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# The Ageing Workforce and Industrial Relations: A New Role for the Italian Social Partners?

Michele Dalla Sega \*

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## Abstract

This paper considers the initiatives put forward by Italy's industrial relations actors through collective bargaining in order to promote effective age management policies at the workplace. The analysis focuses on the potential benefits and critical issues of these measures, which are also compared with the strategies implemented in some other countries (i.e. France and Germany).

*Keywords:* Industrial Relations; Demographic Ageing; Collective Bargaining; Age Management.

## 1. Introduction

Demographic aging has been given increasing attention in Europe. Current projections report that between 2016 and 2060 the population aged 65 and older is expected to grow further, while the number of people of working age will decrease considerably<sup>1</sup>. These two factors have led European and national institutions to promote employment strategies

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\* Doctoral Student, Ph.D. Program in Innovation and learning in social and work contexts, the University of Siena (Italy). Email address: michele.dallasega@adapt.it.

<sup>1</sup> See European Commission, <https://ec.europa.eu/social/main.jsp?catId=1062&langId=en#:~:text=Active%20ageing%20means%20helping%20people,to%20the%20economy%20and%20society>. It is reported that «between 2016 and 2060, the share of people over 65 will grow from 19.3% to 29.0% of the total population. The percentage of people over 80 will more than double to 12.1%. During the same time, the working-age population (15-64) in the EU is expected to decline by 11.6%».

focused on the activation of elderly people<sup>2</sup>. These initiatives should ensure economic growth and the sustainability of public pension systems, also in consideration of the fact that in Europe's 'pay-as-you-go' schemes, social security benefits are funded by the current workers' contributions<sup>3</sup>. Against this backdrop, this paper will examine the role the Italian social partners will play when dealing with demographic aging, considering an 'industrial relations law' perspective<sup>4</sup>. The paper is organized as follows: Section 1 will investigate the legislative measures put forward in the Italian context during the last reform of the pension system. Section 2 will examine to what extent collective bargaining and joint bodies can help to deal with an aging workforce, looking at this issue from an industrial relations law perspective. In this sense, an analysis will be conducted of the different approaches implemented by the social partners concerning demographic aging (Section 3). Section 4 will provide some concluding remarks, identifying some future challenges and the responses supplied in other countries.

## 2. Italy's Insufficient Response to Demographic Ageing

If one considers Italy's recent reforms of the labor market, it is safe to argue that lawmakers have given scant consideration to the promotion of older people's employment, implementing temporary and isolated provisions which followed two directions.

On the one hand, the last pension reforms have extended working life, raising age and contribution requirements dramatically. In particular, the 2011 reform made the requirements for pension eligibility more stringent, causing many workers to postpone retirement<sup>5</sup>. In addition, some

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<sup>2</sup> See the Europe 2020 Strategy (European Commission, Europe 2020. A strategy for smart, sustainable, and inclusive growth. Communication from the Commission, 3 March 2010), where the European Commission proposed the target of employment at 75%, underlining the necessity to encourage the activation of elderly people out of the labor market, with the priority of improving their skills. See also, European Commission, Green paper on aging. Fostering solidarity and responsibility between generations, 27 January 2021.

<sup>3</sup> For a recent overview of OECD countries' pension systems, see Oecd, *Pensions at a Glance 2021: OECD and G20 Indicators*, OECD Publishing, Paris, 2021.

<sup>4</sup> See M. Tiraboschi, *Teoria e pratica dei contratti di lavoro*, Adapt University Press, Bergamo, 2016, p. 33; L. Spagnuolo Vigorita, *La rivista "Diritto delle relazioni industriali"*, in *Diritto delle Relazioni Industriali*, 1991, p. 3.

<sup>5</sup> Article 24 of Law Decree 201/2011 of 6 December. For an analysis of the reform, see M. Cinelli, *La riforma delle pensioni del "governo tecnico"*. Appunti sull'art. 24 della legge n. 214 del 2011, in *Rivista Italiana di Diritto del Lavoro*, 2012, p. 385; F. Fedele, A.

mechanisms contained in the reform have made the system even more rigid, so now the amount of pension to be paid is closely linked to increasing life expectancy.

