



Collective leader agreement and employer representation

SUMMARY: 1. The national multi-industry agreement of 9 March 2018 and the uncertain boundaries of representation. – 2. The "pilot case" of cooperatives and the difficult measurement of (also) employer representation. – 3. The plurality of CCNLs [Italian collective bargaining agreements] in the same sector and the overlap of the scope of different CCNLs (also stipulated by different federations of category of the comparatively more representative multi-industry Trade Union Organisations). – 4. Selection of comparatively more representative organisations and legislative deferrals to collective bargaining. – 5. The problem of measuring the representativeness of employer organisations for the purpose of legislative deferrals. – 6. The need for a "delimitation" of the categories at the multi-industry level.

1. The national multi-industry agreement of 9 March 2018 and the uncertain boundaries of representation

In the Multi-industry Agreement of 9 March 2018 (henceforward, M.A.), Confindustria [Italian employers association], Cgil, Cisl and Uil [Italian trade unions] agree on the need to certify the "data of representation of the parties stipulating the individual CCNLs" and "arrive at a model of certification of employer representation capable of guaranteeing collective bargaining with generalised effectiveness and expediency", substantially identifying for each sector or category the so-called "leader agreement".

Given this obvious intention of the social partners, it seems, however, appropriate to ask some questions. The first: are there sectors in which it is possible to establish a priori the contractual category of reference, also given the particular legal nature of the employer, and is the measurement of representation (trade union and employer) and the identification of the leader agreement consequently simpler?

The second: is it possible in the current conditions to identify a single leader agreement in each sector or do multiple leader agreements actually co-exist in the same sector, also due to the overlap of the scope of different CCNLs? The third and last: is the measurement of the (also) employer representation sufficient to put the contractual system in order and identify the leader agreement, or do we need a preliminary "delimitation" at the multi-industry level to define the sectors?