

Fractured Lives and Grim Expectations: Freedom of Movement and the Downgrading of Status in the Italian University System

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*Abstract: The European Court of Justice (ECJ) has on numerous occasions concluded that EU nationals have not been treated fairly when they have competed for jobs outside their home states, even after many years of residence. Recent judgments issued by the Court illustrate that this is not simply a problem for recent members but also for some of the founding member states. This article examines a well-documented case of nationality-based discrimination against foreign language university teachers in Italy, known as the *lettori*. It describes how the *lettori* were discriminated against and declassified over several years, and draws upon semi-structured interviews and focus groups with *lettori* (n=21) conducted over a two-year period, from 2005-2007 to chart the social distance created between the *lettori* and their Italian colleagues. The article concludes that the reliance on courts and European institutions to adjudicate over employment matters in the Italian higher education sector exposes the lack of effective mechanisms to resolve labour disputes and further calls into question the promise of free movement and respect for other EU norms, including the prohibition against discrimination on the basis of nationality.*

Keywords: nationality-based discrimination, freedom of movement, higher-education, *lettori*

The right to freedom of movement is one of the cornerstones of the European Union, associated with which is the prohibition against discrimination on the basis of nationality (TFEU Art. 18). For over fifty years these provisions have been central to the ambition of creating a European union of peoples and have recently been reaffirmed in the Treaty on the Functioning of the European Union in the context of EU citizenship,¹ and the rights of workers.² Together these provisions set out the legal basis for European nationals to travel and settle in other European states.³

While the scope of EU anti-discrimination provisions has grown over recent years to include matters of race, age, and sex,⁴ it is disconcerting to note that nationality remains a contentious issue within the workplace. The European Court of Justice (ECJ) has on numerous occasions concluded that

EU nationals have not been treated fairly when they have competed for jobs outside their home states, even after many years of residence. Recent judgments issued by the Court illustrate that this is not simply a problem for recent members but also for some of the founding member states,⁵ a fact also acknowledged by other EU institutions.⁶ This article examines a well-documented case of nationality-based discrimination in Italy in order to understand the long-term effects such discrimination has on the victims.

The context for this article is the situation of *lettori*, the non-Italian foreign language teachers in Italian universities, who have claimed they have been victims of nationality-based discrimination and who have been vindicated by the findings of the ECJ which has issued multiple rulings against Italian state institutions.⁷ In spite of these rulings, however, the occupational, social and economic status of the *lettori* has deteriorated over the past two decades, prompting further questions regarding the degree to which nationality-based discrimination can be mitigated through legal channels. This article explores the ways in which discrimination has been expressed and institutionalised, to the detriment of the *lettori*, most of whom are EU nationals. The part following reviews the history of the *lettori* struggle before national courts and the ECJ. The subsequent parts examine the impact of the non-enforcement of European rules regarding non-discrimination and charts the social distance created between the *lettori* and their Italian colleagues in the workplace.

The empirical basis for the article is a series of semi-structured interviews and focus groups with *lettori* conducted over a two-year period, from 2005-2007, with additional telephone interviews in 2009 and 2010. The sample (n=21) included British (English and Scottish), Irish, French, German, Spanish and non-EU nationals. Interviews were conducted in Brussels (2005), Edinburgh (2006), Verona (2006) and central Italy (2007). In order to locate participants, the author relied on contacts established from interviews conducted in 1995 and 1996 (see Blitz, 1999) and on contacts provided by the Association of Foreign Lecturers in Italy. Respondents were asked about their current employment status and the legal issues it posed; about difficulties they had encountered in securing alternative employment, in providing for their children's education and in dealing with government and public bodies; about how change in their occupational status had affected them in terms of their home life, work, social life and position in the community.

The central argument of the article is that discriminatory decisions to exclude staff on the basis of nationality were followed by attempts to separate and segregate non-Italian teaching staff, whose occupational roles and entitlements were determined by superiors on an arbitrary basis.

Historical context

Creation of lettori

On 11 July 1980, as part of an attempt to reform the Italian university system, a number of professional categories were created by means of a new education act and presidential decree.⁸ One of these categories was the class of *lettori*. Article 28 of DPR 382, made it possible for foreign nationals now to be admitted to the university system as temporary teaching staff with annual contracts renewable for a maximum of six years. They were hired to carry out specialised duties including teaching their mother-tongue languages. The 1980 law also distinguished between non-Italian *lettori* – listed under the heading of *professori a contratto* and governed by private law – and Italian academics – who were treated as public servants. The *lettori* had no rights to benefits, social security, national health insurance, or pensions, and were considered to be “autonomous workers”. The law also established maximum salaries for *lettori* equivalent to those of associate professors “*alla prima chiamata*” (amounting at the time to lire 1,000,200 or about €517). Most *lettori* taught approximately eight hours per week and conducted exams. For this reason, their work was implicitly recognised as a form of instruction.

