
The role of trade unions in managing corporate crises in air transport: from Alitalia to ITA Airways

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1. Alitalia from the “economic boom” to the liberalization of air transport. 2. From Alitalia to CAI: the crisis management between politics and trade unions. 3. A new season for Italian air transport: what role for trade unions?

Abstract

The contribution analyzes the role of trade unions in the Alitalia crisis. In fact, they are not exempt from responsibility as they often preferred the protection of corporate interests to the promotion of real development and modernization processes of the company. Nowadays, after the return of Alitalia (now Ita Airways) to the State and the probable sale to a private partner, a new phase has opened for the company, in which trade unions can (and must) be protagonists.

Keywords: Air transport; Trade unions; Business crisis.

1. Alitalia from the “economic boom” to the liberalization of air transport.

The Italian air transport system, after the glories of its first decades of life, had a series of crises, originally only financial but then also industrial, which transformed the last twenty years into a slow and inexorable agony, despite a lot of “resurrection” attempts by Italian State. In all phases of this affair, a non-secondary role was played by trade unions, which however doesn’t always understand company's problems correctly, ending up in favouring the defence of corporate interests over real transformation and restructuring processes, probably counting on the State interest in keeping alive a strategic sector for the national economy such as air transport. We must consider that in this context the State has always operated as a market’s regulator, but also as an entrepreneur: the huge investments necessary for infrastructures, the proximity of the civil aeronautical sector to the military one, the strategic importance of air transport in development of national economies, the high technological and safety standards, have traditionally encouraged and supported public economic initiatives, which are at the basis of the creation of national airlines and

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monopolistic management of domestic air transport, not only in Italy, but within all States, which covered the losses of their carriers for a long time too.

In turn, trade union relations in air transport have always been characterized by a considerable fragmentation due to the presence of strong unions, oriented to defend the interests of the category they represented (whether it is made up of pilots, flight attendants or various workers belonging to the “ground staff”), rather than seeking a synthesis of different needs, ending up giving life to an unstable and highly competitive trade union system. The absence of national collective bargaining for a long time and the presence on the internal market of a single large economic operator, otherwise publicly owned, gave national importance to the company bargaining and more generally to all trade union activity in the company, also determining a direct relationship between unions and politics, with consequent loss of authority by company’s top management, who sometimes the union itself tried to replace in the exercise of typically managerial powers.¹

Alitalia was born, with mainly public capital, in 1947 and for its first quarter of a century it was an example of success in the world panorama of commercial air transport, with positive balance sheets, considerable expansion rates, great customer appreciation and technologically updated and growing fleets; so much so that at the end of 1960s, at the top of its success, it became the seventh global carrier and the third European one, behind British Airways and Air France, but ahead of Lufthansa and KLM. This scenario started changing with the oil crisis of the 1970s, which led to an increase in costs, drastically reducing market expansion rates, though the company managed to overcome this phase, restoring its balance sheets. In the 90s, however, Alitalia didn’t react adequately to the liberalization of air transport implemented by the European Union, even though it was an expected event, requiring a long gestation period. After liberalization, low cost carriers (previously not existing or having simple regional or charter role) grew up and expanded their market shares, with a consequent reduction in fares. At the same time, national airlines started giving up short and medium-haul flights, attacked by low-cost companies, focusing on the profitable and less competitive long-haul, while Governments started privatization processes of national companies, knowing that the competition would have required more and more investments. Alitalia was therefore no longer operating in a monopolistic context, as a concessionaire of internal scheduled services and operator of international ones by means of bilateral traffic agreements, but in a highly competitive sector characterized by strong intra-Community and international competition. So, the position it had consolidated on domestic market since its foundation was strongly affected both by emerging low cost carriers and by those foreign national airlines that better organized themselves. Meanwhile, in order to remedy the crisis that was beginning to grip the company, starting from 1997 more recapitalisations took place by the public shareholder, submitted to stringent assessments by the EU so that they did not violate the legislation on state aid: Community legislator wanted to break the strong link

