

Reasonable accommodation for religious minorities through trade unions and collective bargaining

A perspective on Italy's labour framework

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Abstract

This article analyses the role of trade unions and collective bargaining in guaranteeing freedom of religion or belief in Italian workplaces. It examines how these actors provide reasonable accommodations for religious and belief minorities within a fragmented legal framework that lacks a general law on religious freedom. Focusing on the mediating function of trade unions, the article assesses existing collective agreements and their contribution to promoting equality and inclusion.

Keywords

Freedom of religion or belief, religious and belief minorities, workplace, reasonable accommodation, intermediate actors, trade unions, collective bargaining, Italy.

1. Introduction

Trade unions have historically played a pivotal role in safeguarding workers' rights, including advocating for fair wages, reducing inequality, and promoting safer and more inclusive workplaces (Leigh et al. 2021:101502). In today's European context, which is characterised by increasing religious and ideological diversity, the role of trade unions acquires an additional human rights dimension related to the protection of religious liberty. This development is also observable in Italy, where the ongoing shift toward greater societal pluralism manifests itself clearly in contemporary workplace dynamics. As a result, questions concerning freedom of religion or belief (FoRB) and the rights of religious and belief mi-

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norities (RBMs) have acquired growing relevance in discussions of labour governance and workplace regulation.

This paper examines how trade unions, as intermediary actors, mediate fundamental rights through collective agreements and help shape equitable responses to religious diversity in the absence of a general Italian law on FoRB. It frames collective bargaining² as a legal instrument for implementing FoRB in the employment sphere. The analysis is situated within the broader constitutional and supranational framework governing religious liberty, drawing on Italian constitutional and doctrinal traditions as well as European human rights legislation and jurisprudence.

RBMs often face challenges in reconciling workplace obligations with faith-based practices such as weekly rest days, religious holidays, ritual prayers, dietary requirements, faith-based attire, and access to prayer spaces. These recurring issues underscore the need for structured solutions. Trade unions, through collective bargaining, are key actors in negotiating reasonable accommodation, ensuring that religious diversity is respected alongside commitments to equality and inclusion.

This article analyses the normative content of selected collective agreements in Italy, examining how trade unions use collective bargaining as a tool to advance FoRB. It addresses interrelated questions: How does the Italian labour law system interact with constitutional principles of FoRB and the jurisprudential evolution of labour rights? To what extent can collective agreements mitigate disparities in treatment and foster substantive equality for RBMs? The article concludes by addressing a broader normative concern: do general legal norms or ad hoc accommodations negotiated by trade unions offer a more effective model for ensuring FoRB at work? I aim to clarify the current role and future potential of collective agreements in advancing religious pluralism, equality and inclusion in Italy's labour market.

2. FoRB in the employment context: conceptual and legal framework

In Europe, the role of religion or belief in the field of employment may be assessed through two interconnected international legal frameworks: the human rights framework, which guarantees freedom of thought, conscience and religion, and EU anti-discrimination law, which prohibits disadvantage and discrimination on grounds of religion or belief in the specific context of employment and occupation (Alidadi 2017:7). FoRB is protected internationally by Article 18

² In the Italian labour system, collective bargaining (*contrattazione collettiva*) refers to negotiations between trade unions and employers to set employment conditions. These agreements can cover entire sectors or specific companies and are a key mechanism for protecting workers' rights.

of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights, and also, in the European context, by Article 9 of the European Convention on Human Rights. Within the European Union, FoRB in employment is further shaped by the EU Charter of Fundamental Rights. Directive 2000/78/EC (the Employment Equality Directive) establishes a comprehensive framework prohibiting discrimination on grounds of religion or belief in employment and occupation.

These legal frameworks are interpreted and applied by both national courts and supranational judicial bodies, most notably the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). The ECtHR approaches FoRB in the workplace by balancing employees' right to manifest their religion against competing interests, such as an employer's legitimate objectives or considerations of public safety.