On the other hand, these reforms were not supplemented with systemic policies promoting the active participation of older workers in the labor market. Analyzing the most recent pension reforms, a significant number of policy provisions concerning ‘active aging’<sup>6</sup> were included, but only a few of them can be regarded as effective. For example, in 2012, the government allocated incentives to employers who hired unemployed workers aged 50 and older<sup>7</sup>. However, this was just an isolated attempt to deal with the issue and produced insignificant results<sup>8</sup>. Furthermore, the legislator adopted temporary solutions to facilitate the early retirement of some categories of workers, in order to mitigate the impact of more stringent requirements to access pension benefits<sup>9</sup>. Unlike long-standing policies – regarded as unappealing and politically unfeasible – these short-term solutions also gathered wide consensus in public opinion and among workers themselves<sup>10</sup>.

### 3. The Role of the Italian Social Partners

Against the backdrop of this regulatory framework, this paper presents the main findings of research conducted on the age-management policies implemented by the social partners in recent years, either because of national legislation or through individual initiatives. Some of Italy’s main reports on collective bargaining report an increase in the number of age-management provisions, which go beyond wage-setting schemes and point to older workers’ higher participation in employment<sup>11</sup>.

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Morrone, La legislazione sociale del 2011 tra crisi della finanza pubblica e riforma delle pensioni, in *Rivista del diritto della sicurezza sociale*, 2012, p. 105.

<sup>6</sup> See, for example, the specific policy provisions on this issue in Law 247/2007 of 24 December.

<sup>7</sup> Article 4 of Law 92/2012 of 28 June.

<sup>8</sup> L. Guaglianone, Parti sociali e politiche di ageing. Una sfida tutta da giocare, in *Rivista giuridica del lavoro*, 2015, n. 2, I, 322.

<sup>9</sup> For a general overview of the last measures adopted by different governments, see D. Garofalo, Anziani e mercato del lavoro: risorsa o zavorra?, in R. Fabozzi, G. Sigillò Massara (eds.), *Il diritto del lavoro e la sua evoluzione. Scritti in onore di Roberto Pessi*, Cacucci, Bari, 2021, I, pp. 1263 ff.

<sup>10</sup> M.L. Aversa et al., *L’age management nelle grandi imprese italiane: i risultati di un’indagine qualitativa*, Isfol, Roma, 2015, p. 30.

<sup>11</sup> See for example, ADAPT’s most recent analysis (Adapt, VIII Rapporto sulla contrattazione collettiva in Italia, Adapt University Press, Bergamo, 2022), Cgil (N.

### 3.1. Methodology

This research analyzed the collective agreements laying down specific measures for older workers which were collected in the ADAPT database “*Fare Contrattazione*”<sup>12</sup>. They deal with different issues and were concluded in different sectors. A clarification is needed in terms of methodology. When analyzing the terms of the agreements, it will be necessary to distinguish the different approaches adopted by the social partners. Furthermore, special attention will be paid to the different industrial relations systems, with an emphasis on the instruments used, the collective bargaining level at which solutions were adopted, and the relationship between law and collective bargaining.

### 3.2. Age-management and Collective Bargaining: Initial Solutions and Different Approaches

Looking at the different measures put forward, two main approaches can be identified which were adopted by the social partners. Industrial relations actors promote generational turnover, which brings together the need to handle the retirement of older workers and the recruitment of new staff. Concurrently, strategies aimed at the management of the older workforce in the company have been put forward, trying to identify solutions to some issues (lack of appropriate skills, health-related problems, low involvement of the older workforce in production processes).

#### 3.2.1. Measures Promoting Workers’ ‘Generational turnover’

Recent strategies promoting generational turnover include *contratti di espansione* (literally: ‘expansion contracts’) a collective agreement that entered into force in 2019<sup>13</sup>. *Contratti di espansione* lay down several

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Brachini, B. De Sario, S. Leonardi (a cura di), Secondo rapporto sulla contrattazione di secondo livello, Cgil-Fondazione Giuseppe Di Vittorio, 2020) and Ocsel-Cisl (L. Sbarra, G. Romani (eds.), La contrattazione decentrata alla prova dell’imprevedibilità – 6° rapporto OCSEL, Ocsel, 2021).

<sup>12</sup> This is a database on collective bargaining, edited by ADAPT researchers that contains more than 4,000 collective agreements, negotiated at different levels (national, territorial, and company).

