

# ABRIDGED QUARTERLY REPORT

*national priorities:  
aims and results of  
regulation*

*APRIL 2001*

**CREDITS**

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## **INTRODUCTION AND SUMMARY**

*The second ISAE Report on national priorities and regulation follows the one ISAE presented for the first time in April 2000. This Report draws its justification from the awareness that the nature and intensity of cyclical dynamics trace back to the structural characteristics of the economic and social structures. A real understanding of the cycle cannot but start from a thorough analysis of the major problems - either behavioural, institutional, regulatory, sectorial or geographical - faced by Italy as well as by other highly-industrialised countries.*

**Importance of  
regulation  
analysis**

*Moreover, the hereafter-described analyses and the stress laid on regulation - considered as a form of public intervention in the economy - were prompted by the deep changes which have occurred in Italy over the past few years and which have increasingly been influencing the performance of its economy.*

*The participation of Italy to the European single-currency and the alongside (and somehow preliminary) acceleration of the process of monetary stabilisation and financial recovery, highlight, ever more clearly, the nature and peculiarity of the real and structural factors which are at the basis of the Italian competitiveness. Admittedly, these considerations were already widespread when the expected advantages and future risks deriving from the euro adoption were being debated. But an (inevitably abstract) discussion on the future scenarios of the national economy is something completely different from living everyday's life plunged into the new (and much strived) constraints imposed by an European fixed exchange rate, by the need to keep inflation persistently low and close to our partners' levels, by a sound balance constraint as a prerequisite for public finance management. Therefore, the analysis of the real and structural factors determining competitiveness becomes an important element in the overall evaluation of the Italian performance and prospects, which indeed also depend on the regulatory provisions operating in the so-called "system-country".*

*If it is true that all kinds of public intervention in the economy do exert an influence, admittedly the most traditional form of economic policy, pursued through the State budget, is increasingly losing importance, owing to its narrowing and, in the medium-term, to the*

*annulling of its balance induced by the Stability and Growth Pact. The relevance of regulation in its two aspects (namely command and control) stems directly from those considerations.*

**Definition,  
instruments and  
aims of  
regulation**

*Hence, mentioning the analytical framework already described in the ISAE Report of April 2000 is perhaps useful, given the wide lexical, conceptual and model variety existing in this area, which is at the borderline between two disciplines - namely economics and law - which have not always been smoothly communicating one with the other. According to ISAE, regulation consists of the whole of the legal, contractual, administrative, procedural rules and institutions ensuring the bases and structures of the economic organization both in the private (households and firms) and in the public sectors. The tools of regulation are the constraints, rights, obligations, sanctions, incentives imposed or offered to economic and social agents with the aim of obtaining economic effectiveness and efficiency in the pursue of the (always different) aims set by the economic policy. The results may be diversified, whenever rules emerge failing to affect the operators' behaviours ("grida manzoniane"<sup>1</sup>) or - even worst - prove counterproductive (distorsive interferences) or even induce unexpected or undesired - if not undesirable - actions ("heterogenesis of targets").*

**Aims and  
results**

*This Report tries to make a comparison between, on the one hand, the main aims of the approved laws and regulatory provisions enforced and, on the other hand, the expected results and those attained thanks to the legislative framework. The word "results" here also comprises an evaluation of the rules and regulations as such, whenever they blatantly contradict the ruler's intentions.*

*Admittedly, the comparison between "aims" and "results" of regulatory provisions and policies is a complex exercise presenting many difficulties. To begin with, a clear, transparent and precise listing of the (qualitative and quantitative) targets of a provision is no consolidated habit in the Italian legislation<sup>2</sup>. It may therefore happen that the objectives originally inspiring a law are not even easily*

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<sup>1</sup>The term refers to edits left unenforced in the early 17th-century Lombardy and described by Alessandro Manzoni in his novel *I promessi sposi* (The Betrothed). The expression has survived in the Italian language to indicate provisions remaining dead letter.

<sup>2</sup> Only the enforcement of what is known as the "Regulation Impact Analysis" (foreseen on an experimental basis by Art. 5 of Law n. 50 of 1999 and by the Prime Minister Directive of March 27, 2000) shall compel the proposing administrations to list their provisions' targets.