According to various scholars, the two European regional courts that address religious issues – including those arising in the workplace – grant member states a certain degree of discretion when they translate international norms into domestic law (Henrard 2021, 2025; Hunter-Henin 2024; Alidaadi 2017). Consequently, judicial bodies tend to exercise restraint in scrutinizing constraints on religious liberty, offering ambiguous directives to national authorities (Henrard 2021, 2025). Henrard (2025) and Hunter-Henin (2024) assert that this practice is problematic because safeguarding fundamental rights should entail interpreting those rights broadly and strictly limiting restrictions, a process that necessitates rigorous scrutiny. In response to the limitations of a secularist perspective, scholars advocate for a legal duty to provide reasonable accommodation for essential religious practices wherever feasible, maintaining the neutrality of general and abstract laws, but placing the burden on the state to justify any restriction of significant religious practices rather than on the believer to seek an exemption (Sajó et al. 2025:25).

From the perspective of Italian constitutional law, the principle of FoRB is recognised in Article 19 of the Constitution. Some authors argue that although Article 19 is widely acknowledged as guaranteeing FoRB, its constitutional formulation remains insufficiently implemented in practice and is constrained by its literal wording in the face of growing religious diversity; accordingly, they contend, there is a need to broaden its interpretative scope (Ricciardi Celsi 2015:479; Dalla Torre 2017:68-69). Within this evolving landscape, several Italian authors have addressed the emerging challenges by outlining legal and methodological frameworks for balancing the competing rights and interests at stake and for reasonably accommodating religious needs (Baldassarre 2024; Viscomi 2011; Cardia 2008). In this regard, De Oto highlights that the protection of FoRB based on

Article 19 should not rely solely on abstract definitions or rigid categories. Instead, he advocates for a practical, case-by-case approach to ensure that both formal religious acts and everyday religiously motivated practices are adequately safeguarded, rather than leaving these matters entirely to legislative discretion (De Oto 2007:153). In this context, trade unions emerge as key intermediary actors capable of translating constitutional and doctrinal principles of FoRB into concrete workplace arrangements through collective bargaining and negotiated accommodations.

3. Literature review: Trade unions as intermediate actors pursuing reasonable accommodations in the Italian workplace

Trade unions, as organisations representing workers, traditionally aim to improve employment conditions by securing better wages, workplace safety, fair treatment and job security through collective action (Banerjee et al. 2021). Beyond these functions, they increasingly act as promoters of social inclusion. Research shows that although strong unions in the Global North initially contributed to a wider rights gap between citizens and migrants, this gap has since narrowed and is now smaller in countries with strong unions than in those with weak ones (Boräng et al. 2020).

Trade unions, along with actors such as human rights organisations and legal advocacy groups, serve as intermediaries in negotiations involving employees of faith (Pélisse 2019). Pélisse conceptualises “legal intermediaries” as non-lawyers who routinely engage with legal categories and influence how legality is interpreted and internalised within organisations, particularly in domains subject to public regulation. Within this framework, trade unions play a salient role in mediating normative tensions between religious practices and workplace requirements.

This mediating function is especially relevant when analysed through the lens of reasonable accommodation. As Bouchard and Taylor observe, “The law has come to recognise that the rule of equality sometimes demands differential treatment” (2008:22). Collective bargaining, a central tool of trade unions, can be an important mechanism for operationalising such differential treatment. Collective agreements, which establish binding rules between unions and employers (Hayter 2015; Leonardi 2018), increasingly incorporate provisions related to religious observance. They thus represent concrete legal instruments through which the principle of reasonable accommodation is applied in workplace settings, a trend that appears to be gaining relevance in Europe (Ojeda-Avilés 2019).

In Italy, the major confederations – CGIL (*Confederazione Generale Italiana del Lavoro - Italian General Confederation of Labour*), CISL (*Confederazione Italiana*

Sindacati Lavoratori - Italian Confederation of Trades Unions), and UIL (*Unione Italiana del Lavoro - Italian Labour Union*) – remain the dominant labour organisations, representing nearly 12 million members including pensioners (Leonardi et al. 2023:625). Membership is voluntary, though workers who choose to join must affiliate with the federation representing their sector (Ministero del Lavoro delle Politiche Sociali 2023). These confederations operate through federations at national, regional, and local levels, and collective bargaining is structured across corresponding tiers (Persiani 2019:12-13).

