easing their reintegration into working life;
4. training for a representative sample of department heads, with the objective of developing a cultural change in management and promoting the value of female staff;
5. identification of measures to promote women's access to responsible jobs. This measure also appears in the 1994 agreement being analysed here.

In the 1992 agreement, provision was also made for setting up a "technical commission" (comprising three women representing the enterprise and women from equal opportunities working group within the framework of trade union organizations), with the task of monitoring development of the positive action and its congruence with the intended purpose. The technical committee is also responsible for drawing up a report on the outcome of action.

The planned positive actions are targeted at all workers only in the case of information and training activities, whereas actions to correct the balance are aimed at specific groups.

### *Content*

The 1994 agreement makes provision for the pursuance of the actions described above; it focuses, in particular, on the issue of "invisible" discrimination in recruitment for skilled and important jobs in the enterprise. According to the agreement, the enterprise is obliged to conduct selection procedures based on the assessment of real occupational capacities, consistently reducing the influence of sexist stereotypes or factors that are not always essential, such as availability to work long hours and geographical mobility.

The objective is to promote 80 women to responsible posts in areas and services carefully identified in the project annexed to the agreement. The female reference population is in the 35-40 age bracket (639 women, of whom a quarter work part-time).

The general aims expressly identified include a wish to encourage women employees in a particularly critical age bracket to put themselves forward and take options that affirm their occupational status. The choice of age group responds to two corrective balancing requirements: a. in favour of women who are effectively penalized by being on a traditional career path; b. in favour of women who are at risk of being sacrificed in a new phase of personnel policy that is tending to accelerate the career advancement of new recruits.

### *Special features*

The corrective balancing of the number of women in responsible posts is based on the following specific criteria: selection of women on the basis that they are in the 35-40 age bracket; post held; positive assessment of work performed and no disciplinary proceedings during the previous two years.

The selection procedure - which is covered by guarantees of transparency and connections with the necessary prerequisites - takes place on two levels: the first comprises questionnaires (to screen applications), assessment sheets, curricula vitae; the second comprises a written test. This last phase ends with two interviews, one group and one individual.

The joint technical commission responsible for positive action has the task of preparing the questionnaires for the first phase of selection. However, it is company management that must establish the posts to be included in the experiment and select candidates on the basis of an assessment of acquired occupational abilities and of the results achieved in training courses and in the written tests. Company management is also responsible for the various phases of the selection procedure and reserves decision-making power, though it undertakes to take account of the technical commission's comments.

At the end of the first phase, with the aim being to introduce a new assessment model, a list will be drawn up of 200 people to go forward to the second level of selection.

The applicants selected will take a five-week training course within the framework of the institutional courses already offered by the bank.

### *Context*

The agreements signed at Comit reflect a multifaceted situation. On the one hand, there is the fact that the bank is going through a period of rapid organizational and cultural change, associated with the growing presence of female labour. On the other hand, the period since 1988 has seen considerable trade union activity - conducted mainly by women - to promote equal opportunities: an early result of which was the equal-opportunities agreement signed in 1988. Since 1990, a "Gruppo di Lavoro Donne per le Pari Opportunità" [Women's Working Party on Equal Opportunities] has been active within the trade union, conducting surveys and lobbying the social partners; this group has maintained a reciprocal relationship of integration and support with the joint technical commission set up in 1992.

#### **4. Positive-action agreement: Provincial Authority, Milan**

This agreement was signed on 31 March 1995, with immediate effect and for an indefinite period. It was signed by trade union federations representing public employees and affiliated to the CGIL, CISL and UIL, by three independent trade unions and by plant-level union representatives; on the management side, it was signed by the chairman of the provincial authorities and the head of the personnel management department. It is an agreement within the local authorities section of the public sector and covers all employees working in the province of Milan.

At 31 December 1995, the Provincial Authority of Milan had 2940 employees, of whom 58.4% were women. The size of the workforce has remained unchanged since 1982 but the process of feminization has been intense, with the number of female employees rising by ten percentage points between 1982 and 1995. The rate of female employees in the Provincial Authority of Milan is, on average, higher than that of all the other Provincial authorities in Lombardy. The breakdown of employees in the authority reveals a persistent under-representation of women at the two highest levels of the hierarchy. With respect to the breakdown by occupational areas of activity (horizontal segregation), the past decade has seen a general trend towards a correction of the male/female balance, although some areas of horizontal segregation do persist. Of agreements pertaining to the positive action plan adopted in 1995, mention should be made of the one of 27 July 1993 on the adoption "of criteria and procedures for implementing internal and functional mobility". The agreement concerns correcting the balance of men and women in occupational jobs in which one of the two genders accounts for less than a third of the total.

The authority has an equal-opportunities committee comprising representatives of the authority and of workers' plant-level representatives, which was set up on the basis of union agreements dating back to 1987 (national collective agreement of 1987, ratified by Article 7 of Presidential Decree 268/87), which have been reviewed and updated several times since.

### *Content*

The agreement under examination concerns the adoption of a positive action plan. A general feature of the agreement is that its purpose is to reduce gender concentrations in certain areas by correcting "the recruitment policy thus far conducted". To this end, all the procedures for recruiting both men and women have been checked and monitored. An effort has been made to recruit staff for the sectors concerned on the external labour market (including temporary staff).

