International Journal of Business and Management Invention
ISSN (Online): 2319 – 8028, ISSN (Print): 2319 – 801X
www.ijbmi.org || Volume 5 Issue 8 || August. 2016 || PP—54-60

Freedom Of Expression Between General Categories And Enforcement

Barbara Grandi
lawyer in civil and labour law, Bar of Livorno (Italy)

Abstract :*The author gives a reflection on freedom of expression as a general category in labour law by focusing over the complexity that arise from the globalised context. The author then presents an applied perspective of this theme by addressing it within the forthcoming Italian constitutional reform.*
Key word: *Freedom of expression*

I. Introduction

Territorial interests do influences the shape of the normative environment wherin both the values of labour and of capital find their immediate enanchment.

At the same time, the complexity of a united globalized worldcannot be ignored,because of the many reasons of social, economic and geopolitic that make it convenient. Moreover, such a complexity appears to be the artificial dimension wherin human and social rights can better be appreciated in their universality, in their more absolute meaning, rather then in the relativness of the meaning they assume in the alternance of different level of territorial governments.

It follows that, at the very center of the political debate,there is the matter of how to link concrete needs, rising locally from any territory, to the due respect of universal human rights; the matter is of growing interest once we departure from the perspective of social science's categories in order to embrace technolgies' and religions' categories as well.

A category that stands in the basement of the employment sector, which is particularly exposed to the political conflict,and which precisely touches both the sphere of (new media) technologies and (old) religions,is freedom of expression.

In the conception of freedom of expression any gap between a local and a globlalized perspective of recognition is tangible.

The recognition of freedom of expression as a human right results to be severely different in case of local policies that are accepting positively the globalized integration rather then beingresistentto integration of communities and cultures; in the first case, the right is fully recognized to any single person, while in the second one the government can activate systems of censure. Conversely, a certain recognition of freedom of expression at the local level influences the acceptance of a global-integrative policy rather than a local-integralist one, because of the impact of different ideas freely circulating amongst people.

In labour law, freedom of expression does represent a value that is relevant from both the perspectives of labour and of capital; moreover, it passes through the vehicles of new technologies, which are, together with globalization of markets, the most important factor in modern distribution of income and well-being[1].

Freedom of expression crosses employment categories and employment discipline in many ways: it deeply regards the personal relation between any worker and his or her employer, where individual and collective dimensions are involved; at the beginning of the employment relation,when the definition of the agreement is concerned, during the employment relation, in times of measuring the performance and dealing with disciplinary powers, as well as out of an established employment, in the perspective of circulating in and out from the labour market.

At the collective level, freedom of expression includes freedom of association, and in such a meaning it is meant to set in place any individual labour right just following the genuine consensus expressed from the workers to be represented by a labour union, a labour agency or other entities that would legally operate in their interest.

In labour law the workers' performance and the many expressions that come there along, determine their professional capability, meant as the professional attitude of the person to do the job, as well as in medicine the natural attitude of a person and her/his manifestations of well being or illness determine his or her state of health. In labour law,like in medicine, the attitude of the natural person is described by an artificial language, which links categories of science with natural elements and phsycological states into a technical grammar; the grammar expressing the relation between the person and his employment status can be very complicated, rather

[1] *B. Milanovic, Chi ha e chi non na, Il mulino, 2012, XI (original ed. The have and the have-nots, a brief idiosincrasy history of global inequality, NY basic books, 2011*).