<sup>13</sup> Article 41 of Law 148/2015 of 14 September. For an analysis of the instrument, also in the light of the latest reforms, see M. Squeglia, La natura “polimorfa” del nuovo



measures targeting older workers, among which are voluntary early retirement schemes, new recruitments, and refreshment courses. The employer and the workers' representatives negotiate the clauses of the plans, concluding specific agreements approved by the Ministry of Labour. Especially in the last year, the *contratto di espansione* attracted the interest of employers and the social partners, who have adopted this instrument to support company reorganization. However, the preliminary findings on its content show that this tool does not facilitate workers' active aging<sup>14</sup>. For example, early retirement schemes provided by the *contratti di espansione* are used to exclude older workers from the labor market, as they are unable to keep up with the ongoing transformations<sup>15</sup>. However, looking at different labor market sectors, different measures can be found which were established autonomously by the social partners through national and company agreements. They deserve special attention because they combine different instruments other than the provision of early retirement schemes. An example of this is Gefran's agreement of 2019<sup>16</sup>, which introduces an experimental "generational turnover" program, so workers approaching the pension age can submit requests in the 12 months preceding retirement to change their contract from a full-time to a part-time one. Meanwhile, and in order not to lose the wealth of knowledge acquired by them, these workers will serve as mentors for younger ones.

As for Baxi, a close link can be observed between the solutions introduced at the national level by the social partners and the effective measures adopted in the company. The 2019 agreement<sup>17</sup> represents one of the first applications of the *banca del tempo* (working time accounts), an instrument introduced by the national collective agreement of

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contratto di espansione: la risposta legislativa alla trasformazione digitale e all'industria 4.0, in *Argomenti di diritto del lavoro*, 2020, n. 3, I, pp. 589 ff.; C. Carchio, *Il contratto di espansione*, in S. Ciucciovino et al. (eds.), *Flexicurity e mercati transizionali del lavoro*, Adapt University Press, Bergamo, 2021, pp. 174 ff.

<sup>14</sup> See Adapt, VIII Rapporto sulla contrattazione collettiva in Italia cit., Part III, Chapter I.

<sup>15</sup> See. D. Garofalo, *Anziani e mercato del lavoro: risorsa o zavorra?* cit., p. 1235; V. Ferrante, *Invecchiamento attivo e prolungamento della vita lavorativa*, in AA. VV., *Studi in onore di Tiziano Treu*, Jovene, Napoli, 2011, III, pp. 1187 ff.

<sup>16</sup> Gefran company collective agreement of 26 November 2019. Signed by Gefran and the Fim-Cisl and Fiom-Cgil trade unions.

<sup>17</sup> Baxi company collective agreement of 24 March 2019. Signed by Baxi and the trade unions.

metalworkers of 2016<sup>18</sup> allowing workers to set aside paid annual leave and overtime hours to continuously reduce working hours as they approach retirement. The “banca del tempo” can be used by employees who reach the requirements for public pension within five years. They will be able to collect up to a maximum of 64 hours annually, which could be used continuously in the period immediately preceding retirement.

Many other examples of generational turnover can be considered, in different kinds of companies<sup>19</sup>, with a special focus on the labor market sectors where social partners, through collective bargaining, have introduced specific bilateral solidarity funds. Initially implemented to ensure income support to workers in cases of reduction or suspension of work, these measures can now pursue further goals, e.g. financial support for workers who enter early retirement schemes<sup>20</sup>. The numerous generational turnover processes in the banking<sup>21</sup> and in the chemical-pharmaceutical sector<sup>22</sup>, where bilateral solidarity funds are operating thanks to the initiative of social partners, clearly show how this instrument can be used as an incentive to promote voluntary resignation.

### 3.2.2. Other Negotiated Strategies

To provide a full picture of the ways of managing an aging workforce, it is not enough to focus on the strategies for ensuring a gradual turnover between young and old workers. As seen, it is also possible to identify strategies that support the employability, productivity, and well-being of older workers through different instruments.

Many company agreements promote targeted training and vocational retraining programs for older workers, considering specific needs related to different career periods. For example, Sapio’s company-level collective

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<sup>18</sup> Section IV, Title III, Article 5 of the Italian metalworking sector collective agreement of 26 November 2016. Signed by the Federmeccanica and Assital employers’ organizations and the Fiom-Cgil, Fim-Cisl, and Uilm-Uil trade unions.

<sup>19</sup> See, *ex multis*, the company agreements. Signed in Bayer in 2014, Luxottica in 2015, Ica Market in 2017, Celanese and Lamborghini in 2019.

<sup>20</sup> M. Martone, *Il diritto del lavoro alla prova del ricambio generazionale*, in *Argomenti di diritto del lavoro*, 2017, n. 1, I, p. 17. See also M. Squeglia, *La previdenza contrattuale*, Giappichelli, Torino, 2014, pp. 50 ff.

