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**Research Report**

## Autonomous, atypical, hybrid forms of employment: Aspects of social protection in Italy. National report

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# STUDY

Nr. 10 · November 2017 · Hans-Böckler-Stiftung

# AUTONOMOUS, ATYPICAL, HYBRID FORMS OF EMPLOYMENT: ASPECTS OF SOCIAL PROTECTION IN ITALY

## National Report

Marcello Pedaci, Dario Raspanti, Luigi Burroni

## PREFACE

In many European countries, marginal part-time, (solo-) self-employment and secondary jobs have been increasing since the last decades. The question about the provision of social protection and labour legislation for these types of employment is the starting point for a project entitled “Hybrid working arrangements in Europe”, directed by the WSI. Germany, Great Britain, the Netherlands, Poland, Italy, Denmark and Austria comprise the group of countries selected in order to investigate “hybrid work” in the context of different welfare state regimes. The following paper by Marcello Pedaci, Dario Raspanti and Luigi Burroni is one of the seven country studies giving a detailed description about labour law regulations and the national insurance systems for self-employed, secondary jobs and marginal part-time employment.

Karin Schulze Buschoff (WSI)

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## Introduction

In the last decades, in many European countries, there has been an increase of «non-standard» or «atypical» employment relationships (which include fixed-term contract, agency work, marginal part-time and rather recent forms, such as on-call work, zero-hours contract, voucher-based work, ICT-based mobile work) (EUROFOUND 2015), of self-employment and hybrid working arrangements between autonomous and dependent work. These forms of employment are often defined by difference from the «traditional» employment patterns, characterised by open-ended contract, full-time engagement and integration into an organisation (Reyneri 2011). A relevant part of job creation has these forms; and a growing share of EU countries population experiences (more or less frequently) transitions into and out of them.

A number of studies evidence the link between non-standard employment and situations of precarious work (Eichhorst and Marx 2015; Kretsos and Livanos 2016). The latter refers to jobs that combine some of the following characteristics: low levels of wages, low job security, bad working conditions, limited access to training, limited social security rights and/or limited voice (Kalleberg 2009; Standing 2011; McKay et al. 2012; Keune 2015). Therefore, the spreading of non-standard employment relationships has become a relevant political issue across European countries, creating new challenges for labour market and social policy. Accessibility to social protection is a fundamental dimension of the quality of work and of the quality of working life. As said, the situations of precarious work, socio-economic vulnerability, poverty are produced also by inadequate levels of social supports and benefits.

This report presents the findings of a study on social protections for some groups of workers with non-standard forms of employment, for workers with multiple-jobs and self-employed (in particular for self-employed without employees and hybrid position between autonomous and dependent work). The aim of the study is to analyse the current social protections, with particular attention to welfare state services and provisions, as to understand how they allow workers to deal with new and old risks (specifically the study focuses on sickness and disability, accident at works, parenthood, unemployment and old age).

To carry out the study, a multi-method approach was used, including analysis of literature, reports, legislation, official documents of public institutions and social partners, collective agreements, analysis of statistics from different sources, interviews; the latter were carried out with experts and social partners representatives (mainly at national level).

The report is organised as follows. In the next section we briefly discuss the main features and dynamics of Italian social protection system; then we present an overview of the social benefits, in particular of those provided by the welfare state, for dependent workers. This is followed by an analysis of

social protections for the different profiles of self-employed, workers with multiple jobs and with other types of non-standard employment. In the sixth section, we discuss the role of employment legislation and collective bargaining in defining terms and conditions for self-employed, in particular with regard to minimum wage. Then we finish with a set of conclusions.

# 1 General information about social protection in Italy

Italy has a mixed model of welfare state: universalistic in healthcare, occupational in pensions and labour market policies, targeted-residual in social assistance (Ferrera 1996; Ferrera et al. 2000; Ascoli and Pavolini 2012; Jessoula et al. 2017).

Since 1978, the National Healthcare System (NHS) guarantees protection in case of sickness to all the residents and non-residents. Nowadays, the sector is structured into different levels of responsibility and management. The central level (Ministry of Health) is responsible for national health planning, including general aims and financial resources, and monitoring<sup>1</sup>. The regional governments are responsible for pursuing the national objectives posed by national health plan and to guarantying the essential levels of care. Regional governments operate through a network of local health agencies<sup>2</sup>.

With regards to pensions, Italy has a multi-pillar system, composed of a public compulsory contributory-related pillar and a voluntary private pillar. The National Institute of Social Security (*Istituto Nazionale di Previdenza Sociale*, INPS) manages the public pillar, which is fragmented in a number of occupational funds. The private pillar is divided in «closed» and «open» funds; the former type is accessible only to some categories of workers, the latter to everyone. Private institutions manage the compulsory pension schemes for self-employed workers with licensed professions (see section 3), while the other self-employed are covered by funds in the public pillar.

About unemployment support, traditionally the level of income protection offered is very low, but recent reforms have increased their replacement rate and duration and have extended the number of beneficiaries (Sacchi 2016). By contrast, in Italy there is no unemployment assistance scheme. Eventually, social assistance is means-tested and managed by the municipalities. It is defined as «residual», due to the low level of public expenditure for protection towards the risk of poverty and family support (Albertini and Pavolini 2015).

All these policy fields show functional, distributive and territorial imbalances, which have been partially corrected by two waves of reforms: the «big turn» of the 90s (Viesti and Bodo 1997) and that of the austerity measures implemented to deal with the «age of permanent strain» begun with the economic crisis (Pavolini et al. 2016). The first wave of reforms changed deeply the Italian welfare state, triggering decentralization and privatization. However, it reproduced some of the long-lasting features and weakness of

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<sup>1</sup> It defines the *Livelli Essenziali di Assistenza* (LEA, essential levels of care), which represent the set of activities, services and provisions that the national healthcare system must provide to all citizens, free of charge or with a co-payment (the so-called *ticket*) (Toth 2014).

<sup>2</sup> They might provide care either directly, through their own facilities (directly managed hospitals and territorial services), or by paying for the services delivered by providers accredited by the regions, such as independent public structures (hospital agencies and university managed hospitals) and private structure.

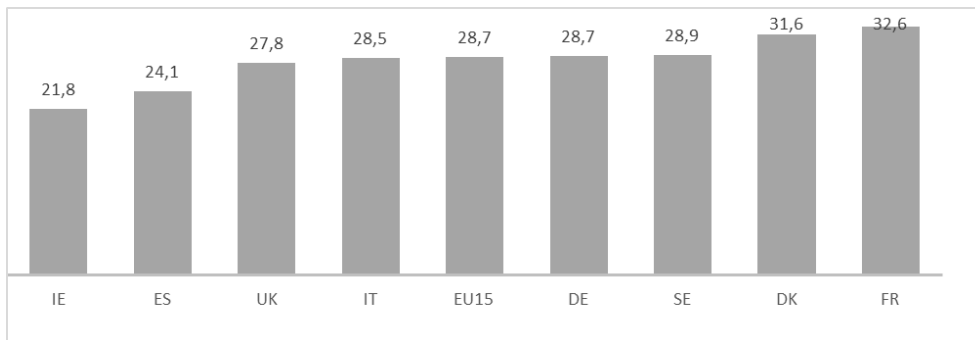
the Italian welfare state (Ascoli and Pavolini 2012). While, the last interventions – after the onset of the economic crisis – were depicted as «retrenchment without recalibration», especially with regards healthcare and pensions (Pavolini et al. 2016).

Firstly, the functional imbalance concerns the social risks covered by the welfare state. Compared to the other Western European countries, Italian social spending is biased towards pensions (Naldini and Saraceno 2008; Ranci and Magliavacca 2015). Figure 1.1 shows that, on average between 2007 and 2014, Italy spent the 28.5% of GDP in social protection, close to Germany (28.7%) and Sweden (28.9%), but less than France (32.6%); yet more than half of total expenditure is directed to pensions and survivors (56.3%), while Germany and France spent respectively 38.9% and 42.3% (Table 1.1). It is also worth noting that only 4.2% of the total is directed to support family and childcare, not only less than France (7.7%) and Germany (10.5%), but also than Ireland (13.4%) and Spain (5.7%). Accordingly, Italy belongs to the so-called «transfer centred model», in which income transfers (in form of pensions or assistance schemes) are preferred over transfers in kind (Ferrera 1996). This feature creates the conditions for a clientelistic-particularistic exploitation of transfers. For instance, central and regional governments used unemployment benefits (especially those for agriculture workers) and social assistance benefits to obtain electoral support, in particular in Southern Italy (Ferrera 1984; Ascoli and Pavolini 2012).

The unbalanced nature of the welfare state (towards transfers to detriment of services) is also linked to the familyist character of the Italian welfare state (Burroni 2016), in which family has a pivotal care giver role, which surrogate the weak commitment of the public bodies in childcare services, elderly care, disabled assistance (Naldini 2002) and unemployment (Regini 1995). Together with families, there is also a wide combination of intermediate bodies, to which the State delegates social assistance, healthcare and education functions, like the Catholic Church and the third sector organizations (Ascoli and Pavolini 2012).

The distributive imbalance has to do with social groups. Several studies have emphasized the segmentation of the Italian labour market (and of the workforce) and the relevant variations across occupational groups in terms of accessibility of social protections (Barbieri and Scherer 2009; Berton et al. 2012). Highly evidenced cleavages are related to the form (standard/non-standard) of employment and to the company size. Workers of the smallest enterprises and workers with atypical forms of employment (with temporary contracts, agency work, etc.) and some categories of self-employed were – and often continue to be – disadvantaged with regard to different kinds of social protection. About disadvantages of atypical workers, some scholars have spoken of «flex-insecurity model» (Berton et al., 2009) or of «incomplete reformism» (Burroni 2016; see also Paci 2005; Gualmini and Rizza 2013).