than simple, manipulated rather than direct, or even it can be intentionally used to give a false representation of the relevant facts.
A story of an employment relationship is also the story of the personal identity of the worker and, as in every true story, natural facts and artificial forms are linked but not the same at establishing the social reality.
The more often in modern times, also the fundamental natural distinction between a man and a woman is hidden, not much behind cloths and dressing, as behind legal tools, statutory and contractual, as behind a formal language, that can be set to realize private or collective goalsthat are not independent from the sexual sphere.
Such a playing on expressivity, as on natural and artificial identities, essentially dealing with form of manifestation of one's personality, is far from being the product of the modern society: in all the ancient societies, and in modern science too, we find traces of original-double-faced entities, representing a reality that contains both the positive and negative essence, a coexisting female and male nature, bright and darkand so on.[2]
This must be taken into consideration when dealing withthe many delicate aspects of defining, for working purposes, the worker's personal identity, as well as when dealing with any other actors' identity who would be playing within the employment filed.
To define the worker's and the employer's identity, although within the sphere of the employment relationship, is obviously a matter of dealing with fundamental rights. To define an enterprise's identity can easily become a matter of politics, as I will specify later below.
The Italian legislator was conscious about such implications when he recently reformed organizative aspects of labour law like the power to control the worker's activity from distant device and the employer's power to manage the workers' job position[3]: the matter of control has been newly dealt with by referring to protection of one's privacy, and the matter of management has been dealt with an increased flexibility. Both these rulings are affecting the definition of the single worker, as well as of group of workers operating togehter for a unique purpose or doing the same type of job.
From the workers' individual right perspective definintion of one's identity is fundamental to prevent any authoritative definition of the worker's personality, especially in consideration of what is thought to be beneficial from a so called capability approach, wherin workers can be asked to partecipate to the enterprise achievements with different attitudes. To collectively identify workers upon the contractual category that defines their job position,rather then upon an assigned function in achieving particular goals,could lead towards severe misunderstandings as for the involved labour rights as well as fundamental human rights.

II. Discrimination Law As A Normative Frame Granting Freedom Of Expression.

Freedom of expression as a fundamental right is a legal concept that easily turn to be misused, as every fundamental right having a general structure: anyone might claim a human right on a self-established reference, essentially by adopting an authoritarian manner against measures that are simply going against his own interest. The jurisprudence, in Italy as well as in Europe and worldwide[4], is slowly demonstrating, despite cultural resistance and traditional pregiudices, that human rights can be claimed and recognized instead, but for the necessity of them to be strictly contextualized within the historical facts as just relevant for the case, as well as within the specific normative frame.
Discrimination law represents the main normative reference and a basic tool for granting freedom of expression locally and worldwide, and it involves all sources of law, from the individual contracts to constitutions.

[2] Some examples from ancient cultures are reported in *D.Piantaniga, La chiave perduta, magia degli antichi egizi, Atanor, Grafiche editoriali, 2004*; in the holy bible, Jesus said, replying to those asking about the time when the kingdom of God would have come: "it will be when the two will become one, when the exterior will become the interior, when the man together with the woman will be not masculine neither feminine"; in the kabbala tradition the symbol of "Vau" includes the feminine and the masculine to mean the union and the separation; in philosophy it is since Platon's writings that is present the figure of the demiurge, creator of the universe, creator of the material world and father at the same time; in ancient Egyptian culture the forumle "Mutef" is representing the union of two words meaning mother and father. In modern science too there are fundamental traces of such an inestricable dichotomy, for example theories over the origin of the universe are contemplating an explosion that generates protons (having a positive sign) and neutrons (having a negative sign) that are composing the basic elements of any single atom.

[3] Act n. 184/2014, and its implementing decree D.lgs n. 151/2015 disposed that any authorization by the employer will be required for controlling the worker when using his/her working equipment - only privacy concerns are kept under statutory protection - while in the past art. 4 of the 1970 statute (Act n. 300/1970) provided that no distant control was permitted unless a collective agreement allowed that; the new discipline is not excluding an *ex ante* collective reflection over the way the employer actually exercises the power via the IT system. Treatment of (personal) datas is becoming always more important from a variety of perspective and the way the datas are collected and managed for professional purposes requires a deep concern from anyone who is in position to use them.

[4] In the light of fundamental rights and freedom of expression is relevant the jurisprudence recognizing the legitimity of marriage between couple of the same sex; see the decision from Supreme Court of the United States in the case Obergefell vs Hodges, 2015; Portuguese constitutional Court, decision n. 359/2009; French constitutional court, decision n. 669/2013. Relevant toward the approval of the Italian Parliamentary act on public registers for co-abitation and same sex couples (Act. n. 76/2016) was the ECHR decision in the Oliari and al. vs Italy, released in 2015 July the 21st.

