

Labour conflicts over health and safety in the Italian Covid19 crisis

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Introduction

The current Covid19 crisis has raised new issues regarding health and work in Italy. Far from being new, the pandemics rehabilitate a debate dating back to the 1970s, which brought to the establishment of the national healthcare system. Italy has a longstanding problem with health & safety at work. In 2019 alone, according to the estimates of workplace safety agency INAIL, more than 600,000 workplace accidents were reported, of which 1,089 deadly - roughly three per day; to which many more unreported ones must be added. This problem, particularly stark in Italy when compared to other European countries, has many roots: widespread labour informality, unregulated outsourcing practices, inadequate resources for workplace inspections and upholding of legislation, and the quantitative predominance of micro- and small workplaces in the Italian productive system where unions presence is low and the flouting of regulations commonplace. For long, the issue of workplace accidents and insecurity remained an invisible hemorrhage, which did not attract neither headlines nor public attention. However, the Covid19 pandemic has contributed to a sudden re-politicisation of this issue, putting it at the very centre of public debate and labour conflict in Italy. In this contribution, we outline the major points of contention on this issue which have emerged during the Italian Covid19 pandemic, and the responses and strategies enacted by labour movement actors.

In Maussian terms, pandemics have the characteristics of a «total social fact», with generally no borders, involving the totality of a population. Consequently, the response of worker organizations and unions needed to overcome the fragmentation of localized disputes, usually limited to specific plants or working sectors. The problem of health and safety emerged in all its sharpness as an issue of general interest when, due to the risk of biological contagion from Coronavirus, the simple act of *physically going to work* suddenly became a potentially deadly source of risk for the whole workforce, and not just for those usually unseen minorities working in particularly dangerous occupations. However, the potential universality of contagion from Covid19 was not matched by an effective universality of protections against it. The management of the Covid19 pandemic in Italy has rather been characterised by a persisting tension between two contending imperatives: the protection of public health on the one hand, and the push – especially from business organisations and political forces mainly from the centre-right of the political spectrum -- to safeguard economic growth. Or, to put it differently from the workers' side, the tension between the right to work and the right to health. This tension has manifested in various

forms of more or less overt class conflict which have unfolded around the issue of the safeguarding of health and safety since the onset of the Coronavirus crisis.

In the first phase of the Italian Covid19 emergency, between late February and late March, the main issue of contention regarded the *timings* and *extensiveness* of limitations on productive activities, and the granting of adequate protections to essential workers who continued operating.

Since February 21, the Italian government has issued a series of decrees to manage the worsening of the outbreak; some have confirmed that the protection of workers in Italy is rather fragile. Indeed, it is now well-established that in the first weeks of the Italian Covid19 crisis, delays in implementing widespread closures of productive and commercial activities in the areas worst affected by the outbreak in Northern Italy were decisively shaped by the lobbying of the employers' organisations (Confindustria) – both in industry and in the service sector. When this stance became untenable from a public health perspective, the government decided to tow a middle ground and shut down most commercial outlets whilst recommending that all employers that could do so should introduce working from home. But in line with the requests of the manufacturing employers' confederation Confindustria and its powerful regional chapters in Lombardy, Assolombarda, most industrial activities and factories remained initially operational – alongside supermarkets & local food and drink shops, logistics and delivery services, construction sites, many call centres, and many public services.

So, for these weeks Italy was in a situation in which, whilst the population as a whole was being asked to stay home, at least 6 million people were still going to work every day. Whilst some of these productive activities were, arguably, 'essential', many were not. This policy of selective and partial closures made evident a sharp inequality, in terms of exposure to health risks, between workers who were able to work from home (around 30% of the workforce, two thirds of whom in highly qualified, well paid occupations), or stay home with some form of income replacement, and those who could not and still had to work in presence, often to carry out activities far from 'essential' in a crisis juncture, and frequently without appropriate protections such as basic personal protective equipment.

Concertation under the contagion: labour conflict by other means

Different actors in the Italian labour movement responded differently to this emerging tension, highlighting long-standing differences in their strategic orientation. On the one hand, the major trade union confederations – CGIL, CISL and UIL – initially moved slowly and cautiously on this issue, fearful of not appearing too confrontational at a time of national crisis and seemingly sharing into the narrative that production could not stop altogether, otherwise the country would risk economic collapse. Same for the main centre-left party, the PD (Democratic Party). On the other hand, some smaller rank-and-file

unions like USB and S.I. COBAS opted for a more contentious approach, and issued calls for the immediate closure of non-essential activities and also for a general strike on 26 March. The relatively small membership of the rank-and-file unions meant that these initiatives remained circumscribed in their reach. At the same time, restrictions to public demonstrations and assemblies brought indeed the Italian Commission of Guarantee of Law 146/90 to severely control strikes and particularly those regarding essential productions and services.

