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# The Italian civil aviation's Industrial Relations in the pandemic and post-pandemic ages

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1. Introduction. 2. From the liberalization to the LLCs' dominion. 3. The civil aviation IR framework. 4. The air transport workforce in emergency. 5. The never ended Alitalia case. 6. Climbing the mountain of workers' rights in the air transport value chain. 7. The inadequacy of the EU Social Dialogue. 8. Strikes and collective actions.

**Abstract**

The contribution studies the evolution of Industrial Relations in the Italian civil aviation sector during and after the pandemic. Starting from the IR framework, the authors analyze how the pandemic impacts on the sectoral workforce, then moving to the issues raised by the Alitalia-ITA Airways case and to the legislator's and trade unions' attempts aimed at improving the workers' rights along the air transport value chain and to fight social dumping. Finally, the role of the EU Social Dialogue and collective action is considered, especially in the contest of the LLCs' anti-strike strategies.

**Keywords**: Air transport sector; Industrial Relations; Covid-19; Value chain; Collective bargaining; Collective action.

## 1. Introduction.

The civil aviation sector in Italy has long stood as a highly volatile litmus test for the structural transformations of contemporary labor law and industrial relations. Historically characterized by a heavy reliance on a single, state-supported flag carrier, the Italian aviation landscape has rapidly mutated into one of the most hyper-competitive market within the European Union. In this context, industrial relations (IR) no longer function merely as a mechanism for economic redistribution; rather, they represent the primary structural fault

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line determining whether the industry can achieve long-term logistical stability or fall into permanent crisis.

This article explores the multi-layered crisis of the Italian air transport system through a sequence of interlocking corporate and regulatory developments, analyzing how the traditional instruments of social dialogue have been systematically strained by corporate stratagems, executive overreach, and transnational market dynamics.

## 2. From the liberalization to the LCCs' dominion.

The Italian air traffic management (ATM) system stands out as the most decentralized in Europe, underpinned by a dense network of 120 airports, 44 of which are certified for commercial passengers and 39 designated as being of national interest.[1] The governance of these infrastructures shifted radically from direct State control to private joint-stock companies under long-term concessions granted by the Civil Aviation Authority (ENAC), a transition accelerated by Legge No. 351/1995, which removed the requirement for majority public ownership.[2]

This structural devolution, further compounded by the 2001 constitutional reform of Title V, fragmented airport management and fostered intense inter-regional competition. Lacking a unified national strategic vision, local airports aggressively competed to attract routes, inadvertently laying the groundwork for a profound transformation of the domestic market.

Concurrently, EU liberalization triggered an unprecedented traffic boom, with intra-EU passenger volumes tripling between 2002 and 2019 - far outpacing other major European counterparts - and soaring to a record 218.7 million passengers by 2024, driven primarily by non-EU international routes.[3] However, the primary catalyst for this rapid market reconfiguration was the protracted crisis of the legacy carrier, Alitalia. Hampered by EU state-aid growth constraints prior to privatization and subsequent low investment by private management, Alitalia rapidly lost its market share.

The turning point occurred with Alitalia's 2008 privatization, a watershed moment that reshaped Italian industrial relations (IR). Legislative interventions weakened the flag carrier's monopoly, opening the floodgates for low-cost carriers (LCCs) and liberalizing the ground handling sector, which led to the emergence of new market players and the establishment of

[1] CENSIS, *Il sistema aeroportuale italiano: cardine e protagonista dello scenario socio-economico del paese*, 2017, https://assaeroporti.com/wp-content/uploads/2025/01/Rapporto-Censis-Assaeroporti-Completo.pdf (last accessed on 2 June 2026); for an analysis of the national air transport network, *see* ENAC, *Piano Nazionale degli Aeroporti*, October 2022, available at https://www.mit.gov.it/nfsmitgov/files/media/notizia/2022-10/Piano%20Nazionale%20degli%20Aeroporti.pdf, as well as the presentation of the forthcoming 2026-2035 Plan, which promises significant changes, including greater integration of the system - a step necessary to reduce the current fragmentation of airports: Monti M., *Piano aeroporti, previsti 305 milioni di passeggeri entro il 2035*, in *Il Sole 24 Ore*, 12 May 2026, https://www.ilsole24ore.com/art/piano-aeroporti-previsti-305-milioni-passeggeri-entro-2035-AI6SrW2C (last accessed on 15 June 2026).

[2] AVCP (Autorità per la Vigilanza sui contratti pubblici di Lavori, Servizi e Forniture), *La gestione aeroportuale*, 2013, https://www.anticorruzione.it/documents/91439/211723/La+Gestione+Aeroportuale.pdf/763996fe-3a5d-a7c5-b414-8f3019d083d1?t=1585298355383 (last accessed on 2 June 2026).

[3] ENAC, *Dati di traffico 2025*, https://www.enac.gov.it/pubblicazioni/dati-di-traffico-2025/ (last accessed on 15 June 2026).

a dedicated employers' association, Assohandlers. Leveraging airport fragmentation and Alitalia's retreat, LCCs saw their market share skyrocket from a mere 6.2% in 2004 to over 55% by 2019. By that time, Ryanair had firmly established its dominance, carrying 40.5 million passengers compared to Alitalia's 22 million, permanently shifting the power dynamics within Italy's aviation labor market.[4]

## 3. The civil aviation IR framework.

The 2008 privatization of Alitalia marked a watershed moment for Italian aviation industrial relations (IR), initiating a transition from a fragmented model dominated by autonomous craft unions toward an inclusive, confederal framework. Under this evolving paradigm, labor representation has largely concentrated within national federations affiliated with major confederations (such as Filt Cgil and Fit Cisl).[5] Although specific craft unions (like Anpac and Anpav, which merged in 2024) and localized rank-and-file organizations persist, their core institutional centrality has diminished.