Collective agreements regulate working conditions and economic relations within a sector, establishing rights and obligations for employers and employees (Art. 2071, Civil Code). Although the Constitution (Art. 39) envisages collective agreements with *erga omnes* effect, the absence of implementing legislation means that agreements bind only the contracting parties (Torrente et al. 2023:1057-1058; Riva 2020:391). However, they are generally open to adherence by non-members, and they are often incorporated into individual employment contracts, extending their practical reach (Vallebona 2018:100-101).

The role of collective and individual labour contracts in regulating FoRB in the workplace has generated both scholarly support and criticism. A significant body of literature regards these instruments as effective and pragmatic tools for addressing FoRB-related issues within employment relationships (Pizzoferrato 2019). In particular, collective and individual agreements are seen as a flexible alternative to the often complex and protracted process of concluding a formal agreement (*intesa*) with the state (Botta 2000:377; Musselli 2000:193; Fusto 2023:23). By relying on private autonomy, this approach may help to reduce inequalities among workers and contribute to the harmonisation of working conditions and treatment (Sessa 2019).

In this regard, Botta argues that recognising collective and individual labour contracts as legitimate instruments for regulating the exercise of FoRB in the workplace constitutes a reasonable and pragmatic solution (2000). Such agreements make it possible to adopt tailored responses to the specific needs of workers belonging to RBMs – such as Muslims – while effectively bypassing the obstacles involved in negotiating formal agreements with the state.

Nevertheless, other scholars contend that the effective management of religious diversity in society cannot rely solely on private arrangements and instead requires comprehensive and inclusive legal frameworks capable of ensuring equal rights and protections for all religious communities (Casuscelli 2007:11). Although the inclusion of FoRB-related provisions in collective agreements reflects an intention to safeguard workers' rights in the absence of specific legislative guarantees, it also raises concerns regarding the nature of such protection, which

remains dependent on private negotiation rather than on binding legal norms (Coglievina 2007:106). The limitations of entrusting the representation of religious interests to trade unions thus become readily apparent, highlighting the inherent tension between the private nature of collective bargaining and the regulation of FoRB – a fundamental right that is, by its nature, non-negotiable and cannot be waived or disposed of through private agreements (De Oto 2007). Moreover, this approach places the observance of religious practices within the discretion of the negotiating parties and makes their effective recognition dependent on the relative bargaining power of those representing religious interests. As a consequence, unequal outcomes may arise, whereby the exercise of the same right varies according to the influence carried by specific religious affiliations within a given workplace (Coglievina 2007:106).

Gargiulo (2011:216) also warns that addressing diversity-related regulatory needs through collective bargaining – particularly at the company or local level – risks becoming an indirect form of social dumping. Although meaningful progress ultimately depends on political will, such legislative developments may take considerable time to materialise.

4. RBMs in Italy: Growing diversity, legal status, and workplace protections

Italy, like much of the Western world, has been undergoing a process of growing religious diversity in the workplace. Despite the critical limitations of collective bargaining, trade unions in this context function as key intermediary actors in translating constitutional and doctrinal principles of FoRB into concrete workplace arrangements through negotiated accommodations, particularly for newer RBMs. Even long-established communities often benefit from formal legal recognition, a dynamic that has become increasingly significant in light of Italy's growing religious diversity in the workplace.

The more difficult and restricted access to citizenship becomes, the more immigrants or representatives from RBMs are confined to non-conventional forms of political participation, such as engagement through trade unions (Martiniello 2006:103). In this context, trade unions have become central in representing vulnerable migrant workers in the Italian logistics sector. They have successfully leveraged strong and trusting ties among workers to build associational power and achieve high union density in their efforts to improve poor employment conditions and ensure respect for basic labour rights (Signoretti et al. 2025). This dynamic is particularly significant for RBMs, since many migrant workers belong to minority faith communities whose religious identities and related needs are frequently overlooked in both policymaking and workplace practices. By organizing around shared experiences of marginalisation – whether based on ethnicity, legal

status, or religion – trade unions can become important vehicles for amplifying the voices of RBMs and advocating for their inclusion.

