



**Executive Summary: *Shaping the Future of Work in a Digitalised Services Industry through Social Dialogue***  
Project – Final Conference, 16-17 Nov 2021



**The European Services Workers Union**

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## **Executive Summary: *Shaping the Future of Work in a Digitalised Services Industry through Social Dialogue* Project – Final Conference, 16-17 Nov 2021**

This two-day online conference brought together UNI-affiliated trade union officials and representatives to discuss the outcomes of the above-named 2019-2020 UNI Europa project; 45-55 people attended on each day, including several researchers and EWC members. The three key topics were represented in individual sessions, which were addressed by a guest speaker and a UNI Europa speaker, and featured substantial Q&A and breakout discussions.

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### **1.1. Trade union engagement with lifelong learning**

– *Jeff Bridgford (Visiting Senior Research Fellow, King's College London)*

It should be a trade union priority to ensure that workers and the unemployed have access to lifelong learning (LLL), including initial and continuing training. Huge changes in the world of work, due to technological innovation, climate change, and now the COVID-19 pandemic, are increasing demands for new skills; through these learning processes, the only trustworthy interlocutor for workers, and the only body that can act on their behalf, is a union.

Trade unions can actively engage with LLL in a number of ways: 1) play an advisory role in skills anticipation and training standards and curricula; 2) participate in the development and funding of training programs (e.g., sectoral training funds); 3) participate in the provision of training, or its monitoring (e.g., involvement in the process of registering enterprises for apprenticeships); 4) at workplace level, negotiate paid time off for continuing training and worker entitlements to training opportunities; 5) guide and motivate workers to participate in continuing training.

In addition, unions may influence decision-making on skills development and LLL through a range of institutions at national and European levels, depending on their representation within

governance structures. At company level, unions may negotiate apprentice wages or broader workplace learning policies through collective agreements, engage with works councils, and, in countries such as the UK, they can support recognised union learning representatives (ULRs).

## 1.2. Project proposals: how unions can gain more structural support for LLL

- Annika Flaten (*Director of Commerce and Tourism, UNI Europa*)

In the project survey, there was a broad consensus among the affiliates that the facilitation and funding of lifelong learning and continuous skills development for workers is first of all the responsibility of the employers – and, to a lesser extent, of governments – and that LLL should be a part of collective bargaining. It was generally perceived that LLL should be organised first and foremost at the national level, followed by the sectoral, company, and European levels. Affiliates also suggested that, in a similar way to pension schemes, employers could facilitate lifelong learning through contributions to a sectoral skills fund. While there is often a need for trade unions to be innovative in order to win successes with LLL, the project also found that it is possible to use traditional paths of collective bargaining and social dialogue – such as working environment, health and safety, and restructuring – to raise issues of skills and training.

Based on surveys, workshops and research, **four proposals** were developed in this project:

- ① Clearly define the different forms of LLL and the relevant groups of workers;
- ② Promote LLL through collective agreements, which could include paid leave for training, specification of the skills needed to meet job requirements and increase employability, definition of training content, specification of training hours, funding issues, access to training for all workers, etc.;
- ③ Explore additional collaborative initiatives between social partners, given that collective agreements often do not reach all workers (SMEs in particular need more advice on how they can best support LLL);
- ④ Promote LLL through laws and regulations: for instance, unions could lobby for legislation to set legal minimum requirements for the training of workers.

## 1.3. Breakout discussions on lifelong learning

Discussions revealed that while training is often seen as a win-win for all parties, it is still a contentious topic. There was agreement that LLL is essential for keeping up with the challenges of work, but uncertainty on whether this is understood in all trades unions. Moreover, there are huge differences in approaches to LLL between countries, and these have a major impact on worker engagement (e.g., rights to training, funding, when training takes place). Some affiliates find it is a challenge to get low-skilled workers to take up training, as the latter need to be able to better perceive its benefits. This is more likely if training is possible within working hours, which affiliates argued should be a basic trade union demand. Where the subject of more broad-based LLL, such as for future employability and citizenship, is raised, questions were raised over who would pay for this (not employers?).

## 2.1. Impacts and areas of concern within (digital) restructuring processes

– Sara Riso (*Research Manager, Eurofound employment unit*)

Eurofound's analysis of data from the [2015 European working conditions survey](#) found that restructuring is associated with *higher levels* of work intensity, self-reported stress, absenteeism and presenteeism, and exposure to adverse social behaviour (including bullying), and *lower levels* of satisfaction with working conditions, mental well-being, and job security; meanwhile, on the *positive* side, it is linked to greater access to training paid for by the employer and work that involves new learning. The strength of these associations is greater in

situations of downsizing, but they are present even in workplaces that expand through the restructuring process.

In addition, only 78% of employees in restructured workplaces reported having been informed about restructuring and only 38% had their opinion sought. Employees who reported having been consulted and informed were less likely to report the above-mentioned negative effects from restructuring, and there are similar findings among workplaces benefiting from social dialogue processes. Other factors in the work environment (“buffers”) that help to reduce the above negative effects include: perceived fair treatment, quality of the leadership, social support (support from colleagues and management), and **union presence in the workplace**.

