



European Foundation
for the Improvement of Living and
Working Conditions

INDUSTRIAL RELATIONS AND THE ENVIRONMENT

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Working Paper No.: WP/93/12/EN

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1. INTRODUCTION - The Development of Environmental Issues and Industrial Relations

Environmental issues first made their appearance on the industrial relations scene in the mid 1960's as a result of workers struggles over health and safety in the Farmitalia pharmaceuticals plant at Settimo Torinese and the Solvay chemical plant at Rosignano. Three significant periods can be identified in analysing the features and results of trade union health and safety initiatives, the first from 1965 to 1975, the second from 1976 to 1985, and the third from 1986 to 1990. The characteristics of the different periods are directly linked to the economic cycle and to the nature of industrial relations.

First period (1965-75)

The first period saw the issue of health and safety in factories at the centre of claims and bargaining and policy initiatives taken by trade unions and workers at all levels, from works councils to national trade union organisations. During those years there was an explosion in company level bargaining, the works council emerged and the elimination of monetary compensation for dirty and dangerous work became a workers' objective. Health and safety was the subject of discussion and analysis and, in more practical terms, of negotiating practice. Productive relations were established with the scientific community and universities resulting in increased interest in health issues.

The collective agreement covering workers in companies part-owned by the government which was signed in 1967 set up "committees for accident prevention and safety". This together with the development of company level bargaining gave rise to a series of discussions and agreements with the aim of improving working conditions, workers' health and safety and the elimination of compensation for dirty and dangerous work in short, the reduction and control of working environment hazards.

The last significant result of workers' initiatives, during this first period, was the agreement reached in 1974 by the trade unions and the petrochemical companies on the control of the production cycle of vinyl chloride monomer (VCM) which began at the Ravenna chemical plant. The trade unions had undertaken research into the health of workers exposed to VCM hazards, the results of which proved that this product was carcinogenic. It was therefore agreed with the producer companies that all Italian factories should change over to a closed cycle system of production.

Second period (1976-85)

This period saw a decline in interest in work environment questions, a decline which had both objective and subjective causes. The first cause was the economic crisis which affected the Italian production system, placing the question of jobs and employment at the forefront. The second cause was restructuring involving new process and product technologies and resulting in flexibility of plants, lack of maintenance and heavy use of plants on a continuous cycle basis. The works councils and trade unions were not adequately involved in this. The decline in attention and negotiating practice devoted to "working environment hazards" became dramatically prominent.

The change in the economic cycle, and the threat of job losses put the trade unions on the defensive. During the period of extreme restructuring a change in the industrial relations system, moving from company level negotiations to a centralised bargaining system, occurred. In this system, a centralised structure of collective bargaining was established with a parallel co-ordinating structure for the various bargaining levels. Centralised bargaining took on the dual role of controlling the agreement structure and linking the social partners and the State¹. Macro-economic bargaining became an established feature of industrial relations. Whatever evaluation is made, it became the main industrial relations tool to control growing inflation and stabilise conflict situations.

Third period (1986-90)

In the 1980's centralisation was replaced once again by decentralisation in many aspects of social and economic life, and not only in collective bargaining. The drive towards decentralised bargaining, encouraged by technological change, came mostly from the employers who for the first time took the initiative in industrial relations. Decentralisation went hand in hand with a tendency towards a fragmentation of collective bargaining, a reopening of pay differentials and a differentiation of industrial relations models. More recently, "deregulation" has become a dominant theme, used controversially against the rigidities of a regulatory approach, not only in industrial relations, but also in social life.

All these phenomena are aimed at greater flexibility in industrial relations. A growing need for flexibility is expressed by companies under pressure from the changed market conditions of their product including growing variability and unpredictability of demand, high interest rates and intense international competition. Flexibility in all its aspects is greatly favoured by new technology and consequent innovations in organisation and production. Many of these trends appear to some people to reduce the opportunity for "consensus seeking" as an instrument for regulating and stabilising industrial relations. Others feel that these same trends increase the opportunity for stable industrial relations.

Returning to the environment, this third period is characterised by a shift and expansion from "working environment hazards" to "environmental hazards". At the end of the 1970's the decline of trade union interest in environmental and health problems met with new and tumultuous feelings within Italian society. Industrial relations, and especially the initiatives taken by the trade unions had come to a halt at the factory boundary, unable to identify negotiating instruments suitable to control the impact on the surrounding area and on the natural resources. But society had moved on. Bhopal, Chernobyl and the referendum on nuclear power all provoked an explosion of ecological and environmental organisations and movements, finally reaching the trade unions and the employers' organisations.

At first, the connection between environmental conditions inside and outside the factory was not clear, and it was too early to identify positive research and innovations stimulated by environmental concerns. But the collective agreements of 1986 clearly opened up the issue of "environmental hazards" and produced controls covering the relationship between the factory and its surrounding area, the use of resources and external pollution. With these agreements the social partners again faced the much more complex and difficult concept of "the environment".

Today none of the social partners can deny the importance of environmental issues. This is not only because there is pressure from the mass media and green movement, but also because any management failing to include an environmental component in its policies is disregarding the relationship between the company and its image and between the product and its market. Environmental balance has also become an objective for both management and trade unions.

The crux of the matter is that the environment cannot be an additional objective but must be incorporated into all employer and trade union policies. There has been speculation, particularly within the unions, that "green industries", such as that manufacturing pollution control equipment, will mean an increase in job opportunities. But, it is likely that rather than produce additional employment it will be used to employ workers rendered "mobile" because of the suspension or the closure of polluting industries.

2. THE LEGAL FRAMEWORK

2.1 Introduction

The Italian legal system does not directly address the issue of industrial relations through regulations governing the environment and health and safety. There are unwritten practices and contractual agreements between the parties, including the state administration, which give new scope to the system of industrial relations including the environmental sector. A brief overview of certain laws concerning the environment and health and safety follows in this section.

