

## ACKNOWLEDGEMENTS

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## INTRODUCTION

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In this eBook we have collected the papers presented at the XXII World Congress of the International Society for Labour and Social Security Law, held in Turin (Italy) on 4-7 September 2018.

The original Call for Papers was based on the seven themes of the Congress as follows:

### **Informal workers**

Most of the world's workers are in the informal sector. In many emerging economies, over 75 per cent of the labour force is composed of informal businesses and workers (ILO data). As a consequence, labour law studies should focus more specifically on the informal sector.

Major objectives of this research group should be:

- to deepen our understanding of the multifaceted aspects of informal and irregular work as they exist in different national and territorial contexts;
- to evaluate the different policy approaches and best practices in labour law and social security adopted by public institutions and by social actors, having regard to the various aspects of informal work and taking into account the regulations most frequently disregarded in the various situations;
- to investigate the possible techniques and policy measures (incentives, disincentives, private and public controls, development programs etc.) useful for promoting the opportunities of informal work to emerge and to be stably accepted in the formal economy;
- to discuss whether and to what extent labour unions and employers, by ensuring collective agreements application, also within SME, may help to fight irregular work, and promote the access of informal workers to the essential protections and benefits of professional training, of labour law and of social security.

### **Migrant workers**

Many factors have given new and dramatic dimensions to people migrations: economic globalisation, divergent conditions of work and life among different areas of the world, political and civil conflicts in many regions which force entire groups to expatriate. The pressure of various forms of migrations is hitting in different degree many national states and communities.

Some progress has been made in the definition of the legal status of migrants, setting forth the general obligations to respect basic human rights. Nevertheless, more intense attention has to be paid also considering the expansion of this trend, to factors as the high rate of unemployment, the risk of exploitation, trafficking and social segregation, the lack of adequate social protection which makes migrant workers more vulnerable than others employees.

Such vulnerability and distortion determine, among other effects, human labour trafficking. This has attracted a renewed interest due to changing trends in migration flows and the globalization of labour.

The research group should give priority to some aspects of migratory trends, in particular of workers.

How to find new measures, national and international, to regulate the flow of migrants workers across national and continental borders in a socially sustainable way.

How to combine controls and security checks necessary to guarantee social acceptance of migrants with measures to promote their integration in the civil communities and in the labour markets.

Which specific provisions are effective to protect migrant workers against labour exploitation and to favour their employability in the formal economy?

## **Global trade and labour**

International trade has been promoted and regulated in recent years through various regional and international agreements.

The analysis of the agreements of various dimensions (bilateral, regional or continental) should be focused on their impact not only on economic growth but also on employment and on working conditions and workers' rights. In this respect, the group should investigate:

- possible contents of social clauses, and the technologies which they adopt in order to guarantee international labour standards to the individuals and groups affected by trade agreements;
- the role of the law and social actors in implementing and enforcing social clauses;
- the increasing legal relations between foreign direct investments, multilateral trade agreements, domestic labour law regimes;
- international trade agreement effects, in the name of free trade on national measures addressing inequality such as minimum wages, prevailing wage requirements, unemployment benefits, affirmative action for historically excluded groups and other social protections;
- the compliance of recent international trade agreements with the ILO standards. A special focus will be placed on ISDS clauses.

## **Organization, productivity and well-being at work**

In the last years the role played by Trade Unions and collective bargaining at national and international level has decreased in importance, while, as a consequence of decentralization processes, a central role is played by collective bargaining at enterprise and at plant level.

Enterprise collective bargaining is regarded as a possible way of fostering workplace flexibility/productivity, efficiency and workers' well-being. Also, individual negotiation appears to be a possible tool to regulate working conditions, to increase the individual worker's productivity and, at the same time, his/her satisfaction about wages and other benefits.

For this group research project will focus on:

- the role of collective and individual negotiation in the regulation of wages and working conditions;
- the role of enterprise level collective bargaining in fostering workplace flexibility/productivity and workers' well-being;
- the role of enterprise collective bargaining in the regulatory competition;
- the role of corporate social responsibility;
- national reforms concerning enterprise collective bargaining in a comparative perspective;
- best practices of high involvement and team work systems, and of innovative use of technology in work organization (e.g. remote and smart working) in respect to their impact on firms' performance and on employee's wellbeing;
- role of management initiatives and of collective agreements in promoting new forms of welfare, such as supplementary pension funds, supplementary health insurance, flexible benefits of various contents.