Digital restructuring processes do not necessarily involve immediate job losses or gains. In its research, Eurofound has found that job profiles evolve continuously over time; in some cases meaning that manual jobs may be replaced with similar numbers of professional and managerial positions. Regarding sectoral trends, data from the European Restructuring Monitor (2020-21) indicates that financial services saw relatively very high job losses in cases of digital restructuring, compared to other sectors, while in the information and communication sector, job gains were much more prevalent than losses and were high by comparison with other sectors.

Overall, digitalisation remains an area in which social dialogue struggles to extend its influence. At national level, there is little evidence of the involvement of social partners in shaping innovation strategies and little emphasis on the quality of work resulting from these processes.

## **2.2. COVID-19, remote work and new challenges in restructuring**

– *Mark Bergfeld (Director of Property Services & UNICARE, UNI Europa)*

Since the launch of this project in 2019-2020, there has been a more serious disruption to the world of work than any of us could have foreseen: notably, the so-called “remote work revolution” and the enlargement of the rift between those workers now called “essential workers”, working on the front lines, and those working remotely. In the first instance, this new reality demands that we continue to undertake scenario-building research within the sector, so that we have such scenarios on our radar when they occur.

Recent years have also seen the emergence of a *permanent* state of restructuring, no longer implemented *only* on the basis of economic crises or major macro trends, such as climate change and digitalisation, but taking on unprecedented and ever shorter cycles. For example, in the facility management, cleaning and security sector over the last two years, there have been three waves of restructuring at G4S, and two waves at ISS, including divestments and sell-offs.

On the other hand, while ongoing automation in services is often considered in terms of job losses, there is actually net jobs gain in the sector. As such, this is not a time for trades unions to retreat and become defensive. Instead, we should move forward and put our agenda front and centre, bearing in mind that current labour shortages give us an increased leverage. At the same time, it is important to recognise that the automation of processes within offices and the introduction of artificial intelligence is creating new jobs both up and *downstream* in the services value chain, and we are seeing the emergence of what has been called “ghost work”. This is hidden work that is no longer taking place within the company HQ or vicinity, but is done by contractors and freelancers working on lower wages, with worse working conditions and paying their own social contributions. This type of work can have a pull effect on wages within the sector at large, and it is up to the European trade union movement to make sure that we put organising these non-unionised workers front and centre of our agenda and recruitment.

The debate around platform workers has also received widespread attention. However, it is important to understand that the use of these types of workers is not going to become the dominant employment model. Instead, large employers are using the same platform technologies to allocate work *within* their companies, and workers are having to compete for different tasks. This situation increases stress levels, with workers obliged to be continuously logged on and subject to indirect control. Moreover, when working from home, these workers have no direct contact with colleagues and few opportunities to build solidarity.

Addressing the current situation at large, we should note that the learning cycles for trades unions are much longer than those of business and capital (who do not have to make decisions on the basis of democratic discussion); as such, unions need to join together in dialogue and continuously reassess the situation in order to learn from cutting-edge practices and equip ourselves to respond to the challenges raised by business. Instead of being “helpdesks of restructuring”, where we are put in the position of communicating the company’s bad news, we should be putting forward a hopeful message of building solidarity between workers outside and inside the company, young workers and older workers, skilled workers and ‘unskilled’ workers.

### 2.3. Breakout discussions on restructuring

Discussions revealed a common view that while fighting back against restructuring, trades unions also need to invest in anticipating it. Some affiliates noted examples of this at company level, but not joined up at sectoral or national levels. A related suggestion was to address unions’ right to be consulted prior to restructuring processes, which should exist at EWC level, and at national level in a number of countries, but in practice is not happening and requires stronger enforcement. Management often communicates with unions about restructuring processes “at the last minute”, when everything has already been decided.

### 3.1. Trade unions and the self-employed: collective bargaining and legal obstacles – *Lionel Fulton (Secretary, Labour Research Department)*

The current modest growth in self-employment conceals a more significant growth in self-employment within some services sectors. Most countries in Europe now have unions with significant numbers of self-employed workers in them. However, for some unions, it is still the case that the self-employed are not people that they are looking to represent.

There are four types of unions for the self-employed: **1)** unions for traditionally (increasingly) self-employed occupations (e.g, artists, journalists, translators, tour guides), **2)** unions set up specifically to recruit new more precarious workers, **3)** unions that specifically include the self-employed (can help workers with self-employment issues such as taxation), and **4)** large unions seeking to recruit the self-employed (these may have specific self-employed sections).

Unions should engage in collective bargaining for the self-employed for three principal reasons: a) to improve the pay and living standards for the self-employed, b) to protect employees against unfair competition from the self-employed, and c) to give the self-employed a reason to join unions (since the other bodies representing them are not involved in collective bargaining).

