



***A new European study to identify and analyse the best practices and strengths of the industrial relations of self-employed workers: representation beyond administration, the possible leadership of SME.***

**International conference to exchange and transfer the best practices**

**Rome, 26 October 2012**

**Cavour Centro Congressi, Via Cavour 50**

The international conference was aimed to present the study results and to share experiences and best practices and involve counterparts, stakeholders and other EU countries. The conference gave the floor to discuss the issues tackled by the project and saw the participation of relevant counterparts at EU level as members of the European Coalition of Corporate Justice (ECCJ), the London Metropolitan University and the Roskilde University. However, many other relevant actors have been identified in the course of the project implementation by the partners according to their relevance at national level in the field of industrial relations and social dialogue.

**Conference minutes**

***Welcome***

**Gian Marco Gilardoni** (ex FELSA CISL Lombardia), being the representative of the hosting partner organization, welcomed all the participants.

**Dolores Forgione** (ISES), as Project Manager, welcomed all the partners and their colleagues and thanked them for the work already done in the framework of the project.

***Presentation of the project: activities, objectives and results***

**Dolores Forgione** (ISES) presented to the audience:

- The programme “Industrial Relations and Social Dialogue 2011” main aspects;
- Project objectives;
- Project results;
- The partners and their role in the project;
- Project work plan.

The day was structured in three panels concerning:

*Panel 1 – Representation beyond administration;*

*Panel 2 – Employees and employers are all workers in the first place;*

*Panel 3 – The right of the entrepreneur-worker to be collectively represented.*

From a structural point of view the first panel involved the practitioners, the trade union leaders, both from the EUROIRSE working group and the invited stakeholders, the President and Secretary General of the lottery sellers in Italy<sup>1</sup>. The second panel involved intellectuals: scholars, consultants and NGO members. Finally, the third panel involved stakeholders from non-participating countries in the project. The sense of

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<sup>1</sup> Lottery sellers in Italy established an ICT network such that many other – less frivolous – functions can be performed through it. Lottery sellers perform payments through ICT technology in competition with the banks and the monopolist Post Office





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this structure was to listen to those who are in the field as much as possible and to exchange ideas as freely as we can. This structure was decided to suggest a way of doing research that we would like to experiment in future projects.

Following, a brief summary of the position paper and of the panels discussions.

### **Position paper**

The trade unions and the business associations are doing administration of work. They only look at norms and to the administration of work.

Employees and employers are all workers: one aspect of representation as administration of work is that legislation seems to keep ignoring work and consider only the administrative instruments within which human working relationships occur. The consequence is a limiting categorization of the role of employee and employer. This is a troubling development.

The rights of the entrepreneur-worker to be collectively represented: notwithstanding the fact that probably nobody would, in theory, deny the right of the entrepreneur-worker to be collectively represented, such representation remains marginal within the cadre of social dialogue, de facto denying the right itself.

A broader way to look at representation is to leverage the accountability of the self-employed and micro-entrepreneurs vis-à-vis the rest of the workers.

We propose a strategy for bringing representation beyond administration. We pursue a broader approach: MSME (micro, small and medium enterprise) must supplement current policy with a broader approach: they must make loud and tangible their value to society: their work is subject to competition and therefore it is accountable and socially productive; it will be then possible to make open the demands for accountability of the workers and institutions that are sheltered from competition; the self-employed and the workers of MSME become the declared stakeholders of government reform: accountability, benchmarking, performance evaluation.

Corporations and MSME are far more accountable to society than government, the polity and regulated monopolies are. The representatives of MSME and corporations could then leverage such positive values vis-a-vis society at large: they should supplement their business as usual lobbying government for their own interest and go through the strategic detour of asking that government - and the polity, all monopolies and regulated industries - be as responsive and accountable to the public as they (the corporations and MSME) already are.

Several gains could thus be obtained: the world of enterprise and business would be more respected in society. Society as a whole would also profit from the higher individual and collective responsibility that would ensue from a higher status of work subject to competition and from the resulting accountability of work.