The increasing importance of anti-discrimination laws in the "old continent" too, whereas the anglosaxon culture has given space to this problematic much earlier[5], is explaining an increased social consciuosness in (especially the south of) Europe about the need to deal with cultural attitudes that easily involve the identity of people as well as their dignity when they work[6].

Discrimination laws are set to protect not merely the one belonging to a minority, nor to protect a minority group itself, they rather stay for protecting the fundamental liberty of any victim of a discriminatory intention against the action or the inertia of others, possibly being these single actors, minorities or majority groups that can be directly or indireclty operating for that discrimination to become effective[7]. Discrimination laws act both to prevent and to remedy[8], thus givingorientation on operators at all levels to enanche its principles by practices and legal tools that can mean them at best.

Collective bargaining, both at the national and decentralized level, but more specifically at the decentralized level, is in position to set normative frames and preventive guidelines that can establish a technical grammar, regarding equality of opportunity, continuative learning, and access to information, in lack of which any labour relation might become the place for oppression and infringments of the very fundamental rights.

Collective bargaining, specifically collective bargaining operating "on camp", in the specific employment context, can give a reply to the need of setting rules and indicators where, otherwise, the lack of a grammar regarding forms of expression would there make it easyer to fall into discrimination and prejudices.

Collective agreements and individual contracts are the places where the social dialogue takes place; they are both legal institution wherein commonprejudices – beginning from the one of being the female worker a dependent one (because she is female) and the male worker being and independent one (because he is male) – can be dealt with responsability and in consideration of both the environment and the circumstances that makes that job position the elective choice of employers and employees as well as self employers.

If, on the one side, freedom of expressionis a fundamental key right which is easy to be misused, on the other side the flows of migrants exposes employers, employees and self employers to the need of dealing with such human-universal right without missing to point the concrete multi-cultural context wherin it is manifested or asked to be recognized. In other words, while the natural normative frame for human rights is, and could not be differently, a common and shared one, its recognition requires any interpreter to go down in the specific historical ground where it is claimed and where any normative space for exclusivity could arise, as it happens because of religious beliefs in not secolarized countries, or also because of specific political purposes.

III. Freedom Of Expression And The Political Environment

As collective bargaining can rise the voice for employees and employers in recognition of freedom of expression as a fundamental right, on their part, enterprises too deals with an important right of expression of their own.

Frequently some confusion rises when freedom of expression as ahuman right is considered together with this different right of an enterprise, or juridic person,to express a view that is politically relevant in the given case, specifically by means of the many media that nowadays are giving voice to everyone, independently from his "entity" (giuridic or natural person), in the (globalized) speaking loud social media context.

The many identities just coming out from the free expression globalized scenario are both influencing the employment relationship and the political environment,wherin the employer (this being a natural person or a juridical body) and his employees are playing to obtain an increased piece of the market or to maintain a reached position. The public sphere is thus involved, while new media make rather impossible to define borderlines for unilateral or reciprocal influences that the operators might generate.

[5] English handbooks on employment are giving to the matter a space that is rather unsual in the Italian once; see as an example *M.Sargeant & D. Lewis, Employment law 5th ed., Longman, 2010*, pagg. 140-220.

[6] It has been argued that the Italian employment reforms are challanging the Italian labor relations system as in a shift to the past, refreshing the taste for the Civil code, which was approved before the Constitution and which, compared with the Constitution, is lacking the tension toward a substancial equality of opportunity as set by art. 3 Constitution; over such a comparison between the source of the Civil Code and the Constitution on equality see *S.Rodotà, Diritto d'amore, Laterza, 2016*.

