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The Role of Collective Bargaining in Italian Labour Law

Mariella Magnani ¹

Abstract

Purpose. The purpose of this paper is to analyse the most important features of the Italian collective bargaining system, together with its historical developments.

Design/methodology/approach. We examine the legal framework under Italian law, the structure of the Italian collective bargaining system and the transnational dimension of Italian collective bargaining.

Findings. The increasing integration of markets and rapidly evolving entrepreneurial needs have led to ever greater flexibilisation of national labour regulations, bringing about major changes in European collective bargaining systems.

Research limitations/implications. This research provides a critical debate about Italian collective bargaining.

Originality/value. A number of transnational collective agreements concluded by Italian firms are investigated, alongside their content and the academic debate that these arrangements have generated.

Paper type. Research paper.

Keywords: *Collective bargaining, Italy, globalisation.*

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Summary: Section I – 1. The legal framework of collective bargaining. – 2. The relationship between collective agreements and the law. – 3. Collective agreements and the individual contract of employment. – 4. The legal status of collective agreements with respect to the general principles of civil law concerning contracts. – 5. Duration of a collective agreement. – 6. The obligatory part of a collective agreement. – 7. Enforcement of collective agreements. - Section II – 1. The structure of collective bargaining. – 2. Decentralisation v. centralisation - a historical perspective. – 3. The relationship between collective agreements of different levels. – 4. The role of national collective agreements in the Italian system of collective bargaining. – 5. The national collective bargaining model and the globalised economy. – Section III – 1. The transnational dimension of collective bargaining - the Italian experience. – 2. The academic debate in Italy

Section I

1. There is no systematic legal regime regulating collective bargaining and collective agreements in Italy. In actual fact, article 39 of the Italian Constitution, dated 1948, after affirming the right of “trade unions to organise freely” (paragraph 1), provides that trade unions may acquire, through a special registration procedure, legal personality (paragraph 2) and that unions with legal personality may enter into collective agreements binding on all members of the category to which the agreement refers (paragraph 4). The legislation necessary to implement this provision was never passed.

The reasons why this legislation was never passed are both political (which can be summed up in union opposition to the idea of a systematic law regulating the trade unions and trade union activity) and technical. Indeed, its implementation should have resolved – and should resolve – technical issues of some importance, such as the definition of the boundaries of the “industry” on which a collective agreement would be binding, in the event of a dispute between trade unions and employers on the fringes of the “industry”. This problem does not arise in systems which provide for the possibility of an *ex post* extension of an existing collective agreement by a public authority order, after ascertaining the presence of a public interest (e.g. Germany and France).

The consequence of the failure to implement art. 39 of the Italian Constitution is that trade unions do not have legal personality and that collective agreements have not been able – nor will they, until article 39 of the Italian Constitution is enacted or repealed – to acquire *erga omnes* effect. So, we can say that, for the

above reasons, there is at present no possibility of collective agreements being universally applicable in the Italian system.

While paragraph 2 of art. 39 of the Italian Constitution requires an ordinary law for its implementation (fleshing out what the Constitutional legislator left unspecified, namely how trade unions are to actually acquire legal personality and how the procedure for the conclusion of collective agreements with *erga omnes* effect is to function) the first paragraph of art. 39, which, as noted, solemnly states that “trade union organization is free”, is directly enforceable.

It recognises the freedom of individuals to form a trade union as well as the freedom of a trade union to determine its internal organisation, to engage in union activity and to negotiate collective agreements.

The upshot of the failure to implement art. 39 of the Italian Constitution is that, at present, a collective agreement stipulated by trade unions, on the basis of the principle of freedom of association, does not have its own regulatory regime but is a part of ordinary contract law.

However, this failure has not prevented the legislator from intervening in trade union matters. Examples include the enactment, in the 1970s, of the so-called Workers' Statute (law no. 300 of May 20, 1970), which contains a central part, in title no. 3, dedicated to workers and union representation at company/plant level and their rights. In addition, a sizeable amount of legislation, especially since the 1980s, has frequently delegated to collective bargaining the task (and power) to “flexibilize” the regulations of labour relations, by derogating from statutory rules (e.g. in the area of fixed-term contracts, the rights of employees in the event of business difficulties, etc.).²

In any case, despite the fact that art. 39 of the Italian Constitution has not been fully implemented, it has considerable legal force, since it prevents the legislator from attributing *erga omnes* effect to collective agreements by means of a different mechanism from the one described above. This has led to issues of constitutional legitimacy, which have been raised on several occasions in the Italian legal system, when the legislator has sought to make, directly or indirectly, collective agreements generally applicable. This happened, for example, at the end of the 1950s, with law no. 741 of 14 July 1959, when the government was authorised to set the minimum standards of protection based on the collective agreements entered into until then, thus making them generally binding. Much more recently the problem arose with art. 8 of law no. 148 of 2011, which provided that so-called ‘proximity’ (at company or local level) agreements should have *erga omnes* effect (as well as derogating from the law and national collective agreements).

² See, for example, art. 23 of law no. 56/1987 and art. 4 of law no. 223/1991.

In addition to being enshrined in the Italian Constitution, freedom of association (namely the freedom of union organization and trade union activity) is recognised by ILO Conventions no. 87 and no. 98, to which Italy adheres through law no. 367 of 23 March 1958, by art. 28 of the Charter of Fundamental Social Rights of the European Union, and by the European Convention on Human Rights of 1950 (Article 11, as interpreted by the European Court of Human Rights in the landmark *Demir and Enerji* judgments), ratified by Italy through law no. 848 of 4 August 1955, and the European Social Charter of 3 May 1996.

The lack of specific legal rules for collective bargaining has led to autonomous regulation by the social partners (the biggest workers' and employers' confederations), which have defined important aspects, starting with the relationship between the different levels of collective bargaining, of course with the legal force typical of contractual regulation.

Significant agreements on the functioning of the collective bargaining process, on the duration of agreements, as well as on the relationship between industry-wide agreements and company agreements etc., were concluded by Confindustria (the main Italian employers' confederation) and CGIL, CISL and UIL (the 3 main workers' confederations) in 1993, and more recently in 2014 (see below).

2. Collective agreements regulate labour relations and the relationships between signatory trade unions (e.g. sometimes through a peace obligation for the duration of the collective agreement). Moreover, with respect to the original contents of collective agreements, which essentially regulated only pay and working hours, bargaining rules today, particularly in the case of industry-wide agreements, are wide-ranging.

A collective agreement, as well as an individual employment contract, may improve but cannot worsen conditions for the worker with respect to the law. The Italian legal system does not have any explicit provision on the matter, but it is considered to derive from the nature of labour law, which seeks to protect workers; a derogation *in melius* merely extends the scale of worker protection contained in the same legal provisions, and it cannot, therefore, be considered to conflict with them.

There are a number of exceptions to this general rule concerning the relationship between the law and collective agreements: in some cases, the law has allowed collective agreements to derogate even *in peius* from it; in other cases, the law has provided that no derogation is permissible, resulting in the invalidity of collective bargaining clauses both *in peius* and *in melius*. This was what happened in the 1970s and 1980s in the case of provisions which set

maximum limits on the cost of the living wage adjustment, with the aim of keeping inflation low³.

Controlled (i.e. negotiated with the trade unions) flexibilization of legal provisions was widely used by the Italian legislator in the closing decades of the last century. For instance, the legislator has allowed collective agreements to flexibilize the legal rules about transfer of undertakings (art. 47, para. 5 of law no. 428 of 1990), part-time employment contracts (art. 1, para. 3 of legislative decree no. 61 of 2000, as amended by legislative decree no. 276 of 2003), fixed-term employment contracts (art. 5, para. 4 *bis* of legislative decree no. 368 of 2001, as amended by law no. 133 of 2008) and annual leave (art. 10, para. 1 of legislative decree no. 66 of 2003, as amended by legislative decree no. 213 of 2004).

Controlled flexibilization of legal provisions reached its apogee in 2011 with art. 8 of decree law no. 138, converted into law no. 148, which, as has already been said, allowed local and company-level collective agreements to derogate from mandatory statutory provisions – and from provisions in industry-wide collective agreements – on a broad range of subjects.

This legislative technique was very controversial – if only for the breadth of subjects where derogation from mandatory statutory provisions was allowed – and rejected by the trade unions, which used it with great parsimony, and sometimes “in secret”.

Hence, the introduction of law no. 92 of June 28, 2012, followed by the so-called Jobs Act (law no. 183 of 2014 and the legislative decrees implementing it), through which the legislator directly implemented “flexibilization” of the legal regulations that had been previously left to collective bargaining.

The Jobs Act still makes reference to collective bargaining rules, but these must now adapt to/specify the legal norm rather than derogate from it⁴. Thus, for example, on the matter of job duties, collective agreements are allowed to identify additional cases, besides those laid down by law, when performance of lower-level jobs is permissible. In the case of part-time work, collective agreements now regulate the issue of overtime, except for the minimum additional remuneration for the hours worked, which is set by law. They also regulate so-called elastic and flexible clauses. In the case of on-call work, they regulate the situations in which it is admissible and measures regarding the availability allowance, except for the minimum set by law. In the case of apprenticeship contracts, in particular, they regulate the training programmes.

³ See decree law no. 12/1977, converted into law no. 91/1977, decree law no. 70/1984, converted into law no. 219/1984 and law no. 38/1986.

⁴ See M. MAGNANI, *Il rapporto tra legge e autonomia collettiva*, in *Dir. Rel. Ind.*, 2017, p. 1 ff.

3. An individual contract of employment may not worsen conditions with respect to the collective agreement – in its subjective scope of effect (see below). It is interesting to note that both the courts and legal scholars have reached this absolutely incontrovertible conclusion, despite the lack of specific regulation, either by applying art. 2077 of the Italian Civil Code (introduced in the Fascist era and which should now no longer apply) or by exploiting a reference to article 2113 of the Italian Civil Code concerning the settlement of labour grievances which implicitly confirms the rule⁵.

In essence, non-derogability *in peius* is considered to be a co-essential feature of a collective agreement. Of course, this applies within the scope of the agreement itself i.e. to the employers and employees who are members of the signatory trade unions.

As already stated, collective agreements do not have general applicability in Italy.

However, by applying art. 36 of the Italian Constitution, case law has extended the scope of application of a collective agreement also to employees who are not members of the signatory trade unions, albeit indirectly and only *with regard to pay*. This ‘bold’ solution on the part of the Courts has, on the one hand, made the need for “*erga omnes*” extension of collective agreements less “urgent” in the Italian system and, according to some, has also made the need to set a minimum legal wage less urgent.

Article 36 of the Italian Constitution gives a worker the right to receive pay commensurate with the quality and quantity of the work performed and, in any event, sufficient to ensure a free and dignified existence for himself and his family. In applying this provision, the Courts use the parameter of “fair” pay set by collective agreements, declaring individual contractual arrangements which provide for lower pay null and void, not because they do not comply with the collective agreement, but because they conflict with article 36 of the Constitution.

The very existence of this case-law, regarding art. 36 of the Italian Constitution, would make the introduction of a minimum legal wage in Italy unnecessary, according to a number of legal scholars, and some in the union movement, which is fearful that it would weaken collective bargaining. Another, more probable, view is that legislation on a minimum wage is necessary, if only because the application of art. 36 depends on an individual claim, while the application of a minimum legal wage is enforced by public bodies. Indeed, it could also be a useful basis for collective bargaining⁶.

⁵ For more details see T. TREU, *Labour Law and Industrial Relations in Italy*, Alphen aan den Rijn: Kluwer Law International, 2007, p. 186 ff.

⁶ See M. MAGNANI, *Il salario minimo legale*, in *Riv. It. Dir. Lav.*, 2010, I, p. 769 ff.

4. As there is no systematic legislation on this subject, the only conditions applicable to a collective agreement are those found in ordinary contract law (with, as we have seen⁷, more than minor integrations).

A collective agreement is deemed to be any contract whose purpose is to settle conflicts of interest or rights among opposing professional groups. Therefore – in order to be described as such – it must be stipulated by collective parties (typically trade unions of employees and employers, or, in the case of a company-level agreement, the single employer and workers' representatives).

Agreements stipulated by groups of workers that are not organised as an association are also considered collective agreements.

5. As we have seen, in its objective and subjective scope, a collective agreement has legal effect on an individual contract of employment, comparable to that of a mandatory provision of law, in that the contract can only derogate from it *in melius*.

Of course, as happens with mandatory statutory rules, a collective agreement *is not incorporated* into the individual contract of employment, but regulates it 'from the outside'. As a result, a subsequent collective agreement may modify, even for the worse, the regulations laid down in the previous collective agreement.

As determined by the contracting parties, a collective agreement (at least at industry level) has a pre-established duration – usually 3 years – and does not have *de iure* effect beyond its termination, unless this is foreseen by the parties, which it normally is.

6. Collective bargaining may also give rise to obligations on the part of the signatories which, per se, do not affect individual agreements, for example, the peace obligation i.e. the obligation not to take industrial action and not to call strikes for the period that the collective agreement is in force.

Peace obligation clauses are generally considered to be an obligatory part of a collective agreement, since they place trade unions under an obligation to refrain from industrial action, though individual union members are under no such obligation. They remained outside the Italian collective bargaining system when industrial conflict was at its height.

They have begun to re-appear recently, although they are often linked solely to the phase and procedures related to the renewal of collective agreements. Interestingly, the parties signing the interconfederal agreement of 10 January

⁷ See *supra*, para. 3.

2014 on union representation⁸ agreed on the need to set broader rules in national collective agreements to prevent and punish any action violating the stability of collective agreements. This indicates a shift towards a more organised system, and hence more stable bargaining relations.

7. Since there are no specific regulations, collective bargaining takes place as a negotiation between private parties. There is no provision for the involvement of public bodies in this process, except possibly the Ministry of Labour in its capacity as mediator, on the basis of the institutional duties assigned to it to facilitate the settlement of individual and collective labour disputes. These have recently seen a considerable decline. The problem of applying or not applying the collective agreement does not give rise to collective disputes, but are resolved in the context of individual disputes concerning the rights that the plaintiff claims to be based on a particular collective agreement. In interpreting a collective agreement – precisely because it is a contract – the Courts follow the criteria laid down by the Italian Civil Code for interpreting contracts and not those devoted to interpreting the law. Among the various criteria laid down by the Civil Code for interpreting contracts, as happens in the modern theory of contract interpretation in general, so-called “objective” criteria prevail, without regard to psychological motivations.

In 2006 a special procedure was introduced when the validity and effect of the interpretation of a collective agreement are challenged. This procedure allows the trial court to seek a preliminary ruling from the Court of Cassation, which is the highest court in Italy, before arriving at its decision. The procedure, which is not mandatory, has not had any significant success.

Section II

1. The collective bargaining system in Italy is organised on several levels, reflecting the multi-tier structure of trade union organisation. Industry-wide agreements, despite moves towards greater decentralization, continue to be the basis of collective bargaining. Alongside these, there are, on the one hand, inter-confederal agreements and, on the other, company-level agreements and, in certain sectors (construction and agriculture in particular), local agreements. In the absence of legal regulation of collective bargaining and collective agreements, this multi-tier structure is the result of the self-determination of workers’ unions and employers’ associations. This structure is due to various factors ranging from the degree or level of unionization to general economic conditions.

⁸ See *infra* Section II, para. 2.

In times of crisis, we have traditionally always witnessed more centralised bargaining, with a prevalence of national collective bargaining, conducted in particular by the main trade-union confederations. Today, the picture is more varied, and we are seeing more decentralised bargaining due both to the internationalization of the economy and to a prolonged economic and financial crisis⁹.

2. In any case, the evolution of the collective bargaining structure can be divided into various periods.

The inter-confederal level of bargaining played a central, if not exclusive, role in the 1950s: working conditions were regulated by inter-confederal agreements, that is by collective agreements concluded by the union confederations, which set wage levels for workers according to industry, professional status and territorial area.

However, the differences in profitability among the various production sectors, soon, and inevitably, led to the dominance of industry-wide collective bargaining, which became the cornerstone of the process and the basic source of workplace regulation, setting minimum wages, as well as defining working conditions (e.g. working hours) and trade union rights.

Inter-confederal agreements survived, but they regulated general aspects of labour relations, covering all sectors of production, such as the inter-confederal agreements of 20 December 1950 and 5 May 1965 on collective redundancies; the inter-confederal agreements of 18 October 1950 and 29 April 1965 on individual dismissals and the inter-confederal agreements of 8 May 1953 and 18 April 1966 on works committees (*commissioni interne*), which are now no longer applied.

Collective bargaining remained centralised, but had shifted to the industry level. At the beginning of the 1960s the trade unions began to press for company-level collective bargaining, not as a replacement for, but in addition to industry-level collective bargaining. The reason lay in the fact that collective bargaining, both in setting wages and establishing other working conditions, had to take into account the level of profitability of all the firms in the sector, including the more inefficient ones, without considering the (theoretically higher) level of profitability of individual companies.

Union demands for an additional level of bargaining, which private employer associations opposed, were accepted by the state-owned employer associations, leading to an agreement in the metalworking industry, which also had a knock-

⁹ See T. TREU, *La contrattazione collettiva in Europa*, in *Dir. Rel. Ind.*, 2018, p. 371 ff.; F. GUARRIELLO, *Legge e contrattazione collettiva*, in *Giorn. Dir. Lav. Rel. Ind.*, 2017, p. 97 ff.

on effect on private companies. It was in fact adopted by collective agreements initially covering metalworkers and later those of the entire industrial sector.

The bargaining system was multi-tier since, alongside the national level, there was a level related sometimes to the sector (e.g. the shipbuilding sector in the case of metalworkers), but above all to the company. It was hierarchical in that industry-level collective bargaining delegated the regulation of certain issues to company-level bargaining, provided that the trade unions did not call into question, through industrial action, what had been agreed in the industry-level agreement for the length of the agreement's validity.

In 1969, this multi-tier bargaining system, while formally unchanged, was in fact turned on its head as a result of the events of the so-called 'Hot Autumn': forms of spontaneous representation of workers arose in companies in opposition to the trade unions themselves through so-called 'factory councils'. The 'factory councils' presented themselves as interlocutors of individual employers in collective bargaining but wanted to be outside the bargaining system organised by the trade unions and, therefore, refused to recognise the spheres of competence imposed by industry-level agreements.

For a period of time, the tightly-organised bargaining system failed to work. Industry-level bargaining and company-level bargaining ran parallel: at the company level, depending on negotiating strength, everything could be renegotiated, including matters already regulated by an industry-wide agreement.

In the Eighties, with the onset of a new economic downturn and, above all, with the urgent need to bring inflation under control, collective bargaining once again became centralised. And the inter-confederal bargaining level regained importance. The same period also saw the birth of the first *concertation* agreements: these trilateral or tripartite agreements involved not just the trade unions and employer associations, but also the government, which not only took on the role of mediator, but also negotiator of its own resources¹⁰.

The spheres of competence at the various levels (in particular industry and company) continued to overlap until the signing of the landmark Protocol of 23 July 1993, which sought to re-organise the collective bargaining system. The Protocol is a concertation agreement, and the parties to it were the main trade union organisations, employer associations and the government.

One part of the Protocol related to collective bargaining structure and procedures. In particular, it established two levels of bargaining (industry and company level), or, alternatively, local level, depending on practices in specific sectors (e.g. the building and agriculture sectors mentioned above), without any overlap of competences. The Protocol of 1993 explicitly provided that

¹⁰ See, for example, the so-called Scotti Agreement of 22 January 1983.

company-level bargaining should cover matters that differ from those of the national agreements, particularly as regards pay; moreover, any additional pay bonuses at company level were to be closely related to enterprise productivity.

The 1993 Protocol was rightly defined, given the conditions of the time, “historic”. It had a significant influence on the reorganization of bargaining relations between the national and the company levels and tamed wage growth, with the aim of helping the country back to economic recovery. The agreement committed all the parties (trade unions, employers and the government) to pursuing behaviour consistent with the macro-economic goals of aligning inflation with the average of the economically most virtuous European countries and reducing the debt-to-GDP ratio as well as the public debt.

The streamlining of collective bargaining extended to the definition of the duration of national and company-level collective labour agreements and the establishment of precise terms for the opening of negotiations for the renewal of contracts. These, in turn, were reinforced by peace obligation clauses binding the parties not to undertake unilateral initiatives and not to take direct action in the preceding three months and in the month following the expiry of an agreement.

Once the Protocol had served its purpose, and inflation had been brought under control, there followed a period of deadlock between employers and trade unions.

After a long phase, marked also by tensions among the various trade unions, new rules were set for collective bargaining by the inter-confederal agreement of January 10, 2014, called “*Testo unico sulla rappresentanza*” (*sindacale*) (“Consolidated document on trade-union representativeness”). It amounts to a comprehensive set of negotiating rules covering the parties, procedure, levels, legal effect of collective bargaining, rules of trade union representation, and the “resilience” of collective agreements, in terms of (possible) peace obligation clauses as well as cooling-off and arbitration procedures.

As for the relationship between negotiating levels, it stipulates that company-level bargaining is to take place on matters delegated to it and in the manner foreseen by the industry-wide agreement or by law.

These rules are programmatic in nature, as they must be incorporated into industry-wide agreements. Even if incorporated in the individual industry-wide agreement, they remain contractual rules and, therefore, failure to comply with them does not invalidate company-level agreements in cases in which they overstep the limits laid down by the industry-wide agreement.

3. On the basis of the latest developments in case-law¹¹, the company-level agreements will prevail, even if they are less favourable for the worker, on the basis of a specialty criterion or of the source closest to the employment relationship to be regulated. The abovementioned art. 8 of decree law no. 138 of 2011, which specifically allowed company/local level collective agreements to derogate not only from the law on certain matters, but also from national collective agreements, may in fact be seen as confirmation of a direction in which case-law had already been moving. The Jobs Act (see above), in particular art. 51 of legislative decree no. 81 of 2015, states that when the law delegates regulation to collective agreements, this must be understood as *collective agreements at any level*. Clearly the aim is to encourage company-level bargaining. The legislator has provided other incentives to encourage company-level bargaining. These include fiscal ones, since productivity-related wages negotiated at company (and local) level have benefitted, following the introduction of law no. 247 of 2007, from tax breaks and a partial reduction in social security contributions. In addition, payments into company welfare schemes are not taxed.