<sup>21</sup> See, most recently, the company agreements. Signed in Unicredit, Banca di Asti, Banca Popolare Puglia e Basilicata in 2022, Bper Banca, Intesa Sanpaolo and Crédit Agricole in 2021.

<sup>22</sup> See, most recently, the company agreements. Signed in Alfasigma and Air Liquide in 2021.

agreement of 2019<sup>23</sup> provides specific courses for young resources and for those who have a senior role in the company. Furthermore, the agreement introduces a "Senior Program", i.e. a training program developed to recognize, enhance, and consolidate the experience of older workers employed in the company. The goal is to support the employees in the last phase of their working life, providing them with tools and keys to emphasize the value of their contribution while not losing the wealth of skills they developed. To ensure skills transfer, other company-level agreements<sup>24</sup> promote reverse mentoring processes, with formal meetings between junior employees and senior colleagues, during which a mutual exchange of knowledge and expertise takes place. The nature of this exchange can thus involve older workers passing skills down to younger ones, who, because of their greater digital experience, can help the former become familiar with the technology<sup>25</sup>.

In other cases, and to encourage the engagement of mature workers, collective agreements promote reward systems for the employees who have reached certain seniority. The Banca Sella company agreement of 2016<sup>26</sup> pays a one-off bonus to the employees who reach 25 years of uninterrupted service, while in the Aeroporti di Puglia company agreement of 2016<sup>27</sup>, the amount of the company performance bonus negotiated with workers' representatives is further increased for employees with 30 years' seniority.

Strategies cannot neglect the health and wellbeing of older workers, so occupational welfare<sup>28</sup> plays a major role in this respect. Collective bargaining has been focused more and more on this aspect in recent years<sup>29</sup>. In particular, in light of the growing health-related needs of an

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<sup>23</sup> Sapio company collective agreement of 2019. Signed by Sapio and the Filctem-Cgil, Femca-Cisl and Uiltec-Uil trade unions.

<sup>24</sup> See, *ex multis*, the company agreements. Signed in Benetton in 2021, Capgemini and Lamborghini in 2019, Mutti in 2015.

<sup>25</sup> L. Di Salvatore, *Organizzazione del lavoro e invecchiamento attivo*, in *Diritto delle Relazioni Industriali*, 2019, p. 553.

<sup>26</sup> Banca Sella company collective agreement of 29 April 2016. Signed by Banca Sella and the Fabi, First-Cisl, Fisac-Cgil and Uilca-Uil trade unions.

<sup>27</sup> Aeroporti di Puglia company collective agreement of 27 December 2016. Signed by Aeroporti di Puglia and the Filt-Cgil, Fit-Cisl, Ultrasporti-Uil, Ugl Trasporti trade unions.

<sup>28</sup> See R. Titmuss, *Essay on the Welfare State*, Allen and Unwin, 1958, p. 100, who defines "occupational welfare" as «all social benefits provided by companies to their employees under the employment contract».

<sup>29</sup> See, *ex multis*, the last reports on this issue edited by *Percorsi di Secondo Welfare* (F. Maino (ed.), *Il ritorno dello Stato sociale? Mercato, Terzo Settore e comunità oltre la*

increasingly older working population, relevance should be given to the supplementary health care solutions promoted by the social partners through bilateral funds. The social partners have recently enhanced the bilateral sector healthcare funds, through national collective agreements. Additionally, the social partners have simplified and incentivized the enrolment mechanisms<sup>30</sup>, in some cases with specific provisions targeted to older workers<sup>31</sup>. In some cases, the services laid down in specific healthcare plans have been extended, strengthening the prevention and care activities for chronic diseases, which usually affect the aging workforce. These national measures are often supplemented by the provisions included in company-level collective agreements, e.g. healthcare policies.

#### **4. Future Challenges for Effective Age-management Policies: A Cross-national Comparison**

So far, reference has been made to measures that identify solutions related to training, occupational wellbeing, and flexible work arrangements. These solutions undoubtedly represent an innovation in the Italian system of industrial relations, even if there are still some aspects to be developed. The best practices presented here are still isolated and often refer to large companies where employee representation is effective. Therefore, to ensure these measures wider coverage, the social partners should insist on promoting active aging and the management of older workers, supporting companies that do not have adequate tools and experience in this area, and coordinating solutions at the different levels of bargaining<sup>32</sup>.

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pandemia. Quinto Rapporto sul secondo welfare, Giappichelli, Torino, 2021) and Adapt (M. Tiraboschi (ed.), Welfare for People. Quarto rapporto su il welfare occupazionale e aziendale, ADAPT University Press, Bergamo, 2021).