Figure 1.1 Total expenditure in social protection as a percentage of GDP, 2007-14, average values



Source: authors' calculation on Eurostat data.

Table 1.1 Social expenditure on various policy fields as a percentage of total expenditure, 2007-14, average values

	Old age and survivors	Unemployment	Sickness/healthcare and disability	Family/children	Housing and social exclusion	Administration and other costs
IE	26,6	12,6	38,5	13,4	3,1	5,8
ES	43,4	12,4	34,9	5,7	1,7	2,0
UK	41,3	2,2	36,0	10,4	7,9	2,1
IT	56,3	5,1	29,3	4,2	0,8	4,2
DE	38,9	4,8	38,9	10,5	2,7	4,3
SE	41,7	3,9	38,4	10,3	3,8	1,9
DK	40,5	5,1	33,4	12,1	5,5	3,5
FR	42,3	5,6	33,2	7,7	5,2	6,0
EU15	43,2	5,5	35,2	8,2	3,9	4,1

Source: authors' calculation on Eurostat data.

The third imbalance concerns the territorial differences, in terms of coverage and efficiency of welfare state protections. As argued, Italy is affected by a «differential access to similar welfare state services by geographical areas at sub-national level» (Pavolini 2015, 283). These differences are linked to the characteristics of the Italian model of capitalism (Triglia and Burroni 2009; Burroni 2016) and to the performance of public administrations at local level (Ferrera 2008). For instance, with regard to healthcare, childcare and elderly care, Northern and Central regions show higher coverage, efficiency of public authorities, users' satisfaction and outcomes than the Southern regions (Pavolini 2015). And the gap between macro-areas is not only a matter of services, but also of social transfers: the majority of old age pensions and unemployment benefits are provided to workers in Northern regions (Natali 2011; Sacchi and Vesan 2011), while to the Southern regions goes the majority of social assistance benefits (Table 1.2). In this regard, some authors argue Italy has two welfare regimes: one



for the North and one for the South (Ascoli and Pavolini 2012; Colombo and Regini 2009; Pavolini 2015).

Table 1.2 Territorial distribution of social protection transfers (%)

Macro-regions	Pensions and social assistance (2017)			Unemployment (2014)		
	Old age and survivors*	Invalidity and social invalidity*	Social allowances*	Unemployment benefits**	Mobility allowances**	Short-time work scheme***
North	54,0	33,7	25,0	41,2	46,4	58,9
Centre	18,7	20,6	19,7	18,9	17,7	18,4
South and Isles	24,3	45,3	55,2	39,9	35,9	22,6
Foreign pensions	3,0	0,4	-	-	-	-
Total	100,0	100,0	100,0	100,0	100,0	100,0

Notes: \*Number of pensions; \*\*Number of beneficiaries; \*\*\*Number of authorized hours. Source: authors' calculation on INPS data.

During the 90s, several interventions were implemented in order to meet the Maastricht parameters as to join the European Monetary Union. The goal was difficult to reach, because of an economic slowdown and a speculative attack against the national currency (*lira*), and Italy was forced to abandon the European Monetary System in 1992. Subsequent governments promoted a strong reduction of public deficit and debt, just intervening on public expenditure. Together with Budget Laws, a number of reforms changed deeply the pension system (1992-3, 1995), labour market policies (1997, 2001), NHS (1992-3, 1998-9) and social assistance (2000). Several factors, including relevant political changes, created a favourable context of conditions for reforming<sup>3</sup> (Ferrera and Gualmini 2004).

Beyond their specific contents, these reform policies promoted two relevant changes of the Italian welfare system: decentralisation and privatisation (Ascoli e Pavolini 2012). Because of decentralisation, political and administrative responsibilities in the fields of healthcare, active labour market policies and social assistance were transferred to regions. The latter got a pivotal role in the administration of local health agencies (Vicarelli 2015) and of public employment services (Sacchi 2015); while municipalities were responsible for social services (Kazepov 2015). The Constitutional Law 3/2001 secured this institutional framework, where central authorities define the common principles, which regional/local governments have to pursue and promote, and monitor outcomes.

The process of decentralisation intertwined with the privatisation of welfare state provisions. This concept refers to outsourcing process of public functions to profit or non-profits organisations, which begin to collaborate or compete with the public administrations. Even though, as said, private actors had traditionally a relevant role in social protection, during the 90s their

<sup>3</sup> After the so-called *Mani pulite* investigations, some of the main parties of the political spectrum disappeared and new actors came to the fore. Moreover, the formation of technical governments, without responsibilities towards the electorate nor to political clienteles, enabled the approval of paradigmatic reforms also on social protection. Then, the following centre-left governments focused on EMU parameters and continued with similar interventions, often with the support of social partners. The reforms wave ended in 2001, when Italy succeeded in joining EMU and a centre-right government was appointed.

contribution was formally recognized and institutionalized. According to some scholars, decentralisation and privatisation have widened the territorial imbalances of welfare state provisions and services, because of the difficulties of the central government to support/ monitor minimum standards and of the inefficiencies of most regional/local governments in Southern Italy (Pavolini 2015).

During the 2000s, no paradigmatic reforms were implemented; governments and social partners «concentrated their efforts in consolidating the institutional framework derived from the structural reforms of the previous decade» (Maino and Neri 2011, 446). Then, they focused on initiatives aimed to contain/reduce public expenditure as a response to economic crisis, under the pressures of the European Commission, the European Central Bank and the International Monetary Fund (Ascoli and Pavolini 2012; Ranci and Pavolini 2015) and of the financial markets. Many initiatives cut expenditure for education, healthcare and other public functions, affecting also employment levels, terms and conditions (Bordogna and Pedersini 2013; Bordogna 2016).

Once again, in a «dramatic situation» a technical government implemented cost-containing policies. The main goals were to restore market confidence and to guarantee the assistance of European Central Bank. The requests of this latter became the road map for reforms policies (Sacchi 2014). The main interventions concerned pensions (Law 241/2011), dismissal regulation and passive labour market policies (Law 92/2012) and healthcare (Law 95/2012 and Law 135/2012). As mentioned, these reforms were described as «retrenchment without recalibration», because, government concentrated only on retrenchment, in order to consolidate public finances as quick as possible, postponing recalibration at a later time (Ranci and Magliavacca 2015; Pavolini et al. 2015).

In this context, there is a broad consensus on the growing influence exerted by private actors in producing welfare provisions (Ferrera and Maino 2013; 2015). On the matter social partners' initiatives are of particular importance. By using collective bargaining unions and employers have introduced additional/integrative forms of protection against «old» and «new» social risks, with measures concerning for instance: supplementary pension, healthcare, maternity/paternity support, childcare, work-life balance, income support in case of unemployment (Pavolini et al. 2013)<sup>4</sup>. Most initiatives have been negotiated at sectoral level. At this level social partners have frequently set up bilateral bodies/funds, which manage/offer different kinds of services and provisions (Leonardi and Ciarini 2013; Italia Lavoro 2014). However, welfare provisions were also introduced by territorial and company-level collective agreements, or other times by companies' unilateral decisions (Agostini and Ascoli 2014; ISTAT 2015). The coverage and generosity of the occupational welfare vary in relevant way depending on the sector, the

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<sup>4</sup> Governments have supported measures in the domain of supplementary pension and unemployment benefit in a period of increasing difficulties for the welfare state (Jessoula 2011; Natali and Stamati 2013).

type employment relation, company size and the territory (Pavolini et al 2013).

## **2 Specific aspects of social protection for the dependent workers**

In this section we focus on the protections of the so-called «standard» or «typical» workers (Reyneri 2011), i.e dependent workers with full-time arrangement. The aim is to present an overview of the Italian social protections, in particular of those provided by the welfare state. Such an overview also provides an important basis for comparing services and provisions between different segments of the Italian workforce. As well as in the next sections, we focus on social protections in the case of sickness and disability, accident at works, parenthood, unemployment and old age.

### **2.1 The risk of sickness, disability and accident at work**

Apart from the services offered by the universalistic, but highly fragmented, National Healthcare System, the protection against sickness is secured by an allowance managed by INPS, covering also some groups of self-employed (see section 3). Employees receive 50% of the average daily wage from the 4th to the 20th day of the certified illness and 66.66% of the average daily wage from the 21th to the 180th day. Indeed, the benefit is recognised for all days of sickness up to a maximum of 180 days in the year. The employer anticipates the payment of the allowance.

There are occupational non-compulsory healthcare funds, managed by private organisations, which offer cash benefits and services in kind to their membership. They involve small entrepreneurs and self-employed (both in licensed and not-licensed professions) and temporary workers (Jessoula et al. 2017). They are characterised by a high degree of fragmentation and differentiation and the generosity, duration, eligibility criteria of the benefits significantly vary from one organisation to another.

With regards to protection in the case of accidents at work, the National Institute for Insurance against Accidents at Work (*Istituto Nazionale per l'Assicurazione Contro gli Infortuni sul Lavoro, INAIL*) covers dependent workers, small entrepreneurs and some groups of self-employed (see section 3). The amount of the benefit is 60% of the average daily wage for the first 90 days of injury and 75% thereafter until total recovery. Alongside the welfare state provisions, most occupational funds provides services and provisions in case of sickness, disability and accidents at work.

