



WORKER PARTICIPATION IN **GIG**ECONOMY

long term scenarios for automotive sector.



Final Report

AND ACTION PLAN



With financial support from the European Union



FINAL REPORT

**WORKER PARTICIPATION IN GIG ECONOMY LONG TERM
SCENARIOS FOR AUTOMOTIVE SECTOR
ACTION PLAN**

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FINAL REPORT OF THE PROJECT WORKER PARTICIPATION IN GIG ECONOMY LONG TERM SCENARIOS FOR AUTOMOTIVE SECTOR

INTRODUCTION

During the period from February 2019 to July 2020, this Project has been developed, which is financed by the European Union, and in which the following organizations have participated, as beneficiaries, co-beneficiaries or partners of the Project.

The project is aimed at employers and workers representing the automotive industry, the largest industrial sector in the European Union, and involves the following workers' representatives, employers and a university from the Member States: Belgium, Spain, Italy, Greece, Portugal, Poland, Slovakia and the candidate country, Serbia.

Beneficiary:

Federacja Związków Zawodowych METALOWCY – Poland

Co-beneficiaries:

Republiková únia zamestnávateľov – Slovakia

Samostalni sindikat metalaca Srbije – Serbia

Confederazione Generale dei Sindacati Autonomi dei Lavoratori – Italy

Panepistimio Thessalias / University of Thessaly – Greece

Partners:

General Confederation of Liberal Trade Unions of Belgium – Belgium

IndustriAll European Trade Union – Belgium

Serbian association of employers – Serbia

Asociación Industrial Técnica y de Comercio – Spain

Federação Intersindical das Indústrias Metalúrgicas, Químicas, Eléctricas, Farmacêutica, Celulose, Papel, Gráfica, Imprensa, Energia e Minas – Portugal

Comisiones Obreras de Industria – Spain

Independent Christian Trade Unions of Slovakia – Slovakia

Fiat Chrysler Automobiles Powertrain Poland Sp. z o.o. – Poland

The emergence of the gig economy and the development of atypical forms of employment are making the definition of the worker evolve, making the participation of policy makers and social involvement more necessary to ensure effective worker participation.

Alongside this, we are faced with the problem of insufficient participation by both employers and employees in strategic decisions taken within companies, particularly in the context of future development, and in methods of addressing labour market challenges arising from globalisation and the development of the gig economy.

This scenario has defined the main objective of the project, which is none other than to increase workers' influence on strategic decisions taken within automotive multinationals, by improving knowledge, cooperation skills and the joint action plan.

In addition, the project defines another series of specific objectives that have also been taken into account when addressing the various actions carried out during its implementation:

- ✓ to strengthen the participation of employees in the decisions making within the automotive companies before the end of the project, developing an action plan on this participation at a transnational level;
- ✓ increase the knowledge of all participating organisations to influence the adaptation of company policies to the challenges of the modern labour market through participation in seminars;
- ✓ improving transnational cooperation between workers and employers in the automotive industry of the participating partners;
- ✓ improve the capacities and awareness of workers' representatives to address current labour market challenges through the development and dissemination of the action plan to support the adaptability of workers' representations until the action is completed;
- ✓ raise awareness among employers and employees of effective ways of exercising workers' rights to information, consultation and participation, and methods of getting workers involved in management processes through the recommendations, video and action plan within the EU and candidate countries.

ACTIONS TAKEN DURING THE PROJECT AND CONCLUSIONS

To achieve these objectives, the following actions have been carried out:

- ✓ Steering Committee, Poland, February 2019
- ✓ Workshops I, Belgrade (Serbia). 10 and 11 September 2019

The European regulations on the participation of workers in the decision-making process were presented, and their regulation in the different national legislations and the situation of the social dialogue in each of the countries participating in the project were discussed.

In addition, there was an opportunity to discuss the keys to promoting and stimulating employee participation in decision making in companies, from the perspective of employers and trade unions.

On the second day, two conferences were presented on the concept of the gig economy, as well as the platform economy, non-standard forms of employment and the new division of labour according to the International Labour Organisation and Eurofound; and social dialogue in the digital world was discussed.

The final conclusion of the participants was that it is necessary to maintain social dialogue in these critical times, valuing how useful it is to introduce the interests of the workers in the decision-making processes as they contribute to a greater number of sustainable and better solutions in the company. While at the same time making the participation more efficient and competitive and modernising it on the labour market, stressing the need to promote good policies on worker participation in the decision-making process, as well as to provide professional support to create the right conditions for establishing mechanisms to help implement and provide for workers' rights to information, consultation and participation at EU level.

