

Defining a company welfare system through the joint action of EWCs and Trade Unions in the metal and finance sectors: The key role of workers' participation rights VS/2018/0037

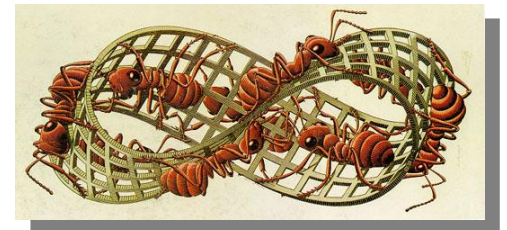
The key role of workers' participation in the building of a Company Welfare System



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With UE Contribution



compared public welfare systems



Bismark Model: health care spending (and not only the pension) is financed by contributions from workers and businesses. This results in an increase in the so-called old-age dependency ratio with an ever smaller number of active contributors, compared to those who are eligible for the related benefits. According to the forecasts of the European Commission, in particular, the old-age dependency ratio is expected to double over the coming decades, from 26% in 2010 to 52% in 2060.

Model charged to the general public.

A similar discussion can however be carried out also with reference to countries with different systems of welfare financing, especially those like Italy, with a very low regular employment rate, which, following demographic changes and the aging of the population, today record significant pressures on public (social security and health) expenditure in reason of the inactivity of the historical principle of the cd pay-as-you-go, ie the pay-as-you-go financing method.



Welfare is a combination of services and benefits



Provided by the State: it is the "status" of a citizen (or refugee and non-EU citizen) to found these rights. Globalization, migratory flows, an aging population, an increase in marital separations and therefore single-parent families are just some of the phenomena that have affected European countries in recent decades. They have led to the emergence of new and diversified social needs, once unknown, and to which the systems of protection of the community must give answers (today "minimal" assistance and care only)

Provided by companies: in order to improve their private and work life. It ranges from support to family income, to study, to parenting, to health protection, to proposals for leisure time. The company scope allows to identify the needs of workers in a context of reconciliation of work and private life. Furthermore, the company climate can be improved in the company. The results also concern the company (reduction of absenteeism, level of engagement).



Welfare as a constitutional right of the Union



Anyone who is a citizen of a Member State shall enjoy the status of an EU citizen (Article 9 TEU).

The Union respects the principle of equality of citizens, who receive equal attention from its institutions (Art. 9 TEU).

The Treaties prohibit any discrimination based on nationality (Article 18 TFEU). As a result, nationals of the Member States have the right to the application of the same legislative provisions as nationals of the State in which they are located. The prohibition of discrimination concerns both 'direct' discrimination, which occurs when nationality is a precondition for the application of different legal treatment, and 'indirect' or hidden discrimination which, based on other distinctive criteria, such as residence, in fact places nationals of other Member States at a disadvantage.

The national treatment rule is one of the provisions the fundamental legal bases of the European Union's legal order, and is has direct effect; it can therefore be invoked by citizens

The Court of First Instance of the European Communities has decided to refer the matter to the national court before which the case is brought.



Welfare: problems of effectiveness



The retreat of public welfare in the economic crisis of the state: the corporate welfare or "second welfare" is born

The lack of sufficient public funds is accompanied by the growth of the needs of an increasingly old and not self-sufficient population.

To this it is added that the so-called "classic" welfare system is out of the ordinary opinion obsolete and no longer able to satisfy new and wider needs than in the past. Consequently, the State has directed its action towards forms of support of private welfare promoting its dissemination in various ways such as for example providing a series of tax reliefs and exemptions that make it attractive to both the eyes of entrepreneurs and workers.

It is in this context that in recent years there has been an enormous development of private welfare initiatives that have played an integrative role but sometimes also a substitute for the public one



“welfare mix”



Today, talking about welfare means discussing social innovation, a new dimension of interactions between public and private resources, perspectives that are able to boost positive dynamics and initiatives for the wellbeing of society as a whole (there is no more only an "inside" and an "outside" the company).

It is in this panorama that an idea of a "second welfare" has developed in the public debate, also called "welfare mix" characterized by the entry of new actors into the welfare arena. In this new perspective, private citizens, foundations, voluntary associations, trade unions, employers' associations, insurance companies, cooperatives and companies are all committed to guaranteeing the work-health-life balance.



Unilateral, contracted and bilateral welfare



The creation of a corporate welfare plan can take place unilaterally or bilaterally.