This labor cohesion is mirrored by an exceptionally high union density (30-35% overall, soaring to 75-80% for flight crew), traditionally sustained by past state ownership, deeply rooted community identities, and a distinct dual workplace representation structure comprising appointed union organs (RSA) and democratically elected bodies (RSU). Conversely, employer representation remains highly fragmented across multiple voluntary associations tailored to specific segments of the value chain, including airport management (Assaeroporti and Aeroporti 2030), ground handling (Assohandlers), and airlines - where ITA Airways is represented by Assaereo, and low-cost carriers (LCCs) are grouped under AICALF.

This institutional landscape directly shaped collective bargaining, which evolved from a pre-2008 single-employer format into a complex, unique three-tier structure designed to rationalize sectoral labor relations. Orchestrated by confederal unions and fully implemented by 2013, this framework establishes a single National Collective Bargaining Agreement (NCBA) split into an overarching "General Part" – regulating macro-issues like social rights – and six autonomous, sector-specific sub-agreements covering core elements such as

[4] Arrigo U., *Un magro futuro per la nuova Ita*, in *Lavoce.info*, 30 August 2021, available at https://lavoce.info/archives/89282/un-magro-futuro-per-la-nuova-ita/ (last accessed on 3 June 2026) and Arrigo U., *La Crisi di Alitalia? Un successo del mercato*, in *Lavoce.info*, 27 April 2021, https://lavoce.info/archives/73934/la-crisi-di-alitalia-un-successo-del-mercato/ (last accessed on 3 June 2026). On the strategies of low-cost carriers into the Italian aviation market during the early stage of their expansion, *see* Alderighi M., Gaggero A.A., *Entry and exit strategy of low-cost carriers and global crises*, in *Research in Trasportation Business & Management*, 45, Part C, 2022, 1 ff.; on the effects of low-cost carriers' spread in the Italian aviation sector, *see* Campisi D., Costa R., Mancuso P., *The Effects of Low Cost Airlines Growth in Italy*, in *Modern Economy*, 1, 2, 2010, 59-67. The growth of low-cost carriers, and Ryanair in particular, in the Italian aviation market has been steady, and Ryanair is now firmly established as the leading carrier by passenger volume, both domestically and internationally, with 62.2 million passengers (+8.5% compared to 2024) and a market share of 32.1% (+0.4 percentage points). ITA follows with 16.6 million (-9.7%) and a market share of 8.6% (-1.3 percentage points): *see* ENAC, nt. (3), 63.

[5] Eurofound, *Representativeness of the European social partner organisations: Civil aviation sector, Sectoral social dialogue series*, Sectoral social dialogue series, Dublin, 2022.

flexible, flight-hour-dependent wages and working conditions.[6] Crucially, airport operator negotiations set the benchmarks for subsequent sub-agreements across the value chain, with the most recent regulatory renewals extending into early 2025.

A major fault line in this system lies within the airline segment, where coverage is highly uneven. While the NCBA primarily binds ITA Airways, LCCs explicitly reject the national multi-employer framework in favor of decentralized, corporate-level agreements or unilateral policies. Nevertheless, mounting labor pressures forced major LCCs like EasyJet and Ryanair to negotiate company-level agreements; yet even these decentralized arrangements reflect the sector's underlying friction, varying significantly between exclusive pacts with confederal federations and coalitions that re-engage autonomous craft unions.

## 4. The air transport workforce in emergency.

The COVID-19 pandemic and subsequent State intervention – relevant also in in the Italian civil air transport sector social dialogue[7] – profoundly reshaped Italian aviation industrial relations (IR),[8] shifting the focus toward publicly funded employment preservation. Faced with a catastrophic collapse in passenger volumes, the Italian government implemented a temporary ban on economic layoffs[9] alongside a massive deployment of social shock absorbers (*ammortizzatori sociali*). Sectoral employers, particularly Assaeroporti affiliates, strategically combined structural wage guarantee funds (*Cassa Integrazione Guadagni Straordinaria – CIGS*)[10] and emergency pandemic schemes (*Cassa Integrazione Guadagni in Deroga – CIGD*)[11] to secure furlough allowances covering 80% of normal wages. This system was further bolstered by the sector-specific solidarity fund (*Fondo di Solidarietà per il Trasporto Aereo – FSTA*)[12], financed through payroll contributions and municipal passenger boarding taxes.[13] However, this public safety net was uneven; temporary agency workers employed by low-cost carriers (LCCs) through external agencies (such as Ryanair's Crewlink) were excluded from aviation-specific schemes, relying instead on the generic Wage Integration Fund (*FIS*).[14]

Despite these retention mechanisms, the post-pandemic traffic recovery triggered a severe structural workforce shortage, particularly in low-margin segments like ground handling and catering. Furloughed seasonal staff frequently transitioned to other sectors offering superior health, safety, and scheduling conditions, while the lengthy, capital-intensive certifications

