

CALL FOR PAPERS

EMPLOYMENT RELATIONS AND TRANSFORMATION OF THE ENTERPRISE IN THE GLOBAL ECONOMY

THIRTEENTH INTERNATIONAL CONFERENCE IN COMMEMORATION OF PROFESSOR MARCO BIAGI

Modena, Marco Biagi Foundation, 19-20 March 2015

Modern socio-economic processes, favoured by technological development and accentuated by the global crisis, give rise to the need to reconsider the **structure of the enterprise**, highlighting its strategic role in a scenario in which labour relations are undergoing major changes.

In the wider scenario, the intensification of competition and the diversification of productive systems and business strategies are leading to a **fragmentation of interests** in employment relations, with the focus increasingly on the company level. As a result the enterprise becomes the site of engagement for applying provisions of various kinds on competing levels, including legislative provisions. In some instances company-level bargaining even prevails over legislative norms both in terms of values and regulatory measures.

In this connection, the evolution of the organisational framework for production, at times characterised by the loosening of **employment standards** deemed to be outdated, tends to free businesses from formal limits and from any commitment to a particular location, modifying the traditional employer-employee relationship and giving rise to new requirements for the legal regulation of *de facto* relations and the interests of the parties. The reorganisation of productive processes is frequently distributed along geographically extensive value chains involving a range of actors, forming networks with both hierarchical and non-hierarchical relations. This gives rise to the problem of identifying the exact nature of the employment relationship and the corresponding legal rights and responsibilities. In this framework, the problems arising from **the identification of the employer** in relations between a plurality of actors (temporary agency work, contracting, posted workers, company groups and networks) are of a dual nature: on the one hand there is a need to define the legal position of the actors involved in this plurality of relations; on the other hand, there is a tendency to go beyond traditional definitional criteria, including the definition of the employer, in order to identify parameters for employment protection more in keeping with present-day productive systems.

The links between companies, especially in cases involving a plurality of actors in an asymmetrical relationship in terms of power and bargaining, tend to give rise to relations that are comparable to those in the employment relationship, with analogous asymmetries, resulting in the need to identify case law rulings and regulatory provisions which, regardless of the formal nature of the

relationship, assign **forms of protection** on the basis of the interests of the parties. In this connection a topic of particular importance is that of small enterprises, characterised by an organisational structure which, in a context of ongoing dematerialisation, tends to accentuate the personalised characteristics inherent in the labour market, resulting in assimilation between small business owners and self-employed workers. The lack of protective measures and the asymmetrical power relationship gives rise to a need for measures at the level of employment contracts, social insurance and mutual support.

In the various national systems, these needs have met with various responses, including a range of legal provisions and social measures, at times in an integrated manner, involving: **hard law** (regulating the assignment of responsibilities in contracting and sub-contracting, or the definition of institutions such as the sharing of employer responsibilities, network contracts, and employment contracts), **soft law** (codes of conduct, and social clauses) and **industrial relations** (sectoral or decentralised collective bargaining, coordination through information and consultation). However, these responses tend to be fragmentary, and in practical terms they have proved to be inadequate in relation to systemic regulatory needs, above all in response to economic processes with a transnational dimension.

The global crisis also brings pressure to bear on entrepreneurial structures of a special nature, often rooted in particular territorial contexts (such as the **cooperative enterprises** of Emilia-Romagna in Italy), in which employment relations have traditionally been governed in a manner that is different from typical businesses. On the one hand, the recession may be seen as an transitional phase resulting in a selection of employment and regulatory models that prove to be particularly well suited to responding to exogenous market factors, also in connection with extending their operational range. On the other hand, in the context of the recession these models are associated with risks arising from their arbitrary and improper use, not based on economic and legal criteria compatible with their structure.

The **destabilising effects** of the transformation of the enterprise are to be seen in particular in the sphere of collective relations. Traditional forms of collective representation encounter increasing difficulty in a multicentre network of legal and economic relations with flexible borders. At the same time, the search for new forms of solidarity and mutual support is increasingly difficult in a context of increased competition and the progressive individualisation of interests.