2.2 Environmental legislation

In 1986 the first piece of environmental legislation containing legal rights was introduced, and this year can therefore be considered as the year which introduced the "right to the environment". Prior to 1986 environmental protection legislation did exist, but law no.349 setting up the Environment Ministry gave formal recognition to this right to all citizens, in particular the right to information on the state of the environment and any changes in it. Although the Environment Ministry came into being in 1986, it was from 1988 on that a real body of laws on environmental protection began to be enacted. The most important EC Directives on the environment number one hundred and twenty nine, eighty nine of which have been incorporated into national law and seventy seven of which are fully in force.

However, environmental legislation in Italy is basically in line with EC legislation, from Directive 501 on "major hazards" known as the Seveso Directive, to those establishing threshold limit values for sulphur dioxide, lead and so on to that requiring an environmental impact assessment in the case of major developments.

To return to the main topic of analysis, industrial relations, it should be pointed out that only two of the laws mentioned identify or indicate "procedures for the practice of industrial relations" and set out the role of the main actors, employers and trade unions. Article 12 of Presidential Decree no.175 (the Seveso Directive) states that information given to workers and

to the trade union movement is of value in determining the "hazard index for major hazards". Article 7 of law no.349 regulates "areas with a high risk of environmental crises" and provides for the establishment of state and regions committees whose members also include, as an experiment, employers' and trade union organisations. These are examined in more detail in the following sections.

2.2.1 Areas with a high risk of environmental crisis

The legal entity of "a high risk area" came into being with the law establishing the Environment Ministry. Article 7 of that law states that those areas "characterised by serious alterations of their ecological balance as regards water, air or land, are to be declared -by the Council of Ministers (the Italian Cabinet) on a proposal by the Environment Ministry, in agreement with the regions concerned - to be areas with a high risk of environmental crisis".

In this declaration, the objectives of reclamation are identified. The pollution recovery and reclamation plan details the action necessary action to restore environmental balance. If the region or regions involved fail to implement the plan, the Environment Ministry is to intervene and must take direct action. The features of this environmental policy instrument are:

(i) a shift to central government, under the Environment Ministry in consultation with the regions, of the power to take action in these "crisis areas". In Italy, environment policies are normally under the control of regions or communes, which often fail to exercise their regulatory functions. In this case, the Environment Ministry is responsible for coordination and planning action programmes, but also, when necessary, can completely take over as the responsible authority;

(ii) the establishment of the state and regions committees, an important coordinating body which can include, apart from Environment Ministry representatives who presides over it, the minister of health, industry, agriculture or marine depending on the topic being discussed; the regions, provinces and communes (the local administrations) involved in the "risk area"; experts from the state technical services or other technical and scientific institutes; representatives of companies present in the area; trade union representatives and works

councils involved and representatives of environmental organisations at local and national level. Indeed all the actors involved in the environmental dispute.

This new committee for handling environmental disputes has led to some significant results in two of the most difficult cases in Italy, the Valle Bormida involving the Acna chemical company in Cengio; and the chemical company Enichem plant at Manfredonia.

Environmental disputes often arise outside the factories and involve various social actors. These disputes need to be resolved in a neutral way, almost by arbitration, in order to take account of all the different views and the state and regions committee is a suitable body for this. It encourages agreement on reclamation plans, but also leaves the parties free to engage in unilateral actions of commitment, letters of intent, agreement protocols or even to reach simple verbal agreements. The philosophy is to aim for a result even if this involves freely entered into unilateral agreements. It is no longer always an exercise imposed from above but rather a joint search for a compromise which can be accepted and achieved in agreed time limits.

2.2.2 Draft agreement between the Environment Ministry and the trade union federations, CGIL, CISL and UIL.

Environmental policy has reached an important turning point where either a basis is laid for a move away from emergency measures to real planning, or environmental policy in Italy will become deadlocked and totally out of line with the new European Context of 1993. The Environment Ministry and trade union organisations agreed on the need to identify operational instruments, resources, decision-making processes and administrative channels suitable for an environmental protection policy, beginning with a 1992 Financial Act.

In order to promote such a policy the parties agreed that:

the trade union organisations will meet with the environment minister to discuss the drafting of a new three year environmental programme from 1992 to 1994 giving special consideration to all aspects involving environmental reconversion policies, the impact on employment and innovative processes;

within the framework of the new Committee of the State Departments (CIPE) decision implementing the three year programme, provision will be made for allowing trade union organisations to submit projects relating to research, monitoring, training, education and new jobs;

the environment minister recognises the need expressed by the trade union organisations to fully participate in the state and regions committees of high environmental risk areas. The minister will promote an experiment which, based on area by area monitoring, will gradually ensure the presence of the trade union movement on such bodies. Initially priority will be given to those areas where the environmental crisis is most linked to industrial activities.

Furthermore, in view of the publication of a map of areas with the highest concentration of industries posing a risk of major industrial accident by the Ministry (pursuant to Presidential Decree 175/88), it was agreed that the trade union organisations CGIL, CISL and UIL would join the committees which are to operate in such areas.

Agreement has been reached on a number of areas concerning environmental programme agreements which the minister has signed or is about to sign with major public and private groups. These include consultation with the minister with regard to the trade unions' programme agreements, highlighting of all aspects of the programme which may involve negotiations with trade unions, and that negotiations will involve the Environment Ministry, the Labour Ministry and the various companies concerned.

2.2.3 Future environmental legislation

The draft "eco-audit" directive and the comments submitted by the CES at a meeting on 12 June 1991 with the management of DG.XI (the directorate general of the European Community with responsibility for environmental issues) have resulted in a great deal of interest in this new area of industrial relations. The directive is concerned with environmental impact and the use of resources. It provides for "company committees" on the environment; access to environmental information; audit of results achieved through environmental measures; the promotion of harmonised standards for the management of environmental resources at firm level and an annual presentation of a "declaration on the environment"

by plant managers (The Draft Regulation including the observations of the ETUC are enclosed).