4. Given the large number of small- and medium-sized businesses, which makes company-level bargaining impractical, the role of industry-wide agreements remains central to the Italian collective bargaining system.

The number of national agreements is high and has increased in recent years. The latest CNEL (National Economic and Social Council) census indicates that there were as many as 868 national collective agreements in September 2017, a 54.7% increase since 2013 (when the number recorded was 561).

The retail and commerce sector has the highest number of agreements, namely 213. There are also a high number of agreements in the construction sector (68), agriculture (49), transport (65), and entertainment (44). The increases are more modest in the metalworking, textile and chemical sectors with 31, 31 and 34 agreements respectively¹².

Behind the increase in the number of industry-wide agreements is the growth both in the number of trade unions and employers' associations. This growth is due to the greater competition among both employers' associations and workers' representatives¹³. But the increase in the number of agreements is also due, albeit less significantly, to the fact that large companies sometimes break

¹¹ See Cass. 19 April 2006, no. 9052, in *Mass. Giur. Lav.*, 2007, p. 230; Cass. 18 May 2010, no. 12098, *ibidem*, 2010, p. 842; Cass. 8 September 2017, no. 20988, unpublished.

¹² See 6th CNEL Report, published in September 2017, at www.cnel.it.

¹³ See V. PAPA, *L'attività sindacale delle organizzazioni datoriali. Rappresentanza, rappresentatività e contrattazione*, Torino, 2017; L. BELLARDI, *L'associazionismo dei datori di lavoro: un elemento di fragilità delle relazioni industriali?*, in *Giorn. Dir. Lav. Rel. Ind.*, 2016, p. 403 ff.; G. OLINI, *I contratti nazionali: quanti sono e perché crescono*, in *Giorn. Dir. Lav. Rel. Ind.*, 2016, p. 417 ff.

away from their industry to enter into what are both national and company agreements at the same time. Fiat is a case in point but not the only one.

In any case, the degree of coverage of collective bargaining is estimated to be very high. According to data provided by ISTAT (Italy's National Statistical Institute) in 2014, and based on the responses provided by companies with more than 10 employees to specific questionnaires, it is thought to be on average around 80%¹⁴.

In some sectors, especially those characterised by small and medium-sized enterprises (construction, agriculture), company-level bargaining is replaced by the provincial one. But in traditional industries, both industrial and service-based, bargaining takes place only at national and company level. As we have seen¹⁵, recent legislation has tended to encourage decentralised i.e. company/local-level bargaining, though not to replace national collective bargaining rules, but as a way of adapting them to specific local/company-level conditions.

5. The profound economic and financial crisis affecting the world economy and the macroeconomic constraints imposed by membership of the European Union have affected the regulation of collective bargaining in the public sector in Italy. The legislator has frozen collective bargaining in this area for a number of years in order to reduce public spending¹⁶.

The freeze on collective bargaining, which was initially set for the years 2013-2014, but extended to 2015, came under the scrutiny of the Italian Constitutional Court, which, in judgment no. 178 of 2015, ruled that the systematic nature of the bargaining freeze generated an unreasonable imbalance between trade union freedom (Article 39, paragraph 1, Italian

¹⁴ See also J. VISSER, *ICTWSS Data base*, September 2016, at www.uva-aias.net/en/ictwss; T. BOERI, C. LUCIFORA, *Salario minimo e legge delega*, 26 September 2014, at www.lavoce.info; A. GARNERO, *Chi si rivede, la lotta sindacati-imprenditori*, 25 luglio 2017, at www.lavoce.info; C. LUCIFORA, *Il salario minimo: contrattazione o minimo legale?*, in C. DELL'ARINGA, C. LUCIFORA, T. TREU (eds.), *Salari, produttività, disuguaglianze. Verso un nuovo modello contrattuale?*, Bologna, 2017, p. 401 ff. However, the impact of collective bargaining differs depending on the economic activity: for instance, in the agricultural sector it is 100%, while it is 83.4% in industry and 68.9% in private services: see www.istat.it.

¹⁵ See *supra*, para. 3.

¹⁶ See F. GUARRIELLO, *Legge e contrattazione collettiva in Europa: verso nuovi equilibri?*, in *Giorn. Dir. Lav. Rel. Ind.*, 2016, p. 124, according to whom the collective bargaining freeze serves the wage moderation policy pursued by EU institutions "in order to implement structural reforms that should lead to an improvement in the competitiveness of the national system. This assumes that the salaries of public workers are on average higher than those of the private sector and that wage moderation in the public sector has a knock-on effect on the private sector, which must comply with the criterion imposed by the reforms to link wage dynamics more closely with productivity trends".

Constitution) and the need for distributing resources rationally and curbing spending. The Italian Constitutional Court's decision was in line with previous decisions on the matter: in particular through ruling no. 124 of 1991 the Court had found that legislation intended to restrict collective bargaining is only admissible in exceptional circumstances, in order to safeguard overriding general interests and must, therefore, be transient.

The private sector has not been affected by these phenomena, but the globalised economy has made it less attractive for companies to make use of industry-wide agreements. Their role has weakened as markets have become more integrated at a supranational level, thereby reducing the interest of companies, especially those most exposed to competitive pressures, to abide by common rules. So, while there is a growing number of enterprises (see above) wishing to move away from industry-wide agreements or even to exit from the collective bargaining system altogether, it should be emphasised that the picture is very mixed: a majority of companies, especially the smaller and less exposed ones, still appear to appreciate the stabilizing function of the industry-wide collective agreement, although seeking more flexible rules which are set at national level¹⁷.

Section III

1. The subject of the transnational dimension of collective bargaining has not been explored in depth by Italian legal scholars. Those who have¹⁸ generally use the term “transnational company agreements” to indicate agreements concluded between the central management of a multinational or transnational

¹⁷ See M. CARRIERI, *Migliorare il decentramento contrattuale: come le parti affrontano questa sfida*, in C. DELL'ARINGA, C. LUCIFORA, T. TREU (eds.), *Salari, produttività, disuguaglianze. Verso un nuovo modello contrattuale?*, mentioned in footnote no. 13, p. 471. He notes that the majority of small companies (80% of companies with under 50 employees) prefer to apply only industry-wide collective agreements because they do not have the organizational, technical and cultural means to implement company-level collective agreements.

¹⁸ See the two “*Euracta*” studies, edited by S. LEONARDI, which were also funded by the European Union with contributions from various foreign academics: *European action on transnational company agreements: a stepping stone towards a real internationalization of industrial relations*, Rome, 2012, and *Transnational company agreements. Parameters and prospects*, Rome, 2015. A more narrowly labour law perspective can be found in A. ALAIMO, B. CARUSO, *Dialogo sociale e negoziazione collettiva nell'ordinamento europeo (parte II)*, in *Arg. Dir. Lav.*, 2013, I, p. 51 ff.; S. SCARPONI, *Gli accordi transnazionali a livello di impresa: uno strumento per controllare il social dumping?*, in AA. VV., *Studi in onore di Tiziano Treu*, I, Napoli, 2011, p. 597 ff.; S. SCIARRA, *Transnational and European ways forward for collective bargaining*, in *WP CSDLE, Int.* – 73/2009; A. LO FARO, *La contrattazione collettiva transnazionale: prove di ripresa del dialogo sociale in Europa?*, in *Giorn. Dir. Lav. Rel. Ind.*, 2007, p. 551 ff.; E. ALES, *La contrattazione collettiva tra passato, presente e futuro*, in *Giorn. Dir. Lav. Rel. Ind.*, 2007, p. 541 ff.

company and various workers' representatives (international or European trade union federations, European works councils, or national trade unions).

The Italian experience of collective bargaining at the level of a transnational enterprise began to develop in the early 2000s. To date, there have been five global framework agreements signed by Italian multinationals (Merloni/Indesit, ENI, Italcementi, Enel and Impregilo). They are characterised by the fact that they are signed on the employer side by the company's central management (daughter companies or subsidiaries are seldom involved) and, on the worker side, by international trade union federations, and often by national sectoral federations.

As for the goals and content, the global framework agreements signed by Italian multinationals do not differ significantly from those entered into by companies from other European countries. Regarding the first issue (that of *goals*), they focus primarily on building solid relationships of trust and co-operation between the enterprise and the trade union federations involved, so that constructive dialogue can be established. In turn, this dialogue is seen as essential to promote decent work in the world and, in a more entrepreneurial perspective, to reinforce existing social responsibility tools.

As regards their *content*, they refer primarily to the main international instruments on corporate social responsibility (OECD Guidelines for Multinational Enterprises, ILO Tripartite Declaration of Principles on Multinational Enterprises and Social Policy, UN Global Compact), as well as fundamental social rights or core labour rights, as set out in the ILO's eight core conventions (freedom of association and collective bargaining, prohibition of child labour and forced labour, equal treatment and non-discrimination). In addition to this, companies often commit themselves (rather broadly and programmatically, it must be said) to respect the laws of the countries in which the enterprise operates; to pay adequate wages (generally the reference is to the minimum wage foreseen or to the cost of living); not to require excessive working hours (also in this case, with reference to local laws); to ensure a healthy working environment, minimizing the risks for the safety of employees. As regards the reciprocal relationships between the contracting parties, the agreements foresee an annual meeting in which to discuss the actual implementation of the agreement.

On this last point, the agreement involving ENEL, which seeks to set up a global works council, is of particular interest. This agreement was signed by Enel, "also on behalf of all the companies/Divisions of the Group", and by the Global Union Federations IndustriALL and PSI (Public Services International), as well as by three of the biggest Italian trade unions in the energy sector. In addition, the "Foreword" describes the "pivotal role" of Enel's European Works Council, and the involvement in the negotiations of

the respective trade union organisations in EU Member States, Russia and Latin America. As regards the content, the agreement can be conceptually divided into two parts. Part one – a kind of preface - clarifies the aims of the agreement (to create a global information and consultation system for employees) and its guiding principles (reference is made to some of the most important ILO conventions). Part two regulates the composition, purpose, duties and powers of the Global Works Council. It should be noted that the Works Council does not have any bargaining power¹⁹. This is in fact an interesting strategy (mainly adopted by the Global Union Federation *IndustriALL*) to create a network of global solidarity among workers belonging to the same company.

Besides the abovementioned agreements, there are also those that are exclusively European in scope and/or that concern only specific issues (e.g. the Joint Declaration on “Equal Opportunities and Non-Discrimination” by Unicredit and its European works council or the “Joint Health and Safety Initiatives” proposed by Marazzi, or the Generali Group’s “European Social Charter”). Aside from the features just mentioned, they differ from global agreements, also with regard to the signatories (on the workers’ side) and objectives. These are in fact mostly agreements negotiated and signed by European works councils to meet specific needs that emerge from time to time at the meetings of these bodies. As a result, they cannot be quantified since they are often informal arrangements with the management²⁰.

2. As noted above, Italian legal scholars have, on the whole, neglected the subject. In general, the most discussed issues have essentially been the ones that have triggered a lively debate among all academics who have dealt with the topic, regardless of the legal system in question. The problem has in fact been to understand whether such agreements constitute soft law or hard law instruments, and if they are the latter, then what legal effects they could produce.

¹⁹ As for its composition, the Council has a maximum of 12 members, which are appointed by the employees of each concerned country according to the proportionality principle. To be represented, a country must have at least 500 employees within the Enel Group. The signatory Global Union Federations will represent countries that do not meet the abovementioned requirement.

²⁰ This has been proven particularly in the case of the metalworking sector by T. MÜLLER, H. W. PLATZER, S. RÜB, *Transnational company agreements and the role of European Works Councils in negotiations. A quantitative analysis in the metalworking sector*, Brussels, 2013, at <https://www.etui.org/Publications2/Reports/Transnational-company-agreements-and-the-role-of-European-Works-Councils-in-negotiations>.

One issue concerns the language chosen by the parties, which is often generic or exhortatory. However, even when the vocabulary is clearer and more precise, agreements often contain provisions that are not directly applicable to individual employment relationships, insofar as instruments are still needed to implement them. Furthermore, questions have been raised as to whether and to what extent these agreements, since they are usually only signed by the parent company, have an impact on subsidiaries - and, moreover, on other commercial partners over which there is no form of corporate control.

In any case, the above issues have so far been purely theoretical in nature, since there has been no case of legal action relating to an enterprise-wide transnational agreement.

Likewise, there are currently no studies on the implementation of transnational agreements concluded by multinationals headquartered in Italy. Nevertheless, it can be argued that the initial difficulties faced by the various workers' representatives in negotiating an enterprise-wide transnational agreement lie in fact in seeking an interlocutor on the employer's side. This explains why, in many cases, European works councils play a decisive role in the conclusion of such agreements, even when they are not themselves signatories (as happened in the case of the Enel agreement mentioned above). They have a privileged channel of dialogue with the company management, as attributed by Directive 2009/38/EC, due to their role as bodies established to inform and consult workers in European-level company groups. Under the directive, European works councils have the right to be informed and consulted by the management before any decisions that affect European employees are taken, as per the agreement for the creation of each committee or, failing this, in compliance with the subsidiary requirements laid down in annex 1 of the same directive. This sometimes allows them to act as intermediaries between the European and global trade union federations and company management²¹.

There are no indications of particularly critical issues encountered by the parties in the actual implementation of these agreements either from the websites of the trade union federations concerned or elsewhere. However, this does not always mean proper and comprehensive implementation. Indeed, identifying infringements may often be complex due to the relatively small

²¹ An indication of the practical importance of European Works Councils' role in signing transnational company agreements, can be seen in the fact that, out of the 282 agreements recorded in the European Commission database (<http://ec.europa.eu/social/main.jsp?catId=978> – the database was updated in April 2015), 105 were signed also or solely by a European Works Council. In addition, according to T. MÜLLER, H. W. PLATZER, S. RÜB, in *Transnational company agreements and the role of European Works Councils in negotiations. A quantitative analysis in the metalworking sector*, mentioned in footnote no. 19, p. 51, European Works Councils have helped start negotiations related to all the informal arrangements mentioned in the study.

organizations of international trade federations, especially when these are performed by subsidiaries or non-unionised commercial partners (or whose employees are members of unions that are not affiliated to the signatory federations).

As has already been pointed out, the agreements concluded by Italian multinationals (particularly the global framework agreements) make wide reference to the most important international corporate social responsibility instruments, and are indeed considered as such by the companies that sign them. However, there is no law in Italy imposing or encouraging links (nor is there discussion of one at present) between the results of collective bargaining and socially responsible practices undertaken by multinational corporations.

Recent developments of Italy's Industrial Relations System

Francesco D'Amuri, Raffaella Nizzi¹

Abstract

Purpose. The article reviews the recent developments of Italy's industrial relations system.

Design/methodology/approach. The article seeks to investigate both bargaining rules and their outcomes.

Findings. An increasing fragmentation is observable in collective bargaining at the national level, with the spread of new agreements amongst small and recently created associations of workers and employers, leading to lower labor costs.

Research limitations/implications. The role of decentralized bargaining has remained secondary and subordinate to the provisions decided at the national level, although several - gradually more generous – tax breaks have been introduced in order to encourage the diffusion of firm-level wages.

Originality/value. The paper contends that, giving decentralized bargaining a greater role in setting wages and in labour organization would allow for a better alignment of wage growth and increases in productivity, relaxing some of the rigidity in national bargaining. This is especially true in terms of the duration of agreements and of the automatic indexing mechanisms, which risk making inflation more persistent.

Paper type. Research paper.

Keywords: *Italy, Industrial relations, Collective bargaining, Bargaining rules.*

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1. Introduction

Italy is the euro-area country with the highest share of employee contracts regulated by collective bargaining;² according to the results of the Structure of Earnings Survey carried out by the Italian Statistical Institute (Istat), in 2014 virtually all those persons regularly employed by firms with at least ten employees were covered by a collective agreement.³ National bargaining also determines a large majority of the share of the salary, reducing to a secondary role other items such as individual premiums and remuneration negotiated collectively at the firm level. In 2016 in the private non-agricultural sector, contractual earnings defined at national level accounted for over 88 per cent of the national accounts total gross earnings.⁴ An analysis of the structure and of the developments in industrial relations is therefore needed for interpreting the dynamics of remuneration and work organization.

The Italian collective bargaining system traditionally focuses on the role of the most representative employers and workers organizations. These associations, which operate in a minimal legal framework, stipulate both inter-sectoral framework agreements that regulate the bargaining structure and the exercise of representation, and national collective contracts, which establish salaries and work organization in each sector. In the absence of legislative action to set out the necessary requirements for the stipulation of agreements applicable across the entire sector,⁵ such agreements are not effective overall and are only binding for the signatories. In any case they guide legal decisions on any work-related controversies even when they involve employers who are not formal signatories to such agreements. Decentralized bargaining is, with a few

² ECB (2017), 'Wage adjustment and employment in Europe: some results from the Wage Dynamics Network Survey', in *Economic Bulletin*.

³ Several observers refer to the figure reported in a comparative dataset on industrial relations (J. Visser, 2016, ICTWSS Data base, version 5.1, Amsterdam: Amsterdam Institute for Advanced Labour Studies (AIAS), University of Amsterdam), according to which in Italy 80 per cent of workers were covered by a collective contract in 2010 (a figure that has not changed from that since 1960). Although in theory it is possible to establish a regular subordinate employment contract by stipulating an individual contract subject exclusively to the law, this rarely happens in practice; the percentage figure is therefore to be considered as excessively low, also in light of the results from other statistical surveys cited in this paper.

⁴The high average incidence of contractual earnings on overall earnings might be partly due to employers not respecting the contractual minimums (Garnero, 2017 'The dog that barks doesn't bite', IZA DP; Lucifora, C. 2017 'Il salario minimo: contrattazione o minimo legale?', in Dell'Aringa, Lucifora and Treu, eds. *Salari, produttività, disuguaglianze. Verso un nuovo modello contrattuale?*, Volume Arel-il Mulino).

⁵ See among others, Papa, V. 'Attività sindacale delle organizzazioni datoriali', (2017) Giappichelli Editore and the 'Proposta di intervento legislativo in materia sindacale' presented by the 'Freccia Rossa' association.

exceptions, hierarchically subordinate to that at national level: it can modify aspects of work organization, but only by delegation of the NCLA (National Collective Labour Agreement), and can establish the payment of additional wage components compared with the minimum ones envisaged by the national contract, but it cannot lower those minimums or reform the pay levels envisaged at national level. The lack of flexibility between firms and geographical areas in collective bargaining remains one of its most criticized aspects, including at international level: the European Commission's In-Depth Review, published in February 2017 in the context of the Macroeconomic Imbalances Procedure, reiterated the need to completely overhaul the collective bargaining system.⁶

There has been no significant progress in recent years in the measurement of the representativeness of trade union bodies, envisaged by the 2011 agreement between Confindustria⁷ and the main trade unions and by the subsequent Consolidated Accord on Representation of 2014; as a consequence there are no operational criteria in place in order to approve the contracts by a qualified majority. In theory, the scope for applying the criteria identified has been broadened thanks to the later adhesion of other employer organizations and to the stipulation of a subsequent agreement, with similar characteristics, between Confcommercio⁸ and the main trade union bodies (October 2015); however, in these cases too, the data collection process has not been completed.

Moreover, in the agreements now referred to, the subordination of firm contracts to national ones is confirmed, albeit with slight differences in the various macro-sectors. The Government also did not follow up on the intention, anticipated in the National Reform Programme for 2016, to act on the regulation of firm contracts in order to guarantee their enforceability and to give them precedence over national ones in areas relating to work organization; this subject was taken up again in the recently published National Reform Programme for 2017, with a less ambitious call for a general intervention that ensures legal certainty for second-level bargaining and no reference to extending its scope of application.

In support of firm-level bargaining, the 2017 Budget Law increased the generosity of the tax incentives on the variable portion of the salary as defined by firm-level contracts⁹ and confirmed full tax exemption for welfare payments. The funds allocated now amount to €1 billion a year; their full

⁶ See Sestito (2017) "Riforma della contrattazione: tra rischi di deflazione e gap di competitività", in Dell'Aringa, Lucifora and Treu eds., op. cit.

⁷ The main employers' federation in Italy, covering both the whole manufacturing sector and relatively bigger firms in the services sector.

⁸ The main employers' federation of the services sector.

⁹ That was reintroduced in 2016 after having been discontinued.

utilization would not impact directly on a firm's costs but would lead to an increase in net labor income equal to around 0.4 per cent, which would be concentrated among workers with medium to high incomes. The initial analyses of a sample of firm-level contracts deposited after the reintroduction of tax incentives by the 2016 Stability Law show how the structure of bonuses remained unchanged compared with the previous year; instead the number of contracts providing for bonuses to be converted into welfare services increased because of the total exemption on these payments introduced in that year.

