



Enhance lobbying

of commercial sector workers
interests in decision-making
through promoting involvement
and active unionism

EN

Applicant

- ✓ Ogólnopolski Pracowniczy Związek Zawodowy Konfederacja Pracy, **Polska**

9 other employees' and employers' organisations from 8 EU Member States and candidate countries participate alongside the applicant.

- ✓ Ogólnopolski Pracowniczy Związek Zawodowy Konfederacja Pracy, **Polska**
- ✓ National Federation of Commerce, Services, Customs and Tourism CL Podkrepa, **Bulgariya**
- ✓ Federación de Trabajadores Independientes del Comercio, **España**
- ✓ Samostalni Sindikat Trgovine Srbije, **Srbija**
- ✓ Uniunea Sindicală Teritorială
– Filiala Braşov to Confederaţiei Naţionale Sindicale "Cartel ALFA", **România**
- ✓ Lithuanian Trade Union of Commercial and Co-operative Employees, **Lietuva**
- ✓ Asociación Industrial Técnica y de Comercio (ASITECO), **España**
- ✓ Business Confederation Macedonia, **Makedonija**
- ✓ The National Union of Employers



Report

Introduction

Council Directive 94/45/EC of 22 September seeks to improve the right to information and consultation of workers representatives at the level of a company or a group of companies with a community dimensions, by guaranteeing access for workers' representatives to the real decision centres. The employers and the affected workers have the possibility to set up, after a negotiation phase, a specific representative body (European Works Council) or an alternative mechanism to exercise the right to information and consultation without the Council.

The aim of the project is to show the workers, especially those employed in the commerce sector by large multinational companies, the advantages and benefits of community legislation, transferred in most European countries to their regulatory bodies. This legislation improves the quality of jobs by converting workers into interlocutors for all levels of company management.

The great effort that the EU is making to harmonise labour relations in all member countries has been highlighted in various meetings organised during this project. The social dimension of European integration has developed remarkably over the years. It is a key aspect of the Europe 2020 Strategy, which aims to ensure "inclusive growth" by boosting high employment levels and reducing the numbers of people living in poverty and exposed to social exclusion risks.

It should be remembered that these guidelines, together with those of European economic policy, form an integrated orientation for the Europe 2020 Strategy implementation, and that on this occasion the text includes a broad section dedicated to the approval of the European pillar of social rights, approved at the inter-institutional summit in Gothenburg, on November, 17th, 2017, where it was emphasised that the employment guidelines included in the Decision are "in line with the principles of the pillar".

Opening meeting in Warsaw, 17-04-2018

Project partners and organisers met in Warsaw to define the content of the meetings, as well as the work to be done in the different national venues of the participating delegations. Different working groups alluded to the relevancy of the attention given by the European directives to the changes in economic and productive models, their impact on the employment and social security relations and in general on the legal organisation of labour relations. This call to the

member states to guarantee “that the new labor relations maintain and reinforce the European social model” seems equally positive (although we should wait until the “said” turns into the “done”, which may be a long way) as the fact that both the States and the EU itself address the social legacy of the economic and financial crisis, aspiring to build an inclusive society in which the people are trained to anticipate and manage the change and are able to participate actively in social and economic activities, as also indicated in the Commission Recommendation on the active inclusion of people excluded from the labour market. The employment policies are implemented at territorial levels, so that it is also convenient and worth noting, that the Council asks the States to apply the guidelines jointly with the regional and local authorities, and to collaborate closely with the parliament, the social agents and the civil society.

International Meeting. Debate session and exchange of experiences. Malaga, 17-01-2019

The experts and the debates made reference to the proposals for European regulations that seek to “improve the proper functioning of the labour markets and the effectiveness of the social dialogue”. The debates and round tables indicated that it’s particularly important to ensure striking a balance between the flexibility – demanded by the business side and the stability – requested by the employees, and all this maintaining respect for appropriate working conditions and environments, that would ensure safety and occupational health, with express mentions that: “access to effective and impartial dispute resolution, and, in the case of unjustified dismissal, the right to reparation, including adequate compensation must be guaranteed”. The rapporteurs based their work on a European directive proposal, which calls on the member states to avoid industrial relations “that allow for precarious working conditions, in particular fighting against the abusive use of atypical contracts”.

We should also assess as positive the call for the social dialogue and the collective bargaining strengthening. It would also like to highlight as convenient – as long as its completion will be entrusted to national headquarters – the request to the States to provide the unemployed with “adequate and reasonable-term” employment benefits. At the same time we should warn (there is no community document in which this “concern” would be manifested) that the economic support measures for the unemployed “should not discourage a quick return to work”, and also that they should be accompanied by “active labour market policies” with a positive approach, which there’s no doubt about, provided that public authorities are able to implement them properly.

