

# WORKER SAFETY, LAW, AND SOCIAL CHANGE: THE ITALIAN CASE

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This paper is a case study of the occupational safety and health provisions of the Italian Workers' Rights Law of 1970, which gave Italian workers the broad right to regulate safety and health conditions at the shop level. The paper traces the political history of this controversial legislation and workers' and employers' responses to it. It then provides evidence that the law was neither the mere "symbolic gesture" nor the tool to "open new horizons" that observers variously predicted. The paper argues that to account for the formulation of this law and its ambiguous impact, the economic and political contradictions into which it was inserted must be placed at the center of analysis. It thus challenges the kind of legal determinism implicit in many analyses of the sociology of law that make the state and legal phenomena the central actors.

## I. INTRODUCTION

Every workday seven Italian workers are killed in occupational accidents, and thirty contract debilitating industrial diseases (INAIL, 1984: 94). Since World War II, Italy has had one of the highest occupational accident rates in the European community (see Table 1).

In 1970, in response to this "silent violence" (Montuschi, 1980: 12) and the worker protest that it had provoked, the Italian government passed the Statuto dei Diritti dei Lavoratori (Workers' Rights Law), Article 9 of which gave workers the broad right to oversee and regulate occupational safety and health conditions directly at the shop level.

Reactions to this law, and to Article 9 in particular, were mixed and in fact polarized. It was heralded by most unionists and pro-union academics as a major victory for Italian workers, the culmination of years of daily battle in the factories and on the streets. Legal scholars called it "a major innovative tool" that would "open new horizons" (Smuraglia, 1973: 94) and "the first truly incisive step" toward the realization of Italian workers' constitutional right to safety and health (Ghezzi, 1971: 41).

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**Table 1.** Occupational Accident Rate in Major European Community Countries, 1970<sup>a</sup>

Country	Rate
Holland	.12
France	.13
West Germany	.16
Belgium	.25
Luxembourg	.40 <sup>b</sup>
Italy	.43

<sup>a</sup> Calculated as the number of serious occupational accidents divided by the total number of workers in the labor force.

<sup>b</sup> Luxembourg's high rate is attributable to the concentration of mining in that country.

*Source:* Italian Parliament, 1972: 195.

Labor journalist Ricchi praised it as a "real legislative turning-point" (1974: 315).

However, the law evoked precisely the opposite reaction from others. A journal of the extraparliamentary left claimed that the legislation was useless to workers and was in fact a "law for employers and union leaders" (Comitato di Difesa e Lotta Contro la Repressione, 1970: 75). Pointing to textual deficiencies and implementation difficulties, some concluded that the law was an empty, symbolic gesture made by the Italian Parliament to satisfy increasingly militant workers (see Montuschi 1980: 39). Social scientist Santaloni argued that this law, like much labor law in a capitalist society, served only as "public legitimation of the capitalist mode of production" (1971: 41, 43).

The purpose of this paper is twofold. At the descriptive level, it will show that Article 9 of the Italian Workers' Rights Law was neither a useless symbolic gesture nor a tool to "open new horizons" for labor. At the theoretical level, the paper will demonstrate that both of these interpretations were based on overly simplistic notions of law and the state. In particular, 1) they underplay the ongoing, dynamic nature of the class struggle, a struggle in which law is but one component; 2) they overlook critical contradictions in both the Italian economy and political structure; and 3) they overstate the potential of the state and legal phenomena to effect real social change.

This overestimation of the potential of law and the state to trigger social change and the underemphasis on prevailing economic, political, and class contradictions are not unique to the observers of the Italian Workers' Rights Law. Rather, scholars

in the sociology of law and theories of the state, while recognizing the importance of the economic and political environment to the formulation of state policy, nonetheless tend to reify the state and exaggerate its potential for impact (see, for example, Domhoff, 1978; Miliband, 1969, 1983; Poulantzas, 1969; Weinstein, 1968). In fact, whatever the differences among these theorists,<sup>1</sup> they share a view of the capitalist state as a relatively monolithic actor self-consciously pursuing its own interests and those of the capitalist class it represents. This examination of the formulation of the Workers' Rights Law and its effect on safety and health conditions challenges a kind of legal determinism in which the state and state action are highlighted as the primary protagonists of social change.

The model of law that informs this study is dialectical. Law is seen not as the product of a monolithic state structure but rather as the outcome of contradictory political and economic forces. Furthermore, once formulated, the implementation, enforcement, and outcome of law are subject to a similar series of conflicts. In other words, law is but one component of a dialectical process that both precedes and follows it. This process is fired by contradictions not only in the economy but also in the state itself. Therefore, while economic and class contradictions limit the potential *impact* of state action, political contradictions (within the Italian party system, for example) limit the extent to which the state can realistically be viewed as a single actor pursuing monolithic interests.

This view of law follows the analytical tradition of Chambliss (1979), Whitt (1979), and others who have argued that an understanding of laws and social policies demands the untangling of the dialectical process in which they are embedded. This paper suggests, furthermore, that legal phenomena are not *necessarily* the central ingredients in this process; rather, political and economic constraints and conflicts are often the major protagonists.

This paper is organized as follows: The first part provides a descriptive overview of the economic, political, and legal context within which Article 9 of the Workers' Rights Law was formulated and into which it was inserted. The second section then traces the Italian workers' movement and the struggle to improve working conditions in the late 1960s. An analysis of the political and parliamentary journeys of Article 9 follows. Part four examines Article 9 in action, as workers and employ-

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<sup>1</sup> For a detailed discussion of the differences among the various models of the state, see Gold *et al.*, 1975.

ers devised strategies and counterstrategies in the fight for control of the workplace. Finally, the last section focuses on the second half of the 1970s, as a devastating recession simultaneously put labor on the defensive and, ironically, produced an unprecedented improvement in accident statistics. The emphasis throughout this article is not on the law *per se* but on the economic and political contradictions that buffeted and ultimately overshadowed it as agents of change.<sup>2</sup>

## II. THE ECONOMIC, POLITICAL, AND LEGAL CONTEXT

The growth of the Italian economy after World War II was surpassed only by that of Japan. Between 1951 and 1971, Italy's growth rate approached 6 percent annually, with its gross national product (GNP) doubling between 1950 and 1962. Both

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<sup>2</sup> Before proceeding, a methodological word of caution is in order regarding the validity and reliability of official estimates of occupational accidents and illnesses in Italy. While other studies of worker safety and health laws might examine a range of indicators of the impact of such legislation, this study focuses primarily on accident and illness rates for a number of reasons. First, the law being considered here is unusual in that it refers not to the activity of state agencies (as in the Occupational Safety and Health Act of 1970 in the United States, for example), but addresses instead the rights of workers themselves to regulate the workplace. Thus, traditional indicators of the impact of safety and health laws—such as the number of field inspections or the number of new standards promulgated—are irrelevant here. More importantly, the aim of this study is to gauge the actual impact of the legal reform when confronted with the myriad strategies of employers in attempting to circumvent or offset that measure. Therefore, we are interested in discovering the “bottom line,” that is, after allowing for the effects of the dynamics of economic and class contradictions, determining if the reform did in fact significantly improve working conditions.

Unfortunately, the only source of safety and health statistics in Italy is the national disability insurance company, INAIL, and INAIL's statistics are based entirely on those accidents and illnesses that are reported for insurance purposes. Accidents that do not disable a worker for at least three days and illnesses that may be work-related but are not specified on INAIL's list of occupational illnesses are excluded from the statistics. Furthermore, official statistics inevitably exclude accidents and illnesses in Italy's large underground economy. This is a particularly serious omission since working conditions in this economy tend to be more precarious than those in the officially recognized sector, both because the underground is unregulated and because this sector is disproportionately composed of those industries—construction, for example—that tend to be the most hazardous.

INAIL's estimates of occupational illnesses are particularly problematic, as “occupational illness” is a legal category. Thus, it is difficult to make meaningful comparisons of illness rates over time because the list of what constitutes an occupational illness has undergone periodic revisions and expansions since World War II. Furthermore, INAIL's estimates of occupational illnesses are necessarily conservative for it is in their interests to restrict the number of illnesses that qualify for insurance compensation.

Nonetheless, having recognized these limitations of INAIL's statistics, if one proceeds with caution INAIL estimates of occupational *accidents* can probably be used as a gross indication of the magnitude of the problem and short-term changes, while INAIL estimates of occupational *illness* can at least be used as rough documentation of the post-war advance of such illness in Italy.

productivity and capital investments rose dramatically, particularly in the boom years from 1958 to 1962 (Forte, 1976). Although a number of factors explain what has been referred to as Italy's "economic miracle," the most important was the country's "competitive integration in the capitalist world economic system" (Allum, 1973: 26). With the general economic expansion and increase in world trade following World War II, capitalist countries were integrated in a complex and delicate balance of interrelationships. Italy's place in this world system and ultimately its "economic miracle" were based on a unique set of circumstances. In particular, Italy's "competitive integration" was dependent on the existence of a large supply of very low-wage labor, relative to other industrialized countries, that included a plentiful reserve brought up from the nation's undeveloped southern regions as the need arose. It has been pointed out that "Italian industry in the '60s had much in common with that of the third world, above all because it made use of such low-wage labor" (Grisoni and Portelli, 1977: 161).