### *Special features*

The plan is based on the following actions:

- promotion of a mixed workforce;
- improvement of communications concerning opportunities for occupational advancement;
- removal of obstacles to employees remaining at work because of situations of significant incompatibility between their work and family responsibilities - these measures are aimed at both sexes.

In promoting a mixed workforce, the aim is to identify potential candidates (through schools, universities, etc) and provide them with details of announcements of open competitions, written in a politically correct and comprehensible manner. To eliminate the causes of vertical segregation, an information campaign has also been programmed, using the press, information outlets and every possible form of dissemination.

With respect to horizontal segregation, provision has been made for transfers from one function to another (functional mobility) and re-training courses, for which guarantees and assistance must be provided to ensure that the number of women participants is proportional to the number of women employed by the authority. To ensure that women can participate in them, training courses are run during working hours.

Steps have been taken to improve information by using non-sexist language, changing methods of communication and taking care to introduce forms of personalized communication.

Actions to promote the compatibility of family and work commitments include changing working times, temporary or permanent transfers and measures to facilitate the use of ordinary parental leave.

### *Context*

The Provincial Authority of Milan launched equal-opportunities policies around the mid-1980s, in agreement with both internal and external trade union organizations. There is a fully functioning equal-opportunities committee, whose activities are supported by "rapporteurs" - people who operate in the various areas and have tasks of observation.

During this decade of activity, it should be remembered that, in 1994, the Provincial Authority of Milan adopted a code of practice to combat sexual harassment.

## **5. Agreement on working times: Provincial Authority, Como**

Signed on 23 March 1993, this agreement concerns flexible working times to help reconcile the caring role and working responsibilities; it was signed for an indefinite period. The agreement was signed by the Provincial Authority of Como and by trade union federations affiliated to CGIL, CISL and UIL. It concerns the local authorities section of the Public Administration and covers all the authority's employees working in the Province of Como (Lombardy). The authority has 689 employees (January 1995), of whom some 44% are women, but only 14% of these are in managerial posts; in accordance with the usual condition of segregation of the female workforce, these women are in medium and lower grades.

### *Content*

The flexible working times agreed are of two types:

- type A comprises four afternoon shifts from Monday to Thursday plus mornings; working times on Friday remain unchanged (arriving at 08.00/08.45 hrs and leaving at 12.00/13.00 hrs, in accordance with traditional working times);
- type B comprises three six-hour days, without afternoon shifts (from 08.00/08.45 hrs to 14.00/14.45 hrs) and two days with afternoon shifts (arriving at 08.00/08.45 hrs; leaving at 12.00/12.45 hrs; returning for the afternoon shift between 14.00/14.15 hrs and 18.00/18.30 hrs). Employees must, however, work a full 36-hour working week.

Arrival and leaving times remain flexible for everyone.

*Special features*

The arrangement of working times is agreed between employees and their manager, with the consent of the competent councillor and personnel manager.

People who choose option B cannot work overtime (except for "unavoidable reasons") on days on which they have worked a "single shift" (08.00/08.45hrs to 14.00/14.45 hrs); a similar rule applies to requests for leave; the canteen may not be used on these days.

*Context*

This agreement is the result of activities promoted since 1991 by the equal-opportunities committee (a joint body provided for by the national collective agreement of 1987, Presidential Decree 268/1987, Article 7) of the provincial authorities of Como, in which women have been a central driving force. The agreement emerged from a series of surveys conducted by the committee on problems concerning the organization of women's working day, which revealed that working times within the authority (set at five days a week, Monday to Friday, morning and afternoon, with half-an-hour's flexibility in arrival and leaving times), although better than the working times applied in other sectors, were difficult to reconcile with children's school hours.

To be able more clearly to define a proposal for an alternative organization of working times, the women's committee conducted a survey in which workers (both men and women) were invited to express their preferences. The agreement was drawn up on the basis of the proposals that emerged from this survey.

Initially the proposal met with some opposition from the trade unions, particularly because of a fear that it concerned women only. Although fighting for women's rights just as much as other groups', the trade union tends to devise and present its actions in favour of women workers "from a global perspective". This is an excessive wariness that fails to take account of the (well-known) fact that working times which are more in line with expressed needs are not only an advantage for women, but also allow a fairer distribution of family responsibilities and offer greater opportunities for sharing between parents.

Management circles of the Provincial Authority were also initially hostile to the new proposals, either because they feared they would make service less efficient or because their adoption would imply a reorganization of internal procedures.

In addition to presenting adjustment problems, the agreement called for a shift from the bureaucratic control of work to an approach that takes service effectiveness and efficiency as the parameters. Generally speaking, this change drew attention to a different perception of the role of public management and a shift towards more independent management of each sector.

Although the original proposal put forward by the equal-opportunities committee met criteria of greater flexibility and working times appeared much more personalized, the solution adopted has the merit of allowing female and male employees freedom of choice. The general assessment is positive, on the part of both women and men, with men also taking full advantage of the second type of working-times arrangement. Initially introduced on a trial basis, the system is now fully established, after some adjustments. Its introduction has made it possible for offices to be open at a time of day when previously they were not open, which is an added advantage to users (many people visit offices during their lunch break, between 12.00hrs and 14.00 hrs).