The discussions with the experts stimulated a very interesting exchange of personal opinions and experiences, highlighting that the states should develop and apply preventive and integrated strategies by combining the three aspects of

active inclusion in all their policies: “support for adequate income, inclusive labour markets and access to quality services”. A lot of stress is still put on the fact that the social protection systems “must guarantee the right to adequate minimum income benefits for any person lacking sufficient resources and promote social inclusion encouraging people to participate actively in the labour market and in the society”. This debate is, without doubt, an increasingly relevant one, given the high number of people excluded from contributory and welfare benefits for unemployment, because they do not meet the access requirements.

The working groups obviously did not overlook the demographic situation and the progressive ageing of the population, calling on the states to ensure “the sustainability and adequacy of pension systems for women and men, offering equal opportunities for employees and self-employed workers of both sexes, with respect to the acquisition of pension rights, including complementary schemes, to guarantee a dignified life”.

National meetings programmed in the project

- ✓ In Warsaw a meeting was held on November 16, 2018.
- ✓ In Belgrade, the study and analysis meeting took place on October 15, 2018.
- ✓ In Vilnius a meeting was held on June 4, 2018.
- ✓ In Bratislava a meeting was held on November 7, 2018.
- ✓ In Sofia, the study, analysis and debate meeting took place on October 5, 2018.
- ✓ In Bucharest, the national meeting was held on October 19, 2018.
- ✓ In Spain two separate meetings were held since the headquarters of the organizations are very distant from each other. The Industrial, Technical and Trade Association (ASITECO) met on October 5, 2018 and the Independent Trade Federation made it on October 8, 2018.

In this report we only highlight some of the documents from the national meetings that were sent to the project secretariat.

National Federation of Commerce, Services, Customs and Tourism CL Podkrepa

The meeting in Bulgaria developed around the European Directives CE / 2001/86, CE / 2001/23, CE / 2002/14, CE / 98/59, CE / 2003/72 EC / 2005/56 and their placement within the national legal system. The establishment of mechanisms that stimulated social dialogue and mutual trust between employers and workers was also analysed. Furthermore the participants discussed about how to increase cooperation among

the member states and integrate those who are candidates to join the EU and know if the community directives have been implemented in their legislation.

In an exhaustive report, Boyana Boyanova, summarizes the situation of Bulgaria in this regard and highlights that: "Since December 8, 2004, the members of the European Union, and after the incorporation of Bulgaria to the Union in 2007 also Bulgarian companies, have the possibility of forming a joint venture capital in the form of a European Company.

At European level the European Company is defined by the EU Regulation № 2157/2001 of October 8, 2001, regarding the Statute of the European Company (SE) and the Council Directive 2001/86 / EU of 08.10.2001 regarding the complementation of the statute of the European company, in relation to the participation of the employees.

These regulations have been implemented at national level by Art. 281 et seq. of the Law of Commerce, in Regulation № 1 of February 14, 2007, on the maintenance, conservation and access to the Mercantile Register, as well as the Law of information and consultation of the Multinational companies' groups' of companies and European companies' workers .

Through the single-level management system of the European Society, the workers' representatives participate directly in the decision making, obeying the rules of Directive 2001/86 / EU.

In the two levels management system the governing body can be composed of 3 to 9 people. Accordingly to the Bulgarian Trade Law the possibility of entrusting the operational management to only one executive member is envisaged exclusively in case of companies with one level management, so that the two-tier management system companies will always be managed by a minimum of three members. In a European Company it is the obligation of the supervisory body to supervise the management functions of the management body. For this issues the Regulation makes us resort again to the national legislation of the member states and Art. 242, paragraph 2, point 2 of the Trade Law foresees that there will be from 3 to 7 members. Given that the special negotiating body represents workers from different societies and member states, there are certain demands on the concrete composition of the special negotiating body. Its members are elected by direct or secret vote in proportion to the participating parties. Trade Unions have the right to present their candidates. When there is no workers' representation body the workers will exercise their right to vote directly. In other cases the united councils of the industrial and financial groups, the central committees and the workers' committees will participate in the vote. The elected body is constituted after the management of the company communicates the planned constitution of the European Company. The negotiations begin immediately after the creation of the

special negotiating body and can last up to 6 months. The parties can reach an agreement to prolong the negotiations until a longer period, which in total can not exceed one year since the creation of the special negotiating body.

The Directive 2005/56 / EU refers to cross-border mergers of limited liability companies. The final deadline for its transposition in Bulgaria was September 12, 2007 and it has been made by the Commerce Law. On one hand the European legislator has tried to reach a consensus among the interested parties through the Directive, but on the other, the principle of compulsory participation of the employer in the supervisory body or in the management body of the European Company has been left back, letting it be done by the negotiating parties and according to the national legislation of the member states. Only when the parties do not reach an agreement, would the standard rules provided in the Directive apply.

From the union point of view the transposition of the Directives does not show a high applicability for a number of reasons. Directive 2002/14 / EC creates a general framework for information and consultation systems, which is applied in Bulgaria, where a trade union structure exists.

