

Contracts and social protections: collective rights, individualisation and role of the social dialogue

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The Green Paper *Modernising labour law to meet the challenges of the 21st century*

- **the procedure:** example of the *Open Method of Coordination*, with a road map of public consultation preparing the adoption of a Commission Communication.

- **the policy:** the key concept of "*flexicurity*":
"a means to reinforce simultaneously and deliberately the flexibility of labour markets, work organisations and employment relations on the one hand, and security – employment security and income security – on the other" (Wilthagen).

Integrated Guidelines for Growth and Jobs:

“A flexible and inclusive Labour Market”

- ◆ Flexible contractual arrangements
- ◆ Effective active labour market policies
- ◆ Reliable and responsive lifelong learning systems
- ◆ Modern social security systems, providing income support and facilitating mobility
- ◆ **Supportive and productive social dialogue**

Collective agreements and social dialogue in the EU policy.

A multi-level governance

- **national agreements** as internal norms obliged to the full respect of the EU law (i.e. anti-discrimination rights);
- **national agreements** as tools through which transposing the EU directives concerning social issues;

- **EU-level social partners** as 'co-legislators' in the formulation of EU social policy
- **European inter-professional agreements** implemented by a Decision of the Council, on proposal of the Commission;
- **"Voluntary" European agreements**, implemented "in accordance with the procedures and practices specific to management and labour and the Member States".

Flexicurity and role of the national social dialogue

- ◆ Important reforms (on pensions, labour market, industrial relations systems), accomplished in most of the member states, were based on inter-confederate social dialogue and/or tripartite social pacts;
- ◆ Social partners are often involved in the management of the welfare schemes (i.e. unemployment insurance funds, vocational training, complementary pension schemes, local welfare);
- ◆ Collective bargaining remains a key tool to introduce and manage flexibility at the workplace level.

The slow erosion of the European tradition of collective bargaining?

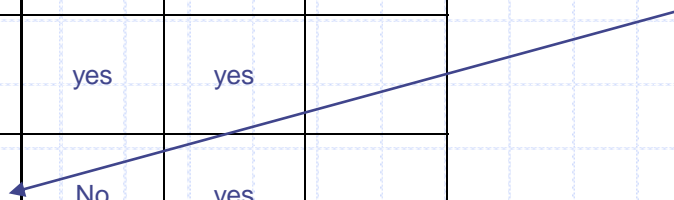
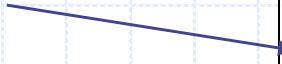
- ◆ **Concession bargaining**
- ◆ **Decentralisation**
- ◆ **Individualization**
- ◆ **The framework constrains of the pact of stability/ECB/Ecofin**
- ◆ **The ECJ's sentences in the cases Viking, Laval and Ruffert**

Levels of collective bargaining and coverage (in %), tripartite concertation and minimum wage (EIRO/IRES)

	Levels of collective bargaining			Coverage	Influence of the tripartite concertation	Statutory inimum wage
	Multi-sector level	Nat. SectorLevel I	Company level			
Dominant multi-sector level						
Belgium	XXX	X	X	> 90%	yes	yes
Finland	XXX	X	X	+/- 85%	yes	No
Ireland	XXX	X	X	+/- 45%	yes	yes
Slovenia	XXX	X	X	> 95%	yes	yes
Dominant national sector/branch level						
Austria		XXX	X	> 95 %	No	No
Bulgaria	X	XXX	X	25%-30%	yes	yes
Denmark	X	XXX	XX	+/- 80%	No	No
Germany**		XXX	X	+/- 65%	No	No
Greece	(XXX)	XXX	X	60%-70%	No	yes
Italiy	XX	XXX	X	+/- 85%	yes	No
Holland	X	XXX	X	+/- 80%	yes	yes
Norway	XX	XXX	X	70%-75%	yes	No
Spain	XX	XXX	X	+/- 80%	yes	yes
Slovakia		XXX	X	+/- 40%	yes	yes
Sweden		XXX	X	> 90%	No	No