- ✓ Workshops II, Toledo (Spain). 29 and 30 October 2019

The first part of the conference was used to present the preliminary report of the Project, based on the reports prepared by experts from each participating country, and on the surveys carried out on-line in each of these countries. The results of which have been the subject of a specific comparative report and whose conclusions are included in this same document.

This presentation was followed by interventions and discussions by the audience on the analysis carried out.

The expert continued with a presentation on “Organisation and internal communication between workers’ representatives at company level in different countries”, in which, after a brief review of European regulations on the rights to information, consultation and participation and the treatment given to social dialogue, the speaker referred to some specific problems that could arise with the implementation of the gig economy.

Thus, aspects related to employment and unemployment, professional qualification and training and occupational health and safety were analysed, as well as the consequences that they could have on this new system of labour relations and, therefore, of employment. Finally, some reflections were made on the need for the participation of trade unions and workers’ representatives in the treatment of these issues and, specifically, in the participation of strategic decision-making in the company in order to anticipate the implementation of this labour system and thus mitigate some of its negative consequences.

This intervention was followed by a round of interventions and discussion that focused on establishing the problems that existed in each country regarding the treatment of social dialogue, the effectiveness of agreements and/or consultations made by companies, and how negotiation by a union could be of benefit to all workers and not only to members, so that workers did not see the need to join.

On the second day, a conference was given on “The flow of information as a key role in the functioning of European Works Councils”, reviewing the current European regulations of a transnational nature on information and consultation, stopping and analysing in detail the elements that make up Directive 2009/38; pointing out, as a culmination, a series of critical assessments contained in the Directive. Reminding those present that this directive could be modified in the coming months, as there was an express mandate from the Commission to do so.

After the expert’s lecture, an interesting debate took place on the issues raised, and it was agreed that a document would be drawn up for the European Commission, in which the Project partners would express the need to make amendments to Directive 2009/38, in order to adjust some of the deficits observed and to integrate aspects related to independent workers in the GIG Economy system.

✓ Workshops III, Rome (Italy). March 3, 2020

The last day of work has as its objective the presentation of the Final Report of the Project, with the report of the activities carried out, the final presentation of the conclusions drawn from the research analysis; and the presentation and approval of the Action Plan: The future of employee participation in decision-making in companies in the automotive industry, as well as a proposal to improve Directive 2009/38, consisting of a letter signed by all the partners and addressed to the European Commission requesting various interventions to amend the aforementioned directive on European Works Councils.

In addition, the partners have signed a Project Continuity Agreement.

EUROPEAN REGULATIONS ON THE “RIGHTS OF EMPLOYEES TO INFORMATION, CONSULTATION AND PARTICIPATION” AS AN INSTRUMENT OF THE DECISION-MAKING PROCESS

The Worker participation in GIG Economy project aims to increase the influence of workers on strategic decisions taken within automotive multinationals, through the participation of workers in their companies, strengthening social dialogue and promoting the exchange of good practices aimed at creating favourable conditions for establishing the transnational information, consultation and involvement resulting from the implementation of EU legislation on worker participation.

The right to information, participation and consultation in European regulations

The European Union supports and complements the action of the Member States in the field of worker participation, with a view to contributing to the achievement of the fundamental objectives of European social policy as laid down in Articles 151 to 156 of the Treaty on the Functioning of the European Union (TFEU), which include: improved living and working conditions, proper social protection, a high and sustainable level of employment and the combating of exclusion, through information and consultation of employees.

The right of employees to information, consultation and participation has been a central theme in the European debate since the Council adopted the first Social Action Programme in 1974. Thus, the Community Charter of the Fundamental Social Rights of Workers of 1989 (the so-called “Social Charter”) stresses the desirability of promoting worker participation.

Similarly, the Charter of Fundamental Rights of the European Union recognizes, in a binding manner, collective social rights in several of its articles: freedom of assembly and association, especially in the political and trade union fields (art. 12); the right to information and consultation of workers in undertakings (art.27); and the right to collective bargaining and action at the appropriate levels, including the right to strike (art. 28).