The Directive 2001/23 / UE shows a great advance in the approximation of member countries legislations regarding workers' rights protection. The Directive 2001/86/ EU complements the Statute of the European Mercantile Company transposing the regulations on the workers' participation in company management, but according to our information the participation of workers in the management of the company has been reduced to a minimum.

Multinational companies in the commercial sector as a principle frown upon the very existence of the unions, they hardly give access to their management boards to workers' representatives, and as a rule they refuse to collective bargaining, even though it is a fact that the Information and consultation in these companies is at a higher level than in the rest of the companies. This is caused by the fact that the headquarters of the parent company is usually outside the country. The Bulgarian managers, as far as the workers are concerned, have not yet reached the necessary level.

In companies with no union organisation the information and consultation processes are absent. The union's efforts are focused on adequate campaigns informing about the benefits of unions' presence and on increasing unions' membership among the workers, which would return the confidence in the organisations and their strength.

There are representatives of the workers in 14 European Works Councils, with 18 representatives of the Bulgarian branches of multinational companies. 15 of them are members trade unions' confederations with a national representation, 13 of them represent the National Confederation of the Bulgarian Trade Unions and 2 represent KT "Podkrepa". European Works Councils exist in Bulgarian companies

representing 10 sectors of the economy: light industry, textiles and clothing, financial mediation, metallurgy and mechanical constructions (including apparatus and equipment), food industry, chemical industry, construction materials production, trade, energy (generation and electricity supply).

Trade union organisations exist in 12 of the companies with Bulgarian representatives elected for the European Works Councils. Usually they're from both: National Confederation of Bulgarian Trade Unions and KT "Podkrepa".

The conclusion is that for the last two years the social dialogue in Bulgaria have only existed in its formal dimension. Employers refuse to negotiate and sign sectoral Labour or Collective Agreements, which in most cases leads to social tensions. The employers intentionally boycott important negotiations, such as the basic income guarantee, the minimum wage and its consequent increase, as well as the income from work in general; they do not show any desire to discuss the issues of the deficit of qualified personnel and they call to abandon the collective labour negotiations at a company and sector level. In practice, all of this poses a series of challenges for the trade unions in Bulgaria, but on the other hand it will undoubtedly harden our position and make us more categorical and belligerent.

The Directives have been transposed into the Bulgarian legislation, the first one through the modification and complementation of the Labour Code (2006), and the rest through the new "Law of information and consultation of workers in multinational companies, groups of companies and European Societies".

National meeting in Bratislava

The report sent from Slovakia is more optimistic than the results of the meeting in Sofia, where the trade union centrals accuse the government and the employers of disguising the reality, which in the medium term can have a negative impact on social peace. The Slovaks analysed the project from the perspective of small and medium enterprises in the country.

The Slovaks believe that: "General development of corporate social responsibility has been one of the key aspects discussed during the debate and the initiative of policies created in the social dialogue environment, taken to national and international level. Therefore, the European Works Councils have managed to raise the debate on dismissals, changes in management and exchange of information in the consultations on broader community issues. This process is manifested in several programs of continuous growth of corporate social responsibility focused on expressing the social interests and mostly carried out by employees and their representatives. Issues touched upon during their meetings are those related to the promotion of specific rights or cultural and environmental activities".

The participants present at the seminar felt that this aspect was the closest for them. They showed wide knowledge about a range of ways in which the different policies and practices included in EU directives relating to social dialogue impact them. Companies increasingly compete to find the best qualified employees, which also plays an important role in encouraging businesses, including small and medium-sized ones, to develop more solid measures for a smoother communication between the workers' interests and measures taken by the management. The representatives present at the meeting in general knew various methods of motivation for greater activity in the area of consultations between the workers and the management of a company.

Regarding the general perception of the guests participating in the seminar we noticed that there is a general European understanding of the current situation. It is seen as a process accompanied by a mixture of feelings: on one hand there is understanding for the processes that occur at European level, also given the fact that they generally come from the pressure exerted by employees and their representatives, while on the other there is caution of those trends that would gradually diminish the country's competitiveness in terms of pressures from more socially oriented economies in other parts of the European Union.

In general, however, given the whole process in the field of social dialogue at EU level, representatives of SMEs at this meeting have not expressed significant concerns about possible implications for the future, particularly if any form of reversal of general economic conditions would bring about adjustments in the business environment, specifically in the central areas of work or in terms of the regulatory framework for companies. In addition, SMEs have expressed greater concern for other areas of politics, where there was a stronger impact of national policy than that of the European Union. With regard to social dialogue as such, smaller Slovak companies within the sector have had some important concerns with respect to the issues arising from the application of collective agreements, however these companies had not taken part in the signing of the original agreement. This was one of the topics mentioned in the meeting by the representatives of the small and medium size enterprises.