2.3 Legislation on the working environment

If environmental questions are considered as being inextricable from the general problem of protecting the health of workers and citizens, then there are starting points in legislation. Article 32 of the Italian Constitution declares, "The Republic protects health as a fundamental right of the individual and an interest of the community." No consideration is given to the protection of environment, although article 9, speaking of culture and scientific research, specifies that "The Republic protects the countryside and the nation's historical and artistic heritage."

Similarly the Workers' Rights Bill, which is the fundamental law regulating labour and union relationships, ignores environmental questions while strenuously reaffirming the protection of the physical integrity and health of workers. Article 9 states that "Workers, through their representatives, are entitled to monitor compliance with standards to prevent accidents and occupational diseases and to promote the study, preparation and implementation of all measures necessary to protect their health and physical integrity".

Law no. 833 of 1978, known as the Health Reform Act, assigned the power of inspection, control, and health protection and prevention in factories to local health areas (Unità Sanitarie Locali - USL), referring to the more general protection of the external environment, the living environment of workers and citizens. The control of workers' health and safety and the quality of citizens' life in Italy is still assigned to the local health areas. National laws governing health in the workplace and the prevention of occupational accidents date back to the 1950's (DPR no.303, 19 March 1956 and DPR no.549, 27 April 1955). On the 17 August 1991 the government issued a new legislative decree implementing European Community (EC) directives pertaining to the protection of workers from exposure to chemical, physical and biological agents in the workplace. Article 5 of this decree provides for "a discussion of information relating to specific risks caused by exposure to chemical, physical or biological agents, as well as control by workers and their representatives on the application of protection measures".

The entire issue of workers' health and safety is undergoing legislative review in Italy. Parliament has delegated the government to implement all EC directives relating to health and safety, including the so called "framework directive" which is of much interest to the industrial relations actors. At the same time, a parliamentary commission is consolidating the legislation into a single Act. It is interesting to note that this parliamentary commission, known as Lama commission after the name of the Senator who is chairing it, has already drafted an initial bill which provides for the appointment of a "safety delegate".

The safety delegate would be appointed as a representative of the workforce to control health and safety standards and to promote, together with trade unions, public services and employers research and development of any solution necessary to improve working conditions in the workplace. Under the proposals, the safety delegate is entitled:

to verify and monitor compliance with health and safety standards in the workplace, as well as environmental regulations relating to wastes, effluents and emissions and the handling and storage of hazardous substances and preparations;

to inform and warn workers, corporate agents, prevention services, trade union representatives and managers, of any risk identified;

to propose, during periodic meetings, all necessary preventative measures;

to express an opinion on the prevention plan which the employer (management) is required to prepare within three months from the enactment of the legislation. A training plan constitutes an integral part of the prevention plan.

In case of non-fulfilment of these regulations the safety delegate must inform the competent authority. In case of any imminent or serious danger the safety delegate must promptly inform workers who have the right to refuse dangerous work: "Every worker has the right to suspend his work in the presence of the risk caused by the violation of health and safety standards in the workplace, whether or not there is a violation of the legal regulations"

Even the early EC programmes of action on health and safety tended to promote the participation of the social partners in decision-making at all levels, in particular at plant level. Now more than ever, EC policy sees the participation of social partners as an important, indeed essential, tool in the planning and implementation of any initiative designed to improve working and living conditions.

This policy is developed and given effect in Directive 391/89, the framework directive, which singles out (article 11) the "consultation and balanced participation of the social partners" as the hinge of Community and member States policies. The directive contains a number of requirements relevant to industrial relations ranging from the recognition of "workers' representatives with specific functions in the area of health and safety" to provision of information, preparation of training and prevention courses and consultation (article 6) of social partners as well as the planned introduction of new technologies and their impact on the organisation of work (Directive 391/89 enclosed).

3. VOLUNTARY AGREEMENTS BETWEEN THE INDUSTRIAL ACTORS

3.1 Introduction

In Italy the voluntary arrangements, namely national collective agreements, company agreements, territorial agreements and those negotiated at the workplace, are the most important source of environmental industrial relations. Direct negotiation between employers and workers at branch, company and workplace levels, have established rights and obligations for both parties on matters concerning the environment. These agreements shape the new models for industrial relations based on "confrontation" and "joint decision making". The analysis that follows takes account of national collective agreements in the manufacturing sector, agreements between the Employers Confederation (Confindustria) and trade unions, agreements signed by large manufacturing groups and territorial agreements.

3.2 Agreements at National level

In June 1991 negotiations between Confindustria, the trade union federations and the government began, aimed at redefining the wages structure, the "bargaining model" and other mechanisms ruling certain contract matters, for example the "sliding-scale" wages index mechanism. The environment was included among the topics selected for discussion.

Negotiations were based on the theory that in order to solve environmental problems, the following are necessary: placing environmental requirements in the economic and social fields of the social development process; defeating the "culture of catastrophe" i.e. deindustrialisation and recession; considering recourse to "conflict" as a residual and extreme form with regard to environmental policy interventions and confirmation that solutions to environmental problems depend upon a correct technical know how and certainty and applicability of standards.

This would involve the expansion of the industrial relations system to allow the joint evaluation of environmental matters; the "time, ways and means" for initiatives, including joint initiatives, to be taken at every level of the state administration and the proposal of solutions that are in line with the processes of the economic and social development of the country.

An organisation known as an environment observatory has been proposed which would manage confrontation between unions and employers in areas such as environmental legislation, with possible proposals being submitted to Parliament and government; develop projects and suitable policy instruments, including financial ones, aimed at encouraging industrial reconversion, labour mobility and relocation; carry out and suggest research in the environmental field and undertake vocational training initiatives on safety and environmental issues.