### **2.2 The risk of parenthood**

In case of maternity/paternity, employees are entitled to receive a specific benefit from 2 months before the expected date of birth until 3 months after

(the provision is recognized also in the case of adoption)<sup>5</sup>. This is the compulsory maternity leave. This five-month period can be extended in case of the local health agencies (*Azienda Sanitaria Locale, ASL*) evidences a risk for pregnancy or the provincial labour directorate (*Direzione Provinciale del Lavoro*) declares that job tasks are incompatible with pregnancy. Moreover, the five-month period can be distributed in a different way, with the approval of the local health agency: 1 month before the expected date of birth and 4 months after. The amount of the benefit is 80% of the wage (calculated on the basis of the last pay period, usually the last month). As eligibility criteria, it is sufficient the existence of the employment relationship (contract). The employer anticipates the payment of the allowance.

About protection and support in case of parenthood, it can be mentioned a household-related provision, in force from the end of 80s. This is the so-called *Assegno per il nucleo familiare*; it is addressed to the families of dependent workers and of some groups of self-employed (see section 3). It must be requested each year. The amount of the benefit is calculated on the basis of the type of household (including the number of components) and the total income of the household. Better amounts are provided for situations of particular discomfort (single-parent household, household with a member with disability). As an example, a family of parents and two children with a total annual income of 25,000 EUR could receive 157.58 EUR (INPS Circolare n. 87, 18/05/2017). It is not possible to receive the benefit if the children are older than 18, or 26 if university students. There are no age limits for children with disability.

In addition, in this section we can mention also benefits targeting large households and households with low income. For instance, family with at least three children under 18 years of age can demand the *Assegno per Nucleo Familiare Numeroso*. The benefit has to be authorized by municipalities but is paid by INPS. The household economic situation (measured by *ISEE* indicator<sup>6</sup>) should not overcome a certain threshold established every year (in 2016 it was 8,555.99 EUR). In 2016, the amount of the benefit was 141.30 per month. It has an annual duration, but can be renewed. Other similar measures provide one-off payments or vouchers for babysitting services or provide discounts on different kind of goods and services (including transport, sport and cultural activities).

Finally, among supports in the case of parenthood we can include also childcare services. Even though the access to these services is universalistic, the criteria used by the municipalities (that are responsible of the organisation of services for pre-school children) may favour some categories of households/workers to the detriment of others. As evidenced by several studies, the prevalent criteria *de facto* exclude for instance most self-employed (Pavolini and Arlotti 2014). Moreover, availability (and quality) of

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<sup>5</sup> Paid paternity is recognized when events affecting the mother of the child occur, for instance: death or serious infirmity of the mother, abandonment of the child, sole reliance on the child's father. These events are regulated by legislation.

<sup>6</sup> The ISEE (Indicatore della situazione economica equivalente) estimates the economic situation of families resident in Italy. It takes into account income, properties (i.e. houses, shares, assets, dividends) and the composition of the family.

the public service is highly differentiated on a territorial basis. As well as other welfare provisions, Southern territories recorded lower performance and outcome (Table 2.1)

Table 2.1 Kindergartens in Italy, 2013

Macro-regions	Number of covered municipalities (%)	Number of available slots for 100 children of 0-2 years old		
		In public kindergartens	In private kindergartens	Total
North-West	62,9	11,7	12,7	24,4
North-East	82,2	15,3	10,4	25,6
Centre	52,6	13,8	13,3	27,0
South and Isles	29,2	5,5	6,0	11,5
Italy	53,7	10,5	10,0	20,5

Source: INPS.

### 2.3 The risk of unemployment

There are three different unemployment benefits in Italy for dependent workers. The main is NASpl (*Nuova Assicurazione Sociale per l'Impiego* - New Social Insurance Provision for Employment). It was introduced the 1st May 2015, increasing the duration and the replacement rate of the previous unemployment benefits (ASpl and Mini-ASpl). NASpl covers private and public employees, with open-ended and temporary contracts, with at least 13 weeks of social contributions in the 48 months before the unemployment event and 30 days of contribution in the last year. The duration is equal to half of the weeks worked in the previous 48 months up to a maximum of 24 months. The amount of the benefit is 75% of the average wage of the last 48 months and it decreases by 3% each month starting from the fourth month. In order to receive the benefit, the unemployed have to register at the local public employment office (*Centro per l'impiego*). Signing the declaration of immediate availability to work, the unemployed is involved in the activities managed by the local employment office: counselling, training and matching services.

Traditionally, the short-time work scheme Wage Guarantee Fund (*Cassa Integrazione Guadagni*, CIG) is the most important passive labour market policy in Italy (Sacchi and Vesan 2011). Due to the low level of generosity of unemployment benefits (at least until the changes introduced in 2008 by Law 247/07), CIG was extensively used since 1945, when it was introduced. Unlikely, other unemployment benefits, CIG is provided on a discretionary basis and is reserved to collective dismissals. Indeed, it is granted after the approval of the local or regional public authority, together with social partners, only to the employees of medium and large companies with more than 15 employees (Figure 2.1).

Figure 2.1 Number of authorized hours of CIG (CIGO+CIGS+CIGD), 2006-16



Source: INPS.

CIG aims to preserve the employment relationship, with a reduction of the working time (Maino and Neri 2011). Its implementation and its duration are decided through a specific tripartite company-level agreement (Pedersini and Regini 2013). Specifically, it includes two different measures: Cassa Integrazione Guadagni Ordinaria (CIGO), i.e. Ordinary Wage Guarantee Fund, which can be used in case of temporary difficulties not attributable to the employer, it is mainly aimed at manufacturing companies; Cassa Integrazione Guadagni Straordinaria (CIGS), i.e. Extraordinary Wage Guarantee Fund, which is, instead, related to severe difficulties of the employer. During the recent economic crisis, CIG has been used extensively to contain the employment effects of the downturn. The government decided to expand its accessibility to previously excluded sectors and to the SMEs. In addition, it extended the duration of the ordinary schemes (by introducing the so-called Cassa Integrazioni Guadagni in Deroga, CIGD).

The most recent innovation in the field of active labour market policies is the experimental introduction of the Assegno di ricollocazione (redemption allowance), reserved to NASpl beneficiaries who are unemployed from more than 4 months. With the allowance, unemployed could buy services from private agencies. During the 2016, 20 thousand randomly selected NASpl beneficiaries out of 800 thousand were selected to receive the allowance, yet only 600 decided to use it (Oliveri 2017). From 2018 onwards, the allowance will be addressed also to short-time work schemes beneficiaries. The benefit varies from 250 up to 5,000 EUR according to jobseeker's characteristics, identified at the time of the registration to the public employment service. The allowance is managed by the National Agency for the Active Labour Market Policies (Associazione Nazionale Politiche Attive del Lavoro, ANPAL). It was established in 2016 (Legislative Decree 150/2015) and is an autonomous public authority. It is responsible for the promotion and coordination of activation measures managed by the Regions.

## 2.4 The risk of old age

Pensions in Italy are provided by a pay-as-you-go compulsory public pillar, the *Assicurazione Generale Obbligatoria* (AGO, general compulsory insurance), managed by INPS. It includes different funds: 1) *Fondo Pensioni Lavoratori Dipendenti* (dependent workers' pensions fund), reserved to private employees, and *Gestione Dipendenti Pubblici* (public employees fund); 2) three special funds reserved to small entrepreneurs, in particular to artisans, farmers and shopkeepers; 3) a special fund, named *Gestione Separata*, for self-employed workers in not-licensed professions, workers with contract for continuous and coordinated collaboration and other residual categories.

INPS provides old age and survivors' pensions, early retirement pension, invalidity and civil invalidity pensions. Due to the combined effects of the 1995 and 2011 reforms<sup>7</sup>, it is possible to identify three different pension-related types of employees, on the basis of the individual number of worked years at the time of the reforms. 1) Those who have at least 18 years of contributions at December 31, 1995; they receive benefits generated by income-based computation until December 31, 2011, but related to contributions from that date onwards. 2) Those with less than 18 years of contributions at December 31, 1995, their benefit will be calculated with the income-based method until December 31, 1995 and with the contribution-related method from that date onwards. 3) Those hired after the 1st of January 1996 will have their pensions computed entirely with the contribution-related method.

Table 2.2 Stock of pensions at 31/12/2016

	Number of pensions			
	Total	Old age and survivors	Invalidity/civil invalidity and social pensions	Social allowances
Dependent employees	8.763.960	8.061.393	702.567	-
Small entrepreneurs	4.534.041	4.242.373	291.668	-
Separate Social Security	382.715	380.785	1.930	-
Social allowances	3.915.126	-	3.060.490	854.636
Other	490.756	-	-	-
<b>Total</b>	<b>18.086.598</b>	<b>13.107.465</b>	<b>4.067.489</b>	<b>854.636</b>

Source: INPS.

The contribution rate for private employees is 33%, one-third paid by the employee and the rest by the employer (INPS 2017). In order to calculate the benefit, the accumulated contributions are valorised with the five-year moving-average of the nominal GDP growth rate, obtaining the so-called

<sup>7</sup> The so-called *Dini Reform*, Law 335/1995, introduced the contribution-related method to calculate the pension benefits of the employees hired from January 1, 1996 onwards. The reform took its name from the Prime Minister Lamberto Dini, in charge from 1995 to 1996. Law 214/2011, which included the so-called *Monti-Formero Reform*, extended the contribution-related method to those previously excluded by the Dini Reform, i.e. those with more than 18 years of contributions at December 31, 1995.



*Montante contributivo*, to which is applied a coefficient. The latter (updated every three years) is a function of the probability of death, of leaving a widow or widower behind and of the life expectancy of the earner at his/her time of retirement. In addition, pension benefits are indexed according to inflation rate (calculated by ISTAT, the national institute of statistics) in a progressive way, more generous with lower pensions.