## **6. Agreement on the role of secretarial staff: Italtel**

Signed on 18 January 1993, for an indefinite period and with immediate effect, this agreement concerns the redefinition of secretaries' occupational role. The signatories are the management of Italtel, Milan, trade union federations affiliated to the CGIL, CISL, UIL and plant-level union representative. Italtel is a State-controlled company in the telecommunications sector, which is covered by the agreement governing State-controlled companies in the heavy-engineering sector.

At the time of signing the agreement, the company's establishments in Milan had some 5500 employees, of whom 26% were women. The agreement concerns 215 women, 89.8% of whom are in medium to low grades.

This agreement was preceded by others on equal opportunities, the most recent one dating back to June 1992, which established the procedures for devising a system for "evaluating and classifying the role of secretary".

### *Content*

This agreement is part of a policy to place greater value on work performed by women, by using a new system of evaluation and classification. The 1993 agreement focuses on qualifying secretaries' work as "specific and, at the same time, varied professional competence and status", with the aim of adjusting evaluation of the role to organizational changes.

### *Special features*

The agreement establishes four levels of job classification (expert secretary, senior secretary, secretary, junior secretary), according to the tasks performed, which must be assessed on the basis of the position held and the abilities and skills used. Each type of activity - divided into administrative tasks, production of documents, archives, logistics, timetabling and communication - is allocated a score; each activity is divided into three levels of complexity, which refer to the post held, the abilities expressed and the knowledge and know-how integrated.



The agreement also makes provision for training actions to promote both professional development and mobility towards occupational jobs other than that of secretary.

### *Context*

In this company, there is a long history of positive action, which have been developed since the mid-1980s. It was one of the first enterprises in Italy to introduce a positive action plan, with trade union agreement, even before the law on positive action was passed. A joint commission including outside experts was set up in mid-1986, with the task of analysing the causes of discrimination in the various areas and jobs and proposing positive-action plans. Subsequent agreements have altered the composition and name of this equal-opportunities commission, but its work lies at the root of this agreement.

## V. Agreements that appear "good" in context

In this section, we shall discuss agreements that can be classified as "agreements that appear good in context", a category that comprises agreements that improve upon clauses laid down in the past or by legislation, upon minor and major factors and, finally, upon the bargaining context.

The agreements we have selected can be divided into two types: first, "good" agreements that apply Community guidelines on sexual harassment and second, agreements that appear "good" in the historical context.

1. The criteria applied in selecting agreements that can be defined as "good" in terms of applying EU guidelines on sexual harassment are as follows:
  - adoption of the definition of sexual harassment laid down by EU guidelines - "undesirable behaviour with sexual connotations" - and placing it in the category of direct and indirect discrimination;
  - the people involved in preparing claims and signing these agreements. It is, in particular, the commitment and work of trade union women's coordinating bodies and equal-opportunities committees that have determined the content of agreements; this began with awareness campaigns and has culminated, through various phases, in the drawing up of agreements. The presence of trade union women's coordinating bodies among the signatories is an anomaly in Italy, since they are not usually considered to be bargaining partners and are granted only the right to put forward proposals. The delegation of bargaining activities to women's coordinating bodies has been (and often continues to be) a sign of a lack of interest in the issue concerned, to which the organization involved is not prepared to commit its own resources; however, in the course of time, it has had to be acknowledged that competence in these areas is a very valuable resource that trade union organizations overall do not possess;
  - the involvement of Consigliere di Parità [Equal Opportunities Advisers], to whom Article 4 of the Positive Action Act, 1991 assigns a central role in the elimination of discrimination. Provision for the explicit involvement of this figure, to whom the law delegates responsibility for taking action with regard to sexual harassment, which is perceived as "a form of collective discrimination that can be seen as a violation of a general obligation of respectful and appropriate behaviour towards women" (Chiavassa and Hoesch, 1992), is also innovative at the level of trade union relations;

- the very evolution of the definition of harassment as it appears in the text of agreements: we have moved from bargaining practices that call generally for "right relations" and a commitment by the parties to increasing measures to prevent harassment, to the affirmation that harassment is a discriminatory act and a form of blackmail in the workplace that is defined as "undesirable behaviour with sexual connotations that offends the dignity of men and women in the world of work".
2. Agreements considered to be "good" in the historical context are those that improve upon the law on maternity (Law 1204 of 1971). Our selection of these agreements is based on:
- their spread;
  - the fact that the underlying intention is to improve the economic treatment of women (making provision for enterprises to make up the pay of working mothers for the five months of compulsory leave of absence by paying 20% of their wage in addition to the 80% paid by the INPS);
  - the implicit recognition of the social value of maternity, since these clauses prevent women from being financially penalized for their reproductive function.

**A. "Good" agreements that apply European Community guidelines on sexual harassment**

*National context*

The broad diffusion of agreements on sexual harassment in Italy (albeit in different forms in the public and private sectors) derives primarily from the influence of EU texts, which have been a decisive factor in harassment coming to be seen as a form of sexual discrimination; but an important role has also been played by the new awareness of rights, women's action in denouncing offenders and legislative developments concerning female labour.

