

PUBLIC POLICY RESPONSES TO THE TRANSFORMATIONS OF WORK AND OF INDUSTRIAL RELATIONS

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NATIONAL STATES VS GLOBALIZATION

- National States still a major actor of labor relations and social policies ?
- Different views and factors
- Economic and financial globalization drastically reduces the role of national states
- Neo-liberal ideologies and policies support a convergence of national social models toward deregulation of labor relations and reduction of welfare measures
- Different national trajectories in labor and social law still make a case for the 'varieties of capitalism' theory
- A Caveat: limited role of legal regulation vis a vis major economic and social transformations

THE CASE FOR DEREGULATION: LABOUR CONTRACTS

- Areas of deregulation by national states: the Individual Labour Contracts
- Liberalization of fixed term contracts (more pronounced in Spain, Italy, more controlled in Germany)
- Reduction of costs of dismissal (common trend) and of the scope of protection (small firms Germany). The battle over reinstatement in Italy.
- Abolition of administrative controls on collective dismissals (Spain, France)
- Promotion of functional flexibility (Italy, Germany) and of temporary work
- Limitation of welfare protections (unemployment benefits, short-time work indemnities)

THE CASE FOR DEREGULATION: INDUSTRIAL RELATIONS

- Deregulation in collective labor relations
- Recognition of derogatory clauses: decline of the principle of 'favour' (France, Italy, Spain, Germany)
- Reduction of ultra- activity of collective agreements (Spain)
- Equal value or priority of decentralized bargaining over national agreements (Spain, Italy, France)

THE CASE FOR REREGULATION: LABOUR CONTRACTS

- Areas of re-regulation: individual labour contracts
- Minimum wages: scope and amount
- New regulations and protections of autonomous and economically dependent workers (Italy, Spain, Germany)
- Incentives to labour contracts for an indefinite period (Italy)
- Social clauses inserted in procurement contracts
- Personal data protection
- Employers obligation to provide adequate training to employees in case of mobility (Italy)
- Duty to prepare social plan in case of enterprise crises (France)
- Growing importance of anti discrimination law

THE CASE FOR RE-REGULATION: INDUSTRIAL RELATIONS

- Areas of re- regulation in collective labor relations
- Duties to bargain collectively extended (France)
- Judicial control of the content and actors of collective agreements (Germany)
- Collective agreements as benchmark of wages and working conditions
- Announced Italian legislation on Union representativeness and on binding effects of enterprise collective agreements
- Redefinition of majority rule (50%) for approval of company-wide collective agreements (France)
- Criteria for the representativeness of employers associations (France)

Welfare: recalibration not decline

- No reduction of average social expenditures (OECD)
- New mix between contributory schemes and benefits financed by general taxation
- Pact among generations at risk?
- Welfare as social investment
- Education and human capital: main driver

A new area of state intervention

- Social clauses in international trade agreements
- Defense of the European social model in transnational negotiations (CETA)
- Promotion of transnational collective agreements

FLEXICURITY

- Different national implementation of the European guidelines on flexicurity
- Uneven effectiveness of active labor policies
- Different scope of welfare protection on the labor market
- The role of conditionality

THE EUROPEAN LANDSCAPE

- Different trees but what about the forest?
- Deregulation works automatically, re-regulation requires implementation
- Pressure of European economic policies on national regulations and policies

The uncertain future of employment

- The negative influence of economic and social transformations: the changing composition of the workforce
- Job killing technologies
- The flexible enterprise reduces the importance of labor costs
- The globalization of markets reduces the capacity of multi employer bargaining to take wages out of competition
- Austerity measures and financial instability imperil growth

Decline or revitalization of industrial relations?

- The prospects are not favourable
- Possible reversal of negative trends depends on a positive interplay between state action and strategies of social actors
- Need of institutional and social creativity. New issues for collective bargaining.
- New issues: sustainable flexibility, quality of life, support and control of labour mobility
- Tripartite actions: national States, social actors, international organizations
- Not only distributive claims. More concern for the conditions of sustainable growth, quality of work and of life
- Greater attention to individual needs, to the young generations and to families, to continuous education and work experiences in schools, quality of work and work life balance
- Need of joint initiatives of labour unions with other social groups and organizations: professionals, NGOs, single issue movements, etc.
- Sopranational social dialogue and transnational collective agreements

THE ROLE OF NATIONAL LEGISLATIONS FOR INNOVATIONS

- Guarantee and reinforcement of core collective rights
- Support of workers participation in the organization of work at workshop level
- Workers participation in the institutions of welfare administration
- Reinforced safety nets accompanied by active labor policies
- More investments in skills
- Virtuous internal flexibility; professional mobility and flexible worktime
- More selective regulation (possibly negotiated): less rigid details
- More basic principles, minimum standards and wages
- Reorientation of labor law and labor relations to new targets, not only distributive but aimed at promoting human capital, quality of working life and of work performance

New strategies by social actors

- Innovative unions attitudes and organization to attract different groups of workers (unskilled, atypical and informal, knowledge workers)
- Investments in social innovation; collective vs individual opportunities
- The contribution of collective action and of participation to productivity and employees welfare
- Involvement and joint initiatives with civil society organizations
- Corporate social responsibility