In view of the continuing regulatory uncertainty, and bearing in mind that the NCLAs envisage single minimum wage levels throughout Italy that are mandatory at the decentralized level in the majority of cases, over time NCLAs that regulate the same sectors, but stating also markedly differentiated pay levels have become widespread. In some cases (FIAT/FCA), a group-level contract effectively agreed within a firm with some of the most representative trade union bodies has been adopted, which means that the firm – which in the meantime left *Federmeccanica*, the collective employer's organization in the metalworking industry – is not bound by the previous NCLA for the metalworking sector. In many other cases this has happened mainly through the stipulation of new contracts by minor trade union associations: the jurisprudence has yet to decide upon a single stance with regard to their legitimacy. This trend has soared over the last few years, reaching a figure of 373 existing NCLA deposited in the National Council of Economy and Labour (CNEL) archive (September 2017). According to the analyses reported in this paper and based on administrative data from INPS, in 2015 two per cent of employees in firms included in the *Invind-Banca d'Italia* survey were covered by a 'minor' contract, characterized by pay levels that in some cases may be lower by as much as 20 per cent compared with those envisaged by the corresponding traditional NCLA. The importance of these 'minor' NCLAs is also expressed indirectly. In some sectors, such as in the services one, the most representative of the traditional trade unions accepted the suspension of salary increases that were already agreed upon. In others, such as tourism, the social partners approved a mechanism that provides for the automatic application of the reductions in labour costs envisaged by other 'minor' NCLAs if it is initialled by at least one of the signatories of the 'most representative' contract. The possibility of opting out from minimum contractual pay at firm level was finally and explicitly introduced in the *Confcommercio* framework agreement. Remaining in the sphere of traditional NCLAs, there are important new factors with regard to the structure established by the 2009 framework agreements, which envisaged a three-year duration for the economic aspect of collective contracts, with wage growth benchmarked to the expected increase in the Harmonized Index of Consumer Prices (HICP) net of imported energy

goods. On the one hand, a duration of more than three years has been envisaged for many contracts, which enables firms to reduce negotiation costs and workers to obtain nominal wage increases that justify a renewal when price developments are weak and there are adverse economic conditions. On the other hand, due to an unexpected fall in inflation that led to an increase in real wages of around 2 per cent in the period 2013-15, there was a significant slowdown in the negotiations for renewals (in the first half of 2016, nearly two out of three workers were covered by an expired contract) in part to freeze wage growth and recover some of that increase. In some cases, in the new agreements (Confcommercio) any explicit reference to the HICP has been removed, while in others there has been an attempt to tighten up the clauses for recovering the differences between expected and actual index values during the contract period (chemical and textile industries), in still others automatic ex-post automatic indexation clauses have been introduced (metalworkers, wood). The weaker bargaining power of workers has also been highlighted by the widespread removal of wage components automatically linked to length of service. The paper is organized as follows. Section 2 describes the latest developments relating to the bargaining rules and in particular to the enforceability of contracts and to the links between first- and second-level contracts; Sections 3 and 4 look at the recent trends in first- and second-level bargaining. Section 5 concludes.

2. Bargaining Rules

There have been numerous interventions, in the areas of legislation and negotiation over the last few years in order to guarantee the enforceability of first- and second-level agreements and to broaden the scope for applying decentralized contracts.¹⁰ Problems still persist in both areas;¹¹ most recently, the European Commission's In-Depth Review, published in February 2017 in the context of the Macroeconomic Imbalances Procedure, has reiterated the need for an overall reform of the system. Calls for a wider role for decentralized bargaining are featured in the International Monetary Fund Article IV consultation.

¹⁰ D'Amuri, F. and C. Giorgiantonio (2015) 'The Institutional and Economic Limits to Bargaining Decentralization in Italy', *IZA Policy Papers*, No. 98.

¹¹ See among others Dell'Aringa, Lucifora and Treu eds. (2017) 'Salari, produttività, disuguaglianze. Verso un nuovo modello contrattuale?', Collana Arel, il Mulino.

2.1 Enforceability of National Contracts and Measurement of Representativeness

With regard to the enforceability of national contracts, recent framework agreements have established useful criteria to be enforced in various sectors in order to measure the representativeness of trade unions and to provide for the majority approval of the NCLAs. The 2014 Consolidated Agreement on Representation between Confindustria and the main trade unions, later also adopted by Confcooperative and Confservizi,¹² set the average between the associative figure (reported by INPS) and the electoral figure relating to the election of trade union representatives (RSU; as reported by the CNEL¹³) as the trade union measurement criterion. The 2015 framework agreement, signed by Confcommercio and the most representative trade unions, recalled these criteria and added further parameters relating to trade union activity (such as the number of disputes followed and cases of wage integration and unemployment); a subsequent agreement (26 November 2016) introduced the principle of measuring the representativeness of employers too for the first time. To date the process of measuring representativeness at national level as provided for by various agreements has not yet been completed. Measurement of the associative figure was begun by INPS¹⁴ in relation to the 2014 Consolidated Accord on Representation, while nothing has been heard about the involvement of INPS in the Confcommercio agreement or about the CNEL with regard to measuring the electoral figure. Finally, given that these agreements are private pacts rather than legislation, even if they become fully operational, they would remain ineffective for associations that have not signed them.

2.2 Allocation of Powers to the Various Bargaining Levels

As far as the structure of collective bargaining, the subordination of second-level contracts to national ones is confirmed overall.¹⁵ For NCLAs falling

¹² Employers' association mainly covering the public utilities sector.

¹³ The functions and future tasks of the National Council of Economy and Labour have not yet been clarified, following the rejection of the constitutional reform that would have abolished it.

¹⁴ Ministry of Labour, Directive of 26.9.2014 and Circular of 26.9.2016; INPS Convention, Circular of 16.3.2015.

¹⁵ Although there are some exceptions, as for example the Confartigianato contracts that operate at territorial level. According to some observers, the territorial level should play a more prominent role, though remaining subordinate to the national level. Sateriale (2017) 'Ripensare la contrattazione', *Diritto delle Relazioni Industriali*.

within the scope of the Consolidated Accord on Representation, many renewals of NCLAs have still not defined¹⁶ the scope and the procedures under which firm-level contracts can derogate from the provisions laid down by the same national collective agreements, referring instead to the generic formula already envisaged by that Consolidated Accord. As a consequence, firm-level bargaining can currently: i) introduce or change additional wage components compared with the minimum contractual ones envisaged by the NCLAs, ii) modify aspects linked to working hours and organization within the perimeters set by the NCLA or, in cases of investment or firm-level crisis situations, in derogation of the national contract by exploiting the Article 8 of the Law 148/2011. According to some observers,¹⁷ the rule has been applied on several occasions, although the social partners have urged its repeal. Based on the results of the Bank of Italy's annual Business Outlook Survey of Industrial and Service Firms, in the four-year period 2011-2014, over 10 per cent of firms (which employ 25 per cent of workers) intended to take advantage of the possibilities offered by the rule.

As far as the recent legislative initiative is concerned, the government did not follow up on its intention, anticipated in the National Reform Programme (NRP) for 2016, to take action on the regulation of firm-level contracts in order to guarantee their enforceability and to allow them to take precedence over national ones for issues linked to work organization. This commitment was reiterated in the 2017 NRP, though with less ambition.

3. Trends in National Level Bargaining

3.1 The Growing Fragmentation of Bargaining

3.1.1. Applying the Principle of Proportionate and Sufficient Wages

Italy is currently the only main euro-area country not to have a legal minimum wage.¹⁸ It is established legal practice to determine whether wages are 'proportionate to the quantity and quality of their work and in all cases sufficient to ensure them and their families a free and dignified existence' (Article 36 of the Constitution) by using the minimum contractual wages decided as the benchmark by the reference NCLA in the relevant sector and for the specific job. Nevertheless, such interpretation does not envisage the

¹⁶ As envisaged by the Framework Agreement of 28 June 2011.

¹⁷ Imberti, L. (2013) 'A proposito dell'articolo 8 della legge n. 148/2011: le deroghe si fanno, ma non si dicono', *Giornale di Diritto del Lavoro e di Relazioni Industriali*.

¹⁴ The other countries that do not have a legal minimum wage are Austria, Cyprus and Finland.

automatic extension (namely its application to non-signatories as well) of the relevant NCLA. Article 39 of the Constitution formally confers the power of stipulating contracts with 'binding force for all those belonging to the categories to which the contract refers' to trade unions embodied as legal entities, provided that together they represent the majority of the workers. However, to date trade unions are technically still 'unrecognized associations' without legal personality; furthermore, in the private sector there are no useful, operational criteria for measuring the representativeness of trade unions at national level (see the previous Section). The failure to apply Article 39 of the Constitution means the judge has the burden of deciding, with no clear parameter and by definition in a discretionary manner, the amount of earnings that observes the constitutional provision. Where there are several NCLAs linked to the same sector and with different pay levels, in some cases the contract most favourable to the worker has been used as a benchmark, in others the contract signed by the trade unions held to be most representative (though in the absence of any quantitative figures), while for others it has been established that, in the absence of the requisites necessary for extending the contract and without encroaching on freedom of association, an NCLA stipulated by minor trade unions is also applicable, even if this would mean lower wages for the worker.¹⁹ There have also been cases where the judge's decision has taken into consideration aspects beyond the scope of the general effectiveness of the contracts into consideration, such as the size of the firm, its economic conditions or those of the area where it is located.

3.1.2 The Diffusion of NCLAs Stipulated by Organizations that are not very Representative

In a climate of prolonged legal uncertainty, which the 1993 protocol already underlined while proposing a subsequent legislative intervention on representativeness that was never adopted, and bearing in mind that the NCLAs set out single minimum wage levels for Italy that represent a large share of total remuneration (88 per cent in 2016, Figure 1) and are usually binding also at the decentralized level, NCLAs regulating the same sectors but with widely varying wage levels have become more widespread over time.

¹⁹ For further details see Petrella, S. 'Il principio della retribuzione proporzionata e sufficiente nel sistema italiano di contrattazione collettiva', Università di Milano Bicocca.

Figure 1. Incidence of minimum contractual wages on total national account gross wages.



Source: Istat, Contractual earnings and national accounts data

This has happened through both the stipulation, by organizations deemed to be more representative, of NCLAs specific to small firms, and through the adoption of entirely new NCLAs by less representative trade unions and employers federations. The first example of this type of NCLA dates back to 1992 and was the result of an agreement between lesser trade unions operating in Emilia Romagna that concerned the tourism sector.²⁰ During the Great Recession these events became even more common, leading to an increase in NCLAs, in part as a result of the Fiat-Chrysler group not joining Confindustria and the subsequent stipulation of a firm-level, first-level contract in 2011, which nevertheless envisaged innovations mainly in work organization and made no significant changes compared to the contractual wage levels mandated by the metalworkers' NCLA adopted up until then. INPS currently uses a classification published in 2004²¹ to verify the adequacy of the contributions

²⁰ See Lassandari, A. (1997) 'Pluralità di contratti collettivi nazionali per la medesima categoria', *Lavoro e Diritto*, 1997, p.261; Pera, G. 'Note sui contratti collettivi pirata', *Rivista Italiana di Diritto del Lavoro*.

²¹ Annex 6 of INPS Circular 130 of 7.9.2004.

received, which has 284 NCLAs for 152 sectors. According to a recent study,²² the number of NCLAs in the CNEL archive totalled 398 in 2008 and 868 in September 2017; excluding those that have expired would halve this figure, that would still be very high (377 in September 2017). The growing fragmentation of bargaining affected all sectors, but was particularly significant in the trade sector.²³ One important example linked to this sector is as follows: in 2011 Federdistribuzione²⁴ withdrew from Confcommercio, whose members include firms accounting for around half the turnover of the large-scale retail trade sector and that employ 200,000 workers. Federdistribuzione is still applying the Tertiary NCLA for distribution and services that was in force when it left Confcommercio and has now expired, since it has not yet stipulated a new stand-alone contract and has not signed the subsequent renewal of the abovementioned Tertiary NCLA, which initially set out a 4 per cent wage increase over 33 months.²⁵ In other cases, new NCLAs have been stipulated by minor trade unions, which established lower wage models, greater flexibility of working hours and no pay rises during the period of validity. This is the case of the CIFA-PMI agreement of July 2013 which, compared with the Confcommercio one, provides for one less monthly wage, a pay scale for minimum contractual wages that starts 7 per cent below the Confcommercio one, and no pay rise during the period of validity. Given this marked fragmentation, the Confcommercio framework agreement has considered, for the first time in the history of Italy's industrial relations, the possibility of measuring the representativeness of employers' organizations as well, with the aim of identifying the 'most representative' organizations that are able to sign agreements that can be more easily recognized, legally speaking, as being effective for the whole sector. More recently, the need to create a system for measuring employers' representativeness, together with a clear definition of the scope of application (sectoral and by size of firm) of the various framework agreements has been echoed by Confindustria representatives too.²⁶

²² Olini, G. (2016) 'I contratti nazionali: quanti sono e perché crescono', *Giornale di diritto del lavoro e di Relazioni industriali*.

²³ Tomassetti, P. (2014) 'Arginare la piaga dei contratti-pirata', *Bollettino Adapt*.

²⁴ A federation of employers in the Large-scale retail trade.

²⁵ Following the agreements between Confcommercio and the trade unions, the suspension of some wage increase was first planned, but then paid on subsequent dates and as a consequence of an extension of the contract's duration from the 33 months initially envisaged to 40 months.

²⁶ Albini, P. (2017) "A proposito di rappresentanza datoriale", *Giornale di diritto del lavoro e di relazioni industriali*.

3.1.3. *The Available Evidence*

Leaving aside this anecdotal evidence, in the absence of a measurement for the national level of representativeness for representative bodies for both firms and workers, and thus of the number of workers for which an individual NCLA is applicable, the extent to which bargaining is fragmented cannot be quantified. Nevertheless, some indications can be obtained from INPS administrative data for the years 2005-2015, which report the data on daily pay for a sample of around 6.5 per cent of all Italian private sector employees (INPS 24 dates of birth sample) or on all the workers employed by firms that are in the Bank of Italy's Invind survey²⁷ (INPS-Invind sample), together with their job title and the NCLA applied.

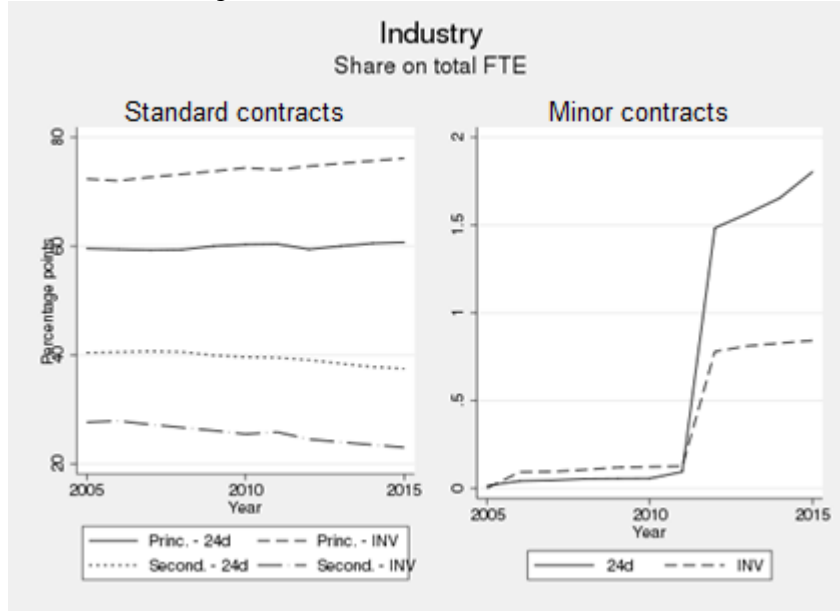
Using the data available, contracts can be reclassified into three categories:

- 'main' contracts: defined as those monitored by Istat to calculate the contractual wage index; these are the most representative contracts within each sector;
- 'secondary' contracts: not monitored by Istat but still present in the INPS classifications; these are agreements generally signed by representative bodies that may involve specific categories of firms in a sector where there is already a 'main' contract;
- 'minor' contracts: namely those that are not in the Istat survey or in the INPS contribution classification updated up until 2004; these are agreements recently stipulated, mainly by marginal organizations. First-level, firm-level contracts also fall into this last category if they were stipulated after 2004, and the FCA NCLA (approved by some of the main trade unions) is the best example for those. Finally, it can be assumed that this classification only picks up a part of the minor contracts, as in some cases the employer, though using a minor contract, could use the INPS contractual category which is nearest to the one for their firm.

Given these limitations, Figures 2 and 3 show the incidence over time of the various types of contract in industry and services respectively, measured as shares of total equivalent work units.

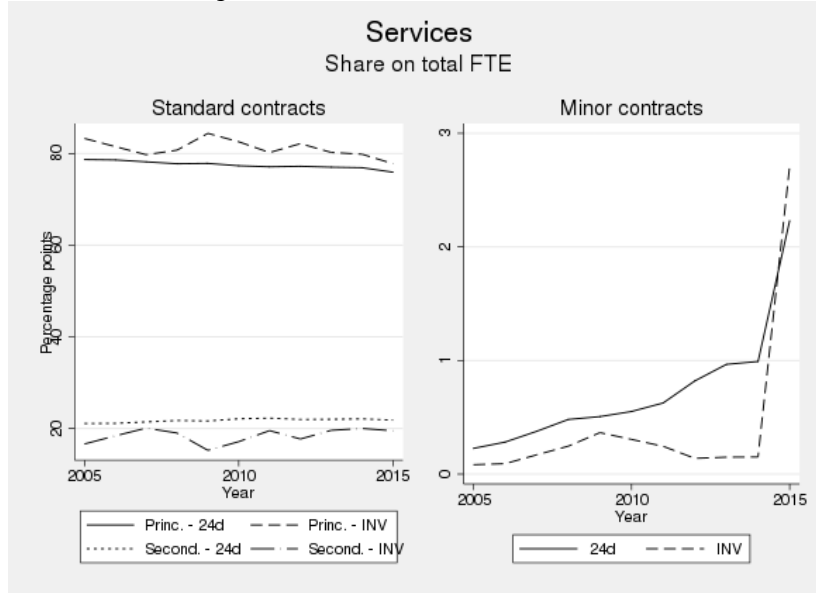
²⁷ Bank of Italy (2017), Survey of Industrial and Service Firms, various years.

Figure 2 - Incidence over time of the various types of contract in industry as shares of total equivalent work units.



Source: Authors' calculations on INPS and Invind data, various years. The 24 dates sample (labelled 24d) is representative of the population of private non-agricultural workers. The INPS-Invind sample (labelled INV) covers the population of private sector employees employed at 20+ industrial and non-financial services firms sampled by the Bank of Italy Invind survey.

Figure 3. Incidence over time of the various types of contract in services as shares of total equivalent work units.



Source: Authors' calculations on INPS and Invid data, various years. The 24 dates sample (labelled 24d) is representative of the population of private non-agricultural workers. The INPS-Invid sample (labelled INV) covers the population of private sector employees employed at 20+ industrial and non-financial services firms sampled by the Bank of Italy Invid survey.

The virtual stability over time of traditional contracts can be seen; in industry, the main contracts involve around 60 per cent of Full Time Equivalent (FTE) workers, while secondary ones represent around 40 per cent of them. Minor contracts are of marginal weight but they have been increasing since 2011. In 2015 they accounted for just under 1 per cent of total FTE workers in Invid firms. In contrast, in services there are more 'main' contracts (about 80 per cent), while the minor ones represented almost 3 per cent of total FTEs in 2015.

Again in 2015, the sector with the highest share of minor contracts is trade (9.2 per cent of total FTEs, Table 1), with average wages 8 per cent lower than those of workers covered by 'traditional' contracts in the same sector; in manufacturing the share is close to 1.1 per cent, while wage levels are similar.

Table 1. Incidence and wage difference for minor NCLAs in some sectors. Year 2015

National account sector	Share of workers covered by a minor contract (%)	Wage difference (%)
Manufacturing	0.9	-0.6
Trade	9.2	-8.1
Transport	0.6	-16.3
Services to firms	0.3	-19.8

Source: Authors' calculations on INPS-Invind data

There are also minor contracts in the transport and business services sectors, but the incidence is marginal; moreover, average salaries are lower by 16 and 20 per cent respectively.

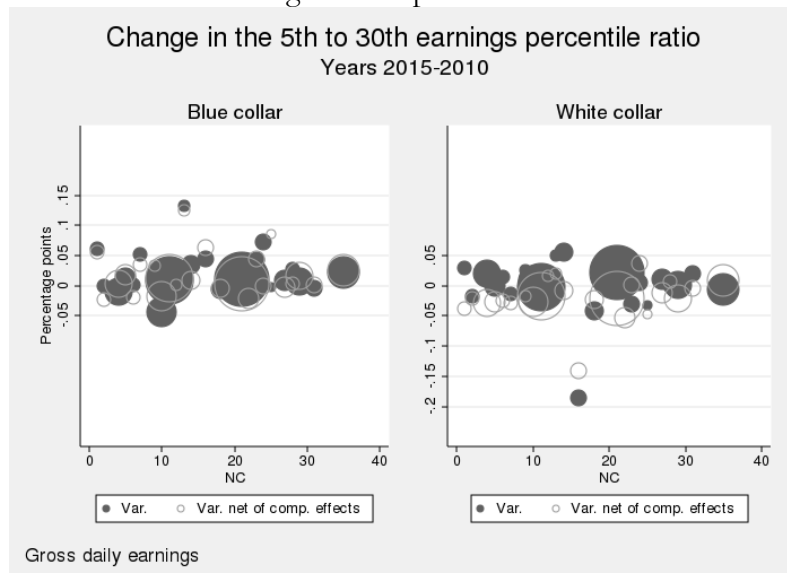
As previously indicated, firms with 'minor' NCLAs could also use the INPS contract code nearest to the one actually applied rather than the residual category. In this case it can be verified whether jobs with particularly low wage levels have emerged over time in each contractual category recognized by INPS.

In contractual practice, the pay increases agreed in the NCLAs are normally assigned to each pay level so as to guarantee the same increase as a percentage of the minimum wage for all workers. If all the firms classified in the same contractual category by INPS actually applied the same NCLA, this should lead to a certain stability over time in the ratios between the various wage deciles, except in the case of salary increases due for example to the presence of a second-level contract, to variations in the amount of overtime worked or to the presence of individual bonuses (*superminimi*). However, in view of the low diffusion and incidence of pay components that exceed the minimums²⁸ and of use of overtime, these variations should only affect the highest part of the wage distribution; the ratio between the bottom deciles of the distribution and its medium to low values should instead remain essentially stable over

²⁸ According to the annual Business Outlook Survey of Industrial and Service Firms conducted by the Bank of Italy, about 70 per cent of workers in firms with at least 20 employees in the non-financial private sector only get the minimum wage; the share would be even higher if we also consider smaller firms where it can be assumed that the incidence of additional pay is even lower.

time, except for the stipulation of minor NCLAs with lower wages than those of the standard contracts as defined by INPS. The analysis only considers the daily wages of workers employed full-time, for the whole year at firms that only pay the minimum wages set by the NCLAs and without making use of any concessions for social security contributions or supplementary payments from INPS.²⁹ The unconditional values and net of the composition effects are considered, using as a wage measure the constant plus the estimated residual values from a daily wage regression on the worker's age and sex plus the constant and the fixed effects per year, carried out separately for blue and white collar workers. Figure 4 shows, for the main contracts, the changes in the ratio between the 5th and 30th percentiles of the distribution of real wages in the period 2010-2015, separately for white and blue collar workers.

