

*THE DIRECT PARTICIPATION OF WORKERS
IN TECHNOLOGICAL INNOVATION
PROCESSES IN SPAIN
DIRECT II PROJECT
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EXPANDING AND IMPROVING WORKPLACE DEMOCRACY AS A PREREQUISITE FOR HUMANISING LABOUR AND THE WORK ENVIRONMENT – DIRECT II

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INTRODUCTION

Worker participation in companies is one of the key issues that labour relations systems in Western democracies have sought to address throughout their history. The trade union movement has traditionally sought to make relations between labour and management more democratic, based on the premise that labour relations go beyond merely paying a consideration for services to include social and political constructs that create a specific work culture (Taberna, F., Román, M., 2009).

Control over production processes, and especially decision-making, is at the centre of workers' struggles. By contrast, from the employers' perspective, worker participation is conceived as a management tool to advance their own interests (to incorporate workers' knowledge, deal with labour conflicts and crises, adapt production to technological changes, etc.), facilitating a space for participation but always maintaining control over production and production processes.

The existing literature on this subject confirms that worker participation is a multidimensional phenomenon. Its application offers a wide range of experiences, with a vast array of situations and notions attributed to it, so much so that a variety of analytical categories have been established to address it. For example, one approach is to look at the type of participation (participation in the workplace, management participation, financial participation, etc.); the level of participation (information, consultation, negotiation or shared decision-making), the form of participation (direct or indirect; collective or individual); or the stage at which participation takes place (decision, implementation, evaluation),

(Aragón, et al. 2005). At the same time, worker participation also depends on several factors. Among others, these include institutional and regulatory frameworks, productive structures and organisational processes, employment conditions and the labour relation system, especially the role of trade unions and collective bargaining, as well as ideological and cultural values and beliefs that are generated in the work environment (Albalade, 2001, 2004, 2005; Sánchez 2000, 2004, 2008, 2012).

Within this context, this report focuses on analysing the direct participation of workers in technological innovation processes in Spain. According to the analysis of the EPOC framework - Employee Participation in Organisational Change - (Eurofound, 2012), direct worker participation is defined as any "opportunity provided by management, or initiatives they support, at the workplace level, for consultation and/or delegation of responsibilities and decision-making authority to their subordinates, either as individuals or as groups of employees, in relation to immediate tasks, organisation of work and/or working conditions".

As a starting hypothesis, the report takes a closer look at the idea that technological innovation does not in and of itself lead to changes in processes and products, as this depends on several factors (institutional, economic, cultural, etc.) and also on the strategies of the parties involved. Hence, the role of labour relations is a decisive factor in the anticipation of change and, therefore, in the final impact on the organisation of work and production processes. Here, direct participation - with the support of representative participation - could play an important role in the implementation of technological changes in the workplace.

The report is divided into six sections. The first section provides some context for the labour and industrial relations situation in Spain. The second section discusses direct worker participation in Spain, reviewing the constitutional and regulatory framework as well as the labour relations system. The third section analyses the role of direct participation in the social dialogue agenda and the technological change in Spain. The fourth section examines interesting experiences on direct participation. The fifth section addresses direct participation and digital change through different case studies. The sixth section reviews the measures implemented during the COVID-19 pandemic by the companies. The last section discusses the conclusions of the report, summarising the results and reflecting on the open questions on the study of direct participation in Spain.

It is safe to say that direct worker participation in Spain has historically been quite scarce. There are very few exceptions from both a regulatory and practical standpoint, which highlights the enormous gap between theoretical analysis and real life experience in the workplace (Sánchez 2012). This paper examines this question, underscoring both the potential and the risks of worker participation when it is applied to technological change and innovation.

1. LABOUR RELATIONS IN SPAIN: CONTEXT AND MAIN CHARACTERISTICS

As a result of social dialogue, the Spanish government has deployed a "social shield" consisting of various public policies and measures to minimise the social consequences of the pandemic. This is why labour relations are playing a fundamental role in the pandemic and the economic recovery, with a decisive impact on employment dynamics.