However, workers in many sectors that stayed operational took the initiative in their own hands to exercise their right to safeguarding their health at work. In the second and third week of March, wildcat strikes broke out in many factories and logistics warehouses around the country, with workers walking out to demand the immediate implementation of health and safety measures that could guarantee safe working conditions. In some factories with high unionisation and strong trade union presence, these mobilisations resulted in the temporary suspension of production, or at least prompted management to re-organise production process drastically to guarantee safe working conditions. But in most workplaces, especially small ones without any trade union presence, this did not happen.

In mid-March, the government chose to respond to these emerging tensions from below by choosing the avenue of social concertation and negotiating with the main trade unions and employers' confederation a 'protocol' outlining the necessary measures that employers could and should implement to prevent contagion in workplaces. This was a small step forward, celebrated by the government and the 'social partners' alike as an exemplary instance of negotiated crisis management¹. The implementation of these measures remained however voluntaristic, up only to the employers' will. In workplaces without trade union presence, this essentially made them toothless. In the meanwhile, the numbers of infected people continued spiralling up, especially in the most industrialised regions of Northern Italy, and the silence and lack of strong intervention on part of the major unions persisted.

In face of emerging mobilisations from below and threats of a general strike leveraged by the rank-and-file union movement, the major unions also came round to calling for the closure of all non-essential productive activities. In the late hours of March 21st, as the numbers of infections and deaths still did not give a sign of slowing down, the government finally announced the closure of all 'non-essential' production activities. Heated negotiations with the main employer confederations and the confederal unions ensued over the definition of the list of the sectors and sub-sectors that should be designated as 'essential', with the unions even threatening a general strike if the list remained too ample. Again, the confederal unions claimed their intervention, which resulted in a more restrictive list of essential activities, as an important victory.

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http://www.filctemcgil.it/images/stories/flexicontent/news/panorama_sindacale/Protocollo_c_ondiviso_SSL_emergenza_Covid-19.pdf

Class struggles or classification struggles?

The tripartite negotiations over the operational management of the economic lockdown did not fully succeed in achieving the social pacification that the government clearly hoped concertation would deliver. Rather, they inaugurated a second and more dispersed phase of conflict, where the focus of contention on the terrain of health and safety moved on to two other issues: i.e. the effective extent of the closure of ‘non-essential’ activities, and the *actual* implementation in workplaces of the health and safety norms for the prevention of contagion outlined in the tripartite protocol. Borrowing Pierre Bourdieu’s famous expression (1978), classification struggle became the terrain of a class struggle under contagion.

Following the pressures of employer confederation Confindustria, the formulation of the norms on compulsory closures left indeed ample space for manufacturing firms to continue operating, even if they did not fall in the original list of ‘essential’ sectors. All that firms had to do was to send a self-declaration to the local governmental authorities (“*Prefetto*”), outlining the reasons why they had to continue producing. The lack of any local administrative capacity to check on the veracity of these declarations meant that virtually all firms that declared themselves essential were able to stay open. Meanwhile, in many ‘essential’ services - from food delivery to logistics and even in healthcare - the implementation of even the most basic health and safety norms - such as the provision of adequate protective devices and the adjustment of working times and work organisation to prevent overcrowding - remained often very loose.

Since May 4th, Italy has then entered the so-called ‘phase 2’, with staged reopenings and progressive easing of the lockdown. This has come earlier than many would have expected, largely due to the pressures leveraged on the government by business groups and regional authorities in the northern manufacturing regions. Contention has continued to emerge in several sectors and workplaces over the application of health and safety norms during the return to work. Whilst in some unionised and well-organised workplaces unions have been in a position to negotiate at firm level local agreements on the re-organisation of working time and operational procedures, in many other contexts - especially in micro- and small workplaces with no union presence - employer unilateralism has affirmed itself forcefully. Many episodes have been reported of managerial counter-action and acts of retribution by employers against workers who publicly denounced unsafe working conditions on social media or demanded more stringent rules or the provision of PPE. Employers organisations have also been launching a national offensive through political lobbying channels, again supported by political forces on the centre and centre-right, aimed at loosening the stringency of the guidelines originally issued by the national institute for workplace safety INAIL governing the return to work, and to eschew any potential penal responsibility in cases of workers becoming infected.