Figure 4. Changes in the ratio between the 5th and 30th percentiles of the distribution of real wages in the period 2010-2015



Source: Authors' calculations on INPS and INVIND data, various years. Each point in the graph represents the percentage points variation in the p_5/p_{30} ratio of gross daily wages who took place between 2015 and 2010. The diameter is proportional to the number of the observations used in the estimate.

Apart from isolated cases, there are no significant reductions in these ratios, looking both at unconditional values and at values net of composition effects.

²⁹ These firms are identified by means of a specific question in the Invind- Bank of Italy survey; however, to obtain data on the distribution of wages in each firm, the INPS sample relating to the population of workers employed by the firm is used.

It can therefore be assumed that, even if firms used INPS contractual codes, though using a 'minor' NCLA, this would not have implied a dramatic impact on wage levels. It would still be possible for the firm to take advantage of a different work organization not permitted by the NCLA (this element is undetectable in the dataset used).

These analyses confirm the diffusion of minor contracts, especially in the services sector; the effects in terms of wage reductions compared with the most representative NCLAs are already clear and may become more marked in the long term. The very existence of an NCLA with labour costs reduced compared with those of the 'main' ones exerts downward pressure on wages across the entire sector, since they reduce the contractual power of the most representative trade unions. It is no coincidence that it was the trade sector where the expected wage increase (determined by the 2015 renewal) was suspended in autumn 2016, and where the possibility was envisaged of an exception to downward wage adjustments compared with the minimum foreseen; in a subsequent agreement (September 2017), the parties decided to pay the suspended wage increase, but at the same time increased the duration of the contract from 33 to 40 months. At the same time the parties established, as a deterrent, that should one of the signing associations, whether an employer or a trade union, sign other NCLAs for the same sector with smaller wage increases, this reduction would automatically be applied to the 'main' NCLA. A similar clause had been envisaged in the tourism sector (Federalberghi agreement), where in February 2017 the social partners extended the contract in force by 16 months without providing for wage increases.

3.2 Differences in Defining the Dynamics of Contractual Minimum Wages

The 2009 framework agreement between Confindustria, CISL and UIL introduced the three year expected variation in the harmonized index of consumer prices (HICP) provided by the National Statistical Institute as a benchmark for deciding wage increases over three-year horizons: the agreement also introduced a clause stipulating the recovery of the differences between expected inflation and the inflation actually observed (in favour of both the worker and the firm) while the contract is in force. Although the agreement was expected to expire after four years and despite the CGIL's failure to sign it, it has since influenced the bargaining for all NCLAs and continues to be applied up to the present time, though with growing margins of flexibility. The main objective was to reduce the transaction costs by lengthening the duration of the economic part of the contract (previously two years) and anchoring wage growth to an indicator provided by a third party

institution. Even before the agreement was implemented, several observers had pointed out problems connected with the long duration of the economic part of the contract,³⁰ which considered the economic conditions at the moment of renewal and not the subsequent developments,³¹ and with the fact that adopting indexation mechanisms, even indirect ones, could make inflation dynamics more persistent and make it less easy to align wages and productivity. In addition, in case of unexpected price shocks, the system would in any case remain subject to the opening of negotiations for recovering the differences between the expected and the observed HICP. This was the case for contracts signed in the period 2012-2014, which included renewals based on an expected price variation which then turned out to be much higher than the one actually observed (Table 2); nevertheless, despite requests from employers, the differences were not recovered as provided for by the agreements, which would have led to a reduction in workers' nominal wages.

Table 2. Differences between expected and actual inflation per year

Year	Expected cumulative inflation in the following 3-year period	Actual cumulative inflation in the following 3-year period	Cumulated difference between expected and actual inflation in the following 3-year period
2009	6.0	7.0	-1.0
2010	5.6	7.3	-1.7
2011	5.9	4.9	1.1
2012	6.6	2.3	4.3
2013	6.0	1.5	4.5
2014	4.5	2.2	2.2
2015	4.0	2.7	1.2

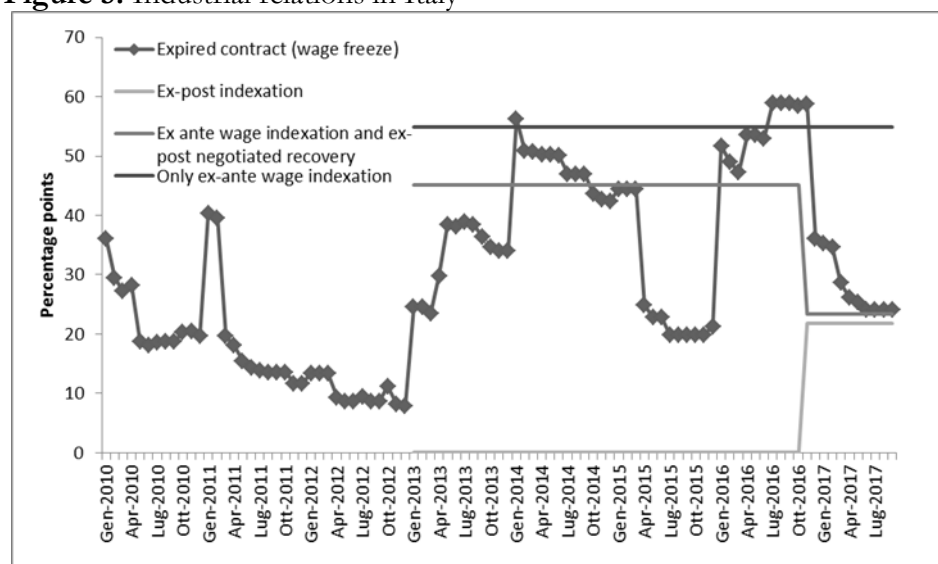
Source: Authors' calculations on Istat data

³⁰ Visco (2008), 'Indagine conoscitiva sull'assetto delle relazioni industriali e sulle prospettive della riforma della contrattazione collettiva', testimonianza alla Camera dei Deputati, 25 November 2008.

³¹ Rosolia (2015), 'On the response of Italian wages to the unemployment rate', Banca d'Italia, Questioni di Economia e Finanza (Occasional Papers), 287. Sestito (2017) 'Riforma della contrattazione: tra rischi di deflazione e gap di competitività', in Dell'Aringa, Lucifora and Treu eds. *Salari, produttività, disuguaglianze. Verso un nuovo modello contrattuale?*

In light of these problems and with particularly unfavourable economic conditions in some sectors, the debate on an overall review of the bargaining framework has become more heated recently. This debate, which has yet to produce any result, has helped to slow down the negotiations for contract renewals; with regard to delays, in the end it was the employers' need to recover part of the real wage increase due to the unexpected fall in inflation by not renewing contracts that actually wiped out wage growth.³² In the first half of 2016, over 60 per cent of private sector employees were covered by an expired contract (Figure 5).

Figure 5. Industrial relations in Italy



Source: for the share of expired contracts: Istat; for indexation mechanisms, our analysis on 22 NCLA representative of the private non-agricultural sector.

Many negotiations were concluded between 2016 and 2017, when it had become clear that there would not be an overall review of the bargaining framework. The agreements signed differed, often greatly and in different directions, from the arrangement envisaged by the 2009 agreement.

The renewal of the metalworkers' contract introduced the full indexation of wages to the HICP index net of imported energy goods observed in the

³² One example is that of the NCLA for telecommunications. The wage growth provided for by the contract in force for 2012-2014 recorded a final figure that was over 2 percentage points higher than that of the price index. The contract was then not renewed for 35 months. In November 2017, a bridge agreement envisaged a pay increase of 1.8 per cent and the extension of the NCLA until July 2018. Overall, in the period from January 2012 to July 2018 there has been a nominal wage growth in line with that of consumer prices.

previous year; this ex-post indexation was subsequently adopted for the renewal of the contract for the wood sector.³³ More stringent procedures for recovering the differences between the expected and the observed HICP were introduced in the textiles and chemicals sectors.³⁴ In other minor renewals (insurance, paper and ceramics, and railways) wage increases were included that were quite close to the HICP index forecast net of imported energy goods, with no specific reference to the recovery of any differences.

Finally, Confcommercio and Confartigianato signed framework agreements with the most representative trade unions that anticipate the replacement of the expected HICP for deciding wage increases in future NCLAs with a more generic and discretionary reference to macroeconomic and sectoral dynamics.

In a sample of 22 contracts that involve around 70 per cent of the private wage bill, 9 NCLAs (about 14 per cent of the total private wage bill monitored, Table 3) currently include different procedures for recovering any differences between expected and actual inflation. In the metalworking and wood sectors (which represent about 20 per cent of the total monitored private wage bill) automatic ex-post indexation clauses were included. There are no clauses for recovering differences in the remaining sectors.

Table 3. Recovery of differences between the expected and observed HICP

NCLA	Share of total payroll among monitored NCLAs	Recovery of differences between expected and actual HIPC and means used
Ceramics	0.5%	No
Chemicals	2.7%	Yes, agreed upon before contract expiry
Construction	8.1%	No
Electricity (*)	1.0%	Yes, agreed upon before contract expiry
Food	3.3%	No

³³ Although this refers to the overall HICP variation, not net of imported energy goods.

³⁴ In the chemicals sector, a draft agreement was initialled in June regarding the ex-post adjustment of wage minimums for 2016 (expected HICP 1.1 per cent, actual HICP 0.1 per cent). The parties agreed on a 1 per cent reduction of the wage minimum, which was nevertheless accompanied by an equal increase in the so called Distinct Pay Component (Elemento Distinto della Retribuzione in Italian, which does not imply an increase in indirect costs such as overtime and bonuses), valid until the next review (June 2018).

Gas	0.3%	Yes, agreed upon before contract expiry
Graphics	1.3%	Yes, automatically after check
Hotels and restaurants	6.8%	Check only during renewal phase
Insurance	1.0%	No
Journalists	0.3%	No
Metalworkers	26.6%	Increases only ex-post
Paper and paper products	0.7%	No
Post offices	1.9%	No
Public transport	1.2%	No
Railways	1.2%	No
Road haulage	3.0%	No
Rubber and plastic	2.0%	Yes, automatically after check
Telecommunications	1.3%	Yes, agreed upon before contract expiry
Textiles	4.0%	Yes, agreed upon before contract expiry
Trade	23.7%	No
Wood (*)	2.2%	Increases only ex-post

Source: NCLA.

Remaining on the subject of automatism, for some sectors renewals (chemicals and gas) the clauses that linked individual wage growth to seniority been completely eliminated. The effects of these changes will not be felt immediately, since the increases already accrued will not be affected, but they will lead to a reduction in wage growth in the future. Prior to this change, a worker with 25 years of service with the same firm would have earned 4 and 6 per cent more than a new hire with exactly the same qualification in the chemical and gas sectors respectively. These wage components continue to be of significant weight, though varying across the different sectors (Table 4).

Table 4. The weight of seniority wage on total minimum contractual wage

Contracts and initials	Seniority steps	Value of average seniority step in euros	As a percentage of the monthly gross wage level for a worker with 25 years of service
Banks	8, one every 3 years	42	0.10
Ceramics	6, one every 2 years	13	0.04
Chemicals	Abolished since 1/1/12*		
Construction	5, one every 2 years	10	0.02
Electricity	5, one every 2 years	32	0.06
Food	5, one every 2 years	32	0.07
Gas	Abolished since 31/12/2015*		
Graphics	5, one every 2 years	14	0.03
Hotels	6, one every 3 years	35	0.12
Metalworkers	5, one every 2 years	27	0.06
Paper and paper products	5, one every 2 years	13	0.03
Post offices	5, one every 2 years	52	0.12
Public transport	6, one every 2 years	24	0.07
Railways	7, one every 2 years	29	0.07
Road transportation	5, one every 2 years	24	0.05
Rubber and Plastic	5, one every 2 years	17	0.04
Telecommunications	7, one every 2 years	24	0.08
Textiles	4, one every 2 years	8	0.02
Trade	10, one every 3 years	22	0.08
Wood	5, one every 2 years	10	0.03

Source: NCLA

Again, for a worker with 25 years of service, seniority pay can account for over 10 per cent of pay in some sectors (banks and post offices), and below 3 per cent in others (construction, textiles and wood).

3.3 Differences in the Degree of Autonomy Granted to Second-level bargaining

With regard to the definition of wage dynamics, the differentiation between NCLAs in the amount of autonomy granted to firm-level contracts has increased over the last year.

The recent Confcommercio framework agreement explicitly included the possibility of opting out, at the firm level, from minimum contractual wages;³⁵ this option will effectively become viable if it is implemented in future renewals of NCLAs for member firms of these associations.

In other cases of renewal, the NCLA has instead further reduced the autonomy of decentralized bargaining. The food industries' NCLA (February 2016) extended the validity of the firm-level contracts expiring in the period 2016-2017 by one year, and at the same time decided that also for subsequent renewals of the first-level contract, the wage components negotiated at local level will remain unchanged during the first year of validity. In contrast, the electrical workers' NCLA, together with that of the gas sector, defined ex-ante the amount of pay based on productivity³⁶ that could be paid under firm-level agreements. This component, on the expiry of the contract, will be incorporated into the contractual minimum wages if the expected HICP is in line with the actual HICP. Finally, for the metalworking sector (November 2016) it was established that the wage components paid under a firm-level contract would be absorbed by subsequent increases decided in the NCLA (so called absorption). This latter provision could in theory reduce the reluctance of firms to grant wage increases at firm level, since they would be wiped out over time by the increases determined by the NCLA.³⁷ However, in the current economic conditions, it is more likely that the need to reduce costs will prevail and therefore that firms take advantage of the absorption to further reduce the wage components negotiated at local level.

³⁵ The Confesercenti framework agreement of September 2017 includes the possibility of opting out at local level from the minimum contractual wages established by the NCLA, expressly delegated by the NCLA itself.

³⁶ Therefore subject to the tax cuts envisaged by the 2017 Stability Law.

³⁷ Dell'Aringa, C. (2016) 'Nel contratto dei metalmeccanici spunta il salario di garanzia', www.lavoce.info.

4. Trends in Decentralized Bargaining

4.1. Diffusion and Main Characteristics

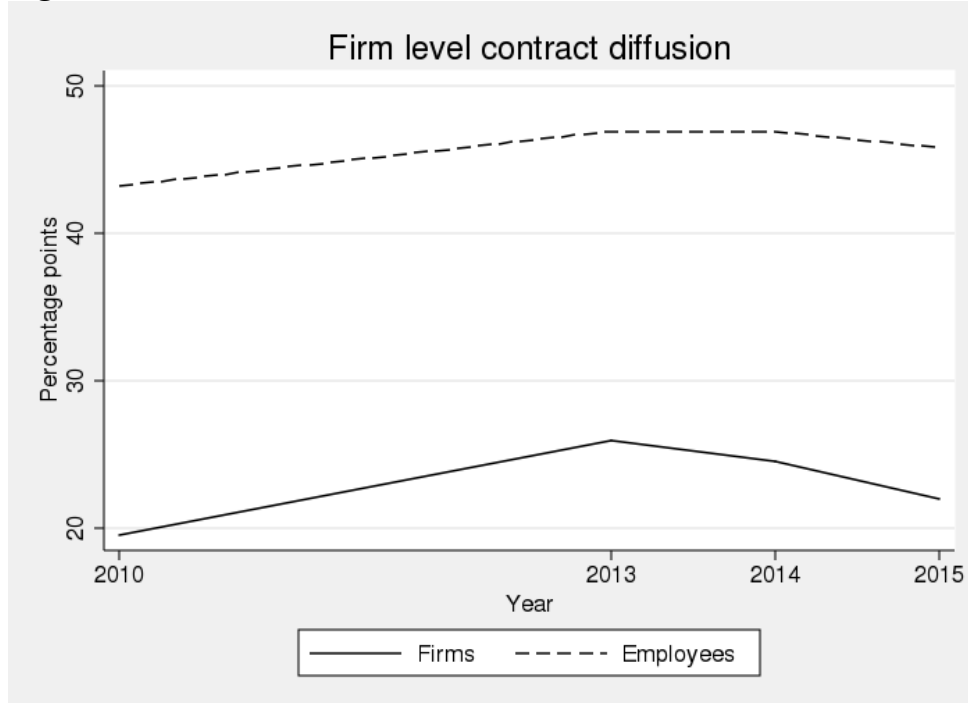
In the past, decentralized bargaining (at firm and territorial level) played a limited role in industrial relations in Italy, both because of the small size of firms that makes the negotiation costs excessive and because, in the bargaining framework, second-level contracts remain essentially subordinate to the national labour contract;³⁸ this setup limits its potential importance. Finally, according to the structure defined by 1993 agreements (Protocollo del 1993), while the national contract was supposed to guarantee salary increases in line with inflation, second-level bargaining was supposed to distribute productivity gains to the workers. Nevertheless such productivity gains failed to materialize.³⁹

According to Invind survey data, relating to firms with at least 20 employees in the non-financial private sector, the share of firms adopting firm-level bargaining remained stable at around 20 per cent between 2010 and 2016; the workers involved were just under half the total (Figure 6).⁴⁰ Again in 2016, the firms that adopted a decentralized contract were mainly exporting firms of a larger size and located in the Centre and North.

³⁸ Although there are some exceptions, for example in the case of the Confartigianato contracts.

³⁹ Torrini (2017), 'La quota del lavoro: trend di lungo periodo ed evoluzione recente', in Dell'Aringa, Lucifora and Treu eds. *Salari, produttività, disuguaglianze. Verso un nuovo modello contrattuale?*

⁴⁰ These figures are similar to those found by Confindustria among member firms, see Felli, C. and G. Labartino *Nota del Centro Studi Confindustria* (2015) No. 14. The Ministry of Labour regularly publishes the number of contracts deposited so as to be able to be eligible for the reduced tax rates on wage components paid at the firm level. However, the data published refer to the absolute number of contracts deposited and it is not possible to see whether they are new agreements or pre-existing contracts. It is not possible to calculate the number of workers involved either.

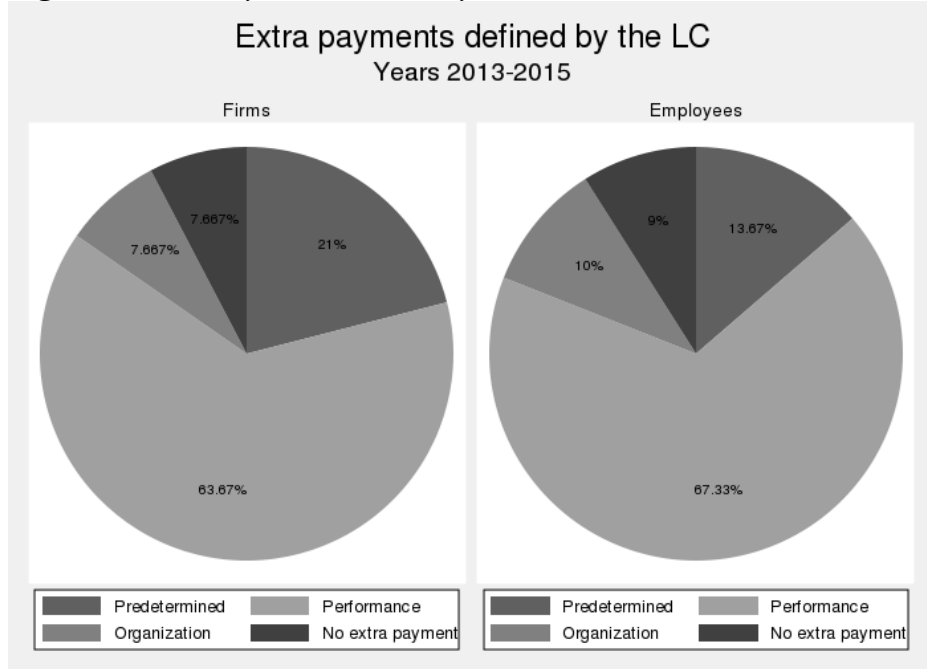
Figure 6. Firm-level Contract Diffusion

Source: Invid survey. 2016 data are not perfectly comparable with those of the previous years

With regard to the elements established by firm-level bargaining, according to what the 'Bollettino Adapt' reported,⁴¹ out of 1,565 firm-level contracts for firms operating in 23 economic sectors⁴² monitored in the period 2012-2016, pay was the most negotiated topic, although many performance bonuses still have a low degree of variability and there is a widespread presence of increases paid to workers in fixed amounts; this is also confirmed by the result of the Invid survey (Figure 7).

⁴¹ Adapt (2016) *La contrattazione Collettiva in Italia, Anno 2016*.

⁴² Agri-food, footwear, cement, chemicals, communications, banks and insurance, construction, energy and oil, electricity, gas and water, rubber and plastic, wood, metalworking, multi-services and cleaning, eyewear, leather and leather products, hygiene and environmental services, tertiary, distribution and services, textiles, transport, tourism and glass.

Figure 7. Extra Payments defined by the LC

Source: Invid survey on industrial and service firms, various years (no data available for 2016)

Turning to other aspects, working hours is the issue most regulated by firm-level bargaining, even though flexible work hours are still not very common. In contrast, welfare measures are almost exclusively present in larger firms.⁴³ However, following the introduction of the total tax exemption of welfare payments (see the next section), there has been an increase in the firm-level contracts that give workers the possibility to allocate all or part of their eventual variable bonus to finance these services.⁴⁴

4.2. Incentives for Decentralized Wages

The Budget Law for 2017 confirmed the flat rate 10 per cent taxation for the productivity bonuses paid in the execution of company or territorial contracts and linked to quantitative production indicators to be set by the government;

⁴³ These measures range from covering school and medical expenses, to agreements with supermarkets, hotels and restaurants, to work-life balance policies, and even to increasing the reasons accepted for anticipating deferred compensation (TFR).