There is no specific law on sexual harassment in the workplace in Italy; there are bills to govern the subject but these are meeting with considerable obstacles and difficulties. It is currently the rules of the penal code that cover sexual harassment, but these "rules are organized in relation to excessively disparate interests (...) and many of the offences indicated are subject to private prosecution" (Jannello, 1995).

An end to this situation began to emerge with the European Parliament resolution of 11 June 1986, in which sexual harassment was defined as "a form of lack of respect of the principle of equal treatment as regards access, employment and career advancement, as well as working conditions and terms and conditions of employment". Subsequent steps, leading to the recommendation of November 1991, cleared the way, even in Italy, for an evaluation of sexual blackmail and all acts leading to it that is based on "provisions concerning the definition of illicit behaviour and the identification of remedies" (Barbera, 1993).

Since 1990, a year in which there was much bargaining activity at national level in Italy to renew existing collective agreements, several agreements in the private sector have included clauses on sexual harassment. The introduction of these clauses, which is closely associated with the EU Council resolution of 1990 and which defines harassment as "inappropriate, offensive and insistent behaviour", concerns at least eight national agreements in the private and public industrial and tertiary sectors (as far as we could ascertain).

Other features of clauses on sexual harassment that have emerged from the bargaining round opened in 1990 are:

- an objective of prevention that is required of trade union organizations and company management, underlining the fact that the wish is to focus on prevention rather than punishment;
- reliance on the guidelines issued by the national equal opportunities bodies provided for in the various agreements and on their geographical spread to ascertain and reveal the extent of the phenomenon, as well as identification of the solutions to be adopted.

The period 1994-1995 saw an interesting development in bargaining trends. The definition of harassment became more specific and detailed: harassment is "offensive behaviour with sexual connotations" and is a form of discrimination (agreement in the chemicals industry, 19 March 1994). Although the wording is less clear, the agreement covering the banking sector (November 1994), in referring to the EU Council resolution of 1990 and the European Commission recommendation of 1991, also suggests that harassment is a form of discrimination. Many agreements in other sectors also confirm the need to take preventive action, involving all the parties concerned.

Agreements in the industrial and tertiary sectors therefore tend to define harassment in accordance with EU guidelines and to take the general approach of changing behaviour rather than taking punitive action. None of the agreements we studied referred to disciplinary sanctions. These positive aspects are accompanied by shortcomings as regards specific clauses on the realization of intentions. Very few enterprises have adopted a code of practice and they tend to limit themselves to reproducing the text of the national agreement.

In the public sector, clauses that tackle the issue of sexual harassment have been integrated in agreements in some sectors since 1990 (local authorities, 3 August 1990, Presidential Decree 333 and the health sector, 3 August 1990, Presidential Decree 383, both valid for the three-year period 1991-1994). The first references to harassment appear, defining it as "behaviour that is prejudicial to individual liberties and that might be damaging to healthy relationships". Other agreements reproduce this definition and the significance attributed to the subject is also indicated by the fact that it is taken up in Legislative Decree 29 of 1993 (decree on the privatization of the public employment relationship) which, in its Article 61, makes the public authorities responsible for introducing "texts and regulations that guarantee equal dignity to men and women at work".

However, in the early 1990s, the problem of harassment, defined as behaviour that is prejudicial to individual liberties, was tackled only by training and awareness campaigns. The most recent national agreements covering "local authorities" (22 December 1994) and "ministries" (1 December 1994) have introduced a change, in that they make provision for disciplinary sanctions against harassment. This signals a substantial change in the method of tackling the problem, in that sanctions are explicitly incorporated as an instrument of protection against harassment.

With respect to this, there is a broad-ranging debate going on in Italy between those who are in favour of such procedures and those who stress their limitations: on the one hand, they make the hierarchy the arbiter and protector of the woman victim and, on the other hand, they put the trade union in a potentially contradictory situation, because it has to take sides with one of the parties involved and yet also pursue its objective of protecting all workers. For women, too, this solution presents problems, since the disciplinary process places them in an uncomfortable situation that is in some ways similar to that faced by plaintiffs in penal proceedings (Chiavassa and Hoesch, 1992).

By contrast with the private sector, codes of conduct in the public sector have been spreading throughout Italy since at least 1994-1995; "confidential counsellors" are also being introduced now, with the task of dealing with problems of sexual harassment on an informal level, in accordance with the guidelines contained in the European Parliament resolution of 1994.

**1. Agreement between ANCI Toscana and the CGIL, CISL and UIL on adopting the "Codice di condotta per la tutela della dignità delle persone" (Code of practice to ensure the dignity of persons)**

The agreement between ANCI and women's coordinating bodies of the Tuscan confederated and occupational trade unions affiliated to the CGIL, CISL and UIL was signed in November 1994 for an indefinite period. It is an agreement that refers to the region of Tuscany and may be defined as a "territorial" agreement, in that ANCI

[Associazione Nazionale Comuni Italiani - National Association of Italian Local Authorities], a national body, undertakes to ensure that it is adopted by all local authorities in Tuscany, in accordance with the methods and requirements pertaining to each individual situation.

A determining feature of this agreement is the process that led to the signing of it: the initiative emerged from women's coordinating bodies within the trade unions (both confederated and occupational), which have become actual bargaining partners.