However, these “wishes” will only become reality with the Treaty of Amsterdam, which integrated the Agreement on Social Policy into the text of the Treaty establishing an appropriate legal basis for Community legislation on information and consultation of employees.

In this regard, Parliament has approved various directives and resolutions in which it calls for workers to be guaranteed their right to participate in the decision-making of companies, which we will now describe by grouping them into three blocks in accordance with their specific characteristics.

The first block concerns the right of workers to be informed and consulted at national level on a range of issues relating to economic performance and future development plans of enterprises that may affect employment:

- ✓ Council Directive 75/129/EEC of 17 February 1975 on collective redundancies, as amended by Council Directives 92/56/EEC and 98/59/EC, provides that, in the event of mass redundancies, the employer must enter into negotiations with the workers in order to determine how and by whom the redundancies can be avoided or the number of workers affected reduced;
- ✓ Council Directive 2001/23/EC of 12 March 2001 on the duty to inform employees in the event of transfers of undertakings and on the safeguarding of rights in such cases;
- ✓ and Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community, which lays down minimum procedural standards for the protection of employees' rights to information and consultation on the economic and employment situation concerning their workplace.

In July 2013, the Commission carried out an evaluation of these three directives, the so-called "Fitness Check" (SWD (2013)0293), after which it concluded that, overall, the three directives are "relevant, effective, coherent and mutually reinforcing"; although it reveals a number of shortcomings both in its scope and in its implementation, relating to the exclusion of small businesses, public administrations and crews of seagoing vessels; and to the lesser application of these in countries with less developed traditions, in terms of information and consultation with the social partners.

The second block of directives establishes the rights of workers to be informed and consulted in situations that have a transnational component:

- ✓ Council Directive 94/45/EC of 22 September 1994, as amended by Directive 2009/38/EC of the European Parliament and of the Council, on the establishment of European Works Councils and the establishment of general rules to ensure information and consultation of employees on matters such as the performance, prospects or working practices of the undertaking or its restructuring and human resources policies and the working environment;
- ✓ Directive 2004/25/EC of the European Parliament and of the Council of 21 April 2004 on takeover bids in companies, laying down general rules on information and consultation in respect of offers of employment;
- ✓ and, Directive 2011/35/EU of the European Parliament and of the Council of 5 April 2011 concerning mergers of public limited liability companies.

Finally, the third block of directives lays down rules conferring partial rights of participation in decision-making, applicable to situations that have a transnational component:

- ✓ Council Directive 2001/86/EC of 8 October 2001 supplementing the statute for a European company with regard to the involvement of employees, not only through information and consultation, but also by providing for the participation of employees in management boards;
- ✓ Council Directive 2003/72/EC of 22 July 2003 supplementing the statute for a European Cooperative Society with regard to the involvement of employees;
- ✓ And Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies and containing rules on the involvement of employees in such mergers.

It is worth to remind that alongside these three blocks of Directives, there are also inter-sectoral agreements between the social partners (cf. Directive 97/81/EC on part-time work, Directive 1999/70/EC on fixed-term work, Directive 2008/104/EC on temporary agency work) with implicit information and consultation provisions, such as an obligation on the employer to inform fixed-term workers about vacant permanent posts, for example.

Finally, to conclude this regulatory review of information and consultation rights, in the regulatory framework of the European Union, we must mention how principle 8 of the European Pillar of Social Rights establishes the right of all workers in any sector to be informed or consulted on matters of interest to them, in particular on the transfer, restructuring and merger of companies and on collective redundancies, with the aim of improving the protection of workers in such situations.

Contributions of Directive 2002/14/EC on information and consultation

Directive 2002/74/EC, which entered into force on 23 March 2002 and which had to be transposed into national legislation by 23 March 2005, is the reference that we must use when implementing the rights of participation, information and consultation.

As we have already pointed out, participation, through workers' rights to information and consultation, is an important social right, which helps to mitigate conflicts, create a more cooperative climate in the workplace and promote competitiveness. Both the right to information and the right to consultation are implemented through workers' representatives, works councils or directly through the trade unions, through which the dialogue between workers and their employers is implemented.

This Directive provides that information consists of the transmission of data by the employer to the employees' representatives to enable them to take cognisance of the subject matter and examine it, while consultation is defined as the exchange of views and establishment of dialogue between the employees' representatives and the employer, and follows on from such prior information provided by the employer on matters concerning the organisation of the employees' work and professional activity.