⁴⁴ Generally speaking, the payment of bonuses is divided into two distinct and alternative programmes: a standard plan based on payment in cash, and a welfare programme: the employee is therefore free to combine monetary income and welfare income according to their needs.

no changes are envisaged in the Budget Law for 2018 which is currently under discussion. This kind of reduction had been reintroduced by the Stability law for 2016 after its appearance for the first time in 2008 (Law 247/2007).⁴⁵

The Budget Law for 2017:

- raised the limit on income from employment for the beneficiaries of the incentive (from €50,000 to €80,000 gross per year); it raised the limit on the maximum amount subject to reduced taxation from €2,000 to €3,000 gross;⁴⁶ for firms that provide for forms of workers' participation, the limit is raised to €4,000;
- confirmed the total exemption scheme for welfare payments made to workers in the execution of supplementary contracts, extending the reduction also to payments included in the national contract and to payments made to pension funds.

Smaller tax incentives were also introduced that were linked to insurance coverage for lack of self-sufficiency and serious illnesses.

According to the General Accounting Office of the Treasury (Ragioneria Generale dello Stato), the measure would cost of €400 million a year, which is added to the €600 million a year already allocated for the fiscal incentives introduced by the 2016 Stability Law, which had, however, abolished tax relief on the salary negotiated in the second-level bargaining for a sum of around €350 million.

Overall, the reduced flat tax rate on firm-level pay in force in 2017 would imply an increase in net labor income of around 0.4 per cent,⁴⁷ in favour of workers employed by firms with second-level contracts, generally larger and mainly located in the Centre and North.

An analysis of the Ministry of Economy and Finance's aggregate data on tax returns underlines the regressive nature of this type of tax relief. In 2014, the last year in which the maximum threshold for obtaining favourable taxation was €40,000 for payroll workers' gross labor income, around 3 million workers

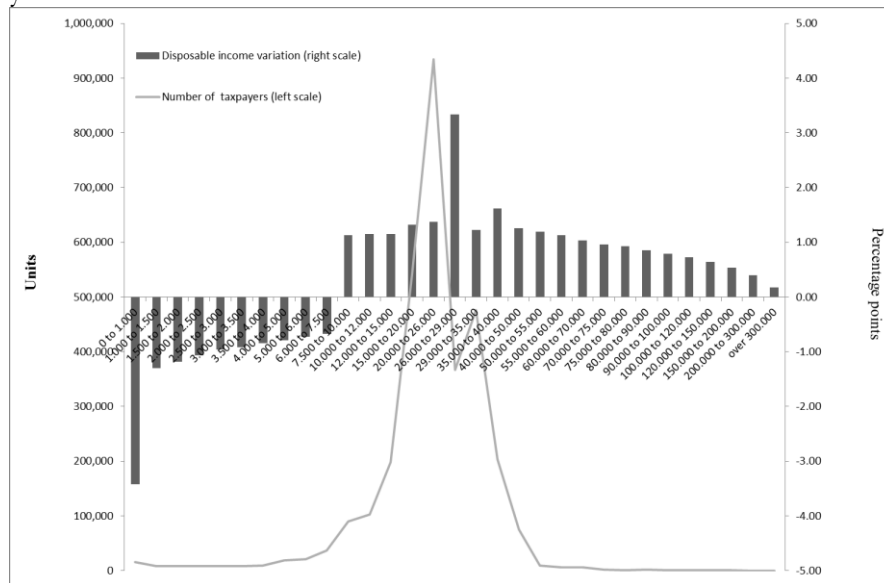
⁴⁵ See D'Amuri, F. and M. R. Marino (2008) 'La detassazione del lavoro straordinario in Italia: prime valutazioni', *Politica Economica*.

⁴⁶ This figure is to be considered net of social security contributions, so that €3,000 becomes roughly €3,303 and €3,314, gross of contributions equal to 9.19 or 9.49 per cent.

⁴⁷ Value obtained by measuring the overall amount of tax cuts as provided for by the 2016 Stability Law and the 2017 Budget Law (respectively €600 and €400 million per year for a total of €1 billion) relative to the total value of net income from employment in 2015 estimated by Istat's Continuous Labour Force Survey. The only contribution relating to the 2017 Budget Law is below 0.2 per cent. The assessment is based on the assumption that gross wages (and labour costs) do not change for firms; the reduction of tax provisions could partly work to the advantage of firms if they can appropriate some of the benefits by agreeing on a lower gross wage with their workers.

benefited from the fiscal incentive. People with an overall income of less than €7,500 per year have not benefited, since they have an effective marginal tax rate that is anyway lower than flat 10 per cent rate. For incomes above this threshold, the benefits included an increase in disposable income of around 1 per cent (Figure 8).

Figure 8. Taxpayers benefitting from fiscal incentives on decentralized wages, year 2014



Source: Ministry of Economy and Finance

There were particularly high gains for those with a total income of just over the threshold of €24,000, since for them the tax bonus introduced by Legislative Decree 66/2014 (the Renzi bonus) reduces rapidly when income rises, leading to high effective marginal tax rates.⁴⁸

Almost all the tax cuts are attributable to income tax rate being lowered, while the total exemption on welfare payments would be a marginal cost for the public finances (€4.5 million per year is the cost estimated by the General Accounting Office). However, the rapid spread of these components following the introduction of the incentive might lead to a greater loss of revenue. The initial analyses of the firm-level contracts deposited following the reintroduction of the fiscal incentives by the 2016 Stability Law⁴⁹ show that the

⁴⁸ See Banca d'Italia (2014) 'Annual Report, 2013, Chapter 13, The public finances, p. 169.

⁴⁹ Mosca, D. (2016) 'Prima analisi dei premi di risultato dopo la detassazione 2016', Bollettino Adapt.

bonus structure is unchanged compared with the previous year; in contrast, the number of contracts that provides for converting performance bonuses into welfare services has increased.

Although, over the years, there has been no shortage of attempts to make the possibility of benefiting from these tax cuts conditional on the existence of a quantitative link between pay and productivity indicators,⁵⁰ or on the presence of some clear cases of organizational reform, the real effectiveness of these provisions is doubtful, given how difficult it is to verify whether they are effectively enforced; there is currently a high share of supplementary contracts that provide for fixed-amount payments.

Following the reintroduction of tax cuts in 2016, on 14 July 2016 the social parties signed a framework agreement including a model for a territorial agreement to be used to access tax concessions, also by smaller firms not represented by trade unions. In these cases there is a heightened risk that the fiscal incentives do not lead to productivity spillovers and greater involvement of workers in the production process.⁵¹

5. Conclusions

There has been a further fragmentation in industrial relations over the last two years, due to the proliferation of the number of employment contracts signed by minor and not very representative organizations. If on the one hand these developments have broadened the margins of flexibility concerning wage and work organization, on the other hand they have further increased the system's complexity and uncertainty. In contrast, with regard to NCLAs signed by more representative organizations, there has been a gradual move away from the arrangement defined by the 2009 framework agreement; many renewals have seen a lengthening of the duration of contracts, and in a few but important sectors there has been a return to ex-post inflation indexation mechanisms. These trends have increased the risks of deflationary trends and of prolonged weak price growth over time.⁵²

In contrast, the role of decentralized bargaining has changed very little, in that it remains secondary and subordinate to the provisions decided at national level. If it played a great role in deciding on wages and work organization, there could be a better alignment between wages and productivity and some rigidities in national bargaining could be eased, especially regarding the insufficient wage

⁵⁰ At the moment the interministerial decree of 25 March 2016 delegates the definition of these criteria to collective bargaining.

⁵¹ Tommassetti P. (2016), 'Detassazione 2016: il ritorno degli accordi 'fotocopia' di livello territoriale', in *Bollettino Adapt*, 19 October.

⁵² See Sestito (2017), op. cit.

flexibility, the long duration of contracts and the presence of indexation mechanisms. In this regard, the provision of procedural rules would help – possibly applicable at legislative level too, with a view to greater legal certainty – aimed at guaranteeing the possible prevalence of firm-level agreements over the provisions of the national contract, including the possibility of opting out from the wage levels established by the NCLA.

The provision of tax incentives, in favour of the portion of the wage agreed at decentralized level – and as such expensive and a source of potential distortions in the tax collection system that risks becoming regressive in a disorderly way – has so far had a limited effect on encouraging the spread of firm-level bargaining. In this regard, the fact that these incentives, in the form of a reduction in social security contributions since 1997 and of personal income tax reduction since 2008, have been relaunched over time with interruptions and frequent changes in the eligibility requirements, the number of beneficiaries and the incomes subject to them, has also played a part in discouraging firms from adopting long-term plans.

Effects of Occupational Hazards on Workers' Performance in Nigeria's Cement Industry

Ebeloku Ademola I., Akinbode James O., Sokefun Eniola A.¹

Abstract

Purpose. This paper examined the effects of occupational hazards on workers' performance in Nigeria's cement industry.

Methodology. Survey research method was employed in conducting the research: a structured questionnaire was designed and administered to one hundred and eighty-three (183) workers of Lafarge Cement Plant in Sagamu, Ogun State, Nigeria.

Findings. The study revealed that the frequency level of occupational hazards had a significant influence on workers performance; a significant difference exist between performance levels of healthy workers to unhealthy workers; and that safe workers had high tendencies of performing on the job than workers who were unsafe at work in the cement industry.

Research implications – The study established the relevance of workers wellness and safety to workers commitment to duties as predictors of workers' performance.

Originality/Value – The paper advocates the promotion of global standard occupational health and safety practices in Nigeria's cement industry. Specifically, the study emphasises the importance of a healthy workforce and work system, and suggestions were presented for improved occupational health and safety systems.

Paper type: Empirical paper.

Keywords: *Absenteeism, Cement Industry, Hazard, Health, Presenteeism, Workers' Performance.*

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1. Introduction

Workers are central to the achievement of organizational goals and objectives. This centrality becomes threatened irrespective of workers' knowledge, skills, experience and competence, when the workplace is either unhealthy or unsafe for workers' to discharge identified tasks. This implies that workers wellness and safety are critical factors to workplace performance. It is a healthy worker that can be productive and it is only a safe worker that can be comfortable at work to discharge his/her responsibilities. Workers are vulnerable to occupational hazards which often result to a number of health hazards and cardiovascular ailments. This is obvious in the cement manufacturing activities such as quarrying, crushing, blending, and kiln burning. Emissions of pollutants such as noise, dust, gases and vibration when operating machinery are also common occurrences. Potentially, these causes changes in the respiratory tract and impairs pulmonary functions (Tetrick, 2011) as well as industrial accidents and injuries.

Hence, occupational hazards have an enormous negative impact on the health of workers and their performance. Numerous studies have attempted to analyse occupational hazards to identify the resultant factors such as frequent absenteeism and low workers' commitment, and other counterproductive work behaviour. Health and safety hazards as components of occupational hazards affect workers wellbeing and subsequently their levels of work performance. For instance, a study conducted by Okoye, Odumegwu and Omuku (2012) found that most workers in Nigeria were unaware of the hazardous nature of their work environment and the consequences of working in such places without adopting the relevant safety measures. Ahmed and Newson-Smith (2010) discovered that despite the relatively high knowledge of cement factory workers about the adverse health effects of exposure to dust, the use of respiratory protective equipment was poor. Other factors affecting workers' wellbeing and performance in the work environment include illumination, temperature, noise, and atmospheric conditions (Asigele, 2012; Akintayo, 2012; Jagero, Komba & Mlingi, 2012), with recent studies pointing at other significant factors such as impaired working tools and absence of health insurance scheme (Yusuff, Adegbite, Awotedu, & Akinosho, 2014; Brown, McHardy, McNabb, & Taylor, 2011; Bhandari & Adhikari, 2014).

Thus, aside low levels of knowledge to perform a given task (Akintayo, 2012), poor work performance can be attributed to a combined effect of health and safety hazards which could lead to health challenges or deter workers from exercising the expected level of work commitment. Specifically, this study examined the effects of occupational hazards on workers' performance in

Nigeria Cement Industry using Lafarge Cement WAPCO Plc., Sagamu, Ogun State, Nigeria. The specific objectives are:

- i. to assess the frequency of occupational hazards on workers performance in Nigeria's cement industry;
- ii. to examine how workers' health contribute to performance level in Nigeria's cement industry; and
- iii. to evaluate the effect of workers' safety on work performance in Nigeria's cement industry.

The following null hypotheses were stated for this study:

H₀₁: There is no significant relationship between the frequency level of occupational hazards and workers' performance.

H₀₂: There is no significant difference between the performance level of healthy workers and unhealthy workers.

H₀₃: There is no significant relationship between the safety of workers and work performance.

2. Literature Review

Occupational Hazards

Hazard is a condition, object, activity or event with the potential of causing injuries to people, damage to equipment or structures, loss of material, or reduction of ability to perform a prescribed function (Ilias, Stephen, Michel, Dave, Carmela, Michel, & Clément, 2009). Ahmed, Dosoki, and Nasr (2012) defined hazard as the presence of materials or conditions that have the potential of causing loss or harm or a combination of the severity of consequences and likelihood of occurrence of undesired outcomes. As clarified by Meenesh (2014), hazards in cement production processes can be classified into three (3) categories namely: (a) Routine and general hazards, (b) Special hazards during the cement production and (c) Special hazards as a result of the work environment.

Table 1. Classification of Hazards in Cement Production Processes

Routine and general hazards	Special hazards during the cement production	Special hazards as a result of the work environment
<ul style="list-style-type: none"> • Safe behaviour • Environment, work and passage areas • Work equipment • Safety labelling • Personal Protective Equipment (PPE) • Manual load handling 	<ul style="list-style-type: none"> • Quarrying • Crushing • Clinker production • Milling processes at raw mill, cement milling and coal milling • Material transport • Filtering • Storage • Loading and delivery of final products • Fuel storage activities • Use of hazardous material • Generating units 	<ul style="list-style-type: none"> • Dust • Noise • Fire • Emergency response

Source: Meenesh (2014)

Ford and Tetrick (2011) described occupational hazards as ‘aspects of one’s occupation-specific context that increase the risk of injury’. Occupational hazards refer to the potential risks to the health and safety of those who work outside the home. According to Chandrasekar (2011), unsafe and unhealthy workplace environment, especially in terms of poor ventilation, inappropriate lighting, excessive noise among others, affect workers performance. Generally, the causes of occupational accidents are classified as unsafe conditions and unsafe behaviors (Sadullah & Kantan, 2009). Oketunji (2014) remarked that the absence of health and safety system at workplace makes the employees easy victims of occupational hazards that could depress morale and productivity. In any workplace, the safety of employees should be a priority whether one works in a low- or high-risk job (Oketunji, 2014). Occupational safety aims to prevent the accidents caused by the unsafe behavior of the employees and/or the unsafe work environment, and to create a safe working environment. In this context, safety researches advocate for adaptive employee safety behavior,

either directly or indirectly. Violation of safety rules escalates workplace hazards that impede the performance of the worker. Health hazards refer to potential risks to the workers' health occasioned by environmental activities which are capable of exposing workers to various diseases. One's occupational role determines to a large extent what one is expected to do and the hazardous nature of the tasks one must perform, thus highlighting the variations in health hazard exposures (United State Department of Labour, 2008; Bureau of Labour Statistics, 2010).

Questions have been raised on the importance of ensuring a healthy workforce. Specifically, Bevan (2010) explored the relationship between employee health and employee commitment and found that healthy employees are more committed. Healthy employees – whose physical and psychological wellbeing is good – can demonstrate higher levels of commitment than those who are less healthy. They tend to work harder and are more willing to deploy 'discretionary effort'. In addition, they tend to exhibit lower rates of sickness-related absence. Barber, Hayday, and Bevan (1999) found that low levels of employee commitment led to higher levels of absence. Studies on occupational health hazard have indicated that the extent of occupational injuries is severe. Healthy workforce correlates with lower sickness absence rates, which translates to significant cost savings for employers. For instance, Aribigbola, Fatusin and Fagbohunka (2012) reported that health concerns of the work force come to the fore as hazards remained a serious threat to many workers in the discharge of their responsibility in the process of sand blasting, stone crushing, drilling, quarrying and tunneling through the earth crust.

Workers' Performance

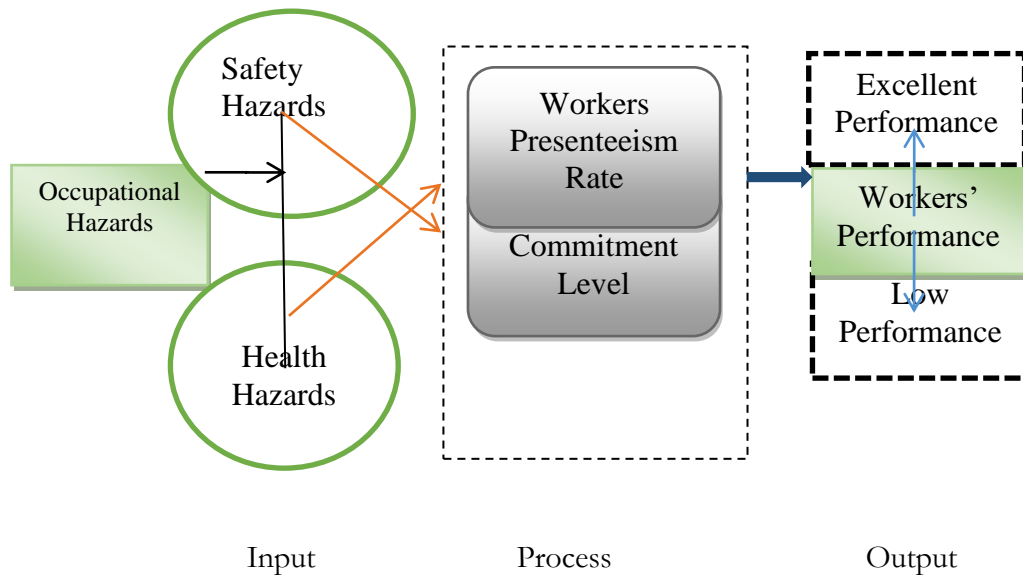
Work performance has been one of the important variables that has generated substantial empirical studies (Jankingthong & Rurkkhum, 2012). Byars and Rue (2006) define performance as the extent to which an employee accomplishes the tasks that make up his or her job. It is the extent to which worker is able to accomplish the task assigned to him or her. Workers performance can be defined as the measurement of how well or poorly an employee has accomplished a task (George & Jones, 2012). Workers' performance is the level of individual workers productivity in relations to job expectations (Babin & Bolos, 1998), such performance could be judged excellent, good, average or poor when expectations are compared with actual output. Performance in this sense relate to task performance which is behavioural oriented depending on the attitude of job holder towards the work (Borman & Motowidlo, 1997; Werner, 2000). Individual performance refers to the amount of effort, initiative

and absenteeism, maintenance of standards and commitment displayed by individuals while performing the job tasks (Ivancevich & Matteson, 1996). Worker's performance is the degree to which employees accomplish work requirements. Workers effectiveness and efficiency are the two major components that determine level of workers performance. Workers effectiveness is a measure of the degree to which an employee achieves his/her set objectives and goals while worker efficiency has to do with the employee achieving his/her objectives or set goals with proportionally few resources. To achieve the objectives of task performance, workers must be available and committed. Allen (2008) and Escorpizo (2008) conceptualized work performance from the perspective relevant to this study as they investigated the domains of absenteeism and presenteeism. They opined that absenteeism is counterproductive work behaviour which is capable of undermining expected work performance level. It is thus obligatory for employers to provide a safe workplace for employees to increase their efficiency and productivity, thus contributing to mitigating the incidence of negligence, associated accidents and injuries.

Conceptual Framework

The researchers' framework implies that occupational hazards can affect the level of workers performance. It assumes that occupational hazards consist of two components that is, safety hazards and health hazards. These types of hazards can engender workers' absenteeism and low commitment to work and subsequently influence workers' performance. (See model in figure 1)

Figure 1. Conceptual Framework: Effects of occupational hazards on workers' performance



Source: Researchers' Conceptualization (2017)

Based on the review of literature relating to occupational hazards and workers performance, the researchers' developed a conceptual research model (Figure 1) suggesting that occupational hazards affect workers performance. Performance in this study is considered as composite of two elements, namely workers' presenteeism rate and workers' commitment level. Assurance of these two elements indicates high performance otherwise low performance. In this wise, workers' performance is related to the extent to which a job incumbent is able to accomplish the task assigned to him or her. It is thus perceived to be behavioural in nature and that was why Hillriegel, Jackson and Slocum (1999) perceived it as individual's work achievement after having exerted effort. Over time it has been described as a multidimensional construct consisting of more than one kind of behaviour such as presenteeism and commitment to work.

Absenteeism is defined as time away from work due to incidental reasons or health problems. In the literature, most studies concerned with employee health specify absence due to illness (Steel, 2003). It represents an objective outcome measure related to employee health and a measure of lost productivity. Absenteeism results in considerable costs for organizations. From the perspective of this research, absenteeism is treated as absence due to sickness or accidents resulting from related working conditions within organizations. Poor working conditions such as exposure to heat, dust, gasses,

noise, or unsafe working conditions. Scholars have examined a wide range of absence antecedents, with particular emphasis on work-related risk factors such as safety and health hazards. Although empirical findings regarding the hazards-absence relationship is inconsistent (Darr & Johns, 2008), and as noted by Aldana (2001), the impact of such conditions on absenteeism remains inconclusive. Workers' presenteeism is in terms of presence at work as opposed to absence measured by meeting job deliverables which will contribute to performance. For instance, irrespective of workers competence level without presence at work little or nothing can be achieved. When a worker suffers occupational hazards, such worker would have to be hospitalized which might keep the workers out of job for extended periods thereby leading to workers' absenteeism.

Commitment is a state of psychological attachment that defines the relationship between an actor (worker) and an entity (Chaudhuri, 2009). Workers commitment here entails the level of job involvement (Lodahl & Kejners, 1965). It includes the willingness of worker to be devoted to work (Agba, Nkoyen & Ushie, 2010). Workers commitment is a function of many variables including, characteristics of job situation and the work environment (Agba, Nkoyen & Ushie, 2010). Workers commitment could also be influenced by the level of job involvement or the responsibilities of the worker (Lodahl & Kejners, 1965). However, one of the factors germane to workers commitment level is the workers' health status and safety consciousness. Markovits, Davis, Fay and Dick (2010) described workers commitment as the strength of an individual's identification with and involvement in a particular organization. Angle and Perry (1981) reported that workers commitment increases performance. Workers with strong commitment have high work effort and strong job performance outcome (Leong, Randall & Cote, 1994; Baugh & Robert, 1994). Naser, (2007) asserted that when employees are dissatisfied at work, they are less committed. Such dissatisfaction could be as a result of the hazardous nature of their work activities perceived to be unhealthy and unsafe. Based on the above positions, it is established that committed workers tend to devote higher efforts to work.

