

Multistakeholder cooperative: legal comparison from Italy, France and Quebec (Canada)

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References

- Presentation based on previous work with Enzo Pezzini (Ph.d Université Saint-Louis/Bruxelles) and Pénélope Codello (HEC Montréal)
- + Vézina, Martine & Jean-Pierre Girard (2014) « Multi-stakeholder Co-operative Model as a Flexible Sustainable Framework for Collective Entrepreneurship: An International Perspective » in Gijssels, Caroline, Li Zhao & Sonja Novkovic (eds) *Cooperative Innovations in China and the West*, London, Palgrave MacMillan, p. 64-80:<http://www.palgrave.com/us/book/9781137277275>
- *Governance in solidarity*, in ICA coop governance publication

Short historical background

- Italy: experience at ground level from 1970-1991 without any law framework. The law was enacted in 1991 with two great component, social co-op type A (job insertion), social co-op type B (health, social care, education)
- France: The law was enacted in 2001
- Quebec*: The law was enacted in 1997

* This is not the only Canadian provinces or Territories who have legal recognition of MSC but no one push as much as Quebec for the recognition of MSC

Legal comparison

	Social Co-operatives (Italy)	Solidarity Co-operatives (Quebec)	<i>Sociétés coopératives d'intérêt collectif</i> (France)
Obligation of various members categories	Option no obligation	At least two categories No other obligation	At least one employee, at least one beneficiary and at least one other person, natural or legal
Possibility	Employees Beneficiaries Volunteers (no more than half the total number of associates) Financial partners Any other legal persons	Users category: Consumers Producers Workers category Support category (volunteers excluded)	All natural or legal persons, including volunteers and public bodies
Public bodies membership	Allowed	Not allowed, except for co-ops in the wind power industry	Allowed

Legal comparison

	Social Co-operatives (Italy)	Solidarity Co-operatives (Quebec)	<i>Sociétés coopératives d'intérêt collectif</i> (France)
General obligations	To contribute to the general interest of the community for human promotion and integration of various citizens through activities that aim at integrating disadvantaged persons into the work force	No general obligation	To produce and supply goods and services of public interest having social utility
Members votes	1 member = 1 vote	1 member = 1 vote	1 member = 1 vote Voting pools between 10 and 50% of total vote
Capital	No specific rule	No specific rule	50% limit for public bodies
Interests on capital	Allowed for financial members, strictly limited	Allowed	Allowed but strictly limited

Legal comparison

	Social Co-operatives (Italy)	Solidarity Co-operatives (Quebec)	<i>Sociétés coopératives d'intérêt collectif</i> (France)
Dividend	Allowed but strictly limited	Allowed except for supporting members. Tax exemption if bylaws prohibit dividend to any members' category + interest on share	Allowed but limited
Reserve	Indivisible	Indivisible 10% of annual operating or earnings surplus up to at least 40% co-op debt	Indivisible 57.5% of annual surplus
Exclusivity of activities with members	No restriction	At least 50% of operations carried out with members	No restriction
Access to public market	Public bodies may conclude agreements with B-type co-operatives under some conditions	No privilege	No privilege

Other infos

- Italy: up to 10000 social co-op + consortium (second level association of SC for business development + common services)
- France: After slow development, over the last years, the model became more popular : + or – 500 SCIC
- Quebec: It became the most popular form of new co-ops since many years :+ or – 60% Total number: 600 solidarity co-op