In **unilateral welfare**, the initiatives adopted for employee well-being are considered a paternalistic concession by the employer. The initiatives are put in place by the entrepreneur *motu proprio*, in the exercise of his freedom of economic initiative and organization of the enterprise, without the participation of the trade unions. The entrepreneur can proceed to its elimination for its unquestionable choice. It is therefore evident that this welfare does not ensure a high level of stability associated with medium to long-term benefits.

Contractual welfare operates at a national level both at a company level and at a sector level.

Firstly, it can introduce welfare benefits in sectoral or territorial category bargaining.

It can also be a matter of collective bargaining, always on a national basis.

It can, again, materialize in interventions delegated by the State to the bilateral joint bodies constituted by the trade unions of the workers and employers of a specific professional category.

Bilateral welfare, if developed, allows a new configuration of industrial relations: the social partners have a decisive role in determining performance, as private individuals define, organize and deliver them, playing a role not merely of bargaining bargaining, but also of social mediation in the interest of the family community and even of the wider territorial community of reference



Welfare glocal as the objective of the Project



The basic objective of the project is the identification of a "virtuous circle" of synergy between European, national, corporate and EWC trade unions in order to negotiate with the European multinational companies a homogeneously guaranteed welfare for the workers of the national factories that go to integrate national welfare.

In particular, we intend to analyze the best practices arising from the synergistic collaboration between EWCs and company unions. In this meeting the workers' representatives have two tools at their disposal: the rights of information and consultation held by the EWCs (which, however, do not have the power of collective bargaining, lacking the "erga omnes") and the traditional negotiating prerogatives, exercisable, however, in the "local" area to define collective agreements in the field of corporate welfare.

The homogenisation of private services through the unification of the negotiation processes in the EWC also improves the effectiveness of lobbying action with the public, allowing an economic estimate of the social impact of the welfare mix and therefore also of the correct tax incentives to to recognize the multinational company



For a transnational negotiating welfare



We need targeted economic incentives to support businesses, ad hoc supplementary measures to protect and promote and, above all, active retention and reintegration policies that work alongside state health care.

The current formal legal protection and collective bargaining, focused on reserve shares and on the suspension and retention of the workplace for times necessary for the treatment, are no longer enough: they are in the functional state of the prototype of the permanent and indefinite subordinate worker (basically male and hired by a large company), whereas the evolution of the labor market has witnessed a massive proliferation of temporary, atypical or precarious employment relationships that do not allow the full use of adequate welfare protections: neither for curative and welfare purposes, nor for the purpose of preventive medicine and well-being.

Economic / regulatory dumping, made possible by differences in treatment between member countries, must be fought in this transnational context, through a far-sighted tripartite negotiation action at the level of European multinationals: in an increasingly inclusive logic, which also includes terminated workers and their families.

Towards a transnational work-health-life balance



The Community institutional architecture is based on the European Framework Directive 89/391 EEC which places precise responsibilities of the company in the organization of the work: it is necessary to "adapt the work to the man" to protect the "health of the workers in all the connected aspects with the job".

It is a conceptual and operative reference framework calibrated on the specificity of each individual person and also of every single working environment: it exceeds the abstract and standardized models of work performance assessment according to the needs (productive and organizational) of the Fordist factory.

A paradigm shift must take into account the needs of the wider territorial community of reference: it is a strategic plan of action to bring to full maturation and completion complex processes of reform of welfare systems and industrial relations now launched in Europe in a purely emergency key .

It postulates a re-orientation of public subsidies that instead of being addressed in passive policies that lead to inactivity, they must incentivize participatory corporate logics and collective bargaining actions for retraining, combating unemployment and reintegration into employment (eg Danish flex-jobs or the Dutch system).



A homogeneous but "on a human scale" protection



The system of industrial relations would be decisive if it transposed through collective bargaining and bilateral systems of welfare management, at the level of European multinationals, the profound changes in work (the result of changes not only technological but also demographic and organizational). These changes affect the concepts of "presence at work", "work performance", "exact contractual fulfillment".

In the development of new generation protections it is, in other words, to interpret the great transformation of the ways of working that affects the concept of worker and of his work skills, of suitability -not abstract, but relative to the possible task-.

It is a matter of "following" the worker not only in the community territorial space, but also in the various evolutionary or even involutive phases of the careers (= in the function).

To do this, the measurement techniques (and remuneration) of the value of the work must be changed.

Collective bargaining must assess the possibility of inserting "insurance content" into the contractual exchange, against "internal" counterparts on the side of flexibility and productivity of work and / or "external" counterparts linked, in an ideal tripartite contract, to the social meaning of inclusion for the state.

The content of the work performance must be redesigned, in short, according to parameters that are no longer just "objective", but also "subjective".

