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Inclusive unions in a dualized labour market? The challenge of organizing labour market policy and social protection for labour market outsiders

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Inclusive unions in a dualized labour market?

The challenge of organising labour market policy and social protection for labour market outsiders

Abstract: Dynamics of labour market dualization have affected most Western European countries over the last two decades and trade unions have been often seen as conservative actors protecting the interests of their core constituencies and as such contributing to labour market dualization. However, empirical evidence from Italy shows that unions' stance towards atypical workers has been more inclusive than the literature expected, despite the conditions for pro-insider policies being firmly in place. By analyzing unions' strategies towards temporary agency workers in Italy, the paper aims to reconcile the empirical observations that conflict with the theoretical expectations. It is argued that unions have indeed put in place inclusive, yet selective, policies towards atypical workers and that unions' identity is a central explanatory variable to understand unions' selective inclusiveness.

Keywords: trade unions; dualization; interests; ideas; atypical work; Italy.

Introduction

In nearly all the largest European economies, recent labour market reforms have been characterized by the introduction of flexibility at the margin, resulting in an increasing divarication between 'traditional' and 'atypical' workers in terms of job security and social protection (Davidsson and Naczyk 2009, Emmenegger et al. 2012). In this context, trade unions have been often seen as conservative actors concerned exclusively with protecting the interests of their core constituencies (the insiders) while letting the new entrants in the labour market (the outsiders) bear the adverse consequences of flexibilization (Ebbinghaus 2006, Rueda 2005, 2006).

Labour market dualization, supported by insider-focused unions, has been argued to characterise particularly continental and Southern European countries (Eichhorst and Marx 2010, Jessoula et al. 2010, Palier and Thelen 2010). Against this background, this paper aims to shed light on unions' strategies towards temporary agency workers (TAWs) in Italy in the first decade after the creation by law of the TAW sector in 1997. Indeed, the case of Italy is particularly puzzling. The labour market is deeply dualized between permanent workers and precarious workers (cf. Simoni 2012) and unions are traditionally considered to defend the interests of the 'male bread-winner', typically employed in permanent jobs in core sectors (Graziano 2011: 175). Yet, several accounts of Italian unions suggest that inclusive strategies towards atypical workers have been put in place

(Benassi and Vlandas 2015, Burroni and Pedaci 2014, Leonardi 2008a) and that unions have also emerged as important actors for the organisation of social policies targeting labour market outsiders (Johnston et al. 2011).

The research question that this paper therefore addresses is: what strategies towards atypical workers do unions put in place in dualized labour markets, and why? While dualization is usually seen as a process leading to insiders enjoying considerably better conditions than outsiders in terms of salaries, employment rights and access to passive and active labour market policies (Davidsson and Naczyk 2009: 9), the paper argues that a more fine-grained understanding of unions' agency towards the contingent workforce is reached if the different elements just mentioned are analyzed separately. Hence, this paper takes a fresh look at Italian unions' strategies towards TAWs along three axes: (i) salary and job protection; (ii) access to training; and (iii) income protection. Building on the analysis of policy documents and semi structured interviews with unions' officials, the findings demonstrate that unions' strategies vary significantly across the three axes. In particular, unions were determined, and by and large successful, in furthering the interests of TAWs along the first and second axes, while their action was less incisive along the third axis. These findings lead to questioning the explanatory power of rational choice arguments based on insider-outsider models. On the contrary, it finds support for a growing strand of literature that takes unions' identity (Hyman 2001) as the crucial explanatory variable to understand unions' strategies towards marginal workers (cf. Benassi and Vlandas 2015, Marino 2012, Meardi 2011, Pulignano and Doerflinger 2013, Vlandas 2013). However, the findings have a distinctive feature vis-à-vis existing identity-based accounts of unions' strategies. A *disaggregated* identity-bound analysis of unions' strategies sheds new light on the complex relationship between labour market dualization and the dualization of social protection. In particular, combining an identity-based analysis with a disaggregated assessment of unions' strategies allows to understand why unions have been inclusive in some, and arguably most, policy domains, but less so in others and it provides a more nuanced understanding of unions' agency towards the marginal workforce.

The paper is structured as follows: the next section introduces the theoretical expectations based on the literature followed by a brief illustration of the data collection method; it is then provided a description of the development of the TAW sector in Italy following the labour market reforms in the late 1990s and early 2000s followed by an analysis of unions' strategies towards TAWs; the final sections provide an explanation of unions' strategies through an identity-based perspective and some concluding remarks.

Theoretical expectations on unions' strategies towards atypical workers: interests and ideas

A major contribution to the literature of unions' agency in the context of labour market reform is provided by the insider-outsider theory (cf. Lindbeck and Snower 1986, 2001, Rueda 2005, 2006). In this approach, the crucial variable lies in the different and mutually exclusive preferences of insiders and outsiders. The former favour stronger employment protection legislation (EPL) whereas the latter seek other types of policies, notably active labour market policies (ALMPs). The two sets of interests are conceptualized as mutually exclusive hence unions cannot devise strategies that simultaneously further the interests of insiders and outsiders. Given that insiders constitute the largest part of unions' membership base, unions will tend to favour insiders and they will not protect outsiders. More precisely, Rueda (2006) develops the insider-outsider framework as a model for predicting left-wing governments' and unions' choices arguing that both have an incentive to systematically further the interests of insiders, who are their most powerful constituency. As a consequence, it is claimed that one of the conditions for pro-outsiders policies to be developed is indeed that of 'weakening of unions' (Rueda 2005: 72). The crucial elements for pro-insiders policies are all present in Italy, namely: a rather strong union movement (Leonardi 2008a: 205) and high employment protection for insiders (Ferrera 1996, Graziano 2011: 176) leading to high turnover costs. Thus, according to the insider-outsider theory, we should expect Italian unions to be fully supportive of insiders' interests. In a taxonomy of unions' strategies towards the marginal workforce developed by Heery and Abbot (2000) and widely used (see, e.g., Keune 2013), the dualization literature would therefore expect the chief strategy pursued by unions to be one of *exclusion*, i.e. 'to serve as interest representation organizations for "insiders" [...] and to exclude workers in precarious employment from their constituency' (Keune 2013: 65).