*identifiable to be thoroughly monitored later on.*

*Secondly, sometimes the need emerges to analyse the aims and results of specific aspects of public policies consisting of a set of laws and regulations which have been stratifying over time (as happens with policies concerning the welfare state, the labour market and justice). This often implies a practical impossibility to make targets consistent one with the other, particularly if they were fixed by different policy-makers with decade-long time gaps. As indeed the existing economic policies have to be evaluated in the light of some basic principles which are part and parcel of them, it is all the more legitimate to evaluate them in terms of their capacity to pursue general objectives. The "delicate nature" of the exercise lies in the evaluator's ability to filter the existing laws and regulations on the basis of the explicitation of the essential "missions" which help understand their effectiveness.*

*Within this optics, the spectrum of the ISAE research projects on regulation is perhaps wider than what is usually expected. A wide spectrum is inevitable for the attempt the Report is making to analyse the regulatory provisions by evaluating - wherever it is possible - their adequacy through international comparisons of homogenous variables<sup>3</sup>. Conversely, the definition of regulation is often limited to the definition of the provisions regulating public utilities, with a special attention to those sectors which, up to a short time ago, were directly controlled by the State in its capacity of main shareholder and entrepreneur. Those sectors are now bound to become (and sometimes already are) out and out markets, which means clear boundaries, transparent rules and constraints for the operators<sup>4</sup>.*

**Wide or  
restricted  
spectrum?**

*A redefinition of the central State tasks is occurring at an ever growing pace. This process only partially coincides with the gradual reduction of the national State powers. From this viewpoint, the changes involving the actions and the definition of State-Nations'*

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<sup>3</sup> Not only are the EU guidelines to begin a monitoring process on the member countries' performances through the systematic examination of a wide group of structural indicators (the "Lisbon strategy") moving towards *benchmarking*, but they also are realising a strict control on the European Union integration process, wherever the parameters (considered directly or indirectly), refer to the competition between different "system-countries".

<sup>4</sup> Regulation is the subject of a recent and thorough OECD Report devoted to Italy (*Regulatory Reform in Italy*). In that Report regulatory policies are analysed with reference to the liberalisation process occurred in public utilities, to the administrative quality of regulation and, finally, to the opening degree of the markets of goods and services.

*economic sovereignty are deep and perhaps have not been completely metabolised both from the general public and from social parties.*

*The diffusion of legal obstacles at European level, the growing (and also monitoring) role of the main multilateral organizations, the conditioning powers of financial markets on economic policies all contribute to radically rewrite the Italian "economic Constitution" as indeed those of all its major EU partners. In this process the tasks of the central State are redrawn, inasmuch not only are its missions limited, but also the public sector's economic role is narrowing, with important consequences on the relative importance of command and control.*

**Command and control**

*With regard to command policies -prompted from the need of financial equilibrium- the State has rapidly abandoned its role of entrepreneur in potentially competitive markets. Former State-controlled sectors (or sectors which the State is abandoning as envisaged in recently-approved provisions) are several and indeed fundamental also among central administration properties: telecommunications, oil production and distribution, insurance companies, banks, metal and steel industries and food processing. The list of the total or partial privatisations might be longer. It is worth recalling that the overall value of dismissions over the period 1993-2000 equalled about 170 thousand billion lire<sup>5</sup>. Within the OECD countries and with reference to the same lapse of time, it is one of the most significant results.*

*Some of the above-mentioned sectors -once deprived of the cumbersome State presence- have been transforming into out and out markets, showing competitive dynamics which used to be unknown to Italy, but which are now spreading thanks to liberalisation processes accompanied by privatisations.*

**Liberalised...**

*In the public utilities, the State "withdrawal" was followed by the introduction of new regulatory policies (which are part of control activities), which are often managed by specific Authorities<sup>6</sup> with the consequent gradual emerging of unprecedented competition dynamics<sup>7</sup>. In many cases, the end of the State ownership has also marked the end of monopoly situations and the decision-maker's task*

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<sup>5</sup> Even the extraordinary performance of the Milan Stock Exchange in the time period 1995-2000 seem to be closely linked to the dismissal of large State shareholdings.