As a summary of the provisions of these directives concerning the general principles on minimum information and consultation rights for employees of companies based in the European Union, we can highlight the following aspects:

- ✓ information and consultation is carried out on aspects such as the economic situation of the undertaking; the structure and probable development of employment; and decisions likely to lead to substantial changes in work organisation or in contractual relations, while respecting national laws as provided for in Article 9(3) of Directive 2002/14: "This Directive shall be without prejudice to other rights to information, consultation and participation under national law";
- ✓ the timing of the information and consultation should be appropriate to allow for a discussion of the issue;
- ✓ the information provided by the employer must make it possible for the employees' representatives to know the situation and to prepare a response (consultation phase) on the issue raised;
- ✓ the aim of the consultation is to reach agreement on decisions that could lead to substantial changes in the way work is organised or in contractual relations;
- ✓ the Duty of Confidentiality is established: workers' representatives and their advisors must not make public any information they have received, in confidence, from the company. In addition, employers do not need to inform or consult with representatives when it would seriously harm the operation of the company.

Social dialogue and/or collective bargaining

The other fundamental element of employee participation in the company decision-making processes is social dialogue (or collective bargaining).

Collective bargaining, along with freedom of association, is a basic postulate of the ILO and is defined in Article 2 of Convention 154 as:

“For the purpose of this Convention the term collective bargaining extends to all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more workers’ organisations, on the other, for

- a) determining working conditions and terms of employment; and/or
- b) regulating relations between employers and workers; and/or
- c) regulating relations between employers or their organisations and a workers’ organisation or workers’ organisations.”

In Community legislation we note how the right to collective bargaining is recognised in Article 28 of the Charter of Fundamental Rights of the European Union, establishing that, where Union law so provides, the appropriate level of negotiation shall be deemed to be European.

In addition, the Treaty of Functioning regulates collective bargaining procedures in its Articles 152 to 155, configuring a brief legal framework that is considered sufficient for the current practice, by the social partners, who are considered legitimate to regulate the labour relations in which we participate, thus turning collective bargaining into an alternative way of producing legal norms, and abandoning its initial role of being only a complementary way in this matter.

Information and consultation in European Works Councils: the contributions of Directive 2009/38/EC

If we focus on the area of transnational action, the rights of employees to be informed and consulted are structured through European Works Councils (EWCs), regulated by Directive 2009/38/EC, which amended and repealed Directive 94/45/EC.

This directive entered into force on 5 June 2009 and should have been transposed by the Member States by 5 June 2011. Its aim is to guarantee the right to information and consultation on transnational issues for the staff of European-scale undertakings or groups of undertakings with at least 1,000 employees, for which purpose European Works Councils or “other appropriate procedures” are set up.

The Directive incorporates into European legislation a series of key terms that define the actors involved in the participation process; among them, the concept of the Community-scale company, the workers' representative, the negotiating body or the reference to what is meant by information and consultation in this framework of action.

In addition, it incorporates the procedure on how information and consultation of employees should be carried out, establishing that they should be defined and implemented in such a way as to ensure their effectiveness and to enable effective decision-making by the company or group of companies.

So we find that:

- ✓ the central management is responsible for:
 - ✓ providing information to enable negotiations to be opened on the establishment of a European Works Council or on information and consultation procedures; specific agreements shall be concluded between the central management and the employees' representatives in a special negotiating body, and
 - ✓ establish the conditions and means necessary for its establishment, on its own initiative or at the written request of at least 100 employees or their representatives, belonging to at least two establishments of the undertaking or group of undertakings situated in different Member States;
- ✓ the method of election or appointment shall be determined by the Member States in their territory, ensuring that in each State there is one member for each group of employees representing 10%, or a fraction thereof, of the number of employees employed in all the Member States and providing that employees in undertakings in which there are no representatives of employees for reasons beyond their control have the right to elect or appoint members of the special negotiating body;
- ✓ the special negotiating body and the central management shall lay down, by written agreement, the scope, composition, powers and duration of the EWCs' mandate, and experts may attend the negotiating meetings in an advisory capacity;
- ✓ negotiations will be conducted in a spirit of cooperation to reach agreement on how information and consultation should be carried out, setting out the modalities of meeting and the information to be transmitted;

- ✓ the members of the special negotiating body, the European Works Council and the experts who assist them shall not be authorised to disclose information which has expressly been communicated to them in confidence;
- ✓ the members of the special negotiating body or of the EWCs shall have the necessary means to carry out their representative tasks and shall enjoy protection and guarantees similar to those provided for such representatives under national law, including in particular: adequate training for the performance of their duties, without loss of salary, and the bearing of costs relating to the negotiations by the central management;

To conclude this brief review of Directive 2009/38, it should be noted that on 14 May 2018, the Commission published an assessment of the Directive and concluded that it had improved the quality and scope of information for workers, but that the Directive had not increased the pace of establishment of European Works Councils; it proposed to develop a practical handbook for participants in the committees and to provide funding to the social partners to support the implementation and effectiveness of these committees.