[7] *A.McColgan, Discrimination, equality and the law, Hart Publishing, 2014*, analyzed the many tricks that stays underneath the interpretation of discrimination laws, especially from a comparative perspective; she suggsted to focus the attention over the concept of "unfair discrimination" or "equal treatment" rather than to stick to the formal provisions of anti-discrimination, having these to deal with problems of circularity and purely theoretical symmetries once facing the history of single cases.

[8] *L.Amoriello, Alla ricerca della dissuasività. Il difficile percorso di affermazione dei principi UE in tema di danno non patrimoniale da discriminazione, in WP CSDLE "Massimo D'Antona" IT - 264/2015.*

The traditional studies regarding interaction between politics and government shows that employers, as firms and businness makers, have mainly acted at the macro level in order to prevent the reaching of political goals and they've been rather searching for a conservative governament to cooperate with; more recent studies suggest that employers and businness makers can, in longer perspectives, obtain important results for their own by pursuing different political goals[9].

In order to let the firm play a strategy being politically relevant, where the central or the local governament can be involved in setting goals that are not merely economic, but that have a political effect too, it is important to figure out any potential benefit in terms of increasing or protecting the current firm's value, and it is imporant not the less that the all operators are informed and conscious of such a strategy when they act in the interest of the business.

For example, to take on an increased value or increased protection to the firm from the political environment could mean to take advantage from a businness competition, as well as from a social conflict (for example a conflict on retirement and pensions regimes), that otherwise would be certainly to the detriment of the firm or of employees. But for any of such strategies to be appreciated, and lawfully enhanced too, they are required to be consciously shared by the involved players.

This could mean, transposed into the individual employment relation, a formative course focused to the purpose; transposed into collective bargaining, it could imply a specific sharing of information; transposed into the social media environment, it could require a specific awareness about the pursued policies, used datas and tecnologies.

IV. Freedom Of Expression Within The Italian Constitutional Reform

Next autumn Italian people will be called to vote on a constitutional reform that is going to have a big political impact, not only at the national level, but internationally too: particularly because of following the European crises after Brexit (the United Kingdom leaving the Union), and because of being the voting close to the new president election in the United States, which are deeply influencing the world wide equilibrium, the position that Italy is going to take in the global context, is going to be looked at with serious interest. While the democrats in the United States are betting on a (unprecedent) female president, which would undoubtly have a progressive political meaning in itself (although Mrs Clinton's long lasting militancy in the establishment represents a point pro a conservative view point), in Italy the governing democrats are betting on the approval of a complex constitutional reform, which is mainly focused on giving to the national government a greater decisional power, but balanced by a new distribution of citizens' representativeness[10], as I will detail here after.

While anti-discrimination policies traditionally have had a major impact in American politics, since the civil war in 1861 that moved from the black people slavery issue, andthis year again because of the armed conflict involving the police forces, in Italy the same debate did not lifted up the same level of conflict until nowadays.

It is the migratory issue and its numbers that are bringing in Italy too to many expressions of intollerance, and the constitutional reform is slighlty considering this aspect, as well as the aspect of gender equality.

The importance of dealing with multiculturalism is quite highlighted in the bill: while the reform is greatly taking its major impact by the fact that any ordinary statute is going to be shifting the voting by the Senate, there is a provision according to which any acts regarding language minorities and their protection wouldbe approved by both the Chamber and Senate instead, being considered that as a matter of common interest.

An overview on the main issues touched by the reform shows thatall system of citizens' representativity is under revision: Italian citizens are going to be differently represented within the institutional system. Firstly, they are going to be differently represented in Parliament, and the Parliament will be differently functioning accordingly.

As for industrial democracy, the constitutional institution representing trade unions (CNEL) is going to be abolished; direct democracy too is going to be changed as for the needed quorum to call the referendum and for it to be successful. Thereafter, the chain of public decisional procedures will be giving more attention to the different involved loci powers, counting not only the central level of governance but the goverance at all levels.

To analyse whether such changes arerational and beneficial, and for whom theycan be told to be so, is largely discussedand out of the scope of this article. Opinions are controversialabout which interests this reform would do and influence[11]; but forthe purpose of this article I will focus on how it would affect freedom of expression and freedom of association in the employment context, necessarily adopting an international view point.