Eligibility conditions for old age pension were modified repeatedly in the recent years, in order to make the system more sustainable in the long run (Jessoula and Pavolini 2014). According to the current legislation, the retirement age for male private and public employees and for female public employees is 66 years and 7 months, 65 years and 7 months for private women employees and 66 years and 1 months for female self-employed, with at least 20 years of contribution<sup>8</sup>. From 2019, the pensionable age will be increased at 67 years.

The early retirement pension (*Pensione anticipata*) is accessible with 42 years and 10 months of contribution for men and 41 years and 10 months for women. If the early retired is younger than 62, the benefit will be reduced of one percentage point for every year below this threshold. This provision was introduced in 2012 by the 2011 reform, replacing the seniority pension (*Pensione di anzianità*), a similar, but more generous, early retirement scheme.

The replacement rate of Italian public pension is one of the most generous (Figure 2.2). In 2016, the gross average old age pension was 1,822.23 EUR (INPS 2017). According with the available data (including not only old age pensions, but also invalidity pensions) there are great variations between different funds. The gross average direct benefit of private employees was 1,231.03 EUR per month and 2,034.74 EUR per month in the case of public employees. It was lower for small entrepreneurs (892.62 EUR/month for artisans, 609.17 EUR/month for farmers and 824.64 EUR/month for shopkeepers) and for self-employed enrolled in INPS's *Gestione Separata* (810.41 EUR/month) (INPS 2017).

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<sup>8</sup> Actually, the pension system is highly fragmented: different occupations are linked to different eligibility criteria for both old age and early retirement pensions.



Figure 2.2 Public pension scheme, net replacement rates, 2014 (%)



Notes: net replacement rate is defined as the individual net pension entitlement divided by net pre-retirement earnings, taking account of personal income taxes and social security contributions paid by workers and pensioners (OECD 2015).

Source: OECD (2015).

Together with old age and early retirement pensions, INPS manages the *Assegno sociale*, which is directed towards the poor elderly people over 65. It is a means-tested social assistance scheme, which provides 448.07 EUR for 13 months. Moreover, in 2017, the government approved the *Reddito di inclusione* (REI, inclusion income), a social assistance scheme with flexible amount from 190 to 485 EUR for a maximum of 18 months. It will be reserved to families with a yearly income lower than 6,000 EUR. In the first phase of implementation (starting from the 1st of January 2018), the priority will be families composed by single-mother with children or unemployed person with more than 55 years<sup>9</sup>.

The Budget Law for the 2017 (Law 232/2016) introduced the *Anticipo Pensionistico* (APe, pension anticipation), a bank<sup>10</sup> loan linked to old age pension, which allows public and private employees and self-employed enrolled in INPS's *Gestione Separata* to retire earlier than expected by the legislation. It is reserved to workers with at least 63 years and retiring within a maximum of 3 years and 7 months. APe is disbursed for at least six months, until the achievement of old age pension requirements. Such a provision is still in an experimenting phase, which will end at the end of 2018.

Together with the public pillar, there is also a voluntarily private pillar, composed of different types of fund: targeted to employees (open and closed funds), open to non-employees (individual pension funds) and company funds. The Legislative Decree 124/1993 reformed this pillar in order to create a private pillar accessible to all workers, as to integrate the reduction of public pensions. The reform introduced two different types of fund: the «closed» funds are managed by social partners, on the basis of occupational criteria; the «open» funds are managed by financial institutions without restrictions to membership (Natali 2011).

Individual pension plans (PIPs) constitute the third pillar of the pension system. These kinds of private funds are opened also to individuals who do not

<sup>9</sup> REI will replace the previous social assistance schemes, such as the *Sostegno per l'inclusione attiva* (support for active inclusion); the latter targeted the same beneficiaries, but with a less generous benefit.

<sup>10</sup> Banks must have signed an agreement with the Ministry of Economy and Finance and the Ministry of Labour and Social Policies.

pay contribution to the public system, i.e. students and homemakers. There are two types of individual funds: old and new ones. New PIPs have been introduced after the Legislative Decree 252/2005 (which introduced some modifications to the system of complementary pensions). They are progressively replacing the old version of PIPs, because the latter cannot receive new members. Pre-existent pension funds are company funds established before the reform. In order to enhance the number of workers enrolled in private funds, after the pension reform of 2004, employees can decide to store their severance-payment benefit, received when they retire or change their employer, in a private fund. Even if increasing (Table 2.3), such a solution is still poorly diffused among workers in comparison with other European countries (Natali 2015).

**Table 2.3 Membership of supplementary pension schemes, 2012 – 2016 (000s)**

	2016	2015	2014	2013	2012
Closed pension fund	2.597	2.419	1.944	1.950	1.969
Open pension fund	1.259	1.151	1.057	984	913
PIPs new	2.870	2.596	2.357	2.100	1.777
PIPs old	441	432	467	534	534
PEFs	654	645	645	659	659
Total	7.787	7.227	6.447	6.223	5.828

Source: Covip (2015; 2016; 2017) and Jessoula and Pavolini (2014).

### 3 Specific aspects of social protection for the self-employed

#### 3.1 Definition and dynamics of self-employment

In Italy self-employment has always been a «heterogeneous universe», including a variety of occupational groups, with different regulations, status, working conditions, etc. (Ranci et al. 2008; Fellini 2010; Reyneri 2011; Ranci 2012); and with important differences concerning also entitlement and access to social protections. According to Italian legislation – and to most scientific literature – one can distinguish the following groups. 1) *Self-employed workers in occupations where registration in a professional order is required* to practice the profession. Orders regulate access to and practice of the profession<sup>11</sup>, in addition, they own and manage independent pension funds and other welfare provisions (see below). Workers of this group normally carry out intellectual activities (for instance doctors, lawyers, business consultants, engineers, architects). 2) *Self-employed workers in occupations where there is not a professional order*. 3) *Workers with con-*

<sup>11</sup> They define/regulate quality standards of services, conduct of members, sanctions in case regulations are not respected; moreover, they organize training activities.

*tract for continuous and coordinated collaboration* (the so-called co.co.co)<sup>12</sup>. In the next pages we will focus above all on these profiles.

A group with a more ambiguous definition (and position), sometimes considered by literature among self-employed workers no other times, is that including *farmers, artisans and dealers /shopkeepers*. It is not considered by the report because of Italian legislation defines them as «small employers» (art. 2083 of the Civil Code); and the recent Law 81/2017, concerning measures for the protection of self-employment, explicitly excludes this group from its scope<sup>13</sup>.

In the Italian labour market, the incidence of self-employment is very high<sup>14</sup>. According with Eurostat data, in 2016, self-employed persons represented about 22.6% of total employment, well above the EU-28 average (14.7%). Such a percentage has remained stable over the last ten years, recording only a modest decline (it was 24.3% in 2007). The large majority are self-employed persons without employees (16.1% of total employment, EU-28 average is 10.6%). Women and youngsters represent a lower percentage than among dependent workers and temporary workers.

About one self-employed person on three has a managerial or professional occupation; about 18% are technicians and associate professionals. Important segments (around 17% of total self-employed persons) are service and sales workers and craft and related trades workers; about 7% are skilled agricultural and fishery workers. Farmers, artisans and dealers/shopkeepers constitute about a half of self-employed. According to ISTAT (2017), workers on continuous and coordinated collaboration contracts are 1.3%. In the recent years it can be observed a growth of high-skilled self-employed persons (carrying out non-manual, intellectual and creative activities), mainly in occupations where there is not a professional order; they operate above all in the advanced tertiary services (designers, software developers, advertisers, trainers, interpreters, etc.) and in the well-being services (cooks, sports instructors, consultants, etc.) (CNA Professioni 2017).

The high incidence of self-employment has been enhanced by the characteristics of the Italian production systems, with highly fragmented manufacturing and services sectors. And it has increased in the last decades with the further fragmentation of value chains, through processes of outsourcing, sub-contracting, etc. (Ranci et al. 2008; Ranci 2012). However, many scholars also emphasized the characteristics of the Italian labour market, in which self-employment was often considered an instrument to improve the

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<sup>12</sup> It is considered a hybrid form of occupation, often called «semi-subordinated». Specifically it is a short-term contract according to which the workers must carry out a specific objective set by the employer/customer. The work is performed in a regime of coordination: the worker is free to decide means, place and timing of his/her activity but is required to adjust them according to the organizational framework and the productive structure of the employer/customer (Reyneri 2011). Such a form of occupation emerged with law 335/1995, which obliged collaborators to contribute to a special fund within INPS to obtain a right to a pension.

<sup>13</sup> Some definitions also include the *cooperative partners* and the so-called *coadiuvanti familiari*, i.e. who collaborates with a family member who is self-employed or employer (Ranci 2012).

<sup>14</sup> It is worth noting that in the recent years governments and legislators have introduced several measures (such as fiscal deductions financial incentives; simplified accounting) to foster self-employment (Jessoula et al. 2017).

social position and to upward social mobility (Barbieri and Bison 2004; Reyneri 2011).

As said, self-employment includes persons with not only different occupations, but also different working conditions, in terms of pay levels, training opportunities, etc. With this regards, many studies evidence growing inequalities and gaps between self-employed with high level of quality of work and self-employed with poor conditions (above all among workers on continuous and coordinated collaboration contracts). And along this segmentation there is an important share of vulnerability and at risk-poverty situations (Ranci 2012; ISFOL 2013; Di Nunzio and Toscano 2015; ISTAT 2017). Moreover, it is necessary to consider that a relevant share of self-employed persons are “bogus” or “dependent self-employed”. According to national estimates, they accounted 20-22% of the whole aggregate (ISFOL 2012; Mandrone e Marocco 2012). But in the recent years, their incidence has declined as a consequence of the new legal regulation, which discourages the use of continuous and coordinated collaboration contracts and has deleted project-based work contract<sup>15</sup> (MLPS 2016; ISFOL 2016).