Through the EUROIRSE project, we went into the field and looked at the micro-motives that generate action in the trade union arena. We investigated the scope of workers' representation. We have dealt with a specific kind of workers: the self-employed and the micro-enterprise. They are very little prone to unionization.





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The value added by this work is that (vis-à-vis previous literature and studies) we have taken a broader spectrum into consideration, extending to the wider workforce on one side and to the micro-practice on the other side. We linked the two sides into a micro-macro proposal of action that both takes into account the self-interest of the self-employed (and of the micro-entrepreneurs) and formulates a reasonable theory of why this self-interested behavior should have a positive impact on the overall economy, employment and growth.

We made it explicit that there must be a link between the tactics that the trade unions pursue at the micro-level and the general words that are pronounced as a justification of overall trade union action: the pursuit of employment and economic growth, especially these days, when Southern Europe is ridden by a very troubling macro-economic situation.

Historical approaches will not suffice: pay and benefit for employees, lower taxes and cost of doing business for employers, are the old, insufficient approach. A collaborative-competitive approach is needed, with a systems view to the entire workforce.

Our basic prescription is that the representatives of the self-employed and of the micro-entrepreneurs should represent both the employers and the employees who work in their companies. That is the case because - from an economic point of view - the employers and the employees are both subject to competition, whereas the rest of the workforce in each country is not subject to competition. Large portions of the workforce are not subject to competition and this fact is not leveraged by the representatives of the self-employed and the micro-entrepreneurs.

We propose a new logic that goes beyond the labor-capital divide of society. We propose a new logic and a new divide: being subject to competition vs. not being subject to competition. Workers in that part of the economy which is not subject to competition devour a larger than fair share of the national product.

The representation beyond administration is desirable and possible. What we have just described is the way to do it. This is the result of our study.

### **Panel 1 – Representation beyond administration**

The theme of the panel implies a serious thinking by the various trade unions given that it concerns the role and the task that unions must have towards self-employed workers.

Thanks to the speeches of Mr. Vesellin Mitov and Mr. Salvador Duarte, two different behavioral areas closely linked to the history of self-employment in the country of origin have been highlighted.

The UGT has an internal category to protect and, above all, to represent self-employed workers and their categories. On the other hand, PODKREPA is not so structured as it is not so structured its consideration of representation of self-employment.

The key step, however, is linked to the concept that employees and self-employed workers are all with common problems to which solutions can be used, if not common, very similar.

The debated started with the first intervention from the floor: Mr. Bruno Leonardo - Secretary General of the ICFTU FELSA RECEIVERS, who illustrated the problems and the actions that are taking place in order to try to solve the major problems that his workers' category experiencing (please, see the annex).

Then, one of the Greek delegate proposed the following classification of self-employed workers:

- employed in small shops and in any case in the commercial sector;
- professionals (engineers, lawyers, etc ...)





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- temporary workers.

Each classification is restrictive given that eliminates any single particular. So, FELSA proposed another classification which arises from the observation of the labor market, the legislation (in the case of the FELSA, the Italian one), which could be summarized as follows:

- correct/true self-employed
- false self-employed

From the debate also emerged a more general consideration: at present, European trade unions suffer a lack of worthy and valid numerical representation. The number of unions' members is declining across Europe also because of the ever-growing precariousness of labor relations that lead to the loss of the collective vision of employment preferring individuality of the relationship that weakens the protections and the claims of individual workers.

How can trade unions respond to this trend? Trying to strengthen (for self-employment) categories representation, always starting new actions of social dialogue and collective bargaining (as in EUROIRSE), putting ever new demands specific to the type of contracts such as:

- facilitation of access to credit;
- pension funds (where not already present)
- insurance
- training

Finally, the debate focused on family assistance tools, present in Poland for example, also **spread in Italy in a particular category such as newsagents and street vendors.** [?]