To understand the reasons for the growing importance of trade unions for RBMs, we must examine the legal status of different religions in Italy. The Catholic Church, as the majority religion, enjoys a distinct legal status regulated by concordats, which are generally regarded as international conventions and therefore prevail over ordinary legislation (Bottoni et al. 2024; Petkoff 2007:30; Fumagalli 2011:438). By contrast, relations between the state and RBMs are governed by a fragmented and differentiated set of legal instruments.

As mentioned at the beginning, in Italy there is no general law on FoRB that applies to all RBMs. Several scholars have described this as the most significant deficiency in the current framework (Ferrari 2013; Zaccaria et al. 2020). A substantial body of academic literature has called for enacting a general law on FoRB in Italy (Ferrari 2017; Casuscelli 2021; Colaianni 2013:8). The absence of such a law has led to discriminatory and uneven treatment of RBMs, as highlighted by Domaniello (2022), who identifies the resulting legal distortions and emphasises the pressing need for reform. The authors see an urgent need for legislative intervention to safeguard the right to FoRB, particularly in the workplace and especially for members of religious groups that have not secured agreements under Art. 8(3) of the Italian Constitution (Ricciardi Celsi 2015:480). A specific law addressing RBMs has not yet been implemented across the European Union (Bottoni et al. 2024).

From a legal perspective, RBMs in Italy may be divided into three categories (Ferrari 2024; Bottoni 2023; Bouchard 2004:70-71). The first consists of religious organisations that have concluded so-called *intese* (formal agreements) with the state under Art. 8(3) of the Constitution. Their members enjoy the broadest range of rights, including tax benefits and specific legislative labour protections such as weekly rest and leave for religious observance, often accommodated through flexible working arrangements. This group includes several Christian denominations, Jewish communities, and recognised Buddhist and Hindu organisations.³ Their legal position is broadly comparable to that of the Catholic Church.

The second category comprises RBMs recognised as “admitted cults” under Law No. 1159 of 1929 and related decrees. These groups possess legal personality but occupy an intermediate legal position. The Christian Congregation of Jehovah’s Witnesses (D.P.R. 31.10.1986) and the Islamic Cultural Centre of Italy (D.P.R. 21.12.1974) fall into this category. They are excluded from public funding mechanisms and, crucially for the purposes of this paper, from workplace-specific legislative protections.

3 See: Presidency of the Council of Ministers (Italy), <https://tinyurl.com/mv62ze3m>.

Finally, the third group includes RBMs that are not recognised as religious organisations and are therefore governed by the laws applicable to other nonprofit organisations. They generally enjoy fewer rights than the other RBMs. This group includes Scientology and Sikh communities. Philosophical and non-denominational organisations are treated similarly.

In the absence of comprehensive legislative safeguards, workers belonging to RBMs outside the first category lack formal mechanisms to claim religious accommodation in employment. As a result, collective agreements have become a crucial tool for securing reasonable accommodation.

This issue is especially apparent in the context of Muslim workers, who constitute one of the largest RBMs in Italy. However, they have not yet established an *intesa* with the state, which has led to heightened scrutiny from trade unions within the Muslim community (Ricciardi Celsi 2015; Ascanio 2007; Timellini 2019). As a result, collective agreements have become a crucial tool for securing reasonable accommodation, including during periods of religious observance such as Ramadan. As such, their situation remains central to broader discussions on religious pluralism in Italy. In this context, scholars such as Rosiello (2020) and Di Carluccio (2017) have emphasised the importance of ensuring adequate and specific legal protections – particularly regarding health and working conditions – for Muslim workers during Ramadan. At the same time, other researchers have adopted a broader perspective, analysing collective agreements as legal instruments for the protection of RBMs in the workplace beyond the Muslim context (Coglievina 2007; Ojeda-Avilés 2019).

More broadly, the fragmented nature of the Italian legal framework has produced unequal treatment of RBMs in the workplace. In this context, trade unions play a potentially decisive role as intermediaries, using collective bargaining to negotiate accommodations and promote the inclusion of religious diversity within organisational practices, thereby partially compensating for existing legislative gaps.