The insider-outsider approach has been challenged by recent contributions (cf. Davidsson and Emmenegger, 2013; Emmenegger, 2014) who argue that power resources (PR) are crucial to understand unions' preferences towards labour market reforms. According to this line of argument, unions agree to a deregulation of the labour market at the margin only as a second best solution, if that allows them to retain institutional power in the policy process. Thus in a PR framing, and contra Rueda (2005), unions consent to two-tier labour market reforms not because 'they want to' but rather because 'they have to' (cf. Davidsson & Emmenegger, 2013; Emmenegger, 2014). Accordingly, a PR model expects Italian unions to stand ready to compromise on labour market dualization to safeguard their participation in the policy process around labour market policy (Davidsson & Emmenegger, 2013: 342). Yet, the dualization-cum-PR approach leaves open the question of what kind of

strategies unions pursue *once a dualizing reform has taken place*. Going back to the taxonomy outlined by Heery and Abbot (2000), are unions expected to exclude outsiders, would they be inclusive or would they take any intermediate stance?

Contrary to the expectations of a ‘pure’ dualization approach, industrial relations scholars have usefully integrated PR into the analysis of unions’ strategies to propose a compelling argument as to why it makes sense from an interest-based approach to expect unions to include labour market outsiders in their representation domain. In particular, extending bargaining to labour market outsiders can be seen as a strategy to counter the decline of union power in a context of de-industrialisation and globalisation (see, e.g., Frege and Kelly 2004). Yet, while it is theoretically plausible to expect unions to include outsiders out of interest considerations, comparative accounts of unions’ agency towards the contingent workforce return a mixed picture showing varying degrees of inclusiveness and differences in strategic choices (see, e.g. Storrie 2002 on unions’ strategies towards TAWs across Europe). What, then, might help refining our understanding of ‘how constructive or obstructive, defensive or proactive, assertive or compromising, trade unions are in particular policy areas?’ (Schelke 2011:302).

A route to answering this question is provided by a stream of literature that moves away from preference formation rooted in strict rational choice and analyses the implications of unions’ *identity* for their strategies towards marginal workers. (cf. Benassi and Vlandas 2015, Marino 2012, Papadopoulos 2014, Pulignano and Doerflinger 2013). The role of unions’ identities has been elucidated by Hyman (2001) who argues that unions are caught in a tension between three ideological orientations: *market* (i.e. unions exerting exclusively labour market functions), *class* (i.e. unions advancing a class struggle between capital and labour) and *society* (i.e. unions as vehicles for the advancement of broader social justice aims). A main argument put forward by Hyman’s seminal work is that unions’ identity shapes ‘the interests with which they identify [...], the agenda they pursue, and the type of power resources which they cultivate and apply’ (Hyman, 2001: 1). While Hyman’s analysis does not specifically address the relationship between unions and atypical workers, there is strong evidence that identity plays a role in shaping unions’ strategies towards atypical workers. In particular, trade unions with a *class orientation* are expected to be more likely to devise inclusive strategies towards marginal workers as class orientation underpins bargaining strategies aimed to increase the welfare of *all* workers. In-depth case studies provide strong evidence in support of this link. For instance, Pulignano and Doerflinger (2013) find in their comparison of unions’ strategies towards TAWs in Germany and Belgium that ‘the distinctive encompassing identity of Belgian unions which [...] can be positioned between society and class’

(Pulignano and Doerflinger 2013: 4162) favours inclusive strategies towards TAWs. These findings are corroborated by Benassi and Vlandas (2015) through a cross-country analysis of unions' strategies towards TAWs covering 14 Western European countries. Their findings show that *class orientation* is a crucial element to explain a 'Southern European' path to unions' inclusiveness towards outsiders. In other words, class orientation makes unions' strategies shift away from strict rational calculations to move towards a 'logic of appropriateness' (cf. March and Olsen 1989) informed by their identities. Italian unionism is the archetypical union movement situated between class and society (Hyman 2011: 166), operationalised by the two main labour confederations, CGIL and CISL around the concept of solidarity, inherited from their roots in socialist and catholic traditions respectively. The former acquired an ideological orientation between class and society through a 'rallying cry for working class unity', while for the latter through 'an appeal [...] for the more advantaged [...] to support the cause of the weak and disadvantaged' (Hyman 2001: 166). Hence, it is theoretically plausible to expect Italian unions to develop and pursue inclusive strategies towards TAWs, to the extent that their agency is influenced by the solidaristic orientation of their identity. This brief overview of existing work on the relationship between unions and labour market outsiders illustrate how Italian unionism is situated at the crossroad of different (and opposite) theoretical expectations. As such, Italy is an ideal case study to test competing theories of unions' agency towards the marginal workforce.