¹ Marazza M., Micheli F., *Le relazioni industriali come fattore di competitività: il caso della privatizzazione Alitalia*, in *Giornale di Diritto del Lavoro e Relazioni Industriali*, 2010, 4, 689, describe a system of industrial relations strongly inspired by consociative logics, in which trade unions try to consolidate their representation by assuming control of the company's technical processes (shifts, career progression, assignment of positions, etc.)."

between States and national carriers in order to encourage competition, but without forcing States to leave public participation.²

2. From Alitalia to CAI: the crisis management between politics and trade unions.

The first recapitalization of Alitalia was implemented in 1997 and was prodromal to the merger project with the Dutch company KLM, which had a strong structure on long-range routes, but was completely absent on short ones. In this way, Alitalia could have been able to grow up on long range, the Italian Government could have disengaged from the role of controlling shareholder and the new Malpensa airport could have been able to be a reference hub, in addition to Fiumicino and Amsterdam. The agreement included a merger between the two companies, with the creation of a third one in which Alitalia would have had a majority position, but the project failed due to Italian resistances, both political and unionist, not willing to give up Alitalia's "italianity" and fearing that internal routes might have gone to a foreign operator.³

A second attempt of international partnership took place in 2001, with the entry of Alitalia into the Skyteam world alliance promoted by Delta, Air France and KLM, for which it paid a reduction of about 30% of its long-range capacity, just when major companies were doing the opposite. Meanwhile, the most efficient low-cost carriers strongly invaded Italian market, on medium-range routes to and from the European Union and on domestic routes too. They found easy reception and very favourable conditions, even subsidies, in the large number of minor Italian airports. In the following years, savings' policy operated by the company on labour costs, led to a very strong trade union conflict, including spontaneous strikes, anomalous assemblies and other kind of trade union struggles.⁴ The protests related to various reasons: from one side the request of public measures in support of the aviation sector and a new industrial development plan and on the other side contractual requests, in particular about the wage.⁵

Between 2004 and 2005, new injections of public capital, first in the form of a bridging loan and then of recapitalization, kept the company alive until, following the increasing losses, Prodi government began the privatization of the company (end of 2006). The process had been lasting since the beginning of 2008, when the purchase offer from Air France was

² See Osti C., *Alitalia: la dolorosa istoria*, Il Mulino, Bologna, 2008, 317.

³In 1998 Alitalia began an employee share ownership program, implemented with the transfer of part of the salary into shares (Framework Agreement of 3 June 1998), but it was cancelled because it had not produced good results. See Iorio M.R., *Regole e conflitto: note critiche sul caso Alitalia*, in *Diritto delle Relazioni Industriali*, 2005, 138.

⁴ Emblematic was the case of the more than 1000 flight attendants who were absent from work for three days in June 2003 due to illness: see Iorio M. R., *ibid*, 139. The *Commissione di Garanzia* intervened on the matter, requiring the company to initiate disciplinary proceedings against employees who, having failed to perform their activities, have experienced a disservice and damaged the users, <https://www.cgsse.it/node/4210>, accessed 24 March 2022. About the "anomalous" conflict in the aviation sector see Marazza M. Micheli F., nt. (1), 690.

⁵ This phase seemed to have an end with the trade union agreements of 2004, which provide, among other things, two years of *Cassa Integrazione*, professional retraining programs and solidarity contracts. See Iorio M. R., nt. (4), 144.