This "economic miracle" did not affect all geographic regions and economic sectors equally. In fact, a prominent feature of Italy's economy is its geographic and structural duality. Since its unification, Italy has been divided economically into a thriving capitalist north and a quasifeudal, agrarian south. In part the consequence of location and in part the result of deliberate government and economic strategies (Allum, 1973: 21–22), this uneven development is a distinguishing characteristic of Italian-style capitalism. Although the Italian government sponsored emergency measures in the 1960s and 1970s in an attempt to reverse the effects of decades of intentional underdevelopment in the south, the results were limited to the transfer of a few large factories.

This uneven development supplied northern industry with an important source of cheap labor with which to fuel its "economic miracle." Approximately six million people left the south between 1950 and 1975, most heading to factories in northern Italy or across the border. One Italian observer bluntly assessed the importance of both this cheap labor force and the uneven development, stating that "behind the so-called Italian 'miracle,' then, was a harsh reality of heavy sacrifices for the working class . . . and for the south" (Forte, 1976: 17).

In addition to this geographic split, a pronounced structural division crosscuts the Italian economy. To a greater extent than in probably any other industrialized nation, Italy's economy is bifurcated into a monopolized primary sector in which a few large companies have achieved international prominence

(Italy's Montedison and FIAT rank eighth and thirteenth in size, respectively, among non-United States world firms [Willis, 1971: 1901]), and a larger secondary and underground sector of small, family-run businesses. This dichotomy and the predominance of low-cost, small enterprises not only contributed to Italy's economic growth in the immediate post-war period but has also had and continues to have major ramifications for the occupational safety and health of Italian workers in both sectors.

Side by side with these economic divisions is a political system that is at the same time both relatively unstable and firmly entrenched. In the thirty years between the end of fascism and 1973, Italy had thirty-five different cabinets with an average term of ten months each, ousted largely by votes of no-confidence from parliaments consisting of as many as nine political parties. Since none of these parties has ever achieved an absolute majority in a national election, every government in the post-fascist period has been dependent on precarious coalitions. When the conflicts among the interests and ideologies of these coalition and extracoalition parties surface, as they regularly do, the make-shift government falls.

While the transience of Italian governments is frequently noted, it should not be exaggerated. In fact, since World War II the Italian political system has been characterized by *both* a nominal change at least every year *and* an unusual stability of top personnel and majority parties. Thus while governments come and go, the major political parties are well established. The Christian Democrats (DC), supported by the leading economic forces of the country and by the Catholic Church, have enjoyed a dominance unrivaled by any other political party in the West. The Communist Party (PCI), supported by the working class and the largest national union, has consistently been the leading opposition party and the second party in votes polled. By 1972, it was the strongest communist party in Europe. Although the DC has always succeeded in excluding the PCI from government coalitions, the PCI—as the second-largest party in parliament—has played a crucial role in state policy.

The fact that the second-largest party in Italy has regularly been excluded from government coalitions has significantly contributed to the fragility and instability of these coalitions. Thus, while the transience of Italian governments should not be overstated, the political fragmentation and contradictions that underlie this game of “musical chairs” (Allum, 1973: 119) are significant. Their impact on party behavior in supporting

legislation and the equivocal outcome of that legislation will be shown below.

Within this context of economic and political fragmentation, Italy's occupational safety and health laws have evolved by spurts and starts. The Italian Constitution, framed in 1948, guarantees in Article 32 that "the Republic will protect health as a fundamental right of the individual and of the public interest"; Article 41 states that "the economic enterprise . . . must not take place in a way that conflicts with social utility or threatens human safety"; and Article 35 promises that "the Republic oversees employment in its various forms." Article 2087 of the Civil Code makes employers "responsible for adopting all measures which . . . are necessary to protect the physical integrity . . . of their employees."

The first specific legislation concerning occupational safety and health in modern Italy was a general law of February 12, 1955 (Law Number 51), which requested the government to establish standards with regard to industrial safety and health. Ironically, the practical effect of the standards that resulted was to restrict constitutional guarantees to the worker and maximize the opportunity for employer discretion. The two laws that still provide the foundation of occupational safety and health in Italy are representative.

In April 1955, Law Number 547 laid out in very general terms the obligation of employers to establish safe work environments, largely reiterating what was contained in the Civil Code. With this law, however, the mandate of the code was qualified. The new law was replete with references to what the employer should do when "technical reasons of production" or "inconvenience" did not permit the elimination of danger. The placement of "warning signs" and "other measures" are among the suggested alternatives (Articles 8 and 11).

The second cornerstone of Italian occupational safety and health legislation, Law Number 303, passed in March 1956, established a number of specific requirements, such as periodic medical examinations for workers in certain industries. Most of the law, however, was devoted to the promulgation of the general standards concerning dust, noise, ventilation, and the like, that are still used today. Again, however, these standards are so general as to be of little practical utility, and provide the employer with the option to ignore them if they are deemed "inconvenient." For example, the law stated on one hand that "temperatures must be such as to avoid deleterious effects on workers' health," while on the other, temperature and humidity may be determined by "the exigencies of production" (Arti-

cle 13). Articles 18 and 19 provide prime examples of such legislative hedging: Article 18 begins: “Substances used in the production process that might be dangerous to the health of workers must not accumulate in the work environment *beyond the level that is strictly necessary for production purposes*” (emphasis added); Article 19 then continues: “The employer should carry out, whenever possible, work that is dangerous or unhealthy in separate locations, so as not to expose more workers than necessary to the risks.”

These two laws have been periodically followed by industry-specific norms, but these standards provide only general guidelines. As of 1984, Italy was one of the few industrialized countries without legally established maximum levels of exposure to toxic substances (MACs).

From 1955 to the early 1980s,<sup>3</sup> the Italian Labor Ministry was largely responsible for the implementation of these safety and health laws. Regional and provincial inspectors under the labor minister’s jurisdiction were authorized to conduct workplace inspections and denounce negligent employers. Given the nature of the standards, subjectivity and inspector discretion were inevitable. Furthermore, in spite of its vast responsibilities, the Labor Ministry’s inspectorate was notoriously understaffed. In 1969, for example, only ninety-four provincial inspectors and ten regional inspectors comprised the entire field staff, and occupational safety and health constituted only a part of their job (Smuraglia, 1974: 362). The field inspection staff in Turin in 1973—responsible for overseeing forty-three thousand firms—was made up of nine inspectors, five engineers, and a doctor. There were approximately ninety thousand reported industrial accidents a year in the city, yet these inspectors concluded only 637 field visits (*La Stampa*, November 2, 1973: 4).

When penalties are imposed, they are minimal. The maximum fine through the mid-1970s was three hundred thousand lire per violation—approximately four hundred dollars. Article 437 of the Penal Code, which provides for six months to ten years imprisonment for serious violations, was subject to “sys-

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<sup>3</sup> With the National Health Service Reform of 1978, the occupational safety and health system has been decentralized and, as of July 1982, regionally administered Local Health Units (USLs) are responsible for the enforcement of occupational safety and health laws. While this reform is championed by workers and progressives as a major improvement, it is too early to estimate its actual impact. It is clear that the decentralization will further widen the gap in implementation between the northern and the southern regions of the country. One government study found that by the end of 1982, none of the southern regions had established USLs (*Centro Nazionale d’economia e del Lavoro*, 1982: 85).



tematic non-use" (Smuraglia, 1974: 359), being imposed only ten times between 1955 and 1967.

The National Agency for the Prevention of Accidents (ENPI) operated along with, and frequently overlapped, the labor inspectorate. The jurisdiction of ENPI was technically plant equipment and machinery as they affect worker safety; this category was so general, however, that ENPI was de facto authorized to oversee almost all aspects of worker safety. In addition, a major contradiction so flawed ENPI's bureaucratic structure that in 1974 the Italian labor minister called it the agency's "original sin" (Montuschi, 1980: 142). ENPI was a parastate agency, for its budget was not derived directly from the state. Rather, it was financed in part by the national disability insurance agency (discussed below) and in part by employers themselves. This dual funding system had two major effects. First, since insurance premiums are based on industry risks, the insurance agency (and hence ENPI, which it funded) had some interest in maintaining high risk levels (CGIL-CISL-UIL, 1972: 383). Second, while ENPI's purpose was to *regulate* industry, half of its budget was provided by contracting out its services to the very employers it was to regulate.

The agency's mandate to regulate its own clients created enough scandals to validate labor's claim that "ENPI is an employer's institution" (*ibid.*, p. 234). A court decision in Turin in 1973 revealed that in this industrial capital only about 10 percent of industries had ever been inspected by ENPI and that records of more than thirteen thousand violations had been deliberately buried in the agency's archives. As one ENPI employee explained to the court, "It's not a good idea . . . to denounce an employer since he pays the bill and has demonstrated his faith in you by calling ENPI" (*Quale Giustizia?*, 1973: 469).