Unlike Italian academics, the *lettori* did not need to be successful in a competitive entrance examination (*concorso*) to work in the university system (though they did need to pass annual competitive selections) and partly for this reason by their very presence they challenged the hierarchical structures within the university sector. Consequently, as university finances became increasingly stretched in the 1980s, disagreements between the *lettori* and university professoriate and/or administrations surfaced – coming to a head in 1993 when large numbers of *lettori* went on strike, following attempts to cut *lettori* salaries and reduce their duties by ousting them from examination commissions.

By February 1993, the European Parliament had been alerted to a string of complaints filed by David Petrie, President of the newly formed Committee for the Defence of Foreign Lecturers, who argued that Italian universities were discriminating against non-Italian teachers and were undermining the provisions of freedom of movement, as stipulated by Article 48 of the EEC Treaty. Even though in several instances local groups of *lettori* had successfully gone before local employment tribunals to obtain redress for wrongful dismissals, the processes of appeal in Italy ensured that universities could fight these decisions and prolong disputes, to the detriment of the *lettori*. For this reason, Petrie decided to approach European institutions. This was the start of a major battle between the Italian state and the European institutions, notably the European Parliament, Commission and Court of Justice.

At its heart was a dispute over the more favourable treatment and protection given to those on permanent contracts (*contratti a tempo*

indeterminato). Since the terms of employment of *lettori* were governed by private law, they were not immediately eligible for such contracts, in contrast to Italian nationals working within the university system.

The bid to secure *tempo indeterminato* was initially fought through national courts, as *lettori* appealed against sackings and reductions in salary. On 29 April 1987, the *lettori* won the first round when a local employment tribunal in Verona declared that the plaintiffs should be treated as regular employees and that health insurance and pension contributions had to be paid on their behalf by the University. A year later, on 13 August 1988, the Pretura di Verona issued an injunction ordering the University to guarantee the employment status of the plaintiffs for the year 1988/89. The same tribunal ruled on 26 October 1991 that the contractual relationship between the *lettori* and the University was to be considered as indeterminate in terms of time and could not therefore be limited by annual contracts, a ruling later upheld by the Corte di Cassazione. However, in spite of these rulings, the struggle over *tempo indeterminato* did not result in a comprehensive settlement, and so the ECJ was asked to step in.

In the case of Pillar Allué and Carmel Coonan (C-33/88), known as Allué I, the ECJ ruled that *tempo indeterminato* should apply.⁹ The Court's ruling noted that there was a conflict between EC law and Italian law since only non-Italians seemed to be affected by time-limited contracts.¹⁰ Four years later, on 2 August 1993, the ECJ ruled that it was illegal to issue time-limited contracts to non-Italian nationals, except under certain circumstances.

The non-enforcement of the Allué rulings eventually brought the Italian state into conflict with the European Commission which claimed that since the rulings had yet to be introduced into domestic law, infringement procedures remained in place. During this period, *lettori* in Verona were denied the right to apply for temporary teaching positions, on the grounds that they had never passed the *concorsi*, and again were forced to take legal proceedings against the university. In Naples, *lettori* were "sacked" on 15 July every year and would spend five, six, or seven months without work before being rehired.¹¹ In March 1995, *lettori* in Bologna argued that they were still being discriminated against,¹² in spite of the ECJ's rulings in the Allué cases.¹³

Change in status and fragmentation of lettori

A particularly important development took place on 21 April 1995 when a decree was passed and subsequently converted into law (21 June 1995) officially abrogating Article 28 of DPR 382. The decree (DPR 236) abolished the position of *lettore* replacing it with a category consisting of employees who were to be called "*collaboratori ed esperti linguistici*" (CELs, "linguistic experts"). CELs were to be employed on permanent contracts but new conditions were introduced with respect to incoming foreigners, and the

decree merely offered the *ex-lettori* precedence in selection procedures for the new post. The net result of this decree was that teachers throughout Italy were forced to work longer hours for less pay and lower status. An estimated 223 *lettori* in the universities of Bologna, Naples Federico II, Naples L'Orientale, Salerno and Verona declined to apply for the new posts of CEL and were fired.¹⁴

The changes in the law produced essentially three groups: i) *lettori* who had been employed under DPR 382 but refused the new CEL contracts; ii) *ex-lettori*, who had been employed under DPR 382 but then opted for contracts as CELs under the 1995 legislation; iii) new CELs who had never been employed under anything but the 1995 legislation. In addition, one might include an additional category of the very few non-Italians who benefited from changes in the *concorsi* system which was now open to foreigners. The treatment of the former *lettori* would therefore differ widely across Italy, depending on the nature of the contracts signed between them and individual universities. Some universities created new job descriptions for the *lettori*, without their agreement, while the *ex-lettori* were no longer permitted to carry out teaching duties.