not accepted, even if it would have probably avoided the insolvency. Instead, a new public loan was approved in order to support the passage of Alitalia to a consortium of national entrepreneurs grouped in CAI (AirOne, Banca Intesa San Paolo and others), but it was rejected by the European Union for violation of the ban on public aid. The Italian choice was also motivated by the contextual difficulties of another national carrier, the AirOne group, which, despite having a labour cost significantly lower than Alitalia, didn't have the entrepreneurial structure to be able to consolidate on the market. Nonetheless, with a decision taken on 12 November 2008, the Commission qualified the Italian legislative intervention as illegal aid, since the aid was not previously notified to the Commission itself and therefore submitted to the control procedure, and it was incompatible with the common market, allowing Alitalia an economic advantage without falling within the exemptions provided by art. 87 of the Treaty.⁶ However, within the same decision, the Commission considered the transfer of Alitalia's assets to CAI in order to be compatible with Community rules and considering the sale's procedure as open, transparent and non-discriminatory. According to the Commission, CAI didn't take advantage of the previously granted aid to Alitalia, since business continuity was not recognized between the two companies, so much so that the loan granted to Alitalia didn't have to be returned by CAI, but by a specially created bad company to which the liabilities got attributed. To achieve this goal, rules on the extraordinary administration of large companies in crisis were modified⁷, Alitalia was declared insolvent⁸ and a commissioner was appointed to transfer only the operational part of Alitalia to CAI, net of liabilities. To this purpose, the Decreto Legge 23 April 2008 n. 80 (converted into L. 25 June 2008 n. 111), about measures for the national air carrier, was approved. Then the Decreto Legge 28 August 2008 n. 134 (converted into L. 27 October 2008 n. 166) integrated and modified the two disciplines in force at the time about the extraordinary administration⁹, addressing companies operating in the sector of essential public services in order to guarantee the continuity of the service provided. The old Marzano law (L. 39/04), although providing for admission to the procedure requirements being in Alitalia too, was

⁶ European Commission 12 November 2008, 2009/155/CE: <https://eur-lex.europa.eu/legal-content/IT/TXT/PDF/?uri=CELEX:32009D0155&from=IT>, accessed 24 March 2022.

⁷ Towards the end of the 70s there were the first bankruptcies of national industrial companies and the Government introduced a particular insolvency procedure for companies' groups (D.Lgs. 30 January 1979 n.26, conv. L. 3 April 1979 n. 95, i.e. *Prodi law*), which established the principle that priority should be given to recovery rather than to the protection of creditors. The European Commission, however, recognized this legislation as a violation of art. 92 of the Treaty, considering it incompatible with the Community rules on state aid and competition. So the law was modified with the D.Lgs. 8 July 1999 n. 270 (so-called *Prodi bis law*), which provided for the possibility of selling corporate assets under private negotiation or of renting company's assets and branches: Santoni F., *La tutela dei lavoratori nella crisi dell'Alitalia*, in Santoni F. (ed.), *Vicende dell'impresa e tutela dei lavoratori nella crisi dell'Alitalia*, Esi, Naples, 2011, 13.

⁸ Trib. Roma 5 September 2008 n. 287, http://www.alitaliaamministrazionestraordinaria.it/wp-content/uploads/Sentenza_Alitalia_Airport.pdf

⁹ D.Lgs. 8 July 1999 n. 70 (*Prodi bis law*) and D.L. 23 December 2003 n. 346, converted into L. 18 February 2004 n. 39 (*Marzano law*). *Marzano law* was approved to manage the Parmalat crisis and it was applicable to very large companies. Although Parmalat had all the requirements for the application of the "*Prodi bis law*", the Government preferred to provide for a new discipline, to create an instrument that would guarantee the satisfaction of credit reasons, the maintenance of the company on the market and the safeguarding of employment levels at the same time. See Santoni F., nt. (8), 11.