## **Transnational collective agreements**

With the internationalization of the economy and increasing competitive pressures, collective bargaining is developing in new directions. The growing number of transnational companies has introduced new actors and different strategies for collective action, on both the employees and the employers' side: transnational collective bargaining is a response to this challenge.

The transnational dimension acquired by collective bargaining addresses new questions to be investigated by labour law research:

- new and old social actors involved. Is unionism suited for a transnational action?
- new and old issues negotiated at transnational levels: distinguish firm level and sectoral collective agreements;
- the link between the agreements signed by transnational firms and the governance of these firms;
- the role of national governments;
- the role of international organizations;
- the legal and practical effects on labour relations, national and local: distinguish firm level and sectoral collective agreements;
- relations between firm-level agreements and corporate social responsibility.

### **New forms of social security**

The social security systems of most countries, developed and developing, are facing new and pressing problems.

Suitable social security models need to address the challenge of widespread precariousness in work as well as the low wages often provided for precarious workers. While often benefits are conferred according to the length and the status of employment relationship, new types of employment based on a low and fragmented income are spreading and are increasing the number of working poor for which the States must provide means of support. A wider scenario of social exclusion is present in less developed countries, but also in some areas of Europe.

The research project of this group should analyse:

- the challenges to sustainability of the national social security system;
- the possible response to these challenges by public institutions and social actors, at national and international level;
- the role and domains of private and collective forms of supplementary social security and welfare benefits;
- the possibility to extend social security schemes to non-standard employees; and
- the ways to strengthen social security systems through minimum income or other inclusion measures and how to activate the beneficiaries.

### **The role of the State and industrial relations**

The globalization of markets is changing the traditional power relations among countries and among their institutions. To what extent it is altering the role and power of the national states it is an open question. The question is of particular importance with respect to industrial relations because the national states have played in most countries a major role in the foundation and development of collective labour relations and institutions.

This research group will analyse in particular – the impact of globalization on the national regulations of the various aspects of industrial relations: rights and representativeness of the social actors, collective bargaining structure and effects, strike action and other adversarial activities.

- the old and new forms of state intervention in Industrial relations: legislation, soft law guidelines, mediation and conciliation, promotion of social pacts, etc.;
- national reactions to global trade agreements: social clauses and other measures to prevent social dumping, promotion of fair-trade practices, support to transnational collective bargaining, conditions to foreign investments and to labour mobility, etc.;
- cooperation among national states and institutions to monitor the effects of interstate commerce and to guarantee the enforcement of transnational agreements.

All the above-mentioned themes have been analysed and discussed by academics, researchers, experts and practitioners during the XXII World Congress of the ISLSSL.

The fast changing world of work is putting pressure on labour law and social security systems that will need to be adapted to the new realities. Labour law and social security systems are facing challenges and, at the same time, are part of the solution. This is true whether the question is viewed from an economic or from a social point of view.

In fact, as the Congress papers demonstrate, these two sides of the same coin are interwoven and it is clear that sustainable economic growth combined with social justice, including mechanisms for (re)distribution of economic and social wealth to reduce inequality is inevitable.

Indeed, the role of labour law is changing. In a dramatically transformed world of work, it is widely accepted that labour law must move beyond its traditional way of dealing with labour issues.

The goal of a more equitable, fair and social inclusive society implies nothing less than a renewed approach and reconstruction of labour law as a discipline encompassing the rights of all the workers, regardless their status of the employment relationship.

What this could mean for the evolution of labour law and industrial relations needs that are more responsive should be a central focus of academic research as it has emerged from a good number of papers presented in this book. However, as the analyses of many papers demonstrate in different ways, labour law needs to be confronted with a pragmatic approach if our discipline would continue to contribute to social development.

What is true of labour law is, in essence, true of social security law as well. Social security papers examine the challenges for the sustainability of the social security systems. The papers highlight the problems resulting from informality, underemployment, short-term, increasingly platform workers and diminishing wages, and on the role of the State in-work support. Such support is problematic, however, and costly in an era of economic constraints. Partly in response to this, some authors argue for more effective regulatory interventions, including measures to close the gender gap, improved sectoral bargaining and other redistributive mechanisms. If the purpose of social security is complementary to that of labour law; then it is to promote social justice for workers both outside and inside the workplace. In this respect, all workers should enjoy meaningful socio-economic rights, enabling them to live a decent life both as citizens and workers.

This leads us back to the main theme of the XXII World Congress “Transformations of Work” in which labour rights are understood as an aspect of human rights and the protection of those rights are re-defined as an affirmation of the values enshrined in international labour standards.

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