

Tiziano Treu
Social Dialogue in a Time
of Societal Transformation*

1. This year conference “Social dialogue in a time of a societal transformation” deals with a topic very close to the interests of Marco Biagi. Marco not only dedicated to it important studies which are still worth reading. He contributed to organise and to promote social dialogue during the years in which he was consultant to the European Commission, and then in Italy when he gave his precious advice to the ministry of employment.

The decision of the Fondazione Biagi to select this topic is very timely for quite good reasons.

One: social dialogue is a fundamental institution of collective labour relations as they are practiced in many developed countries. It is an essential part of the social model since it aims at promoting and improving by consensus the decision-making process in socio-economic affairs at different levels, international national and local.

As such it has been endorsed by many documents of the governing bodies of the ILO (beginning with the Decent Work Agenda) and of the European Union (lately by the Council recommendation on strengthening social dialogue of August 2023).

Two: the actual practice of social dialogue, after decades of expansion, is meeting with growing obstacles which may anticipate a decline.

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The indicators of its critical conditions are analysed in many of the papers presented in this conference: general reduction of its frequency and diffusion, declining coverage of collective bargaining, both national and decentralised, which leaves without protection groups and types of workers mostly in need (atypical and precarious, self-employed, people working in the informal economy and in very small enterprises), reduced impact of these consensual practices on the actual conditions of employment, as shown by the diffusion of low salaries and by the reduction of the labour share relative to the share of profits and rents.

The declining effectiveness of these form of collective action has reduced the capacity, which was documented in the past, to promote the cause of labour *vis a vis* the powers of the companies and also to have voice and participate in the public arena.

The signs of difficulty are of different intensity in the various countries and sectors of the economy; but the great transformations of the last years have contributed to increase the obstacles to collective action and social dialogue, in general and in particular in the new environment of the digital economy.

2. The papers submitted to this conference analyse the reasons of the difficulties of social dialogue in the various countries; but, as it is common in our conferences, they also try to give answers to the problems and to submit proposals on how to reverse the present negative trends.

I will give my contribution, by underlying some issues which seems to be particularly relevant for our discussion.

My first assumption is that minor adjustments of past practices are not sufficient to relaunch social dialogue, because the reasons of its crisis go back to structural trends present in the transformation of our society. These trends are often analysed but not always fully understood in their implications nor taken into account.

The two transitions, digital and ecological, have accelerated previous structural economic and social changes, and altered the very material basis on which labor relations, individual and collective, have been built in the past century.

The processes of disintermediation and individualisation promoted by convergent factors, technological, ideological and cultural, have weakened the traditional basis of social cohesion and in parallel.

The established systems of collective representation of the workers.

A second assumption: as in the past the growth and strength of the social representation systems have been promoted by the combined influence of the social actors, trade unions in the first place, and of the normative and political support of democratic governments, now a similar convergent action of social parties and of public institutions, national and international, is necessary to renovate collective action and social dialogue.

Indeed, both public and private actors are now required to prove a commitment and capacity of innovation greater than in the past in order to meet the radical challenges of the present epochal transitions and to face the obstacles of a hostile environment.

The very relationship between public and private action and between their modes of intervention will have to be reconsidered. Both forms of regulations are called to intervene in structures and relations different from those prevailing in the “solid world” of Fordism, that are more fluid, if not virtual, more volatile and uncertain.

Public interventions will have to rely less on rigid and static regulations and more on principles, flexible frameworks and procedures.

The social parties will have to show their capacity to adapt their consensual regulation not only to the changing and diversified characters of the present work but also to the growing expectation of individuals to receive more personalised treatments and recognition.

3. The importance of such a convergent commitment of private actors and public institutions is stressed by our papers and generally acknowledged by official documents, international and European.

But the necessity of reframing their relations as hinted above is less perceived, and so are the implications of these assumptions on the actual policy making.

The communication of the European Commission mentioned at the beginning, is no exception, because it does not contain binding provisions and also because the proposed support to social dialogue is rather weak.

The social parties are not less challenged to innovate their practices and strategies, resisting to the inertia of the business as usual. The labour unions are in a most difficult stance, because they are still conditioned by a constituency composed mostly by middle aged and old workers, who come from

past experience, while attracting workers of the new generation is as much an obvious necessity as an arduous target.