The other bargaining party is also significant, since the action taken by the Tuscan branch of ANCI seems likely to open the door to the dissemination and adoption of codes of conduct.

### *Content*

In its foreword, the agreement makes explicit reference to EU Recommendation 92/132/21 of November 1991 and to the Code of practice; it adopts the EU definition of sexual harassment and lists the most common forms of harassment. In addition to being "inappropriate behaviour", sexual harassment and blackmail are recognized sources of direct and indirect discrimination, in that they can be a practical manifestation of violation of the principle of equal treatment. The agreement explicitly aims to affirm the dignity of the individual and "the positive solution of cases of harassment, with all due guarantees of confidentiality and non-discrimination with regard to the victim".

The agreement aims to prevent harassment by attributing major importance to training activities and other measures to tackle harassment from the cultural and anthropological viewpoint.

### *Special features*

- The agreement makes provision for research and training programmes for public sector managers in Tuscany, agreed between ANCI and the trade unions: according to the text, "short training and refresher courses for managers will be organized and promoted within the Tuscan local authorities". The first training course was run in 1995 at the Scuola per Dirigenti [Management College] at the University of Siena.
- Following adoption of the code of practice, local authorities undertake, in agreement with trade union organizations, to change any internal regulations containing rules that are in contradiction with the code, to ensure the transparency of procedures for the recruitment, promotion, etc, of staff, and to alter the organization of work and working conditions, particularly in sectors and at times (eg nightwork) that are most prejudicial to women.

- The agreement does not make provision for any specific sanctions for the "crime" of harassment and simply refers to current legislation.
- There are both formal and informal procedures for dealing with cases of harassment.
- Provision is made for appointing a confidential counsellor, whose task is to provide assistance in absolute confidentiality. This counsellor takes responsibility for dealing with cases of sexual harassment, if the victim so wishes.
- Should action be taken before the courts, the authority also undertakes to provide legal aid.
- The agreement also covers the provision of psychological support for victims of harassment, in various forms, in agreement and collaboration with other institutions.
- Local authority heads and managers are responsible for enforcing the code of practice.

### *Context*

The agreement signed by ANCI Toscana can be defined as a pilot agreement, in terms of both its content and its coverage.

With regard to content, the agreement adopts the definition of harassment suggested by the EU. And the training activities and initiatives that have been identified for tackling harassment from the cultural point of view have also been very positively received.

In addition to these features, mention might be made of the unwritten aspects of the text that were fundamental to the drafting of the proposal and the content of the agreement. A prime example is the work performed by the women's coordinating bodies within the trade union, which began with supporting women who were suffering harassment and some broad-ranging awareness campaigns. This was very difficult work, not only because of the subject but also because of the environment: an industrial district (Prato), where it is particularly difficult to defend rights because of the presence of a fabric of small, craft-like industries. It should be noted that this comment is particularly pertinent to Italy (to the entire country and not just the area under consideration), because it is difficult for trade union organizations to establish themselves in the small enterprises that account for a consistent proportion of the Italian production system.

As regards coverage, the agreement's success at regional level is demonstrated by the fact that so many Tuscan local authorities are adhering to it - about 20, in principle, though only six had formally established their acceptance at the end of September 1995.

**2. Agreement on the "Codice di condotta contro le molestie nei luoghi di lavoro, per la tutela della dignità delle donne e degli uomini che lavorano nel comune di Catania" (Code of practice to combat sexual harassment in the workplace, to ensure the dignity of the women and men who work in the Local Authority of Catania)**

This agreement was signed on 30 June 1995 and came into immediate effect for an indefinite period. In this case, also, women's Coordinating Bodies (within the confederated and other trade unions) represented the trade unions in negotiations with representatives of the local authorities; also present was the equal-opportunities committee, which is a type of joint body for which provision has been made since the 1987 national collective agreement covering local authorities (ratified by Article 7 of Presidential Decree 268/1987, for the staff of regional and local authorities).

The agreement covers all female and male employees of the local authorities of Catania; the total workforce (in July 1996) numbers 5430, including 1653 women (30%). Since 1990, women have also been employed as refuse collectors and policewomen; yet they still tend to be concentrated in administrative posts and social services.

*Content*

The agreement begins with a reference (in the foreword) to EU Recommendation 92/131/27 of November 1991 and the adoption of the code of practice. In accordance with the terms used by the EU, harassment is defined as undesirable behaviour with sexual connotations and there is a list of the most common forms of harassment.

Sexual harassment and blackmail, in addition to being "inappropriate behaviour, are recognized sources of direct and/or indirect discrimination and of the violation of rights".

These guarantees also cover inappropriate behaviour concerning service users.