Interacting with these two inspection agencies, and seemingly contradicting the deterrent model on which they were based, is the National Institute of Insurance against Occupational Accidents and Illnesses (INAIL). A central component of Italian safety and health law is compulsory insurance, paid by employers, for employees engaged in certain high-risk work. Detailed tables list the types of work for which such insurance is required and for which payments will be made by INAIL in case of injury. However, the actual consequence of this insurance system is to indemnify employers against accidents and illnesses rather than to regulate them. While employers are required by law to establish safe and healthy working conditions,

**Table 2.** Industrial Accidents and Occupational Illnesses in Italy, 1946–70

Year	Industrial Accidents	Occupational Illnesses <sup>a</sup>
1946	349,000	1,157
1947	446,000	1,317
1948	395,000	2,007
1949	416,000	2,401
1950	485,000	3,688
1951	540,000	4,053
1952	643,000	4,866
1953	711,000	9,189
1954	793,000	11,617
1955	848,000	13,102
1956	873,000	17,834
1957	910,000	18,073
1958	904,000	19,476
1959	950,000	22,998
1960	1,051,000	24,177
1961	1,181,000	25,752
1962	1,217,000	28,111
1963	1,326,000	34,192
1964	1,257,000	38,083
1965	1,071,000	40,271
1966	1,101,000	50,277
1967	1,204,000	51,852
1968	1,225,000	51,229
1969	1,283,000	53,477
1970	1,340,000	50,420

<sup>a</sup> As defined by INAIL, “occupational illnesses” is a legal as well as a medical category. Thus changes in the numbers over time are in part the consequence of changing definitions of this term.

Source: For 1946–50, INAIL, 1946–50; for 1951–70, INAIL, 1984: 48, 94.

this thriving state agency informs them that they can (and must) buy insurance against their own transgressions.

In light of these ambiguous laws, understaffed bureaucracies, and contradictory enforcement ideologies, it should not be surprising that Italy’s post-war economic boom was accompanied by a large number of worker deaths and injuries. In fact, in the thirty years following World War II, the number of industrial accidents and illnesses in Italy rose precipitously. According to INAIL, in 1946 349,000 Italian workers were the victims of industrial accidents and 1,157 contracted disabling occupational illnesses. By 1970, the year of the Workers’ Rights Law, the number of accidents had almost quadrupled to 1,340,000 and the number of illnesses had jumped to more than 50,000 (see Table 2). This increase was not solely due to an in-

crease in the size of the industrial work force. While the frequency of industrial accidents was 17.32 per 1,000 workers at risk in 1951 (the first year for which data are available), by 1970 the frequency had risen to 21.78. Over the same period, the rate of industrial illnesses increased from .13 per 1,000 workers to .81 per 1,000 (Beccastrini and Faillace, 1982: 17).

By the early 1970s, for every worker who received an old-age pension, another had already received worker disability compensation (Turci, 1973: 27). In the decades following the war, industrial accidents and illnesses were so frequent that by the mid-1960s many Italian workers and their unions began to suspect that the “economic miracle” was being performed on their backs and with their blood.

### III. THE WORKERS' MOVEMENT FOR OCCUPATIONAL SAFETY AND HEALTH

After World War II, the strategy of Italian workers with regard to occupational safety and health was so-called monetization. Rather than demanding that risks be eliminated, workers focused on securing remuneration for high-risk jobs. Assuming the inevitability of industrial accidents and illnesses, workers attempted to at least receive compensation for the health that they “sold” along with their labor.

By the time of the Workers' Rights Law in 1970, monetization had been rejected with a vengeance, as Italian workers demanded the reorganization of the work place and confidently proclaimed that “Health is not for sale!” The origins of this ideological and strategic shift can be traced to the recession of 1964–65. As the economy slowed down and the “economic miracle” began to wane, layoffs and work reductions were common. Six hundred thousand metalworkers were either laid off or put on part-time schedules, one hundred fifty thousand construction workers lost their jobs and sixty thousand jobs disappeared in the textile industry. Industry and the government responded to defensive strikes against these cutbacks with “purges” that consisted primarily in laying off the strikers and union activists. It has been estimated that fifty thousand workers were laid off in 1965 alone as a consequence of their strike activity (Grisoni and Portelli, 1977: 100–101).

In the face of these events, the three major Italian unions—the Confederazione Generale Italiana dei Lavoratori (CGIL), the Confederazione Italiana del Lavoro (CISL), and the Unione Italiana del Lavoro (UIL)—sought strength in unity, and although they remained distinct confederations,

**Table 3.** Workers' Strikes in Italy, 1965–69

Year	Number of Strikes	Hours of Work Lost to Strikes
1965	3,191	55,943,000
1966	2,387	115,788,000
1967	2,658	68,548,000
1968	3,377	73,918,000
1969	3,788	302,597,000

*Source:* Istituto Centrale di Statistica, 1970: 322.

pledged to follow a course of solidarity. By 1966, with Italian workers ever-more bitter, the major unions forced together by a common enemy, and the economy reviving, a new era in the class struggle began. The number of hours lost to strikes doubled in that year in spite of industry's strategy of laying off strikers (see Table 3).

United factory committees and factory counsels were created at the shop level to represent workers directly, and increasingly played a critical role in forcing the hand of employers and in forming union strategy. In part in response to the demands of these grass-roots groups, working conditions and safety and health became increasingly important issues on the union agenda.

With major national contracts set for renewal in 1968, one hundred thousand FIAT workers waged the largest strike in fourteen years and won a new contract that included reductions in the work pace and a change in the piece-rate system. Pirelli rubber workers, urged on by the "united grass-roots committees," reduced their work pace and refused to respond to employer counteroffensives. Eight hundred thousand construction workers throughout the country marched through the streets demanding an end to the "white homicides" (work-place fatalities);<sup>4</sup> in Milan they carried forty-two white crosses in denunciation of the recent job-related deaths of forty-two of their colleagues.

Strikes continued to increase in number and intensity in 1969 (see Table 3) as production was paralyzed in sector after sector. In that year's so-called hot autumn, workers were joined by students in factory sit-ins and work stoppages. FIAT, Pirelli, and most other major industries were the battlefields

<sup>4</sup> In the construction industry, 115 of every 100,000 workers are killed each year in an accident in Italy; in France, the figure per 100,000 is 48; in West Germany, 27 (Smuraglia, 1973: 93).

for almost daily confrontations as Italian industrialists faced for the first time an organized and intractable opponent.

Contracts achieved following the “hot autumn” gave workers substantial salary and benefit increases and featured as their centerpieces safety and health clauses. The chemical workers’ contract of 1969 opened a new era as MACs were built into the agreement and workers were given the right to participate in safety and health research and in the implementation of standards. Similar victories among workers in the construction, rubber, and textile industries followed rapidly as an estimated two and a half million workers reaped the benefits of the “hot autumn” (Grisoni and Portelli, 1977: 173). Riding the wave of union successes and responding to grass-roots militancy on safety and health issues, the secretary of the CGIL began his speech at the union’s annual congress in 1969 with this vow: “Every hour an Italian worker is killed and every two minutes there is a work accident. . . . The CGIL right now makes a solemn commitment to a vast, broad-based campaign for the defense of the factory worker” (Campiglio, 1976: 188).

A new workers’ model of occupational safety and health evolved from and subsequently guided these struggles. With the conviction that “health is not for sale” replacing monetization as their strategy, Italian workers developed a distinctive methodology for the achievement of safety and health. This model included four items:

1. *Subjectivity*. Rooted in a suspicion of scientists and experts derived from the workers’ fruitless encounters with ENPI officials and company doctors, “subjectivity” asserted the unique capacity of the worker to experience and report symptoms of illness and work-place hazards by her- or himself.
2. *Nondelegation of authority*. “Nondelegation” referred to the refusal to entrust to official authorities—labor inspectorates as well as union leaders—the job of work-place improvement. Not only are the workers themselves the only source of actual knowledge about working conditions (subjectivity), but it is they who must take the responsibility for combating them. As expressed by one unionist, “It is the delegation of authority—to the psychiatrist, to the doctor, to the labor inspector, to the judge, to the safety engineer, and to the union organization—that has produced these results, that is, that has permitted the prevention system to function in the interests of the dominant classes” (Marri, 1971: 271).
3. *Consensual validation*. “Consensual validation,” in a collective version of subjectivity, held that while

*individual* workers experience the effects of hazardous conditions (subjectivity), *groups* of workers in similar production situations can, through regular assemblies in which symptoms are discussed, arrive at more adequate conclusions regarding the safety of the work environment than can traditional scientific instruments.

4. *Homogeneous worker group.* The “homogeneous worker group” was to be comprised of those workers who face similar production conditions and are therefore likely to experience similar symptoms. The group was to be small enough for workers to exchange information personally and large enough for conclusions to be drawn regarding the work environment. It was through the efforts of these homogeneous groups that consensual validation was to be achieved.

The form of the occupational safety and health component of the Workers’ Rights Law, particularly its emphasis on direct worker participation in the struggle to improve working conditions and nondelegation of authority, was based in large part on this worker’s model.

#### IV. THE WORKERS’ RIGHTS LAW OF 1970

While Italian workers were unable to reduce accident and illness rates in the late 1960s (see Table 2), they were more successful at the political level. As social scientist Greco (1981: 69) said, “the institutional response to [“the hot autumn”] could not be other than flexible. . . . The Workers’ Rights Law of 1970 symbolizes, at the legislative level, the changes taking place in society.”

The first union rights law in Italy, the Workers’ Rights Law of 1970 (Law Number 300) included thirty-two articles that addressed issues ranging from the right of workers to hold assemblies within the factory to the definition of illegal anti-union activity by employers. Article 9 gave workers substantial rights to control occupational safety and health conditions at the shop level. The law was passed on May 20, 1970, by overwhelming majorities in both the Senate and the House.