*consisted of creating rules to avoid the prevailing of one major firm on the market.*

*In turn, regulatory policies have been progressively affecting also areas so far left unscarred by the wave of privatisations. This is the case of critical sectors that are still (totally or partially) in the State hands, notably water distribution, the railway and the mail systems. In some of those sectors strong elements of non-contestable natural monopoly emerge and a liberalisation would thus be undesirable, if not even destructive.*

**...and non-liberalised sectors**

*Similarly to the ever stronger pressures which have led to the end of the State role as owner and manager in competitive sectors, the need to monitor public finance aggregates has brought about radical changes in the General Government organization. The core elements of its reform are well known: a strong red tape simplification for households and firms (notably, self- and de-certification, introduction and diffusion of “one-way stop”, procedure simplification); a massive office automation and, consequently, the automatic running of bureaucracy. This change takes place within a framework where the Government structure reform (with the adoption of advanced forms of decentralization and federalism, with a high number of merges and a consequent reduction in the number of Ministries ever since the forthcoming legislature), the introduction of new bodies (i.e., the Task Force for Simplification) and the experimental adoption of practices (the Regulation Impact Analysis) aimed at improving quality and introducing more transparency in Government activities, are becoming laws.*

**Market and General Government reorganisation**

*The simple mentioning of these ambitious reform processes confirms what stated before, namely that the central State is significantly reducing its role and makes a clear leap backwards in favour of other administrations and of market relations themselves.*

*The analysis of the whole target redefinition process and of the instruments and activities of the central State and of the public sector*

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<sup>6</sup> The liberalised markets' regulation and the role of Authorities were the subjects of a series of seminars recently organised by ISAE on "The role and the characteristics of the main independent Authorities operating in Italy". The Institute is diffusing the proceedings of the conferences and debates occurred on the occasion of this quarterly cycle. For further details, see the ISAE Working Papers series.

<sup>7</sup> The Parliament's failure to approve the law on local public services leaves the regulation redefinition process quite incomplete.

*in the economic system is obviously a very complex matter. It requires an intense and constant monitoring and evaluation process in the forthcoming months and years, in order to suggest possible inversions of trends or different enforcement modalities of already-approved provisions.*

*Dealing all these problems at the same time would be presumptuous. However, the researches submitted in the present Report concern some of the fundamental questions of regulation, both with regard to command -that is the direct production on the market on the part of the public sector- and with regard to control -that is a regulatory intervention on the private sector. In this respect, command is dealt with in the sections devoted to justice -which is a productive factor for firms and influences their competitiveness- and to the public management reform -which is the instrument of instruments in any economic policy action and thus has consequences on the "system-country"- and to federalism and to its paradigmatic case for Italy, namely the health care system. The latter form of regulation, i.e. control, is faced in the two sections tackling insiders' protection, which is identifiable in the rigidities of the private labour market and in the lack or insufficiency of eligibility criteria in the services offered by the Italian welfare policies.*

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**Section I :  
Justice and  
Economic  
System**

Turning to discuss in detail the five Sections of the Report, it is worth noticing that Section I, devoted to justice, starts from the awareness of the close relation existing between an effective civil justice and a smooth economic functioning. The more efficient the judicial system, the better the overall performance of the economic system. Here, the most important elements of the judicial systems of the fourteen European countries are analysed and compared, with the aim of highlighting the factors determining the "quality" of justice as a service. The comparisons show that wherever judicial proceedings are quicker and access to justice cheaper, market functioning is positively affected. Surprisingly enough, common law countries (as Ireland and the United Kingdom) show the lowest effectiveness owing to the high cost of proceedings at law. Italy is the lowest quality country among civil law countries, because of the very long time necessary to solve controversies. A slow justice - beyond any intention - makes no justice.

A more thorough analysis of the Italian experience compared to Europe shows that -wherever the judicial structures wish to pursue effectiveness- the major problems do not lay (unlike a much diffused idea) in the high number of magistrates (for instance, the judges-to-inhabitants ratio in Italy exceeds the European average) or in the inadequate magistrates-to-service ratio (which is also higher than the European average). Indeed, the inefficiencies of the Italian system are to be found in some aspects of the overall organization of the judicial offices or in their too small dimensions to exploit at best any advantage deriving from specialisation.

***A slow justice makes no justice at all***

AVERAGE LENGTH OF ORDINARY CIVIL JUDICIAL ENQUIRIES  
BY DEGREE OF JURISDICTION. YEAR 1996  
(in months)

COUNTRIES	Degrees			TOTAL
	I	II	III	
Austria	12	11	11	34
Belgium	12	30	30	72
Denmark	8	18	18	44
Finland	8	24	24	56
France	12	12	65	89
Germany	8	12	30	50
Greece	36	36	36	108
Ireland	24	30	36	90
Italy	36	40	40	116
Netherlands	18	18	18	54
Portugal	21	9	9	39
United Kingdom	14	14	24	52
Spain	18	24	36	78
Sweden	12	12	24	48
EU Average	17	21	30	69

Sources: European Commission (1998) and national Departments of Justice.