Data collection

Data has been gathered through the analysis of policy documents and seven semi-structured interviews¹ conducted with former and current senior members of the three Italian confederal unions between April and July 2013. Policy documents consisted mainly of unions' congressional documents and press statements, collective labour agreements (CLAs), policy reports by international and national sources² and other relevant secondary literature. Document analysis has been used to gather data as well as to triangulate the information collected through interviews. Interview partners have been selected to capture a variety of viewpoints within the unions, including the confederal unions, one of the metal-working federations, which is where the largest share of TAWs are employed (Altieri et al. 2006: 43), and the unions set-up specifically to represent atypical workers. The focus is on the TAW sector because the introduction of TAW was the core provision of the labour market reform that took place in 1997, as discussed in the next section. This reform represents a critical juncture in Italian labour market policy, as the introduction of TAW constituted a strong discontinuity with the past and a

first step towards increasing labour market deregulation and the proliferation of atypical employment. Hence the TAW sector offers a case study of union's agency at a key moment, i.e. when the unions were first substantively confronted with the challenge of segmentation of the workforce. A second consideration for the focus on TAW relates to the fact that recent research on trade unions and labour market dualization has focussed on this segment of the atypical workforce (cf. Benassi and Dorigatti 2015, Benassi and Vlandas 2015, Burroni and Pedaci 2014, Pulignano and Doerflinger 2013, Pulignano et al. 2015), hence the empirical material of this paper can speak directly to findings from this work.

Labour market deregulation and the emergent TAW sector in the late 1990s and early 2000s

Two major reforms of the labour market took place in the late 1990s and early 2000s, which represented a marked departure from the traditional Italian labour market policy. The first reform was implemented in 1997 by a centre-left government, while the second one was passed in 2003 by a centre-right government. Despite being implemented by governments of opposite stripes, the two reforms are rather similar in their underlying principle as they both injected a degree of flexibility in the labour market for the new entrants, without modifying 'the rules for (both individual and collective) dismissals of workers hired with traditional standard contracts' (Jessoula et al. 2010: 575). The first reform, commonly referred to as Treu reform after the name of the then Minister of Labour, introduced two main innovations: (i) the creation of TAW and, as a consequence, the end of public monopoly over placement services, giving the possibility to private agents to provide this service as well; and (ii) a focus on ALMPs in general, and training in particular, although the public commitment to ALMPs still remained significantly low by Western European standards (Graziano 2011, Jessoula et al. 2010). The 2003 reform did not introduce substantial innovations; rather, it reads as a 'more radical' version of the 1997 reform. In particular, the concept of atypical work introduced in 1997 became more widespread through the introduction of several additional forms of atypical employment, including job on-call, coordinated and continuous work, and occasional work.

As a consequence of the reforms, TAW became an increasingly significant segment of the Italian labour market. The expansion of TAW occurred in the broader context of a sharp increase of atypical work, which was 'the only growth area of employment in Italy' in the late 1990s (EIRO 1999), leading to a constant decrease of the incidence of 'standard' work as a percentage of the overall work-force between the mid-1990s and the mid-2000s (CNEL 2006: 142). In 2007, ten years after the introduction of TAW, the number of workers in this

category amounted to 594,744, representing the fourth largest contingent of TAWs in Europe after the United Kingdom, France and Germany (Arrowsmith 2008: 4). Looking at the distribution of TAW across economic sectors, it is clear that both ‘traditional’ sectors (e.g. manufacturing, metalworking in particular, where over 50% of TAWs were employed in 2005) (Altieri et al. 2006: 43) and economic sectors typical of the post-industrial economy (e.g. services, such as call centres) are significantly affected. Furthermore, professional profiles of TAWs are fairly equally distributed across more and less skilled jobs (Altieri et al. 2006: 31).

Thus, in the second half of the 1990s, Italian unions found themselves confronted with the challenges posed by the establishment and rapid expansion of a new type of employment, displaying very different features from the workers traditionally represented by the unions, and cutting across various sectors and professional profiles.

Moreover, the Italian welfare state encapsulates the archetypical Mediterranean model of welfare characterized by ‘weak subsidization to those located in the so-called irregular or non-institutional market’ (Ferrera 1996: 19; see also Graziano 2011). As such, unions were not only confronted with the representation at the workplace level of workers with very different features from their traditional constituency, but also with a growing number of workers that tended to be at the margin of the active and passive labour market policy framework. The next section provides an analysis how unions engaged with this ‘new’ segment of the labour force.

Mapping unions’ agency towards TAWs: from *ex-ante* preference to *ex-post* strategies

Unions’ *ex-ante* policy preferences with respect to the proposed reforms of the labour market in Italy follow rather closely a logic of ‘elimination’ (cf. Keune 2013: 65) as far as they voiced their opposition towards the deregulation of the labour market. In particular, they argued that the Treu reform represented an ill-conceived labour market reform insofar it shied away from public investments and job creation, and prioritised a supply-side approach centred on the flexibilisation of the labour market, which, the unions argued, would have not boosted employment (see, e.g., Adnkronos 1995). However, unions’ ‘first order’ preferences turned out to be untenable for two reasons. Firstly, since the late 1980s, employers’ ‘exit options’ had increased thanks to heightened economic globalisation; their support for a flexible labour market became therefore more powerful and backed by a credible threat of relocation (Bordogna et al. 2013: 413-416). Secondly, labour market reforms were only partly contained within the domestic political arena. Soft and hard European processes (i.e. the European Employment Strategy and the Economic Monetary Union in the making, respectively) were often used by the government to ‘shield’ their proposed reforms from domestic opposition. Accordingly, policy developments at European level feature heavily in most policy documents reporting on the relationship between