[6] Eurofound, *Representativeness of the European social partner organisations: Civil aviation*, Sectoral social dialogue series, Dublin, 2010.
[7] Eurofound, *Social dialogue and collective bargaining in the civil aviation sector during the COVID-19 pandemic*, Publications Office of the European Union, Luxembourg, 2022.
[8] Campanella P., Dazzi D., Guarriello F., *Le relazioni industriali nel settore aereo dopo il Covid*, in Mascini M. (ed.), *L'Annuario del lavoro*, Editor Il diario del lavoro, Rome, 2022, 291 ff.
[9] *See* Article 46 Decreto Legge No. 18/2020, so-called "Cura Italia" and Article 8, para. 9, Decreto Legge No. 41/2021, so-called "Decreto sostegni", converted in Legge No. 69/2021.
[10] Articles 19 ff. of Decreto Legislativo No. 148/2015.
[11] Article 22 of Decreto "Cura Italia".
[12] Decreto Interministeriale 7 aprile 2016.
[13] Article 1-ter of Decreto Legge No. 249/2004, converted in Legge No. 291/2004.
[14] Article 29 of Decreto Legislativo No. 148/2015.

required for aviation personnel bottlenecked replacement hiring. Conversely, the labor market for flight crews followed a separate trajectory. Rather than absorbing the highly unionized "reserve army" of unemployed workers displaced by the structural collapse of Alitalia and Air Italy, LCCs deliberately recruited unorganized staff tailored to their specific corporate models. Simultaneously, while high-seniority pilots migrated to higher-paying foreign carriers, others transitioned from the legacy carrier to LCCs like Ryanair, accelerating the latter's post-crisis operational recovery over the domestic flagship.

Ultimately, this State-subsidized stabilization lacked long-term strategic continuity. Although social partners and ministries remain aligned on 2050 airport decarbonization targets, the sector was substantially excluded from the environmental sustainability allocations of the Next Generation EU funds, as the sector received only 110 million, in order to support processes for increased digitalization of ATM. In this sense, an unresolved tension between emergency labor preservation and long-term ecological transition has characterized the industry after the post-pandemic period.

## 5. The never ended Alitalia case.

The protracted insolvency of the legacy carrier Alitalia, which remained under special administration from 2017 to 2020, triggered an unprecedented level of State intervention that fundamentally reshaped the landscape of Italian aviation industrial relations (IR).[15] Following an European Commission ruling that declared repeated state loans to Alitalia in violation of EU antitrust laws,[16] the Italian government terminated the flagship carrier's operations and established a new State-owned entity, ITA Airways.[17] To shield the "NewCo" from a catastrophic 900-million-euro financial liability, the operation was structured on a principle of absolute economic discontinuity certified by the EU.[18] Consequently, while trade unions successfully negotiated employment safeguard agreements, they were unable to guarantee the re-hire of all dismissed Alitalia personnel.[19]

[15] On its long-time crisis *see* Franchina F., *Cambiamento di esercente di aeromobile e continuità dei rapporti di lavoro*, in *Variazioni su Temi di Diritto del Lavoro*, 1, 2019, 215 ff.; Matarese M., *La tutela dei dipendenti di Alitalia nell'ambito della prima procedura di amministrazione straordinaria*, in *Variazioni su Temi di Diritto del Lavoro*, 1, 2019, 233 ff.; Santoni F. (ed.), *Vicende dell'impresa e tutela dei lavoratori nella crisi dell'Alitalia*, Edizioni Scientifiche Italiane, Naples, 2011; 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*, 128, 4, 2010, 689 ff.
[16] European Commission, Commission decision (EU) 2022/795 of 10 September 2021 on State aid in favour of Alitalia SA.48171 (2018/C) (ex 2018/NN, ex 2017/FC) implemented by Italy.
[17] Article 79 of Decreto "Cura Italia".
[18] *See* European Commission, nt. (16).
[19] *Accordo asset e sviluppo occupazionale di ITA*, signed on 2 December 2021.

This structural rupture ignited a fierce legal battle over the "discontinuity thesis".[20] Although some courts initially upheld the separation, several labor judges challenged it,[21] ruling that the nominal 1-euro transfer of core Alitalia assets (slots, aircraft, and know-how) to ITA constituted a *de facto* transfer of undertaking, thereby ordering the reinstatement of former employees.[22] To neutralize these adverse rulings, the government intervened via a controversial September 2023 Decreto Legge that legally enforced the discontinuity narrative.[23] Despite profound constitutional anxieties surrounding this executive overreach, a landmark 2025 Constitutional Court ruling ultimately validated the decree, permanently extinguishing former Alitalia employees' legal avenues for reinstatement.[24]

Conversely, labor displacement was successfully mitigated within the ground operations segment through a coordinated union agreement with Swissport, which absorbed Alitalia's legacy handling services. Meanwhile, ITA's broader strategic future stabilized through its privatization process. Following protracted negotiations, Lufthansa acquired a 41% stake in May 2023,[25] a transaction definitively approved by the European Commission in late 2024[26] after rigorous antitrust remedy commitments.[27] With subsequent negotiations underway to elevate Lufthansa's share to 90%[28] and integrate ITA into the competitive "A++" transatlantic joint venture,[29] the carrier's market viability appears secure, even as structural

[20] *See* Murena C., *Da Alitalia a Ita: i diritti dei lavoratori "prendono il volo"*, in *Diritti Lavori Mercati*, 2, 2023, 263 ff.; Bellomo S., Rocchi L., *L'inapplicabilità dell'art. 2112 c.c. alla cessione del compendio aviation di Alitalia ad Ita Airways*, in *Rivista Italiana di Diritto del Lavoro*, 2, 2023, 49 ff.; Cassano G., *Il caso Alitalia e il problema ancora aperto del trasferimento di ramo d'azienda*, in *Lavoro Diritti Europa*, 3, 2023; Sena E., *The role of trade unions in managing corporate crises in air transport: from Alitalia to ITA Airways*, in *Italian Labour Law e-Journal*, 15, 2, 2022, 192 ff.