From this point of view, the new systems of justice regulation which have been set up over the past few years seem to lead towards more efficient judicial offices. The "single judge" reform, in particular, is aimed - on the basis of the analyses and reflections hereby proposed - at improving the overall organization thanks to larger economies of scale and to gains obtained from the specialisation of justice operators.

Two further policy suggestions coming from the ISAE research seem very relevant. One the one side, in order to limit the judicial enquiries' length, it is necessary to limit the (also economic) convenience to lengthen trials on the part of blatant culprits. This objective might be attained by trying to adjust the legal interest rate to the market one (for instance to short-term State bonds) and by

***Policy suggestions***

dispelling all uncertainties -which often give culprits opportunities for speculation- deriving from the spread between the two rates.

A further policy indication, which is bound to have a strong impact on the effectiveness of the judicial system, concerns lawyers' fees, regulated by a 1957 law. The link which is necessary to weaken - let alone eliminate- is the one between lawyers' fees and trial length. Indeed, lawyers' fees depend both on the lawsuit length and on the many activities carried out on behalf of the plaintiff (which also comprise the number of lawyer's appearances in court). Solutions such as a lump-sum fee for counsels for the defence or, as happens in the United Kingdom, the introduction of success-based premium or penalty clauses might disincentive any attempts of trial lengthening.

**Section II: The Reform of Public Management**

Section II is devoted to the public management reform which has required the creation of a complex set of laws, decrees, regulations (up to a new Comprehensive Law - *Testo Unico* -) started in the early-nineties and completed only recently. They have tried to provide a consistent legal framework depicting the function and role of public managers. That reform -provided it is effective- is a fundamental prerequisite for the General Government updating process, as the renewal of public managers' behaviours and procedures is *the conditio sine qua non* for the enforcement of any economic policy intervention.

The enforcement of the public managers reform is still incomplete, partially owing to its recent introduction. There are however criticism, objections and doubts also on its general theoretical framework.

**No reliable threatens and adequate incentives for public managers**

Generally speaking, one might state that there are still no (or at least scarce) "reliable threatens" or adequate incentives in terms of compensation or career able to influence public managers' behaviours or actions. Indeed, though there are elements of novelty and improvement compared to the previous regulatory framework, there are still critical aspects hampering efficiency and keeping public management far from private standards.

If the reform process has undoubtedly modified the public management peculiarities, there are still shortcomings in the general framework, in particular in the task distribution, in the use of economic incentives, in the evaluation and sanction schemes. These troubles originate from the constraints imposed by social corporations to the Parliament and to the Government whenever elements of flexibility,

incentives and meritocracy are introduced.

In Italy the access to public sector managerial roles on the part of outsiders is very difficult, as it is compulsory to resort for the most part to single-role managerial staff (that is to public managers already belonging to public administrations, even with autonomous status). The underlying choice is to penalise the external market by introducing incomprehensible numerical ceilings (i.e. 5% of public managers).

Since the 1993 reform, the use of economic incentives has been gradually introduced, though it is a slow and difficult process that does not concern all administrations. The increase of compensations has allowed the introduction of highly-qualified personalities in the General Government both in central and in the local administrations. However, the room left to the result-based income -aimed at awarding individual productivity- is still very limited and, at least according to official data on the period 1998-1999, it ranges between 1 to 3% of the overall income.

**Reform limits  
and innovations**

PUBLIC MANAGERS: INCOME STRUCTURE  
(percentage ratios)

	Ministries	Administrative Regions and Local Bodies	Non-Economic Public Bodies
	1999 (1)	1998	1998
Result-based Income (2)	2.9	1.2	2.5
Variable Income (3)	31.8	35.8	48.9
Total Income	100.0	100.0	100.0

Source: Ministry of Treasury (1998, 1999).

(1) Unpublished data.

(2) The result-based income is correlated to the attaining of the fixed targets, also in qualitative terms, which is supposed to be monitored with thorough and objective evaluation systems for each single manager.

(3) The variable income comprises all indemnities (discomfort and risk indemnities, service improvement, collective productivity), the position-related income, the result-based income, any extra and other accessory fees differently combined by different administrations.