In addition the observatory would give support to the three sided confrontation between government, unions and employers' organisations for planning environmental policy interventions which entails a great deal of work for those responsible for industrial relations within companies and trade unions. Although at national level agreement has not yet been reached between Confindustria and the trade union federations, at regional level in Lombardy, an important agreement was signed 10 July 1991 by the association of Lombard employers (Assolombarda- the most important in Italy) and the Lombard CGIL-CISL-UIL.

In this agreement the contracting parties acknowledge that health and safety and the environmental issues are matters of high-priority for all social parties involved. They agreed upon the setting up of a joint commission for the study of environmental problems with its headquarters at the Assolombarda. The commission has various functions, including encouraging initiatives in the field of vocational training on environment and safety at work and acting as a support body in the case of a legal dispute and facilitating conciliation between company management and union representatives. Such interventions must occur on a voluntary basis and at the joint request of the parties involved prior to appeal to the courts. The commission also carries out research on fundamental environmental problems both inside and outside the factory, and into possible reconversion in the manufacturing sector and the relocation of factories from one industrial area to another.

3.3 Agreements at sectoral level

At present the sectoral level in Italy is the basic level of collective bargaining, the real forum on almost all questions of industrial policies and the organisation of production and work and there are three levels. The first is the one which produces the industry-wide agreement and the actors involved are the trade unions federations representing the occupational workers' groups on one side, and the employers' federations representing the sector on the other side. For example, in the chemical sector, there is the FULC (Federazione unitaria lavoratori chimici, united federation of chemical workers) on one side, and on the other the Federchimica-ASAP (Associazioni degli imprenditori chimici privati e pubblici, Associations of private and public chemical employers).

After the collective agreement, which can remain in force for three or four years, has been signed there is a second level of bargaining, the so-called "group accord" and finally a third one at workplace level. The second and third levels form a part of the decentralised bargaining process, which for some years has tended to emphasise the plant rather than the industrial group.

The sectoral level, in particular the industrial-wide agreements, are highly important tools for negotiating procedures, relation models and content of environmental questions. The collective agreement between ENI and the chemical and energy workers' union back in 1967 provided for "prevention and safety committees" designed to guarantee health in the workplace.

Today the collective agreement for the chemical sector is the most advanced as far as environmental industrial relations are concerned. From an examination of national agreements currently in force, it appears that those signed in the metal, textile and other sectors, although providing for health and safety in the workplace, only marginally deal with purely environmental questions and fail to provide for "ad hoc" relations and procedures.

The industry-wide agreement for the chemical sector promotes industrial relations models open to the possibility of joint responsibility and decision-making. The most important points of the environment chapter, article 42, of this agreement (enclosed) are summarised below.

This article formally recognises environmental representatives, workers representatives responsible for bargaining on environmental issues, the committee for health protection in the working environment and the environment commission, formed by environmental representatives from different production areas. A training course of a minimum of 150 hours for environmental representatives at the firm's expense is provided for.

Article 12 reconfirms all the rights and powers already outlined in previous contracts and attributed to CdF (Consigli di Fabbrica, works councils). Discussions with company management are provided for on investments aimed at improving environmental and ecological conditions; training programmes designed to improve safety; topics concerned with atmospheric emissions, discharges into water ways and solid wastes; regulatory initiatives at national or EC level concerned with safety, health and the environment; problems relating to carcinogenic or mutagenic substances; plant safety files; safety reports which must be submitted to the Environment Ministry and technical solutions and innovations to prevent or control risks.

There are two interesting points in Article 12. If management wishes to introduce new substances in the production cycle, the use of which could give rise to new health or environmental risks, or alter the production cycle by new technologies and possible new risks, this should form the subject matter of a "prevention dispute" between the works council and management. And in companies with more than 300 employees, an environment programme must be presented at a special meeting. This must contain management goals with regard to environmental improvements made to products, technologies and infrastructures and how these improvements will influence the environment and health and safety conditions both inside and outside the plant.

Article 42 paragraph 5 provides for the examination by management and the works council of recovery and or restructuring programmes for environmental and safety reasons involving major changes to plant, or the total or partial cessation of the plant with job losses. During the examination of the recovery programme, which could last 20 days at the most from notification from the company, unions and employers should not unilaterally take any step resulting in dispute.

Article 43 of the agreement governs "prevention, hygiene and safety at work" and includes new procedures and puts a greater emphasis on environmental industrial relations especially as regards information and the safety training of workers (safety index card for hazardous substances used, index card for plant characteristics).

The most innovative part of the agreement is the chapter governing "Industrial Relations" and the provision for the establishment of a national observatory. The agreement says,

"The association of chemical employers (Federchimici-Asap) and the chemical workers union FULC, aware of the important role played by industrial relations in contributing to the solution of economic and social problems and guiding the action of its representatives, in the light of past experiences, call for the constitution of a "national observatory" in order to provide their own contributions and proposals for the formulation of trends in the safety and environment field".

The observatory will be made up of representatives from trade unions and employers and will have the following responsibilities,

- a) comparing each other's attitudes in relation to the development of national and EC standards on environmental issues, and selecting possible proposals to be submitted to the competent authorities;
- b) carrying out joint evaluation of initiatives in environmental and safety areas;
- c) monitoring the development of environmental and safety conditions in the sector, taking account of fundamental problems connected with product technology, plant relocation or recovery programmes;
- d) identifying common proposals to facilitate the management of legal obligations and methods of interaction with enforcement agencies;
- e) identifying content and structure to promote environmental and safety training, with particular reference to company appointed technicians and members of the committee for

health protection in the working environment;

f) dealing with topics concerning atmospheric emissions, liquid and solid wastes on the basis of available knowledge and

g) examining problems relating to carcinogenic or mutagenic substances.

3.3 Agreements at Company Level

Two typical agreements signed are the agreements reached between the domestic appliance manufacturing company Zanussi (owned by the Swedish multinational, Electrolux) and the Federazione dei lavoratori metalmeccanici, FLM (Federation of metal and mechanical workers) covering 15 000 workers; and between Enichem, an Italian chemical company owned by Ente Nazionale Idrocarburi (hence "a state holding" but well known also abroad) and the FULC covering around 40 000 workers.