The unfolding of the Covid19 pandemic has therefore put the issue of health and safety at the coalface of labour-capital conflict, and shown some of the limits of the ‘concerted’ approach privileged thus far by the confederal unions. Indeed, the national agreements on health & safety norms have shown all their limits when it came to concrete implementation on the ground. This has remained highly uneven across sectors and types of firms, strongly dependent on the local relationships of power between labour and management, and on the extant levels of organisation in workplaces. This fragmentation and disconnection between peak-level agreements and practices on the ground reflects many of the long-standing weaknesses of Italian industrial relations, and makes evident the importance of workers’ agency and organising practices in effectively putting into practice the rights and norms set on paper and move beyond employer voluntarism - which often equates with widespread laxism. The Italian government is tackling the crisis by building a labor regime based on the exploitation of weaker workers, such as those employed in logistics or agriculture where the migrant workforce is dominant.

So, considering these flashpoints of tension, how have “essential” workers responded on the ground? We now discuss some of the most relevant examples across different sectors.

The mobilizations in the food delivery and the logistics

The main contentious issue in the “essential” sectors of food delivery and logistics throughout the most dramatic period of the Italian pandemic (“the phase 1”) has been the implementation in workplaces of the health and safety norms for the prevention of contagion outlined in the tripartite protocol. Since the start of the lockdown, this issue has been the main target of protests and of an increasing process of politicization, especially in sectors such as the gig economy where the lack of adequate legal protections has exposed workers to undergo an actual blackmail, forcing them to choose between the safeguarding of their own health, on the one hand, and the access to an income and, therefore, the possibility of survival, on the other.

Reporting the dynamics of work conflict in these sectors seems particularly interesting, as none of these conflicts has been organized or fostered by the presence of trade union confederations, namely, those actors signing the protocol on the workers' behalf. In both sectors, the initiative has been spontaneously triggered by the workers themselves and, only at a later time, various kinds of grassroots organizations have played a role.

For what concerns delivery platforms, unlike other “essential” workers, because of their legal status as self-employed, 'riders' have neither access to social safety nets designed for dependent work, nor the possibility to temporarily abstain from work, nor, in the majority of cases, access to sick leave in case of contagion or compulsory quarantine. The decision whether to continue working or not during the pandemic, carrying out a high risky activity that entails constant physical contact with the client, is therefore seen by the workers as a forced

choice between to keep the only source of income and the safeguarding of their own health.

Since the beginning of the Covid19 emergency, riders have encountered great difficulties in obtaining adequate forms of prevention against contagion from delivery platforms during the execution of their working activities. Several platforms have initially sought to escape from the obligation to provide them with proper devices of individual protections, such as gloves, masks, and sanitizing gel, adducing the reason that riders were not their employees but only partners with whom they occasionally collaborated. The responsibility for adopting behaviors to prevent contagion during deliveries was also initially left to the initiative of individual workers. And given the lack of implementation in the safety procedures by the platforms and restaurants, riders often found themselves having to face risky gathering situations when picking up food deliveries from restaurants, unable to maintain the right safety distances.

Since mid-March, riders from all over Italy have thus begun a protest campaign aimed at safeguarding their own health and their physical integrity during their working time. The campaign consisted in sending video testimonies and taking photos of themselves holding signs with a batch of hashtags:

#PeopleBeforeProfits, #NotForUsButForAll, #StopDelivering. The initiative was launched by an alliance of different grassroots riders' organizations such as Deliverance Milano, Riders Union Bologna, Riders Union Roma, Riders per Napoli – Pirate Union, and the Turin-based network Deliverance Project. Addressing the government, the riders demanded the interruption of the food delivery service, access to a social security cushion, actual distribution of personal protective equipment by companies, and the suspension of tax obligations for the whole of 2020.

In Milan and Turin, Deliveroo has been forced to guarantee two weeks of sick pay for workers who were sick or subject to quarantine. In Bologna, faced with delays on the part of many platforms in providing protections, it was the riders themselves who took directly into their own hands, through the organizational network of their union Riders Union, the responsibility to promote and implement the anti - contagion, first by obtaining 500 masks from the Municipality and then distributing them among the workers in a self-organized way. Although the riders were not able to shut down the delivery service, they have managed to get some intermediate objectives: creating more awareness among people, extending the contact network among riders, and also communicating to other workers that protection devices must be provided by companies.