Some elements of flexibility may be identified in the introduction of temporary appointments, which indeed might bring about a sort of turnover within one single administration as well as between different administrations. Nevertheless, at the end of the mandate and in case of its non-renewal, there may be different effects according to the manager's origin. For "single-role" public managers, there is an overprotective procedure consisting of putting the manager at the administration's disposal with progressive compensation reduction. For managers coming from the private sector the end of the legal mandate coincides with the job termination.

Also with reference to the dismissal procedure, there are major differences between the public and the private sectors. The law guarantees to public managers a series of safeguards that are unknown to private managers. Indeed, only private managers -who are considered entrepreneurs- may be dismissed *ad nutum*.

Finally, the role of trade unions is still being harshly debated owing to the role of wage bargaining on public manager. Indeed, some critical points (general criteria concerning the evaluation systems as well as roles, functions and connected responsibilities in terms of position-related compensation of public managers) should uniquely belong to the employer sphere and should not be matter for wage bargaining and trade unions interventions.

**Section III :  
Health Care  
Federalism**

Section III, devoted to health care federalism, tackles specific issues related to the on going process of decentralisation in the health care sector. The section tries to indentify how devolution proceeds may be crucial for the success of the overall project for federalism in Italy which was referred to above.

**Health care  
federalism,  
national  
standards and  
spending  
control**

The comparative analysis on five countries plus Italy aims at highlighting to what degree and in what manner there is incompatibility between seeking, on the one hand, to obtain the advantages supposed to be associated with devolution (i.e., more respect for the preferences and health care needs of regional populations and improved efficiency in resource utilisation) and, on the other, to promote the national interest in securing common health standards in health care and in controlling the volume of care

PUBLIC HEALTH CARE SPENDING  
(as a percentage of GDP)

Years	Australia	Canada	Germany	Italy	Spain	Sweden	EU Average
1970	3.6	4.9	4.6	4.5	2.4	6.1	3.8
1975	5.2	5.5	6.9	5.2	3.8	7.1	5.2
1980	4.3	5.4	6.9	5.6	4.5	8.7	5.8
1985	5.3	6.3	7.2	5.5	4.6	8.1	5.8
1990	5.3	6.8	6.7	6.3	5.4	7.9	6.0
1995	5.5	6.7	8.0	5.4	5.5	7.2	6.2
1998	5.9	6.6	7.9	5.7	5.4	7.0	6.1
1999	-	6.6	7.9	5.7	-	-	6.2

Source: OECD (2000).

delivered. A complex trade-off seems to exist between promoting common health care standards throughout the country and attempting

to contain health care budgets. This trade-off also is examined in the section.

Pursuit of the benefits of federalism in the health care sector has therefore be set against the possibility that this could hinder attainment of other goals which have equal weight, like equal treatment of citizens and healthy public finances. The section does this by looking at the financial leverage exercised by the central Government through the intergovernmental transfer process, the authority accorded to the central Government by the regions and equalisation arrangements based on solidaristic values. A number of considerations emerge.

Firstly, the experience of other countries demonstrates that devolution in government – above all in health care – costs money and probably ends up, despite intentions to the contrary, increasing the total expenditure. This could mean that the regions fail to live within the spending limits dictated by national budgetary constraints or, alternatively, that there are unplanned and adverse consequences for the quality of health services.

Secondly, the success of federalism in the health sector would seem to depend crucially on an improved capacity for intergovernmental negotiation. For this to be possible, both levels of Government must acquire greater legitimacy in each other's eyes. In the case of the central government, this requires that it guarantee credible levels of funding to the health care sector. The regions for their part must provide better information on the levels and composition of their health care expenditure.

Thirdly, in this new situation of intensive interaction and co-operation between the central Government and the regions, it appears essential that the two sides pay more attention to the principles of universalism of coverage, economic accessibility to services and geographic portability of the right to care rather than focusing exclusively on the question of what care is to be guaranteed and the costs associated with this. The definition of citizens' entitlements to health care runs into a series of technical and legal problems and is further complicated by the fact that it affects a wide range of interests in the health care sector.

The fourth Section of the Report compares the aims and results of regulation with reference to labour market mobility. By utilising international firm data, the relation between regulatory rigidity (EPL,

***Cost-benefit  
analysis of  
federalism and  
policy  
suggestions***

***Section IV:  
Rigidity and  
Labour Market  
Mobility***

employment protection legislation) -due to job overprotection- and mobility show, in the European countries, a positive correlation between rigidity and labour turnover (as the sum of hirings and separations). This results, joint to some preliminary empirical outcomes regarding the flows of employed (Boeri, 1999), corroborate the hypothesis of a highly mobile labour market for insiders. As a matter of fact, in the presence of high hiring costs and of even higher and uncertain firing costs, firms wishing to increase their employees prefer to turn to "tested" workers. Hence, they resort to the already-employed, i.e. mainly young workers with fixed-term contracts.