modelled on the needs of the Parmalat bankruptcy, which still represented an industrial reality capable of generating wealth beyond the huge financial crisis it was facing¹⁰, while the preamble of the D.L.134/08 expressly referred to the restructuring of companies which are in both financial and industrial crises. The new legislation, adding a paragraph 2 *ter* to art. 5 of the Marzano law, establishes that, for companies operating in the sector of essential public services or managing at least one industrial plant of national strategic interest, the terms of the collective dismissal procedure and those ones of union information and consultation procedure are halved. It also establishes that, in the event of their unsuccessful conclusion, “the Commissioner and the transferee can agree on the partial transfer of previously unitary business complexes or production activities only and define the contents of one or more company branches, even if not pre-existing, with identification of those workers who become employed by the transferee. Transfers of workers employed by the transferee, even if just partial, can also be carried out after placing in extraordinary *Cassa Integrazione* or termination of the existing employment relationship and hiring by the transferee”.¹¹ The regulatory framework is completed with the D.L. 29 November 2008 n. 185, converted into L. 28 January 2009 n. 2 which, adding paragraph 3 *bis* to art. 56 of D.Lgs. 270/99. It establishes that in the event of the transfer of business complexes of companies operating in the field of essential services, the transfer of goods and contracts “for the liquidation of the assets of the transferor” does not constitute a transfer of a company or a business branch according to art. 2112 of the Italian Civil Code, thus excluding trade unions from the negotiating table. The CAI plan provides for strong cuts in personnel and a significant reduction in the fleet, which goes from about 240 aircraft (including the incorporated AirOne) to just 150, and once again cuts the long range, which is halved compared to what left from Iri¹² in 2000, concentrating company's offer on domestic flights just on the eve of the completion of the high-speed rail on the north-south axis and before the opening of high-speed rail transport to competition. The choice to make strong cuts on personnel, considering the cost of labour unbearable for company's survival, also requires the adoption of measures to protect workers who are involved in restructuring processes, at that moment or in a subsequent phase, given the non-applicability of the “CIG” to them. L. 166/08 links *Cassa integrazione* and unemployment benefit, available to Alitalia employees, to art. 1 bis, L. 3 December 2004 n. 291, which extends, starting from 2005, *Cassa integrazione* and unemployment benefit to air carriers' flight crew, by setting up a specific fund fed by companies.

In this period, Alitalia crisis highlights the need to coordinate peculiarities of nautical work with the discipline of income support, not only extending the discipline on “CIG” and unemployment, but also intervening on the age-old question of the applicability of the act 223/91 to airlines on collective's dismissals. In fact, the rulings of the Constitutional Court had already solved the problem of the applicability of individual dismissals' discipline¹³, while

¹⁰ See Venditti L., *Riduzione di personale e dimensioni dell'impresa: il caso Alitalia*, in Santoni F. (ed.), *Vicende dell'impresa e tutela dei lavoratori nella crisi dell'Alitalia*, Esi, 2011, 175 ff.

¹¹ About the compatibility of Italian legislation with EU law see Nappi S., *Il sistema delle tutele dei lavoratori nella vicenda traslativa dell'azienda Alitalia*, in Santoni F. (ed.), *Vicende dell'impresa e tutela dei lavoratori nelle crisi dell'Alitalia*, Esi, Naples, 2011, 55.

¹² Iri (Institute for Industrial Reconstruction) was an Italian public holding company, dissolved in 2002.

¹³ Corte costituzionale 31 gennaio 1991, n.41, in *Giurisprudenza costituzionale*, 1991, 276.

the act 166/08 also takes care of that on collective redundancies, providing for a halving of terms set by its art. 4 and implicitly recognizes the applicability of that discipline to this sector. The issue arose from Directive 98/59 on collective redundancies, actually excluding "crews of seagoing vessels" from its scope, although it does not preclude the possibility to extend the related protections to this sector as well.¹⁴ The provision contained in the 2008 law definitively closed a debate which had already come to consider the legislation on collective redundancies applicable to the entire nautical sector, bearing in mind the wording used by the directive as referable to maritime work only, with the exclusion of aeronautics and limited to the safety needs of navigation in relation to methods and timing of a collective dismissal.¹⁵