government and social partners at the time (see, e.g., CNEL 1996, 1998). Thus, unions had eventually to agree to labour market deregulation, more (i.e. the leftist CGIL) or less reluctantly (i.e. the centrist CISL) (Adnkronos 1995). Yet, once the 1997 reform established a two-tier labour market, and when the 2001 reinforced this path-departing change, unions' agency towards the contingent workforce was characterized by significant activism. An immediate observation in this respect is that each of the three confederal unions established specific organisations to represent atypical workers in the late 1990s (Leonardi 2008a: 215), which has been interpreted as a 'deep commitment in searching new ways to respond to the global challenges faced by the new labour world' (Leonardi 2008a: 208). Indeed, according to Heery's taxonomy of unions' representational strategies towards contingent labour, the establishment of specific structures is a prime example of 'engagement', which assigns high legitimacy to atypical workers' interests and recognises 'the distinctive needs of contingent workers' (Heery 2009: 431). The general organizational principle behind the establishment of these specific structures is that the organization of atypical workers is best achieved by combining two levels of representation. The first level has to do with the worker's status, regardless of the economic sector in which she / he is employed. This dimension stems from the awareness that some (social) policies, such as training and income protection, will be demanded by atypical workers regardless of their specific sectoral employment. The second level relates to sectoral employment, where atypical workers need representation to ensure that their preferences are understood and catered for at the level of the workplace. Organization of atypical workers is therefore achieved through cooperation between a horizontal structure, the union for atypical workers, and a vertical structure, the industry-wide unions (i.e. the federations). This combined approach, in line with an 'engagement' strategy, is meant to widen the unions' action by bringing together political representation and collective bargaining (Gottardi 1999: 653). A former delegate of the metal-working federation made this point clear by arguing that:

“There is a dimension of precariousness that has to do with the nature of atypical work [that the union for atypical workers deals with], but there is also a bargaining dimension at the company level [...]; thus when workers' representatives are elected, it is also necessary to elect atypical workers so that when bargaining at the company level also atypical workers' interests are catered” (Interview, metal-working union, FIOM).

A survey of unions' rights held by temporary workers across Europe carried out by Storrie (2002) confirms the importance attached by Italian unions to TAWs' representation at the workplace level, reporting that in Italy TAWs 'enjoy all statutory trade union rights' (Storrie 2002: 14), a rather infrequent feature in Europe, where several caveats preventing TAWs from enjoying full workplace representation rights are observed in nearly every country. Thus, compared to most European countries where a scenario of 'separation' or even 'exclusion' applies in terms of workplace representation of TAWs, the Italian case is consistent with an 'inclusion' scenario (Keune 2013: 65). The three organizations for atypical workers set a variety of objectives upon their establishment. Some of these objectives are fully in line with the tradition of Italian unionism, whereas some others are less common to Italian unionism, and more broadly to countries conforming to the Southern European model of welfare state (Vettor 1999: 628-630). As far as traditional objectives are concerned, collective bargaining, aiming at regulating and protecting TAWs' salary and job, stands out as a shared central priority among the three unions. Turning to less common objectives, an emphasis on training and universalization of welfare provisions (such as income support measures) can be found as recurrent themes in the official documents of the unions for atypical workers (Vettor 1999). The next three sub-sections provide a detailed account of unions' strategies towards TAWs in terms of, respectively, traditional and 'new' objectives.

Traditional objectives: collective bargaining and the protection of salary and job

Collective bargaining for TAWs became a central concern for trade unions as soon as the TAW sector was created. As early as 1998, i.e. roughly one year after TAW was introduced, a first CLA between the three confederal unions and the national organization of temporary work agencies was signed. Collective bargaining for TAWs reflects the organizational structure of unions, with a degree of cooperation between the unions for atypical workers, which operate at an horizontal level and set the framework conditions for the whole TAW sector, and the industry-wide unions, that regulate specific aspects according to the economic sector where TAWs are employed (Eurofound 2002: 19). In terms of salary and job protection, two main items stand out. Firstly, the TAW CLA stipulates that TAWs' salary should not be lower than the salary of permanent workers (Ebitemp 2008: 49). Equality of treatment in terms of salary was already set by Law 196/97 and is reiterated in the various TAW CLAs. In addition to equality in terms of salary, the TAW CLA also stipulates parity between TAWs and permanent employees on a number of other aspects, which include 'working hours, job classifications, overtime and night-time work, holidays, [and] leave' (Arrowsmith 2008: 49). Secondly, it is

stated that after 42 (also non-consecutive) months of employment at a user company, TAWs must be offered a permanent position by the user company (Ebitemp 2008: 62-63).

The industry-wide CLAs add on to these provisions by setting ceilings for the use of TAWs within a company as a percentage of the total workforce as well as by setting, for some economic sectors, more advantageous (i.e. shorter) timeframes for TAWs to be offered a permanent position. A survey of how industry-wide CLAs affect TAWs shows that *every* CLA has provisions in these respects (NIDiL 2010), highlighting the heavy weight attached by unions on: (i) creating a path towards permanent employment, through automatic conversion from temporary to permanent employment after a certain period of time; and (ii) ensuring that TAW does not turn into a potentially unlimited substitution to permanent employment, by setting ceilings for the use of TAW. Thus, a high degree of inclusiveness is observed when defining unions' strategies towards TAWs in terms of traditional objectives of Italian unionism. A CGIL senior representative stated that "*one of the main points for us to accept the [1997] Law was that CLAs at the firm level regarding salaries were to be applied equally to all workers, including temporary workers and TAWs, because we used to think back then and we still think today that there cannot be collective bargaining that only covers full-time permanent workers*" (Interview, confederal union, CGIL). Similarly, the concern for establishing a maximum length of the assignment and defining a path towards job security has been a central issue since the early days of unions' strategies towards TAW. Crucially, this concern was a direct response provided by the unions to a demand coming from labour market outsiders, which unions turned into action by including the above-mentioned clauses for automatic conversion into permanent employment. Indeed, a former union senior representative argued that "*in many cases atypical workers' main claim is that of having their contract turned into permanent*" (Interview, metal-working union, FIOM), which speaks to consistent findings of research focussing on individual level preferences of labour market outsiders which identify job security as a central claim of atypical workers (Emmenegger 2009, Goslinga and Sverke 2003). The same conception of atypical work as a transitional step towards permanent employment was also reiterated by a delegate of one of the unions for atypical workers who illustrated how, in the union's view, "*there is a flexible segment of the labour market; the key point is to ensure that they are not always the same individuals to be part of this segment, otherwise flexibility becomes precariousness*" (Interview, atypical workers union, FELSA). Indeed, compared to other European countries, TAW has been working, especially for young people, as a stepping-stone towards permanent employment – a transition experienced by 45% young people employed as TAWs vis-à-vis only 20% and 15% in Spain and the UK respectively (Cappellari et al. 2012: 57, with reference to data from 2005/06). Furthermore, a comparative overview of unions' strategies

towards TAW across Europe highlights how Italian unions were amongst the most successful at regulating ‘length of the assignment’ and securing ‘pay equality’ (Arrowsmith 2008: 51).