[21] Trib. Rome, 12 July 2023, No. 7299; Trib. Rome, 27 June 2023, No. 6746; Trib. Milan, 5 June 2023, No. 1253; Trib. Rome, 31 May 2023, No. 5688; Trib. Milan, 24 May 2023, No. 1867; Trib. Rome, 11 May 2023, No. 4781; Trib. Milan, 3 April 2023, No. 298; Trib. Rome, 30 March 2023, No. 1114; Trib. Rome, 18 February 2023, No. 11006; Trib. Milan, 9 January 2023, No. 2694; Trib. Rome, 23 October 2022, No. 8429.

[22] Trib. Milan, 8 September 2023, No. 2783; Trib. Rome, 26 July 2023, No. 6205. *See* Conte D.A., *Si riapre la partita tra ITA e gli ex dipendenti Alitalia: arrivano le prime sentenze che riconoscono la continuità aziendale e ordinano la riassunzione dei lavoratori*, in *Diritti & Lavoro Flash*, 5, 2023, 4 ff., confirmed by the Court of Appeal of Rome: Franchi M., *Ita perde ancora. Condannata in appello a Roma*, in *Il Manifesto*, 31 August 2023, https://ilmanifesto.it/ita-perde-ancora-condannata-in-appello-a-roma.

[23] Article 6 of Decreto Legge 29 settembre 2023, No. 131, converted in Legge 27 novembre 2023, No. 169. *See* Tufo M., Coup de theatre *nel caso ITA Airways: ecco l'interpretazione "autentica" del Governo Meloni (che riscrive "Lo spirito delle leggi")*, in *Diritti & Lavoro Flash*, 6, 2023, 15 ff.

[24] Constitutional Court, 8 July 2025, No. 99.

[25] Managò A., *Nasce la nuova Ita. Raggiunto l'accordo con Lufthansa*, in *Agi*, 25 May 2023, https://www.agi.it/economia/news/2023-05-25/ita_lufthansa_firmato_accordo-21547467/ (last accessed on 10 June 2026).

[26] European Commission – DG Competition, *Case M.11071 – Deutsche Lufthansa/Mef/ITA. Regulation (EC) No 139/2004. Merger Procedure. Decision on the implementation of the commitments – Purchaser approval*, 29 November 2024.

[27] *See* European Commission – DG Competition, *Case M.11071 – Deutsche Lufthansa/Mef/ITA. Regulation (EC) No 139/2004. Merger Procedure. Article 8(2) Regulation (EC) 139/2004*, 3 July 2024.

[28] Pogliotti G., *Lufthansa aumenta la quota in Ita Airways al 90%: integrazione e crescita strategica entro il 2027*, in *Il Sole 24 Ore*, 12 May 2026, https://www.ilsole24ore.com/art/lufthansa-esercitera-opzione-ita-giugno-salira-90percento-AIevMv1C (last accessed on 12 June 2026); Monti M., *Lufthansa tratta con Roma per salire al 90% di Ita Airways*, in *Il Sole 24 Ore*, 13 November 2025, https://www.ilsole24ore.com/art/lufthansa-tratta-roma-salire-90percento-ita-airways-AHXgoyiD (last accessed on 10 June 2026).

[29] Berberi L., *Lufthansa e United agli Usa: «Ita Airways entri nell'alleanza transatlantica, solo così può crescere»*, in *Il Corriere della Sera*, 4 October 2025, https://www.corriere.it/economia/trasporti/aerei/25_ottobre_04/lufthansa-e-united-agli-usa-ita-airways-entri-nell-alleanza-transatlantica-solo-cosi-puo-avere-un-futuro-9aad8599-f3d8-42e0-aee3-c0514fe0bxlk.shtml?refresh_ce (last accessed on 10 June 2026).

questions regarding long-term employment stability and industrial relations remain unresolved.

## 6. Climbing the mountain of workers' rights in the air transport value chain.

Despite the statutory ban on pandemic-related collective layoffs, Italian aviation labor felt the full weight of the health crisis, which triggered an unprecedented centralization of company-level collective bargaining. Confronted with immediate financial distress, carriers resorted to sweeping contingency pacts. On the one hand, low-cost carrier (LCC) subsidiaries like Malta Air negotiated concessions with Fit-Cisl, Anpac, and Anpav, pairing structural wage reductions with flexible scheduling, expanded solidarity contracts (*contratti di solidarietà*), and voluntary furloughs to avert job losses.[30] Although subsequent traffic surges prompted an accelerated pay restoration agreement in August 2022,[31] the modest scale of the increases drew sharp criticism from excluded confederations (Filt-Cgil, Uiltrasporti), that responded to the ballot organized by the signatory unions (Anpac, Anpav and Fit Cisl) to support the agreement and directed only to their members with another referendum extended to the whole Ryanair flight personnel, which resulted in an opposite outcome, and with strikes.[32]

On the other hand, ITA Airways stabilized its initial operations by signing a major decentralized agreement on December 2, 2021 - coinciding with its entry into the employers' association Assaereo and the synchronized renewal of the sector-specific National Collective Bargaining Agreement (NCBA) – which imposed an immediate 40% salary reduction balanced by a bi-annual performance bonus.[33]