The Zanussi agreement follows the co-decision making industrial relations model. The agreement provides for the setting up of joint committees with decision-making power on a number of issues, such as environment, vocational training, technological innovations, company canteens and so on.

"A dispute between the parties", said Luciano Scalia, the national secretary of chemical union FIM-CISL, "will always be prevented, because a decision has to be reached within the committees after a thorough discussion".

The Enichem-FULC agreement is based on the theory that the environment may become a theme around which to experiment shared models of responsibility involving the industrial relations actors, employers and workers. In order to encourage openness and increase the flow of information, the parties agreed to set up a joint committee able to examine environmental situations. In carrying out its duties, the committee will review and deal with problems posed by the existing technical production organisation in factories, seeking to identify solutions necessary to improve environmental compatibility. This joint examination

should allow a moving away from an environmental policy based on "end-of-pipe" interventions, such as waste treatment and dust arrestment, to an innovative policy focused on "clean technology".

The agreement also provides for access to information and environmental training aimed at enhancing workers' technical and specialist knowledge regarding the environment and safety in order to increase awareness about environmental issues. The chapter on training concludes that it is essential to further strengthen the level of participation and involvement of those concerned in the production process.

Specific commitments in the agreement concern the replacement of highly polluting mercury cells in the production of "chlorosoda" with "membrane cells" which are more environmentally compatible; and the reduction of carbon dioxide and sulphur dioxide emissions; completion of the waste water purification system; reduction in water consumption through new cooling plants; monitoring the waste disposal system and carrying out environmentally orientated research and development.

3.4 Agreements at Local Level

The industrial actors have been involved in agreements concerning the local environment involving area planning, the rational management of waters within a hydrographic basin, the transport system, the management of discharges and waste disposal, the reclamation and rehabilitation of former industrial sites and area, the decentralisation of activities, the use of reclaimed and rehabilitated areas, the quality of air or water within a district or city and areas set aside for public green spaces and parks.

The agreement concerning the resiting and relocation of several petrochemical plants in the Genoa region (involving oil and chemical companies I.P., SAAR, ESSO, PIR Carmagnani and Superba) was signed not only by the unions in the area, the employer associations and chemical companies, but also by the Genoa City Council and the Genoa Port Authority.

The agreement concerning the improvement of air and water quality in the Val Chiavenna valley in Lombardy included the improvement of atmospheric emissions from several plants owned by the metallurgical company Falck, changes in the methods of disposal of industrial wastes and effluent, monitoring systems, epidemiological studies of the population in the Val Chiavenna in relation to the effects of chromium emissions, and presentation of a general plan for the environmental reclamation of the Val Chiavenna district. It was signed not only by Falck, the works council and trade union organisations, but also by representatives of the mountain communities, the mayors of the various villages in the valley, environment movement representatives and the Environment Ministry.

The "Utopia" project provides for the relocation of most steel works in Italy from Genoa and Naples to more appropriate areas for environmental reasons. This project, presented to the parties by the minister for economic planning, was examined and discussed until a preliminary agreement was reached which led to a "programme agreement" (enclosed). This was signed by the Italian government (minister for the environment and economic planning of urban areas), the presidents of the regions concerned, Liguria, Tuscany and Campania, the mayors of the municipalities concerned, CGIL-CISL-UIL trade unions, IRI, the most powerful public economic institute and ILVA, the iron and steel firm concerned.

The programme agreement has become one of the instruments for joint decision making on environmental programmes. Other developments are still undergoing discussion, in particular reclamation of the Po river and the Adriatic sea, which has been affected by algal growth as a result of excess nutrients (eutrophication), defence from high tides and reclamation of the Venice lagoon and improvement of air quality in Milan.

At this local level of negotiation new actors are involved who although are only informally provided for within the industrial relations system, play a full role of decisive importance in dealing with environmental questions which concern them. These new actors include environmental organisations, communities, local bodies, and industrial unions.

4. POLICY STATEMENTS, DEMANDS AND CAMPAIGNS

4.1 Introduction

Today no citizen, whatever their social class or educational background, would feel able to deny that environmental problems exist. But not all agree on the action that must be taken in order to make development compatible and sustainable. Some blame technological development and hope for a return to pre-industrial society. Others believe that it is too late to do anything and wait for the catastrophe. A third group believes that the solution to environmental problems cannot be attained by rejecting science and technology, but rather through a different kind of development.

Workers and employers, as principal actors in the industrial relations scene, have for some years seen society gradually recognising the central importance of environmental questions, but their attitude was one of "wait and see", considering the issues as marginal to the industrial relations system. In Italy this waiting time was longer than in the other Community countries. The disaster at the Icmesa chemical plant in Seveso, the explosions in chemical plants at Manfredonia and Priolo, the accident in the chemical Farmoplant at Massa Carrara and the eutrophication of the Adriatic, were not enough.

In short the real pressure has come from outside, from the green movement, the press and politically progressive scientists and magistrates. Only recently has remedial action been taken with new rules being developed within the industrial relations system allowing dialogue not only on questions concerning workers' health but also environment protection.

4.2 Management and Employer Strategies

Following a period of uncertainty, it is now several years since the Association of Italian Employers made a significant commitment to environmental topics, promoting a whole series of activities ranging from the establishment of an industrial-environmental association and an environment institute, to the publication of a review called "Impresa-Ambiente", to arranging a series of seminars and meetings on environmental questions.