*Special features*

The main aspects of the agreement are:

- information and training activities aimed at the local authorities' management staff and employees;
- allocating managers responsibility both for applying the code - "since harassment is a violation of the duty of appropriate behaviour befitting the functions managers are responsible for respecting and guaranteeing" - and for its implementation;
- with regard to sanctions, the code of practice distinguishes two cases: a. that of "direct or indirect" retaliation as regards the person who has denounced the perpetrator and their testimony; b. cases in which "inappropriate behaviour" is the source of discrimination and the violation of rights. Both cases "are perceived" as offences and are, therefore, "subject to the formalities, guarantees and disciplinary sanctions provided for by law and by the relevant regulations";
- provision is made for "confidential counsellors", who deal with cases of sexual harassment and blackmail by means of an informal procedure and who are responsible for helping to solve the problem;
- formal procedures - at the request of the person concerned - are instigated by the manager of the personnel department, in accordance with current legislation;
- where cases are brought before the courts, the local authority also undertakes to provide legal aid and to identify the appropriate methods, forms and institutions to provide victims with support, "including in collaboration with the equal-opportunities committee and trade union organizations";
- the aforementioned collaboration with the equal-opportunities committee and the trade union concerns ascertaining the "transparency" of all those aspects of organized work regarding career paths, transfers, working times, night shifts, etc, that are vital to the identification of working situations in which sexual harassment is most likely to occur.

### *Context*

The importance of this agreement - which is already significant because it covers local government - is increased still further by the fact that it concerns a local authority in southern Italy which, as the councillor responsible for personnel has noted, has a history "of discretionary powers, abuse and illegalities" (Condorelli, 1995). It is an environment in which there is a considerable drive towards change and which has been in a position to benefit from the proposals and active commitment of women who, in various roles and positions, have contributed to the drawing up of the code of practice and the signing of the agreement.

### **3. Agreement between the management of USSL 21 and 22 of Padua and Este, trade unions and the Equal Opportunities Adviser**

This agreement was signed on 21 November 1994, with a period of validity dependent on realization of its object: a positive action to make all employees of the USSL aware of the issue of sexual harassment.

The agreement was signed by the special administrator of USSL21 and 22 in Padua, by trade union federations affiliated to the CGIL, CISL and UIL and by the Equal Opportunities at the provincial level.

On the date of signing the agreement, USSL 21 (comprising four hospitals, the university clinic and regional services and centres) had 6830 employees, of whom 2759 were men and 4071 (60%) were women. At the same date, USSL 22 (including the province's hospitals in Padua, Este and Montagnana and in regional services) had 902 employees, of whom 402 were men and 500 (55.5%) were women. Women are included in all occupations, and in six of these (obstetrician, teacher, social worker, dietician, speech therapist and orthodontist), women account for 100% of employees. Women account for 80% of nursing staff. Women are totally absent from the levels of health and administrative management; all the health, administrative and personnel managers are men, which means that women are underrepresented at the highest levels.

### *Content*

The agreement concerns a positive-action project under Law 125/1991 and proposes the launching of "an awareness campaign on the issue of sexual harassment at work. To ascertain the extent of the problem so as to be able to prevent and eliminate it, in compliance with EU Recommendation 92/131 of 27 November 1991, [the parties] intend to set up appropriate instruments, such as research, information and training for employees of the USSL".

Another significant element of the agreement is the training of confidential counsellors "as experts who are capable of offering prevention and training and of settling cases in compliance with European Parliament's resolution of 1 February 1994".

### *Special features*

- Training courses to prepare people to take on the role of confidential counsellor;
- awareness-raising and training for professional and managerial staff, managers and those responsible for organization at the two bodies;
- promotion of research.

### *Context*

The agreement emerged from a particular regional context: the university hospital and other USSLs in the province of Padua had already been running research, training and information projects on harassment for some years. Research programmes concerning the extent of the phenomenon and subjective views of harassment were conducted in collaboration with the University of Padua (Psychology Department), the Equal Opportunities Adviser and the body directly concerned. It was in this climate that the EU code of practice was adopted by the university hospital of Padua and the USSL and that the internal regulations of staff-training colleges were developed. These formal texts were followed by training and information courses for 150 intermediate section heads working in the various hospitals and health services scattered throughout the region, with a view to providing them with instruments of knowledge. Prevention work also involved the various nursing colleges. Adoption of the code of practice by this health sector is the result of an independent initiative on the part of the hospital which, as noted above, has also run courses to facilitate application of the code of conduct. Trade union activity has been negligible, even as regards the coordination of women trade union members. On the other hand, a key role has been played by the Equal Opportunities Adviser, who has run a promotion campaign and involved various people. Her presence has been invaluable in every initiative to promote a working environment in which harassment is beginning to be seen as unacceptable behaviour by the bodies concerned.

## **B. Agreements that appear "good" in the historical context**

There are numerous (according to a recent survey conducted by the CISL women's coordinating body, about a hundred) national collective agreements covering industry and the tertiary sector that improve upon the provisions laid down by Law 1204/1971 on maternity, from the economic viewpoint. These agreements stipulate that, for the period of compulsory leave of absence that has to be taken by working mothers, enterprises shall pay 20% of the woman's wage, thus making the amount received up to 100%.

Closer examination of one of these agreements allows us to identify the relevant provisions.

### **4. Agreement covering the private and public industrial chemicals sector**

Renewed on 19 March 1994, this national agreement was valid from 1 January of the year on which it was signed; it is valid for four years as regards the normative clauses and to 31 December 1995 as regards pay. The signatories are the Federazione Nazionale Industria Chimica [National Federation of the Chemicals industry], l'Associazione Nazionale dell'Industria Farmaceutica [National Association of the Pharmaceuticals Industry], Intersind (Association of State-owned controlled enterprises) and the trade union federations affiliated to the CGIL, CISL and UIL. It is a national agreement covering the public and private industrial chemicals sector.