The Spanish economy has shown a certain resilience, with year-on-year GDP growth of 3.4% in 2021 (third quarter) linked to a 4.4% increase in employment in the same quarter. Despite this, the labour market in Spain continues to be plagued by high structural unemployment and is often at the top of the list among European countries. In the third quarter of 2021, there were nearly 32.5 million active people, 20 million of whom were employed, which implies an unemployment rate of 14.5%.

By sectors, the services sector is predominant in the Spanish economy. The services sector accounts for more than 76% of the employed population, a figure that has grown by almost 10 points in the last 13 years. Meanwhile, in other sectors such as construction, employment had fallen by more than 50% to represent 6.5% in 2021 (third quarter); in industry it fell by 16% to 16.3%; and in agriculture it was down from 9% to just 4.2% of the employed population. Within the services sector, retail trade and food and beverage services play a key role in the business fabric, with companies engaged in these activities representing 12.8% and 7.4%, respectively.

Finally, it should be noted that the situation in Spain in terms of labour relations is highly fragmented. More than 55% of companies have no

employees; 35% have between 1 and 5 employees and only 0.8% have more than 50 employees.

1.1. Social dialogue in Spain

Social dialogue has played a crucial role in the configuration of the Spanish democratic State in its more than 40 years of existence. Once the role of trade unions and employers' organisations was recognised in the Constitution, a culture of labour relations emerged which is evidenced by the negotiations - with the participation of trade unions, employers' organisations and the government - and the social dialogue - led by the most representative trade unions and employers' organisations.

The role and the culture of consensus in social dialogue in Spain is reflected in the agreements signed by the country's most important trade unions and employers' organisations. Comisiones Obreras (CC.OO) and Unión General de Trabajadores (U.G.T.) are the most representative trade unions, whilst the Spanish Confederation of Business Organisations (CEOE) and the Spanish Confederation of Small and Medium-Sized Enterprises (CEPYME) are the most representative employers' organisations.

The agreements reached by these organisations shape the labour relations model in Spain, which sets the standards and recommendations for collective bargaining agreement negotiators. These agreements have been reached in the past and have continued into the present day, experiencing successive periods of growth, recession and recovery. Although they are voluntarily imprecise, and although some commitments are often not fulfilled, the standards set in these agreements have, by and large, been

effectively transferred to a large part of sectoral and corporate collective bargaining.

Despite this, social dialogue has had a bumpy trajectory with significant ups and downs along the way. When the crisis broke out in 2008, which hit Spain hard and resulted in major job destruction, social dialogue suffered greatly. Although the social partners' collective bargaining agreements were maintained with the hope of tackling the economic crisis and reorienting jobs and wage policies, there was no tripartite agreement on major reforms of the labour market, pensions or education.

In fact, collective bargaining agreements reached in the early days of the economic recovery, from 2014 onwards, faced an uphill battle with many difficulties, largely due to the negative effects of the 2011 collective bargaining reform. Other factors come into play, such as the social delegitimisation of the negotiators or the poor leadership skills of the organisations themselves at the various dialogue and negotiation tables (Cruz Villalon, J, 2015). Signed in 2018, the latest Collective Negotiation and Bargaining Agreement (IV AENC) acknowledges that the economic situation is improving and recommends reinforcing collective bargaining instruments to consolidate growth in employment and working conditions.

The Covid-19 pandemic has led to an undeniable resurgence of strong social dialogue together with the tripartite pacts. In the face of growing political polarisation in Spain in recent years, social consensus has taken on a central role since the pandemic began in 2020. In fact, the policies and measures promoted by the government to deal with the economic consequences and the destruction of employment were the result of

tripartite agreements, which have not only successfully mitigated the effects of the crisis, but have also minimised labour conflicts. Within this context, ground-breaking agreements have been reached on regulating telework and workers' rights to disconnect from digital platforms.