Logistics workers faced similar challenges and risky situations during the pandemic. The hyper-diffusion of the virus in the areas with the highest production intensity (Bergamo-Brescia) and logistics (Piacenza) is clearly linked to the non-adoption of measures suspending the productive activities or forcing the employers to provide workers with individual protection equipment. In this sense, the perception of being "slaughter meat" was very strong among workers, who since early March have spontaneously staged wildcat strikes in Northern

Italy to demand the closure of their companies or the access to the individual protection devices.

Facing the inertia of many companies, the first protest events have been spread in a scattered way, initially self-organized by workers, especially in the logistics hub of Piacenza. Since the second week of March, the grassroots union, S.I. Cobas, which has in the logistics sector the main site of political intervention since the first mobilizations of 2011, took the lead of the strikes. The wave of mobilizations that has taken place in the logistics sector across Italy since mid-March has been addressing frontally the issue of safety in the workplace. The main concern that workers have raised in their protests concerned the issue of those who were supposed to monitor the implementation of the security measures in the workplace. As reported by Carlo Pallavicini, S.I. Cobas spokesperson in Piacenza, in his account of the strikes in the logistics sector in March: *“There was an initial phase in which we supported the strikes that were organized more or less spontaneously, whose culmination was around March 12-13 for the issue of safety in the workplace, with almost 100% of workers participation in some warehouses where we are present.”*

In the second half of March, several other mobilizations have continued occurring in the Piacenza logistics interport, where, on March 17, also the Amazon workers in the warehouse of Castel SanGiovanni (placed in the Piacenza area) staged a strike, with the support of the union confederations of CGIL, CISL and UIL, to force the company to take the necessary safety precautions for its 1,600 employees. The strike ended the following week, with an agreement between the unions and the company for the establishment of an internal committee, composed of management and union delegates and aimed at monitoring the application of the safety measures in the workplace. At the moment, however, the workers report, the company would be hindering the control activities by the delegates.

The epicenter of conflict: worker mobilizations in the healthcare sector

“Before, we were invisible. Now we are heroes. Stop hypocrisy, we are just workers”. This slogan appeared on 1st May 2020 over a banner out of the hospital in Vercelli, in the Piedmont region in Italy. Workers and confederal unions contested the rethorics emerged during the Covid19 crisis and which emphasized the heroic status of workers while at the same time ignoring their social and economic conditions.

The Covid19 crisis stressed the importance of the public health system as well as the rights of health workers, from doctors to nurses. Visible in the dramatic state of hospitals, the most direct effects of the Covid19 was indeed the extraordinary need for doctors, nurses, assistants which brought the State to

urgently open a new call for workforce². On 9 March 2020, the Italian government ratified an extraordinary decree which extended the recruitment of health professionals and workers to young doctors and nurses which were close to the completion of routinary qualifications - e.g. young doctors completing their «specializzazione», similar to a specific PhD. degree. Moreover, part of the personnel was recruited among retired doctors and specialists.

These measures were clearly extending to a broader public opinion the negatives of decades of neoliberal reforms which progressively transferred public resources to private clinics. If the marketization of health was previously an aspect restrained to individual grievances or to specific movement organizations, the Covid19 crisis triggered a phase of symbolic and real protests which tried to establish new links among doctors, health workers, a variety of workers claiming for a safe working environment as well as citizens, which were directly and indirectly concerned as potential patients. In this sense, the slogan “health is not a commodity”³ used during the online demonstration called “White Sheets” launched on the World Health Day on 7 April 2020, reactivated frames that characterized the worker struggles for health on the workplace during the 1970s and that brought Italy to approve the Statuto dei Lavoratori in 1974 and the National Healthcare System (SSN) in 1978. The online demonstration was indeed organized by «Medicina Democratica», an historical expert movement organization which, born in the Northern factories, contributed to create the first groups of occupational medicine which later on became institutionalized. In this sense, the scientific activism of Medicina Democratica has been a resource that at different phases contributed to mobilizations on the right to health, be it in terms of health in the workplace, environmental health or universal access to public healthcare.

In terms of claims of protests, the pandemics have opened new windows of opportunities for health movement organizations, which became therefore one of the central actors in a variety of issues regarding the link between politics of health, prevention and anti-contagion measures, and particularly the link between expertise and democracy. But at the same time, traditional forms of activism were severely constrained by the lockdown and the rigid protocols regarding public gatherings.