Beyond flight crews, the broader aviation value chain suffered from severe structural fragmentation, driven by rampant subcontracting and outsourcing. In ground operations, newly formed non-affiliated handlers like Swissport and Dnata (operating via Airport Handling) initially resisted their respective sector-specific NCBAs. Compelled by coordinated strike actions, Swissport eventually extended the national multi-employer contract across major hubs like Rome Fiumicino and Milan Linate by mid-2023,[34] though procurement instability and potential corporate joint ventures involving Lufthansa and ITA keep the sector's regulatory landscape volatile.[35]

[30] Malta Air ltd, Fit Cisl, Anpac & Anpav contingency agreement in response to Covid-19 crisis 1 Oct 2020 – 1 Oct 2024.
[31] Malta Air/Fit Cisl, Anpac & Anpav Italy Based Cabin Crew Collective Agreement ("CLA") 1 Jul 2022 – 31 Mar 2026 – Subject to Board Approval.
[32] Greco R., *Ryanair, tra referendum e scioperi*, in *Collettiva*, 1 September 2022, available at https://www.collettiva.it/copertine/lavoro/2022/09/01/news/ryanair_veri_e_falsi_referendum-2317846/ (last accessed on 11 June 2026).
[33] Accordo integrativo di secondo livello signed on 2 December 2021 by ITA Airways, Filt Cgil, Fit Cisl, Uiltrasporti, Ugl trasporto aereo, Usb lavoro privato, Fast Confsal, Anpac, Anpav, Anp, Navaid.
[34] *Swissport: Filt, accordo su contratto e assunzioni*, in *Collettiva*, 27 December 2022, available at https://www.collettiva.it/copertine/lavoro/2022/12/27/news/swissport_filt_accordo_su_contratto_e_assunzioni-2602310/.
[35] Dalcastagné E., *Cambia l'handling a Fiumicino: l'uscita di Swissport e il futuro incerto degli ex dipendenti di Alitalia*, in *Domani*, 19 February 2025, available at https://www.editorialedomani.it/fatti/airport-handling-swissport-aeroporto-fiumicino-cosa-accade-appalto-ex-dipendenti-alitalia-ita-uvbau5gu (last accessed on 11 June 2026).

Nationally, employer representation has further fractured, as demonstrated by the 2021 birth of Aeroporti 2030 (splitting from Assaeroporti), whose members are the airports of Roma Fiumicino, Roma Ciampino, Venezia, Treviso, Verona and Brescia, Bari, Brindisi, Foggia and Taranto,[36] and the 2020 foundation of AICALF to represent major LCCs Aicalf,[37] namely Easyjet, Ryanair, Volotea and Vueling.[38] Yet, this fragmentation has not broken the multi-employer framework. While the integration of sector-specific contracts experienced a prolonged slowdown after the 2019 general contract renewal, a wave of renewals between late 2022 and mid-2026 across airport management,[39] catering,[40] ground handling,[41] air traffic management[42] and foreign airlines operating in Italy (FAIRO)[43] successfully revived the centralization process, accompanied by the renewal of the general part.[44] Current industrial negotiations are focused on the attempt to expand coverage of the carriers specific part of NCBA both on the trade union (with the engagement of the craft unions Anpac and Anp) and the employers' organizations side (with the creation of AIVA, joint bargaining body for ITA Airways and EasyJet), marking a concerted push to bring traditionally hostile LCCs under a unified sectoral wage floor.[45]

This systemic drive for wage stabilization unfolds against a highly contentious legal and constitutional background. Lacking a statutory national minimum wage under Article 36 of the Constitution (which acknowledge the principle of adequate salaries) the "Conte 2" government attempted to enforce the NCBA as a legally binding minimum wage floor through Articles 198 and 203 of the "Decreto Rilancio",[46] according to which employers can operate in the civil aviation and access to the compensations for the pandemic damages only when they apply wages not lower than those set by the national collective agreement signed by the "comparatively most representative employers and trade union organizations" (so-called leader contract).[47] This regulatory mechanism proved largely unenforceable: Article

[36] *Aeroporti 2030*, available at https://www.aeroporti2030.it/.
[37] *AICALF (Associazione Italiana Compagnie Aeree Low Fares)*, https://www.aicalf.org/.
[38] Formica F., *Ryanair e le altre low-cost straniere: "Il governo elimini l'addizionale comunale"*, in *La Repubblica*, 16 March 2022, available at the following link: https://www.repubblica.it/economia/diritti-e-consumi/trasporti/2022/03/16/news/ryanair_e_le_altre_lowcost_straniere_il_governo_elimini_laddizionale_comunale-341497222/?ref=RHTP-VS-I330891680-P16-S8-T1 (last accessed on 12 June 2026).
[39] 4 June 2025.
[40] 7 December 2022, still on negotiations.
[41] 26 October 2023, still on negotiations.
[42] 17 April 2026.
[43] 7 August 2025.
[44] 7 February 2025.
[45] *See* Filt Cgil, Fit Cisl, Uil Trasporti, Ugl Trasporto aereo, Anpac, *Resoconto incontro con AIVA per il rinnovo del CCNL del Trasporto Aereo – parte specifica vettori*, 26 September 2025, available at https://www.fitcisl.org/wp-content/uploads/2025/10/26-09-25-comuni-rinnovo-CCNL-vettori-260925.pdf (last accessed on 12 June 2026). It is worth noting that, during the review of this essay (on 4 July 2026), the renewal proposal of the carriers' specific part of NCBS have been signed by Filt Cgil, Fit Cisl, Uiltrasporti, Ugl Trasporto Aereo, Anpac, Anp and Assaereo, together with the proposal renewal of the ITA Airways decentralized agreement. After the workers' approval, the proposals will be completely effective (*see* https://www.filtcgil.it/notizie/2707-sottoscritta-ipotesi-rinnovo-sezione-vettori-contratto-trasporto-aereo.html, last accessed on 7 July 2026).
[46] *See* Tufo M., *Tecniche di rinvio e giusta retribuzione*, Edizioni Scientifiche Italiane, Naples, 2024; Tufo M., *I rinvii legali al contratto leader: il caso del trasporto aereo*, in *Lavoro Diritti Europa*, 3, 2024; Orlandini G., *Clausola sociale per i lavoratori del trasporto aereo: un freno al dumping delle compagnie low cost*, in *Diritti & Lavoro Flash*, 4, 2020, 27 ff.
[47] Decreto Legge 19 maggio 2020, No. 34, converted by Legge 17 luglio 2020, No. 77, on which *see* Albi P., Bavaro V., Bellavista A., D'Onghia M., Orlandini G., *Brevi considerazioni sul decreto lavoro n. 62/2026*, in *Il diario*