The Covid-19 pandemic has highlighted the relevance of social dialogue in Spain. As a result of social dialogue, agreements have been reached that have allowed the government's to build a "social shield": agreements on furloughs between employers and unions; agreement on telecommuting; agreement on special Covid-19 benefits, II, III and IV (ASDE) Social Agreement in Defence of Employment; Agreement on Economic Reactivation and Employment; Agreement on Labour Aspects of Delivery Work via Social Platforms; Plan to Promote Vocational Training for Self-Employment and the Social Economy; Royal Decree-Law 6/2019, of 1 March on urgent measures to guarantee equal treatment and job opportunities for women and men; Royal Decree 713/2010 of 28 May on the registration and filing of collective bargaining agreements; Royal Decree 902/2020 of 13 October on equal pay for women and men; and numerous agreements reached by sectoral roundtables such as the social dialogue roundtable on vocational training for employment linked to the National Qualifications System; the social dialogue roundtable on vocational training for employment; the social dialogue roundtable on talent; the social dialogue roundtable on pensions; or the social dialogue roundtable on the dependent care system, among others.

Overall, this period represents, by far, one of the most decisive and relevant for social dialogue in Spain in recent decades, embodied in the

agreement reached by social agents on labour reform. For the first time, this reform (Royal Decree-Law 32/2021) attempts to correct some of the factors impacting precarious employment, temporary employment and sectoral collective bargaining on wages.

1.2. The collective bargaining system

The collective bargaining system in Spain is conditioned by a productive structure with a predominance of small and micro-enterprises. In Spain, there is a long tradition of collective bargaining and collective agreements, and the agreements reached generally apply to all workers whether they are members or not, in accordance with the *erga omnes* principle. Because of this, bargaining at the sectoral level (national and provincial) takes on special relevance and the number of workers covered by collective bargaining agreements is quite high (11,397,600 out of 19,779,300 workers in 2019). At this level, worker representation is in the hands of each sector's predominant unions.

Workers' representation in companies is conveyed through various instruments:

- Works councils or labour delegates, depending on the size of the company. Companies with fewer than 50 workers can have up to three labour delegates elected from among the workforce and those with more than 50 workers will have a works council. The number of elected delegates depends on the size of the company, with up to 21 representatives in companies with more than 750 workers.

- The elected prevention delegates are responsible for specific functions in the area of occupational risk prevention. Companies with 50 or more workers must have a Health and Safety Committee.
- Each company has a union section that represents the employees who are union members. Not only do the unions represent their members but they also play an active role in negotiations with the company.

1.3. Labour dispute resolution mechanisms

In 1996, the most representative trade unions and employers' organisations signed the Agreement on the Out-of-Court Settlement of Labour Disputes (ASEC). Since then, other ASEC agreements have been signed, as well as an Autonomous Labour Dispute Solution (ASAC) in 2001 (ASEC II), 2004 (ASEC III), 2009 (ASEC IV), 2012 (ASAC V) and 2020 (ASAC VI), the latter of which is valid through 31 December 2024.

The purpose of these agreements is to develop and maintain an autonomous system for the resolution of collective labour disputes arising between labour and management or their respective representative organisations (article 1.1 ASAC) through mediation and arbitration procedures managed by the Inter-Confederal Mediation and Arbitration Service (SIMA).

2. DIRECT PARTICIPATION IN SPAIN: LEGISLATIVE FRAMEWORK, AREAS AND INITIATIVES

The democratic era, which began in Spain in the mid-1970s, ushered in a whole set of rights and freedoms in various realms, including citizen participation in political, social and economic life which represents a

central theme of the new citizenry (Aparicio and Baylos, 1992). The Spanish model of worker participation is based on the collective representation of interests, recognised at different regulatory levels: constitutional law, labour law, collective bargaining laws and even occupational risk prevention laws.