The mechanisms by which the *lettori* have been reclassified have not, however, been limited to their status under Italian law. For more than a decade, university management and administrators have been introducing policies and procedures designed to segregate the foreign-language from the remainder of the teaching staff. These procedures and their effects are discussed below.

Exclusion and invisibility

Interviewees described the incremental effects of their exclusion which was punctuated by two distinct phases, first in the 1980s when they were removed from examination commissions, and then following the introduction of law 236 of 1995 when their duties were reduced and many were formally reclassified.

In June everything exploded. I had a job which from every point of view interested me and from one day to the next, there was a meeting, I was told you will no longer offer courses on civilisation but a beginner's language course. Therefore they had created a course for which I was not even competent to teach and knew nothing about. From that point on, I was pushed aside (French woman, Verona, 21 June 2006).

Respondents explained that *lettori* had in the past enjoyed the status of teaching staff and been official members of exam commissions, recognised as such by means of the official registers students were required sign before handing in their written exams. However, the change in their job titles that came with the new law brought with it a marked deterioration in status.

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As one language teacher noted, the title of “*collaboratore*” was also used for cleaning ladies (Woman in central Italy, email to the author, 21 June 2010). Some participants explained that their hours also changed:

I have always worked 700 hours [per year]. You are now telling me I’m not a teacher and have to do this job in 450 hours. It’s not possible (British woman, central Italy, focus group, 12 October 2007).

Several interviewees commented on their removal from exam commissions, even though they were still responsible for designing, administering and marking written exams as well as examining students orally. One woman explained that there was no actual change in examination procedures but the *lettori* were formally removed from all official documents which might attest to their role in any of the examination processes (English teacher, central Italy, email to the author, 19 June 2010).

The new law listed our duties much more vaguely, established that we were only “part-time workers” and no longer “full-time,” allowed us to work in other places, and listed us among the “*tecnici amministrativi*” [which] equals office personnel. By not specifying all our duties, it created an ambiguous situation in which it could be considered that our duties had changed, which they hadn’t (Language teacher, central Italy, 27 June 2007).

Similarly, within the classroom, *lettori* were told that they no longer gave lessons but simply *esercitazioni* (practice sessions). A teacher in central Italy commented that “one *rettore* [university rector] told a *lettore* that he was not allowed “to explain grammar” in the classroom. *Lettori* could oversee language drills but not explain grammar.” She also noted that in some universities the *docenti* took special care to emphasise that the exams done by the *lettori* were “not real exams and [could not] be called exams” (Language teacher, central Italy, 27 June 2007).

Further efforts to set apart the work of the *lettori* from that of the professoriate were contained in a recent *regolamento* (regulation) issued by the University of Viterbo which stipulated not only that the marks awarded by a *lettore* were not binding, but also that *any* professor from *anywhere* in the university could override or ignore the mark given by a *lettore*. A seasoned teacher argued that the regulation was tantamount to saying that the final mark was at the discretion of the professor who could choose to ignore the students’ scores on the language tests – either to the benefit or detriment of that student (Language teacher, central Italy, email to the author, 19 June 2010).

Physical separation and arbitrariness

In order to maintain the line that the *lettori* were now CELs, several university managers and administrators contrived to keep the non-Italian teachers at considerable physical distance from the Italian professoriate. One described how he was no longer permitted to enter the university by the front door but did so in protest, while his Italian colleagues avoided eye contact with him.

But I do walk in the other door. I can get to the office by going through the front door, and I'll tell you, I don't look at my shoes when I'm walking up the corridor, they look at their shoes (David Petrie, 25 May 2006, Edinburgh).

Petrie also spoke about being confined to a basement office, measuring four by six metres which was to serve 13 members of staff.¹⁵ Others offered their own accounts of the cramped and insalubrious conditions in which they were expected to work:

We were given a mouldy chapel to do our lessons in my last year, where the echo was so bad it was impossible to understand when students spoke. Another room we were given was attached to the chapel and had poor lighting and no desks and there was no exit from that room without passing through the other, so that during your lesson, you had groups of students trooping through your class to get to the other classroom (Language teacher in central Italy, email to the author, 22 June 2010).