However, European and national authorities may suggest that unions organising the self-employed are not organising workers who have the right to join together and bargain, but groups of undertakings, which would constitute illegal interference with competition (whether in collective bargaining or in the issuing of recommended rates). This has been seen with rulings in countries such as Denmark (2002 & 2010), the Netherlands (2007), and Ireland (2004).



There are four main ways of gaining collective bargaining rights for the self-employed: **1)** bargaining rights based on occupation – for instance, legislation may allow for specific types of occupations to be excluded from anti-competition law; **2)** bargaining rights based on rules on “economic dependence” within legislation – for instance, depending on whether workers gain a certain proportion of their income from single source; **3)** based on an evolving history of bargaining and legal cases dealing with economic dependence or bogus self-employment; **4)** a process whereby the self-employed agree to become employees, whether through the creation of an intermediary structure or through the negotiation of employment contracts.

Moving to collective bargaining is not going to be easy, and there is plenty of evidence of obstruction from employers. Nevertheless, we should keep in mind the recent successes in legislation and court cases (in Italy, Spain, UK, Netherlands, etc.), alongside recent bursts of industrial action from platform workers, and, crucially, what appears to be a new approach from the EU on collective bargaining and competition [as detailed below].

### **3.1. UNI Europa objectives on self-employment and the fight for fairer EU competition law – Johannes Studinger (Head of MEI, UNI Europa)**

Although there is significant variation across Europe in the situation of the self-employed within the economy, in legislation, and in their relationship to trade union structures, there has been a general shift over the past twenty years concerning how unions, and confederations like UNI Europa, perceive the self-employed and freelancers. This has moved from discussions about how freelancers themselves could pose a threat to employees’ rights and social standards, to a scenario in which unions have in many cases become an inclusive place for the self-employed, with the realisation that the real threat comes from the *employers* who are trying to push standards down and push vulnerable workers onto fixed-term contracts or into self-employment. The only way to improve the overall situation, we now understand, is to acquire as many protections and rights as possible for all workers, whether they are self-employed or otherwise.

UNI Europa’s **objectives and actions** on self-employment in this project were as follows:

- 1 Engage self-employed workers in unions:** The project created a platform for the exchange of experience/information in this area, and we have seen increased activity across many sectors.
- 2 Address bogus self-employment:** The Commission’s forthcoming [Directive on improving working conditions in platform work](#) will be a good step forward, but much more has to be done to combat abuse. The project has shown that bogus self-employment is a growing issue, particularly in low-pay sectors, and there are signs that such workers are getting organised.
- 3 Build collective power:** This is the best and most sustainable action that unions can take; many of our affiliates now have specific freelancer sections that are experiencing particularly strong growth thanks to aggressive organising and collective bargaining.
- 4 Fight for a fairer EU Competition law:** UNI has been engaging the European institutions on this question for more than 10 years, as the situation has not been in line with ILO conventions on freedom of association and collective bargaining (“workers” extends to self-employed workers). In our project study, surveyed unions identified the biggest challenge facing them as the legal barriers against the organisation and collective bargaining of self-employed workers.

This year, the European Commission promised to take action in order to remove barriers against collective bargaining for the self-employed. We note that it has proposed a range of

different policy options, some of which are very restrictive. Accordingly, UNI Europa has indicated to the Commission that only an inclusive and non-discriminatory policy would be acceptable: one that allows for all self-employed people, in all circumstances, to collectively bargain, rather than a policy restricted to platform workers or those with contracting partners of a minimum size, etc. We also take the position that the content and modalities of collective bargaining are no matter for competition policy: guidelines must align with established definitions of collective bargaining in applicable human rights instruments, ensuring full respect for national industrial systems and collective bargaining processes.

During the 18-month legislative process, UNI Europa and other industry federations have been very active and well coordinated in their dialogue with the Commission. The latter will issue [Draft Guidelines](#) on December 9, for a final consultation until 24 February 2022, with final guidelines to be published around April 2022. Upon the publication of the draft guidelines, UNI Europa will do a last push to make them fit for purpose, focused on ensuring that our members can engage more readily with self-employed workers to help them to organise and collectively bargain.

For UNI Europa, there are two main implications from the incoming changes. First, our affiliates will be able to develop strategies and decide on national-level actions in this area, whether through dealing with competition authorities regarding the implementation of the guidelines or through coordinating organising drives. Second, we aim to build a network of those who want to make self-employed workers stronger, give them a voice and improve their conditions, while building union capacity and fostering union-to-union cooperation.

### **3.3. Breakout discussions on self-employment**

Discussions revealed a desire from affiliates to empower self-employed workers through collective bargaining and to continue learning from other unions' experience. Some affiliates also asserted that trade union structures need updating in this area, and others argued for greater coordination among union federations in order to avoid situations where traditional and often artificial collective bargaining divisions result in people in the same workplaces being unable to negotiate as one. Relatedly, an example was given of collective agreements for freelancers being negotiated jointly with employees: at the German Broadcasting Service. On the negative side, affiliates stated that while political decision-making and the action of legislators in this area is crucial, it is often "corrupted" by commercial and financial lobbying.