CONCLUSIONS OF THE INVESTIGATION OF THE PROJECT “GIG ECONOMY: THE INFLUENCE IN THE PARTICIPATION OF THE WORKERS”

Methodology and expected results of the survey

The research carried out during the execution of the Project, had the objective of tracking and analysing the current trends related to the influence of the development of the gig economy in the participation of the workers in the decision making of their companies.

For this purpose, a Research Questionnaire was drawn up, with multiple choice questions, which was answered, through a specific online platform in each participating country (Poland; Slovakia; Serbia; Italy; Greece; Belgium; Portugal and Spain), divided into three independent sections, coinciding with the groups participating in the survey: Independent workers, permanent workers (with employment in the company itself) and employers.

The questionnaire has evaluated different aspects:

- ✓ the optimism and pessimism of workers and employers in the automotive sector in their employment conditions, in aspects such as:
 - ✓ the reasons for your employment relationship and how it affects your personal life, professional activity and financial situation;
 - ✓ the ways in which you can carry out your work and professional activity: working hours, autonomy, skills, learning capacity, etc.;
 - ✓ the degree of satisfaction in various aspects related to their working life, professional development and income, or
 - ✓ relations with the employer and permanent workers.
- ✓ the future of the gig economy through the self-employed workers (freelance), with contributions that this type of work relationship has both for the workers and for the companies;
- ✓ and the needs and contributions of self-employed workforce in the automotive sector:
 - ✓ need for regulatory regulation and integration of these workers into the trade union movement;
 - ✓ how does or would self-employment affect “permanent workers” in the future?
 - ✓ or, whether self-employment may involve “unfair competition” with permanent work and whether it is an entry option for new graduates and would provide them with an adequate income.

Data of the personnel surveyed

The largest number of surveys, 48%, have been answered by employers, with a similar number of surveys collected from self-employed workers (29%) and permanent workers (23%).

However, only Poland, Slovakia, Serbia and Greece have answers from all three groups; a situation that has been an added difficulty to the already complex comparative analysis carried out.

Conclusions drawn from the analysis of the Research Questionnaire

Next, and by way of conclusions of the Comparative Report of the surveys, we will point out the most relevant data that can be perceived from the analysis of the project's Research Questionnaires.

- ✓ The level of education of those surveyed hardly offers any differences between the three groups participating in the survey, finding that 90% of self-employed and permanent workers have university or secondary school qualifications, with slight differences between one and the other; the level of education corresponding to employers being a little lower, between both (84%) six points lower than in the case of workers.
- ✓ Interestingly, there is more job rotation (number of employers worked for) among permanent workers, reaching 44% for more than 4 employers (compared to 23% who would have worked for 4 employers and 33% who would have always worked for the same employer), than in the case of self-employed workers, where 61% are with a maximum of 4 employers.
- ✓ In terms of the characteristics of self-employment, the most valued option is autonomy to carry out the work (38% of those surveyed), followed by "pay to order", 35%, and contractual relationship of less than twelve months, 27%.
- ✓ Most self-employed workers believe that the reason they choose this type of work is need (55%), compared to 45% who say it is a personal choice. In contrast, employers (who have no opinion in 34% of cases) think that personal choice prevails over need (46% versus 20%).
- ✓ The conditions of employment of the self-employed worker, gives rise to several conclusions:
 - ✓ for 75%, this type of work represents their basic income, positively affecting 80% of those surveyed;
 - ✓ on a personal level this type of work is beneficial or acceptable for 72% of the self-employed workers surveyed; and
 - ✓ professionally, it positively affects 73%.