Tab. 4 MOBILITY AND REGULATION IN SOME OECD COUNTRIES<sup>1</sup>  
(late-'80 - early-'90)

Countries	"Gross" Job Turnover <sup>2</sup>	Ranking	"Gross" Worker Turnover <sup>3</sup>	Ranking	EPL Indicator <sup>4</sup> version 1 (Late-eighties) ranking (d)
	(a)		(b)		
Belgium	15.2	3	-		9
Denmark	23.2	10	57.9	2	5
Finland	19.5	6	77.0	6	6
France	7.2	2	58.0	3	7
Germany	16.0	5	62.0	4	10
Ireland	21.4	7	-		4
Italy	22.8	9	68.1	5	12
Netherlands	7.0	1	22.0	1	7
United Kingdom	15.3	4	-		2
Sweden	29.1	11	-		11
Canada	22.1	8	92.6	7	1
United States	53.6	12	126.4	8	3

Source: OECD (1996).

(1) Annual averages based on firm data; (2) It is the sum of creation and destruction of jobs; (3) It is the sum of hirings and separations; (4) The *Employment Protection Legislation* (EPL) is computed as the average of the indicators concerning non-fixed-term contracts (procedure difficulties, notice and indemnity for individual dismissals, dismissal difficulties) and fixed-term contracts (temporary contracts). The score ranges from 0 to 6 as the legislation rigidity grows.

Conversely, the correlation between EPL and "gross" job turnover (job creation and destruction) is not significant in Europe, as it also depends on the productive structure characteristics of each single country.

**Labour market  
protections,  
insiders'  
mobility and  
privileges**

A case study is hereby presented based on a panel created by the Italian National Institute of Statistics (ISTAT) starting from the data of the quarterly labour force survey concerning the period 1998-1999 and providing a series of information on the overall degree of mobility of the Italian labour market. Examining the movements and stays of

workers in different conditions, precious information are gathered on the job possibility of different categories of workers, as well as on the flow peculiarities of local labour markets. However, it has to be stressed that these data issued by ISTAT are lacking as no sample weighting to universe estimates was performed. Therefore, the results are referred only to the sample considered.

The picture emerging from those data - in keeping with other case studies carried out on firm data - shows a very articulated situation in the Italian labour market, but not such as to enable immediate and univocal responses. With regard to the geographical analysis, for instance, a high dynamics is observed in North-Eastern regions (also compared to the North-Western regions), while strong disequilibria are noticed in the South (particularly for young first job-seekers). Besides, a certain dynamism is observed in the women component, even though it is offset by the high rate of labour force abandoning, which might have brought about the good performance, witnessed during last year, in terms of new women employed.

The hypotheses of a segmentation of the Italian labour market and of wide gaps in geographical terms strongly emerge from those data. In particular, the assumption is confirmed of a different impact of the same labour market provisions on the Italian macro-areas. This statement is perfectly embodied by the co-existence of full employment conditions in the North-Centre of Italy (5.3% being the unemployment rate of regions accounting for 68% of the labour force) and of low regular employment in the South of Italy (where unemployment, though decreasing over the past few years, still equals 20% of the labour force).

***Geographical  
segmentation***

Admittedly, as here reference is made to flows, and thus to the employment and unemployment dynamics, the higher the rigidities in the labour market entry and exit, the smaller the room left to firms for employment adjustments, the lesser the opportunities offered to outsiders.

***Flexibility  
proposals***

Workers' overprotection ends up penalizing the weakest population brackets. In this sense, the latest provisions adopted to facilitate the labour market entry, all forms of contracts which are now spreading, (fixed-term, temporary, part-time contracts) seem able to modify the overall degree of labour market rigidity and to raise the mobility of the unemployed and of the non-labour force. To this regard,

the search for more flexibility in the labour market exit (for instance by introducing more effective arbitrage and conciliation procedures in case of firing) seems equally able - if inserted within a framework where protection instruments for job losers are strongly strengthened - to further reduce the rigidities of rules and regulations existing in this area.