### 3.2 Social protection in some important events

In Italy most provisions to protect against (new and old) risks, in particular those following a compulsory social insurance approach (such as unemployment benefit, maternity and sickness benefits, old-age protection) significantly differ between self-employed persons and dependent workers in terms of coverage and generosity. Moreover, they show important differences also within the aggregate of self-employment, between the various occupational/professional profiles (Jessoula et al. 2017). And contribution rate varies in a significant way, even though it changed over the years (Table 3.1). In the majority of licensed professions (where registration in a professional order is required) the needs/demands for social protection of self-employed workers are covered by their independent professional funds (*Casse previdenziali*). Workers in not-licensed professions or with co.co.co contract are indeed covered by provisions of a special fund managed by INPS, named *Gestione Separata*, established by Law 335/1995. The system of social protection for the latter group, in particular for workers with co.co.co contract show many peculiarities and often treatments more similar to those of employees. This is because of, as said, they were/are considered workers with a hybrid position and status, with many aspects of their employment situation very close to those of dependent workers (for instance in terms of autonomy in the organization of work) (Reyneri 2011). In the next pages, we will analyse provisions for some specific risks, considering several groups of self-employed persons.

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<sup>15</sup> Introduced by Law 30/2003, it was quite similar to continuous and coordinated collaboration contract. One of the main difference was that the objective of the contract was the development and completion of a specific project or the realization of a specific activity (which had to be clearly specified in the contract). The renewal of the contract was not allowed since the contract was based on a specific project/activity; the only situation in which a renewal was admissible was whenever the project required more time to be completed. If necessary, the employer was allowed to sign a plurality of contracts with the same workers, one for each specific project/activity. It was deleted for the frequent cases of non-compliance of legal regulation, abuses, etc.

Among the most important changes in the regulation of social protections for self-employed persons, we must mention Law 81/2017. It contains a number of provisions in favour of self-employed not-employer (explicitly excluded), regarding: relationship with the client and with the public administrations; deductibility of expenses in training and certification of skills; parental leave; protection in case of pregnancy, illness and accident at work. The law also assigns government powers to intervene as to integrate social protections for self-employed both in licensed and not-licensed professions.

**Table 3.1 Contribution rate by group of self-employed workers, 2012 – 2018 (%)**

Year	Workers with contract for continuous and coordinated collaboration		Self-employed registered only to INPS's <i>Gestione Separata</i>	
	Pension	Sickness, maternity, etc	Pension	Sickness, maternity, etc
2012	27	0.72	27	0.72
2013	27	0.72	27	0.72
2014	28	0.72	27	0.72
2015	30	0.72	27	0.72
2016	31	0.72	27	0.72
2017	32	0.72 + 0.51 *	25	0.72
2018	33	0.72 + 0.51 *	25	0.72

\* 0.51 is due to finance the unemployment benefit, i.e. DIS-COLL.  
Source: INPS.

### 3.3 The risk of sickness, disability and accident at work

As well as for other social protection, provisions in the case of sickness are characterised by a great fragmentation, with many differences between the various self-employed profiles. This is even significant and evident among self-employed in licensed professions (lawyers, business consultants, engineers, architects), covered, as said, by their independent professional funds. Each fund offers sickness benefits, yet contributions, demanded requirements, amount and duration of the benefits, etc. vary from one to the other. In addition, most professional funds offer more coverage options (insurance programs) with different levels of generosity.

Since 2006 (Law 296/2006) a sickness benefit is ensured also to self-employed persons covered by the special fund managed by the National Social Security Institute, *Gestione Separata*. They are entitled to sickness allowance if they have paid contributions to this special fund for at least 3 months, even non-continuative, in the 12 months prior to the event<sup>16</sup>. The amount of the benefit depends on the number of months (in the previous

<sup>16</sup> It is worth noting that if the amount of monthly contributions is low (below a minimum set by the INPS), because the wage is low, fewer months are recorded than the worked ones. So, as an interviewee explains: «it may happen that even if I have worked, the contributions paid are not enough, do not count for 3 months or for the number of months required».

year) in which contributions have been paid (see Table 3.2)<sup>17</sup>. The maximum duration of this provision is fixed at 1/6 of the days worked over the previous 12 months: but a minimum of 20 days per year is guaranteed to everyone. The benefit is not provided for sickness lasting less than 4 days.

Such a provision is also ensured in the case of hospital stay; it is paid for all days of hospitalization up to a maximum of 180 days per year. Besides, hospitalization entitles workers to an additional benefit, which amounts to double of the sickness allowance; it also depends on the number of months (in the previous year) in which contributions to INPS's *Gestione Separata* have been paid (see Table 3.2).

**Table 3.2 Amounts of sickness allowance and hospital stay allowance, 2017 (Eur)**

<b>Number of months (in the previous year) in which contributions have been paid</b>	<b>Sickness allowance</b>	<b>Hospital stay allowance</b>
From 3 to 4	10.99	21.99
From 5 to 8	16.49	32.98
From 9 to 12	21.99	43.98

Source: INPS.

Self-employed persons covered by the special fund managed by the National Social Security Institute, are also entitled of a *disability allowance*. If their working capacity is reduced by at least 33%, either permanently or temporarily, he/she may be eligible for this provision. The reduction in working capacity must be due to illness or some other impairment in physical or mental performance. The main requirements demanded are: a minimum period/number of contributions in the INPS's special fund *Gestione Separata*, that is 260 weekly contributions (about 5 years of contribution and insurance); at least 156 weekly contributions (about 3 years of contribution and insurance) in the five years preceding the date of submission of the application for the disability benefit. Its amount is calculated by using a mixed system; it depends both on the amount of wages and on the amount of contributions paid. Such a benefit lasts 3 years, but can be renewed at the worker's request. In case of *accident at work*, self-employed are covered by the same provisions established for the dependent workers (see the previous section).

With regard to the mentioned welfare provision, as well as for the other ones we will discuss in the next pages, it is important to emphasize a relevant difference between self-employed workers (above all those covered by the INPS's special fund, *Gestione Separata*) and dependent workers. Provisions introduced for the latter follow the so-called *principio di automaticità* (principle of automaticity). It means that the worker is entitled to benefits

<sup>17</sup> It is calculated as a percentage of a figure (established every year by the INPS), which represents the pay beyond which no further contributions are due (*massimale contributivo*). For 2017 this figure amounts to 100,324.00 EUR. According to the law (335/1995), this is to be divided by 365 (days) and on this the amount of sickness benefit is calculated; it is 4%, 6%, 8% depending on the months (in the previous year) in which contributions have been paid.

even if his/her employer has not insured him/her or is not in compliance with the payment of contributions. Instead, the principle of automaticity does not apply in the case of self-employed: benefits (for the different kinds of risk) are provided only if payment of contributions has been regularly made. This involves also workers with co.co.co. contracts, that, as said, are often in a hybrid position and quite similar to dependent workers; for this reason it is an aspect (of the social protection system) very disputed by trade unions.

### 3.4 The risk of parenthood

In comparison to other welfare provisions, the maternity/paternity benefit for the self-employed is closer to that offered to employees with open-ended contracts (Jessoula et al. 2017). In case of pregnancy, from 2 months before the expected date of birth until 3 months after<sup>18</sup>, also self-employed women have the right to maternity benefit (i.e. paid maternity)<sup>19</sup>. The amount of the benefit is 80% of the average daily wage (specifically, it is calculated as 80% of 1/365 of the annual income). INPS directly pays this benefit in the case of self-employed workers enrolled in its special fund *Gestione Separata*, the National Social Security Institute. These workers can access the maternity (or paternity) benefit if they have paid contributions to this special fund for at least 3 months, even non-continuative, in the 12 months prior the beginning of the leave.

In addition to the above mentioned welfare provision, over the last years other measures have been introduced to extend the social protections of self-employed persons in the case of parenthood. An important measure concerns the possibility of maternity and paternity leave (legislative decrees 80/2015 and 148/2015). The recent Law 81/2017 provides the possibility of a leave for a maximum of 6 months within the first three years of the child (parents together cannot exceed this limit). The amount of the benefit is 30% of the average daily wage. Such a provision is recognized to self-employed persons (only) registered to INPS's *Gestione Separata* if they have paid contributions to this special fund for at least 3 months, even non-continuative, in the previous 12 months.

At the beginning of the 2000s legislation (Law 388/2000) extended to self-employed persons registered only to INPS's *Gestione Separata* also a household-related provision, already in force (from the end of 80s) for employees with open-ended contracts. This is the *Assegno per il nucleo familiare*. In the same way, self-employed can require benefits targeting large households and households with low income; for instance, the above mentioned *Assegno per Nucleo Familiare Numeroso* (see section 2).

It is worth noting that self-employed persons in licensed professions are not entitled to this kind of welfare provision. For some occupational groups,

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<sup>18</sup> This provision is recognized also in the case of adoption.

<sup>19</sup> As said (see section 2), paid paternity is recognized when events affecting the mother of the child occur, for instance: death or serious infirmity of the mother, abandonment of the child, sole reliance on the child's father. These events are regulated by legislation.



forms of contributions are provided by the professional fund. As an example, INARCASSA, the fund for architects and engineers, provides a monthly benefit in case of children with disability. The allowance is paid for each son of the worker whose disability is established; its amount is determined annually by the board of directors and paid out in 12 months: in 2016 it was 250.00 EUR in case of serious disability and 50.00 EUR in case of non-serious disability (as defined by legislation). According to a study of an important association of employers and self-employed, most autonomous workers strongly ask for provisions, allowance, etc. not dissimilar to those currently provided for employees (CNA Professioni 2017).

