

## The employer association as an intermediary of the professionalism market

SUMMARY: 1. Constitutional relevance of employer associations. – 2. Brief considerations on the freedom of employers to form associations representing their interests. – 3. Employer associations and "functional management" of labour relations. – 4. The "Fiat case" as an example of functional management of workers' professionalism. – 5. The professionalism of the workforce as an element of recomposition of the representation of employers.

### 1. Constitutional relevance of employer associations

It is known that the possibility for the employer to form and register with trade associations constitutes an expression of the freedom of economic initiative, constitutionally protected by Art. 41 of the Italian Constitution, in conjunction with Art. 18 of the Constitution.

This possibility intervenes, and can be appreciated in its entirety, in the phase immediately following the creation of a corporate entity, that is, in the phase of "*life and... development of it*", which constitutes an essential part of the concept of "*economic initiative*".

Hence, although the expression of a constitutionally important principle, the structure and function of employer associations, as well as of entrepreneurial organisations in the broad sense, have been studied by legal theory only at a later stage than the more preponderant phenomenon of workers' syndicalism.

Which makes the debate on employer associations far from dormant.

And it is for this reason that, below, some brief introductory remarks will be made about the contents and extent of the freedom of employers to associate, and then spend some time analysing the functions and limits of the associations thus constituted.