David Petrie described his relocation and his confined working conditions using political terminology:

What does apartheid mean? It means separate development. Now do you see yourself physically in a different building – yes or no? Yes. Do you see yourself divided by linguistic terminology that you are ... do you see the Italians having their job description changed? Do you see them being told that they don't actually do exams, that they do "tests"... all of these things? Do you see yourself physically in a different space? These are all things which I say justifies the accurate use of the word "apartheid". And similarly with the idea of "ghetto"; "ghetto" is to do with the geography. We are literally in the basement, in the bunker, in the bowels of the faculty and there are separate entrances for us, to make sure that we do not embarrass the professors by walking in the wrong door (David Petrie, Edinburgh, 25 May 2006.)

Some of the accusations made by Petrie were also made by other participants who noted that they were at times instructed to remain out of sight. One woman claimed that this happened during a visit to the university by the Italian President, Giorgio Napolitano, writing that she

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considered the instruction “an affront, a degradation, a de-qualification – a very low blow – after 23 years of service at that university!” (Woman in central Italy, email to author, 8 November 2007). David Petrie reported that he too was “pulled out of his classroom the same morning a government minister was officially opening the university for the academic year” (David Petrie, email to the author, 22 June 2010).

Casualisation and the introduction of timecards

With the introduction of the first national contract in 1996, came a shift in government policy. According to one *lettore*, the Government had never set aside sufficient sums to cover the contracts of *lettori* and as a result universities were allowed to cover the shortfall in salaries through a supplementary contract (*trattamento integrativo*) “in accordance with productivity and experience”. This set the *lettori* further apart from other categories of worker, making them the only workers in Italy whose basic salaries were not stipulated in their national contracts. Further, a new law introduced by the current Berlusconi government has subjected the *lettori*, to a greater degree than other public-sector workers, to financial penalties, thanks to salary deductions, if they take sick leave. In some instances, absence from work due to illness can cost a *lettore* €40 for each of the first ten days of leave taken (J., telephone interview, 22 June 2010.)

A further illustration of the ways in which policies and procedures have been used to justify reclassifying *lettori* and reinforce their exclusion, is in the use of timecards in some universities. From the moment a *lettore* clocked in, they would be considered to be engaged in classroom activity – irrespective of whether or not they had already reached the classroom, needed to make photocopies in preparation for classes, or needed to speak to students. One US-educated woman described a situation where, although time keeping was allegedly used to monitor the comings and goings of the staff, in practice the use of the timecard interfered with classroom teaching. Moreover, supervisors could add hours to, or subtract them from, timecards at will. The net result, in the perception of one *lettrice*, was that she and her colleagues were “working under a situation of blackmail”; and she explained how she found herself threatened with disciplinary measures when, having not been provided with any information about the workings of the timecard system, she calculated her own hours. She explained that by taking a 30 minute lunch break, then adding 30 minutes onto her day, or by exceeding her required hours if she met with students, she accrued more hours than was permitted and was subsequently reprimanded.

Here is an example. Some *lettori* opted to do long days of 8 hours. By law, all office workers doing 7 hours 12 minutes are required to take a lunch

break of minimum half an hour, which in theory is automatically removed from the timecard tabulation by most electronic systems in use today in the public administration. In other words, if your working day is 8 hours and you don't leave the premises of your workplace, clocking in and clocking out for lunch, then you have to remain an extra 30 minutes because the time card system automatically removes a half hour for the lunch break. In order not to have a thirty minute "debt," you have to stay a half hour longer. Workers however also receive a meal ticket for the equivalent of 7 euros for each lunch break, which can be used to buy groceries at the supermarket.

Immediately the question arose, are *lettori* who do 8 hours (or more during exams) required to stay an extra half hour and are they entitled to a meal ticket? Nobody in the administration seemed to know the answer to this question. The timecard was applied this year [2007], and nobody could tell us if we needed to stay extra or not. First they said we had to, then we didn't, and in any case we couldn't have a meal ticket, but they never put it down in writing. Because they knew they would fall into contradiction. In the end those of us who stayed half an hour more ended up having too many hours on our time card and were accused of insubordination!

But I forgot to mention the real problem of this timecard. Every month the worker receives the official tabulation of his hours printed out by the machine. He checks it and then takes it to the head of his office to sign. Only when signed is it an official document. Now whereas we had been receiving copies of the tab sheets, no one said a word that they needed to be signed in order to be valid. In other words, we were never given the official documents tabulating our hours that every worker has a right to see (and keep a copy of) every month. Nobody even bothered to explain the process. In March, seven months after the timecard was introduced, we discovered that our tab sheets were just pieces of paper that had no legal value and the man in charge of the timesheets said, "The boss can cancel out anything she wants until it has been signed." We doubted this was true, but it illustrates the atmosphere under which we were working. So we asked for them to be signed. The union also made an official written request and did not receive a reply. That's when the real farce began. First we were told that they could not be signed since there were "unauthorised hours" on our tab sheets. The administration then sent us a letter of reprimand saying that accruing unauthorised hours could be considered an act of insubordination. (After three counts of insubordination you can be fired). They refrained from saying exactly how many hours they contested. Although we asked, they never replied (Language teacher, central Italy, 8 Aug 2007).