5. Case study: How trade unions support religious minority workers in Italy

We now turn to the core of this analysis: a detailed examination of collective bargaining agreements that contain specific provisions addressing the rights and needs of adherents to minority religions in the workplace. These agreements are the product of negotiation processes in which trade unions play a central role, actively shaping the terms of inclusion and accommodation within the workplace. Areas of intervention typically addressed in these agreements include the following:

- The right to weekly rest days aligned with one's faith
- The right to abstain from work on religious holidays
- The right for daily ritual prayers
- Special leave for religious reasons (e.g. the Hajj) or accommodations during Ramadan
- Guaranteed access to religiously appropriate food
- The availability and maintenance of designated prayer spaces
- General accommodations for religious practices

The following discussion will analyse how each of these issues is addressed in the relevant collective bargaining instruments – ranging from the national level through regional and local frameworks and down to company-level agreements – so as to assess how religious rights are recognised and implemented across different layers of governance.

Interestingly, several national collective agreements explicitly provide accommodations for the right to a weekly rest day aligned with an employee's faith – an approach that contrasts with other policy areas, where such provisions are more commonly found at regional, local, or company levels. As already mentioned, national collective agreements in Italy play a crucial role in setting standardised workplace conditions across sectors. For example, Art. 14 of the 2013 National Collective Agreement (CCNL) governing domestic work relationships provides in paragraph 4, regarding weekly rest, that “If the employee adheres to a religious faith that observes a holy day other than Sunday, the parties may agree to substitute Sunday with another day for all contractual purposes.”

Similar provisions are found in the CCNL for cooperative members and employees in the sports and leisure sector (signed 20 July 2006), reiterated in Art. 78 of the CCNL for cooperatives operating in the public and private sectors (31 January 2007), and in Art. 25 of the CCNL for the auto rental sector (14 March 2007). These agreements recognise the right of non-Catholic workers to take their weekly rest on a different day and to recover any missed hours, including on Sundays, without entitlement to extra compensation. Notably, these provisions apply to all religious denominations without distinction.

Other national collective agreements merely implement the relevant legal provisions concerning employees of non-Christian faiths whose religious holidays are recognised by the state – for instance, Art. 125 of CCNL H019 (21 October 2009) for trade companies with 15 to 50 employees, and Art. 159 of CCNL H055 (4 March 2014) for tourism sector companies with up to 14 employees.

The two-day weekend – rooted in Christian and Jewish traditions – emerged in the West during the 20th century. In many parts of the Muslim world, Friday

is observed as the primary day of worship and rest, often entailing a full day of respite (Haines 2020). In Italy, accommodations for Muslim workers typically consist only of extended lunch breaks to attend Friday prayers, usually arranged through company-level agreements (Caldera 2004:16).

Another significant area of concern relates to the right to abstain from work on religious holidays. In this regard, Art. 95 of the CCNL dated 24 February 2015 (V910), which applies to all workers working in the tertiary sector who adhere to religions or beliefs other than Catholicism (where not already covered by law), provides that, upon request, the National Bilateral Commission for Guarantee, Interpretation, Certification, and Conciliation shall identify religious holidays that may substitute for Catholic ones, subject to compatibility with the operational needs of the company.

A further issue emerging from the regulatory framework is the protection of workers' right to daily ritual prayers. First, it should be noted that legislation imposes no duty on employers to accommodate prayer breaks, regardless of the employee's faith (Camera 2018). In practice, this has led to a patchwork of responses: rather than formalised national or regional agreements, accommodations are more commonly found in individual workplace-level agreements negotiated between employers and trade unions. In many cases, these are informal or verbal understandings, with employees using personal or unpaid breaks to fulfil their prayer obligations (Corriere della Sera 2013). This reflects a pattern of highly individualised, case-by-case arrangements, which we could refer to as *tailor-made accommodation*, shaped by the specific context of each workplace rather than by a standardised legal obligation. For example, as early as 2004, an agreement was reached between Essevi – a logistics services provider employing 160 workers, 90 of whom were Muslim – and the Italian trade union Fit-Cisl. The agreement acknowledged the right to religious practice by permitting prayer during work breaks, subject to organisational requirements (Arudini 2004). The issue of daily ritual prayers has been examined in detail by Ascanio (2007), whose work focuses specifically on this aspect.