Without a clear dominant level

France	X	XX	XX	+/- 90%	No	yes	
Company dominant level							
Cyprus		X	XXX	27%	No	No	
Czech. Rep.		X	XXX	25%-30%	yes	yes	
Estonia	(XXX)	X	XXX	20%-30%	yes	yes	
Hungary	(XXX)	X	XXX	+/- 35%	yes	yes	
Latvia		X	XXX	10%-20%	yes	yes	
Lituania	(XXX)	X	XXX	+/- 10%	yes	yes	
Malta		X	XXX	+/- 50%	yes	yes	
Poland		X	XXX	+/- 40%	yes	yes	
Romania	(XXX)	X	XXX	nd	yes	yes	
UK		X	XXX	35%-40%	No	yes	



The European inter-professional social dialogue

- ◆ Directives based on previous framework agreements of European-scale level: (parental leaves, part-time, fixed-term contracts).
- ◆ The “voluntary agreements” remain very limited, with only two and not exactly crucial cases: tele-working and work-related stress.

Sectoral social dialogue and cross-border agreements

- ◆ The European sectoral social dialogue is relatively developed, with almost 500 joint texts but only a few agreements
- ◆ Some sectors are very active at the level of European federations (the EMF), giving guide-lines for the co-ordination of the domestic collective bargaining or in the negotiation of agreements in some big TNCs.
- ◆ Nearly 50 cross-border agreements

New forms of governance at company level

- ◆ Codes of conduct (50) and international framework agreements (53)
- ◆ The power to sign agreements at European level continues to be a very difficult objective. The employers' associations are firmly against and also some national unions are quite sceptic
- ◆ The Italian trade unions are in the ETUC front line in order to favour the evolution of the information and consultation rights towards a proper collective bargaining system at European level.

The EWCs. Between lights (a few) and shadows (many).

- ◆ the EWCs: the broadest and most significant experience of European industrial relations.
- ◆ 10 years after the Directive 94/45 only one third of the TNCs responding to the Directive's requisites have established their EWCs.
- ◆ Where established, the information is given late and the real consultation quite rare.

What the workers ask to the unions?

Which policies?

- ◆ Better wage
- ◆ More job stability
- ◆ More income security

How?

- ◆ Internationalisation of industrial relations
- ◆ Collective bargaining on the formation of wages
- ◆ A new concept of subordination
- ◆ A more inclusive welfare system

"There is no progress towards social Europe without the capacity of the trade union movement to project its initiative on a European scale and increase the ETUC's role as the unitary actor of this scheme."

Emilio Gabaglio
(ex General Secretary of the ETUC)

Tabella 2- Progressi dei Paesi Membri verso gli obiettivi occupazionali di Lisbona

	Tasso di occupazione totale	Tasso di occupazione femminile	Tasso di occupazione degli anziani (55-64 anni)
	Obiettivo 2005: 67% Obiettivo 2010: 70%	Obiettivo 2005: 57% Obiettivo 2010: 60%	Obiettivo 2010: 50%
Paesi Nordici:			
Danimarca	75.9	71.9	59.5
Olanda	73.2	66.4	46.1
Svezia	72.5	70.4	69.4
Finlandia	68.4	66.5	52.7
Paesi Anglosassoni:			
Regno Unito	71.7	65.9	56.9
Irlanda	67.6	58.3	51.6
Paesi Continentali:			
Austria	68.6	62	31.8
Germania	65.4	59.6	45.4
Lussemburgo	63.6	53.7	31.7
Francia	63.1	57.6	37.9
Belgio	61.1	53.8	31.8
Paesi Mediterranei:			
Portogallo	67.5	61.7	50.5
Spagna	63.3	51.2	43.1
Grecia	60.1	46.1	41.6
Italia	57.6	45.3	31.4
Nuovi Stati Membri:			
Cipro	68.5	58.4	50.6
Slovenia	66	61.3	30.7
Repubblica Ceca	64.8	56.3	44.5
Estonia	64.4	62.1	56.1
Lettonia	63.3	59.3	49.5
Lituania	62.6	59.4	49.2
Slovacchia	57.7	50.9	30.3
Ungheria	56.9	51	33
Malta	53.9	33.7	30.8
Polonia	52.8	46.8	27.2
EU15	65.2	57.4	44.1
NSM	56.9	50.7	33.8
EU25	63.8	56.3	42.5