The use of the timecards also intensified the feeling among the *lettori* that they were 'shift workers'. One woman noted that with the timecard there was no possibility of making up lessons or even taking sick leave [if you found yourself about to run over your stated hours], given the then management of the timecard system. She then added, "They [the university] are paying less and getting more hours. It's slave work" (M., central Italy, focus group, 12 October 2007). Her colleague explained how

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the introduction of timecards had affected the quality of teaching and lowered morale.

... the regulating of our schedule in such short units – five hours per day, which had to accommodate everything – four hours of lessons and one hour of whatever else – lessened the quality of our service to students. If you were in the middle of showing students their exam papers, or conferring with a student when your schedule was about to end, you just had to stop, pack everything up, and rush out and punch your timecard. Or subtract whatever extra minutes you did that day from your next day – so that lessons got shorter, as did exams, and we weren't as available to students. That is what the director of *centro linguistico* wanted: for us to gradually disappear. Since that time three out of 12 *lettori* in my university have gone on unpaid leave for a year – and one has transferred to another university (Language teacher, central Italy, email to the author, 22 June 2010).

One additional worry concerned the security of pension entitlements. A respondent from Tuscany explained how the reclassification of *lettori* and the introduction of a new law in 2005 had substantially reduced the pensions of *lettori*.

In 2005 a new law was introduced which said that state workers should not be in INPS [Istituto Nazionale per la Previdenza Sociale: the state pension institution for private-sector workers] but rather the INPDAP [Istituto Nazionale di Previdenza per i Dipendenti dell'amministrazione Pubblica: the state pension institution for public-sector workers]. Many universities registered the *lettori* without their consent with INPDAP. On 1 January 2008 Florence registered its *lettori*. Now the problem was that where INPS calculated pensions and severance pay on the entire income, INPDAP calculates on all but *trattamento integrativo*, in some cases 60 percent of someone's salary (J., telephone interview, 22 June 2010)..

The *lettori* argued that by failing to base final pension calculations on the entirety of their salaries, they would be left in a precarious position. For this reason, *lettori* at the University of Bologna returned to court and others began to explore the possibility of bringing another case before the ECJ.

At the time of writing (July 2010), the *lettori* in Siena are in dispute with their university which, facing overwhelming debts estimated to be in the hundreds of millions of euro, had reduced the pay of *lettori* by more than 60 percent (J., telephone interview with the author, 22 June 2010). Although the *lettori* in Siena have been well protected under a 2006 contract which has enabled them to receive the same level of pay as university researchers, once that contract expired at the end of 2008, the university's Administrative Council and Academic Senate withdrew from the local agreement which had provided a significant supplement to the salaries of *lettori* (through addition of the *trattamento integrativo*, i.e. the university's

contribution, to their pay) and from 1 May 2010 approximately 45 *lettori* saw their salaries reduced to just €835 per month.

Resistance, resignation and adaptation

Respondents displayed mixed feelings regarding the ways in which they could address their situations within the university structure. Resignation and feelings that the odds were stacked against them were expressed throughout the interviews.

Lettoris' rights were trampled, they were forced to work more hours and managed to be accused of insubordination because they worked more, generally humiliated, and clearly shown that the law works one way for Italians and another way for *lettori*. The general feeling is that since so many of us are seven to eight years shy of retirement, it's time to turn the screw another notch, and make life as unpleasant as possible so that we will quit before they have to pay us our full *liquidazione* [severance pay] (Language teacher, central Italy, 8 Aug 2007).

Respondents reiterated that they had been mistreated and that was the reason why they initiated court cases. One language teacher joked:

What have we done for you to hate us? We keep your clients active, year by year? They trust us – they know we're doing the job right. They could never do it like we do...why did X and I start the court case? It was because we weren't getting paid properly. It wasn't a career advance! (M, central Italy, focus group, 12 October 2007).

Others argued that the *lettori* problem was essentially of European-wide significance.

I think the postscript as far as advising people working inside the European Union ... or specifically working in Italy ... the postscript is don't. Don't. If the *lettori* are sorted out, they will be sorted out after 20 years of litigation. Has the Italian state changed, reformed? Will it change? Will it open up its doors? No it will not. And so therefore my advice to a young graduate, whether he was a dentist, a doctor or anything else, if you've fallen in love with a young Italian woman don't go to work in Italy (David Petrie, Edinburgh, 25 May 2006).