Moving forward, it is also important to examine how labour agreements address special leave for religious observance. Even in this context, it is clear that among RBMs that do not have formal legal agreements with the state, Muslims receive the most extensive protections. Notably, Article 8 of the 1996 Provincial Collective Agreement for Agricultural and Horticultural Workers in the Province of Ragusa enables company-level agreements – upon employee request – to accommodate religious holidays for Muslim workers, placing special emphasis on observances during Ramadan. This provision was further specified in 2004 to allow, upon request, two hours of unpaid daily rest during Ramadan, with compensation arrangements to be determined through company-level negotiations (Art. 8 CCPL, 23 September 2004, Ragusa).

Frequently, employees request additional accommodations, including time off for pilgrimages to Mecca (D'Angelo 2017) and access to religiously compliant food options in workplace canteens (Gamba 2007). In this context, the provisions of the Alstom-FMI agreement signed in 2007 are particularly noteworthy, as they include protections for employees of religions other than Catholicism. In addition to other accommodations, the company ensures that at least one meal offered in the canteen complies with the dietary requirements of the employees' religious beliefs. Furthermore, the company facilitates the use of collective holiday periods to allow them to return to their countries of origin.

The recognition of the right to take prayer breaks brings with it the need to provide suitable spaces within companies that allow for the respectful and dignified practice of religious rituals, while also ensuring employee safety during prayer. In the 1990s, some companies began allocating dedicated prayer spaces for their staff. A notable example is Castelgarden in Castelfranco Veneto, where a small mosque was established on company premises for Muslim employees (Baratta 2012). In this regard, expanding the availability of *multi-faith spaces* appears to be one of the most effective strategies for addressing disparities faced by RBMs. Such spaces may offer the added benefit of fostering interreligious dialogue and mutual understanding (Ferrari et al. 2024).

I will now turn to examples of overarching accommodations aimed at fostering inclusion across a religiously plural workplace. Metalworkers are among the most protected groups, in part due to strong trade union advocacy, which led to the establishment of a National Commission for the Integration of Migrants (D'Angelo 2017). According to Art. 8, CCNL for metalworkers 2024 this commission is specifically tasked with ensuring respect for religious diversity, including adherence to dietary practices.

At the regional level, the Regional Agreement of 18 June 2018 in Molise for industrial companies provides that respect for cultural and religious specificities shall be promoted through targeted training programmes and multilingual informational materials prepared by joint sectoral bodies.

At the provincial level, several collective agreements, particularly in southern Italy's agricultural sector, demonstrate efforts to accommodate religious and cultural diversity. For example, Art. 4.10 of the CCPL of 16 July 2004 in Foggia generally acknowledges that increasing workforce diversity, driven by immigration and differing cultural and religious backgrounds, necessitates the affirmation of equal rights. It encourages employers to take these specific needs into account, insofar as they align with operational requirements. This provision is particularly significant for RBMs, as it opens space for the recognition of religious practice in the workplace.

Similarly, Art. 7 of the CCPL of 15 December 2008 in Agrigento stipulates that the most appropriate solutions must be ensured in terms of working hours, holidays, and general services, considering each worker's nationality, customs, and religion.

Further agreements – namely the CCPLs dated 1 December 2004, 18 December 2012, and 3 August 2017 in Agrigento, as well as those from 24 January 2013 and 28 October 2021 in L'Aquila – include similar provisions. These emphasise that specific needs stemming from cultural customs or religious practices should be considered during company-level negotiations to identify appropriate solutions regarding working hours, holidays, reception, and general services.

The Trade Union Agreement between CGIL, CISL, UIL, and Confindustria Monza e Brianza, signed on 25 July 2013, outlines several best practices aimed at fostering inclusivity in the workplace. It promotes respect for religious diversity, including provisions for leave for religious observance, flexible working arrangements to accommodate religious practices, and attention to religious dietary requirements in company canteens. As such, the agreement also serves as a valuable summary of inclusive workplace measures. However, since it is a framework agreement, its provisions are not automatically binding and become enforceable only when incorporated into specific company-level agreements.