The European social dialogue in small and medium enterprises in Slovakia has been presented in this framework. The original set of legislation on social dialogue is present and applicable for companies in Slovakia from the moment the country joined the European Union. Therefore, it was understood that this system of rules ought to be accepted so that companies could benefit from the general expansion of their market space all over the EU. These post-accession processes adopted by the EU include:

- ✓ 2004 – the framework agreement on work-related stress was signed by the European social partners;
- ✓ 2007 – the framework agreement on harassment and violence at work was signed by the European social partners;
- ✓ 2009 – entry into force of the Treaty on the Functioning of the European Union in December 2009, detailing the European social dialogue in articles 152, 154 and 155;
- ✓ 2010 – the framework agreement on inclusive labour markets was signed by the European social partners;
- ✓ 2015 – The Commission initiated a "New beginning for social dialogue" and the declaration was signed by the EU social partners, the Commission and the Presidency of the Council in 2016.

However, some concerns raised regarding the orientation of the regulations that could generate restrictive expenses for small and medium enterprises. These expenses could manifest themselves not only as financial ones, but also in terms of time dedicated to comply with the requirements included in these regulations. There is a need to establish a system ensuring the interests of those employers (mainly small and medium-sized enterprises) who face stronger competitive pressure by employees, as the advantage in the negotiations has been shifted towards the employees' side. Therefore, a need has arisen to take into account the costs inflicted by the present and future measures. These costs should be weighed accordingly to the company capacity and should be either limited, or linked to the economic growth, or at least offset by the decrease in commercial expenses and regulations in other areas, where the added value for consumers and / or employees would be smaller (or none). This has been the conclusion given by the representatives of small and medium enterprises, who believe that many of these measures can offer more competitive advantage in the hands of large companies, more prepared to assume the costs arising from applying these and other measures. At the same time, these companies in some cases are able to present their impacts more positively or use the discussion (as a result of their participation in the European Works Council) as a promotion. This was the main point of the discussion on the general situation of European social dialogue. The speakers highlighted the benefits offered so far for the Member States of the European Union compared to the risks currently seen in the Brexit process.

In conclusion, this seminar offered the representatives of small and medium enterprises an opportunity to express their reflections and concerns about the development of European social dialogue. The policies carried out by the European Union have been applied in Slovakia and have been adopted by the companies. In general, there is sufficient knowledge about its implications among the representatives of companies in Slovakia.

The perception of the pace of changes in the area of social dialogue has been mixed with limited concerns, mostly regarding the future direction of European legislation in this area.

National meeting in Belgrade – the Independent Trade Union of Serbian Trade Workers

The president of this union, Radoslav Topalović, sent us a report in which he highlighted some interesting aspects of the meeting. Having commented on the different European directives included in this project the participants discussed their degree of compliance, as well as the challenges that remained to be faced: "After the presentation of these regulations, the debate began, and the participants of the seminar asked questions and commented on the existing practice, related to the application of the current regulations in Serbia. During the debate, together with the participants, we tried to find ways to improve the practice linked to the participation of workers in the decision-making process at the company level, especially on improving the communication of workers' representatives with the employers. Another important issue that aroused the interest of those present was the search for better lobbying models in multinational companies in favour of workers' interests. In both topics, it was concluded that better knowledge of appropriate European and national regulations can significantly improve the influence of employee representatives on the decision-making process in the company."

National meeting in Poland

On November 16, 2018, workshops were held in Łódź as part of the European project VP/2017/008/0023, with the participation of representatives of business and inter-enterprise union organisations operating in various sectors, particularly in commerce and retail. Paweł Śmigielski sent us this resume.

The objective of the meeting was to sensitise the employees and their employers about the EU directives designed to strengthen the social dialogue and the mutual trust in companies, as well as to guarantee workers' rights in a correct and fair manner, if employers apply the appropriate restructuring measures.

As part of the topics mentioned above, the following directives were discussed:

- ✓ 2002/14/EC establishing a general framework for information and consultation of workers in the European Community. European Works Councils were introduced in the Polish legal system by the means of this directive. The function of these councils is to obtain a specific catalogue of information from the employer and to carry out consultations on selected topics. Unfortunately, these councils do not fulfil in practice the role assumed by the European legislator, because employees are generally not interested in this form of representation.
- ✓ 2001/23/EC on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses. The premises of the directive and the relevant Polish law regulations containing solutions provided by EU legislation, were presented to the participants of the workshop. The threats appearing in the case of the willingness to circumvent protection provisions were discussed, especially in case of creation of the so-called daughter companies.
- ✓ 98/59/EC on the approximation of the laws of the Member States relating to collective redundancies. This directive refers to a very important issue, that caused much controversy in Poland for a long time. Solutions proposed on this topic are supposed to improve the situation of workers in the case of collective redundancies in the workplace, in particular when specially protected workers are affected. It also regulates the scope of the information obtained from the employer when layoffs are planned in the work centre.
- ✓ Directive 2018/957 amending Directive 96/71/EC on the posting of workers in the framework of the provision of services. The last directive contains an important principle: "equal salary for the same work in the same place", which will make it possible to combat wage discrimination of employees according to their country of origin. The participants were able to learn about the mechanisms of the third Directive, which complements the legal regulations contained in the Directives on the posting of workers from 1996 and 2014.