Several respondents stressed the importance of seeking redress before the courts and identified the ECJ as the primary instrument for ending their disagreement with the Italian universities.

In this case as foreign workers who 20 years ago came away with dreams of a unified Europe, which today is being realised and it's a Europe that's

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expanding, we would have expected a court of justice at any level ... not to say at least a European level ... to have upheld and protected the rights of those individuals who so strongly believed in it. You know we believe we're part of Europe (Irish woman, Brussels, 18 July 2006).

Others mentioned the possibility of industrial action, speaking of the importance of working through the Confederazione Generale Italiana del Lavoro (Italian General Confederation of Labour, CGIL) and participating in strikes and protests against the general cuts in higher education and the attack on workers' rights (J., telephone interview with the author, 22 June 2010).

Explanations and effects

Elsewhere I have suggested that the origins of the *lettori* problem may be explained by interest-group competition and longstanding traditions of patronage within closed, guild-like institutions (Blitz, 1999). Several interviewees offered further, cultural, explanations of the way in which the *lettori* had been treated and degraded. One *lettore* argued that craftiness was prized in a context where the rule of law was often absent.

... Italians themselves, they divide themselves into two groups, the so called *furbo* and the *fesso*: *furbo*, which I guess you could say are sly, cunning sneaky, and the *fesso* are the chumps. And those are the two categories that Italians divide themselves into. And you can choose to be either one of those. So most people say well why a chump be, I'd rather be a sly fox. You know the rule of law doesn't really enter this equation at all (S., Verona, 22 June 2006).

Others spoke of petty corruption while one added that though when Italian colleagues saw her in a different context, outside of work, they were often pleasant, the workplace was dominated by a "battle of the ranks" (Language teacher, central Italy, 27 June 2007).

Irrespective of the underlying causes, the reclassification of the *lettori* and the restructuring of the environment in which they work have carried a heavy price. Several respondents spoke of the development of painful physical conditions and the onset of depression. One Spanish man revealed a bad case of eczema which he linked directly to his employment, noting that when he was away from the university it was much better (central Italy, focus group, 12 October 2007). He eventually left the university, opting to work as a school teacher.

A longstanding resident in Italy offered the following account of her own situation:

Psychologically it was unbearable because I felt humiliated, then an enormous sense of having been cut out of everything which was now suppressed, destroyed, annihilated. I was in the midst of a crisis of humiliation when I had an asthma attack. We were in the basement bunker and our offices were being moved when I had a violent asthma attack (French woman, Verona 21 June 2006).

Another woman based in Southern Italy added that her and her colleagues' employment situations had been the cause of considerable stress adding that "it [was] cropping up at night... cropping up in our psyche" She herself experienced many migraines, linked to tension in her jaw and as a result was forced to wear a brace at night (central Italy, focus group, 12 October 2007). Her colleague continued, "last year, I had problems sleeping - this year I had a problem with asthma" (M., central Italy, focus group, 12 October 2007). When asked about how she attributed her illness to her situation at work she explained that "you can only blow your top so much at work", and therefore she, like her suffering colleagues internalised the negative situation she found at university:

I see it as a kind of suffocation and that is connected to my pathology and asthma. But I haven't had such bad asthma attacks as this year. The trigger was the end of the academic year, also at the end of August [just before I had to return to work]. It has affected my personal life with my partner (M. central Italy, focus group, 12 October 2007).

Others noted that financial pressures, as a result of their poor pay, worries over their pensions and the cost of legal fees, contributed to their ill health.

Discussion and conclusion

The above discussion reveals that the discriminatory procedures which first brought the Italian state universities into conflict with the European Union institutions did not end with the introduction of law 236. Rather, the reclassification of the *lettori* as technical staff precipitated a series of actions which gave rise to new legal challenges and personal struggles.

Categorisation as justification for mistreatment

The division of the *lettori* into the three groups described above resulted in differential pay arrangements and for many also a marked demotion in terms of their occupational status. Neither law 236 nor the introduction of new contracts, however, protected the *lettori* from abuse and harassment, even if the introduction of contracts set a financial parameter, in effect a baseline for the salaries of *lettori*. Consequently, reclassification of the *lettori* corresponded with a rise in the number of local court cases, not to mention further litigation before the ECJ.