198 was successfully struck down by Ryanair before the EU General Court in 2023,[48] although the decision was overturned by the EU Court of Justice,[49] while Article 203 suffered from deep political and administrative paralysis.[50]

After the 2022 EU Directive No. 2022/2041 on adequate minimum wages approval, Italy has extended the wages of the leader contract to their respective sectors with the so called "Decreto Primo Maggio",[51] a framework that undeniably solidifies the legal primacy of the aviation NCBA. Nevertheless, the contract's capacity to single-handedly eradicate in-work poverty remains deeply vulnerable. In a striking intervention, the Italian judiciary ruled that the reduced, starter wage scales paid to flight attendants under the combined effect of the carriers' NCBA and the ITA corporate concessions were unconstitutionally low and "unfair," exposing the baseline fragility of collective bargaining within Italy's deregulated skies.[52]

## 7. The inadequacy of the EU Social Dialogue.

If we shift our focus from the national level of industrial relations in the aviation sector to the European level, the principles set out in the European Council Recommendation of 12 June 2023 on strengthening social dialogue[53] stand out first and foremost. These principles are intended to provide a new start for the Social Dialogue which has been severely weakened in many Member States over the last few decades. As far as the Italian context is concerned, they align well with the provisions of the Relaunch Decree, which is also aimed at indirectly extending the coverage of NCBA, albeit specifically within the field of air transport.

More recently, the provisions of the Recommendation have been joined by a specific "Pact for European Social Dialogue", signed on the 5th December of 2025 by the European Commission with Etuc, Business Europe, SGI Europe, Sme United, following the Val

*del lavoro*, 4 May 2026, https://www.ildiariodellavoro.it/brevi-considerazioni-sul-decreto-lavoro-n-62-2026/ (last accessed on 12 June 2026); Orlandini G., *Vizi e virtù del salario giusto*, in *Diritti & Lavoro Flash*, 3, 2026, 7 ff.

[48] Judgment of the General Court, *Ryanair v Commission (Italy; aid scheme; COVID-19)*, Case T-268/21, 24 May 2023, that annulled Commission Decision C(2020) 9625 final of 22 December 2020 on State aid SA.59029 (2020/N) – Italy – COVID-19: Compensation scheme for airlines with an Italian operating licence. *See* Orlandini G., *Salario minimo, clausole di equo trattamento e libera concorrenza: a proposito di una recente sentenza del Tribunale dell'Unione europea favorevole a Ryanair*, in *Diritti Lavori Mercati*, 3, 2023, 532 ff.; Orlandini G., *Accolto dal Tribunale UE il ricorso di Ryanair sugli aiuti di Stato alle compagnie aeree:* sub iudice *l'obbligo di rispettare il CCNL leader nel settore*, in *Diritti & Lavoro Flash*, 4, 2023, 16 ff.; Bavaro V., Scelsi A., *Aiuti di stato e salario minimo nell'aerotrasporto. Il Tribunale UE sul nuovo caso* Ryanair, in *Rivista Giuridica del Lavoro e della previdenza sociale*, 4, 2023, 555 ff.

[49] CJEU, Case C-490/23 P, *Neos v Ryanair and Commission*, 23 January 2025.

[50] *See* Sena E., *Security della navigazione aerea e tutela del lavoro del prestatore di volo*, Giappichelli, Tutin, 2023, 24 ff.; Gragnoli E., *La nuova regolazione del trattamento economico dei dipendenti delle imprese di trasporto aereo*, in *Rivista italiana di Diritto del Turismo*, Special issue, 2020, 483 ff.

[51] Articles 7 ff. of Decreto Legge 30 aprile 2026, No. 62, converted in Legge 25 giugno 2026, No. 112.

[52] App. Milan, 3 January 2024. *See* Tufo M., *Nuove turbolenze per ITA Airways: i salari della compagnia di bandiera sono "incostituzionali"*, in *Diritti & Lavoro Flash*, 1, 2024, 16 ff.