The total workforce (in 1996) is of the order of 230 000, with women accounting for 26%.

#### *Content*

Article 43 expressly states that "women workers shall receive (...) an allowance, in addition to that provided for by law, so that they receive 100% of their actual wage for the first five months of absence, provided that they are absent for no longer than nine months overall". This means that women who have a difficult or "dangerous" pregnancy do not benefit from this rule. This restriction does not appear in all the other agreements.

#### *Special features*

Improvements do not concern only the making up of pay during the period of compulsory leave but also cover all contractual provisions (for a maximum period of eight months) so that women do not lose any of the rights they would have acquired had they been at work.

With respect to maternity allowance, agreements also lay down that enterprises are obliged to undertake initiatives to "facilitate, where necessary, the occupational reintegration of male and female workers following maternity leave". The nature of these actions is to be planned at national level.

## VI. Conclusions

The findings of this exploration of the Italian collective bargaining scene to locate good agreements from the point of view of equal opportunities bear out, on the one hand, data that are already known and highlight, on the other hand, aspects that are less well known. Among other things, there is the fact that positive action has become a "promotional" instrument and the problems that any attempts to go beyond "partial" representation raise for this type of claim. The changes that have taken place in the relationships between the sexes are reflected in bargaining but the tradition that muffles women's voices and the advancement of claims that do not simplify the role of working women are curbs on incisive bargaining action. In this context, the key areas from which some general conclusions can be drawn are: the bargaining system (centralised - decentralised) and the relationships between the two levels, the most significant types of content contained in agreements and finally the actors involved in bargaining.

As our research shows, bargaining has enormous potential as a way of promoting equal opportunities. At first glance, decentralised bargaining seems to be the route that can be most readily followed to bring together and structure women's interests and to tackle the causes of inequalities. The two levels - as the study confirms - are closely linked but are also separate. National bargaining addresses issues that relate more to general obstacles to equal opportunities whereas decentralised bargaining addresses issues closer to the organisational context and that part of the practice of organisations that structures relationships between the sexes and that helps to perpetuate differences in treatment.

The issues tackled at these two levels can be integrated when decentralised bargaining takes up the issues addressed at national level and places them in its own specific context. Sexual harassment was, for instance, originally taken up as an issue in national bargaining in the various sectors: the new kinds of solutions that were gradually introduced were then taken up by decentralised bargaining and enhanced, guided and strengthened it. Between 1990 and 1995, national agreements moved away from regulations intended generally to bring about "correct relationships" (entailing a commitment by the social parties to step up measures to prevent the problem) to a perception of harassment as a form of discrimination defined as "offensive behaviour with sexual connotations". In the space of no more than five years, there has therefore been a shift towards an approach that is fully in keeping with EU guidelines which place more emphasis on changing the behaviour rather than penalising the offender. This national bargaining approach has been matched by decentralised bargaining, especially in the public sector, and has led to demands for the adoption of codes of practice to protect people's dignity; provision has been made in many cases for confidential counsellors, i.e. people responsible for dealing informally with the problems of sexual harassment as set out in the 1994 European Parliament resolution.

Agreements are also consistent at both levels as regards the key issue of maternity: national bargaining sets out guidelines and decentralised bargaining includes and improves upon them. The general trend that can be pinpointed within national bargaining is to improve economic treatment. This is an important trend as it shows an implicit recognition of the social value of motherhood, since enterprises are required to supplement the part wage paid by the INPS. Decentralised bargaining has continued along this path and is taking steps to find further remedies and safeguards in the form: 1) of the grant of time-off rights and parental leave as well as greater opportunities for part-time work; 2) of measures to promote vocational retraining when workers return to employment. Both of these measures seem to be shaped by the quest for instruments intended both to correct the balance of family responsibilities and to improve women's situation at work.

It has to be noted, however, that the types of action put forward by decentralised bargaining seem to come up against a barrier making it impossible for them fully to penetrate the mechanisms governing decision-making processes in the areas of personnel policy, workforce recruitment and entrepreneurial and business choices. The qualitative and quantitative measures intended to improve equal opportunities that we located tend to be confined to fields that are narrower than those governing general enterprise policies on selection and career advancement. From this point of view, the integration of the two levels is far from offering fully satisfactory safeguards and results.

Working time is another of the key issues addressed by bargaining. Working time seems to be a very important lever for change not only because agreements make much of it, but also because it is often tackled in forms and terms that are far from traditional. The most significant case that is perhaps most specific to the situation in Italy is the attempt to export changes in working times in the "factory" to the city in order to improve the quality of life. Men and women are increasingly aware that personal time is closely linked to the way in which society "organises and generates time". The prospect towards which we are moving is to consider working time and the timetable of the typical activities of a sophisticated capitalist society as a whole. Agreements on city hours also meet the need to adjust the urban timetable in order to allay new forms of inequality; recent studies have highlighted the relationship between social stratification and the way in which time is organised (Chiesi, 1991).

The ways in which agreements tackle working times are not just inspired by the scenario of a "society friendly to those who live in it" (Balbo, 1991) but are intended to make working time more compatible with family responsibilities. Some demands for more flexible working times are indicative of this type of demand; in some cases this has also been reflected by measures to safeguard the quotas of female labour in employment.