## **Panel 2 – Employees and employers are all workers in the first place**

Working group panelists spoke and followed the pattern of first recapitulating what they had written in the final paper and then making their own specific comments. We recapitulate here the groups of controversial themes of such comments:

- 1\_ clarifying the nature of self-employment as “bogus” self-employment or real self-employment;
- 2\_ self-employment as precarious work;
- 3\_ monopolistic behavior from the government was emphasized by the representatives of lottery sellers, who were a specific category of micro-entrepreneurs that came to our conference;
- 4\_ issues of taxonomy were also very much in point; the professor from Crete made the point of three main categories among the self employed: the shop-keepers, the classic professionals and precarious workers (such as cleaning personnel, security personnel); within the issues of taxonomy Dittel highlighted that in Slovakia SME are considered up to 500 employees.

The idea of an ecology of industrial relations was not received by the trade unions and by the researchers, we need to be more explicit about this. This idea and others were appreciated and received by the professors, suggesting a better – two tier – structure of the working group, as it will be elaborated later.

Focus on bogus self-employment, emphasis on precarious work, reveal that the implicit ideal of guaranteed life is hard to question and to be aware of. The ideal, in the liquid society, appears to go back to the “solid”





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society instead of looking forward to a dynamic society, that liquefies the remaining solid and privileged parts and makes up the liquid in a homogeneous mix rather than a crazy mayonnaise.

**Panel 3 – The right of the entrepreneur-worker to be collectively represented.**

The professors made their own more elaborate comments, as per specific report below.

**Lez Rayman Bacchus**

There are four points:

- 1\_ knowledge workers
- 2\_ different kinds of self-employment
- 3\_ the role of the trade unions
- 4\_ the economic context (example: Greece versus UK)

**1\_ knowledge workers**

We have been speaking of self-employment as something that is often times a non desired status of the worker. We have to notice that the knowledge worker has an option so it is difficult to say their status is non-desired.

**2\_ different kinds of self-employment**

When considering self-employment we have then to take into account the different kinds of self-employment: knowledge workers are one special kind.

**3\_ the role of the trade unions**

The decline in the trade unions' role is due to the changing nature of work and the question on what is the role of business in society. The trade unions may have a role in interpreting CSR in the businesses.

**4\_ the economic context**

Self-employment is desirable in another national and cultural context; in the UK – for instance - self-employment is desirable.

In the UK you cannot invent yourself as a self-employed person without a permit. That does not happen in the UK. In the UK you need a permit to do any kind of street activity. It is then difficult to say that the street vendors and the street artists are all exploited. The UK has been called a nation of shopkeepers.

We should get some North European partners in the story. It is a different role for mature versus developing economies (example: Greece versus UK).

**Jacob Dahl-Rendtorff**

We have to take into account the self-employed who are not poor

Being an entrepreneur is good: the knowledge worker is a more modern figure of self-employment in my perspective

**1\_ corporate social responsibility**

there is an element of corporate social responsibility in having the self-employed who struggle with short-term contracts with no benefits; is self-employment sustainable? it micro-enterprise responsible and sustainable vis-à-vis its own employees?





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## **2\_ self-management**

Self-employment takes responsibility from the firm to the employee; we have a project the society; people go from one project to another project;

## **3\_ silent class struggle**

Marx excluded the self-employment; it was just wrong. A new vision is one where you have a creative individual vis-à-vis mass society; these two (opposed) elements of class struggle;

## **4\_ the unknown stakeholder**

it is difficult to say what is the interest of the self-employed; self-employment is very wide, it includes both the lawyer and the owner-driver of DHL and Coca-Cola;

## **5\_ the legitimacy crisis of the trade unions**

the trade unions are set on mass society while self-employment is made of individual entrepreneurs; can the trade union provide the self-employed with the safety net?