- ✓ The equation of permanent work, self-employment, is resolved in favour of the former: more than 50% of permanent workers would not like to be self-employed; 46% are afraid of a change in their contractual situation; and 53% of both self-employed and permanent workers believe that the probability of self-employment growing is high or very high. Forty-five percent of employers say they believe in this same probability of growth in self-employment.
- ✓ With regard to the level of satisfaction, we observe that self-employed workers feel a greater level of satisfaction, in their professional activity and in their working conditions, than permanent workers; mainly in aspects such as: the number of hours worked and the capacity to choose those hours they work (with differences of up to 30 points); independence in their working life (with differences of 10 points with respect to permanent workers); the social benefits they receive (20 points difference) and the income and security of these (with differences with permanent workers of between 30 and 40 percentage points).

Permanent workers only show a higher degree of satisfaction when referring to their general working life; the development of their professional activities; learning options and income security; but in all cases, with values between 35% and 40% compared to other options.

For its part, the vision that employers have regarding the satisfaction of their permanent workers does not agree at all with what they have expressed (with percentages in the assessments of between 55 and 60% compared to the already expressed 35/40% of workers' assessments).

- ✓ When different groups are asked about what self-employment can bring (low costs, better quality products, business profits, increasing the workforce or creating unfair competition) the highest rankings on each of the issues proposed in the survey are given by employers and, in a similar situation, by the self-employed.

Discrepancies, between employers and self-employed workers, arise when talking about the consideration of the increase of the labour force (48% for self-employed workers and 30% for employers); and about whether anxiety is generated about workers and employment conditions (45% for self-employed workers and 35% for employers).

In contrast, the opinions of permanent workers are in acceptable percentages, between 30 and 35% in all the proposed items (except the opinions on the generation of lower costs for consumers and on the business benefits of adaptability).

- ✓ On the need to regulate the gig economy, 75% of self-employed workers are in favour, compared to 55% of employers and dependent workers.

On the other hand, this trend is reversed when analysing the answers on whether independent workers should participate in the activity of trade unions: while 79% of permanent workers think that they should; this percentage drops to 55% in the answers given by employers and self-employed workers (those affected by the question).

- ✓ The last question submitted in the Research Questionnaire concerned what the gig economy means for new graduates. Thus, we obtain that, for 23% of permanent workers, 27% of self-employed and 33% of employers, this work system is considered valid to provide work experience.

While, for 60% of self-employed workers it is a system to obtain adequate income upon graduation (a figure that drops to 40% from the point of view of permanent workers and up to 35% from the point of view of employers). And that for 56% of those same self-employed workers, the gig economy is a good system for access to the labour market (compared to 25% of employers and dependent workers).

ACTION PLAN: THE FUTURE OF EMPLOYEE PARTICIPATION IN DECISION-MAKING IN AUTOMOTIVE COMPANIES

As indicated above, the emergence of the gig economy and the development of atypical forms of employment are changing the current concept of the worker; therefore, the participation of policy makers and trade union involvement is necessary to ensure the effective participation of workers in these new forms of employment.

The concept of the gig economy, alludes to the situation of sporadic workers, and tries to implement a labour model that could be compared to the work of freelance or autonomous (or “false autonomous”) with contracts of short duration to take charge of specific tasks within a project.

Thus, within the framework of the Worker Participation in GIG Economy project we have developed an ACTION PLAN aimed at strengthening the participation of employees in decisions that influence the adaptability of the challenges of the global labour market and improving knowledge, cooperation capacity and joint action in the face of the development of the gig economy.

A proposed Action Plan, based on two distinct actions: greater involvement of workers and trade unions in decision-making and revision of Directive 2009/38/EC.

Greater involvement of workers and trade unions in decision-making

The independent worker in the gig economy finds himself or herself with a series of specific problems in whose solution his or her representatives, as well as the unions, must participate. Guaranteeing such basic actions as quality employment, fighting against job instability; adequate training of workers; social protection in the face of job vulnerability or the treatment of aspects related to occupational health (prevention of relocation and lack of socialization), are elements that we must take into account in the defence of these workers in the automotive industry.

Sectors such as the automotive industry may be more negatively affected by this new system of labour relations, so it is necessary to anticipate these trends and their impact on the employment conditions of workers, addressing actions on:

- ✓ the remodelling of the labour market,
- ✓ the creation of new occupational risks and the relocation and lack of socialization of workers,

- ✓ the creation of new employment opportunities for workers that make it necessary to explore new qualifications, competences and skills; in short: training,
- ✓ and the destruction of jobs by replacing some existing occupations with new ones.