Theoretical Framework

Considerable theoretical grounds can be linked to occupational hazards and workers performance. First is the Cognitive appraisal theory of Richard Lazarus (2000) which emphasizes the appraisal of information from several sources. Appraisal involves cognition, or the processing of information from the environment, the body, and the memory. Such appraisal could be from individual's interpretation of the events in their lives as harmful, threatening, or

challenging and their determination of whether they have the resources to effectively cope with the events. Furthermore, memories of past encounters with similar situations, dispositions to respond in certain ways, and consideration of the consequence of actions that might result from the emotional state are all part of appraisal. In the opinion of Lazarus, such events could be primary or secondary appraisal. In primary appraisal, an individual interprets whether an event involves harm or loss that has already occurred, or the threat of some future dangers, or even a challenge to be overcome. Case of health or safety hazards is a threat. In secondary appraisal, individuals evaluate whatever resources available to them and determine how effectively they can be used to cope with the event. The secondary appraisal depends on the degree to which the event from the primary appraisal was appraised as harmful threatening, or challenging. Occupational hazards as a challenge during primary appraisal paves the way for such during secondary appraisal but people sometimes do not have the adequate resources for coping with an event that is seen as challenging. As a result, these individuals then find that they are able to reduce the intensity of the disturbing emotional feelings which result in either absenteeism from work or reduction of work commitment level.

Cognitive System Engineering theory is another theory that explains the issues under our investigation. It covers a broader spectrum of issues as it affects workers as regards individual, socio-economic and environmental factors. He used three zones to explain workers behaviour in various work hazard conditions: Zone I or the safe zone, Zone II or the hazard zone, and Zone III or the loss of control zone. Emphasis was placed on workers operating within the safe zone, work activities can be excellently performed. The workers working in the Hazard zone (Zone II) are taken to be working at the edge. The theory describes Zone II as hazard zone which could result in traumatic, exposure, and/or ergonomic type injuries as well as fatalities. Zone III is the loss of control zone where accidents occur more frequently, and control is lost leading to injuries and/or fatalities. In this case, when it occurs, workers adopts counterproductive work behaviour such as being absent from work and low commitment to work.

Since health and safety plays an influential role in workers performance, the review of these theories highlights occupational hazards as the most probable cause of absenteeism, low workers commitment, and low level performance because it places unhealthy and unsafe dynamics on workers.

Empirical Framework

Health and safety hazards experienced by individual workers are part of the understanding of occupational hazards. Research has suggested that health and

safety hazards affect workers presenteeism and commitment to work, which directly determines workers performance. Existing studies have really discussed occupational hazards on workers and organizational performance (Becker, Billings, Eveleth & Gilbert, 1996; Ricci & Chee, 2005; Ahmed & Newson-Smith, 2010; Bevan, 2010; Kanten, 2013). But no study exist that deals with the effects of occupational hazards on workers performance in Lafarge Cement WAPCO Sagamu, Ogun State. Some of the existing studies are presented below:

A lot of studies have established the link between workers commitment and performance. For instance, Brown, McHardy, McNabb and Taylor (2011) concluded that workers commitment has been observed as a central feature in high performance workplace literature. Becker, Billings, Eveleth and Gilbert (1996) found that workers commitment is strongly linked to their performance. Okoye, Odumegwu and Omuku (2012) in their study discovered that most workers in Nigeria were unaware of the hazardous nature of their work environment and the consequences of working in such places without adopting the relevant safety measures. Ahmed and Newson-Smith (2010) discovered that despite the relatively high knowledge of the cement factory workers about the adverse health effects of exposure to dust, the use of respiratory protective equipment was poor. A leading factor has been the work environment with emphasis on illumination, temperature, noise, and atmospheric conditions (Asigele, 2012; Akintayo, 2012; Jagero, Komba & Mlingi, 2012), with recent studies pointing at other significant factors such as malfunctioning working tools and absence of health insurance scheme (Yusuff, Adegbite, Awotedu, & Akinosho, 2014; Brown, McHardy, McNabb, & Taylor, 2011; Bhandari & Adhikari, 2014).

Mannan (1996) discovered that a high rate of absenteeism was an important cause of loss in production. In a related study, Onakoya (2006) discovered that workers absenteeism significantly affect workers performance. In different studies, Allen (2008) and Escorpizo (2008) found out that absenteeism is a counterproductive work behaviour which undermines work performance level. Marzec (2013) in his study linked frequent workers absenteeism to occupational risks and hazards at work. Ricci and Chee (2005) found that employees with these kinds of medical conditions like heart disease, hypertension, diabetes and some cancers are likely to have higher absenteeism than healthy employees. Biron and Bamberger (2012) found out in their study that perceived job hazards and exposure to critical incidents are positively related to subsequent absenteeism.

In a related study, Ahmed and Newson-Smith (2010) investigated knowledge and practice related to occupational hazards among cement workers in United Arab Emirates and discovered that majority of the workers knew that exposure

to the dust was a serious hazard to their health. Kantan (2013) investigates the relationship among the safety climate, working conditions, safety behaviour, occupational accidents and injuries. He discovered significant relationships between safety climate and safety behaviours. Aribigbola, Fatusin and Fagbohunka (2012) discovered that poor environment is of serious health concerns to work force and with reference to cement plants, such threat to workers health include sand blasters, stone crushers, those involved in drilling, quarrying and tunnelling. Thus, a satisfactory working environment translates to a healthy workforce (Bjerkan, 2010; Kantan, 2013). An unfriendly work environment as noted by Garcia-Herrero, Mariscal, García-Rodríguez, and Ritzel (2012) is capable of causing occupational hazards. In a related study carried out by Leigh (1991), he found out that workers' engaged in dangerous jobs report more absence in a year than those who work in safe environment.

3. Methodology

Data, Method and Justification

According to Cement Manufacturing Association of Nigeria (CMAN) eight (8) cement producers operated in the country as at 2015. The choice of Lafarge WAPCO Sagamu was influenced by a number of factors such proximity to the researchers' base and because of the value the plant places on health and safety which are related to this study. Lafarge WAPCO is known for putting values such as health and safety, respect for employees, and environmental protection at the forefront of its business operations (Lafarge Cement WAPCO Nigeria Annual Report, 2013).

Survey research design method was used in this study. This involves a systematic data collection and presentation of data to provide explanation to this particular phenomenon. The survey method is employed to present facts concerning the relationship between occupational hazards and workers performance, as it exists at the time of the study. A self-designed questionnaire with three (3) sections namely; socio-demographic characteristics, occupational hazards and workers performance was reviewed by four researchers/lecturers in the Department of Educational Evaluation, Obafemi Awolowo University, Ile-Ife, Osun State. Corrections were effected based on their critique and observation in terms of ambiguity, relevant, well-structured and clarity of the questionnaire to the respondents, before the final draft of the instrument was produced.

Based on their inputs, a close-ended questionnaire was developed; with section "A" comprising six (6) items seeking socio-demographic data such as age, sex, status, level of education etc. Section "B" consists of eleven (11) items, which

sought to collect information about occupational hazards and Section “C” contains eleven (11) items on workers performance and an open question. The permanent workers in the plant constitute the population of study which was 555 while the sample was based on 33% of the staff strength. Owojori (2002) opined that a good sample will represent at least 10% of the total population. In this case 183 represent 33% of the total population under study. These participants were purposively drawn randomly from the different units to make up the sum based on the willingness of the workers to participate in the survey (See the last segment of Table 2 for details on this). The respondents were given the questionnaire in their place of work. Instruction on how to fill the questionnaire was given. Confidential treatment of information was assured. With regard to the scoring of responses, the first section of the questionnaire required no score attached to it, since the information required are demographic data of the subject. The second and third section that is “B” and “C” were ranged from 5-1 point scale in the following pattern. Strongly agree – 5, Agree – 4, Indifferent– 3, Disagree – 2 and Strongly disagree – 1. The questionnaires were administered on the workers during work breaks on three visits with the aid of the factory manager based on sample design. Satisfactorily returned questionnaires were analysed electronically through statistical analytical techniques like frequency distribution, percentage and t-test.

4. Results and Interpretation

Table 2. Socio-demographic Characteristics of Respondents

Variables	Filters	Frequency	Percentage
Gender	Male	92	50
	Female	91	50
Total		183	100
Age	21 – 25	46	25
	26 – 30	74	40
	31 – 35	63	35
Total		183	100
Marital Status	Single	105	57
	Married	78	43
Total		183	100
Highest Educational Qualification	SSCE	43	23
	Diploma	58	32

	BSc/BA/HND	82	45
Total		183	100
Work Experience	Less than 1 years	24	13
	1 – 5 years	79	43
	6 – 10 years	80	44
Total		183	100
Workers Location/Unit	Quarrying	36	20
	Crushing	37	20
	Clinker	36	20
	Milling	32	17
	Filtering	42	23
Total		183	100

Source: Field Survey (2017).

From the findings of the survey as depicted in Table 2, gender variable revealed that 50% of the respondents were males and 50% were females. This revealed that gender is not a factor in cement production activities; it is an activity that can be done by either sex. On age variable, 25% of the samples were within age spread of 21-25 years, 40% were between 26-30 years while 35% of the sample falls into 31-35. Hence, majority of the respondents are in their late 20s. This age bracket is regarded as the active period of human life since high sense of maturity is required for such production activities. On marital status variable, 57% of the respondents were single, while 43% were also married. By implication majority of the respondents were single as against married. This was a good blend for the firm workforce as cases of lateness; excuses of children attention, maternity, among other issues common with married folks will be minimal. Educational qualifications of the respondents revealed that 23% of the respondents were SSCE holders, 32% are Diploma holders, while 45% were graduates. It can be deduced that majority of the respondents were graduates making of enlightened workforce in the plant. Also from the table, 13% of the respondents had less than a year work experience, 43% had 1-5 years, and while 44% had 6-10 years. Hence, majority of the respondents had 6-10years' work experience. It is a good sign that respondents would be experienced workers on the job. Lastly on this segment was respondents work locations/units, the table shows that 20% of the respondents were in quarrying unit, 20% were in crushing unit, 20% are in

clinker unit, 17% are in milling unit while 23% were in filtering unit. Therefore, all the work locations and units in Lafarge Cement WAPCO Sagamu were duly captured.

Summary of hypotheses

For hypothesis 1: The t-test summary table showing the frequency level of occupational hazards and workers' performance.

INDEX of Occupational hazards	N	MEAN	S.D	df	T	P
Frequent occupational hazards	100	43.71	5.34	181	5.146	<.05
Infrequent occupational hazards	83	49.89	10.49			

The result shows that frequency level of occupational hazards has a significant influence on workers' performance ($t = 5.146$; $df = 181$; $p < .05$). Workers with frequent occupational hazards have a mean value of 43.71 while workers with infrequent occupational hazards have 49.89. This shows that workers with infrequent occupational hazards will significantly be committed to their work and perform better on the job than workers with frequent occupational hazards.

For hypothesis 2: The t-test summary table showing the workers' health status on work performance level.

Workers health status	N	MEAN	S.D	Df	t	P
Healthy	104	44.92	8.86	181	-2.917	P<.05
Unhealthy	79	48.61	7.91			

The result shows that there is a significant difference between the performance levels of healthy workers when compared to unhealthy workers. ($t = -2.917$; $df = 181$; $p < .05$). This means that workers with low performance were unhealthy while those that are healthy have high performance. Workers with low performance have a mean value of 48.61 while workers with high performance have a mean value of 44.92. This shows that worker's performance level is significantly determined by worker's health status.

For hypothesis 3: The t-test summary table showing workers' safety and work performance.

Safety of Workers	N	MEAN	S.D	df	t	P
Safe	94	47.53	8.77	181	1.647	<.05
Unsafe	89	45.44	8.41			

The result shows that safe workers have high tendencies of performing on the job than workers who are unsafe at work. ($t = 1.647$; $df = 181$; $p < .05$). Workers that have sense of safety have a mean of 47.53 while workers who are unsafe at work have a mean value of 45.44. This shows that there is significant relationship the safety of workers and work performance.

From the three (3) hypotheses, the framework above is affirmed, that is on the relationship between occupational hazards and workers performance elements (workers presenteeism and commitment).

5. Discussion of Findings

The research findings for this study indicated that occupational hazards were bad and need to be well managed in order to ensure workers' performance. The occurrence and frequency of occupational hazards reduces workers' level of performance. Result from the first hypothesis test confirmed this ($t = 5.146$; $df = 181$; $p < .05$). Workers with infrequent occupational hazards will significantly perform on the job than workers with frequent occupational hazards. More so, it was found that low workers' performance is attributable to the absenteeism of workers. The finding shows that workers performance is significantly determined by their presence at work. This is in line with the findings of Angle & Perry (1981), Leong, Randall, & Cote (1994), and Baugh & Robert (1994) which reported significant link between workers presence to increased performance.

Finding of the survey also revealed that workers' health status significantly affects work performance level. The second hypothesis tested revealed ($t = -2.917$; $df = 181$; $p < .05$) by implication workers with low performance are often unhealthy. This is in consonance with the opinion of Bevan (2010) which observed the relationship between employee health and employee performance and discovered that healthy employees perform better on the job.

The survey also revealed that workers absenteeism is as a result frequent hazards which affect workers performance. This is in consonance with the views of Mannan (1996), Onakoya (2006), Allen (2008) and Escorpizo (2008) which in their separate opinion linked absenteeism to workers' performance and confirms that workers' absenteeism will reduce performance level.

Another major finding was on workers safety and work performance. The study discovered that unsafe act which lead to occupational accidents contribute to low workers performance. Hypothesis three affirmed that safe workers have high tendencies of performing on the job than workers who are unsafe at work. This position is consistent with the views of Sadullah and Kanten (2009) and Chandraseker (2011) that unsafe acts affect workers' performance.

6. Conclusion

Cement manufacturing industry is known for wide range of hazardous activities compared to other industries, and as such requires special attention towards health and safety to improve workers' performance. From the perspective of this survey, it can be construed that health and safety hazards affect workers presenteeism and commitment to work. Workers wellness plays a significant role on their performance. A healthy and safe worker will desire to report for duty as expected of him/her and put in his/her best at work, but unhealthy and unsafe workers will feel demoralized and record high rate of absenteeism and low commitment which in turn reduces the performance level of worker.

From these findings, it suffices to conclude that occupational hazards are an important contributor of workers' absenteeism and low commitment especially when it is perceived as threatening to their wellbeing. Frequency of occupational hazards was observed to be the main cause of workers absenteeism and low commitment to work and it affects both the life of the employee and their performance level. To make a workplace healthy and safe, management must promote healthy and safety culture among workers.

7. Recommendations

The following recommendations have been outlined which will be useful in assisting the company and other related companies, and industries.

1. Occupational hazards are not good for workers' and should be minimized to improve workers' performance.
2. In as much as workers' health contributes to performance level, management of Lafarge Cement WAPCO, Sagamu should maintain and improve health system in the organization to improve workers' performance.
3. Management and workers' of Lafarge Cement WAPCO, Sagamu should place high preference on both organization and individual

safety. Protective gadgets must be provided by management and the use of those gadgets at all times must be encouraged and enforced on workers.

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From Confined to Co-working Spaces: New Rules and Identities for “Workplaces”

Giada Benincasa ¹

Abstract

Purpose. This commentary reflects upon polluted or confined spaces as, contrary to common belief, are issues of public concern.

Design/methodology/approach. The “inside/outside the workplace” distinction is called into question in today’s labour market.

Findings. The scope of the rules that safeguard employee health and safety is limited when applied to new forms of employment (e.g. agile working). Therefore, further provisions might be laid down which supplement existing ones, with this aspect that brings consequences at the time of establishing responsibilities.

Research limitations/implications. One way to prevent the risks associated to new forms of employment affecting one’s identity and relations at work is to rethink the new workplaces.

Originality/value. An innovative approach could be provided by Legislative Decree no. 231/2001 laying down a new organisational and management model, which sets forth administrative responsibilities and represents a tool to promote workers’ health and safety and organisational wellbeing

Paper type. Commentary.

Keywords: *Workplace, industrial relations, Italy, Occupational Health and Safety.*

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New Rules and Identities for “Workplaces”

Does the “inside/outside the workplace” distinction still hold nowadays? This is the question that labour practitioners are faced with when evaluating the impact of state-of-the-art technology on occupational health and safety (OHS). The question bears relevance if one considers that Italy’s consolidated legislation on OHS has been in force for 10 years now. Therefore, it is only fitting to reflect upon polluted or confined spaces as, contrary to common belief, these are issues of public concern. With the definition of a workplace becoming increasingly fluid, there is a risk that a number of aspects featuring work in the 20th century are no longer germane. This could be true for the notion of an “office,” but also for those relations, roles, identities and protection schemes that are established within the working community. Today’s rapidly-changing labour market features self-employed workers who organise their work and hours autonomously, salaried employees with a fixed work schedule struggling to achieve a better work-life balance and, sadly, working contexts that come under the limelight only because they are the scene of serious and deadly accidents. We should consider the latter at the time of laying down new rules that safeguard current and ever-changing work. They cannot be defined as workplaces in a strict sense, because they are merely physical spaces where work is performed, without any opportunities for establishing human relations.

In the views of lawmakers, Italy’s legislation governing confined spaces or allegedly polluted areas should have provided a modern set of rules which – rather than addressing individual workers with little to no success – would set down a fully-fledged certification system for companies. In other words, the aim was to come up with a tool that helped to exclude from the market those firms that were unable to ensure the health and safety of workers performing maintenance and cleaning tasks, particularly when these services were outsourced.

In this sense, Article 27 of Legislative Decree no. 81/2008 lays down a certification system for both employers and self-employed workers helping to single out those with the necessary health and safety qualifications to perform work in a given industry, the latter being assessed along specific standards.

The Permanent Consulting Body on occupational health and safety established pursuant to Article 6 of Legislative Decree no. 81/2008 has set down the list of industries and relevant criteria “*aimed at defining a certification system for employers and self-employed workers related to occupational health and safety which considers the expertise and the skills they developed, also following specific training.*” In this sense, the following industries and forms of employment have been given priority over others: the building and the textile industry, that concerning surgical

equipment, agency work, call centres (that is, economically-dependent workers), collective catering, transportation, private security and confined spaces. As for the latter, outsourcing is prohibited, unless expressly consented by the client and certified pursuant to Title VIII, Par. I of Legislative Decree no. 276 of 10 September 2003, as amended subsequently.

In the event of outsourcing concerning work to be performed in confined spaces or allegedly polluted areas, Presidential Decree No. 177/2011 – which lays down the criteria to identify a certification system for businesses and self-employed workers operating in confined spaces – has attempted to limit the use of temporary and unqualified workers, encouraging the recourse to permanent and qualified staff to step up OHS prevention. The system referred to above has also produced results in terms of organisation, wellbeing and corporate social responsibility, for instance, focusing on the distinction between *space* and *place*, which is well-known in sociological literature (see Marc Augé). The former has a neutral and transitory character, while the latter is where we establish relations that promote the relevance of the individual over the context where work or tasks are performed.

A nice example of the above is the comparison between confined spaces – which by definition are closed and dangerous – and co-working spaces that, open though they may be, are dangerous in that they lack identity, community and relational interactions among people. In a word, they are “non-places.” The truth is that effective OHS prevention requires the converting of spaces – i.e. transitory areas – to places – i.e. workplaces – that feature professional profiles, roles and networks. Referring to places as identity-bearers makes it possible to overcome today’s limits when dealing with mere “workplaces.”

Indeed, with the distinction between the workplace and the outside being less and less relevant, there is the risk of undermining employee health and safety and workplace identity, the latter serving as an enabling factor to establishing relations and promoting wellbeing and a sense of community.

Paradoxically, while being more likely to generate health-related risks for workers, confined or allegedly polluted spaces enjoy higher levels of protection, precisely because these risks are defined and detailed in relevant legislation.

Yet a number of practical issues exist that concern work organisation in the event of confined or allegedly polluted spaces. On the one hand, the scope of the rules that safeguard employee health and safety is limited when applied to new forms of employment (e.g. agile working). On the other hand, further provisions might be laid down which supplement existing ones, with this aspect that brings consequences at the time of establishing responsibilities.

One way to prevent the risks associated to these new forms of employment affecting one’s identity and relations at work is to rethink the new workplaces,

making them more open and flexible by means of innovative provisions and institutional tools (e.g. welfare schemes put in place at the company level, forms of union representation applying collectively).

Indeed, co-working facilities and open-plan offices can be included among those workplaces identified by the Permanent Consulting Body referred to above. In this sense, employers who are willing to create such spaces need to be awarded certification and have their business organisation reviewed in order to comply with certain health and safety standards ensuring organisational wellbeing.

To this end, an innovative approach could be provided by Legislative Decree no. 231/2001 laying down a new organisational and management model, which sets forth administrative responsibilities and represents a tool to promote workers' health and safety and organisational wellbeing. This is because this model provides the main criteria and responsibilities to ensure effective management (in terms of information and training) at the time of accessing confined and allegedly polluted spaces or implementing agile working arrangements. Finally, overhauling the way health and safety is managed in order to prevent occupational accidents and emergency situations would also produce benefits in terms of work productivity and organisational efficiency. This is the case because health and safety would be improved in practical terms, while certification would help to better select employers in these sectors, thus excluding those firms operating in the grey area and in poor working conditions, which in turn affects the working rights of employees

University Guidance: in search for a New Educational Approach to inform Italian Higher Education

Daniela Sideri, Giovanna Campanella ¹

Abstract

Purpose. The purpose of this paper is to draw a conceptual analytical framework to help understanding university guidance as a sociologically relevant issue and a matter of educational and active learning strategies, that needs to be redesigned through adequate policy interventions, so as to primarily promote the development of metacognitive skills and eventually positively impact the phenomenon of NEETS and graduates' employability.