<sup>30</sup> For a general overview of the principal healthcare bilateral funds in Italy, see M. Tiraboschi (ed.), Welfare for People. Secondo rapporto su il welfare occupazionale e aziendale, ADAPT University Press, Bergamo, 2019, pp. 76 ff.

<sup>31</sup> Section IV, Title IV, Article 16 of the Italian metalworking sector collective agreement of 5 February 2021. Signed by the Federmeccanica and Assital employers' organizations and the Fiom-Cgil, Fim-Cisl, and Uilm-Uil trade unions. The new provision introduces the extension of healthcare supplementary solutions for the retired who were registered in a bilateral sector health care fund before retirement.

<sup>32</sup> The 2021 collective agreement illustrates that the social partners have set, at the national level, some important guidelines on flexible working hours and targeted training for older workers, which have now to be made effective by company agreements. For a preliminary analysis of the collective agreement see D. Frisoni, CCNL Igiene Ambientale:

Moreover, a change of pace is also needed in the content of collective agreements, to meet the future challenges of an aging workforce. The social partners should also overcome the simple "young in, old out" approach, promoting new ways of working to enhance the participation of older workers.

Cross-national comparison can help in this sense. In Germany, workers councils have often been an active part of company innovation processes that take into consideration the different needs of older workers. One good example is that of the BMW plant in Dingolfing, where, with the support of the workers' council<sup>33</sup>, the company introduced special production spaces, with targeted measures to lighten the workload for older workers<sup>34</sup>. This was accompanied by a consultation process between managers and employees, which made it possible to analyze the problems and jointly plan the changes to be made. The results were successful, considering the reduction in absenteeism and the number of requests for sick leave, in addition to higher productivity, thanks to the active involvement of older workers<sup>35</sup>.

It is clear that to extend these practices, the legislator can play an important role by encouraging negotiation. As seen, the last reforms have tried to follow this strategy, introducing some special arrangements. However, these essentially encourage generational turnover processes and not specific programs to promote the active aging of older workers.

France's case shows that legislation can provide a valuable contribution to dealing with this issue. According to a specific provision of the French labor code<sup>36</sup>, the social partners, in companies with more than 300 employees, are obliged to negotiate every three years the so-called *accords sur la gestion prévisionnelle des emplois et des compétences*<sup>37</sup>. These company

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un rinnovo unificato tra formazione, sicurezza e gestione delle transizioni generazionali, in *Bollettino Adapt*, 2022, n. 74.

<sup>33</sup> C. Loch et al., How BMW is defusing the demographic time bomb, *Harvard Business Review*, 2010, p. 100.

<sup>34</sup> Examples include the use of special lifts, the provision of height-adjustable workbenches, and the choice of wooden flooring to facilitate pelvic movements during frequent movements.

<sup>35</sup> Centro Studi e Ricerche Itinerari Previdenziali (ed.), *Lavoratori over 55 e active ageing. Approfondimento sull'invecchiamento attivo in Italia: dimensioni del fenomeno, criticità e possibili aree di intervento*, 2018, p. 17. See also L. Di Salvatore, *Organizzazione del lavoro e invecchiamento attivo cit.*, pp. 548 s.; C. Loch et al., *How BMW is defusing the demographic time bomb cit.*, pp. 99 ff.

<sup>36</sup> Art. L. 2242-13 of *Code du travail*.

<sup>37</sup> For an analysis of the instrument see H.J. Legrand, *Sur un nouvel objet juridique non identifié la "GPEC"*, in *Droit Social*, 2006, pp. 330 ff.

agreements, to anticipate future skill needs as well as to prevent future employment crises, contain many provisions: training to adapt workers' skills, the setting up of joint committees or observatories to monitor skills requirements, and specific actions to enhance professional mobility of workers and to protect the most vulnerable employees, e.g. older workers. In most cases, the early retirement of older workers is not a compulsory process of these negotiated plans (as seen for the "*contratti di espansione*") but it is only implemented when no alternatives exist to keep employment<sup>38</sup>.

To conclude, the negotiated, age-management solutions adopted in Italy can certainly be improved, especially when looking at what happens in other countries. These mechanisms require new synergies between the social partners and public institutions<sup>39</sup>. While waiting for lawmakers' proactive approach, the social partners can promote better coordination<sup>40</sup> between different levels of bargaining, with the aim to create more inclusive forms of protection to better adapt to a changing workforce.