## **6\_ project capitalism**

we went from bureaucratic capitalism of large organizations to network capitalism and project organization; we have to think on the changed economic conditions that generate the issue of SE, self-employment;

## **7\_ the welfare state**

how do we protect the self-employed in the welfare state? here you have class struggle, too; we talk so much of entrepreneurship, however we do not have protection for him or her (the entrepreneurs) in the welfare state; the self-employed is a challenge to the welfare state;

## **8\_ the differences within self-employment**

1\_ the poor and the needy; 2\_ the stronger for it special skills; 3\_ the professions

## **9\_ social ecology**

we have here an extended concept over human resources management; it is a state concept of not only an issue for the employer; it is a problem for the government and we should see it from a social policy point of view: how can the state integrate the creative workers

## **10\_ role of the trade unions**

how can the trade unions and the corporation work together on corporate social responsibility; the trade unions do not see corporate social responsibility favorably because CSR destroys the conflict, but CSR allows the inclusion of the self-employed; we have the fusion of CSR and HR management we can use a CSR to provide a safety net for the self-employed.





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### **Rome Declaration**

Research institutes and trade unions, partners of the EU-funded project "EUROIRSE - A NEW EUROPEAN STUDY TO IDENTIFY AND ANALYSE THE BEST PRACTICES AND INDUSTRIAL RELATIONS OF Strengths OF THE SELF EMPLOYED WORKERS: REPRESENTATION BEYOND ADMINISTRATION, THE LEADERSHIP OF POSSIBLE EMS", gathered in Rome on October 26, 2012 to celebrate the final international conference of the project. During the debate, all parties have stressed the importance of self-employment in Europe, especially in this time of deep economic crisis that has its consequences also on the labour market.

EUROIRSE partners urge individual national governments to support the various forms of self-employment through the adoption of appropriate measures of support and facilitation dedicated to the sector and to the reference category.

We therefore call for action the European and national trade unions to initiate or strengthen their efforts of representation and protection for the categories of self-employment and self-employed people, always trying to implement even more, together with the various stakeholders, real social dialogue and collective bargaining experimentations.

Rome, 26 October 2012

### **What's next**

The Rome Declaration, approved by the audience, is no small achievement. In the future, we have to work on the last words of the Rome Declaration: "to do social dialogue experimentations". These experimentations can be outlined here and they could be pursued under the aegis of a project of the same kind of the present project.

We have to explicitly examine the possibility of union to union dialogue on work and productivity and availability of service. This union to union dialogue is intended here as dialogue between trade unions of workers subject to competition and trade unions of workers not subject to competition. this kind of dialogue should integrate the standard dialogue between trade unions and government. For instance Chamber of Commerce employees are government employees and it is not un-reasonable that the trade unions of workers subject to competition dialogue with the trade unions of workers not subject to competition. Dialogue between different classes of workers is central in the era of global capital: capital can go anywhere, labor is mostly bound to one country. In the advanced European service economies, quality of living is the quality of work. We need this paradigm shift to meet the challenge to the welfare system that professors Rayman and Rendtorff identified. The paradigm shift we need is to think of social dialogue also on a worker to worker basis, not only on a worker to employer basis.

Beneath the politics of left and right, a silent class struggle is taking place between unknown stakeholders. Entire classes of people, vast sectors of the employed, unknowingly fight each other for shares of the national product. On one side are government and monopoly workers, often times tenured for life in their



***DG Employment, Social Affairs and Inclusion  
Employment and Social Legislation, Social Dialogue  
Social Dialogue, Industrial Relations***



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jobs. On the other side are the self-employed, the workers of micro, small and medium enterprise and the workers of the large corporations.

Also there is need to integrate Northern Europe in the panel of countries represented by the working group. This is determined by the potentially different value of self-employment and MSME in the Northern areas of the Continent. United Kingdom and Denmark could be very interesting candidates.

