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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.*

¹ International Doctoral School in Labour Relations and Human Capital Formation, ADAPT and University of Bergamo (Italy). Email address: benincasa.giada@gmail.com.

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

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