Fonte: dataset Eurostat

Table 13: Country level data on fixed-term work, part-time work and self-employment

	Fixed-term work (% of total employees)		Part-time work (% of total employment)		Self-employed (% of total employment)	
	2000	2005	2000	2005	2000	2005
Belgium	9.1	8.8	18.9	22	17	16.2
Bulgaria	6.3 (2001)	6.4	3.2	2.1	-	-
Czech Republic	8.1	8.8	5.3	4.9	15	18
Denmark	9.7	9.8	21.3	22.1	9.6	6.3
Germany	12.7	14.2	19.4	24	10	11.2
Estonia	3	2.7	8.1	7.8	9	8.1
Greece	13.5	11.3	4.5	5	43.3	40.8
Spain	32.2	33.3	7.9	12.4	15.8	14.4
France	15.2	13.3	16.7	17.2	9.2	8.9
Ireland	5.9	3.7	16.4	16.8 (2004)	19.6	17
Italy	10.1	12.3	8.4	12.8	26.4	24.5
Cyprus	10.7	8.6	8.4	8.9	25.8	23.6
Latvia	6.7	6.4	11.3	8.3	4.8	11.8
Lithuania	4.4	5.8	10.2	7.1	20.1	16.9
Luxembourg	5.3	5.3	10.4	17.4	7.3	6.6
Hungary	7.1	7	3.5	4.1	15.1	13.8
Malta	4.1	4.8	6.8	6.6	11.8	11.7
Netherlands	13.7	15.3	41.5	46.1	14.2	13.7
Austria	8	9.1	16.3	21.1	20.5	19.9
Poland	5.8	25.7	10.5	10.8	37.7	28.8
Portugal	19.9	19.3	10.9	11.2	24.5	24.1
Romania	2.8	2.4	16.5	10.2	46.2	43.7
Slovenia	13.7	17.4	6.5	9	18	17.1
Slovak Republic	4.8	5	4.8	5	9.8	19
Finland	16.3	16.3	12.3	13.7	12.2	11.6
Sweden	15.6	16	19.5	24.7	5.4	4.8
UK	6.9	5.7	25.2	25.4	11.9	12.7

Source: Employment in Europe 2008, statistical annex

Italian Labour Market and Flexibility

Employment rates: 58% (EU27: 65,3%)

Employment rates women: 46% (EU27: 58,2%)

Unemployment rates: 5,9% (EU27: 7,1%)

Unemployment rates of youth: 18,6 (EU27: 15,2%)

- Part-time: 12,8% (EU25: 18%)
- Fixed-Term workers: 12,3% (EU27: 13,7%)
- Agency workers: 1,2% (EU15: 1.8-2%).
- Self-employed: 17,5%
- Quasi-subordinated: 4,3%
- Undeclared jobs: 10-15%

Flexicurity e sistemi nazionali

Cinque raggruppamenti/clusters:

- ◆ **1) sistema anglosassone:** molta flessibilità; bassa tassazione; poca sicurezza;
- ◆ **2) sistema nordico:** flessibilità del lavoro medio-alto, sicurezza sociale e tassazione molto elevate;
- ◆ **3) sistema continentale,** una posizione mediana rispetto ad ognuna delle tre variabili;
- ◆ **4) sistema mediterraneo:** tassazione media ma con poca flessibilità e poca sicurezza sociale;
- ◆ **5) sistema dell'Europa centro-orientale:** flessibilità e tassazione di livello medio, ma con poca sicurezza sociale.
L'Italia, un po' a sorpresa, è collocata dentro a quest'ultimo modello

Il "Triangolo d'oro" danese

- ◆ una normativa molto permissiva in materia di licenziamenti
- ◆ un regime molto generoso di sussidi in caso di disoccupazione
- ◆ politiche efficaci di attivazione al lavoro (formazione continua e ottimi servizi all'impiego).