A structural change should also be made into the structure of the project. We have seen that it is difficult for students involved in the field study to detach ourselves, take stock, and criticize the trade unions' behavior. Therefore, we would like to propose a two tier structure, whereby a second wave of scholars intervene on the field findings and discuss those findings and look at alternative ways and courses of action. The result of our study is that the issue of trade union and business association representation of self-employed, micro, small and medium entrepreneurs and their employees, is very relevant to society today. The trade unions' traditional clout is fading on one side and it must be checked on the other side as such clout is mostly obtained by leveraging work that is not accountable and it is not subject to competition. The numbers involved are huge: workers subject to competition are about three quarters of the workforce. This is the paradigm shift we need: trade union and business association representation of work can thrive and save the quality and extension of social dialogue if workers' representatives find more relevant values to generate cohesion and social meaning: we believe the accountability of work can be such value.

#### **Annexes**

- Conference agenda
- Remarks by the trade union leaders of the Lottery Sellers (Felsa Cisl Ricevitori)







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**ROME 26-27 OCTOBER 2012**  
**Cavour Centro Congressi, Via Cavour 50 - Rome**

**26 October 2012 (International conference)**

**9.30 – 10.00**

Welcome and registration

**10.00 – 11.00**

Presentation of the project: activities, objectives and results

*FELSA Lombardy, ALFA SCARL, ISES*

**11.00 – 11.30**

Coffee break

**11.30 – 13.00**

*Panel 1 – Representation beyond administration*

Chair – FELSA Lombardy

Speakers – PODKREPA (BG), Confederació de Treballadors Autònoms de Catalunya - CTACTION (ES)

Q&A

**13.00 – 14.30**

Lunch

**14.30 – 16.00**

*Panel 2 – Employees and employers are all workers in the first place*

Chair – ALFA SCARL

Speakers - Carpathian Foundation Slovakia (SK), Labour Institute of Greek General Confederation of Labour - INE(GR), Institut d'études politiques de Grenoble - IEP (FR), Lez Rayman Bacchus (London Metropolitan University – (UK)

Q&A

**16.00 – 16.30**

Coffee break





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**16.30 – 18.00**

*Panel 3 – The right of the entrepreneur-worker to be collectively represented*

Chair – ALFA SCARL

Speakers - Carpathian Foundation Hungary (HU), Fundacja CentrumCSR.PL (PL), Jacob Dahl Rendtorff (Roskilde University, DK)

Q&A

**18.00 – 18.30**

Wrap – up of the conference

Conference closure and greetings

**27 October 2012 (Meeting with the partners)**

**9.00 – 12.00**

Meeting with the project partners to discuss the following issues:

- Results of the international conference and their dissemination
- Preparation of the evaluation report
- Preparation of the technical and final reports





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**Trade union leaders of the Lottery Sellers (Felsa Cisl Ricevitori)**

The Trade Union receivers adherent to Felsa-CISL has its roots in the late 90s, with a national coordination of gatherers Lotto, Superenalotto, football pools and TRIS, when substantially skills on the games were entrusted to AAMS, Autonomous Administration Monopoly of State, Ministry of Economy and Finance.

With the appearance of the AAMS, in the gaming industry, began the slow and inexorable decline of the receivers as the profession. To demonstrate this, we show four defining moments:

– In 1998, AAMS, decreed a call for tenders for the bet TRIS. The successful bidder was a company with no experience, created suddenly with a capital of thirty million Italian lire, called Sarabet Ltd. that won the contract thanks to a loophole to the detriment of receivers who suffered a cut of their pay by 50%

– In 1999, AAMS, decreed a call for tenders for 1000 horse racing and sports betting. The network of receivers was completely cut off, despite assurances made to class in the periods prior to the procurement.

– In 2000, the Ministry of Economy and Finance implemented a reduction of 20% on lotto games and enalotto.

– In 2006, following the decree so-called "BERSANI", AAMS decreed a tender for 16,300 betting shops and sports. Again, the receivers were ignored, although Parliament had unanimously approved an agenda that committed the government to take actions to protect the existing network.