‘New’ objectives I: access to training

Several studies find that a major demand that atypical workers have is that of increased ALMPs, and in particular of access to training (Rueda 2005: 65). Notwithstanding that training has traditionally been a very marginal component of the Italian employment policy, unions expressed as early as 1999 their commitment to establishing a coherent system of training for the marginal work-force since the introduction of TAW (Carrieri 1999: 669, Gottardi 1999: 654, Scarponi and Bano 1999: 641, Vettor 1999: 630) and argued that training and ALMPs were to be “*key aspects needed for atypical workers*” (Interview, atypical workers union, NIDiL). A landmark event in this respect was the establishment of a bilateral institution, Formatemp, jointly managed by unions and employers. This institution was introduced by the 1997 reform and set up by the 1998 TAW CLA, with a crucial contribution provided by the social partners in filling the implementation vacuum left by the 1997 reform, which did not specify the shape that training for temporary workers should have taken in detail (Johnston et al. 2011: 357). Formatemp has been offering four types of training to TAWs since 2001: (i) basic training, which focuses on general skills such as foreign languages or IT literacy; (ii) professional training, to which most of the resources are devoted, aiming to equip workers with specific and technical skills that can be of immediate use at the workplace; (iii) on the job training, aiming to (re-) align workers’ skills to those needed for her / his job; and (iv) continuous training, which consists of a training voucher that allows TAWs to attend a specific training programme of their choice (Formatemp 2013). The number of courses offered and of individuals trained increased sharply from 2001 onwards, as shown in table 3.

<Table 1 about here>

Indeed, Italian TAWs are comparatively better off than most of their European counterparts in this respect, and as of 2008, European data on training of TAWs showed that 25% of all training targeted to TAWs was taking place in Italy (Bollettino Adapt 2009).

In contrast to an overall expenditure in ALMPs still lower than many EU countries (Jessoula et al. 2010: 577), significant resources are invested in training for TAWs and a very high share has access to training by comparative standards, as shown in table 4.

<Table 2 about here>

Notwithstanding the difficulties of establishing a coherent system of training stemming from the almost non-existent tradition in this policy domain at the national level, a noteworthy framework of training for TAWs was nevertheless initiated, with an important role played by the unions in setting up and running *Formatemp*, making vocational training of agency workers in Italy a ‘good practice’ (Leonardi 2008a: 216). Thus, as far as access to training is concerned, unions took an inclusive stance towards TAWs.

‘New’ objectives II: universalization of income protection

The analysis of unions’ strategies towards income protection of TAWs is more complex. As it has been noted in section 4, the Italian system of income protection is tailored to permanent full-time workers, since access to unemployment benefits is only granted upon a long and stable history of social security contributions. The commitment to reforming the welfare system in the direction of more income security for atypical workers is identified as a shared item of novelty in the programme documents of the unions for atypical workers (Vettor 1999). Further, the reference to a more universal system of welfare can be also found in the confederations’ congressional documents from the mid-1990s (e.g. CGIL 1996). However, as the remainder of this section shows, the pledge for a more universal welfare system, which tackled substantially the issue of income support for atypical workers, remained to a large extent dead letter. The concrete approach taken towards income support for TAWs followed a somewhat similar route to that of vocational training. A bilateral organization, *Ebitemp*, co-managed by unions and employers, was created with the aim of providing a number of social security services, including income support. However, *Ebitemp*’s organization mirrors the traditional approach of Italian unemployment benefits schemes, notwithstanding the crucial difference of its target beneficiaries, namely the likely (very) short contributory history due to the discontinuous nature of their employment. As a result, access to income support is granted upon a worker having performed a certain amount of working days, with a very high threshold that makes the use of this instrument hardly accessible to any TAWs. Through *Ebitemp*, TAWs are entitled to a one-off contribution to income support of EUR 700, which is made available to those who have performed at least 132 working days over the last 12 months prior to the request. The effectiveness of this instrument is rather easily assessed: as figure 1 shows, the average number of working days

performed by TAWs tends to fall well below the threshold for being eligible to income support, apart from a peak in 2000 and 2001 (Ebitemp 2013).

<Figure 1 about here>

Several studies confirm the ineffectiveness of income support for atypical workers and its coverage of a very limited proportion of TAWs only (IRES 2009: 85). However, the views of unions in this respect are rather sceptical. Indeed, the introduction of a system of universal income support has never found a central place in unions' priorities in the late 1990s and early 2000s. Unions' actions were rather targeted at achieving other goals 'such as (mostly resistance against) pension reforms, labour market competitiveness, wage negotiation and insurance based contributory unemployment compensation' (Madama et al. 2013: 63), and there cannot be found any exceptions to this general approach as far as TAWs are concerned. Compared to the extensive coverage in terms of training enjoyed by TAWs reported in the previous section, it is striking to note that only 5% of TAWs were able to access income support measures in 2009 (IRES 2009 p 84). On this note, Tiziano Treu, the Minister of Labour after whom the 1997 reform is named, stated that the lack of a coherent system of income support was the major shortcoming of the reform, partly due to unions' opposition (Marmo 2008: 21). Thus, the analysis of the system of income protection shows how TAWs are largely excluded by this component of the welfare state, and that unions' strategy has been far less inclusive than with respect to salary, job protection and training, where Italian TAWs are generally better off than their European counterparts. On the contrary, as far as income protection is concerned, Leonardi (2008a: 217) notes that '[t]he shortage of a fair and inclusive system of social protections in case of unemployment increases the sense of precariousness felt by Italian atypical workers with respect to most of their colleagues in other European countries'. Indeed, interviewees discussed how it is fair to say that measures of income support represent "*a very weak component of unions' strategy towards TAW*" (Interview, confederal union, CGIL).