Therefore, it is necessary that the participation of the workers in the gig economy is carried out through their representatives (and unions).

The process of Europeanisation of industrial relations at sectoral level has been a slow and difficult process, and its development is still quite low. This means that the participation of the unions with governments, public institutions or multinationals is not excessive and, when it occurs, with the report to the company's consultation, its results are not accepted by the company, in the immense majority of cases, and furthermore they are treated differently in the different Member States or candidates of the Union.

The effectiveness of any organization depends largely on its ability to successfully carry out the processes of generation and transmission of information, both internally and externally, thus making it a strategic factor.

Based on this premise, seeking employee participation is important because it is very rare for an organization to make a decision that does not affect, in one way or another, the daily dynamics of work: absolutely all decisions have an impact on the future of the organization and on its members, so the involvement of employees in the decision-making process helps the success of the organization and enhances their motivation and commitment to the company.

To achieve this involvement, it is necessary to develop good communication between all the partners, accompanied by elements such as co-management or co-decision and consultation that aim to bring the parties together to collect and exchange views. These are instruments, information, consultation and participation that we must carry out at both national and transnational level.

In view of this situation, it is obvious that the room for improvement that we, the trade unions and the workers' representatives, have with regard to our participation in the decision-making of companies in the automotive sector is wide, and extends to several specific areas of action such as:

- ✓ employment, its destruction and the emergence of new fields or forms of employment;
- ✓ occupational health in the use of new technologies and new professional qualifications or in the lack of socialisation of these “new workers”; or anything related to
- ✓ training of workers from the point of view of their professional retraining to adapt to the new systems of labour relations.

In this sense, having in mind the objectives of improving transnational cooperation between workers and employers in the automotive industry; and improving the skills of workers’ representatives to address these new challenges, we believe it is very positive to implement the following actions that ultimately aim to establish a set of good practices for communication with workers and employers:

- ✓ establish the gig economy as a priority of trade union policies, developing a strategic vision to play that role, primarily in the automotive industry sector;
- ✓ to train and inform leaders, delegates, affiliates and workers in general about what the gig economy and other atypical forms of employment are and their consequences on current and future employment and the new system of labour relations;
- ✓ involve the whole union, through debates, tools and proposals, to ensure that the transformation that emerges has clear and concise proposals that involve employers and workers to avoid job loss;
- ✓ defend the quality of employment, promoting training as a tool for job training in the face of the implementation of new technologies and new employment formulas;
- ✓ to analyse the conditions of security and health of the independent workers, establishing mechanisms that allow to advance in the defence of new situations of risk that the GIG economy and their contractual relations can cause;
- ✓ promote the existence of works councils in all workplaces and national companies. Not all countries have such workers’ representative bodies, which makes relations with workers and between workers and trade unions at the sectoral or regional level difficult;
- ✓ to encourage the establishment of trade unions in workplaces through membership, considering the difficulties in bringing workers and trade unions closer together due to the relocation of this type of work and assessing the challenges faced by trade unions in order to improve their establishment in companies in the automotive sector;

- ✓ establish changes in the transnational organization of the economy and companies, globalization, which affects trade union activity because the sovereignty transmitted by the States of the European Union is not shared, in the same way, by the trade unions in this European reference;
- ✓ recognize the union and workers' representatives as the legitimate interlocutors of the workers. In some areas, these representatives are depersonalized and reduced to an element that is placed in the decision-making process directed and driven by the entrepreneur, which ultimately makes it a subordinate element to the economic-social processes.

The revision of Directive 2009/38/EC

The participation of workers, particularly in the automotive sector, in decision-making has been discussed; as well as in the transposition of the EU Directives on information and consultation in the same field and having paid special attention to the Directive 2009/38 on the establishment of European Works Councils and the real and effective implementation of it, the representatives of the Partner Organisations in the Project Worker participation in GIG Economy long term scenarios for automotive sector, share the view that further work is needed to improve European and national standards in this area, in order to put their principles into practice and to ensure that the working and employment conditions of workers in the automotive sector are better defended against the emergence of the gig economy and the development of atypical forms of employment that are evolving the concept of the worker.

From the analysis of the various directives related to the participation of workers, some deficiencies have been identified in their content, which cause damage to the establishment of labour relations for workers in the automotive sector in the States of the European Union and the candidate countries, who see their jobs threatened by new atypical forms of employment and who do not have the most appropriate instruments for participation in decision-making.