Similarly, the Department of Linguistic and Cultural Studies at the University of Modena and Reggio Emilia recently introduced a 2024 Charter of Good Practices for the Respect of FoRB in the Workplace, aimed at fostering inclusivity and safeguarding religious rights at work. The charter encourages employers to provide reasonable accommodations for religious practices – such as prayer breaks, observance of religious holidays, and flexible scheduling during fasting periods – so long as these adjustments do not infringe on the rights, productivity, or well-being of other employees (Paragraph 3). It also stresses the importance of explicitly including protections for FoRB in collective bargaining agreements. Such provisions should ensure respect for both the right to practise one's faith and the right not to profess any religion or participate in religious activities (Paragraph 4). Accordingly, the charter highlights the role of trade unions as key stakeholders in fostering dialogue, raising awareness and supporting the implementation of religious accommodations through collective bargaining and workplace advocacy.

However, some noteworthy developments show a shift from voluntary agreements to formal legal recognition. A significant example is the Decree of the President of the Republic of 7 May 2008, which transposed the supplementary trade union agreement for non-managerial staff of the National Fire Brigade Corps – covering the 2006-2009 regulatory period and the 2006-2007 economic biennium – into binding law.

This section has made it clear that the realization of FoRB – anchored in national constitutional guarantees and supranational human rights norms – in the context of the Italian workplace relies increasingly on the role of trade unions. Through multi-level collective bargaining, they negotiate essential accommodations for RBMs and shape more inclusive labour practices in a legal landscape marked by the absence of concrete national protections.

6. Discussion

The regulation of FoRB in the workplace remains a highly sensitive and contested area, largely due to its frequent misinterpretation and its vulnerability to political instrumentalization (Camera 2018; Henrard 2021:11).

As demonstrated, European as well as some national courts have thus far exhibited a limited willingness to provide robust practical protection for employees – whether members of minority or majority religions – facing religious constraints at work (Alidaadi 2017). In Italy, the absence of a general law on FoRB – resulting in a fragmented legal framework that produces unequal treatment of RBMs, including in the field of employment – heightens the importance of collective bargaining as the primary mechanism for securing religious accommodations. This is especially true for RBMs that lack formal agreements with the state and therefore receive no specific legislative protections, but it also benefits those groups that do have such agreements by providing additional rights not otherwise guaranteed by legislation. Collective agreements thus emerge as crucial instruments for implementing FoRB in the workplace, mediating between individual religious rights and other fundamental workplace interests such as entrepreneurial freedom, safety and neutrality. Through these agreements, practical solutions are negotiated that accommodate religious diversity while respecting employers' operational needs and the rights of all employees. These agreements help to translate the abstract right to FoRB into practical workplace protections, ensuring that RBMs receive both recognition and effective legal safeguards.

The relatively limited number of formal contracts addressing the needs of RBMs reflects a prevailing tendency among employers to adopt pragmatic, case-by-case approaches. In many instances, companies favour informal, tailored arrangements – particularly with respect to flexible time off – to accommodate individual religious requirements, rather than formalising such accommodations in collective agreements

Smaller businesses, in particular, may face challenges due to limited staff and expertise with regard to recruiting, integrating, and supporting employees from minority backgrounds (Bona et al. 2024:4). However, this doesn't necessarily reflect a lack of interest in diversity. Rather, the efforts of smaller

firms tend to be less structured and more situational, shaped by the immediate needs of specific individuals (Bona et al. 2024:4). Even in these contexts, formal agreements are often avoided. Many employers prefer annually renewed verbal arrangements over written commitments concerning religious rights, frequently citing political sensitivities or concern about how other employees might perceive such measures (Corriere della Sera 2013). At the same time, the limited number of collective agreements protecting RBMs can also be attributed to the fact that traditional trade unions often struggle to effectively address the needs and wishes of employees from multicultural backgrounds (Gargiulo 2011:224).

7. Conclusions

This article has explored how trade unions in Italy are helping to advance FoRB in the workplace through collective bargaining. In the absence of a general law on FoRB, unions act as key intermediaries by negotiating practical accommodations – such as rest days, prayer breaks and dietary provisions – for RBMs. Furthermore, trade unions can serve as catalysts for legislative reform, as the collective agreements they negotiate often establish precedents that may inform and inspire the development of future legal frameworks.