What would be here misleadig is to consider the constitutional reform apart from the international context; in the past Italian history, ignoring the international context has been argued to be the biggest fault of the post war

[9] See the usefull citations in the work of *C.Oliver and I.Holzinger, The effectivness of strategic political management: a dynamic capabilities framework, Schulich School of Business York University, 4700 Keele Street, Toronto, Canada M3J 1P3.*

[10] The drafted Act 1603075/2016 has been approved and then published on April the 15th 2016 and requires a confirmative referendum for entering into force according to art. 138 vigent Constitution.

[11] As for the academic contribution to the debate see *AA.VV in Quaderni costituzionali / a. XXXVI, n. 2, giugno 2016.*

Italian democracy[12].After the end of the cold war, economies and political institutions are facing common challanges, from climate to terror attacks, before which any decision for an effective strategy passes by the consideration and interpretation of human rights and right of expression specifically.

V. The Constitutional Reform In Five Points

Let's remark in five points what is going to directly and indirectly affect the sphere of employment in the reformed constitutional frame, particularly for representativness and relatedadministrative powerdistribution.

1. Administration of local territories and the new Senate

Local administrations do play an important role in employment relations, especially in time of crisis, when they can intervene as third parties in solving problems of redundancy or enterprise re-organization.
The reforming bill provides that the new (and smaller) Senate is going to represent local entities and their interests more directly: local representatives will be directly elected at the local level, where local power is distributed amongst city councils and regions – provinces are abolished – and,therein,each regional council will elect its senators (they will be 95 in total) with a proportional election method[13]. Importantly, the Senate's trust won't be necessary anymore for the Government to go on until the end of the legislature: only the Chamber's trust is going to be needed by the Government.
Senators are going to operate for conjuncting decentralized interests with international once (but for the national Government's power to intervene at the regional level whenever the interest of the national system could be compromised). Coherently, art. 67 of the Constitution, now stating that every Parliament member does exercise his or her mandate in the interest of the nation, is going to be changed in a way that is not referring to the interest of the nation anymore; this means that senators would be required to treat and deal with international and cross borders issues, and particularly with those concerning European and global integration,having present the concrete territorial/local effect that they may produce, much more then what they are used to do today.
Nevertheless, the Chamber of deputies remains the first, and possibly the only one, having the power to approve authorization to the Governament for ratification of international treaties[14] which is here particularly relevant because of the many international treaties regarding trade and employment.

2. The preliminary control by the constitutional Court

Any act that will be ruling over the composition of the Parliament (both Senate and Chamber), is going to be subjected to a possibile preliminary constitutional control. The Constitutional court is also going to be involved in attesting the gender equilibrium in any new statutory act for voting the Parliament, since an express provision for equal representation of men and woman is going to be introduced in new art. 55 and 122[15].
This is an importantpoint to stress before the many critics manifesting concerns about the possibility of a reform turning into an authoritarian regime, giving full power to a questionable majority[16]: electoral methods[17]are not part of this constitutional reform, except for the transfer of functional power from citizens from all over the national territory to the 20 regional councils (these being elected by the citizens of the region). Remarkably, what is out of concern is the rule that parliamentary memberships remains to beporportionally assigned on grounds of votes as received by any political representative.
Thereafter, any future electoral method would be subjected to a preventive control by the Court, granting both proportionality and equal representation from any statutory or regional systems that would substancially set these, as well as other constitutional principles, at risk of being denied[18].

[12] *G.Fasanella, G.Pellegrino, C. Sestrieri, Segreto di Stato, Sperling & Kupfler, 2008*, argued that particularly the relation between the communist party, the PCI, and the URSS is told to be undervaluated, while the URSS communist experience was considered an expression of the political enemy to fight at the domestic level.
[13] To this day, instead, the Senate is elected upon a national suffrage and is composed of 315 members.