Yet, the story of the *lettori* in Italy has significance beyond the Italian university context. From the perspective of the enforcement of EU norms regarding freedom of movement and settlement, the issue reveals just how difficult it is to guarantee protection of these rights in the workplace and how quickly one's occupational status can change. All of the participants interviewed asserted that even though their titles changed from *lettore* to *collaboratori ed esperti linguistici*, the demands placed on them remained the same, if not greater.

The introduction of new terminology to reassign occupational roles also had the intended effect of creating greater distance between the non-Italians and other members of the teaching staff. New terms were accompanied by new procedures and rules, from restricting entry to certain buildings, to exclusion from both pedagogic and formal activities, to the physical separation of non-Italian teaching staff in cramped basement offices and unsuitable classrooms. Although many of the *lettori* interviewed contested their reclassification, they all agreed that the use of particular words and titles was significant in so far as it gave the university and their superiors a cover for what they perceived as mistreatment.

Effects on quality of life

Conflict with the university employers had a noted effect on the lives of the *lettori*. The above accounts of stress following harassment; of financial worries and costly court proceedings, and of an overall lack of control over one's working environment, point to some of the costs for *lettori* of their employment. Several cited their unsatisfactory working environment as a cause of their ill health. Others stated that their unacceptable situations could not be solely attributed to nationality-based discrimination but was part of a larger structural problem. They reported that new adjunct teachers and other fixed-term public-sector staff, the *precari*, also faced poor conditions of employment, and that the university system as a whole was at breaking point.

Arguably, the structural issues identified in the above accounts and above all the repeated claims of arbitrariness call into question the application of European norms in the Italian university context. Indeed, most respondents linked their dissatisfaction at work to a failure of the European Union institutions to uphold their rights in Italy.

Economic and institutional factors

Elsewhere (Blitz, 1999) I have suggested that the *lettori* problem emerged as a result of budget difficulties and that the *lettori* were victims of a protected system. While resource competition within the university system may be one reason for the increasing casualisation of teaching provision, an additional factor has undoubtedly been devolution of funding to university institutions which have been left to address shortfalls in the national

budget for higher education. The current challenge to protect the pensions of *lettori* is one consequence of the increasing fragmentation of the university system, with its varied contracts and different sets of entitlements based on one's legal status. Equally, the recent decision by the University of Siena to rescind the rights of *lettori* to supplemental contributions (*trattamento integrativo*) which had made up a large proportion of their salaries, is the result of extreme financial pressures within that institution.

It is also important to highlight the role of competition over status and non-material goods, including titles and teaching privileges. The fact that much of the antagonism towards the *lettori* has been expressed in the context of the introduction of specific terminology to distinguish them from university lecturers and the professoriate, demonstrates the importance of status and titles in this protracted dispute. Arguably, occupational status has for long been a valuable resource in the Italian university context;¹⁶ hence, the introduction of new terminology and the attempt at reclassification must be understood as an attack on the standing of the *lettori*. It is important to record that changes in occupational status have also given rise to material consequences, as a result of the casualisation of employment, the proliferation of new types of contract, and adjustments to the pension plans of *lettori*.

Governance and oversight

The *lettori* problem also raises important questions regarding institutional management and oversight. Many respondents described arbitrary procedures which interfered with their ability to do their jobs, noting that there were few effective means of redress. Several argued that the national union, the CGIL, no longer represented their interests since there was now a variety of *lettori* employed on a range of administrative or technical contracts. Others noted the presence of a *lettore* among the members of the national secretariat of the CGIL and emphasised that only the CGIL had consistently represented all the different categories, *lettori*, *ex-lettori* and CELs. Some maintained that there could be no national solution to the *lettori* problem since the situation of the *lettori* differed markedly from one institution to another. One activist within the CGIL, however, concluded that in spite of its deficiencies, the 1996 national contract had, at the very least, provided financial and normative parameters which had protected the *lettori* and ensured that they had certain basic rights (such as a right to maternity leave, rights to leave of absence, employment protection and so on) which other workers starting employment later in the universities did not have. Nonetheless, he recognised that *lettori* were constantly forced to seek redress before the courts to receive salary payments and entitlements and in order to protect their pensions.

For many, the European institutions above all the European Commission and the ECJ are the most important arbiters in the dispute between the Italian universities and the *lettori*. This reliance on the courts and international institutions to adjudicate over employment matters exposes the lack of effective mechanisms to resolve labour disputes and further calls into question the promise of free movement and respect for other EU norms, including the prohibition against discrimination on the basis of nationality.

Notes

¹ See Article 20 (2)(a) which states that “Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, *inter alia*: (a) the right to move and reside freely within the territory of the Member States”.

² Article 45 (ex Article 39 TEC) provides that “Freedom of movement for workers shall be secured within the Union” and that “such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.”