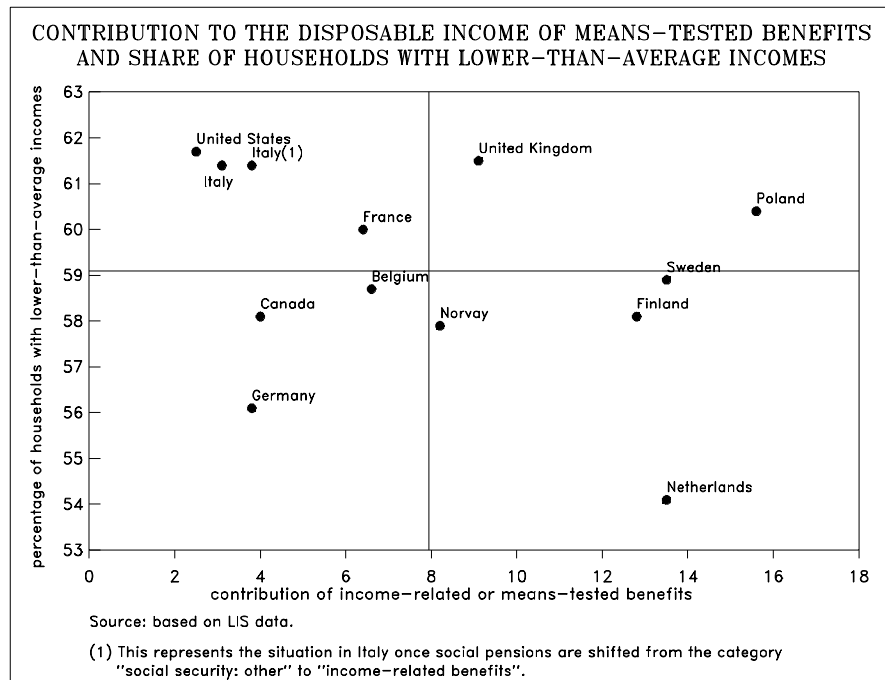
**Section V:  
Welfare Policies**

The last Section of the Report is devoted to some fundamental aspects of the welfare system and, in particular, to the social policies' ability to really enforce the "right to citizenship".

Through a comparison extended to some G-7 countries and to other European countries (included the major transition economy, namely Poland), this section tries to verify the impact of social security policies on the households' disposable incomes.

**Universal and  
selective social  
policies**

The "intention" which is here analysed refers to the protection instruments of the welfare systems in defending households from particular risks and needs. The results of the analysis differ from



country to country. Nonetheless, the overall empirical evidence on the impact of welfare transfers in favour of disposable incomes points out considerable differences. In North America and in the United Kingdom the effect of social policies is particularly concentrated on the poorest

MAIN FEATURES OF MATERNITY PROTECTION SCHEMES<sup>1</sup>

	Protection										Generosity		
	Compulsory (1)	Optional basic (2)	Basic (3)	Additional (4)	Facultative theoretical (5)	Total (6)	Facultative actual (7) (14)	Total actual (8)	RR compulsory (9) (%)	RR facultative (10) (%)	Compulsory (11)	Facultative (12)	Total (13)
Austria	16	0	16	88	88	104	8.75	24.7	100	31	16	27.2	43.2
Belgium	9	6	15	12	18	27	9	29.9	77	50.3	6.9	9.0	15.9
Denmark	2	26	28	22	48	50	46	80.9	100	83.0	2	39.8	41.8
Germany	12	2	14	136	138	150	37.06	49.1	100	25.1	12	34.6	46.6
Finland	0	18	18	84	102	102	102	102	70	66.7	0	68.0	68.0
France	8	8	16	132	140	148	-	-	100	42.4	8	59.4	67.4
Greece	16	0	16	28	28	44	-	-	50	0	8	0	8
Ireland	8	6	14	12	18	26	5.4	13.4	70	23.3	5.6	4.2	9.8
Italy	22	0	22	26	26	48	18.7	40.7	80	30	17.6	7.8	25.4
Luxembourg	16	0	16	48	48	64	-	-	100	63	16	30.2	46.2
Netherlands	12	4	16	24	28	40	-	-	100	14.2	12	4	16
Norway	3	39	42	29	68	71	-	-	100	100	3	68	71
Portugal	2	14	16	96	110	112	34.9	36.9	100	12.7	2	14	16
Spain	6	10	16	128	138	144	19.3	25.3	100	7.28	6	10	16
Sweden	0	14	14	64	78	78	-	-	66	66	0	51.4	51.4
United Kingdom	2	16	18	24	40	42	-	-	90	15.3	1.8	6.1	7.9

Sources: European Commission (1999, 2000); Bertelsmann Foundation (various years); Gaultier (2000).