In 2014, Alitalia was again in crisis and its deficits got out of control, so a further bailout was attempted with the United Arab Emirates company Eithad which, according to European rules, could only take over 49% of the shares, leaving the majority in the hands of CAI. However, the long-haul revitalization plan was not implemented, limiting itself to reducing the short-haul. Of course, it was a short-term choice: on short and medium-haul routes, Alitalia faced competition from both high-speed trains (which, for example, monopolized the Rome-Milan route, traditionally an Alitalia's flagship) and low-cost airlines, having too high costs to compete with the latter. The result was further loss of market share, considering that, meanwhile, the other larger companions have focused on the long haul. At this point of time, it became difficult a change of strategy, because it would have been necessary to invest in new planes and buy slots to guarantee travel on certain routes, but also exit the Skyteam alliance, whose routes' division had reduced the expansion capacity of Alitalia.

New CAI / Eithad company, meanwhile renamed "Alitalia - Italian airline company", paid off its debts and deployed a leaner fleet, but the wrong industrial choices, especially from Arabs' side, which had been relied upon for the relaunch of the company despite the shareholding structure, and the inadequacy of the Emirati company to cope with the demands coming from the globalized market, brought again Alitalia back into crisis. In 2017, the year of the promised return to profits, shareholders were again overwhelmed by debts and presented a new plan of "expansionary contraction" (an oxymoron that legitimizes many perplexities among workers) that employees rejected in the referendum at the end of April, disavowing the pre-agreement previously reached between the company and the unions in exchange for a recapitalization of the company (the agreement was made on the basis of staff cuts, a significant reduction in the salaries of flight personnel). The rejection of the referendum appears understandable if we consider that economic studies had already fully demonstrated how the incidence of the labour factor in Alitalia's business costs represented only one sixth of total operating costs and had never been so low either in the history of Alitalia or in that of any other national airline. Furthermore, the repeated staff cuts that occurred in the past have been useless in the long term, resulting irrelevant to company's recovery. However, the rejection represented a defeat, first of all for the unions who have described the pre-agreement as their victory, and then for the government which had strongly

¹⁴ The application of the rules on collective redundancies to pilots was already established in the collective bargaining. See Venditti L., nt. (11), 184 ff.

¹⁵ Mazziotti F., *Riduzione di personale e messa in mobilità*, in Ferraro G., Mazziotti F., Santoni F. (eds.), *Integrazioni salariali, eccedenze di personale e mercato del lavoro*, Jovene, Naples, 1992, 100.

supported that agreement. Although with a few years of delay, the referendum result testifies to an evolution of industrial relations in which workers no longer feel represented by the unions and do not hesitate to disavow what they have agreed, not trusting their ability to correctly interpret needs and demands of workers' community.¹⁶ As an example in another production sector, like automotive, we can consider the referendums proposed in 2010 by FCA¹⁷ to the employees of two plants and concluded with a measurement approval of company's proposals. Also in that case, the sacrifices asked to the employees were counterbalanced by the promise of a relaunch of the two production sites and the agreement submitted to the workers' judgment had been negotiated with the trade unions, although in a climate of fracture with the opposition of what was then the largest union in the metalworking sector.¹⁸ The two events, even though with the necessary distinctions, show how the trade union has been facing a constant crisis of representativeness for several years and they fail to be real interlocutors of workers' interests and requests. It is undoubtedly a crisis whose scope goes beyond trade union boundaries, because it's part of a more general difficulty from intermediate corps (think also of political parties¹⁹), whose weakness can translate into a direct relationship between citizen and State just in appearance, but in reality it turns into an increase of power from the strongest, actually represented by the company in industrial relations²⁰, whose needs end up prevailing over the overall views, even if only contingent.²¹ Similarities between automotive and aviation sectors, however, end here. In the so-called "Fiat case", the referendum outcome, while representing a formal acceptance of the agreement, was considered unsatisfactory and the company decided to leave the Confindustria system²² in order to be freer in contractual choices. In the Alitalia affair a true national contractual system does not exist and trade union relations already have the company as the perimeter of action, but, despite this, there is a large break between trade unions and employees and the industrial relations system is very fragile even at company level, where there is a lack of representativeness of trade unions. The question is complex and goes beyond the subject of this discussion, but also proves the responsibilities of the trade union in the management of crises in air transport, where it aimed more to consolidate its positions immediately than opening a real debate on the destiny of the company and its concrete industrial prospects.