The president of Confindustria, Sergio Pininfarina, stating the ecological commitment of Italian firms declared, "the protection of the environment is not only compatible with economic development, but the ecological problem, if correctly tackled, can indeed be a powerful factor for development and improvement of society. Industry has the necessary technological know-how to adopt suitable solutions for removing pollution from land, air and water." 2

Confindustria calls on the state and public authorities for discussion. It maintains that the main objective must be to provide incentives for less polluting production processes without distorting competition or hindering fiscal harmonisation. It claims the right to participate in the preparation of environmental policy in Italy, given that companies are active protagonists in the environmental policies of the country, due to the obligations and responsibilities which fall on them.

Confindustria has prepared six themes on environmental commitment. These are compatibility between development and environment; compatibility between technology and nature (confidence in human abilities); consistency of decision taking in uncertain situations; the link between the level of environmental protection and costs (individual and collective); the environment as a global problem (international cooperation), and the circular nature of the problem (relationship between the internal and external environment of the workplace).

As regards individual companies, some of them are more aware of environment issues than others. But there is no doubt that "anyone who has not yet understood the central importance of this theme will sooner or later be forced to do so, because it is going to be increasingly difficult to run a business without providing a managerial and strategic structure able to tackle environmental issues" (Carlo M. Guerri, Professor of Political Economy - Genoa Impresa - Ambiente, no 1, 1990).

This is true for two reasons. The first is that environmental legislation will inevitably increase and the second is that the employer will also have to cope with both the company and the consumer market which will increasingly reward companies which produce goods compatible with a more protected environment and whose production process is ecologically clean. The spread of a proper environmental culture will have a growing impact on companies in terms of collective consumer demand. The products which receive most attention from an ecological

point of view will be those most highly rewarded by consumers in the marketplace. This means that even those companies which today play a passive role in relation to the environment will have to face the problem and to play "a self-regulating role" in promoting environmental issues.

Some large companies in Italy, have already done this. For example, chemical company Ferruzzi-Montedison has launched a new biodegradable plastic material made of natural ingredients and ENI produces "green" petrol with a low lead content. These two companies have set up environmental departments and work to create an "environmental culture" through training courses. These are very large companies whose operations have a high risk of environmental hazard and which offer opportunities for trying new ideas in industrial relations and the environment.

The trade union organisations and works councils are trying out joint decision processes with them. These have not yet reached the "right to participation" stage, but the "resistances" to developing a more courageous role of industrial relations are beginning to give way to a new attitude of "willingness" in these companies.

4.3 Trade union strategies

For the three big trade union organisations in Italy, CGIL, CISL and UIL, the biennium 1989-1990 was dedicated to the environment. National meetings, programmes and public initiatives were undertaken to express the commitment on environmental questions from health protection in the factory to the wider protection of the environment, from working hazards to environmental hazards.

At the end of the 1980's the referendum on nuclear energy saw a large part of the workers' movement take a position against this type of energy, but there was no move to a wider vision of environmental balance. Today the environment is part of the consciousness of many union leaders, and has been officially ratified in the statements by Franco Marini, the General Secretary of CISL during the May Day celebrations (1989, May, 1 - Venice), by Giorgio

Benvenuto of the UIL, in "Verde UIL", and in the report presented by Bruno Trentin, General secretary of CGIL, at the programme conference held in Chianciano in 1989.

According to Trentin, the "quantitative development of the economy, the growth in the production of goods and services, and the development of employment, are increasingly clashing with objective structural limitations, of which our collective culture is becoming gradually aware; they must deal with ever closer constraints. What are these limitations and these new constraints? First of all, the limitation represented by the possible destruction of the ecological balance in the world. Reconciling development with health, the biological progress of people, subjecting this progress to the constraint of a different relationship with nature, guaranteeing its survival and growth, means taking on ourselves, as trade unionists, the objective of managing development in such a way that environment, health, ecology and culture can be created as well as goods. It means rethinking our idea of development in terms of energy saving, in terms of product duration, in terms of product quality".

This statement of principle is matched with a full-scale programme of work from the environment department of the CGIL (the CISL and UIL also have environmental programmes). The different aspects of this programme which range from the greenhouse effect and CFCs to a re-examination of the debts of developing countries (the relationship between North and South in the world) with a direct and immediate impact on industrial relations are listed below.

A draft proposal for reconvertng production facilities so as to make them environmentally consistent; handling the implementation of the "Seveso Directive" in the workplaces involving the compilation of safety cards, safety reports and procedures for workers' information and training; the application of procedures for evaluating the environmental impact of new investment (the environmental impact assesment); making contact with the government to encourage scientific research for environmental purposes, capable of producing major innovations in production plants; environmental controls, environmental registers, environmental budgets covering plants and industrial groups; regional disputes (the Adriatic dispute, the Venice dispute); agreements and contracts at national and company level; application of EC environmental policies and harmonisation in a view of 1992 and the Single Market; use of economic

instruments for environmental purposes; integrated management of resources in major hydrographic basin and reform of the Environment Ministry.

Trade union organisations have also developed relations with environmental organisations which often play fully active roles in negotiating environmental questions. Joint seminars and informal meetings have been organised with environmentalists, in order to debate areas such as proposals for legislation.

There are also environmental organisations, including one called "Ambiente e Lavoro" (Environment and Labour), which are very close to the trade union organisations, in fact almost an offshoot of them. Its headquarters are in Milan, and as well as performing a significant service function for union branches and works councils, it promotes initiatives and meetings involving employers' associations, the Environment Ministry, specialists working on accidents prevention and the protection of health and the environment, and the trade union movement itself.

Rather less impressive is the area of "emergency management". Accidents, contravention of standards and water and air pollution require the unions, employers, green movement and the public authorities at different levels to meet and agree positions very rapidly to deal with these emergencies. The lack of legislation and the threat of job losses means that workers and trade unionists at local level often adopt positions which are not fully consistent with their own union's programmes and environmental commitments. Italian unions are in the early stages of environmental policy and action and inconsistencies are to be expected as they try to overcome the "emergency" point of view which results in a choice being made between employment and environmental protection.