(1) = Number of basic compulsory weeks.

(2) = Number of basic weeks by law.

(3) = (1) + (2).

(4) = Number of additional facultative weeks after the basic ones.

(5) = (2) + (4).

(6) = (3) + (4) = (1) + (5).

(7) = (6) - (1).

(8) = [*Per capita* expenditure per maternity leave]/(wage)]\* replacement rate. The *per capita* expenditure is obtained as the ratio between the expenditure for maternity leaves and the number of births in the same year (1997)\* the probability the mother be an employee. ISAE estimates.

(9) RR = Wage Replacement Rate in the compulsory period.

(10) RR = Wage Replacement Rate in the facultative period.

(11) = (1) \* (9).

(12) = (5) \* (10).

(13) = (11) + (12).

(14) For Northern countries the estimate takes into consideration that fathers may be granted additional weeks.

households (or at least households with lower-than-average incomes), thus mirroring the idea that the most needy categories are to be supported. Quite the reverse, in Northern-Europe, support policies show characteristics that hardly modify the primary income distribution, which however shows no major gaps. In Continental Europe households are indeed privileged, while in the case of Italy, in the attempt to support them, particular stress is laid on the elderly - even though not mainly- also because of the heavier weight of pensions. In the international comparison, Italy has the largest share of households with lower-than-average incomes, alongside with one of the lowest percentage of means-tested welfare benefits. Thus, a welfare system as the Italian one, which claims to be universal without being selective, unintentionally ends up penalizing the population brackets it should protect.

**Maternity provisions and leave, child care services**

A second target of the last section is to verify, through a comparison between the different experiences made in the most advanced countries, the inadequacy of the policies aimed at safeguarding maternity in terms of women participation rate. The results of the analysis show the existence of a negative relation between the length of the compulsory maternity leave on the one side, and women employment and participation rate on the other. The relation is opposite with reference to the facultative maternity leave. Once again, an apparent overprotection induced by provisions imposing a duty rather than a right penalizes the group it intended to protect.

Finally, what emerges here is that policies prompting women employment are closely linked to a maternity-protection system and the larger the share of flexible leave, the more compatible is the system with labour market rules. A more balanced combination between maternity leave guarantees and childcare services in Italy would probably pursue better employment targets and maternity safeguard.

**Obstacles to aims and results of regulation**

The evaluation of public policies made here through the simple comparison between aims and results of regulation is not - and could never be - an aseptic operation irrespective of the constraints regularly hampering changes and innovations.

The description of the obstacles to the policy-makers' choices is a very complex exercise, because complex and wide are indeed the

limits imposed to different provisions. The law enforcement itself often meets the same difficulties, which are mainly cultural, let alone ideological.

The regulation boundaries are mainly defined, particularly in Italy, according to the heterogeneity and fragility of Government coalitions, as well as to Parliament majorities. The possibility that small interest coalition successfully oppose Government provisions (or even draft laws) is very high. In an institutional framework where Government stability is not guaranteed, the external perception of the coalition stability increases the probability that other limitations hamper the full enforcement of Government programmes. It is in this way that the constraints (more or less evidently) imposed to safeguard the vested interests of organized representatives influence economic policies.

Furthermore, it is often the interest contraposition rather than the presence of different interests which hampers and eventually reduces the policy-maker's freedom. A Government aiming at gathering a diffused consensus on a possible innovation in the economic policy has often to accept the idea that diametrically opposed positions, more than annulling each other and facilitate mediation, may eventually double opposition. Obviously, in these cases too, one may state that it is the lack of Government coalition strength that reduces the probability that a Government pursue a target which radically divides a society.

It is worth recalling a variation of this "interest constraint". The wide privatisation process occurred in Italy thanks to new regulation policies were mentioned beforehand. The first concrete steps towards a market and competition culture and practice in once-protected sectors have been, still are and are bound to be obstructed by a much heterogeneous and ideologically variegated coalition. On the one hand, the vested interests of former public monopolists often hamper full competition; on the other hand, very different operators (ranging from professional orders to bureaucracy, from trade unions to municipalities controlling state enterprises) often strongly oppose the reduction of barriers to entry and market contestability.

In Italy the producers of those constraints - which we have tried to list - reduce the possible options in the Italian economic policy that is they affect the possible results, let alone the intentions to really modify regulation.

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