For these reasons, workers and activists elaborate new forms of demonstration. As an example, the so called “White Sheets” mobilization mostly happened through “clickactivism”, with citizens and activists posting online photos of banners and messages exposed out of their balcony. Participants politicized their domestic space and especially their balconies which were previously used for other forms of expressive solidarity, like the diffusion of the national anthem

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<http://www.salute.gov.it/portale/nuovocoronavirus/dettaglioNotizieNuovoCoronavirus.jsp?lingua=italiano&id=4188>

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https://www.medicinademocratica.org/wp/?p=9914&fbclid=IwAR1SOmVpWCMGwYg6xz6Bnr4_tl2QEyM6KGhPCYuMl5oR_siaBgg_NGTHZaw

in solidarity with health workers and as a sign of national cohesion. In this case, health movements used the same setting to raise a critical voice which emphasized the importance of the public health system and the health worker rights.

Another change in the movement repertoire was visible in the general strike launched by the USB Cobas⁴ which the Commission for Guarantee 146/90 obliged to convert into a symbolic “one-minute strike” at the end of daily shifts of health workers, policemen involved in security controls, care workers, fire brigades, workers in sectors of the environmental hygiene, gas and energy distribution. Opportunities to mobilize increased with the transition to the so-called “phase 2” which brought many other workers to strikes, from taxi drivers, artisans, to dealers and street vendors and restaurateurs. Overcoming the peak in deaths and contagions, the war rhetoric against the virus which called for a national unity ceased and trust in Governmental decreased. Opportunities to organize safe and distanced rallies increased as well, so that traditional repertoire of action like street demonstrations became more popular among various categories of workers affected by the economic consequences of the lockdown.

If media narratives regarding the responsibility of the spread of contagion still targeted runners and sport activities, health movements reframed new critical claims like “Spread solidarity not the contagion”. The slogan emphasized the need to consider the social and economic aspects characterizing Covid19 crisis, where the availability of a domestic comfort zone equipped with large spaces and ICT were privileged elements limited to specific social classes. Moreover, the health crisis put on the table the condition of farm workers and especially the need for a regularization of their status. Several strikes were organized in the south of Italy - where most of the migrant workers are concentrated - and out of the Parliament to claim for an extension of a recognition as worker and citizen. Mostly, grassroots unions led the protests which contributed to a governmental decree that approved the regularization of previously invisible workers employed through black and informal work especially in the care sector and in agriculture. In this sense a mobilization called “the strike of the invisibles” took place on 21 May 2020⁵, adding an important voice to the social and political changes triggered by the pandemics. In this regard, the mobilizations of migrant farm workers and health workers used a similar slogan to describe the removal of work and worker rights that can be defined as one of the key aspects of neoliberalism, which contradictions were clearly manifested during the pandemics.

⁴ <https://www.usb.it/leggi-notizia/usb-conferma-lo-sciopero-generale-di-mercoledi-25-quantum-morti-ancora-perche-il-governo-capisca-che-occorre-chiudere-tutto-diventi-lo-sciopero-di-tutti-1014.html>

⁵ <https://www.radiopopolare.it/sciopero-degli-invisibili-21-maggio-intervista-a-aboubakar-soumahoro/>

Conclusions: on the link between labour and health mobilizations

The Covid-19 crisis has contributed to putting the issue of health and safety at work back at the centre of labour conflict in Italy. The selectivity of lockdown measures has shown in naked light the tension between narrowly-defined business interests for the preservation of economic activity, and the broader public interest for the safeguarding of health. Furthermore, the evident mismatch between the content of tripartite agreements concluded by peak-level actors and their actual implementation on the ground have made evident the long-standing blindspots in the application and exercise of the legal rights to the safeguarding of health at work on the ground. The dynamics of worker mobilisation in ‘essential’ sectors, such as food delivery, logistics, and healthcare, have made clear that those rights which exist on paper have to be enacted and reclaimed by workers through their active agency, overcoming the limits of employer voluntarism which, in most cases, translates in passivity if not blatant disregard for workers’ interests. These issues have deep roots, but have now received renewed attention. The Covid19 pandemic is thus reigniting and giving new urgency to an old debate among unions, worker organizations and social movements regarding the centrality of health as a public good. This could bring to new alliances among unions, grassroots worker groups, health activists, and expert organizations for new mobilizations claiming the universal right to public healthcare and health at work, and highlighting the necessary connections between the two.

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