This case study demonstrates that trade unions have been most effective in securing accommodations for Muslim communities, as evidenced by the relatively high number of collective agreements that explicitly address their religious needs. However, the support for other RBMs appears more limited, indicating that trade unions could expand further their efforts to more equitably represent the diverse religious landscape of Italy's workforce. In particular, there is room for improvement in addressing the specific religious requirements of smaller or less visible groups, which are often overlooked in collective negotiations. The case study also highlights the longstanding involvement of trade unions in promoting workplace inclusion, with notable activity as early as the 1990s – particularly in southern Italy's agricultural sector and in the industrial hubs of northern Italy. This early advocacy underscores trade unions' potential as key actors in fostering religious accommodation.

Based on the case study, trade unions appear most effective as intermediaries – particularly through collective bargaining – when local conditions are favourable. Their role becomes especially significant where employers are receptive and where local social dialogue is more open to questions of diversity and inclusion. Trade unions are also more likely to take action when RBMs make up a visible and sizable portion of the workforce, thereby making their needs more urgent and harder to ignore. Crucially, meaningful progress depends on a shared willingness amongst both union leadership and employers to recognise religious diversity as a legitimate

workplace issue. In such contexts, unions have successfully negotiated provisions for prayer breaks, recognition of religious holidays, and dietary accommodations.

Although collective agreements and company-specific accommodations have proven effective and valuable in practice, a comprehensive law on FoRB would provide uniform protection for all RBMs. Collective bargaining may serve as a useful interim measure, but it also presents several limitations, the largest of which is its uneven application: since collective agreements are binding only for the signatory parties, the extent of protection depends largely on the willingness of individual employers and the bargaining strength of trade unions, resulting in fragmented outcomes and inconsistent standards across sectors and regions. A general legislative framework would help to establish a baseline of rights and obligations applicable to all workplaces, regardless of sector or geographical location. It would also reinforce the legitimacy of religious accommodation as a matter of public interest, rather than leaving it to the discretion of private negotiation.

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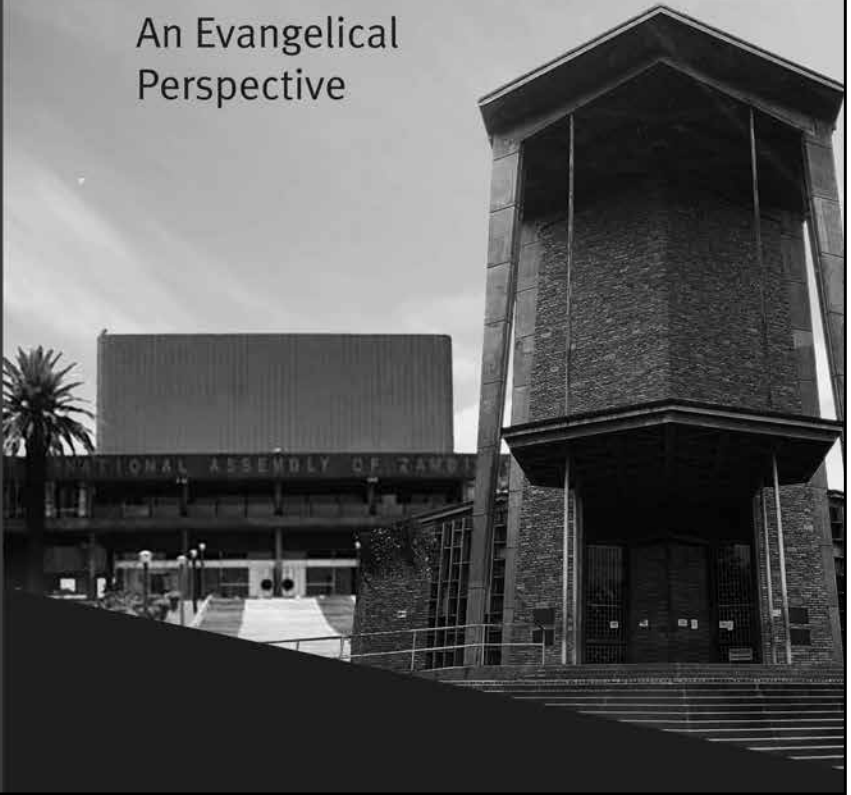
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