### 3.5 The risk of unemployment

The protection against unemployment risks for self-employed persons, in particular for workers with contracts for continuous and coordinated collaboration, has always been a critical aspect (Berton et al. 2009). And the existing gaps increased the likelihood of these workers to situations of precariousness and social vulnerability (Ranci 2012; Di Nunzio and Toscano 2015). Until almost the end of the 2000s, these workers were not entitled to any unemployment benefit. Then, several reforms tried to tackle the problem by introducing some types of provision. Decree Law 185/08 introduced, from 2009, as unemployment benefit for workers with co.co.co contracts, a one-off payment of 30% of the income received in the previous year and in any case not exceeding 4,000 EUR. Such a provision was modified (strengthened) by Law 191/2009 and Law 92/2012.

Now the unemployment benefit in force for co.co.co workers is the so called *DIS-COLL*, introduced by Law 22/2015 in an experimental way, then made definitive by Law 81/2017. To be entitled to the benefit, the worker must be registered (only) to INPS's *Gestione Separata* and must have paid contributions to this special fund for at least 3 months, even non-continuative, in the period between 1 January of the calendar year preceding the unemployment event and the event itself. In addition to this criteria, the worker must have paid contributions for at least 1 month in the same calendar year of the job loss. *DIS-COLL* is provided monthly and for a number of months equal to half the months of contribution in the period between 1 January of the calendar year preceding the unemployment event and the event itself. It amounts to 75% of average monthly income, but it cannot exceed 1,300 EUR. From the fourth month such a benefit reduces each month by 3%.

Other self-employed persons, i.e. those occupations where registration in a professional order is required, are not entitled to any forms of unemployment benefit. For some occupational groups, forms of contributions are provided by the professional fund, but with great variation between one and the other. For the worst situations of economic-social vulnerability, specific social assistance benefits have been introduced (see section 2).



### 3.6 The risk of old-age

As has been observed, old-age protections for self-employed persons have a similar broad coverage to that of other groups of workers (coverage is compulsory), but they show significant variations in terms of regulation, criteria, provisions, etc. (Jessoula 2012). This is especially true for self-employed persons in occupations where registration in a professional order is required. As said, orders own and manage independent funds for pensions; they are self-regulated, even though with the supervision of the Ministry of Labour. Despite a process of gradual homogenization, there are still many differences between the treatments offered by the funds of the various professional groups (i.e. doctors, lawyers, business consultants, engineers, architects, etc.) (Jessoula et al. 2017). In most cases contribution rate is about 14-15% of the income, but rules concerning age/contribution requirements, benefit levels, etc. vary widely between one and the other.

Self-employed persons not covered by professional funds are compulsory included in the special fund within INPS, *Gestione Separata*. Rules concerning age/contribution requirements, calculation of benefit levels, etc. have been progressively harmonized with those of workers with standard employment relation. Some important differences concern contribution rate. Contribution rate for workers with contracts for continuous and coordinated collaboration have greatly increased over the years, from 10% at the end of 90s (Carrieri and Altieri 2000) to 32% in 2017. Such an increase aimed (and aims) to contrast abuses of this form of non-standard form of employment and to reduce the risk of low pensions (Berton et al. 2009). One third of these contribution are paid by the worker, two third by the employer. Instead, contribution rate for the other self-employed included in the INPS's *Gestione Separata*, i.e. the other professionals not covered by independent funds, is 25%. It has been lowered in recent years (by the Budget Law 232/2016); it was 27% until 2016.

Several studies on workers with contracts for continuous and coordinated work emphasize the high risk of inadequate levels of pensions, considering the higher employment discontinuity and above all the lower wage/income that characterize this segment of the working population. In addition, only in few cases other forms of provisions (second pillar) integrate the public pillar (Fullin 2004; Berton et al. 2009).

## 4 Specific aspects of social protection for second/multiple jobs

Multiple jobs in Italy are very common. Recent studies estimated that almost 4.9 million people has a secondary job, i.e. almost the 20% of the employed, especially in the agricultural sectors. (Reyneri 2011). Considering only non-agricultural sectors (Figure 4.1), multiple jobs are more widespread among self-employed than among dependent workers, among men than women – who have unwaged family care responsibilities (Reyneri 2011). Even though the number of multiple jobs started to decrease since

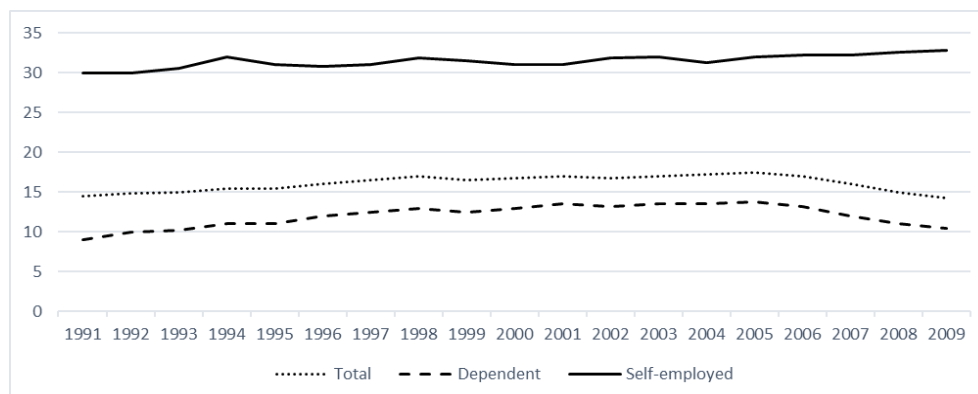
2005, it is increased among self-employed. About 55% of non-agricultural multiple jobs – i.e. 2.7 million of jobs – consisted of irregular positions (Table 4.1). This depends on the high proportion of irregular positions among dependent workers: it varies from more than 70% in healthcare to 100% in accommodation and retail trade and transport sectors. On the contrary, this proportion is lower among self-employed, especially in professional activities (5.4%) and healthcare jobs (0.3%).

According to the Italian legislation, multiple jobs are forbidden only for public employees, yet with few exceptions<sup>20</sup>. Private employees are able to become self-employed or part-time workers if the additional activity is complementary to the former, i.e. if the total working hours do not exceed the maximum weekly working hours (48 hours). About social protections, in Italy, specific measures for multiple jobs concern only pension.

An employee with a full-time open-ended or fixed-term contract is obliged to join the INPS's special fund *Gestione Separata*, if the income derived from the second job (carried out as self-employed) is higher than that derived from the dependent employment. Instead, part-time workers and collaborators have always to pay contributions to INPS's *Gestione Separata*. As a result, multiple jobs (if regular) concur to the determination of pension.

The contributions paid to different funds by (full-time or part-time) dependent workers and self-employed in licensed professions can be transferred to a unique fund, after the payment of a fee to INPS. The resulting benefit is calculated according to the rules of the destination fund. With regards to self-employed, if the fund is managed by a professional order, contributions are transferred with an annual interest rate of 4.5%. On the contrary, contributions paid to the *Gestione Separata* cannot be transferred to another fund. As a result the related benefit will be calculated according to the rules of the *Gestione Separata*.

Figure 4.1 Multiple jobs in Italy, excluding agriculture, by employment status (%)



Source: Reyneri (2011).

<sup>20</sup> A public employee has to receive a permission from his/her employer. Public part time workers and other groups of workers, such as professors and doctors, can work as self-employed.

Table 4.1 Irregular multiple jobs in Italy by employment status (%)

	Dependent	Self-employed	Total
Construction	0,0	46,3	45,9
Accommodation and retail trade	100,0	61,8	89,0
Transport and communications	99,4	92,5	96,8
Entrepreneurial and professional activities	79,4	5,4	12,3
Healthcare and social services	72,7	0,3	1,6
Domestic services	81,3	-	81,3
Total (thousand)	90,6 (2.003)	25,5 (692)	54,8 (2.695)

Source: Reyneri (2011).

## 5 Further types of employment

### 5.1 Definition and dynamics of other forms of employment

In addition to those discussed in the previous pages, in the Italian labour market there are other types of employment evidencing relevant peculiarities or criticalities about social protections. They can be included within the non-standard or atypical forms of employment. Here we will focus on temporary agency work, voucher-based work or occasional work, on-call work, bogus self-employment. About the latter we have already discussed (see section 3). The socio-political debate and the scientific debate have often highlighted, on the one side, the poorer working conditions of the workers involved in these types of employment relationship, on the other side, their lower or inadequate coverage by social protections. However, before proceeding on this topic, some of the mentioned forms should be better defined.

On-call work, named *lavoro intermittente* or *lavoro a chiamata*, was introduced by Law 276/2003; but its regulation has undergone many changes over the years; subsequent laws (Law 92/2012, Law 81/2015 still in force) have partly revised (restricted) the scope of its application. It may be stipulated 1) for specific needs identified by collective bargaining, 2) in the case of workers younger than 24 years or older than 55 years (this last threshold has been recently modified, it was 45 years). The same employer for the same worker can use it for a period not exceeding 400 days in the course of three years (with the exception of some sectors, such as tourism, entertainment, public utilities). Law establishes a provision for availability (*indennità di disponibilità*) in case the worker undertakes to answer the call<sup>21</sup>.