[14] It remains the possibility, for the two third of the senate, to tempestively intervene in making amendaments, for being therafter approved by the deputies.
[15] "The acts ruling the election of the Parliament's members shall promote equality in representation of man and women".
[16] The reform is accused to lead to the new senate with typical parliamentary immunities the many corrupted local managers as well as to grant a uncontrasted power to the Chamber and to the Government thereafter composed by journalists M. Travaglio and S. Truzzi (see at http://www.ilfattoquotidiano.it/premium/articoli/il-libro-che-spiega-perche-no-al-senato-dei-nominati-immuni/, last consultation, 2016, July the 30th).
[17] The last statute ruling general elections (the so called Italicum, entered into force in July 2016) sets a proportional method toghether with a majority premium that will be going the list reaching a 40% of voters, or, in case no list reaches the 40%, to the winner party in a second election-day that is participated by only the two lists that got the better result in the first election-day.
18 For a deeper analysis see F.Dal Canto, Corte Costituzionale e giudizio preventivo sulle leggi elettorali, Seminario del gruppo di Pisa, released in Florence, 23th October 2015.

3. Industrial democracy

Much meaningfull inthe employment context would be the constitutional abolishment of CNEL (National Council for Economy and Labour) that is an institutional body which is traditionally considered,at the national level, as an administrative place for coordination of economic and employment related matters, but essentially replicating other informal venues wherein the social dialogue between employers and workers' representatives finds its patterns. The political relevance of such a cut is linked with the fact that CNEL remains a formal expression of that corporativist regime[19] dated back in the fascist period, and lacking of a concrete utility in the constitutional one, when social dialogue and collective bargaining are liberalized; such a formal result is probably amongst theconsequences of the (media) pressing over the inertia of the national trade unionism at giving satisfactive replies to both employees and employers, especially in recent time of crises[20], and it comes along with a collective bargaining that both at the confederative level and decentralized level is experimenting new rules and patterns[21]. It also comes with a loss of weight of the Italian national collective bargaining level in managing the economic effect of globalization[22].

4. Direct democracy

Before then workers, voters are citizens. Citizens can be active workers, unemployed once, students, retired persons, anyway they are all affected by public policies for employment and social security.

Direct representation of citizens has been thought to change in the new Constitution: a higher number of citizens would be required in order to present anybill for the Parliament approval (from 50.000 to 150.000), a higher number of citizens is also going to be required for the abrogative referendum to be successfull (from 500.000 to 800.000) and it is introduced the possibility for a constitutional act to rule a referendum that is, not abrogative, but propositive or "politically addressing".

This means that direct democracy would become less easier to be successfull than it is now, if compared with democracy by representation, which is instead presented by the proponent of the reform asone going to become more effective; the idea is to consider the referendum as a (balancing) tool in the hand of oppositors and against the established Government, a tool meant to lead towards a more active role for those who contest the way things are ruled [23].

5. Transparency and opposition

Matters of direct effect on right of expression as a universal human right are:(1) the introduction of an express principle of transparency in the management of public organization (new art. 97, 118), as well as (2) the provision of a duty for the Chamber of deputies to adopt a statute to grant expression of opposition by the minority groups.

The matter of transparency within public administrations is of cardinal importance in dealing with employment from an international perspective; this can be appreciated in debating over international treaties like the TTIP (Transatlantic Partnership for Trade and Investments between the UE and the US) and the Comprehensive Economic and Trade Agreement with Canada (CETA), wherein many employment relations are involved in a process of negotiation which topic is so vast that is going to be difficult to delineate clear borderlines in administrations and political powers; TTIP and CETA are told to be interfering with the regulatory competences of politics, because they can actually restrict the scope of parliamentary decision-making and the sovereignty of citizens.

VI. The Political Meaning Of The Constitutional Reform

Coherently with the need to face the increased complexity that the international scenario is presenting,together with a necessary focus over any involved loci powers and local interests, the political meaning of the entire reform cannot be easily labelled with traditional categories of left-democrat-labour value nor right-conservative-

[19] http://www.pietroichino.it/?p=40679, last consultation 2016, July the 30th.