It is clear from a brief examination of the various workers’ rights bills in this period and the debates surrounding them that 1) the law was a direct response to the workers’ movement, 2) this response was not merely a symbolic one, and 3) the state itself and the political parties within it faced a number of irresolvable conflicts. The Workers’ Rights Law was in part a response to these various conflicts.

Beginning in 1963, a number of workers’ rights bills were

introduced in the Italian Parliament, but none elicited any serious debate. Furthermore, none of these bills made any reference to worker control of safety and health conditions. The political situation in 1968 and 1969 transformed this parliamentary disinterest into almost frenetic legislative activity. Just as the workers' movement was exploding throughout Italy and much of Western Europe, a number of developments in Italian party politics enhanced the major parties' receptivity to a politics of reform. First, the election of 1968 confirmed a continuous shift to the left by Italian voters. While in 1958 the DC polled 42.2 percent of the national votes to the PCI's 22.6 percent, ten years later these two leading parties polled 39.1 percent and 26.9 percent, respectively (*La Repubblica*, 1984: 5). This increased electoral strength of the left, combined with the growing political influence of the unions, gave the Christian Democrats and their center-left coalition government little choice but to support a politics of reform.

At the same time, the newly strengthened PCI was initiating its strategy of progressive integration in the hope of achieving an official role in future government coalitions. As part of its attempt to demonstrate simultaneously its continued support for workers' causes *and* its new responsibility and willingness to compromise, the PCI joined the DC in calling for moderate reforms. Strengthened by the rapidly growing power of unions and recent electoral victories but limited by the need to compromise to exercise that power, the PCI came face-to-face with the "Catch-22" that has plagued it for more than a decade.

Immediately following the elections of 1968, each of the three major leftist forces in Parliament (the communist PCI and the socialist PSIUP and PSI) submitted their own workers' rights bills. The Communist bill was the first to be introduced and the only one to contain an occupational safety and health clause (PCI, 1968: 75–83). Pointing to the "intensification of the exploitation of the physical and psychological powers of workers" (*ibid.*, pp. 76–77), the PCI argued for "more humane working hours and work pace, [and] greater protection of worker health and safety" (*ibid.*, p. 77). Nonetheless, the PCI bill was far from revolutionary. Rather, its express purpose was to achieve for workers a greater role in the "exercise of legitimate power" in the interests of "a regulated democratic system" (*ibid.*).

In early 1969, as workers increased the pressure on both their employers and the government, the Italian labor minister established a Senate commission to investigate the need for a workers' rights law and to elicit worker and management in-

put. In responding to the commission's surveys and during its hearings, workers expressed strong support for such a law. The subject of occupational safety and health was altogether neglected by the commission's surveys, however, which focused instead on such broad issues as the right of workers to hold assemblies and the right not to be fired for anti-union activity. Nevertheless, worker after worker broached the subject of safety and health independently, and stressed the need for worker input. A FIAT worker and union activist summarized the opinion workers consistently expressed to the commission: "The union must have an effective control inside the factory . . . particularly with regard to health and safety, which is a critical point. . . . These are the important things that interest the worker" (Senato della Repubblica, 1974: 93).

In June 1969, one year after the PCI initiative and subsequent to the Senate commission investigation, the DC presented its proposal for a workers' rights law. In spite of worker demands for a safety and health clause during commission hearings, the DC bill included no such provision. In fact, the DC's rationale for the proposal had little to do with the needs of workers. Rather, the party supported the law to prevent the promulgation of more dangerous "demagogic" legislation (DC, 1969: 126). Furthermore, the DC version of the law was designed to protect unions and collective bargaining against competition from the grass-roots workers' movement that was daily gaining momentum. Much as the Progressives in early twentieth-century America preferred to support the American Federation of Labor rather than risk the wrath of less predictable forces (Weinstein, 1968), the DC attempted to "normalize" and regulate labor relations: "It is best to recognize that the base of the building is to be found in the union and collective bargaining. . . . No alternative to the union can exist as an expression of the workers" (DC, 1969: 126, 129).

In response to the Senate commission's recommendations, the coalition government submitted a bill to the Senate in June 1969. The introduction to this bill states that it was "a precise response by the government to demands . . . that are being presented in an ever-more compelling way in the world of work" (Italian Coalition Government, 1969: 136). This bill too excluded any safety and health provision, postponing it "for later consideration" (*ibid.*, p. 138). The commission quickly followed with its own bill, only slightly different from the government proposal. It also made no mention of worker control of safety and health, and underscored the privileged position of established unions as compared to grass-roots groups.



The “hot autumn” of 1969 brought rapid, virtually uncontested changes in the Senate commission’s bill. At the instigation of a group of Communist senators, the commission was persuaded to add a number of provisions to its bill, including the occupational safety and health clause of the earlier Communist bill. Thus, Article 6 read: “The workers, through their representatives, have the right to oversee the implementation of standards for the prevention of occupational accidents and illnesses and to engage both in research and in the establishment and application of any measures that will promote occupational health”<sup>5</sup> (Senato della Repubblica, 1974: 682).

This provision elicited little discussion when the bill came before the Senate for a vote in December 1969. In fact, rather than contesting its inclusion, the senators added an amendment to *liberalize* this new article. The original wording implied that only *union* representatives (“le loro rappresentazioni”) had the right to meet with and advise workers on safety and health conditions in the factory. A group of Communist senators introduced an amendment to delete the word *le* to imply that *any* worker representative, not only those formally recognized as such, could enter the work place to advise workers on safety and health. The Communist senators’ argument was that in order to realize the potential of this article, outside experts must be allowed to enter the factory as worker representatives. In this form, the Senate bill was approved on December 11, 1969; a similar House bill passed with little debate on May 20, 1970.

The spokesmen of all major political forces in Parliament recognized the importance of the threat posed by the workers’ movement in getting the legislation passed. A DC leader, in his concluding speech before the final vote, clarified his intention to support the measure: “This road must lead not to increasing battles in our country, but to a pacification” (Senato della Repubblica, 1974: 860). Others agreed: “The union battles now in progress, with their vehemence and their demands, have made clear the necessity for a serious reform measure” (ibid., p. 845). The labor minister voiced his concern that without such a reform, the political situation would worsen: “It is more probable than ever that, in the absence of reforms . . . the crises that have emerged in some sectors of society . . . will explode” (ibid., p. 610).

The political evolution of the Workers’ Rights Law and its safety and health provision demonstrates a number of points. First, the law was a response to the increasingly threatening

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<sup>5</sup> This article became Article 9 in the final version of the House Bill.

workers' movement. Although this legislation had been demanded by unions since 1952, it was not until Italian workers gained significant leverage in 1968 and 1969 that such a bill was seriously debated in Parliament. Furthermore, it was not until after the "hot autumn" of 1969 that the DC and their center-left government accepted the inclusion of a safety and health provision in the legislation.

Second, although the law was a response to working-class pressure and was often supported for its pacification potential, it did not follow the typical course of "symbolic law." A number of sociologists of law have argued that much occupational safety and health legislation is "symbolic" in that while it is apparently a response to workers' demands, it is rendered meaningless in the legislative process (Calavita, 1983; Donnelly, 1982; Stearns, 1979). Whether the aim of legislators from the beginning is to create an impotent law with which to placate constituents, these sociologists have labeled as "symbolic" any law that appears to respond to political demands yet is so weakened in the amendment process or the implementation stage that the final product is an empty gesture.

However, the Workers' Rights Law and its safety and health clause took just the opposite course. In the amendment process following the "hot autumn," Communist senators were successful in increasingly *strengthening* the bill, not only adding the safety and health provision but also liberalizing it to ensure that it would not become meaningless. While earlier occupational safety and health laws in Italy had focused on employers' obligations in very general terms, often allowing for "extenuating circumstances" (see, for example, the discussion of Law Number 547 above), Article 9 gave workers both the right to improve the work environment and some of the tools with which to achieve this.

Third, the legislation was the product of a fragmented government, each part of which had specific interests and faced its own unique conflicts as well as the more general contradictions shared by all. The final form of the bill was the result of each sector of Parliament attempting to cope with the conflicts it faced and to hammer out the best possible political bargain within the context of these conflicts. This is particularly evident in the case of the PCI. As a Communist, working-class party in an advanced capitalist society, the PCI confronted two specific contradictions by the late 1960s. First, it inevitably experienced a gap between the working-class interests it represented and the reforms that it could realistically expect to achieve within the capitalist context. This gap helps explain

the party's support for an essentially reformist measure and its failure to introduce anything more progressive.

Compounding this dilemma is a political contradiction that continues to plague the PCI. It has often been noted that "the politics of the [Italian] Communist Party is dominated by the fear of losing—or not gaining enough—allies" (Beccalli and Treu, 1974: 38). Just as the PCI is strengthened by popular support and workers' victories and could thus convincingly bid for a position in the coalition government, it must moderate its political activity in the hopes of realizing this opportunity (so far unsuccessfully). At such times, the PCI is strong enough politically to take a leading role in pressing for the progressive changes that the working class expects of it, but it must simultaneously exercise self-restraint in its quest for governmental power.