Equally difficult is for the unions to enlarge the scope of their constituency to the multiform and unknown world of the autonomous workers, and even more to the people working in the informal, national and immigrants.

Innovating their strategies in line with the new challenges also implies entering unknown territories.

The digital economy demands not only different skills but also categories and languages distant from those received from the industrial tradition.

The ecological transition is even more alien from the economy of the past century which was based on carbon and managed without any concern for the consumption of natural resources.

Integrating the imperatives of climate change in the employment practices is not less difficult than greening the enterprises, as the ILO demands.

The difficulty is well documented by the strong reactions of the social parties to the European targets and the timing of ecological sustainability, in sectors ranging from automotive and steel to agriculture.

4. In order to exert effectively their influence through dialogue and bargaining the union leaders and members will have to renew not only their basic professional skills, but also in depth their culture and attitudes.

This is true particularly if they want to tackle through bargaining the issues and areas most impacted by the transitions and more exposed to international competition. The urgency of these issues is daily reminded to both unions and employers by thousands of workers who demand concrete answers.

The employers and managers are not less affected, due to social pressure and also because they are required by the legislations national and European to show concrete signs of social responsibility. The Corporate sustainability reporting directive (CSRD) has imposed to the enterprises wide ranging obligations to report on the impact of their activities and of that of their supply chain on environmental and social sustainability.

The proposed directive “Due diligence” will extend the obligations of the same enterprises to monitor the risks of their activities for both human

and environmental rights and to adopt measures necessary to prevent and mitigate these risks.

Here too a radical change of strategies and attitudes is demanded to meet these new obligations, whether the employers and managers intend to perform these tasks through unilateral initiative or by seeking consensus and support of the workers and their representatives.

In all these issues the public institutions, national and international, have a major role to play, whose importance is widely recognised after the disillusionment consequent to the past practices of deregulation and disintermediation.

Here too the challenge is to implement adequate public policies and measures consistent with the declarations in favour of social dialogue and collective bargaining.

The papers presented in the seminar mentioned quite a few examples of measures aimed at promoting collective actions and dialogue in various forms.

A series of measures consists in providing legal safeguards for the joint initiatives of the social parties and in some cases obligations to bargain on various issues (like the French law of 17 August 2017).

This is particularly true in the areas most affected by the two transitions, namely the integration of digital technology in the workplace and the control on the use of artificial intelligence, the prevention of new risks for the health and safety of the workers, the mitigation of damages to the environment.

Similar attempts are envisaged and promoted by the unions, in agreement with employer's associations, aimed at reinforcing the traditional rights to codetermination and to adapt them to operate in the new context of fluid enterprises and of international supply chains.

Regulations and guidelines have been introduced by the European Union which extend the right to information and consultation of workers representatives with the view of protecting the workers privacy in the world of big data, through the rules of the General data protection regulation (GDPR), of improving the conditions of platform workers in the proposed directive to be approved, and of reinforcing the instruments of workers representatives necessary to deal with the "algorithmic management".

These measures contribute to support the functioning of social dialogue and the influence of labour unions in the digital workplace.

But their approval has met with strong opposition by the employers' associations and by the government of some member states, which have contributed to water down the most effective regulations so to reduce their impact.

The rights of workers representatives has been often restricted to simple information with step backwards and renounce to promote effective consultation and participation.

5. More needs to be done to support effective social dialogue particularly in the most critical areas for the protection and welfare of workers: the new realities of digital workplaces dominated by the artificial intelligence , the sectors and enterprises directly affected by the ecological transition and by the consequent displacement of workers, at the other extreme the workers still excluded from collective action ,and often from normative protection, like many self-employed, atypical and irregular workers, persons working in the informal economy.

An effective support to social dialogue in the context of the new economy requires more than isolated measures on specific issues. Those approved so far need not only to be strengthened but also consolidated and integrated in a systematic framework, legal and contractual.

In conclusion I want to recall the attention to a further condition for the effectiveness of social dialogue, which has been recalled by the important report of the ILO Global commission on the future of work.

I refer to the need to invest more in all the institutions of work: on one side the collective social organisations, on the other the public administrations dedicated to the employment services and to the workers education and training, the various instruments and measures which form the universal welfare, and finally the defence and promotion of fundamental rights, which are essential not only for personal dignity but also for allowing to the individuals to participate to collective action and to civic life.