¹⁶ See Faioli M., *Alitalia e il caos calmo delle relazioni sindacali italiane*, <https://www.italiaincammino.it/alitalia-e-il-caos-calmo-delle-relazioni-sindacali-italiane/>, accessed 24 March 2022.

¹⁷ Fiat Chrysler Automobiles, now Stellantis.

¹⁸ See Sena E., *Rappresentatività sindacale, garanzia del dissenso e poteri del giudice*, in *Il Diritto del Mercato del Lavoro*, 2011, 755.

¹⁹ See Santoni F., *Contrattazione collettiva e principio di maggioranza*, in *Rivista Italiana di Diritto del Lavoro*, 2013, I, 75.

²⁰ See Mariucci L., *Giuslavorismo e sindacati nell'epoca del tramonto del neoliberalismo*, *WP C.S.D.L.E. "Massimo D'Antona"*, 407/2020, 6-7.

²¹ About the risks of a "local labour law", with considerations based on the Fiat affair, but also valid for air transport: Ales E., *Dal "caso FIAT" al "caso Italia". Il diritto del lavoro "di prossimità", le sue scaturigini e i suoi limiti costituzionali*, in *Diritto delle Relazioni Industriali*, 2011, 1061.

²² The General Confederation of Italian Industry, commonly known as Confindustria, is the most important Italian employers' federation.

3. A new season for Italian airplane transport: what role for trade unions?

In the event of 2017, referendum's result led the shareholders to renounce the promised recapitalization and to ask again for admission to extraordinary administration.²³ Thus we arrive at the last five years, with further bridging loans (for a total of 1.3 billion), then declared illegitimate by the European Commission for violation of the state aid legislation, and substantial redundancy payments that took the total cost to the State to exceed two billion, including Covid contributions. The special commissioners should have tried to restore the company, containing production costs, and then proceeding quickly to its sale, but the overall costs were higher in 2019 (before Covid emergency) than in the previous four years. This determined the choice to not sell the company to the best (or least worst) bidder, the German company Lufthansa, but to nationalize the company according the financial structure of Air France, where 14% is in public hands. Already in 2019 the D.L. 34/19, converted into act 58/19, provided for the Ministry of Economics and Finance to enter the share capital of a new company intended to take over the assets of Alitalia upon termination of the extraordinary administration. During the pandemic crisis, art. 79, par. 3, of the D.L. 18/2020 provided that, "in consideration of the situation determined on the activities of Alitalia - Società Aerea Italiana S.p.A. and Alitalia Cityliner S.p.A. both in extraordinary administration, by the COVID-19 pandemic, the establishment of a new company wholly owned by the Ministry of Economics and Finance or controlled by a company with prevalently public participation, even indirect, is authorized". The business complexes belonging to companies in extraordinary administration got transferred to this new company, with the relative allocation of personnel, applying the rule on halving the terms for information and trade union consultation when large industrial complexes under extraordinary administration are transferred. It is therefore evident that the first intention of the legislator was to support the transfer of the company in favour of the new public company, with the application of the relative guarantees in favour of workers, although within the limits of what established by the law on the sale of business complexes in extraordinary administration. Subsequently, art. 202 of the "Decreto Rilancio" modified paragraphs 3 and 4 of the aforementioned art. 79 and established that the new company "is also authorized to purchase and rent, also by direct negotiation, company branches of companies holding air transport licenses issued by the National Civil Aviation Authority (ENAC), in extraordinary administration too", with a clear, even if implicit, reference to Alitalia. There was no company transfer from Alitalia to the newco, but the latter could purchase individual assets of the former, evidently active, so much so that any reference to the transfer of employees from one company to another was also deleted. The objective of the legislator was not to burden the new company with Alitalia's liabilities, but to mark a strong corporate discontinuity in order to not attribute to the new company the bridging loan illegally granted to the old one. This was requested by the European Commission, actually recognizing in September 2021 the full discontinuity between Alitalia and ITA on