Explaining unions' strategies towards TAWs: an identity-bound disaggregated perspective

The picture that emerges from the analysis carried out in the previous section is that of a *selective inclusiveness* of unions' strategies towards TAWs. Namely, a high degree of inclusiveness in the first two axes (salary, job security and training) is accompanied by low inclusiveness in the third axis (income protection). These findings

cannot be easily reconciled with the main theories outlined in the second section.. In particular, a pure insider-outsider approach falls short of explanations for the inclusiveness of unions towards TAWs in terms of salary, job protection and training. Indeed, notwithstanding the fact that all the conditions for pro-insiders policies are in place in Italy, an equally high level of protection of TAWs during their periods of employment is hardly traceable anywhere else in Europe (EIRO 2000: iii). To elucidate this point further, it is noteworthy that the main provisions introduced by the European Directive 2008/104/EC on TAW, which prompts member states to grant TAWs equal pay treatment, access to various services (e.g. training) and representation at the workplace, were already all included in the first TAW CLA, which was signed some ten years before the Directive was passed.

Furthermore, a dualization-cum-PR approach is consistent with unions' ex-ante preferences towards labour market reforms, but it does not provide a theoretical underpinning for the selective inclusiveness of unions' ex-post strategies, not least because this theory is primarily concerned with the role of unions in the context of labour market reforms, as opposed to unions' agency once a two-tier labour market has been established. Turning to identity-based accounts of unions' agency, we observe that, once specific domains of representation of atypical workers are analyzed separately, unions only showed a partial degree of inclusiveness. More specifically, highly inclusive strategies have been pursued with respect to the protection of job and salary as well as access to training. However, unions did not appear willing to compromise on other issues, such as the universalization of income protection, notwithstanding the fact that this measure would have been beneficial to atypical workers (Jessoula et al. 2010: 563). The continued support for insurance-based types of unemployment benefits schemes is therefore seemingly at odds with identity-based accounts that predict unions situated 'between class and society' to pursue inclusive strategies towards labour market outsiders. How can we then make sense of the observed selective inclusiveness? Findings suggest that greater reliance on unions' institutional identity *combined with* a disaggregated analysis of unions' strategies provides a more compelling explanation of unions' strategies towards the marginal workforce.

The prime building block of Italian unions' identity is the pre-eminence of the *confederal* dimension³, over the sectoral dimension (Benassi and Vlandas 2015, Leonardi 2008a). This aspect was stressed by several interviewees who stated that it is in the nature of a *confederal* union to provide a *horizontal* representation of *all* workers, regardless of their type of employment. A senior union representative stated in this respect that "*we have always refuted the insider-outsider approach for reasons that have to do with our ideology; we are a general confederation of labour, and we therefore think that labour as such must be represented, in its various*

forms, and that the interests of labour should always be unified and brought to unity” (Interview, confederal union, CGIL). Another union representative, on the same note, argued that *“in our culture of representation [...], the union should equally represent independent work, dependent work and [...] atypical work because it is part of our cultural approach which we have traditionally had”* (Interview, atypical workers union, FELSA). This point emerges strongly also from unions’ congressional documents of the time. For instance, in 1996 the CGIL argued that: *“it is the duty of a confederal union to recompose lacerations and juxtapositions among different subjects in the labour market and in the workplace, to prevent differences [in labour market status] from becoming irreversible inequalities in enjoying rights [...] and the shattering of the very opportunity to organise trade union protections”* (CGIL 1996, own translation, emphasis added).

Thus, a set of empirical observations based on interview material and policy documents highlight that the confederal dimension, which is at the core of Italian unionism, is a key variable to understand unions’ inclusive stance towards the marginal workforce at the workplace. To be sure, this is not to argue that ideas trump interests. Rather, it is argued that unions’ identity and ideological orientation have a crucial role in shaping unions’ agency and, as such, in defining unions’ interests. An example clarifies the point. When asked to elaborate on the role of the confederal nature of the union and its implications for the strategies towards the contingent workforce, one of the interviewees explained that:

“The fact that the union is confederal favours the inclusion of all types of workers: the confederal union is one that wants to represent all the workers and the pensioners. This is very different from, for instance, Germany where there is coordination rather than confederation. There, you have IG Metall that has been only representing its members⁴” (Interview, metal-working union, FIOM).

Indeed, Italian unions do not appear to have carried out a particular cost-benefit calculation regarding the inclusion of labour market outsiders at the workplace. Rather, being a general confederation of labour, the strategy towards bargaining for the marginal workforce was one of inclusion since the very beginning, as it is evident from the observation that the unions set up structures for the representation and bargaining processes on behalf of atypical workers as soon as the TAW sector was established. Going back to the example brought up by the interviewee, there indeed appears to be a stark difference with the case of Germany, where a strategy of inclusion towards TAWs was devised only once the unions realised that the growth of the contingent

workforce had become a threat to the core workforce, after over 30 years of ‘exclusion’ first and ‘separation’ then (cf. Benassi and Dorigatti 2015).