Design/methodology/approach. The paper analyses the current Italian policies on guidance, and presents a literature review accounting for those teaching experiences and practices already known as effective in terms of students' learning and empowerment, thus focusing on employability and project-based learning, active learning and learning patterns.

Findings. The paper advances the proposal of an original, educational model of university guidance, arguing that effective guidance should shift from being extracurricular, as it currently is in Italian universities, to being embedded in curricula, thus becoming part of the learning process.

Research limitations/implications. The research proposes an analytical framework and a policy proposal, inviting future empirical investigation.

Originality/value. The paper contends that existing models of guidance represent an inadequate, incomplete and ineffective approach, due to the insufficient attention paid to a proper educational dimension, hence develops an original model of university guidance built on the already extant division into entry-progress-exit guidance, but substantially renewing each phase with different activities, meant to be compulsory curricular learning activities, and within an integrated organizational framework.

Paper type. Conceptual paper.

Keywords: *University guidance; social inclusion; employability; metacognition; active learning.*

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1. The Social and Sociological Relevance of University Guidance as a Learning Process: from Metacognitive Skills to Social Inclusion

This study is meant to highlight how important it is to give University guidance an “educational” and “didactic” dimension, and to conceive it as a proper learning process and experience, meant to effectively help students in both choosing the right study course after school, and dealing with the difficult transition from university to employment. It is one of the most significant transitions for both the individual and society, as it implies a change in the subject’s social role, which is defined by both his\her own perception and the others’ one: Lewin defined such transitions as “social locomotions”, so as to underline their social relevance (1947). Assuming guidance as a proper part of the learning process, rather than as an extra-curricular “tool” or “service”, gives it an effectiveness otherwise unreachable: only through actual learning, in fact, the metacognitive skills – needed for improving self-regulation, autonomy, self-belief and the ability to *guide* the self towards his own personal, professional, and social development – can be improved.

It is immediately clear that the scientific perspective followed draws on concepts borrowed from educational psychology, but it is still thoroughly sociological, for guidance is conceived as a cross-functional process concerning students’ learning, education, curriculum and employability: professional and *social* inclusion has to be its specific objective and expected outcome. In fact, University guidance can be considered effective as long as it helps students realizing a valuable and successful academic experience, which is preparatory for a satisfactory professional life: is to say, guidance effectiveness needs to be valued and monitored through measuring its impact on achievement motivation and professional (and social) inclusion rather than mere entry or retention rates. In this view, university guidance needs to be rethought as a socially relevant topic, thus a proper sociological research issue, on the one hand, and a matter of higher education policy, on the other.

The analysis starts with the description of the current psycho-technical and diagnostic approaches to guidance that are mainly followed by Italian Universities; subsequent paragraphs critically review literature about learning strategies and tools, so as to eventually design and propose an original “educational” theoretical model of integrated guidance, which is believed to represent a more effective alternative to the current approach to university guidance, precisely thanks to the fact that it involves learning aimed at the development of metacognitive skills.

Metacognitive awareness and skills are to be pursued in order to allow students to orient themselves autonomously, this inscribing the educational

approach to guidance within the framework of the overall growth of the individual and the life-long learning paradigm, too. Metacognition makes students able to properly process the information and proceed in a sensible manner, so as to better understand themselves and become aware of their skills, perceive their competence and control their own attitude and learning, but also draws upon abstract thought to mentally project forward, identify and plan the most suitable paths (Isfol, 2003, 2003b; Grimaldi, 2003; Amoretti & Rania, 2005). In other words, metacognitive skills and self-orientation are supposed to make students able to better choose both their educational path and their professional objectives, which are fundamental goals for successful school-university-employment transitions, and represent a life-long personal inner resource for continuously redesigning the professional self when facing transitions.

The most relevant novelty of metacognitive approach consists of its attempt to stimulate processes of self-regulation by making them explicit in their performance and with respect to their function, on the one hand, and of teaching students more active and effective methods to monitor their cognitive processes, on the other. This might mean making students aware of what happens when they learn and of the reasons why they learn: metacognitive approach aims to develop the ability to directly "manage" one's cognitive processes, by actively directing them according to one's personal operational instructions and assessments. As a matter of fact, the learning process *per se* is constructive and involves re-elaborating and connecting each new piece of information and knowledge to the pre-existing ones, which are, in turn, rearranged according to each new content.

Whilst in the classic conception learning is mainly implemented through formal knowledge and resources provided by each branch of knowledge (through effective strategies to design and implement the educational relationship - *what* and *how*), according to the metacognitive approach teaching should focus on some declarative and procedural knowledge: in other words, job-oriented knowledge as well as logical and methodological procedures, which are fundamental to support acquisition of cognitive and metacognitive skills, together with personal and social competences. This involves: the choice of teaching methods, strategies and techniques that are both adequate for the whole class and personalized; appropriate tools to support the learning process (design of experiments/activities/learning exercises); interdisciplinary approach, since didactics meant to provide students with real guidance should primarily cross branches of knowledge, make students acquire resources useful for making comparisons between their characteristics and one's interests and attitudes. Students should be actively involved in an endless dialectic process, leading to the development of self-observation, self-

direction and self-assessment. The literature review in paragraphs 4 and 5 is precisely aimed at reporting about teaching\learning strategies and specific tools that have proved to be effective in terms of metacognition development and students' empowerment, and that could, thus, well be included in the design of new educational guidance activities, even though they were tested and implemented for purposes others than guidance.

As previously stated, learning strategies and tools aimed at developing metacognition are a cross-disciplinary topic mainly motivated by a sociological interest and aim, as it is considered as a set of skills that can favour graduates' professional and social inclusion, whose rates are mostly insufficient and disappointing (AlmaLaurea, 2017; Istat 2017). As any socialization process, professional socialization involves both formal and informal paths: it is our belief that a major effort in implementing formal processes of professional socialization through the above mentioned job-oriented activities (to be better defined and described in the next paragraphs) at the level of educational Institutions would enable a pre-assessment of professional skills, and would integrate the monitoring of socialization during the actual community of practice represented by the working environment, where mostly interactive (informal) situations can be evaluated in order to assess the development of an expert professional identity. Recent studies carried out on newcomers within communities of practices (Traetta, Annese & Ligorio, 2010) "show a progressive and yet irregular and floating socialization process, during which peripheral and central participation coexist", this implying that irregularities and fluctuation might be limited by the provision of some insights of professional socialization within tertiary education curricula.

2. The Case of Italian Universities: Current Methodological and Practical Approaches to Guidance

The case of Italian Universities is emblematic in terms of how the currently dominant approach to guidance is inadequate and incomplete, hence of how the tertiary education system and the university\work transition could benefit from a shift of paradigm in guidance policies. In fact, and despite the existence of different guidelines that suggest the didactic and educational dimension of guidance should be implemented, University guidance is actually merely conceived in psycho-technical or diagnostic terms; moreover, the tertiary education system suffers from an intrinsic inefficiency due to both labour market pathologies and some inconsistencies in the university offer and the labour market demand for skills, revealed by the phenomena of over-qualification (Sicherman, 1991; Flisi, Goglio, Meroni, Rodrigues & Vera-

Toscana, 2014; Sideri, 2015) and graduates' unemployment (Alma Laurea, 2017), and Neets (Istat, 2017).

The 2013 Agreement and the National Guidelines for lifelong Guidance (2014)² gave universities and educational institutions a central role in creating integrated guidance systems at a local level. They also provided with operational lines to develop good practices: a) *guidance didactics*: to promote the development of a proactive behaviour in the individual (educational aspect); b) *career Information*: to know and interpret the world of work; c) *accompaniment*: to monitor and assist the individual during the transition or the process of choice; d) *career guidance counselling*: to support people's planning through specific professional tools such as Competence Assessment; e) *system actions*: to use different tools within a single project; f) *multilevel Governance*: to “share decision-making processes” and strategies allowing “integrated interventions of guidance [...] at both political-institutional and techno-operational levels”. Despite these guidelines clearly show an interest for the didactic or educational dimension of guidance, they are actually disregarded in University practice.

The threefold idea of guidance that reproduces the three main stages of students' university career (entry, progress and exit), though, finds confirmation in the reality of Italian university. Before enrolling, students are given the opportunity to get in contact with Universities through informative material, both digital and non-digital, so they gather information through the web, and are also invited to take part to meetings and open-days – both at school and at University– aimed at allowing more awareness in choice. University provides them with information and advice about the educational and curricular offer, the professional opportunities related to the study course, and the extra-curricular services available for the students' community.

Progress guidance provided by Italian universities mainly consists of tutoring activities, aimed at bridging the distance between actual entry knowledge and the standards required by the study course, and at facilitating and enhancing courses' attendance, with the ultimate goal of reducing dispersion and failure. In fact, art. 13, par. 2 and 3, law no. 341/90 on university system underlines that: “Tutoring aims at guiding and supporting students throughout their study, at making them actively involved in the training process, at removing obstacles that prevent them from successful attendance, in particular through initiatives coherent with the needs and attitudes of individual students. Tutoring services cooperate with organizations, supporting the right to study, and with students' representatives, giving their contribution to the overall

² Agreement between Government, Regional and Local authorities on the document providing the definition of the national guidelines on lifelong guidance drafted by the Inter-institutional Group - October 20, 2012, file number 136 / CU December 5, 2013. Ministry of Education national guidelines for lifelong guidance - February 19, 2014.

needs of students' cultural education and broader participation in university activities.”

Although progress guidance seems to realize more than a mere informative function through tutoring, it is actually only a set of extra-curricular and optional activities whose main objectives reveal a superficial rather than deep role of guidance, like it happens in the entry phase. Tutoring, in fact, does not follow any specific model and it is entirely entrusted to the discretion of operators, as it does not put in place any actual, shared, formalized strategy to improve student learning, but rather supports students in need with additional material and advices on the specific subject matters. Thus, the service can lead students to organize their university studies better so as enhance retention rates, it is useful to solve some bureaucratic difficulties helping out students, especially freshmen, not to feel out of place, but, despite the well-articulated and scientifically well-established regulatory framework mentioned above (Pombeni, 1990; Grimaldi 2002) no integrated operating model effectively supports freshmen, students or graduates with any actual learning activity to guide the process of transition into, within and out of University.

3. Exit or Career Guidance and Placement Offices towards Novelities of Latest Reform

As far as exit or career guidance is specifically concerned, support to the University\employment transition can be provided throughout experts' advice on how to design professional projects, where to carry out internship and where to search for and actual job, considering both the job market and the skills' match. It is pretty frequent that students are supported with such activities even after graduation, being accompanied as recent graduates and newcomers in finding an appropriate job, throughout the so-called *placement* service carried out by placement offices within universities.

In fact, the Treu law (1997) and the labour reform (the Biagi Law introduced in Italy in 2003) introduced substantial changes within Universities policies: since then, and along with other public and private participants, universities' placement offices started to mediate labour supply and demand.³ This turn can be considered as part of a broader processes of change: on the one hand, the transition from a public welfare system to a welfare society, that is, to a society that takes care of its citizens, gives people a wider range of choices

³ With the law 197/1997 (the so-called TREU Package), Italy favors European guidelines on employment (EES - European Employment Strategy). Universities become active participants in the labor market, institutions to activate training and guidance courses and work-related programs. The reform of the labor market introduced in 2003 by the Biagi Law (L. 30/03) completes the picture of university intermediation.

and makes service providers increase, in the spirit of subsidiarity; on the other hand, the belief that a continuous dialogue between universities and the economic system can be a valuable assets; these cultural aspects consistently influenced universities' policies about guidance.

Still, despite placement is now pretty common in Italian universities and its role is worthy and has evolved into a university-to-work transition service (ADAPT, 2011; Garofani, Spattini 2001), too, it seems that very few steps have been taken towards the adoption of an actual educational approach as it was outlined both in law no. 341/90 and in our premises. Moreover, similarly to what happens with progress guidance, tools and services for students are not homogeneous and some practices are completely ineffective to employment (ADAPT, 2014), as shown by several empirical studies and monitoring reports on university placement services (ISFOL 2003, ADAPT 2014). These empirical investigations on placement and career guidance in Italian Universities have consisted of mapping activities through access to universities and single faculties websites, so it was possible identifying the following different types: preliminary general interviews; advice and assistance in drafting curriculum vitae or portfolio; CV database management; processing a career plan and finding tools for active job search; management of online boards of company announcements; matching between companies' demand and graduates' profiles; arrangement of visits to companies, career days, job corner with company information stands and presentations; provision and administrative management of internships. It emerged that this whole set of services is only ensured by few Italian universities that have considerable experience in the field (universities in Lombardy and Lazio are the most efficient and complete), whilst more often just one or a few of the above-mentioned activities is carried out.

The analysis of the information gathered – specifically about offices' logistics and the nature of services offered – has also shown the vision behind the different choices made by different Universities: some contexts showed a better integration between Universities and companies at the level of placement activities, meant as a continuing process not only limited to the transition University\labour market; others revealed that guidance activities are decided at faculty level without any central coordination, so placement is intended as something limited to the contingent match between companies' job demand and graduates' curricula; in some relevant cases, like Milan and Rome, placement service provides targeted professional assistance, but it remains a practice carried out as the degree approaches.

As a conclusion, even though placement services were born to realize an effective exit or career guidance, in most cases it resulted in nothing more than an administrative office aimed at providing “random” employment

offers, not consistent enough with graduates' profiles, specificities, abilities. In brief, the guidance model developed in Italy shows a preliminary problematic aspect: the three types of guidance do not ensure the consistency that guidance itself should provide to ensure individuals' development and growth (Callini, 1997).

In fact, career guidance should primarily be an educational moment with a double value: on the one hand, it should be meant to foster dialogue and relationship between the educational system and employment; on the other, it should be called up to promote didactic interventions aimed at supporting individuals' professional and personal attitudes and projects (Perucca, 2005). In addition, there is no doubt that in order to face the challenges of the labour market and the need for flexibility that often results in phenomena of job insecurity, it is necessary to turn to adequate forms of protection and reinforce people's ability to interpret changes as opportunities (Savickas, 2005)⁴, through educating them to be more critical and providing them with self-assessment competences. Moreover, as technological developments have great relevance to career guidance, since they are revolutionizing the labor market, it cannot be ignored the fact that nowadays innovation is digital, too: not only technological tools are changing, but jobs themselves. Therefore, how can a new, educational, properly and diversely didactic approach, can be integrated within systems that are used to basing their identity and organization on academic and formal learning, like most universities are?

More recently, a new document, called "La buona scuola" has stressed the need of a strict (and strong) link between learning and job experiences, claiming that *stages* (apprenticeships) and training activities should be developed in all the educational tracks, starting from secondary school, so as to develop a cultural shift and change aimed at improve the effectiveness of the already existing tools at the university level. The implementation of initiatives meant to "promote an organic link with the world of work and professions, including voluntary and private social services" (Regulation no.

⁴ In the Information Age, according to Savickas, personal proactivity and professional adaptability are more and more requested: the combination of attitudes and skills that have to do with one's personal inclination to plan one's own professional future and the tendency to be adaptable to accidents and unexpected requests. A flexible individual is able to modify a series of personal characteristics: competences, skills, attitudes, and behavior on the purpose of meeting (and perhaps of predicting) requests deriving from the context he/she is in. Flexibility is mainly determined by individual differences, so guidance follows the way of providing individuals with competences useful to plan, and re-think, one's own future according to realistic goals. Thus, it is necessary to underline the strategic relevance of guidance from an educational perspective, as it can foster the development of proactive attitudes in building educational and professional paths, while promoting social inclusion, gender equality and active citizenship.

137/2010) resulted in the introduction of the so-called school-work alternation: from the legislator's point of view, this introduction represents a structural, substantial innovation of the traditional formal learning model, which should lead to a "wider school community in which formal education activities are combined with non-formal and informal learning actions in other places of civil society, and promote the acquisition of recognizable [professional] skills" (INDIRE, 2013).

Nevertheless, not only intentions collide with a complex school and extra-curricular reality that is somewhat resistant to change, starting from the teaching staff and management (Ricucci, 2015). Mostly, if it is true that recent policies can somehow be considered important in terms of giving guidance an educational dimension, they do not directly impact the world of University and the school-university transition, nor the university-work transition. The same conceptual framework of alternance as 'didactic modality', i.e. as an activity aimed at achieving curricular objectives, generates uncertainties and controversies: "La buona scuola" stresses the inclusion of informal extra-curricular activities within curricula as a novelty, but it actually does nothing more than "accepting" or "assuming" as didactic something which is certainly educational but that remains entrusted to others than educational professional and institutions: in other words, it does not address the need to redesign formal curricula with the introduction of new, application-oriented, proper *teaching-learning experiences*, of which academic staff is to be mainly in charge, even though a cooperative teaching-learning logic needs to be embraced, too, in order to share part of the teaching responsibility with professionals coming from consistent fields of interest in each study course.

4. Employability Skills and the Need to Develop an Application-oriented Approach through Project-based Learning

The choice of topics to be reviewed within the scientific relevant literature, in order to develop an original model of proper university guidance, depended on the answers we found to the research question: *which teaching-learning experiences did prove to impact on students' learning and self-awareness, i.e. to improve their metacognitive skills?*

In fact, we found that here are two fundamental topics tightly interrelated that need to be addressed in order to retrace contributions in literature that can draw the framework for the development of an original model of integrated

didactic⁵ or educational guidance meant to precisely guide students in the entry, progress and exit phases: the two afore-mentioned topics are *active learning* and the *learning patterns model* (Vermunt, 2004, 2007). In addition, *employability skills* need to be preliminary considered, as they direct empowerment towards potential professional and social inclusion.

Employability skills include all those so-called *soft*, or transversal, skills which are believed to enable students to build versatile professional profiles and that, in our view, mostly derive from the project-based learning experience (which – we shall see – can well be considered a type of active learning activity).

Initial models of employability were focused on the development of knowledge and skills meant to meet the reported needs of employers with success (Turner 2014). Since many criticised such an approach, thought to divorce skills from the disciplinary knowledge context (Barnett 1994; Eraut 1994), and to focus more on action than proper skills, employability is now seen in terms of skills and attributes (Yorke 2006) necessary for an individual to be educated and trained well enough to make his\her own contribution to the knowledge economy: the development of a successful career requires the increase of transferable skills and the intellectual flexibility to move between job roles (McQuaid & Lindsay, 2005: 201). Employability, therefore, goes from being considered in terms of social policy and government, to being seen from the point of view of the organizations, ending up to be analysed from the individual point of view (Forrier & Sels, 2003).

Consistently, employability has eventually been defined as the ability of an individual to get a first job, maintain employment, move between roles within the same organization, get new jobs if necessary, and ideally secure adequate and sufficiently satisfying employment (Hillage & Pollard, 1998, quoted in Gamboa, Gracia, Ripoll & Peirò, 2009). Yorke and Knight (2007) developed a model of employability as a set of students' attainments or attitudes precisely identified as: understanding, skills (generic and specific), metacognition and efficacy beliefs. Efficacy beliefs are the personal attributes that enable an individual contribution and productivity in employment (Harvey et al. 1997): they refer to the self-confidence that leads one to believe he\she can apply its own understanding and skills; without this belief, one cannot demonstrate nor meaningfully use ones' understanding and skills (Turner 2014). So what does this belief depend on? "While critics of the skills agenda in employability argued, as reported, for a shift in focus from skills to action, the two are, in fact, inextricably linked" (Turner 2014: 3): it is to say, self-belief mostly

⁵ The term "didactic" precisely refers to the need of including a proper learning experience within university and career guidance and a teaching strategy aimed at developing metacognitive skills.

depends and builds on practice and on the possibility to turn knowledge into action, it underpins and enables action. Consistently, the well established self-efficacy model postulates that the development of self-efficacy occurs through enactive and mastery experience (Bandura 1997).

These are precisely the reasons why the dimension of application and practice is to be addressed, and why we specifically propose project-based learning (PjBL) as the adequate model to develop employability skills: thus, PjBL is believed to be an important component of an effective higher education curriculum (no matter the field and main subjects studied), and a fundamental element of the educational guidance model proposed, aimed at “producing” both well-educated and well-trained graduates (Yorke 2006), and at implementing self-belief.

PjBL is defined as “a comprehensive perspective focused on teaching by engaging students in investigation ... there are two essential components of projects: they require a question or problem that serves to organize or drive activities; and these activities result in a series of artifacts or products, that culminate in a final product that addresses the driving question” (Blumenfeld et al. 1991, 37); if artefacts and products are understood as material things as much as immaterial things (policies, services, activities etc.), to be all identifiable as “design activities”, then project-based learning is definitely the practice for any field of knowledge. PjBL shares with problem-based learning (PBL) the following characteristics: small students groups and presence of a tutor as a facilitator or guide; presentation of authentic problems at the beginning of the learning sequence; use of problems as tools to achieve the required knowledge; self-directed learning that culminates in gaining expertise (Gijbeles et al. 2005, 29-30).

PjBL can be interpreted as one of the first research and problem-solving modes based on design and project, which has largely demonstrated its validity in enhancing student engagement and motivation (William & Linn, 2003; Marx et al., 2004; Rivet & Krajcik, 2004; Krajcik & Blumenfeld, 2006). Unlike design thinking, that is to be understood as a method of research and a creative strategy to extend to economic and social disciplines, PjBL actually is an educational method whose main purpose is to guide the learning process through design. In design thinking the problem and the opportunities are real, in PjBL are proposed as learning exercises; the two methods differ, therefore, in the specific end, but they tend to the same fundamental goal of learning by doing.

In this perspective, PjBL is considered to be the first approach to a design-centred optics for students, offering students a question (*driving question*) which they are called upon to answer with a research (*situated inquiry*, collaborative and supported by the devices made available by technology) and a final

project (*artifact*, those that in design thinking are defined as prototypes), which should lead them to understanding a specific subject matter.