²³ The state of insolvency is declared by Trib. Civitavecchia 11 May 2017 n. 17 and the admission to extraordinary administration is arranged by Decree of the Minister for Economic Development of 2 May 2017.

the basis of various parameters, such as the reduced range of operations of the new company, the taking on only some activities previously attributable to Alitalia, the failure to switch to the newco of the old brand and the loyalty program.

As far as is relevant here, it cannot be denied that the entire operation mortified the role of the trade unions, excluding them from the negotiating tables. In this regard, it should be remembered that the Corporate Crisis Code, which reaffirms the central role of collective autonomy for the management of company transfers during bankruptcy proceedings²⁴, does not apply to companies in extraordinary administration. They are regulated, especially for the labour law profiles, by guidelines issued for "saving specific industrial realities"²⁵, with a complex and disorganized discipline that probably would need to "a rationalization process, to bring it back to a unitary regulatory framework".²⁶ We must therefore ask ourselves what role the trade union intends to achieve in the future. The prospects for the new-born ITA are not simple: flag carriers that managed to survive after the liberalization of the 90s and the spread of low cost, have adopted opposite strategies to those ones implemented by Alitalia (and initially followed by ITA). All surviving airlines have kept the low cost companies out of their reference hubs, directly occupying as many slots as possible, and have forced them to operate on secondary airports, as far away as possible from the centre of the biggest cities. At the same time, they gave up short and medium-haul routes, on which they just kept the so-called "feeder flights" of long-distance flights (i.e. those carried out with small aircraft, to facilitate boarding on international and intercontinental flights), avoiding the losses that a direct confrontation with leaner and cheaper competitors would have generated and concentrating on intercontinental routes. By doing so, however, they have increased their size over time and to complete their strategy, they have also created low-cost carriers within their groups, in order to partially compete with their opponents by their own means at least.²⁷ On the other way around, Alitalia has never created a low cost airline, even if there were a couple of chances with Volareweb and AirOne, nor has increased its size, rather has progressively reduced it, progressively disengaging from the long haul and focusing on the short one, according to a strategy diametrically opposite to that one of major European carriers. We don't know what the destiny of the company might be, but in the meantime the Government has authorized the sale and initiated the procedure for the search of a partner, leaving the State a minority stake that could completely disappear over time.²⁸ In this context, it remains the opportunity for the trade union to overcome certain consociate gangrene, which have seen it as leading defence battles for the "particular", rather than driving force of development projects. In a company operating in a strategic sector such as civil aviation, where human capital is an essential asset, not so much for its economic value but for the

²⁴ See Alvino I., *Continuità aziendale, trasferimento d'azienda e tutela dell'occupazione nel nuovo codice della crisi d'impresa e dell'insolvenza*, in *Rivista Italiana di Diritto del Lavoro*, 2019, I, 431 ff.

²⁵ Nappi S., nt. (12), 62.

²⁶ Lambertucci P., *La disciplina dei rapporti di lavoro nel trasferimento dell'impresa sottoposta a procedure concorsuali: prime note sul codice della crisi d'impresa e dell'insolvenza del 2019*, in *Rivista Italiana di Diritto del Lavoro*, 2019, 149.

²⁷ For example, Vueling belongs to the IAG group with British Airways and Iberia; Lufthansa has Eurowings as its low cost company (so renamed after the plane crash of 24 March 2015, which had inexorably linked the previous name Germanwings to that tragedy) and the group Air France-KLM has Transavia.

²⁸ The decision was taken in the Council of Ministers on 11 February 2022.

complexity of the functions performed and consequently for the importance of an adequate baggage of skills, knowledge and experience, the role of the union could acquire spaces for action and impulse that are certainly higher than the current ones.

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