Voucher-based work is a form of employment where an employer acquires a voucher from a third party, generally a governmental authority, to pay a

<sup>21</sup> Its amount is set up by collective bargaining; the Ministry of Labour establishes a minimum.

worker for a service (EUROFOUND 2015). In Italy, it was introduced by Law 276/2003; after Law 92/2012 reduced its scope of application, Law 81/2015 extended the applicability of this type of contract to all sectors with only some exceptions (for instance in certain agricultural activities, in the execution of contracted out services, in public sectors). Then Decree 25/2017 has abolished it. But, Decree 50/2017 has introduced other forms of voucher-based work. Before the abolition, the nominal hourly value of each voucher was 10 EUR; workers received 7.50, 1.3 were a contribution to INPS's special fund *Gestione Separata* for pension right, 0.7 were a contribution for insurance for accidents at work, 0.5 were paid for service management. The yearly maximum income for voucher workers was 5,000 EUR.

Strongly contested by trade unions, voucher-based work, as said, was abolished; Decree 50/2017 has introduced other forms. Specifically, it introduced two type of "occasional work". The first, *Libretto Famiglia*, is intended for families; it consists in a set of payment titles (usable through an online platform managed by INPS) to pay domestic works (i.e. cleaning, babysitting, supervision of older persons, etc.). The nominal hourly value of a title is 12 EUR, including 1.65 as contribution to INPS's *Gestione Separata*, 0.25 as contribution for insurance, 0.10 for service management. The second type, *Prestazione Occasionale (PrestO)*, is intended for employers (self-employed, companies, public administrations, etc.) with less than 5 employees. Every hour of work must be paid with a minimum amount of 9 euros and with contributions of 33% to INPS's *Gestione Separata*, 3.5% for insurance, 1% for service management. The yearly maximum income for employers (for all workers paid) is 5,000 EUR, the same threshold applies also to the individual worker (2,500 EUR if he/she works for a single employer).

In the Italian labour market, temporary agency work (TAW), on-call work and voucher-based work or occasional work represent a modest share of non-standard employment and total employment, or, as argued, an «occupational niche» (Reyneri 2011); however, they had/have significant growth trends. TAW penetration rate is 1.6% (close enough to the European average) (CIETT 2016); this value has increased considerably over the last 15 years (it was 0.30% in 2000), despite the impact of the crisis (Reyneri and Pintaldi 2013). Moreover, it is needed to highlight that a relevant number of persons goes through such an occupational niche<sup>22</sup>. Also *lavoro a chiamata* has recorded a progressive growth, interrupted only by a stop due to changes in the legislative regulation; the contracts were, as annual average, about 140,000, the majority in hotel and restaurant sector. After the 2017 reform, this form of employment has another increase, partly replacing the abolished voucher-based work (MLPS et al. 2017). The voucher dynamics was even more impressive. According with INPS data, the number of vouchers sold has grown from 536,000 in 2008 to 115 million in 2015; they were 109.5 million after 9 months of the 2016. They involved

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<sup>22</sup> The number of agency workers with at least one hour-assignment increased from 106,700 in 2000 (corresponding to 63,500 full time equivalents) to 582,200 in 2007 (218,500 full time equivalents), in the recent years they are about 400,000 (EBITEMP 2000-2016).

about 1.4 million of workers, but they represent only the 0.23% of the total labour cost in Italy (Anastasia et al. 2016; MLPS et al. 2016). Their impressive growth is the result of repetitive interventions (2009, 2010, 2012 and 2015), which have facilitated their use.

## 5.2 Social protection in some important events

Temporary agency workers are covered by the same social protections set up for dependent workers with permanent positions. Obviously, the opportunity/right to benefit from the welfare provisions is linked to the duration of the employment contract; in the majority of cases, it is recognised only for as long as the contract lasts. This applies to almost all the temporary forms of employment (fixed-term, on-call work, etc.). For instance, temporary workers have right to sickness allowance for a maximum number of days equal to those worked within the 12 months immediately prior to the onset of the event (but not over 180 days). As well as for workers with open-ended contract, the employer (the agency for agency workers) anticipates the payment of the allowance; however when the contract ends, the benefit is directly paid by INPS. About maternity/paternity benefit, if the employment relationship is over, the national social security institute pays the provision, but only if between the end of the contract and the maternity leave there are less than 60 days.

However, until a few years ago, until the last reforms, agency workers (likely to workers with other kinds of temporary contract) benefited of welfare state provisions in a limited way. Although these latter were legally recognised, workers met many difficulties in access them. Difficulties were mainly the consequence of the short duration of the job/contract and of the strict criteria to qualify for them (employment seniority, number of weekly contributions to national insurance and pension funds, etc.). This problem concerned above all unemployment benefit and was confirmed by several studies (see for instance Berton et al. 2009; IRES 2011). The reform policies of the most recent years, in particular the introduction of NASpI (see section 2), have greatly reduced this problem, even if some difficulties remain. According to social partners, more difficulties exist for pension contributions – and for future pensions. This is due, on the one side, to the short (and decreasing) duration of the contracts and to job discontinuity and, on the other side, to the relevant incidence of low wage.

About agency workers it is necessary to emphasize the relevant (and innovative) initiatives of social partners aimed at improving social protection. Unions and employers, through their collective agreements, have introduced an extensive system of social benefits, provided by the co-funded bilateral agency *EBITEMP* (Burrioni and Pedaci 2014). Benefits, provided through this mechanism, include unemployment benefits (a one-off payment of 700 EUR), maternity support (a one-off payment of 2,250 EUR), childcare contributions, re-imbursment of health care expenses, additional benefits (beyond those conferred by public programs) in case of accident at work, financial support for territorial mobility related to employment rea-

sons, personal loans, etc.. In addition, social partners have set up a pension fund, which provides supplementary benefits. Recently, trade unions have proposed to strengthen protection in the case of unemployment, in a sector characterized by a high incidence of low wages. Specifically, they proposed that bilateral bodies/funds cover the reduction of the public unemployment benefit (NASpl), which, as said in the previous sections, decreases by 3% each month starting from the fourth month.

As said, as well as agency work, also on-call work is covered by the same social protections set up for dependent workers with permanent positions, but with the limits linked to the temporary nature of the employment relationship. On the matter, it is important to underline that workers “on demand” have very often short or very short contracts – and as a consequence a higher job discontinuity – and low wages; two aspects that strongly affect accessibility and extent of social protections. Considering the frequent situation of poor conditions, INPS has recently established that, workers with this kind of contract can receive unemployment benefit in addition to availability allowance (in the periods when they do not work and are waiting for the employer’s call) if the total amount does not exceed 8,000 EUR. About protection from the risks of sickness, it is worth noting that in the periods when the worker receives the availability allowance, *sickness benefit* is calculated on this basis, normally lower than wage.

Finally, about voucher-base work, it is necessary to emphasize that workers involved in the first version of such a form of employment (introduced in 2003) were completely uncovered from risks of unemployment, sickness, disability, maternity/paternity. As discussed above, there were only contributions (of very limited amount) for pension right and for insurance for accidents at work. Instead, the new forms of voucher-based work include also contributions – and then rights – for sickness, inability, maternity/paternity and unemployment. However, accessibility and extent of these provisions seem quite limited, but it is early for more accurate evaluations.

## **6 Employment legislation and collective bargaining**

In this section we want to briefly discuss the role of legislation (civil and commercial law and whether applicable employment law) in defining, distinguishing and regulating the various forms of self-employment. Moreover, we want to discuss the role of industrial relations actors. They can intervene on the matter by using different instruments, at different levels. However, here we focus only on the role of collective bargaining in regulating terms and condition of self-employed workers, in particular in terms of economic treatment and minimum wage. In this regard, in the next pages we will provide some illustrative examples of collective agreement, but without being exhaustive and drawing a full picture.

In Italy, the main normative source for the distinction between dependent employees and self-employed persons is the Civil Code. And until the last reforms (in particular Law 81/2017), this was the main source on the regu-

lation of self-employment. Still now, Civil Code provides the most important definition: according to art. 2222, a self-employed worker, or better an autonomous worker is a person who undertakes to perform a work or a service for remuneration, mainly by means of his/her own labour and without a relationship of subordination to the client. Therefore, the fundamental features of self-employment are the absence of a subordinate status, professionalism and habitualness (work must be a not occasional activity). As mentioned in the previous pages (see section 3), the Civil Code distinguishes various figures of self-employed workers, including those in occupations where registration in a professional order is required and those in occupations where there is not a professional order. Such a «dual system» is a relevant peculiarity of the Italian legislative regulation (Feltrin 2012)<sup>23</sup>. Then, to these groups must be added workers with contract for continuous and coordinated collaboration. The position of farmers, artisans and dealers/shopkeepers is more ambiguous, as they are considered «small employers» (art. 2083 of the Civil Code).

Employment legislation has sometimes intervened on workers with contract for continuous and coordinated collaboration (which constitute an «intermediate category»), providing stricter definition and introducing sanctions in the case of abuses (for instance Law 30/2003 and Law 92/2012) (Perulli 2015). However, more important appears the recently approved Law 81/2017, the so-called «Statute of self-employment». It contains a number of provisions in favour of not-employer self-employed (employer self-employed are explicitly excluded). For instance, it regulates the relationship with the client, improving the protection against possible abuses and misconduct of the clients (unilateral modification of the contract, payment terms, etc.), and it regulates the relationship with the public administrations, including the case of public services outsourcing. Moreover, the reform sets up protections in the case of maternity/paternity, sickness, unemployment (in particular for workers with co.co.co. contract) (see section 3). On this issue, it also assigns government powers to intervene as to integrate social protections for self-employed both in licensed and not-licensed professions. In addition, the reform introduces the deductibility of expenses for training. However, the law does not intervene on important employment terms and conditions, such as minimum pay level, representation rights, etc.