Each of the mentioned Directives was discussed, which allowed to identify the appropriate solutions included in Polish labour law. The trade unionists who participated in the workshop asked a series of questions about the compatibility of the solutions adopted in national legislation with the EU legislation. In some cases the attendees agreed that some particular provisions required changes, for example, in the scope of the legal validity of the social packages, whose status generates doubts in the decisions of the courts. It was also emphasised that strengthening the principles of employee participation would be the best way to make the social dialogue carried out in the workplace more efficient and effective.

At the end of the workshop a survey was carried out, in which the participants addressed several key issues:

- ✓ The search for negotiations to sign a collective labor agreement was found among the main tasks in the commercial and retail sector. Their failure results in legal chaos, as well as the use of various legal solutions, which often unfairly differentiate employees. Another important task is to strengthen the enforcement of labour legislation, in particular solutions in the field of working hours, health and safety at work and wage policy.
- ✓ The question about the structure of social dialogue in Poland raised no doubts. Workshop participants indicated their individual levels: central – Social Dialogue Committees, supra-enterprise (sectorial) – trade union and employer organisations, but the most important part of the negotiations between the social partners probably occurs in the Regional and Business Social Dialogue Councils. It was also noted that within the social dialogue there were also work councils, social labour inspectors, European works councils, employee representatives, several forums to carry out dialogues, as well as workers' councils in some companies. The effectiveness of these forums was assessed as moderate, and the current situation of the social dialogue carried out within the framework of the Social Dialogue Councils was evaluated rather negatively.
- ✓ Regarding the discrepancies between the provisions and the mechanisms envisaged in the EU directives and national solutions, it was pointed out that the Polish legislator usually chooses less favorable regulations for the employees from the EU directives. Take the example of the duration of the shut down period (12 months), the duration of the collective labour agreement in the transition of the workplace (12 months), or the possibility of creating works councils (a work center that employs 50 people as a minimum). It is incomprehensible, therefore, because the EU legislator offers an opportunity to introduce better solutions, which the Polish legislator does not want to exploit.
- ✓ The negotiation mechanisms, the collective disputes and protest actions were recognised as effective legislative lobbying tools. The legal possibilities described in the legal provisions were also highlighted as useful for the unions. Another topic were the media that, if used correctly, can be a useful tool for introducing relevant legal provisions, both at the central and the business levels.
- ✓ Regarding the workers' right to information, consultation and involvement the workshop participants pointed out the need to introduce legislative changes that would make it possible to expand and clarify the catalogue of information obtained from the employer. In practice, many problems arise at the stage of obtaining the expected information from the employer, in order to carry out union activities. In many cases it is not known what information can be requested, and the employer, by having adequate legal assistance at his disposal, undermines the efforts of trade unionists in this area and therefore worsens the quality of social dialogue.

Comments were also made to establish more sanctions for employers who do not wish to participate in the process of informing and consulting workers' representatives about certain activities provided by law.

Other aspects of national meetings

The different delegations were also interested in and spoke about the fact that the most widespread message left by the crisis was to reduce the costs of work, that is, lower salaries, reduced contributions, lower costs of dismissal, extended retirement age. As these measures lead to a depression of domestic consumption (is added to that caused by unemployment) the story of the crisis needs to be completed with the need to capture foreign markets by increasing external competitiveness. The funny thing is that the same recipe seems to be valid not only for the periphery of Europe, but also for Turkey, Peru or India, as anyone who seeks the IMF's recommendations for those countries can verify. All are bound to reduce their internal markets and increase external markets in a utopian panacea that leads inexorably to commercial conflicts and currency wars. The way out of the crisis is, at the same time, unreal, conflictive and regressive, that is, contrary to the workers' interests, that are most similar to those of citizenship in general.

The majority of the delegates of the conference asked was whether there was a realistic alternative to this scenario. To deal with it, one of the experts commented that it was necessary to address the productive system and ways of creating wealth, move away from macro economic aspects and enter the micro aspects in companies, where precariousness and mini-jobs define the future and configure the new "social being".

The consulted expert said that this reflection was a small contribution to defend the internal consensus and the workers' participation in companies as an essential factor for the development and innovation, as opposed, therefore, to the monopoly of the power of managers. The expert defended the idea of democratisation as the only tool of the productive system to advance simultaneously in rights and competitiveness, in innovation and social stability.