As can be easily verified, the common factor in these points, is the absence of any provision for the protection and regulation of network of the collectors of game that he deserves to be supported and defended as it ensures a steady stream of revenue for the state and should not be ill-treated or left to the freedom of dealers abusing its dominant position and in some cases only, as is the case for the concession of the lottery, the lottery and national lotteries.

As a result of these measures, the coordination of receivers realized that only by joining a trade union federation important could hope to get more punch and greater visibility for their claims.

So in 2005 there was the entry into CLACS-CISL and in 2009 in the new federation Felsa-CISL.





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It 'necessary to point out that the measures taken by' AAMS, in time, were considered non-compliant with the standards of the EU Treaties, and by many national courts but also by the Court of Justice of the EU with four judgments referred Gambelli, Placanica, COSTA-Cifone and ZUNGRI.

We add that the Court of Justice of the EU ruled only on cases and issues specifically requested and delegated by the national courts, but in our opinion there are further issues of non-compliance and violations of EU legislation, concerning the last tender for 2000 agencies published in July 31, 2012.

In this regard, have done well betting operators who abstained from participating in this competition, or that even though it decided to participate appealed to the Regional Administrative Court of Lazio, for not having received no assurances regarding the existing points that are born on the basis of discrimination made earlier by AAMS, for example, or that there is now a difference of treatment on concessions with the same object, or that there are no impediments, obstacles and unjustified technical requirements for new dealers participants, while are obvious advantages for the other. Also missing once again a regulatory protection for retail, real freedom of establishment and freedom to provide services for operators, a lack of freedom of choice of concessionaire for the public to bet and for the receivers.

The Union this year has resumed his efforts to support and protect the conditions of life and work of all the collectors games. This is not a small group of operators, because in reality there are about 110,000 people engaged in this activity, as well as indirectly.

The TRADE UNION Receivers Felsa-CISL, is to address the problems of the collectors play in the meantime have become increasingly unsustainable and at the same time propose or find the best solutions that provide security and peace of mind for operators around the segment of the game.

Briefly highlight the following points:

- Protection of the profitability of the collection points of the game.
- Call for tenders that fully transpose EU directives and which do not allow the formation of new monopolies.
- Freedom of choice on the part of collectors Game of the licensee, the licensee and / or provider with whom to collaborate, according to the Constitution art. 41 and the rules of U.E. in particular art. 43 and 49 of the U. E.
- Establishment of a permanent working group, in agreement with the parties, to rationalize the best point of sale network and the collection of the game.





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- Establishment of the Registry of the Chamber collectors Game, with the consequent legal recognition of the category.
- Elimination of the current unfair terms of contracts and regulation of the relationship with collectors game through national collective labor agreements.
- Constant update on aspects of legal, tax, fiscal, logistical and practical, the owners, family members and employees of the collection points game.

We believe that the condition for creating the category of collectors play with a high level of professionalism is the definition of an appropriate training program. Therefore, the TRADE Union Receivers Felsa-CISL promotes the development of an adequate professional training, the best use of all the tools that the CISL has such as:

- training institutions such as the IAL-CISL;
- Structures for the provincial and / or regional level to perform the necessary updates;
- Relations with Institutions and Public Administration, etc ...

The TRADE UNION Receivers Felsa-CISL is willing to cooperate with anyone, provider, dealer or licensee, national or Community, share the goal of enhancing the professionalism of its network by transforming them into a strength qualified and professional.

To achieve these objectives and others, the Union Receivers Felsa-CISL will continue to meet and dialogue with all stakeholders, both institutional and both unions and employers, which address a request for real-willingness and collaboration in order to improve the current state of the gaming market and consequently the activities of all the workers involved in the belief that only an effective enforcement of the EU Treaties to free the market from those casts that various states joining the EU persist in putting in place. This is also why we want to be a precise point of reference for those business entities or associations and unions that within the EU bear the same difficulties and want to enjoy our full rights as enshrined in the EU Treaties.