Yet, while the confederal nature of Italian unionism emerges as a crucial variable to understand inclusiveness of collective bargaining and at the workplace, the question of why we observed selective inclusiveness is still open. Here we turn to a second element that shapes the identity of Italian unions, which follows on the previous one, namely their orientation ‘between class and society’ (Hyman 2001: 143) inherited from the socialist / communist and catholic traditions of Italian unionism (Hyman 2001: 166). In particular, the identity of the largest union, the CGIL, which is built around ‘the defence of *workers’* rights’ (Hyman 2001: 165 emphasis added) goes a long way in explaining why it has been observed a decreasing degree of inclusiveness as we move from TAWs as ‘workers’ (i.e. in the first and, to some extent, second axes of the analysis) to TAWs as ‘unemployed’ (i.e. in the third axis of the analysis). Indeed, while CGIL itself engaged in the early 1990s in internal debates to move towards a somewhat broader focus on ‘citizenship’ (Leonardi 2008b: 5), it is noted that the concept of citizenship does not constitute a shift away from the centrality of work as the basis for social recognition (Gottardi 1999: 658). Thus the concept of citizenship embodies an extension of unions’ action to the entirety of labour, including the new typologies that were emerging in the 1990s (Leonardi 2008a, b), but without compromising on the centrality of work (and workers) as the pivotal element of unions’ agency (Gottardi 1999). The point was made clear by a former representative of the union for atypical workers who stated that *“a TAW, when working, is as protected as a permanent worker”* (Interview, atypical workers union, NIDiL); by the same token, an identity built around the worker, as opposed to the citizen, explains the lack of commitment by the unions in support of a more universal system of income protection. In this respect, the position of the confederal unions has traditionally been rather sceptical as they argue that priority should be given to the reinsertion of the unemployed into the labour market through training and ALMPs as opposed to universal income support measures (CGIL 2013), which were dismissed by a union delegate as a *“financial support to unemployment”* that should be avoided (Interview, atypical workers union, UILTEM.P@).

In turn, the parallel focus on ‘working-class unity’ (Hyman 2001: 143) is consistent with a strategy focussing on creating the conditions for atypical work to be a stepping-stone to permanent employment through collective bargaining. Indeed, a report commissioned by Eurociett, the association of European private employment service, and UNI Europe, the European service sector union, assigns to Italian social partners a “crucial role in fostering quality labour market transitions” (Voss et al. 2013: 156). In line with this approach, also the unions for atypical workers are thought of as a locus for ‘transitional’ representation (Interview, confederal union,

CGIL), since, as a union representative stated, “*we keep thinking that atypical work cannot be seen as a stable condition for individuals, but it should rather be a temporary condition*” (Interview, confederal union, CGIL).

Thus, the analysis of unions’ strategies towards TAWs uncovers a tension between policy areas and union’s identities rather than a tension between insiders and outsiders preferences. For instance, facilitating the conditions for human capital accumulation of outsiders through access to training is of primary benefit to outsiders, and that might even be perceived as a threat by insiders. Yet, unions convincingly pursued this strategy which is in line with the conceptualisation of atypical employment as a stepping stone to permanent employment and therefore consistent with their chief aim of bringing labour to unity. However, unions were not equally determined to pursue universalistic measures of passive social protection, which is a long standing element of tension with the union’s class identity given that such provisions were perceived as legitimizing a structural segmentation of the labour market between insiders and outsiders.

Conclusion

The paper argued that a framework of ‘inclusion vs. exclusion’ fails to account for the variation in unions’ strategies towards atypical workers across policy areas. Taking a disaggregated perspective on unions’ strategies, the paper shows that, in some cases, unions pursued strategies precisely to counteract dualization of the labour market, whereas in other cases, unions’ strategies contributed to a process of (social protection rather than labour market) dualization. Thus, it has been shown that the interaction between unions’ strategies and labour market outcomes cannot be reduced to a binary relationship, whereby a dualized labour market inevitably signals pro-insiders unions. An in-depth assessment of Italian unions’ strategies towards TAWs showed that these are not simply a response to core constituencies’ interests; rather, unions may be pursuing both inclusive and exclusive strategies within a dualized labour market, and that such strategic choices are significantly shaped by their institutional identity and ideological orientation. These factors were crucial in understanding the variation of Italian unions’ agency across policy areas, and they are expected to be equally useful in understanding variation in unions’ strategies towards the marginal workforce across countries (cf. Benassi and Vlandas 2015).

The paper makes two wider contributions to the literature on the relationship between trade unions and labour market dualization. Firstly, it is argued that a clearer analytical distinction should be made between unions’ (ex-ante) *preferences* for two-tier labour market reforms and unions’ (ex-post) *strategies* towards the marginal

workforce once two-tier labour market reforms have been implemented. The literature has somewhat conflated these two aspects, which might result in misleading conclusions regarding the role played by trade unions in processes of labour market dualization. Indeed, an exclusive focus on ex-ante preferences towards labour market reforms might often lead to assigning a ‘dualizing’ role to trade unions. Yet, despite the importance that social partners have (had) in (some) Western European countries, it should not be forgotten that governments are ultimately in charge of public-policy making and they decide to share this prerogative with social partners only under specific political and institutional circumstances (Baccaro and Simoni 2008). Hence, relying on labour market reform outcomes to assess unions’ stance towards the marginal workforce might not always be particularly revealing. On the other hand, unions’ strategy is a much less constrained indicator of union agency, compared to labour market reform outcomes. As such, bringing unions’ strategies into the analysis helps outlining a more accurate picture of the relationship between unions and labour market outsiders. In this respect, more dialogue between the political economy and industrial relations literatures would be welcome, given that the former has mostly focussed on unions’ preference towards labour market reform and the latter has been mainly concerned with unions’ strategies. Secondly, the paper also shows that union’s identity is both an *enabling* and a *constraining* factor. It might enable union’s agency by expanding its domain of action, but it also constrains agency by prioritising some policy areas over others. In this sense, given the key role that social protection plays for labour market outsiders, it would be welcome to systematically assess how union’s ideological orientation affect their strategic choices across countries *and* policy areas, hence going beyond collective bargaining and workplace representation, which has been the chief focus of recent identity-based accounts of unions’ agency.