As we opened this debate we had to face two simple questions: what kind of business organisation smoothens the road to competitiveness? To what extent does the integration of labour and capital, or the corporate form, facilitate the release of the energies necessary to change the productive model?

The delegations used the meetings and the study days in their respective countries, to put their opinions, successful experiences and very interesting collaboration protocols in order. In the recent times we are witnessing a profound confrontation in the world of labour relations in our most immediate environment, which acquires unacceptable levels in the management of companies. The deterioration of the dialogue,

the lack of collectively accorded agreements, the permanent use of force as an element of pressure renders a negative effect on the competitiveness of our business tissue. If we are not competitive the markets will look for better options, or force us to produce under the threat of other, more unfavourable scenarios.

This situation is being used by many agents to call for the need to overcome the current situation of labour relations within companies. The need to deepen the definition of management mechanisms and really turn companies into people-centered organisations is being advocated as the mechanism guaranteeing sustainability of business projects for the future.

The need to transform companies into communities of people who share the business project as a whole is more than an ideological issue, it is becoming a principle of effectiveness. No one can guarantee the competitiveness of companies with no collective work of all the agents in deep connection with their territory.

It was made clear during the debate that the moment was a perfect one for installing in our society a business management practice that would facilitate the participation of workers in the company. There are many formulas: cooperatives, social economy companies, companies that allow for participation in the value generated by the whole organisation, participation of workers in the social capital, co-management, self-management, etc.

If the central objective of the public management is the configuration of an increasingly just and supportive society, where the levels of income among the different social groups are as equal as possible, but the culture of entrepreneurship and business risk is also present, we can not stop working in favour of companies transformation, cause they should be the engines of this process in their goal of generating wealth.

A majority of the delegations considered that one should aspire to generate a normative framework and public support for the design of environments conducive to the participation of workers in the company, without discriminating any system of participation. We must let each company, within the framework of its own identity, its management models, its aspirations, etc., decide which formula is the best for the development of their business project.

When a company promotes the participation of workers it receives a series of advantages that ensure the competitiveness of its business project in the long term: the project created is shared by all the members of the organisation, which makes the management process easier, the sustainability of the business project tends to be stronger, responsibilities in all areas of the company are better assumed, greater emotional connection with the project is favoured, being more democratic means that the organisation establishes a new framework of personal and work relationships that are not based on confrontation, but on the shared work, and finally higher levels of transparency and shared responsibility are guaranteed.

The aim of the meetings within the project was to encourage companies and trade unions to explore this world of participation in order to favour a competitive improvement for the organisations and overcome the corset of current labour relations. The creation of these communities of people means that the social dimension of the company would be reinforced, which should favour the processes of creation of wealth and contribute to revalue the role of the company in the social cohesion.

Conclusion

The experts who participated in the conference, as well as the papers presented throughout this project, have served as a perspective form which to observe the working world and the relationships that move it. The phenomena observed in the immediate social reality represent above all claims of rights and search for equity. Thus, in another historical moment and for other reasons, although not too different from the current ones, Labour Law allowed for an interesting analysis, that is now being updated, of the workers' participation in the benefits of the companies. The issue is not associated with the Labour Law, but also with the political field and the social philosophy and, of course, the Corporate Law.

One of the aims of these meetings was to analyse the different forms of participation of workers in companies or in the administration of companies, because the case of most European countries is that, although it is referred to as a company, the participation takes concrete forms in commercial companies of different types – as some experts in labor and company law have highlighted during these meetings.

Tool workshop for participation in the company

In international meetings, apart from the program of analysing European directives, their incorporation into national legislations and their actual application, or its lack, models of success in different negotiation processes have been explained and very useful tools favouring the dialogue between the parties in any organisation, including, of course, companies, were presented.

We analysed the most advanced management systems that are being applied in avant-garde companies in Europe. The secret, according to one of the experts in international meetings, JM Aznárez, is the training cycle for the managers, middle managers and workers: "Not even the best corporate governance system, just as any other management system (internal control, management of risk, etc.), is infallible. This does not equal denying the dedication and work put into its preparation or, therefore, its quality. There is another variable that accounts for its lack of total security: the human aspect is a key factor in its development and execution. The workers must be given an active role in the development of the management system of any of these

models and it must be clear for them that their contribution is taken into account by the company, that it is fully used for its own continuous improvement. This is the par excellence principle when seeking the maximum involvement of the employee.

Focus on the commitment

The approach usually adopted when the issue of the company's culture and values is being dealt with is that of focusing on the commitment assumed by the Board and senior management, which, while remaining true, is clearly insufficient. You can not ignore the importance and responsibility of the staff as a whole.

The way to achieve this is by promoting values within the company through an appropriate training policy. The workers will have the skills and confidence to assert their opinion, so that possible breaches will be addressed in the initial phase, thus preventing the entire corrective machinery from being put into operation, which usually begins in the complaints channel.