³ The rights of non-nationals have been strengthened as well. On 29 April 2004 a new directive (2004/38/EC) was passed by the European Parliament and European Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States. This directive amended previous Regulation (EEC) No 1612/68 and repealed a number of directives to enhance the rights of EU citizens and their families. These provisions were then included in the Treaty on the Functioning of the European Union.

⁴ See the most recent annual report of the European Union Agency for Fundamental Rights at: http://fra.europa.eu/fraWebsite/attachments/AR_2010-conf-edition_en.pdf (accessed 12 May 2010).

⁵ For example *Eurofound* acknowledged that “Nonetheless, the extent to which a general principle of non-discrimination applies in the EU remains unclear”. See the European Foundation for the Improvement of Living and Working Conditions, “Non-discrimination principle”, *Eurofound*, 12 March 2007, www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/NO_NDISCRIMINATIONPRINCIPLE.htm (accessed 12 May 2010).

⁶ See “Discrimination in the European Union”, *Special Eurobarometer*, 263, http://ec.europa.eu/public_opinion/archives/ebs/ebs_263_en.pdf (accessed 12 May 2010).

⁷ ECJ rulings include: Case 33/88 Pilar Allué and Carmel Mary Coonan v Università degli studi di Venezia [1989] ECR 1591; joined cases C-259/91, C-331/91 and C-332/91 Pilar Allué and Carmel Mary Coonan and others v Università degli studi di Venezia and Università degli studi di Parma [1993] ECR I-4309; case C-90/96 David Petrie and Others v Università degli studi di Verona and Camilla Bettoni [1997] ECR I-6527; case C-119/04 Commission of the European Communities v Italian Republic [2006] ECR I-6885; case C-276/07 Nancy Delay v Università degli studi di Firenze, Istituto nazionale per la previdenza sociale (INPS) and Repubblica italiana [2008] ECR I-3635.

⁸ See Decreto Presidente Repubblica 11 luglio 1980, n. 382, *Riordinamento della docenza universitaria, relativa fascia di formazione nonché sperimentazione organizzativa e didattica* (Also known as *La Riforma Universitaria*, w3.uniroma.it/studiorientali/leggi/dpr_382_1980.htm (accessed 14 May 2010).

⁹ Case 33/88 Pilar Allué and Carmel Mary Coonan v Università degli studi di Venezia [1989] ECR 1591, *European Court Reports*, Luxembourg: Court of Justice of the European Communities.

¹⁰ "L'article 48, paragraphe 2, du traité CEE s'oppose à ce que la législation d'un Etat membre limite en toute hypothèse à un an, avec possibilité de renouvellement, la durée des contrats de travail des lectuers de langue étrangère, alors qu'une telle limite n'existe pas, en principe en ce qui concerne les autres enseignants", (*European Court Reports*, Luxembourg: Court of Justice of the European Communities, 1989, p. 1592).

¹¹ Interview with C.S., 18 March 1996.

¹² Letter sent to the European Parliament's Committee on Petitions by Martin Reynolds and others, 3 March 1995.

¹³ One petitioner stated that, "Our employer still refuses to recognise these decisions and to comply with and apply in full EU law.....As a result, we are still compelled to remain under court protection and continue to be discriminated against, with respect to our Italian colleagues, in regard to: (1) social security and medical benefits; (2) pension benefits; (3) security of tenure; (4) salary scales".

¹⁴ David Petrie, letter to Professor Enrico Decleva, 18 February 2010, www.allsi.org/CRUIENWEB.doc (accessed 14 May 2010).

¹⁵ The European Parliament commented on the office space given to the *lettori*: "the basic human rights and democratic freedoms of fourteen foreign language teachers are being violated following eviction from their offices to a basement measuring six metres by four and through other forms of intimidations and legal filibustering..." See European Parliament, Human rights - B4-0968/95, *Resolution on discriminatory treatment on the grounds of nationality for foreign language teachers ('lettori') at Verona University (Italy), in violation of Article 48 of the EEC Treaty*, Texts Adopted by Parliament: Final Edition: 13/07/1995, www.europarl.europa.eu/omk/omnsapir.so/pv2?PRG=CALDOC&FILE=950713&LANGUE=EN&TPV=DEF&LASTCHAP=12&SDOCTA=9&TXTLST=8&Type_Do c=RESOL&POS=1 (accessed 14 May 2010).

¹⁶ In 1977 Burton Clark noted that Italian universities operated along vertical lines, suggesting that they tended to preserve certain feudal elements: divisions of labour depended on personal agreements among a few individuals; authority was treated as a 'private possession'; the division between superiors and subordinates recalled the gulf between feudal lords and vassals.

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