Since the late 1990s, trade unions have tried to improve terms and conditions of self-employed workers, by using (also) collective bargaining. However, they have focused on workers with contract for continuous and coordinated collaboration, considered in a weaker position and with a status/situation (in terms of work organisation) quite similar to that of dependent workers. Unions signed a number of company-level agreements, even if with a patchy distribution; these have involved both private and public organisations and different sectors, but above all services sectors. About this kind of agreements, a major role has been played by trade unions' *ad hoc*

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<sup>23</sup> However, Law 4/2013 introduced the possibility of not-licensed professionals' associations to be formally recognized by the government if they meet certain criteria (such as control on professionals' activities, competences, training and approval of an ethical code). Membership remain voluntary. These associations represent their members' interests and offer a number of services.

structures specifically dedicated to workers with non-standard forms of employment; they have been set up by all the Italy's main confederations. Specifically, they are Nidil-CGIL, Felsa-CISL and UILtemp<sup>24</sup>. From the beginning, these structures (or federations) have adopted a pro-active approach and a strategy of strong active engagement in representing «atypical» workers, using a set of instruments, from collective bargaining to a series of political instruments<sup>25</sup>. They have also played a relevant role in national experiences of collective bargaining for self-employed workers, cooperating with sectoral federations. In both cases (sectoral and company-level agreements), unions have sometimes cooperated with other self-employed workers' associations (Corea and Moiso 2012; Ciarini and Dorigatti 2017).

At national level, an interesting and innovative attempt (Di Labio 2013) was developed in the sector of the organisations carrying out professional activities (*Studi professionali*), which involves various types of occupational profiles (lawyers, architects, engineers, consultants, accounting clerks, etc.). Within the sectoral collective agreement signed in 2011<sup>26</sup>, social partners undertook to elaborate proposals for the regulation of the economic treatment also for self-employed workers, in particular for workers with co.co.co. contract. However, the initiative has not yet been implemented for the subsequent opposition of the employers. On the contrary, social partners have succeeded (above all with the 2015 renewal) in extending negotiated welfare provisions to self-employed workers of the sector, in particular in the domains of supplementary healthcare and supplementary pension<sup>27</sup>.

Among successful experiences, we can mention the national collective agreement in the call centre sector, characterised by a wider spread of self-employment, in particular of contracts for continuous and coordinated collaboration. In 2013 social partners representing workers and employers of the *call-centres sector*, signed a collective agreement that set up a minimum hourly pay for collaborators (in particular for those working in out-bound activities)<sup>28</sup>. Although it is necessary to underline that such a minimum is lower than that provided for other sectoral workers. Specifically, the agreement established a wage based on a mix of minimum wage (depending on worked hours) and performance-related wage. In addition, it extended to collaborators negotiated welfare provisions and introduced mechanisms to promote job continuity and workers' stabilisation.

Other interesting examples are specific agreements – at national level – signed by the major Italian unions' structures dedicated to atypical em-

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<sup>24</sup> About the collective bargaining experiences of these structures see for instance (Ballarino 2002; 2005; Leonardi and Pedaci 2004; Regalia 2006).

<sup>25</sup> Company-level collective agreements regulating terms and conditions for self-employed have also been signed by sectoral unions, for instance in private university, publishing industry, call centres, etc.

<sup>26</sup> The agreement was signed by Confprofessioni, Confedertecnia and CIPA (as employers' associations) and by Filcams-CGIL, Fisascat-CISL and Uiltucs-UIL.

<sup>27</sup> It is worth noting that also in other sectors (such as construction industry, trade, tourism) sectoral trade unions have proposed an enlargement to self-employed workers of the negotiated welfare provisions.

<sup>28</sup> The agreement was signed by Assotelecomunicazioni-Asstel and Assocontact (as employers' associations) and by Slc-CGIL, Fistel CISL and Uilcom Uil.



ployment and aimed at regulating terms and conditions of workers with co.co.co. contract. First, we consider the agreement concerning *market research sector*. Here there is a long-standing tradition of negotiations on the use of self-employed workers. The collective agreement, recently renewed (2017)<sup>29</sup>, establishes a minimum pay level for the different occupational groups operating in the sector (telephone interviewers, face-to-face interviewers, moderators, etc.). Moreover, it sets up salary increases for Sunday or bank holidays (+25%) and at night work (+ 20%). Then, the agreement regulates the times of payment and intervenes on other terms and conditions, such as guarantees in the case of sickness, maternity, accident at work, union rights, etc.

Finally, the same unions signed in 2013 a national collective agreement with associations representing the *non-governmental organizations working in the development cooperation*<sup>30</sup>. The agreement, in addition to regulating the contractual form, hiring and stabilisation procedures, tasks and work organisation, training opportunities and union rights, establishes minimum pay levels for the different groups of workers with co.co.co. contract. Moreover, pay levels are differentiated by type of employer (including social cooperative, ecclesiastical organisation, etc.). The agreement also establishes an annual salary increase (1.5%); and, as well as that on market research, it regulates the times of payment.

## 7 Conclusions

For many years, the Italian social protection system has been characterized by huge disparities in terms of entitlements and accessibility of welfare services and provisions. Despite the strong process of labour market flexibilisation and the impetuous growth of non-standard working arrangements, it maintained its «traditional» structure, based, on the one side, on the figure of worker with open-ended contract (and with full-time engagement) and, on the other, on the figure of licensed self-employed protected by a professional order. Consequently, workers in a different situation, i.e. with a different form of employment, could only benefit a limited part of the existing welfare services and provisions. In this regard, some scholars spoke about a «*de facto* dismantlement of the social protection system» for the new groups of workers (Accornero 2006). The reform policies of the last decades, in particular the most recent ones, have greatly attenuated this feature/criticality of the Italian social protection system: they have expanded the (possible) beneficiaries of most kinds of public benefits and supports, by improving rights, modifying provisions, eligibility criteria, etc.

However, the system still features a relevant level of fragmentation: significant variations in the coverage and generosity of welfare services and provisions persist across and within the different groups of workers. Some-

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29 The agreement was signed by ASSIRM (as employers' association) and by Nidil-CGIL, Felsa-CISL and UILtemp.

30 The agreement was signed by AOI (Associazione Ong Italian) and LINK 2007-Cooperazione in Rete (as employers' associations) and by Nidil-CGIL, Felsa-CISL and UILtemp.

times such differences are due to the non-recognition (to workers with a specific working arrangement) of the right to a certain kind of benefit. But, most often they are due to the types of provided benefit, the eligibility criteria, the mechanisms with which they work, the specific operating rules (for instance the application of the principle of automaticity, times/modes of the accreditation of contributions). This is the case of protections against unemployment and sickness risks, family benefits and pensions. In addition, it is necessary to consider that some areas of the Italian social protection system, such as social assistance and family benefits in kind, have limited extension, even for standard employees. They appear quite inadequate in relation to population needs; their coverage and generosity is not enough, irrespective of the type of working arrangement. Moreover, with regard to the Italian social protection system, it is necessary to consider the relevant territorial variations in terms of both coverage and efficiency of welfare services and provisions. As said, this means a differential access to homogeneous supports and benefits, with poorer availability/quality for standard and non-standard workers of Southern Italy.

About variations by type of working arrangement, the most disadvantaged workers, i.e. the less adequately covered by social protections, are still those with non-standard forms of employment, those with hybrid arrangements and some groups of self-employed. And within these groups, workers with few job experiences, weak positions and less power resources (such as youngsters) are even more penalised. Social protection deficits are often linked to job discontinuity and/or to the lower working conditions, in particular in terms of pay level. In this regard, it is worth noting that most self-employed and temporary employees are not or are weakly covered by employment legislation and/or by collective bargaining. This implies that employment terms and conditions are scarcely regulated. Job discontinuity and low working conditions affect the generosity and the accessibility of the welfare provisions, even where some kind of social protection mechanism is present. For instance, many workers with licensed professions are not able to access (i.e. to pay for) adequate level of the services and provisions offered by professional orders.

In this context, it is important to underline that, many self-employed persons, workers with hybrid arrangements (such as collaborators) and workers with other types of non-standard employment very frequently suffer more and interconnected «protection gaps» (Grimshaw et al. 2016). In other terms, as several studies have shown, they suffer a sum of criticalities, of problematic aspects concerning quality of work: not only social protection deficits, but also low /inadequate working conditions and upgrading opportunities, representation and enforcement gaps. All this often produces situations of precariousness and socio-economic vulnerability; situations that can last and/or reproduce in the future of the worker (for instance it is the case of low pension).

Despite its recent improvements, the Italian social protection system would require further innovation, towards greater harmonization. It should aim to guarantee equal protection (in terms of accessibility and generosity) in the

various events and circumstances, even though differentiated mechanisms (linked to the different kind of working arrangement). The recent reform on self-employment (Law 81/2017) has moved in that direction, although some criticalities remain. Moreover, our study evidences that social partners can play an important role both in improving terms and conditions and in introducing integrative welfare provisions for the different groups of workers, including self-employed and workers with hybrid or non-standard arrangements. The study highlights significant cases of collective agreements for workers with co-co.co contract that regulated and improved working conditions, including pay level. But, at the moment, they are still very limited, with a patchy distribution. As said, social partners can also produce welfare provisions, by using bilateral bodies/funds. The latter partly mitigate the negative effects of social protection deficits and dysfunctions. However, they involve only some groups of workers. Besides, they can only be integrative and not substitutive of the public welfare.

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