It is therefore fundamental to propose training programs, which – without prejudice to the fact that in the prolegomena would refer to theoretical aspects of morality, ethics and values – must specifically touch upon situations and real ethical dilemmas that may arise within the company itself. Issues such as: how to avoid doing the majority's follow-up when the work is done badly, the way of knowing how to deal with the superior's intention to border on legality, getting out of the pressure to achieve goals at all costs, etc., must be treated in any self-respecting formation. Beyond speculating with moral theoretical hypotheses or the prevalence of universal values, the real and current perspective of the company must be presented, that is – the aspects that might be emotional or sensitive for the staff.

Issues for the worker

At the end of the training session, as recommended by the expert in one of the presentations, the worker should be able to respond to questions such as: Who should I contact to notify an irregularity that I have noticed? How will it be received when I tell it, or what will I be told? What arguments will the complainant hear justifying the conduct that is being censored? What can be said to support one's position? What is it that one seeks to achieve by revealing such behaviour, or, what is it that is wanted to be rectified or changed in the company? If you see that the person you are addressing is not receptive, what steps can you take next?

It is extremely important to experience this kind of situations as part of a role-playing, as it helps to face the conflicts that may actually occur in a company. This way the worker will be more inclined to take the step and expose the ethical dilemma

to who it corresponds. In addition, the role-playing training sessions transmit the feeling that the company supports the participation of the worker, which far from being a barrier, encourages it.

An adequate environment and receptive managers

Of course the context and the tools have to start from the union leaders or representatives of the workers, as well as from the top management, they are the ones that should propitiate the suitable environment so that the above is possible. Those managers who are not receptive, who are not inclined to give voice to the employee will fail to succeed in extending the culture and values that the company claims to have on paper. But even seemingly better-intentioned managers, who publicly advocate giving the staff participation, can subtly leave a message that the contributions, contributions or observations made are not welcome. If previous approaches fell on deaf ears, if there have even been departures from the organisation of people who in their time contributed a constructive idea, it is not worth after being told by the management that their idea is to give a voice to the staff. It is through the behaviour that the worker observes in his employer how he will gain in confidence at the time of taking the floor to show a noticeable irregularity. Therefore, the challenge of leadership is to behave in a way that creates a positive environment for workers.

The first step – training of managers

The initial step to be taken is training the trade unionists and the senior managers, because they are the ones who should initiate the corrective actions machinery whenever they notice an irregularity. They should not give the sensation that their reaction to questions or criticism is to silence them quickly. Hiding errors does not fix the situation.

In addition, leaders must develop skills necessary to create an environment in which the worker is not reluctant to raise their voice. We must admit that this is very complicated, not only because an authoritarian leader lacks these values, but also because those who are not authoritarian do not take the steps that the complaint demands, giving exactly the same sensation. A leader who is not accessible, or who does not act consistently when asked a question, fosters silence and indifference.

As with the workers, as we said, training sessions and can improve their listening and tolerance skills in a variety of situations, included conflicts situations. They should be tested, if not directly with the staff, at least with certain executives, middle managers and workers' representatives. If top management gives the real image of its receptivity to the ordinary direction, then their approaches and allegations of deviant behaviour should be heard, and they in turn will be able to transmit it, either in words or by their actions, to the staff.

It is true the leader must invest an effort in time, commitment and money to give voice to the worker, but the investment is worth it if the company has embarked on the road to promote ethical values. Ultimately, the values and principles that a company claims to defend can only be sustained through its workers. Creating an atmosphere of trust and providing the necessary skills will undoubtedly build the foundation for good corporate governance in the company as a whole and it will run the paths marked in culture, policies and objectives.

HR departments

In another order of things, we also talked about the human resources departments of large corporations and the digital tools and channels, such as LinkedIn or Twitter, that they use for their selection processes and interacting with their potential candidates, as well as for relating or communicating with the staff. This is undoubtedly an important step towards HR digitalization.

However, this will not be complete until a global digital transformation of human resources is developed, which should also incorporate digital tools in all internal processes.

In this project we have put together a list with 5 essential tools that in our view any Digital Human Resources department should use on a regular basis, both in their external and internal processes.

5 tools indispensable in any HR department

Internal social networks

The objective of this type of social networks is to improve internal communication and collaboration among employees. This type of tool helps to foster team feeling and camaraderie, reinforcing also the company's culture, by facilitating interactions between workers, regardless of the department they belong to.

In addition, internal social networks are a space where more flexibility in hierarchies is allowed, which encourages more informal conversations, so that the relations between junior and senior employees tend to improve. Good professional relationships undoubtedly have a positive impact on employee satisfaction, which reduces employees' rotation.

There are many tools that fulfill this task, such as Jive, Yammer, Socialcast, Zyncro, Confluence or Beezy, each with its particular characteristics, which make them more suitable for one type of company or another.