In particular, we believe that Directive 2009/38/EC has not met the high expectations it raised, assessing the following negative aspects that need to be reviewed:

- ✓ although it is making progress on information and consultation rights, it is not making progress on participation rights;
- ✓ while it advances the role that trade unions should play, it does not establish rights, sufficient to do so;

- ✓ although it provides for the possibility of setting up specific committees and monitoring committees with a mandate for collective representation, and advances the right to training for European Works Council members, it does so by making it ultimately subject to national guidelines;
- ✓ it does not go far enough in solving the difficulties of the work of EWC members, who would need adequate training to achieve greater participation effective in them; and, in particular, greater knowledge of the different national labour systems, both European and international;
- ✓ laxity and excessive regulatory flexibility, by not establishing, in a clear way, the internal organisation, nor important questions about the functioning and functions of the EWC, which leads to a high variety of committees;
- ✓ it maintains a model of co-presence of employees and managers in EWCs, without clear regulations and without the obligation to reach agreements on consultation systems.

As a result of these assessments, we believe that it is necessary to reformulate and deepen the formal and normative aspects of the Directive and its negotiation systems, opting for more binding regulations with strong substantive agreements.

For trade unions, the right to freedom of association and the right to social dialogue, to collective bargaining, installed through several ILO Conventions, and in some articles of the TFEU, constitute a key tool for the effective representation of the interest of workers; hence we believe that it is necessary to strengthen these guarantees and the benefits they bring to labour relations.

For these reasons, the partners of the Worker participation in GIG Economy long term scenarios for automotive sector project, believe that the European Commission faces the challenge of demonstrating that fundamental rights are, indeed, at the heart of the European project; it being a duty of the Union to support and complement the activities of the Member States, also in the field of Information, Consultation and Participation of workers; in particular, co-management and within the framework of action of the European Works Councils.

PROPOSAL TO THE EUROPEAN COMMISSION

Consequently, the partner representatives of the Project Worker participation in GIG Economy long term scenarios for automotive sector, we request the European Commission to analyse what is going wrong in terms of information, consultation and participation rights of the workers; and to evaluate the application and effectiveness of the Directive 2009/38 on the European Works Councils and the information flow generated in them, considering that this Directive is not responding to the expectations generated among the different transnational actors, as we have indicated in the assessment that we have concluded in this project.

Thus, we demand from the European Commission:

- ✓ to promote a real culture of information and consultation between the social partners, businesses and institutions, by promoting agreements on information and consultation, disseminating good practice, raising awareness among the various actors involved and ensuring the implementation of existing directives;
- ✓ to strengthen the procedures for the participation of workers' representatives in European Works Councils by establishing sufficient rights for this to take place;
- ✓ to establish a stronger right of participation for workers' representatives, facilitating greater training for workers to achieve this greater participation with the aim of achieving a meaningful social dialogue before any decision by employers is finalised;
- ✓ to strengthen the internal organisation of the European Works Councils and to reinforce the current regulatory flexibility of the latter, in order to enable them to function better;
- ✓ to promote the replacement of the current model of „soft regulation“ that facilitates the model of co-presence between employees and managers in European Works Councils, establishing clear regulations and with the obligation to reach agreements on consultation systems;
- ✓ to set up mediation and/or arbitration systems that allow for effective dialogue between employers and trade unions in the framework of European Works Councils, given that the results of consultations, if any, are not always respected by employers.

In this scenario, the Unions must also be self-critical and improve our tools for informing workers to meet the demands of employees in this regard, as we have also had the opportunity to highlight in our Action Plan.

In short, the partners of Worker participation in gig economy long term scenarios for automotive sector, we are convinced that the participation of the representatives of the workers in the decision making in the companies of the automotive sector and in the scope of the European work councils, is fundamental to advance in the defence of the rights of the workers and in the joint governance of the new forms of employment promoted by the system of the GIG economy.

For all these reasons, we reiterate our call to the European Parliament to strengthen the procedures for information, consultation and social dialogue, through effective and real recognition in the field of European Works Councils, for which a revision of Directive 2009/38 is necessary; showing, at the same time, our support for the European Commission in this matter and our availability and willingness to collaborate with the Commission and Parliament, as well as with other European institutions, to achieve the implementation of the principles requested.



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