4.4 Green Movement Involvement in Campaigns

In Italy, the Green Party and environmental movement, as well as demanding more environment-friendly production processes, have advanced complete proposals for reconversion in the plastics and agricultural chemicals sectors. In some regions laws have been passed granting incentives to alternative production, for example biological agriculture.

One line adopted by the environmentalists is participation in shareholder meetings through the "green shareholder movement", demanding major modifications in processes or products. This has been done in Montedison, Fiat and Sip, for example.

Company managements and trade unions have been willing to undertake informal and formal arrangements with the environmentalists, researchers and the scientific world in order to implement, where possible, environmental reconversion. Environmental organisations are often involved in environment negotiations. Trade union organisations often act together with them in embarking upon new initiatives, such as the holding of joint seminars and formal and informal meetings to air opinions on, for example, new legislation. Recently trade union organisations and the most important environmental organisations, the Lega Ambiente (Environment League) and the Friends of the Earth, have drawn up an interesting "draft bill for reconverting productive activity for environmental purposes".

This, officially presented to the press, all parties involved and parliamentary groupings, calls for the creation of a fund for financing reconversions, a technical body under public control to assess the state of environmental crisis and prepare a recovery plan and a "green" wages supplement fund for those workers temporarily unemployed while awaiting re-employment in environmental friendly production activities.

But there are also cases, for example Acna and Enichem of Mafredonia, where relations between trade union organisations, employers and the green movement are not good, indeed almost violent at local level. Until recently collaboration, even where there is a total clash of views, has always been salvaged at national level with the assistance of associations of national interest, linked to the green movement.

5. CURRENT ENVIRONMENTAL CONFLICTS AND THE INDUSTRIAL ACTORS

The attitude and behaviour of employers and trade unions facing important environmental conflicts is difficult to summarise. Attitudes are sometimes contradictory and require a deeper complex analysis. For example, both trade unions and employers' organisations agree that it is necessary and urgent to restrict economic growth and enter the culture of sustainable development. But it is almost impossible to set limits to some processes, such as cars and pesticide production, construction of buildings and new roads, or the use of plastics. In several public initiatives employers and workers have discussed industrial reconversion but this has not been taken seriously.

Results have been achieved in the nuclear field and are continuing. Following a referendum that saw the trade unions sided against nuclear energy for civil and military use, the industry has been completely reconverted so that nuclear power stations now work with natural gas in Italy. In 1991 the debate concerning the usefulness of nuclear research was reopened. And with regard to the greenhouse effect and ozone depletion and the elimination of fluorocarbons and control of carbon dioxide and sulphur dioxide emissions, the Environment Ministry launched a programme which gained the consent of the chemical and energy industry and trade unions. But initiatives aimed at controlling and reducing the noxious emissions of cars exhaust, or closing city centres to traffic have been hindered.

A number of large companies such as ENI (Ente nazionale Idrocarburi - the national oil corporation) appear to be seriously committed to the study of North-South global relations and in particular the problem of protecting the Amazon region in view of the United Nations conference in Rio de Janeiro (1992) on environmental problems (1).

While there have been some successes which suggest that differences and contradictions between statements of principle and real behaviour do not exist or are very limited, in reality there are some areas, for example water conservation and waste disposal, which constitute "areas of contradiction" especially with reference to the conduct of small businesses. The disposal of industrial waste in Italy is the most critical area where there are many cases of illegal practice.

Relocation and recovery plans tend to be accepted by employers but the problem of who pays the costs has not been resolved. The shutting down of incompatible industrial plants gives rise to strong resistance both by trade unionists and employers. A striking example is that of the chemical company Farmoplant in Massa Carrara. Until the last moment both the trade unions and the company tried to save the plant from shut-down despite a very serious accident. Job losses without alternative employment is a very serious problem that cannot be underestimated or ignored. In the end, the Farmoplant shut-down was unavoidable as public opinion and the attitude of the local authorities left no alternative.

In order to conclude this chapter some recent experiences, both negative and positive where the parties involved behaved consistently with their official statements are related.

On the negative side Isochimica, an asbestos removal company in Avellino, was operating without providing protection from exposure for its workforce and disposing of the asbestos in an unlicensed site. And Balangero mine workers, in Piedmont, continue to defend this mining activity, objecting to the shut-down despite the ascertained risks incurred by workers and the nearby population.

On the positive side, in the agricultural sector, FLAI (the agricultural workers' federation) demanded the elimination of a number of pesticides and a more rational use of some others, to minimise food residues. An interesting consultation process began between the trade union movement and Confagricoltura(the agricultural employers' association), which may yield results which would have seemed unrealistic up to a short while ago. The metal workers' union and Fiat, in a discussion process chaired by the Environment Minister, reached an agreement to discontinue the use of asbestos in car brakes and clutches.

Employees working on insulation in large chemical and energy plants at Porto Marghera, Venice, were allowed by management to replace asbestos with synthetic fibres. And at Alfa Romeo, Milan the works council, with technical assistance from outside researchers, drew up a proposal to replace solvent-based vehicle paints with water-based paints. The discussion process seems likely to produce good results, and it involved environmentalists and the public.

Employers, management and trade unionists are realising that the questions associated with the environment must form part of a specific branch of industrial relations and that they should and can be managed together. The Italian experience shows, however, that there is not yet a genuine awareness of this fact. Very often it is emergency management which makes management and workers aware of what is at stake. This does not give rise to a true "environmental compatibility culture". When the emergency is over the awareness too comes to an end and even the sharing of information is avoided. In some cases, although this is increasingly rare, the process of joint decision-making between management and works councils on these questions are sought only if they can be transformed into an alliance against public authorities, the public, environmentalists and the media. It should be pointed out that there is a new awareness by management and workers in large production units belonging to large public and private groups.