Gamification tools

These solutions allow companies to improve employee motivation by using tools and techniques known from games, which is what they are known as “gamification”. This type of tools can be used in any department and in multiple situations, such as motivating commercial agents, or encouraging the participation of employees in the activities promoted by the company.

The basic issue is to define what tasks, processes or activities you want to encourage, and to establish prizes – levels, rankings, badges, coins – so that employees can motivate themselves and give their best.

Some of the most popular gamification platforms are Badgeville, Bunchball, Big-door or Gamify, each with its own peculiarities.

E-learning platforms

We live in the age of life-long learning, which is defined as the responsibility that each person assumes about their own training and their constant recycling in terms of knowledge and use of tools.

To facilitate the training of their employees many companies use learning platforms or LCMS (Learning Content Management System), which are virtual classrooms that offer appropriate training courses for corporations.

The fact that companies offer training to their workers and help facilitate their professional development is one of the most valued by the Millennials – the generation currently forming the bulk of the workforce.

Therefore, incorporating this type of tools not only improves the skills of the current employees, but can also effectively attract the potential ones.

Some of the most used e-learning platforms are Coursera, edX, Moodle, ATutor or EFront.

Payroll Management Platforms

The payroll management platforms are one of the basic tools already incorporated in practically all human resources departments.

This type of software products usually also offer holiday tracking systems and communication channels that make it easy to process all documents with public administrations.

Many companies develop payroll management and general human resources management solutions, for both SMEs and large companies. The best known are Sage, Meta4 and Factorial.

Advanced electronic signature solutions

The need to collect signatures from employees is a constant activity in any human resources department. To give an example, in many companies it is an essential requirement that workers sign their payroll every month.

The HR departments that use the electronic signature save management time and paper; they also streamline processes by receiving signed documentation in a matter of minutes.

Signaturit is the most appropriate advanced electronic signature tool that allows complete the signing of documents quickly, easily and in a totally digital way: the documentation to be signed can be sent by email or through the Signaturit control panel and whoever receives it can sign it in 3 simple steps.

Both the sender and the recipient of the document receive a copy of the document once it is signed.

There are other tools that are designed for less sophisticated companies such as small and medium enterprises.

A balanced dialogue between workers and entrepreneurs

Sharing information and concerns.

- ✓ Seek to find the most appropriate solutions to the problems.
- ✓ Respect and take into account the opinions of each party, which will allow to make decisions together.
- ✓ Discuss problems in advance and try to implement preventive measures.
- ✓ Collaborate with the employees – it can help to prevent occupational hazards through the suggestion of safety techniques.
- ✓ Employees share excellent opinions and also their presence implies an early participation in the planning processes, which in turn means a greater understanding of why certain security measures are taken and, therefore, greater motivations to respect them.

How else can employees cooperate on safety and health issues?

- ✓ Making proper use of the equipment, tools and products with which they work.
- ✓ Following the preventive measures implemented by others and, in case one of the security techniques is not working, the employees must notify this to their superiors who then can propose another measure.
- ✓ There is no doubt that the employees form a vital part of the operation of a company, for this reason, it is of the utmost importance that they participate actively in their own safety and that of their colleagues.

Encourage participation

Not everything that was said during the meetings was only addressed to the union leaders. Some papers have been addressed especially to employers.

A good method to motivate your team is to encourage their participation in the projects and initiatives of the company. Instead of only demanding the fulfilment of tasks entrusted to you, encourage them to go one step further and propose ideas. These are some tools that you can use.

Suggestions mailbox

It is essential that there is a formal system in the company to make proposals, be it a physical mailbox or an email address.

Question Time

All meetings should include an open turn in which anyone can ask questions and comment.

Work groups

When you have to perform an important task in the company, ask for the voluntary collaboration of employees to create a work team.

Quality groups

Quality groups are permanent work teams whose function is to improve the processes and the operation of the company. Foster them and give them power.

Brainstorming

When well organised and managed a brainstorming is a great tool to encourage participation and creativity.

Contest for best ideas

The aim is to hold a contest open to all, in order to reward the best proposal or initiative on a specific topic.

Directed discussion

It consists of organising a debate on a topic of importance to the company. The objective is to know the different opinions, not to make a decision.

Discusión dirigida

Consiste en organizar un debate sobre un tema de importancia en la empresa. El objetivo es conocer las distintas opiniones, no tomar una decisión.

Management style

Finally, to encourage participation in your company, you should get used to asking your co-workers to express their opinion, listen to what they say and take it into account.

Encourage people to participate and share their ideas, do not criticise or reject them at the beginning and appreciate their participation.

Finally, allow your employees to organise themselves in their own way and try out the initiatives that come to mind.

The management of the internal communication in a company has always been important. However, in the digital ecosystem in which millions of people move every day is not only important, it is vital for any corporation.



Enhance lobbying

of commercial sector workers interests in decision-making
through promoting involvement and active unionism

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