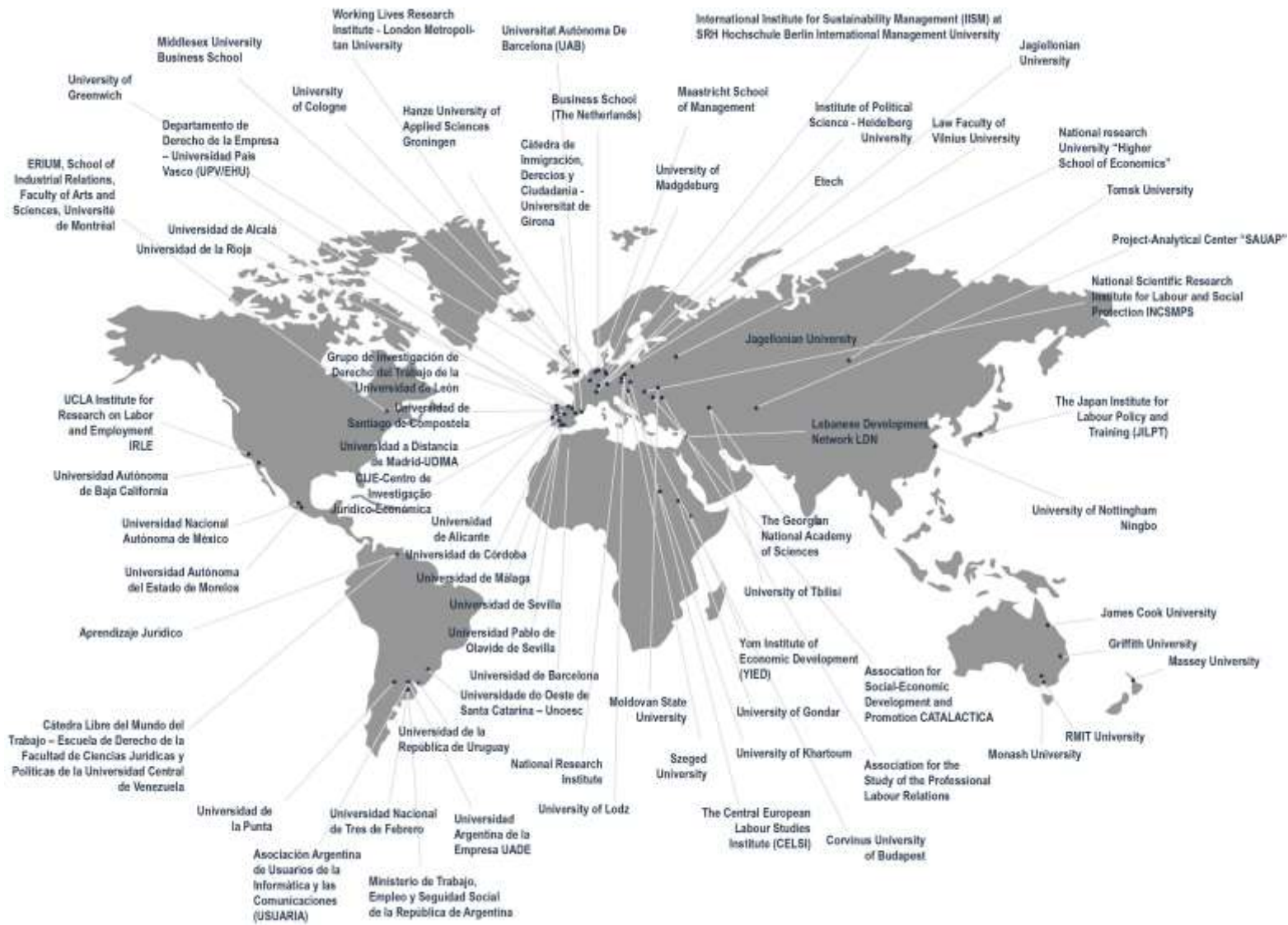
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<sup>38</sup> A. Martinon, *La gestion prévisionnelle des emplois et des compétences*, in *Droit Social*, 2011, p. 616.

<sup>39</sup> A. Rota, *A proposito di invecchiamento attivo ed in buona salute: quale revisione delle politiche pubbliche nazionali e delle relazioni sindacali?*, in *Diritto delle Relazioni Industriali*, 2016 p. 723.

<sup>40</sup> On the meaning and the concrete implications of vertical coordination of industrial relations systems see F. Traxler, *The Contingency Thesis of Collective Bargaining Institutions*, CESifo DICE Report, 2003, pp. 34 ff.

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