[20] http://www.fim-cisl.it/abbiamo-rovinato-litalia-il-libro-di-marco-bentivogli/recensioni last consultation 2016, July the 30th.

[21] See for example the 14th July 2016 basic agreement, referring to the Government decree on productivity and taxation (dated 2016, March the 25th), introducing a tax exoneration for bargained social services that will be part of the employees' total remuneration; employees' partecipation is promoted as well. Newely it is giving the possibility to also enterprises without employee's territorial representatives – but partecipating to the employers' (industrial) representation system (Confindustria) – to bargain an agreement delivering the benefits, highlighting the chance for any employer to go toward more productivity also in lack of action by trade unions at the territorial level.

[22] http://www.pietroichino.it/wp-content/uploads/2016/06/Verona-Cisl-1VII16.pdf, last consultation 2016, July the 30th.

[23] There is a provision stating a lower quorum for the abrogative referendum to be successful in case it was a referndum presented by 800.000 voters: in such a case it is going to be required the only majority of those who voted in the latest election to the Chamber of deputies (rather than the majority of all citizens having the right to vote). This is a provision giving to referendum the nature of a tool in the hands of minority.

republican-capitalist value[24], neither it is possibile to clearly drag a line as for its orientation in the basic conflict global vs local. This is also coherent with being the reform the product of a bipartisan Governament[25] proposal.
What can be said about the reform, about its political relevance, is that the entire chain of decisional procedure, from the local to the globalized point of confrontation, is renewed and willing to be more sensitive to concrete problems arising at all level of governance.
Decisional procedures over any employment issue are going to be differently operating, considering the "where" and "how far" they are producing effects – which is the effect of giving to the regions a rather administrative power more than a legislative one; voices giving space to freedom of expression and freedom of association are going to be differently picked up and collectedby national institutions, national agencies and local once – which is the effect of introducing the principle of equal representation in electoral bodies, the principle of transparency in the operation of administrations, the abolishing of an institutional point of reference for trade unions (CNEL).
In order to have an idea on how the many political actors are going to welcome such a change, it is interesting to read that the major union representing employers in the industrial field, Confindustria, already took a position by unitarily stating that this reform is worth to be voted in favour[26].
Even more interesting is the position of employees' trade unions.The traditionally more moderate trade union (CISL) finally approved the reform[27] while the one more akin to employers (UIL) is against [28].
CGIL, which is the main trade union in Italy, to this day has expressed a negative position, essentially remarking how the national governament abused of its procedural powers[29]; CGIL recognizes nevertheless the importance of a partecipated debate over the referendum and, adering to the position of CISL, highlighted that there is an important factor for differentiation of regional policies for employment, insofar the reform would provide that, on condition of regional financial equilibrium, any region would be in position to ask for an increase of its own competence and autonomy before thecentral State.

[24] Amongst the critics from the academic filed there is that a political identification of the new State is going to be a not easy matter (see professor of constitutional law Ciarlo sub note 11; the same aspect is told to be a positive departure from a political representation to reach a territorial type of representation (see professor Groppi sub note 11).
[25] The established government is expression of a coalition including democrat and conservative ministers (the democrat party did not reach full majority in the 2013 national elections).
[26] http://www.ilsole24ore.com/art/notizie/2016-06-23/referendum-confindustria-si-schiera-il-si-131238.shtml?uuid=ADRZggh, last consulted 2016 July the 30th.
[27] http://www.cisl.it/attachments/article/2507/NotaDefinitivoLeggeCostituzionale.pdf, last consultation 2016, July the 30th.
[28] http://www.uil.it/UfficioStampa/ComunicatiStampa.asp?ID_COMUNICATO=2944, last consultation 2016, July the 30th.
[29] http://www.huffingtonpost.it/2016/05/25/cgil-riforme-referendum_n_10130680.html, last consulted 2016, July the 30th.