Thus, Communist senators during the parliamentary discussions of the Workers' Rights Law, praised the flexibility of Parliament and stressed the advantage of confrontations among different points of view. In his closing comments before the final vote, one PCI senator referred to the "vitality" of Parliament in constructing the law—"a vitality . . . that was expressed in a kind of dialectic and confrontation" (Senato della Repubblica, 1974: 846). Another, in speaking of his success in persuading the Senate commission to strengthen the legislation, used the occasion to make an open plea for PCI participation in the government coalition: "Certainly there were differences of opinion and these will remain, but it must be recognized [that] . . . the commission has demonstrated how useful a different relationship between majority and opposition could be" (*ibid.*, pp. 571–572).

Needing to show workers its courage in representing them and at the same time to prove to the DC its moderation and willingness to compromise, the PCI played an important role, but nevertheless always a tentative one, in the formation and passage of the law. While the PCI was instrumental in liberalizing the bill after the fall of 1969, its express goal never went beyond the achievement of a "pluralist democracy," a "more adult, modern, and advanced democracy" (*ibid.*, p. 573), a "regulated, democratic system" (PCI, 1968: 77).

The demand for this legislation was rooted in class contradictions in the Italian economic system, particularly the conflict between employers' drive to maximize profits and the safety and health of the workers who produce these profits. However, the form of the legislation was shaped by contradictions and tensions within the Italian state itself (for example, the long-

standing exclusion of the Communist Party, the second-largest party in the country, from the coalition government) and within the political parties, particularly the PCI. On one hand, the PCI was to represent the interests of workers, and its growing political strength depended on this; on the other, it was not to alienate the DC and the capitalist interests the latter represented, and the PCI's participation in government depended on this. The outcome of these contradictions was a law that, in the area of safety and health, cautiously responded to workers' demands for control of the work environment, yet on the whole tended to limit the legitimacy of the spontaneous, grass-roots groups that increasingly characterized the Italian labor movement. The product of a struggle among contradictory political forces within the context of a capitalist economy and its class contradictions, the final version of the 1970 law resembled more a precarious balancing act than a symbolic sleight of hand.

#### V. ARTICLE 9 IN ACTION

In Italy the early 1970s was a period of continued working-class strength and mobilization. Alfa Romeo, FIAT, Olivetti, and other major factories were the sites of regular sit-ins and strikes that ultimately won the workers' lucrative new contracts. As described by Grisoni and Portelli (1977: 181), "at the level of actual achievements as well as at the level of the form of the struggle, the period 1970–74 must be considered an extension . . . [and] consolidation of the victories and aspirations of 1969."

Armed with Article 9 and an increasingly sophisticated political consciousness, workers, factory counsels, and unions initiated several years of unprecedented occupational safety and health activity. Initially, conferences aimed at political consciousness-raising and communication among workers comprised a large part of the union effect. A national occupational safety and health conference sponsored by the three unions—CGIL, CISL, and UIL—drew thousands of workers and union activists in 1972, and its proceedings provide an important historical document of worker concerns and strategies in this period. Speaker after speaker at this conference in Rimini spoke of the need for "a new organization of production . . . [and] an end to socioeconomic exploitation" (CGIL-CISL-UIL, 1972: 1).

Supported by Article 9, workers in factories throughout Italy named physicians and scientists as their "representatives" and set about the task of documenting and combating work-

place hazards. The results of these investigations frequently formed the bases for contracts that, among other provisions, fixed maximum levels of exposure to toxic substances, abolished piece rates, and mandated more frequent work pauses (for some of the most noteworthy successes, see Turci, 1973: 27; Carboni, 1973: 126–129; Nigretti, 1971: 19–29; Oddone *et al.*, 1984: 67–103).

Extensive research into the dangers of the work setting was often unnecessary. Olivetti workers in Turin in 1970 were well aware of the physical and psychological hazards of their work pace and, after months of bargaining and work stoppages, won the right to determine the pace of the assembly line based on the judgment of homogeneous groups of workers (Pizzini, 1971: 68). In the early 1970s FIAT automobile body-paint workers at the large Mirafiori plant, faced daily with the immediate physical risks of their assembly-line work, won an intense and prolonged battle with management for the establishment of work rotations and “assembly islands”<sup>6</sup> (Milanaccio and Ricolfi, 1976).

In 1972 workers were given a new weapon for these struggles when many regional governments created local Occupational Medicine Services (SMLs). The Rimini conference had concluded with workers calling for local public services that would be preventive in nature and work hand in hand with workers to reduce occupational health risks (CGIL-CISL-UIL, 1972: 638). The first SML was established in the “red” region of Emilia-Romagna, followed by those in Tuscany, Lombardy, and other regions throughout northern and central Italy. These services were seen by the predominantly communist-administered regions in which they were located as alternatives to the understaffed and employer-captured national agencies, and as such they tended to be run by personnel who were politically committed to the workers’ struggle. While these local officials were frequently useful as the outside “representatives” to which Article 9 referred, they had no real enforcement authority. Consistent with the workers’ principle of nondelegation, the legally ambiguous SMLs became outside consultants for the workers’ investigations upon which collective bargaining was based.

In the first half of the 1970s, accident rates declined only slowly, and illness rates continued to rise (see Table 4). As the secretary of the CGIL said, “We have undergone a massive

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<sup>6</sup> On “assembly islands,” a whole product is assembled by one group of workers, thereby reducing the monotony of minute task specialization.

**Table 4.** Industrial Accidents and Illnesses in Italy, 1960–80

Year	Number of Industrial Accidents	Incidence <sup>a</sup> of Industrial Accidents	Number of Industrial Illnesses	Incidence of Industrial Illnesses
1960	1,050,895	23.09	24,177	.53
1961	1,180,850	23.97	25,752	.52
1962	1,216,721	23.34	28,111	.54
1963	1,326,057	24.31	34,192	.63
1964	1,257,470	23.17	38,083	.70
1965	1,071,339	20.05	40,271	.75
1966	1,100,991	19.80	50,277	.90
1967	1,203,751	20.19	51,852	.87
1968	1,225,471	20.19	51,229	.84
1969	1,283,462	21.26	53,477	.89
1970	1,339,763	21.77	50,420	.81
1971	1,328,005	21.34	52,667	.85
1972	1,287,640	19.34	58,754	.89
1973	1,311,742	19.46	61,257	.90
1974	1,220,430	19.11	51,630 <sup>b</sup>	.81
1975	1,105,132	17.03	61,609	.96
1976	1,089,151	16.97	74,404 <sup>c</sup>	1.15
1977	1,071,051	16.76	74,374	1.16
1978	1,009,443	16.18	73,187	1.17
1979	1,017,328	15.99	70,208	1.10
1980	998,738	15.57	66,309	1.03

<sup>a</sup> Calculated as the number of cases divided by the number of industrial workers, multiplied by 100.

<sup>b</sup> This decline was almost entirely due to a decline in the number of cases of silicosis and asbestosis reported to INAIL in 1974. As the data for the ensuing years demonstrate, this decline did not signal any consistent turnaround in the upward spiral of occupational illnesses.

<sup>c</sup> This increase in 1976 was at least in part the consequence of a legal change in 1975 that expanded the definition of “industrial illness.”

Source: INAIL, 1984: pp. 48–49, 94.

counterattack” (Garavini, 1980: 19–20). In fact, employer response to workers’ offensives was both immediate and varied. Management’s “concessions” were carefully calculated to involve neither mechanisms of control nor any substantial reorganization of production, and were frequently accompanied by countermeasures designed to recoup expenditures or any potential loss of control. The experience of workers at FIAT’s Mirafiori plant is exemplary. FIAT–Mirafiori, one of the largest factories in Italy, is noted for both the intensity of its workers’ safety and health efforts and the scope of their victories. However, these victories were frequently either limited to the installation of mechanical devices (such as fans for increased air circulation) or—in the case of more radical changes—were restricted to a small number of workers involved in one circumscribed task (Guidi *et al.*, 1974). The establishment of “as-

sembly islands" at Mirafiori, for example, widely recognized as a significant innovation involving the organization of production, affected only 250 of the 55,000 workers at this plant (Marchetto, 1980: 30). Furthermore, FIAT workers' demands for "a new way of making the automobile" (Del Turco, 1980: 25) took an ironic twist as these assembly islands were counterbalanced by an increased hierarchy of control, more automation and the introduction of robots, and the increased parceling and subcontracting out of tasks (Guidi *et al.*, 1974; Milanaccio and Ricolfi, 1976: 6). Factory counsels told of a similar experience among body-paint workers and concluded that "the reduction of one group [of hazards] . . . ends up opening the way for an increase in another type of hazard" (CRD, 1974: 22).

The consequence was not only that overall safety and health conditions did not significantly improve, but also that worker control was frequently *reduced* with these production changes. Social scientists Milanaccio and Ricolfi explain the strategy at FIAT: "FIAT was required by the workers' movement to 'change' the work environment, but they did it according to a plan that tended to cut the legs off the workers' movement. . . . Technical changes have been introduced by FIAT not so much to reduce health risks but to reduce the capacity of workers' battles to affect the production process" (1976: 96).