Examples of driving questions (in order to be effective they should relate to the learner and his universe of interests and knowledge):

- *How can we make life sweeter in our community?*
- *What's the fastest and cheapest way to get to school on time?*
- *How can we build community through the arts?*
- *How do stories from the past define who we are today?*

5. Active Learning and the Relevance of the Learning Patterns Model for the Development of a Model of Guidance

As said, project-based learning can be seen and considered as a type, or strategy, of active learning. In fact, active learning includes all those teaching practices that do not realize formal learning but, instead, stimulate and improve students' relational skills and, mostly, their self-regulation. It does "involve students in doing things and thinking about the things they are doing" (Bonwell & Eison, 1991, 2). Moreover, active learning may imply reflective practice, too, for as students read, write, discuss, problem solve, i.e. as they *do and reflect*, they learn more (Millis, 2012).

"The core elements of active learning are: (i) student activity [the "doing part"] and (ii) engagement in the learning process, which can be seen as the reflective part. Active learning is often contrasted to the traditional lecture where students passively receive information from the instructor" (Prince, 2004, 2): lecturing, though, remains the predominant instructional method used in college classrooms as many academicians claim it is the most efficient and effective way to deliver content (Lorn, 2012); that is, lectures are effectual for teaching and synthesizing information, especially when information is complex (not to mention large classes make lecturing cheaper), but an increasing amount of evidence confirms how active engagement significantly impacts student learning, their understanding and critical thinking (Bonwell & Eison, 1991; Komarraju & Karau, 2008; Machemer & Crawford, 2007). Consistently, higher education is experiencing a paradigm shift from teacher-centered instruction to learner-centered instruction (Mansson 2013), although this shift is not equally significant in the various countries and teaching environments where it is observed, maybe due to both different national policies and different cultural attitudes: the learner-centered paradigm, in fact, needs teachers who value maximizing opportunities for students to learn, while urging students to accept that learning is still their own responsibility.

So which are the practices – or, in our view, the *reflective practices* – that realize an active learning process? Besides the discussed model of PjBL, which we

believe represents a complete and complex active learning strategy, Diamond (2008) observed that students learned more through *positive reinforcement* and *interactions* with other students and faculty. Thus, in the awareness that both the instructor and the learning environment affect students' motivation to learn, interactive learning was found to better prepare students for their future "as they are exposed to the thinking approaches of classmates foreshadowing the interdisciplinary teams of real-world situations" (Machemer & Crawford, 2007); Cavanaugh (2011) also noted higher student motivation and better student attitudes, besides improved critical thinking skills and more self-directed learning. Yazedjian and Kolkhorst (2007) suggested, as a consequence, that active-learning activities positively affects the degree of students' retention.

Exploratory writing is another active learning strategy: interspersing short writing assignments in class or punctuating lectures with a variety of writing exercises has been found to impact the quality of students' learning (Angelo & Cross, 1993). An example of exploratory writing occurs when teachers ask probing questions to review previously taught content and ask students to think about responses and then share their responses with classmates. Davis (1993) agreed exploratory writing helped students to learn course content, synthesize ideas, and identify points they failed to understand. Bonwell and Eisen (1991), Brookfield (2006), and Cavanaugh (2011) argued that at least every 10-15 minutes lectures should be punctuated by a diversity of learning activities to keep students focused and engaged, which in turn will help them learn.

The implementation of the practice of *envisioning* is to be considered among active learning tools, too: "envisioning means imagining, at first generally and then with increasing specificity, what you really want: that is, what you really want, not what someone has taught you to want" (Meadows et al., 1992, p. 224). Based on this theoretical assumption, the Future Workshops experience, albeit originally developed for slightly different purposes, offers a good example of how to promote actual envisioning. The futurist Robert Jungk over the 1960s used to run workshops all over Europe, with a wide range of community, business, government and activist groups; these consisted in four main phases: the preparatory phase where participants stated the reasons that led them to the workshop; the critique phase that focused on complaints and critiques to identify the key components of the problems in the present dimension; the fantasy phase precisely involved the envisioning of a preferable future, generally accomplished through various processes such as brainstorming; the following implementation phase was eventually meant to identify, in a project-oriented perspective, the practicable schemes among the various more or less utopian suggestions for action (Jungk & Mullert, 1987;

Hicks, 2002). Similar suggestions derive from the work of Boulding (1994), whose workshops were run with an opportunity sample of students from three higher education institutions in the southwest of England, based on the idea that “participants had to step, in fantasy, into a future very different from the present, and report back from that future on their observations of a society, which they must then analyse in terms of the social institutions that could sustain society itself” (Boulding, 1994, p. 67).

There is no punctual empirical evidence of how active learning strategies may be applied to university guidance in particular, but the point we want to make is precisely that, since the usefulness of active learning is proved, this can be the basis for developing new, and different, university guidance activities with educational purposes. The hypothesis we are proposing and that our arguments are meant to support (although not yet empirically tested), is that were teacher in charge of educating students how to choose among alternatives, rather than of passively giving information about them, guidance would be much more effective and would, as well, effectively improve students’ satisfaction and retention, helping to contrast the increase of NEETs and becoming an “action policy” in higher education.

As far as the second main topic of interest is concerned, Vermunt’s Learning Patterns Model (Vermunt and Vermetten, 2004; Vermunt, 2009), it is influent in two ways: since it was developed to describe and assess how students learn, (i) the model can represent a *guide* for guidance teachers, helping them understanding how to direct students’ learning towards metacognitive awareness and an application-oriented approach; (ii) the validated tool thanks to which information about learning patterns is collected – the ILS (inventory of learning styles) – can work as an assessment and self-assessment tool, too. So, though the model was actually born with the aim of analyzing and understanding students’ different approaches to learning, the ILS is believed to be a useful entry guidance tool for teachers, and a self-assessment tool for students, helping them developing their metacognitive skills and their desirable self-orientation attitude. We can eventually say that ILS may be understood and used as an active learning tool.

One step behind, anyway, is needed in order to fully comprehend the learning patterns and why they represent a significant element in the construction of an integrated model of university guidance. Built on the SAL (Students Approaches to Learning) tradition, Vermunt’s Learning Patterns Model (Vermunt and Vermetten, 2004; Vermunt, 2009) fosters the inclusion of more components in the definition of “approach”: in Vermunt’s view, an approach does not only consist of strategies and intention, but requires a broader distinction between processing (first component), regulation strategies

(second), conceptions of (third) and orientations to learning (fourth component).

This partition into four components helps highlighting the different dimensions into which the various aspects of the learning process can shape, as shown in Figure 1. The identification of the various dimensions of each component enables understanding the conditions that define each different learning pattern, given by a specific match between different types (dimensions) of processing, conception, orientation and regulation (Figure 2). The meaning-oriented learning pattern builds on the idea that processing must be deep and that it requires self-regulation; both characteristics can be achieved based on a conception of learning as construction and thanks to a motivational component (orientation to learning) that includes personal interest in learning: these elements make of the meaning-oriented learning pattern the most desirable one and surely the one to be pursued in order to improve students' self-orientation and responsibility, their self-aware attitude or metacognition.

Figure 1.

Learning Component	Learning Dimension
Processing	Deep Critical Stepwise Concrete
Regulation strategies	Self-regulation External regulation Lack of regulation
Conceptions of learning	Intake of knowledge Construction of knowledge Use of knowledge Cooperative learning Stimulating education
Orientation to learning	Personally interested Self-test oriented Certificate oriented Vocation oriented Ambivalent

Source: Elaboration of the author from Vermunt & Vermetten, 2004

Figure 2

Learning component	UNDIRECTED LEARNING PATTERN	REPRODUCTION-ORIENTED	MEANING-ORIENTED	APPLICATION-ORIENTED
Processing	Hardly any	Stepwise	Deep	Concrete
Regulation	Lack of regulation	External	Self-regulation	External or self-regulation
Conception	Cooperation and being stimulated	Intake of knowledge	Construction of knowledge	Use of knowledge
Orientation	Ambivalent	Certificate or self-test oriented	Personally interested	Vocation oriented

Source: Elaboration of the author from Vermunt & Vermetten, 2004

But not only a meaning-oriented learning pattern can be individuated thanks to the Learning Pattern Model and, therefore, promoted by using active learning strategies that are adequate in order to develop its dimensions (such as exploratory writing, or envisioning). Also the application-oriented learning patterns reflects a set of dimensions to be pursued in order to develop a project-oriented attitude, and could be actually pursued drawing on PjBL experiences, and interactive learning. As already said, ILS itself can be seen as an active learning tool, since it “forces” students to reflect on their personal learning style and habits, and, accidentally, correct them. The ILS, in fact, as any inventory is composed by a set of questions students are called to reflect on and answer to, choosing among 5 options posed on a Likert scale; the questions concern habits, behavior and convictions towards learning in higher education.

6. The Proposed Model of Integrated Guidance: Entry, Progress and Exit Guidance

If guidance is not episodic, but, on the contrary, is a life-long continuum aimed at enhancing the subject metacognition, self-efficacy belief and employability skills, the process has to find its place within students’ studies and learning, and needs to be rethought as a compulsory, didactic and curricular part of higher education; if it is to help students make the best entry choice, to improve retention and facilitate them in developing the proper skills to find employment, then University guidance should not be managed by non-teaching staff but should be integrated in the curriculum,

and should be rethought as a comprehensive educational activity, including entry, progress and exit guidance.

The model proposed builds on the idea that a central office is to be created and devoted to plan and set annual curricular and extracurricular activities in relation to students' training needs, depending on the specific learning phase they're experiencing: this is supposed to realize that function of integration otherwise gone missed in current guidance practices (as Figure 3).

The guidance program during the first year of study – or entry guidance phase – is conceived as a set of tools to alleviate previously constructed inequalities in both knowledge and awareness, ensuring a kind of participatory and interactive learning where students can better understand their own choice and what's needed in order to build the basis of a successful study path: it aims to help all first-year students gain greater awareness of their learning objectives and the professional roles they may be called on to play in their future lives, a greater achievement motivation and ultimately a good learning performance (hopefully resulting in good academic outcomes in the first year).

In the very post-enrolment phase, interviews and students/instructors discussions would be crucial in order to better understand educational areas to explore during the academic year, providing students with some introductory insights on their possible careers and the social importance of knowledge and work in relation to the chosen academic field. A questionnaire – built on the basis of the Vermont ILS – would be established as a monitoring tool in order to allow both teachers' longitudinal analysis of students' learning and students' auto-analysis over the whole first year of study, which would be devoted to the teaching of reflective learning. Accomplishing reflective learning could be pursued through: (i) promoting envisioning, and (ii) stimulating the personal and autonomous formulation of learning goals (Sideri 2013; Tillema, Kessels & Meijers, 2000; Bruner, 1961; Piaget, 1959; Dewey, 1910 and 1944) that everyone needs to accomplish to become who they want to become.

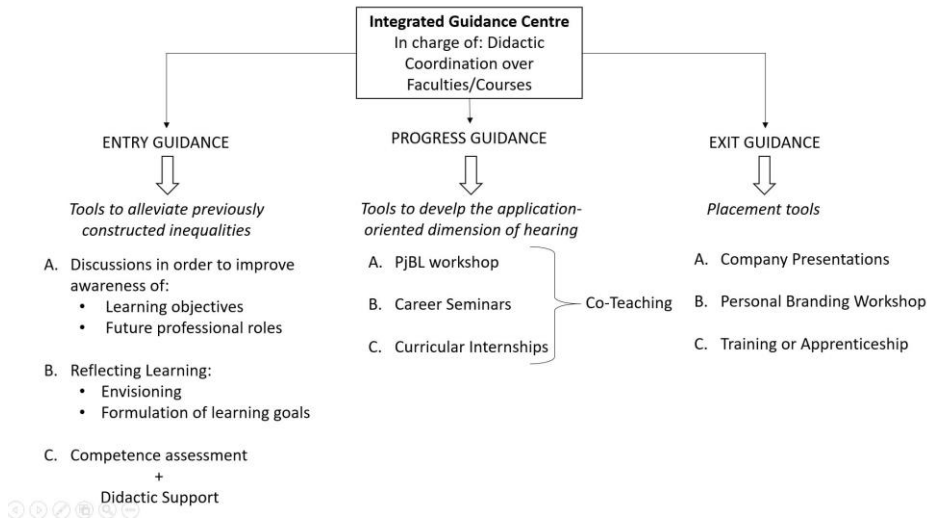
As far as point (i) is concerned, it seems worth pointing out that previously recalled models of envisioning were not originally intended for students and their future careers, but for general issues considered as social problems. The idea proposed here consists in using described procedures within guided individual processes intended to enable the envisioning of the self in the future, and his\her place in society, rather than the society of the future. A slightly different purpose, then, for a similar result. If readapted, future workshop activities could be an important preparatory step for the personal formulation of learning goals (point ii). Underlying belief is that, if the activities planned in the entry guidance were to be introduced and established

as mandatory, students would become more engaged and more involved in the educational process as potential resources rather than being treated as passive subjects, i.e., mere customers. Since customers are generally external to an organization, students who internalize a consumer identity in effect place themselves outside the intellectual community and perceive themselves as passive consumers of education (Naidoo & Jamieson, 2005).

Once the basis for the development of meaning-oriented learning pattern are put through the first year guidance activities, progress guidance would complement traditional academic teaching with vocational training, defined according to students' study and research areas. Project-based learning (PjBL) workshops should be introduced in order to foster an application-oriented dimension of learning, without disregarding the reflective part, consistently with the two main active learning purposes (doing and engagement). In fact, project-based Learning involves the design of both the idea and its actual implementation, consistently with the principles of design thinking (Archer, 1979; Lawson, 1980; Cross, 1982; Schön, 1983; Cross, Dorst, Roozenburg, 1992).

In addition to this principal didactic activity aimed at developing employability skills, career seminars meant to give insights regarding the different professional paths that can open up after Universities, and curricular internships (i.e. working experiences relevant to the curriculum and the attainment of grades and qualifications) should be designed on the base of a continuing and consistent dialogue between students, instructors and representatives of the actual job market (company professionals and training tutors). Throughout all these activities, co-teaching by academic\institutional and professional experts would foster the acquisition of specific employability skills and competences related to the world of work and would improve students' awareness of their educational and professional choices well in advance.

Figure 3



Source: Author's own elaboration (2018).

One of the most relevant features of current exit guidance is the active involvement of external agencies to implement educational curricular internships related to degree programs: it is a fairly common practice in Italy (Almalaurea, 2011). Then, as a matter of fact, Italian placement offices provide internship opportunities, more or less homogeneously, and organize career exhibitions quite frequently; yet, and as already underlined, too often these activities have no connections with the degree programs, mainly for the reason that they are only managed from a central position without coordination with the Faculty/course experts. We could argue that if this service is provided in quantitative terms (according to the amount of events that universities can guarantee), it is not granted in qualitative terms (according to students' specific needs, so as to effectively complement their learning process): in our view, exit guidance would be precisely meant to match students' interests and educational paths with the labour market, hence to actually *employ* the employability skills developed throughout the study/guidance course.

Consistently with this perspective and the activities offered in the previous progress guidance phase, exit guidance should consist of company presentations, together with workshops aimed at the development of interview, cv and/or portfolio competences – which we would define *personal branding skills* – and eventually culminate in the arrangement, between Company and the University Placement Office of a training experience or apprenticeship.

7. Conclusions

As premised, this research was never meant to be exhaustive, since educational and training guidance is a topic that calls for multidisciplinary and multi-purpose analysis. Still we have tried to develop a theoretical and hypothetical framework for further investigation, hence to set the agenda for further social research over the topic. We have tried to stress the importance of the learning dimension of guidance as we believe that educational university guidance can be a key factor for improving graduates' employability skills and their job placement after University, hence for the fulfilment of their professional and social inclusion. In doing so, we meant to open up an international debate over the social and sociological nature and relevance of the issue, while considering the specific case of Italian University and trying to offer arguments that can be understood at the level of policy-making.

We believe guidance is a crucial topic for western Higher education, for the sociology of education and sociology itself. Though access itself still needs to be enhanced in many local and regional contexts, its effectiveness in terms of actual participation, actual professional and social inclusion (Sideri, 2015) needs to be discussed and researched, too. It is to say, if we do want to improve access to Higher Education in order to enable people to achieve more as both citizens and professionals, then Higher Education itself must improve and prove its effects on employability. As stated in our premises, employability is not a mere economical, or quantitative, concept: it has to do with individuals' development as citizens and social roles, thus with the well-being of communities and societies.

We must eventually be able to shift from a paradigm that sees job as the final result of education to a more complex one, that sees job as part of a life-long learning process: nevertheless, job can't continue to be the missing dimension of education. In an ever-changing socio-political context like the current one, guidance is now more than ever a challenge for education and the climax of every educational and training process, but also a strategic element to coordinate employment and social policy. Knowledge cannot be just notional, both hard and transversal competences are needed, so guidance has to take into account the individual as a whole, and promote his/her talents, feelings and creativity, while ensuring his/her possibilities to professionally succeed – hence, make the right choice, and develop the proper learning attitudes.

Main aim of such perspective is, precisely, improving social inclusion within the global, more and more competitive job market, while trying to educate self-aware individuals to exercise citizenship. Guidance speaks the language of socialization by focusing on self-discovery, on the ability to relate to others,

on the development of responsibility and self-efficacy, on the promotion of one's own knowledge and skills, on the acquisition of planning and design competencies, on the ability to understand and interact with the environment, on the ability to use personal resources to handle life's challenges. These elements are undoubtedly significant for individuals' personal development and then might support the acquisition of specific skills related to consistent professional areas, helping out the transition from school to work. Throughout this whole process, Higher Education has a fundamental role.

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***Reconstructing Solidarity: Labour Unions,
Precarious Work, and the Politics of
Institutional Change in Europe,***
**edited by Virginia Doellgast,
Nathan Lillie, and Valeria
Pulignano. A Review.**

Kaitlyn Stevens ¹

There is no doubt that the ramifications of the economic crisis are still rippling across Europe. Perhaps one of its most profound legacies that continues to pose a problem, however, is the rise in precarious workers, who are employed in jobs characterized by low pay, short-term employment and general instability (p.1). According to *Reconstructing Solidarity: Labour Unions, Precarious Work, and the Politics of Institutional Change in Europe*, “these jobs are widely viewed as either symptoms or causes of rising inequality, poverty, and reduced economic and social mobility” (p. 1), all of which have been results of the recession as well as the austerity measures used to mitigate it – except that these measures, in fact, only exacerbated these issues (p. 42). Furthermore, jobs of this nature are disproportionately held by migrant workers, both from the European Union and beyond it, as the EU allows for workers to move across borders and the recent immigration crisis has seen an influx of non-European workers to boot (p. 188). What these migrant workers have in common, regardless of their origins, is that they are particularly susceptible to precarious employment, and more pressingly, as this book points out, they are less likely to be included in solidarity strategies led by the unions of the host country.

Success among unions rely heavily on solidarity – not only solidarity among native-born workers, but *all* workers. Segregation or exclusion can negatively impact worker protection, contrary to the very intent of these labour unions, because “[w]here core workers do not show solidarity with vulnerable workers,

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they often undermine their own bargaining power through creating lower-cost competition” (p. 1). As the title of this book suggests, this solidarity merely needs a “reconstruction” of sorts – one that takes into account the socioeconomic changes that affect the current workforce – so that unions can once again be the strength and voice of the working class. Edited by Virginia Doellgast, Nathan Lillie, and Valeria Pulignano, the authors in this anthology examine successes and failures of solidarity movements across multiple job sectors, including retail, logistics, freelance musicians, and the slaughterhouse industry. The book deftly handles a variety of industries and how they approach the persistent issue of precarious employment, thereby constructing a comparison that allows the readers to view this topic with a broad, international perspective that keeps in mind the differences in how each sector and each country operates. In this way, the impact of inclusive union solidarity vs. the impact of excluding precarious or migrant workers becomes astoundingly clear.

For some cases, it is simply a matter of solidarity that requires reconstruction, such as with Danish Crown – a meat-processing company from Denmark – and its locations in Germany. Solidarity is strong at the national level in Denmark and includes migrants in its bargaining, meaning that employees of Danish Crown there were less susceptible to exploitation than they were in Germany (pp. 69-71). With this contrast, one can gauge how by not segregation, unions can facilitate the exploitation of their own workers, as well as how international companies will use these discrepancies to their advantage. Sometimes it is unions that are unable to acknowledge the necessity of this reconstruction that create obstacles. For instance, traditional unions in the logistics sector in Italy – a sector which has not had a long history of unionization – do not encompass migrants and have not adapted their tactics to the current social climate. Yet where these rigidly-structured unions failed in this regard, grassroots unions in Italy proved to be more flexible in strategy and mobilization, and this has actually helped them in collective bargaining, since this allows these groups to be more inclusive (pp. 95-99).

As a whole, this book is an excellent analysis of solidarity movements and how they have altered their strategies in order to adapt to the threat of segregation. Segregation is harmful to the goals of any union because without the proper means of protection, precarious workers will be unlikely to oppose unsafe or unfair conditions – and if there are workers who are willing to put up with whatever conditions the employer provides, then they will not feel pressured to abide by the demands of the other employees. With industries becoming increasingly multicultural in the wake of globalization, ensuring that unification remains a major facet in collective bargaining efforts becomes more vital than ever. Moreover, this book provides examples for how unions who have yet to

adapt their strategies can achieve this reconstruction by illustrating the progress of groups who have succeeded by embracing the rights of every employee, regardless of their origin; contrarily, it demonstrates how failing to be inclusive results in losses for all employees, not only those engaged in precarious work. For without unions that are comprehensive and nondiscriminatory in terms of solidarity, precarious workers continue to suffer in industries that seeks to capitalize on the insecurity of their positions.

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ADAPT is a non-profit organisation founded in 2000 by Prof. Marco Biagi with the aim of promoting studies and research in the field of labour law and industrial relations from an international and comparative perspective. Our purpose is to encourage and implement a new approach to academic research, by establishing ongoing relationships with other universities and advanced studies institutes, and promoting academic and scientific exchange programmes with enterprises, institutions, foundations and associations. In collaboration with the Centre for International and Comparative Studies on Law, Economics, Environment and Work, (DEAL) the Marco Biagi Department of Economics, University of Modena and Reggio Emilia, ADAPT set up the International School of Higher Education in Labour and Industrial Relations, a centre of excellence which is accredited at an international level for research, study and postgraduate programmes in the area of industrial and labour relations. Further information at www.adapt.it.

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