The study shows, however, that the traditional bargaining partners are not very interested in any of the other aspects of the caring role: the consistent and well thought-out strategies that do exist have been imposed by the direct and immediate demands of working women and men. *A family-friendly employment policy* has yet to take off in Italy: Italian entrepreneurs are not very interested in these issues which tend to be restricted to working environments where trade unionism is strong.

Positive action is the second key issue around which bargaining problems are concentrated. One of the main features of positive actions in Italy is that they are accompanied - or even preceded - by demands for the establishment of an Equal Opportunities Committee.

Positive action is seen as an instrument for the achievement of equal opportunities and is interpreted in two ways: a) "preferential treatment" reflected by the establishment of quotas in order to achieve a "result" of actual equality; b) the "promotion" of equal opportunities through measures intended to eliminate inequalities. Bargaining seems to be moving chiefly towards this second path, intended to remove obstacles at the outset. The other path does not seem to be free from conflict; the legality of positive actions that reserve jobs for women, as one of the cases examined above bears out, has been tested before the courts (echoing the direction taken and interpretations made at European level by the Kalanke ruling).

In most cases agreements on positive actions in Italy are therefore not so much intended to give priority to women, but rather to reformulate the regulations and procedures for access to work and to promote actions to upgrade and change the female labour supply. Overall, these measures are managing to pave the way for a framework of actions aiming to have an impact both on the context of organisational culture and more generally on attitudes in collective culture. This movement has paved the way for the trend, which is only just beginning to take shape, towards the rewriting of the texts of agreements or competition notices, etc., in a language that is in keeping with the principles of equality.

The design of policies to combat sexual harassment is one of the most recent inclusions in bargaining. This is reflected chiefly by the formulation of codes of behaviour in line with EU directives and based on the principle that sexual harassment is on a par with offences against the equal dignity of women (or men) workers even when it does not take the form of direct discrimination. This approach also leaves room for women's subjective evaluations when reporting the offence, making it possible to expose the deep-seated links between power and dependency, authority and sexual blackmail.

Our study of the agreements and the ways in which they have been achieved also highlights the particular nature and significance of forms of representation.



The study shows that it is often crucial for women to have a voice alongside but not as a replacement for the traditional partners. Women's representation is far from that of a new bargaining partner as it is expressed in ways and through bodies that differ in different situations.

In a large number of situations the initiative is taken by bodies that undoubtedly owe their origins to the trade unions (women's trade union committees), while in just as many situations the protagonists are formal or informal groups that have nothing to do with trade unions. This range of situations which seems, on the one hand, to be responsible for the incomplete and fragmentary nature of the bargaining solutions adopted in Italy, highlights, on the other hand, a contradictory basic feature which is probably the key aspect.

If we are to understand this aspect, we need to think about the general conditions in which bargaining takes place and the nature of its protagonists. As we have seen, the traditional bargaining partners are not very sympathetic to the issue of equal opportunities; for the most part equal opportunities are underpinned by the provisions of legislation and European social policies. In this difficult and substantially hostile context, women put forward their own demands when the issues addressed are closely linked to their overall status (equal rights, sexual harassment, etc.), but are eclipsed in the actual bargaining process both because their institutional representation is small and because they find it difficult to accept the notion of "gender representation". Equal opportunities attract a "partial" representation that does not manage to achieve equal dignity and effectiveness in the game played by the permanent actors of union relations. The agreements examined by this study show that women's representation, analysed in the context of the individual agreements and the demand formulation process, seems to be a group representation that has very little to do with a notion of general representation.

It is consequently very difficult to evaluate the presence and importance of the voice of women because of its partial and fragmentary nature. It also needs to be asked whether this is part and parcel of the Italian tradition which has been characterised in recent decades by the action of working class forces and bodies and by lively representation of this movement independent from the trade union institutions; if this were the case, it would be very remarkable for women, traditionally perceived as weak by the workers' movement, to come to the fore.

The stranglehold of this process seems to be an outcome that is strongly rooted in the culture and political and intellectual education of whole generations of men and women; the endorsement of a "neutral" formulation of rights which stifles and overlooks the use of the force and the characteristics of gender.

The actions promoted by new institutional figures - such as the equal opportunities adviser and the confidential counsellor (in the case of sexual harassment) - while appearing innovative in many respects as regards the current model of union relations, do not manage to go beyond the limits imposed by the general situation. While Law 125 of 1991 on positive actions gives a figure "outside" the social partners - the equal opportunities adviser - a strategic role to play in implementing the principle of equal treatment of men and women at work, it has to be noted that this equal treatment has not been achieved and that there is little to prevent the social partners from continuing to perpetuate their different treatment practices undisturbed.

Although bargaining seems to be an instrument with a great deal of potential for the achievement of equal opportunities, it may be ineffectual if it is not combined with innovations that break away from demand platforms that tend to place people on a par and consider their diversity to be of little importance.

## VI. Bibliography

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**Annexes**

1. Agreement on city-hours, Local Authority of Milan
2. Agreement on job-sharing at Sony, Rovereto
3. Local Authority of Catania: code of conduct to combat sexual harassment at work