Taking these considerations as a starting point, the Conference aims to provide a forum bringing together insights from **law, economics, organisational theory and sociology**, to carry out an analysis of the impact of the transformation of the enterprise on labour relations, casting light on the basis of empirical observation, and evaluating in a comparative perspective the problems arising and solutions adopted, while identifying prevailing trends and the most effective **regulatory measures**.

The Marco Biagi Foundation invites international researchers in the disciplines of law, economics, organisational theory and sociology to contribute to this analysis, presenting papers focusing in particular on one of the following tracks:

1) Organisational structure of the enterprise and the fragmentation of the employer's role and responsibilities

This strand is intended for papers casting light on the new organisational structures of the enterprise (networks, supply chains, value chains and the like), on the organisational and economic assumptions and implications of the arrangements shaping relations among the actors, on their legal status and their impact on the functioning of the global economy, and on the legal framework that

such arrangements rely on. Particular attention will be devoted to papers focusing on the geographical allocation of labour and production processes on an international and global scale and on the subsequent employment-related problems, in terms of protection for workers in the weakest links of the production chains and networks. Papers examining measures taken to solve these problems, or proposing original and innovative solutions, will be particularly welcome.

2) Employment relations in ‘special’ enterprises

This strand concerns papers analysing “special” enterprises, intended as those firms, such as cooperative or social enterprises, whose assumptions, functioning and regulatory framework follow patterns differing from common, purely market-based firms. One of the aims is to compare the legal regulation and the organizational and managerial practices of such enterprises, especially with regard to their impact on employment relations, with the performance of market-based enterprises. Particular consideration will be given to papers suggesting how to ascertain the ability of these special entrepreneurial models to adopt original responses to the recession, and considering the extent to which these models can be exported from their original environment without being detrimental to workers’ rights and interests.

3) Small and medium-sized enterprises in a global context: relations, interests, protection

This strand will include papers examining the different configurations and dimensional characteristics of economic operations and activities in the different regions of the world, in order to understand in a comparative perspective the specific problems shared by companies according to their dimensions, as far as employments relations are concerned. Papers that will be particularly welcome are those that focus on problems relating to economic and contractual power imbalances among economic entities within the same business network as well as on the contractual and legal measures adopted to tackle such problems, providing protection by means of market and social security regulations, and contractual arrangements for workers in SMEs with relations with powerful companies, as well as small for entrepreneurs and independent contractors.

4) Collective solidarity and the representation of interests in the context of recent developments in regulatory provisions and the dematerialisation of the enterprise

This strand will include papers dealing with problems relating to workers’ and employers’ representation in a context that favours the progressive decentralization of industrial relations systems. Reflections on the development of the regulatory systems in this respect, at all levels (domestic, international, transnational), will be particularly welcome, as well as papers that seek to understand the strategies and techniques adopted by the actors in order to cope with current challenges, such as the decline in union density, the rise of new competitors on the union front and the strengthening of private regulatory fora concerning MNCs. This strand will also be open to reflections on the problem of workers’ voice in segmented labour markets, in relation to the limited presence or the absence of trade unions in SMEs and the weakest links in the value chain. Organisational, mobilisation and networking strategies adopted by unions to counter the trend towards the individualisation of interests and the decline in solidarity among workers will be a particular focus within this research strand.

SUBMISSION OF PAPERS

Participants who intend to contribute a paper to one of the conference sessions should submit an abstract (maximum 1500 words) no later than 31 October 2014, and fill in the form that will be made available from September 2014 on the Marco Biagi Foundation website: www.fmb.unimore.it

Abstracts should include an indication of the related track. However, the Academic Advisory Board reserves the right to assign papers to the track they consider to be most appropriate.

Abstracts and papers may be submitted either in English or in Italian.

DEADLINES

Deadline for submission of abstracts: 31 October 2014.

The Academic Advisory Board of the Conference will inform participants of acceptance no later than 14 November 2014.

In order to be included in one of the conference sessions, full papers need to be submitted to the conference organisers no later than 13 February 2015.

CONTACTS

For information about the presentation of papers:

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More detailed information will be posted on the Marco Biagi Foundation website www.fmb.unimore.it in September 2014. The first draft of the conference programme will be made available in January 2015.