Early adoptions of remote work in Italian collective bargaining agreements: from flexible working time to the risk of surveillance and unpaid overtime. 
Lessons for the post-Covid agenda.*

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*The preliminary activity of research, selection and collection of collective agreements has been carried out by Office IV- Collective Agreements’ Archive of Cnel
The rediscovery of remote working during the Covid-19 pandemic

- The outbreak of the pandemic has caused a disruptive re-organisation of the entire world of work.

- Practices of remote working have been massively introduced in order to reduce the spread of the virus and ensure the continuation of production and service activities.

- According to several surveys, in Italy between 6.5 million and 8 million of workers have switched to telework in Spring 2020.

- According to OECD, 2 out of 5 workers in the world have been working from home during the current pandemic crisis.
The diffusion of work from home before 2020

- Greece
- Italy
- UK
- Spain
- Germany
- EU 15
- Sweden
- Portugal
- Belgium
- Ireland
- France
- Denmark
- Austria
- Luxembourg
- Netherlands
- Finland

Year markers: 1999, 2019
## Italian regulation on remote working

From the European Agreement to the law decrees during the pandemic

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<tr>
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<tr>
<td>Definition of telework for the public administration</td>
<td>European Framework Agreement on telework</td>
<td>Inter-confederal Agreement on telework</td>
<td>Law on smart working</td>
<td>Covid-related law decrees</td>
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<tr>
<td>Framework Agreement on telework for p.a. in 2000</td>
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### Further sources
- Statute of Workers L.30/1970, art. 4
- Law n. 66/2003, art. 17
- Law on health and safety L.80/2008
- GDPR (General Data Protection Regulation) 2016

How do national collective agreements have been regulating the adoption of telework?
The CNEL-COLBAR database shows a significant degree of sectoral heterogeneity. Private collective agreements cover around the 40% of all private employees.
The majority of agreements are still valid or, even if expired, have not been renewed yet.
Clauses on remote working in Cnel-Colbar database

About 30% of the national collective bargaining agreements show clauses on telework and/or smart working
Telework: topics discussed within agreements

EFA’s 10 points on telework

1) Definition of telework
2) The voluntary nature of the adoption of this practice and the need for an agreement between the parties
3) Equal working conditions and rights
4) Employers’ responsibility of data protection
5) Respect for the worker’s privacy
6) Adequate provision by the employer of the necessary equipment
7) Teleworkers’ health and safety
8) Flexible and autonomous management of working hours, preventing the risk of isolation
9) Equal right of training and career development
10) Equal collective rights
Among the most controversial issues, we can list:

- **Unpaid overtime** and **risk of burnout** (under going discussion on the right to disconnect at European level);
- Coverage of all costs related to the **required equipment** to ensure health and safety rights;
- Limit to systems of control and **surveillance over workers** (recently addressed by the EFA Agreement on digitalisation in 2020);
- Prevention of **psychological disease** related to prolonged isolation;
- Equality in terms of **career advancements**;
- **Work-life balance** particularly for female workers.
Lessons for the post-Covid agenda

✧ Once the health emergency is over, the use of remote working, albeit with varying degrees of intensity, could permanently characterise the organisation of work in the public and private sectors.

✧ It is therefore crucial to define a clear set of rules guaranteeing all workers the same rights and opportunities, irrespective of the type and quality of industrial relations at sectoral level.
Thank you!

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Clauses on remote working by macro-sectoral groups

- Professional activities, IC, financial services: 7 clauses on remote working
- Construction incl. water supply, sewerage, waste: 7 clauses on remote working
- Commerce incl. retail, hospitality and transport: 6 clauses on remote working
- Public sector incl. education and healthcare: 4 clauses on remote working
- Manufacturing incl. mining and quarrying: 4 clauses on remote working
- Other: 3 clauses on remote working
- Agriculture, forestry, fishing: 1 clause on remote working

- No clause

Colbar-Europe
Regulation on telework: degree of details by macro sectoral groups

Agriculture, forestry, fishing

Commerce incl. retail, hospitality and transport

Construction incl. water supply, sewerage, waste

Manufacturing incl. mining and quarrying

Other

Professional activities, IC, financial services

Public sector incl. education and healthcare

Low  Medium  High
<table>
<thead>
<tr>
<th>Title (in italian)</th>
<th>Macro sectoral group</th>
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<tbody>
<tr>
<td>ccnl dipendenti dai consorzi di bonifica e di miglioramento fondiario 2015-2018</td>
<td>Agriculture, forestry, fishing</td>
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<tr>
<td>ccnl parte generale trasporto aereo 2019</td>
<td>Commerce incl. retail, hospitality and transport</td>
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<tr>
<td>ccnl ANAS 2016-2018</td>
<td>Construction incl. water supply, sewerage, waste</td>
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<tr>
<td>ccnl servizi ambientali 2016-2019</td>
<td>Construction incl. water supply, sewerage, waste</td>
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<tr>
<td>ccnl settore gas e acqua, 2016-2018</td>
<td>Construction incl. water supply, sewerage, waste</td>
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<tr>
<td>ccnl dipendenti delle aziende, società ed enti pubblici economici aderenti a</td>
<td>Construction incl. water supply, sewerage, waste</td>
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<td>federcasa 2016-2018</td>
<td>Construction incl. water supply, sewerage, waste</td>
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<tr>
<td>ccnl quadri e impiegati aziende gruppo INVITALIA 2017-2019</td>
<td>Professional activities, IC, financial services</td>
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<td>ccnl quadri direttivi e per il personale delle aree professionali dipendenti dalle</td>
<td>Professional activities, IC, financial services</td>
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<tr>
<td>imprese creditizie, finanziarie e strumentali 2015 2018 - 2015</td>
<td>Professional activities, IC, financial services</td>
</tr>
<tr>
<td>ccnl personale non dirigente poste italiane</td>
<td>Professional activities, IC, financial services</td>
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<tr>
<td>ccnl dipendenti aziende videofonografiche 2014-2016</td>
<td>Professional activities, IC, financial services</td>
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<tr>
<td>ccnl dipendenti degli studi professionali 2015-2018</td>
<td>Professional activities, IC, financial services</td>
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<tr>
<td>ccnl personale dipendente da enti, opere e istituti valdesi 2010-2012</td>
<td>Public sector incl. education and healthcare</td>
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<tr>
<td>ccnl personale dipendente settore assistenziale socio-sanitario e cure post</td>
<td>Public sector incl. education and healthcare</td>
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<tr>
<td>intensive, 2017-2019</td>
<td>Other</td>
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<tr>
<td>ccnl personale non dirigente coni servizi spa e federazioni sportive nazionali</td>
<td>Other</td>
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<td>2015-2017</td>
<td>Other</td>
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<tr>
<td>ccnl artisti, tecnici, amministrativi e ausiliari dipendenti da società cooperative</td>
<td>Other</td>
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<tr>
<td>e imprese sociali produzione culturale e spettacolo 2015-2018</td>
<td>Other</td>
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<td>ccnl dipendenti degli istituti per il sostentamento del clero, 2017-2019</td>
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