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Appendix: list of Interviewees

| Interviewee | Date | Place |
|----------------------------------|-------------|--------------|
| Former NIDiL-CGIL representative | 03/04/2013 | Bologna |
| Former FIOM-CGIL representative | 04/04/2013 | Rome |
| CGIL representative | 20/05/2013 | Rome |
| NIDiL-CGIL representative | 21/05/2013 | Rome |
| CISL representative | 22/05/2013 | Rome |
| FELSA representative | 22/05/2013 | Rome |
| UILTEM.P@ representative | 26/07/2013 | n.a., Skype |

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Europe.

Table 1: courses offered and individuals trained by Forma.Temp (2001 – 2007)

| Year | Courses | Individuals trained |
|------|---------|---------------------|
| 2001 | 8,440 | 76,584 |
| 2002 | 20,557 | 122,577 |
| 2003 | 39,298 | 188,264 |
| 2004 | 38,330 | 207,622 |
| 2005 | 30,389 | 186,701 |
| 2006 | 31,180 | 204,153 |
| 2007 | 36,187 | 225,139 |

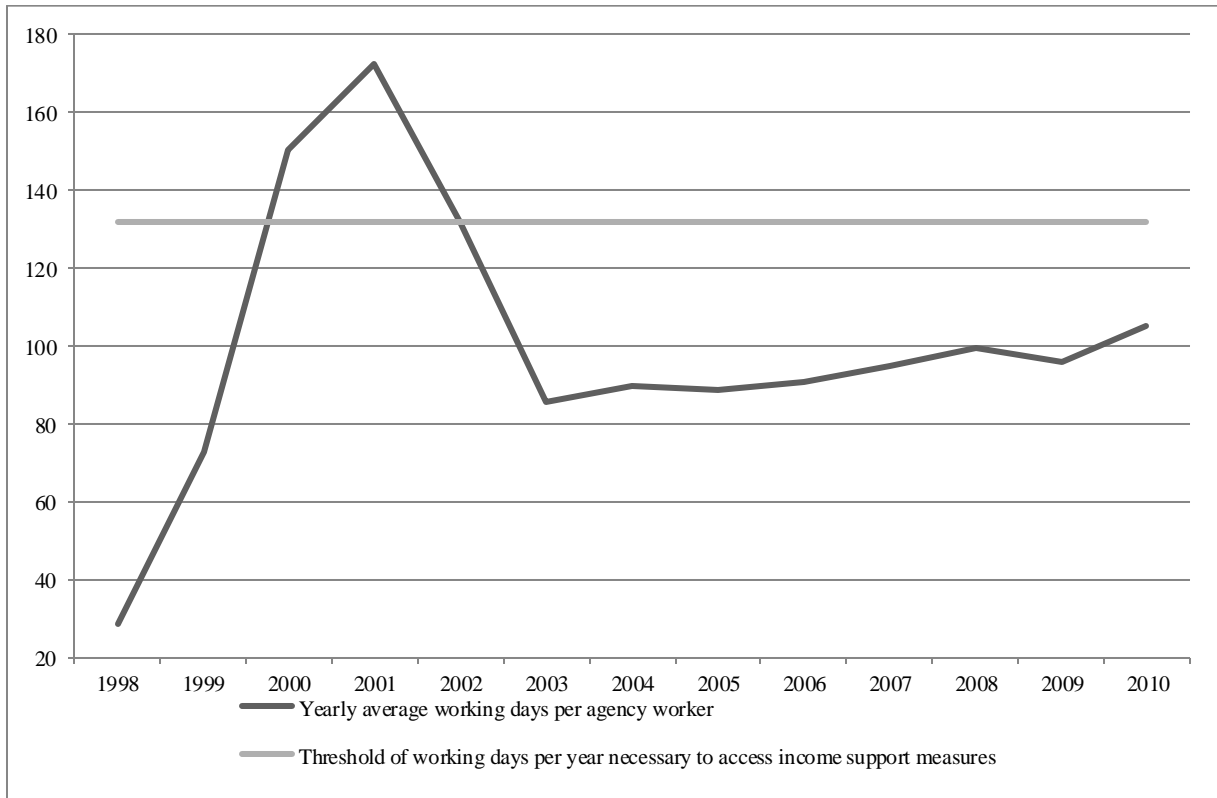
Source: Formatemp (2013)

Table 2: overview of training programmes provided to TAWs in five EU countries in 2008

| | FR | BE | NL | ES | IT |
|---|---------|-------|-------|-------|--------------|
| Number of trained agency workers [x 1,000] | 270.0 | 19.6 | 138.7 | 10.9 | 204.2 |
| % of agency workers trained | 12.3 | 3.6 | 19.0 | 1.4 | <u>35.6</u> |
| Amount invested per trained agency worker (€) | 1,225.9 | 239.7 | 252.3 | 440.4 | <u>729.6</u> |

Source: based on CIETT (2010), emphases added

Figure 1: average number of working days per year per individual agency worker (1998 – 2010)



Source: own calculations, based on Ebitemp (2010)

¹ The list of interviewees is provided in appendix.

² E.g. Eurofound, CIETT, EIRO, CNEL.

³ In a confederal union, internal policy- and decision-making tends to be located at a centralized national level, with a pre-eminence of the confederal union (i.e. horizontal umbrella organizations) over the sectoral unions organized at industry level (i.e. the federations). The reverse applies to federal unions, where the sectoral organizations have pre-eminence over the umbrella organization.

⁴ As discussed in the next paragraph, IG Metall has relatively recently shifted towards an inclusive stance as far as TAWs are concerned (see Benassi and Dorigatti 2015 for a detailed historical account).