Employers did not hesitate to take advantage of a contradiction facing workers in any capitalist society who demand radical changes in the organization of production. Remember that a fundamental contradiction exists between the employers' drive for maximum profits and the health and safety of the producers of those profits. This means, most obviously, that employers will often violate workers' interests in health and safety. But, conversely, it also means that factories in which workers effectively demand expensive production changes may experience profit reductions and ultimately, shutdowns. Italian employers, exploiting this contradiction, frequently met recalcitrant workers with the threat of closing the factory, which was predicated on profit considerations.

Related to this dilemma, Italian law allows the closing of plants or sections of plants as a last-resort sanction against employers who continually violate safety and health norms. Thus, workers' appeals to state officials often had negative consequences for the workers themselves. (See, for example, the account of the closing of a Lancia automobile plant in *Alto Adige*, September 24, 1973: 4; and September 29, 1973: 1.) As the national secretary of the Italian steelworkers union pointed out bitterly, recourse to the state after an accident in which a

worker is injured could mean “one injured and fifty unemployed” (Del Turco, 1980: 26).

The most powerful of management’s weapons was the “externalization” of dangerous tasks to smaller shops, the underground economy, or the less unionized south. As workers in Italy’s largest factories demanded the reduction of health risks, management often responded by “cleaning up” the work environment by relocating the offending production unit outside the main factory’s gates. This sometimes meant the dispersal of the dangerous work to small, less politically active plants, as in the case of Montedison di Castellanza (Montedison di Castellanza, 1974: 46–48); the transfer of operations to less unionized southern regions (one of FIAT’s most successful strategies; see Guidi *et al.*, 1974: 116), the contracting out of dangerous work to underground entrepreneurs; or even, in the case of one firm, the contracting out of contested production tasks to small cooperatives of ex-employees, *some of whom had been laid off with the department shutdown* (Future City Collective 1973: 139).<sup>7</sup> In their study of FIAT organizational structure, Guidi *et al.* summarize FIAT’s strategy as follows:

The factory revolts . . . have taught FIAT management one elementary truth: Big plants like FIAT Mirafiori are no longer governable and therefore FIAT has established a new system. That is, plants are set up in the south, but they are set up in a particular way. FIAT is not setting up a “Mirafiori of the South,” but rather many small establishments (1974: 116).

A union study of the FIAT experience concludes that “the objective result of our battles has been the export of hazards from situations of strength to situations of weakness” (CRD, 1974: 21).

This dispersal of health risks by management highlighted and played on a difficulty inherent in the workers’ model of safety and health as well as in Article 9. Any approach to occupational safety and health that hinges entirely on workers’ vigilance and control is dependent on both a strong workers’ movement *and* a production process that brings these workers together. Subjectivity, nondelegation of authority, and consensual validation all presuppose a collective of workers, just as the implementation of Article 9 requires an attentive and strong bargaining unit of workers. These newly dispersed, iso-

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<sup>7</sup> The importance of this export of risks to small factories in Italy is suggested by a European Community study that compares the differences in accident rates between small and large factories. The rate discrepancy in Italy was the highest in Europe (Eurostat, 1972: 28–29).



lated, and small production units, often located in the underground economy, were virtually immune from workers' safety and health activity and thus to all safety and health regulation. The very principle of nondelegation, which informed the workers' movement and on which Article 9 had been based, appeared to have backfired. As employers exported hazards to nonunion shops, the focus on control by the workers and away from reliance on the state meant that these shops were effectively insulated from safety and health intervention of any kind.

Confronted with employers' strategic maneuvers and the economic and structural contradictions on which many of these tactics depended, workers found that safety and health conditions were slow to improve. The occupational illness rate showed no improvement in the first half of the 1970s<sup>8</sup> while the incidence of industrial accidents was reduced slightly, most notably in 1972 (see Table 4). The cynics who predicted that Article 9 would be meaningless to workers and the optimists who foresaw a dramatic turnaround in safety and health conditions were thus both wrong. They were wrong empirically, as this review of workers' partial victories and a look at the halting improvements in safety statistics document. But they were also wrong in the respective views of the law and the Italian state that were implicit in their interpretations of the law. As the last section demonstrated, the notion of a monolithic state upon which depictions of a symbolic law depended is inapplicable to the fragmented Italian political scene of the 1970s and is particularly inaccurate with regard to the enactment of the Workers' Rights Law. The present section demonstrates that the essentially pluralist model on which hopeful predictions of a turnaround were predicated overstated the potential of law to effect social change and overlooked the larger, ongoing battle into which the law was inserted and in which it was only one weapon.

The evidence from the second half of the 1970s confirms the importance of extralegal factors in understanding the occupational safety and health experience of Italian workers following the passage of Article 9. While the class contradiction and employers' opportunistic use of the economic dilemmas inherent in the safety and health struggle had imposed restraints on the powerful workers' movement in the early 1970s, a curious

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<sup>8</sup> It should be kept in mind, however, that occupational illness rates are problematic short-term indicators because of the long-term nature of most such illnesses.

development occurred in the second half of the decade. As economic collapse *weakened* the Italian working class and precipitated a withdrawal of participation on safety and health issues, occupational accident statistics *improved*.

## VI. ECONOMIC COLLAPSE AND WORKER SAFETY, 1975–80

In 1975 the Italian economy entered a serious depression. The GNP fell for the first time since the war, registering a 3.7 percent reduction in absolute terms (Italian Parliament, 1976: 45). Overall productive activity declined more than 11 percent (Rosa, 1983: 112, 113) and industrial investments plummeted by 25 percent (Italian Parliament, 1976: 82). The rest of the decade showed only slight and inconsistent improvement. Industrial investments rose in 1976, but not enough to compensate for the 1975 decline, and fell again in 1977 and 1978 (Italian Parliament, 1978: 78). Unemployment increases accompanied the recession as the number of people employed remained approximately the same between 1974 and 1978 despite increases in the size of the labor market (Graziani, 1979). Mass layoffs were common occurrences. According to one estimate, FIAT laid off twenty-three thousand workers in one year (Greco 1980: 16).

Employers who had suffered the “humiliation” (see *ibid.*, p. 16) of the “hot autumn” and its aftermath were quick to turn economic crisis into political opportunity. Agnelli (1975) and other leaders of the Italian economy called for the liberation of Italian employers so that they would be free “to accumulate capital and labor as [they] judged most convenient” (Greco, 1980: 16). The Italian employer’s association—Confindustria—spoke sardonically of the need for an employers’ rights law (Confindustria, 1980). Addressing safety and health issues, the head of the Bank of Italy warned that “the real problem is not the quality of life in the factories, but the survival of the factories themselves” (Santin, 1975: 7–8).

Under the onslaught of economic crisis and worker layoffs, which was coupled with double-digit inflation (more than 20% by 1976), unions gave priority to unemployment and salary issues. The political sophistication of the early 1970s and the focus on the need for a radical reorganization of production that had spawned militance only a few years earlier now seemed to encourage fatalism. One legal scholar has offered the following explanation for this fatalism and the reduced worker interest in safety and health research: “The precise diagnosis of an ill-

ness is a waste if you know the cure is impossible" (Petrocelli, 1981: 670–671).

With this new fatalism came a tentative return to the monetization approach to occupational safety and health, although now it was a monetization that reflected less a rolling back of workers' hard-won political awareness and more their desperation to secure at least minimal gain in an increasingly one-sided battle (Milanaccio and Ricolfi, 1976: 98–99). While Italian workers had once proudly proclaimed, "Health is not for sale," they now added bitterly, "Yes, it's true that health is not for sale, but neither is it free" (Marchetto, 1980: 28). By the end of the 1970s, the safety and health movement had suffered setbacks so great that the CGIL sponsored a national seminar on how to revive the moribund movement (Beccastrini and Failace, 1982: 73).

The recession of the mid-1970s precipitated a "salvage mission" by the Italian government that aimed primarily to reduce the cost of labor in an attempt to revive the nation's economy (Greco, 1981: 62). Central to this mission was a series of laws, passed between 1976 and 1979, that are known as the "crisis legislation" (Greco, 1980: 20). As part of this crisis legislation package, a number of court decisions reversed earlier court interpretations of Article 9 that had given outside experts access to the factories (Canosa, 1981; Greco, 1981; Petrocelli, 1981; Vellone, 1984: 114–117). In 1980, the federal court of appeals concluded that Parliament had intended the "representatives" referred to in Article 9 to mean only *union* representatives, thus denying factory access to worker's consultants and effectively emasculating the article.

Ironically, as the worst depression since World War II silenced the workers' movement and de facto nullified the Workers' Rights Law, occupational accident statistics in 1975 showed the greatest improvement in post-war history. Even controlling for the number of workers at risk—a crucial consideration during economic booms and busts and concomitant fluctuations in the size of the labor force—the 1975 accident rate registered unprecedented improvements (see Table 4). In the rest of the decade there were less pronounced but nevertheless continuous reductions in the accident rate, in spite of increasing barriers to both safety and health organization and the implementation of Article 9.