[53] Proposal for a Council Recommendation on strengthening social dialogue in the European Union, Brussels, 25.1.2023 COM(2023) 38 final. *See* Hiessl C., *Perspectives on social dialogue*, in *European Labour Law Journal*, 15, 4, 2024, 891 ff.; Kwiatkiewicz A., *A commentary on the Council Recommendation on strengthening social dialogue in the European Union*, in *European Labour Law Journal*, 15, 4, 2024, 893 ff.; Rainone S., *EU social dialogue revitalisation: Between rhetoric, new rights, political commitments and historical caution*, in *European Labour Law Journal*, 15, 4, 2024, 900 ff.

Duchesse Social Partner Declaration of 2024. The Pact was intended to reinforce the EU's new commitments regarding Social Dialogue, whilst tempering the trade unions' persistent skepticism on the matter, due to the non-binding nature of EU recommendations[54] but also to the controversial funding cuts involving the European sectoral committees.[55]

Anyway, in Italy, this framework continues to be viewed with some coldness by social partners, who, incidentally, had already harshly criticized Brussels' exclusion of civil aviation from the Green Deal's industrial and environmental funding during the pandemic. In this context, it is not surprising that at the bipartite level the trade unions continue to appear focused on the national IR without a supranational dimension of reference. After all, decades of deregulation and the rise of powerful LCC multinationals have deeply dismantled national IR models, rendering coordination at the European level exceptionally difficult.

Nevertheless, certain Italian IR initiatives regarding matters more appropriately addressed in a supranational debate have resonated at the European level, notably the issue concerning the safety of workers against unruly passengers.[56] In this regard, the trade unions of the Marconi Airport in Bologna signed a tripartite local agreement that was considered a significant best practice at European level and was, in fact, presented in Brussels in September 2022 during the Conference on Social Dialogue in the air transport sector.

Ultimately, the most effective driver for European union integration is coordinated industrial action rather than institutional dialogue. Organized by the European Transport Workers' Federation (ETF) through Transnational Airline Networks (TANs)[57] at carriers like Lufthansa, Ryanair, and Wizzair, cross-border strikes[58] have fostered a genuine transnational labor identity. However, translating this strike-driven solidarity into stable, cross-border collective bargaining remains the most critical challenge facing European aviation labor, as demonstrated by the case of Ryanair itself, with its persistent reluctance, at present, to engage in any form of transnational collective bargaining within the company.

## 8. Strikes and collective actions.

When analyzing the intersection of national regulatory frameworks and transnational industrial action, the Italian case reveals a profound friction between corporate strategies and strike-monitoring mechanisms. Ryanair has systematically exploited trade union

[54] Kwiatkiewicz A., nt. (53), 893.
[55] *Open Letter from the European Sectoral Social Partners. Review of the rules on financing of the European Sectorial Social Dialogue Committees*, 8 February 2023, https://www.fiec.eu/application/files/3816/7585/0759/2023-02-08_Join_Letter_to_EC_from_the_European_Sectoral_Social_Partners_Review_of_the_Sectoral_Social_Dialogue_Committees.pdf (last accessed on 12 June 2026).
[56] *See* IATA, *Even safer and more enjoyable air travel for all. A strategy for reducing unruly and disruptive passenger incidents*, Version 3, June 2023, https://www.iata.org/contentassets/b7efd7f114b44a30b9cf1ade59a02f06/tackling-unruly-disruptive-passengers-strategy.pdf; International Labour Organization (ILO), *Towards a Green, Sustainable and Inclusive Recovery for the Civil Aviation Sector: Report for the Technical Meeting on a Green, Sustainable and Inclusive Recovery for the Civil Aviation Sector (Geneva 24-28 April 2023)*, Sectoral Policies Department, Geneva, 2023, 50 ff.
[57] Eurofound, nt. (5), 144.
[58] De Spiegelaere S., *Transnational union action at Ryanair*, in *Transfer*, 26, 2, 2020, 229 ff.; Golden D., Erne R., *Ryanair pilots: Unlikely pioneers of transnational collective action*, in *Transfer*, 28, 4, 2022, 451 ff.

fragmentation and internal divisions within historical federations to sign selective collective agreements with single organizations. This country-by-country bargaining strategy has not eliminated situations of conflict as some strike action by non-signatory trade unions has continued, at least for a certain period.

Because air transport falls under Italy's essential public services legislation (Legge No. 146/1990), these disputes are subject to the oversight of the Guarantee Commission (*Commissione di garanzia dell'attuazione della legge sullo sciopero nei servizi pubblici essenziali* - CGSSE).[59] Following an intense interlocution, the Commission extended the full scope of the law to Ryanair after the carrier failed to guarantee the statutory "minimum services" (*servizi minimi*) to protect passengers.[60]

LCC business models - predicated on maximizing aircraft utilization by routing a single airframe across multiple European destinations daily – render state-defined minimum services structurally unenforceable. If a coordinated transnational strike strands an aircraft at a foreign base, or if operating a single protected domestic leg becomes entirely uneconomical, carriers frequently cancel flights. This behavior bypasses passenger protections because the statutory financial sanctions under Legge No. 146/1990 are heavily ineffective as a deterrent.[61]

The systemic vulnerability of the sector became highly evident during the post-lockdown traffic resumptions of 2021 and 2022. In 2021 the CGSSE recorded 86 strikes (36 of national relevance).[62] Conflict focused primarily on job security and recruitment practices, heavily dominated by the dispute against ITA Airways over its unilateral company regulations and initial refusal to join Assaereo. In 2022 the CGSSE reported 138 strikes, driven by an unprecedented wave of cross-border industrial action.[63] Protests were led by non-signatory unions (mainly FIT-CGIL and Uiltrasporti) targeting major LCCs (Ryanair, EasyJet, Wizz Air, Vueling, Volotea) to demand minimum wage standards and better working conditions.[64]

To maximize the disruptive impact of their actions within the tight confines of Italian strike laws, smaller trade unions frequently organize flight and ground crew strikes to coincide (*sciopero in concentrazione*)[65] with those of Air Traffic Controllers (ATCs). This tactic highlights the highly critical bottleneck that Air Traffic Management (ATM) represents in civil aviation.