Below we review the key elements, spaces and contents associated with the direct participation of workers within the Spanish worker participation model.

2.1. Constitutional framework and labour law

The constitutional framework establishes that "the public authorities shall effectively promote the various forms of participation in the company and shall encourage cooperative societies through appropriate legislation. Likewise, they will establish mechanisms to facilitate workers' access to the ownership of the means of production" (Spanish Constitution, 1978).

As happens in other European countries, worker participation is linked to the representation of interests in the labour relations system, based on conflict and compromise between management and labour. Labour laws do not limit the existence of different forms of participation, since each participation formula contains the potential for cooperation and conflict (Aparicio and Baylos, 1992).

The Spanish model of representation is a **dual model** based on **unitary** representation (works councils and delegates) and **union** representation (union sections and delegates). Unlike other models where there is a differentiation of functions, the Spanish model adopts a mixed formula of

legitimacy in collective bargaining. Thus, it recognises that “the legitimacy to negotiate company or lower-level agreements is shared by the works councils and the unions, although the former enjoy preferential legitimacy when the agreement affects all the company's workers" (Galiana, J.M.; García, 2003).

Both forms of representation share similar powers (in line with ILO Convention 135). The unitary representatives (works councils and workers' delegates) have the power to negotiate, inform and/or consult, surveil and control, along with other powers (article 64 of the Workers' Statute). The union representatives (union delegates) have the right to receive the same information and documentation as the company provides to the unitary representatives in companies with more than 250 workers. They also have the right to attend - and to speak but not to vote - at meetings of the works committees and internal bodies on matters such as health and safety, and to be heard by the company prior to the adoption of collective measures (article 10.3 of the Law on Trade Union Freedom).

To understand the scope of direct participation of workers in the Spanish legal framework, one must first understand the **levels or degrees of participation** that are recognised. Under the law there are two main levels of participation: a) an information and consultation level, where information is shared and questions are asked (with greater or lesser intensity); b) a level of participation in the company's decision-making, monitoring and/or control bodies, in line with the European framework (Castro, 2014).

2.2. Levels of worker participation.

The **information and consultation** level requires that the employer and the workers' representatives act "in a spirit of collaboration", taking "into account the interests of both the company and the workers" (articles 64.1 ET). This does not include situations in which the labour representatives defend the workers' interests, for example, in matters such as the payment of wages, the payment of Social Security benefits (article 29.4 WS), or notice of termination for cause (article 52 WS). As previously mentioned, whilst some of the information and consultation rights are linked to the right to representation in the collective bargaining and union action realms, others fall under the heading of participation rights. The laws have configured this participation in the company by recognising a series of **information and consultation** rights that are distributed among the different representative bodies, which in one way or another assume the power to provide information, either **actively** or **passively**. When there is a **passive** transfer of **information**, the representative body becomes a mere recipient of the information (on economic and financial aspects, hiring, disciplinary powers and grave misconduct, absenteeism, aspects related to occupational risk prevention and others: payment of wages, social security benefits, functional and geographical mobility, modification of working conditions, business transfers, consultation periods, collective terminations, etc.), (Castro, 2014).

When there is an active **transfer** of **information**, assemblies and meetings with workers are recognised (Galiana and García, 2003). Different levels of participation can be identified when there is both a transfer of information and consultation. On one level there is a transfer of information from the

employer to the workers' representative(s), who may prepare a report before certain decisions are implemented by the employer (Castro, 2014). Such a report might address: a) the organisation of work in the company (restructuring of the workforce, reduction of working hours, change of facilities, occupational training plans, establishment of bonus and incentive systems and performance evaluations, systems for organising and supervising the work; jurisdictional claims in professional reclassification matters); b) a change in the legal status of the company (Galiana and García, 2003). Under no circumstances is there any chance of vetoing the company's decisions, which prevail even if there is no agreement (Castro, 2014).