In seeking to account for this reduction in industrial accidents in spite of workers' increasing economic, political, and legal vulnerability, a number of explanations might be offered. One might argue, for example, that the reduction reflects a

**Table 5.** Frequency\* of Industrial Accidents in Italy by Region, 1974–78

Region	1974	1975	1976	1977	1978
<u>North and Central</u>					
Piemonte	42.8	35.4	35.4	34.5	33.2
Valle d'aosta	63.7	55.1	54.1	49.8	50.1
Liguria	57	55.8	53.2	50.9	48.9
Lombardia	54.3	45.2	44.8	42.9	40
Trentino Alto-Adige	59	52.9	50.6	56	55.7
Veneto	62.4	54.7	55.6	55	51.4
Friuli Venezia-Giulia	47.4	47.2	47.6	51.9	49.2
Emilia-Romagna	66.4	57.7	56.7	56.9	54.6
Toscana	72	65	65.9	64.8	60.8
Umbria	72.4	66.5	66	64	61.6
Marche	68.1	59.3	59	59.4	58.1
<u>South</u>					
Lazio	49.4	42.2	40.7	40	36.5
Abruzzo	75.8	63.2	61.4	57.2	51.4
Molise	95.3	71.9	87.3	97.9	91.6
Campania	56.5	55.4	57.7	57.7	51.3
Puglia	89.1	76.7	74.2	66.8	60.8
Basilicata	68.6	56.9	59.4	58.4	52.2
Calabria	120.0	77.3	76.6	76.5	69.9
Sicilia	77.7	56	56	51.6	44.8
Sardegna	93.7	69.4	64.7	67.1	55.4
<i>National average</i>	59.7	51.5	51.2	50.2	46.8

\* Calculated as the number of accidents divided by the cumulative number of hours worked, multiplied by 1,000,000.

Source: INAIL, 1974–78: 12–13.

time-lag in the statistics between workers' earlier demands and gradual changes in working conditions. Or it might be suggested that the local SMLs discussed above—which had proliferated by mid-decade—carried on the struggle when workers' power was eroded. It could even be argued that the seeming "improvement" was entirely spurious, reflecting instead the externalization of hazards to the underground economy where accidents are effectively concealed.

A close look at the statistical pattern forces one to reject all these interpretations. First, they suggest a continuous, gradual improvement, while most of the accident reduction in this period is attributable to an abrupt decline in one year—1975. Furthermore, a look at the regional patterns suggests that this reduction cannot be explained by SMLs, externalization, or earlier worker militance, for the decline was as pronounced in the southern regions without a strong workers' base, SML's and the

impetus for externalization as it was in the more unionized and politically left areas of northern and central Italy (see Table 5). In fact, in some southern regions, such as Calabria, Sardegnna, and Puglia, the improvements were *greater* than those in the north. For example, in Calabria the accident rate fell from 120 in 1974 to 77.3 in 1975, a 30 percent decrease unrivaled by any northern or central region. These statistics are even more provocative if one remembers that northern employers frequently relocated their most hazardous production units to the south.

In attempting to explain these accident reductions during a period of worker vulnerability and attacks on Article 9, it will help to reexamine the class contradiction between employers' drive for maximum profits and workers' safety and health. This contradiction or tension is integrally linked to the logic of capital and the production of surplus value, and is therefore endemic to any capitalist society. The particular ways in which this tension plays itself out depend on historically specific conditions such as the relative power of labor, imbalances and dualities in the economy, and capital mobility. Two aspects of this contradiction have already been discussed: 1) In the most general sense, employers who seek to maximize profits by minimizing production costs will often violate workers' safety and health interests; and 2) conversely, workers who effectively demand production changes may be threatened with a production unit shutdown based on profit considerations.

The drive for maximum profits may be antithetical to workers' safety and health interests in another way as well. During periods of economic boom and responsive markets, manufacturers seek to maximize their profits by increasing production. Given the short-term nature of economic fluctuations, this increase in production is not accompanied by a corresponding increase in personnel. Instead, it is based on a general intensification of production achieved with methods such as quickening the work pace, short-circuiting time-consuming safety precautions, and increasing overtime. Many scholars have noted the connection between production pressures and industrial accidents. Carson (1981), for example, describes the twelve-hour days of North Sea oil workers and explains the extraordinarily high death and injury rate on offshore oil rigs as the direct consequence of such productive intensity. Perrow (1984) examines "high-risk technologies" and argues that the high accident rate in these industries is at least in part determined by production pressures.

The argument here, however, is that productive intensity

varies with economic fluctuations, and as the work pace decreases with economic recessions, so may worker accidents. Thus, just as employers could most easily afford to improve the work environment, the intensification of production to meet market demands increases the risk of accidents. Conversely, during periods of recession, dangerous overtime is reduced or eliminated, and productivity per worker is likely to fall. Ironically, as workers' bargaining power is eroded by their economic vulnerability in a recession, the accident rate may decline, not because of any major changes in the production process but rather because of a slackening of productive intensity.<sup>9</sup>

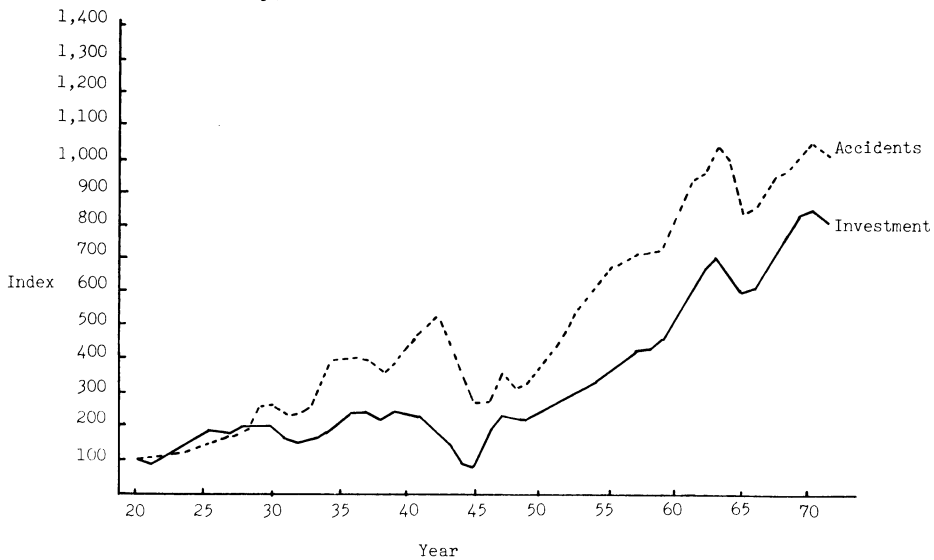
Campiglio (1976) and Gorham (1980) document this relationship between the vitality of the economy and the accident rate in Italy and the United States, respectively. Campiglio's Italian study relates two indicators of economic activity—gross industrial investments and utilization of productive capacity—to the accident rate both in the economy as a whole and in specific industries from 1920 through 1972. His conclusions, summarized in Figures 1–3, are unequivocal. Figure 1 shows that since 1920 the number of industrial accidents has been closely linked to industrial investments, a general indicator of economic activity. Figure 2 demonstrates the correlation between the percent of productive capacity utilized—an indicator of productive intensity—and the incidence of industrial accidents in the metal industry during the twenty-year period of Italy's "economic miracle." Figure 3 depicts this same relationship for the chemical, rubber, and paper industries. The general conclusion to be drawn from Campiglio's study is that economic booms consistently cause the accident rate to rise. It is only at moments of serious economic deterioration, for example, in 1965 and 1972, that the accident rate takes significant dips. Less severe economic declines, as in 1958, are accompanied by more subtle reductions in the accident rate. While recessions increase the pressure on employers to cut costs and hence conceivably to bypass costly safety precautions, the decline of productive intensity during recessions more than offsets the influence of this cost-reduction factor.

The statistics for Italy in the 1970s follow this longstanding pattern. As a whole, the decade saw an economic slowdown af-

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<sup>9</sup> This logic can be extended to occupational illnesses as well, as employers are unlikely to interrupt the production cycle to reduce toxic substance exposure at times of lucrative market opportunities. It is of course far more difficult to calculate the statistical effect of the economy on occupational illnesses given the usual time-lag between exposure to an unhealthy environment and the discovery of disease symptoms.

**Figure 1.** Industrial Investments and Industrial Accidents in Italy, 1920–1972.

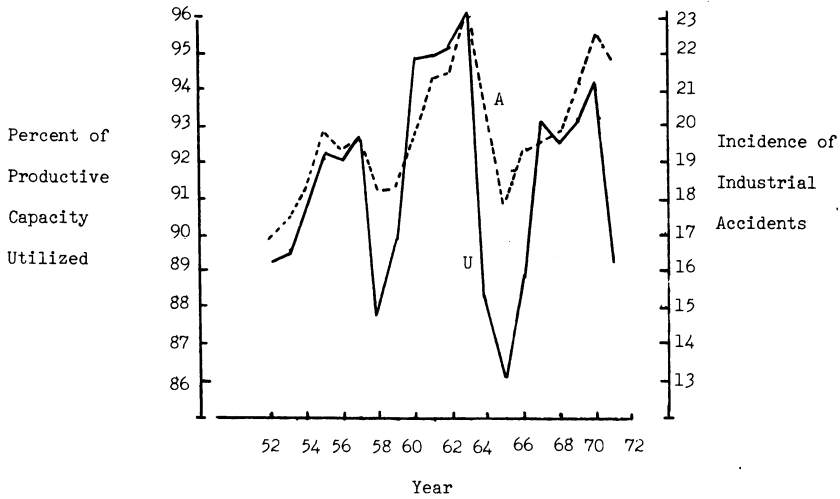


(Source: Campiglio, 1976: 107.)

ter the “miracle” of the 1950s and 1960s. It was a slowdown punctuated by economic crises beginning with the recession in 1972, followed by economic collapse in 1975, and, after a brief and tentative recovery, another recession-stagnation in 1977–78. It is precisely these recessionary years that account for most of the decline in industrial accidents during the decade (see Table 4). Some of this reduction is no doubt attributable to the concerted efforts of labor and their determined use of all the weapons at their disposal, including the Workers’ Rights Law. However, the historical pattern, the overall improvement in accident rates in the 1970s, and the accelerated decline in the rates after the virtual defeat of labor all point to the powerful influence of independent economic forces on worker safety statistics.