[59] Article 2, para. 3, Legge No. 146/1990.
[60] *See* Commissione di garanzia dell'attuazione della legge sullo sciopero nei servizi pubblici essenziali (CGS) Resolution No. 18/352 of 6 December 2018, by which the previous CGSSE Resolution No. 17/31 of 16 February 2017 was revoked; in fact, the latter had initially subjected strikes at Ryanair to the application of only a minimal part of the rules of Legge No. 146. On the guidelines of the Guarantee Commission regarding the Ryanair case, *see* critically La Macchia C., *Dall'autorevolezza all'autoritarismo. La parabola discendente dell'esercizio del diritto di sciopero nei servizi pubblici essenziali*, in *Il Diritto Vivente*, 1, 2019, 96 ff.
[61] Article 4, para. 4, Legge No. 146/1990.
[62] Commissione Garanzia Sciopero (CGS), *Relazione annuale 2022 sull'attività svolta nell'anno 2021*, Rome, 2022, 75.
[63] Commissione Garanzia Sciopero (CGS), *Relazione generale di Orsola Razzolini (Presidente dal 7 aprile 2023)*, in CGS, *Relazione annuale 2023*, Rome, 2023, 3 ff.
[64] Greco R., nt. (32).
[65] *See* Commissione Garanzia Sciopero (CGS), *Relazione annuale 2025 sull'attività svolta nel 2024. Presentazione della Presidente Prof.ssa Paola Bellocchi*, Camera dei Deputati, Rome, 12 June 2025; Commissione Garanzia Sciopero (CGS), *Relazione annuale 2023*, Rome, 2023, 99.

LCCs are hyper-sensitive to any atmospheric or labor disruption along their multi-leg routes; an ATC strike in one part of Europe regularly causes a cascade of flight cancellations in Italy. This operational vulnerability explains Ryanair's highly publicized web petition demanding that the European Commission intervene to protect overflights during French ATC strikes, a campaign that has gathered over two million signatures.[66] There is a stark contradiction in corporate behavior: while LCCs aggressively demand European intervention to curb ATC strikes in the name of consumer rights, they routinely ignore their own statutory duties to provide minimum services during internal labor disputes for purely economic reasons.

Lastly, the complete absence of a European regulation on strikes - currently barred by Article 153(5) TFEU, which explicitly excludes the right to strike from the Union's competences - actively benefits carriers. In the absence of a supranational legal framework, LCCs routinely deploy transnational strike-breaking tactics, such as substituting striking personnel with crews from foreign bases or diverting flights to alternative regional airports to evade local general strikes.[67] These dynamics highlight the urgent need for a wider reflection at the European level, that, actually, had been already started by the CGSSE,[68] as proved by its letter of 20 November 2013 directed to the EU Commission, with the aim of soliciting a discussion for a common regulation on strikes in the air and railways transportation. To be effective, any hypothetical EU legal framework governing industrial action must not be top-down; it must be built on a strengthened social dialogue, drawing inspiration from the core of the Italian model, where the search for union consensus is the structural foundation of the system.[69]

[66] Golden D., *Ryanair – on the side of Europe's citizen?*, in *Social Europe*, in *Social Europe*, 27 June 2023. In Italy, Aicalf, representing the LLCs operating in the country, has also called on the Italian Government to advocate in Brussels for the need to allow flights to cross the airspace of Member States during air traffic controllers' strikes: Aicalf, *Garanzia dei sorvoli in caso di sciopero dei controllori di volo. La richiesta di Aicalf: salvaguardare la mobilità dei cittadini europei*, https://www.aicalf.org/garanzia-dei-sorvoli-overflights-in-caso-di-sciopero-dei-controllori-di-volo/ (last accessed on 16 June 2026).

[67] CGS, nt. (63), 12. This also happened during the political strike against the war in October 2025 in support of the Flotilla: Editorial Staff, *Ryanair dirotta 26 voli da Bologna a Forlì. Cgil Bologna: "Scappano dallo sciopero, non è la prima volta"*, in *Il Fatto Quotidiano*, 3 October 2025, https://www.ilfattoquotidiano.it/2025/10/03/ryanair-voli-dirottati-bologna-forli-sciopero-notizie/8147902/ (last accessed on 16 June 2026).

[68] CGS, nt. (63), 11.

[69] However, regarding the progressive distortion of the original consensual nature of Legge No. 146 because of increasingly stringent measures by the CGSSE and by the Government too using compulsory orders (so called "*precettazione*"), *see* Campanella P., *Lo sciopero nei servizi pubblici e nei settori ad alta conflittualità intersindacale: quali regole*, in *Quaderni della Rivista Giuridica del Lavoro e della Previdenza Sociale*, 4, 2026 (forthcoming). Recently Legge No. 146 was also censured by the European Committee of Social Rights (ECSR) – the body responsible for monitoring compliance with the European Social Charter – on several points: ECSR, *Unione Sindacale di Base (Usb) v. Italy*, Complaint No. 208/2022, 13 March 2026.

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