6. SUMMARY AND RECOMMENDATIONS

The review of state and contractual standards relating to environmental industrial relations allows a summary and identification of the innovations both taking place and which may take place in the "industrial relations system". In considering the hierarchical order of laws, certain EC directives already or in the process of being issued are largely instrumental in broadening the scope of industrial relations to the environment, in terms of access to information and participation in decision-making (environmental committees); and the control and auditing of the extent to which the objectives set have been achieved (Declaration sur l'Environnement).

Environmental legislation in Italy has a limited number of standards linking the Environment Ministry which provide for a "negotiated environmental model open to all the social partners affected and concerned by the environmental question up for discussion" as set out in the decree establishing the "areas with a high risk of environmental crisis" and the state and regions committees.

A closer examination of the role of the safety delegate will also be necessary if the bill is passed. This bill would require management to submit each year their prevention and training schemes and would give workers the right to refuse dangerous work.

The voluntary agreements signed by the partners are undoubtedly the most innovative and rich source of environmental industrial relations. These are the most certain, have been in force for a few years and have the advantage of being prepared directly by the social partners on the basis of the experience and facts which have seen the people concerned as real actors in the various situations. Therefore, special recognition must be given to the role played by voluntary agreements at different levels. They are particularly welcome and it must be pointed out that the most innovative ones concern mainly the chemical sector. Negotiation at national and industrial group level is the most prolific, and it is major companies which are mainly involved.

The most important innovations include the reconfirmation of the commission for health protection in the work places and the rights to information, monitoring and carrying out specific research and consultation in advance concerning the introduction of new substances and new

technologies. Mention should be made of the innovative joint declaration by the social partners stating that a model of relations based on co-responsability and co-decision making with respect to the environmental question could be experimented with. It provides for the drawing up environmental programmes in factories with over 300 employees.

The national environmental observatory will become a forum for negotiation. The Enichem-FULC and Zamussi-FLM agreements make specific reference to "agreement hypothesis". Training in environmental matters has become an acquired right exercised by the social partners in several industrial sectors and small firms.

With regard to shortcomings and problems still to be solved, all the contracting parties fail to exercise these newly acquired rights on a continuous basis and it is necessary to further extend the new industrial relations model to all industrial sectors. There should be no difference in the way in which rights are exercised by major companies and medium and small size companies. There should be no question of workers and employers with preferential status complying with new industrial relations models while others find themselves excluded. To avoid this once the "new relations model" has completed the experimental phase, it could be extended to all activities, by passing legislation.

Environmental questions are now being addressed through a negotiation model which attaches priority to a "cooperative approach" involving the participation of social partners begins at decision-making level and not subsequently. Therefore the procedures governing the negotiation process are particularly important. A review of experience in Italy seems to reveal the presence of an "enlarged industrial relation model".

Three phases or spheres of action with respect to the enlarged model can be identified. A first phase where information, training and communication are the key words. Negotiation is and continues to be conducted between the trade union and the employer, but a level of joint responsibility (safety delegate, environmental commission, common research, training on environmental questions) is being provided for.

A second phase is where the negotiation process in many cases sees the participation of local or national experts and authorities and the relationship between the parties is formalised by joint committees, environmental observatories, environmental plans and audits of objectives as provided for by certain national contracts, group agreements and by the "eco audit" recommendation currently under discussion at the European Commission. During this second phase, decisions may be taken between two or three parties. This industrial relations model can elicit the broadest possible consensus because it does not lessen the influence of the traditional actors, the employers and trade unions, but allows contribution from other actors such as ministries or local authorities.

There is a third phase, which in some respects is to be welcome, which may take account of the concept of "enlarged environmental negotiations" and sees the participation of citizens' associations, environmental or consumers' organisations.

The "general model" could be represented graphically in the form of concentric circles (first, second, third phases) allowing for passage from one participation model to another according to the relevant problems and situations. The third phase or "the enlarged industrial relations model" is developing in Italy and may be identified with the state-regions committee. An important suggestion may be to not destabilise the industrial relation already in existence but to proceed gradually. Each practical example should indicate the best type of negotiation to be experimented with. To force situations, to impose a more enlarged model on subjects and actors who are not ready for it could limit the scope of communication instead of broadening it.

In answer to the question as to whether in Italy the environmental question can become an issue around which joint decision-making may be created, employers and trade unions agree that environment is an important area to practice joint decision-making, but the practice is so far under developed.

The EC task force has prepared a report, "The environment and the consolidated market" which stresses that there is still a long way to be covered in order to harmonise environmental policies and laws in Europe and the major commitment required from the social partners to ensure that 1992 will not only promote the single market but also the environment.

Sustainable development can only be pursued through a process of reconversion which should take into account the reconversion of industrial zones or areas to achieve an overall reduction of pollution, the reconversion of the production process to optimise resources and reduce emissions and product reconversion to make goods more compatible with the environment and bring mass consumption mentality back to that of favouring quality to quantity.

It emerges from documents available that the trade union organisations will struggle to achieve all the requirements of EC Directives, national legislation and voluntary agreements concerning environmental matters, in particular the right of workers and citizens to environmental information and for new provisions to extend and certify such rights. The "instruments" which could be used to achieved such rights could be observers, joint committees, agreements and programme contracts.

The right to information and the awareness and knowledge of workers and citizens are fundamental to bringing about the ecological reconversion of industrial activity and the economy, so as to achieve the general objective of improving and protecting the health and safety of workers and citizens. Within this framework it is possible to control, in positive terms, existing conflicts of interest and to strengthen new alliances.

If conditions are to be created to affirm the right of workers to know and to control environmental and industrial risks, and the right of information and of discussion on technological knowledge, all the above should be accompanied by a guarantee of new opportunities for codetermination and acceptance of responsibility by all social parties involved in selecting and defining environmental and ecological constraints.

Environmental cooperation and negotiation facilitates communication between the social partners, fosters the integration of the scientific and political aspects of environmental issues, orientates the consultation process towards the pursuit of solution and promotes joint decision-making. The industrial relations model extended to the environment may promote environmental democracy and industrial democracy.

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