While these economic forces are independent of legal and political efforts aimed at worker safety and health, they are by no means autonomous of the underlying relations of production. Rather, this study suggests that there is a fundamental contradiction between the drive for maximum profits and worker safety, and that this contradiction manifested itself in at least two specific ways in Italy in the 1970s. First, the contradiction worked against labor’s efforts in the early 1970s to ameliorate the work environment as employers responded with fac-

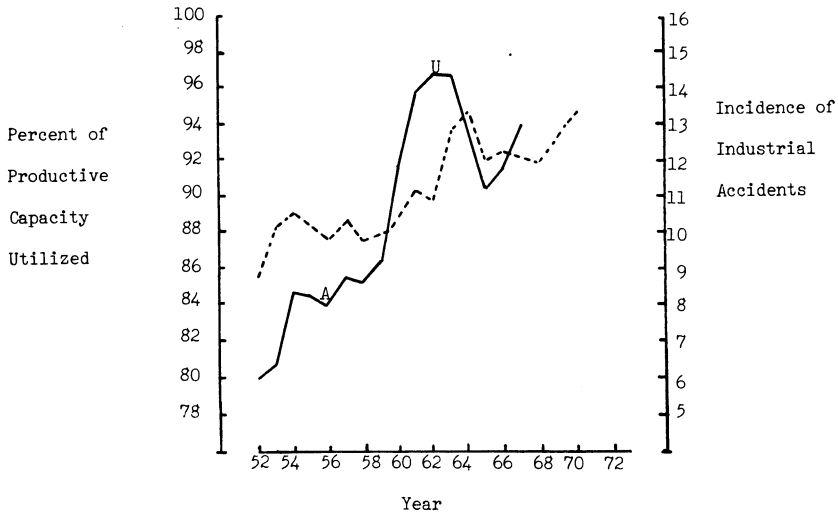
**Figure 2. Italian Metal Industry: Percent of Productive Capacity Utilized and Incidence of Industrial Accidents, 1952-72.**



U = percent of productive capacity utilized, A = incidence of industrial accidents, calculated as the number of accidents divided by the number of industrial workers, multiplied by 100.

(Source: Campiglio, 1976: 39.)

**Figure 3. Italian Chemical, Rubber, and Paper Industries: Percent of Productive Capacity Utilized and Incidence of Industrial Accidents, 1952-72.**



U = percent of productive capacity utilized, A = incidence of industrial accidents, calculated as the number of accidents divided by the number of industrial workers, multiplied by 100.

(Source: Campiglio, 1976: 39.)



tory shutdowns and the dispersal of production units. Second, the inexorable drive to maximize profits during economic booms and the resulting intensification of production create an effective counterpressure to labor's efforts to reduce work place accidents. This defines occupational safety and health as a unique labor issue, for with most other concerns (for example, wages and benefits), workers' bargaining power increases during economic booms when owners can most easily afford concessions. However, workers fighting for occupational safety and health are in a double bind. Not only do they confront the more general class contradiction faced by all workers, but given the intensification of production during times of prosperity, they are least likely to be able to realize their class interests with regard to safety and health just as their bargaining power increases. Thus was created the irony that Italian labor, armed with Article 9 and broad-based worker participation in the early 1970s, wrenched from management only a few partial victories and saw merely halting progress in safety conditions, whereas the greatest statistical improvements in occupational safety of the post-war period came at the height of workers' economic and political vulnerability in the second half of the decade.

This is not to suggest that the recession brought Italian workers qualitative improvements in their working conditions. The historical record suggests that the improvement in accident statistics during recessions is strictly temporary and that the accident rate will resume its upward trend as the economy recovers and productivity increases.

## VII. CONCLUSION

This study began as an attempt to understand the polarized interpretations of Article 9 of the Italian Workers' Rights Law. It was found that those who hailed the law as a turning point (Ghezzi, 1971; Ricchi, 1974; Smuraglia, 1973) overlooked the potential of employers' strategies to stymie or counterbalance such legislative efforts, and that those who claimed that it was merely symbolic (Santaloni, 1971) oversimplified the nature of the Italian state. In both scenarios law and the state are highlighted as the primary actors, while the playing out of fundamental economic and political contradictions is ignored.

The interpretation of Article 9 as a deliberate palliative to militant workers after the "hot autumn" of 1969 neglects the fact that the PCI used its electoral strength to liberalize the provision to ensure its utility to workers. More importantly,

this view reifies the Italian state and overestimates its deliberateness and unity. The Italian state is in fact fragmented among a number of political parties that serve varying political, economic, and ideological interests. It may be true that capitalist governments, no matter what their political stripe, in general must not interfere with the smooth operation of the dominant economic system and thus ultimately serve the interests of the capitalist class. However, the Italian Communist Party occupies the unique position of being the second-largest party in electoral strength yet having never been allowed a part in post-war government coalitions. While it is part of the Italian state and therefore plays a role in shaping legislation, as an opposition party the PCI is not a partner in the capitalist government. It is the PCI's unique location in the Italian political system—electoral strength but governmental exclusion—that accounts for both its lead role in pressing for Article 9 and the political contradictions that restricted the parameters of that legislative effort as the party lobbied for political respectability. In other words, political contradictions within the Italian state itself both precluded the possibility of a purely symbolic Article 9, and curtailed its potential.

Although its supporters took the opposing view of Article 9, seeing it as the “first truly incisive step” toward occupational safety and health (Ghezzi, 1971: 41), their interpretation too was clouded by an exaggeration of the role of concerted state action and an underestimation of the dynamism of class and economic forces as exemplified by the myriad counterstrategies of employers.<sup>10</sup> While Article 9 was considered by its advocates to be consistent with socialist principles of worker control, it confronted an economic reality not only of the private ownership of the means of production but also of uneven development.

A prolific tradition in the sociology of law attempts to explain the origin or outcome of given laws primarily by reference to the nature of the state that forges those laws (Freeman, 1978; Holloway and Picciotto, 1977; Miliband, 1969; Poulantzas, 1969; Trubek, 1977). Whatever the differences among the models proposed in these various studies, they—like the observers of the Italian Workers' Rights Law cited above—tend both to reify the state and to place the state and state action at the center of explanations of sociolegal development. In spite of

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<sup>10</sup> These employer strategies and their impact are similar to those discussed by Berman (1978), Stearns (1979), and Donnelly (1982), who document the consequences of employers' offensives to regulatory legislation and workers' safety and health struggles in the United States and Sweden.

the considerable contributions made by these theorists and their sensitivity to the role of economic interests and contradictions in the creation of public policy, it is a primary goal of their studies to determine the nature of a state through an analysis of the form and impact of the laws constructed by that state. By contrast this study of the Italian Workers' Rights Law and the complex socioeconomic environment of which it was a part demonstrates the dangers inherent in any sociology of law methodology or angle of vision that assumes that the state and legal phenomena are the central protagonists.<sup>11</sup>

A dialectical model of law and its economic and political context emerges from this study. It replaces a kind of implicit legal determinism with an emphasis on the role of economic, political, and class contradictions in the formulation of law *and* its impact. For example, with regard to Article 9, it was the class contradictions surrounding worker safety and health and the political contradictions within the Italian state that both forced a reform in safety and health legislation yet limited the scope of that reform. Furthermore, the playing out of fundamental economic contradictions, some of which are shared by all advanced capitalist democracies and some of which are peculiar to Italian-style capitalism, was far more important than state action in determining subsequent safety and health outcomes.

The pattern of safety statistics in the second half of the 1970s confirms the importance of this untangling of the "adventures of the dialectic" (Carlo, 1974: 16, 22, referring to Merleau-Ponty, 1965), if one is to avoid mistaking the consequences of independent economic forces for state intent or as the product of legal reform. Curiously, it was when workers' economic and political power began to wane in 1975 that safety statistics showed the most improvement. A close look at the pattern of these reductions in the accident rate, however, suggests that they were not the harvest of Article 9 but rather the temporary consequence of economic collapse and the attendant slowdown of production.

In documenting the various economic and political contradictions that influenced the creation and impact of the Italian Workers' Rights Law, this study challenges previous interpretations of this law. But more importantly it demonstrates that research that places the state and law at the center of analysis

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<sup>11</sup> A number of recent studies address these issues, particularly the problem of deducing the nature of the state from the outcome of legal reforms. See, for example, Kairys's edited collection (1982), especially Klare's essay (1982).

risks misinterpreting the developments that may chronologically follow law but be only peripherally or indirectly related to state action.

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