On a second level, there are **consultations** where a higher degree of participation is required, as recognised in the Occupational Risk Prevention Law (LPRL). The law recognises the right to consultation prior to decisions that affect the planning and organisation of work and the introduction of new technologies, in terms of their impact on the worker health and safety (Castro, 2014). The intensity of the participation is greater in these types of consultations since LPRL recognises the right of workers to collaborate with management to improve preventive measures.

Hence, workers have the right to participate in company matters related to occupational risk prevention (article 34 LPRL) which is different than the right to consultation (article 33 LPRL), (Castro, 2014). LPRL establishes that workers can participate in the drafting, implementation and evaluation of the company's risk prevention plans and programs. They can also promote initiatives to introduce methods and procedures for effective risk

prevention, making proposals to the company on how to improve conditions or correct deficiencies (article 39 LPRL). And they must be consulted on other actions that could have a material impact on worker health and safety (e.g., training), (Castro, 2014).

So to summarise, there are **two basic forms of individual and group participation**: consultation, where management encourages employees to express their views on various work-related issues, but reserves the right to make decisions; and delegation, where workers are given greater discretion and responsibility in organising and performing their work.

2.3. Spaces for direct participation: from collective bargaining to occupational risk prevention

Spanish labour relations allow for the development of new forms of participation within the **collective bargaining** framework. This includes things like participating in certain contents that raise the level of workers' involvement in the company, fostering participation through joint committees or workers having access to the company's governing bodies. In most cases, the rights of workers to participate in the company are exercised through their representative bodies.

The rights of workers to participate in the company's **occupational risk prevention plan** was included in the Occupational Risk Prevention Law (LPRL) from 1995. One of the basic principles of preventive action is that workers have the right to participate "in the framework of all matters affecting occupational safety and health". Workers have the right to make proposals to the employer and to the participatory and representative

bodies on ways to improve the levels of health and safety protection in the workplace" (article 18.2 LPRL).

Here, workers' participation rights are two-pronged (article 34 LPRL). On the one hand, individual workers have a legal right to participate in all matters related to prevention in the workplace; and on the other hand, there is a collective dimension that guarantees workers' participation through their representatives (Prieto, 2009). The purpose of this dual dimension is to accommodate companies of different sizes. Direct and individual worker participation applies more broadly to small companies (up to 6 workers) whilst indirect, collective and representative participation is more suited to larger companies (more than 10 workers), (García Miguélez, 2009).

Workers have the right to be consulted and to participate directly in matters related to risk prevention, without prejudice to the establishment of a system of participation through union representatives and other specialised bodies. This right of workers to be directly consulted is one of the few instances in which a labour law regulates the direct participation of workers. However, LPRL does not set any rules on this direct consultation procedure, which can therefore be implemented in many different ways. The assembly is one of them, but not the only one. The purpose of direct consultation is not for the workers to form a majority opinion but to allow them to express their opinions and influence the employer's decision-making process (Valdés Dal-Ré, 1996).

3. THE ROLE OF DIRECT PARTICIPATION IN THE SOCIAL DIALOGUE AGENDA AND TECHNOLOGICAL CHANGE IN SPAIN

The digitisation process in Spain has been disparate. In fact, greater comparative progress has been observed in fields such as connectivity or the digitisation of public services than in other areas such as human capital or the integration of digital technologies. Likewise, implementation is not the same at all companies and different patterns can be seen depending on the sector, the size of the company and even the location.

The impact of digitisation is not conditioned solely by the characteristics of the technology itself, but rather by a range of different socioeconomic, institutional and cultural factors. Moreover, the strategies of the actors involved, including employers, unions and public administrations, modulate and influence this impact.

Governments in Spain have introduced different initiatives to promote the digital society and the economy. Some examples are the Digital Agenda for Spain (2013), Connected Industry 4.0 (2015), Digital Strategy for an Intelligent Spain (2017). Of particular interest are the more recent Digital Spain 2025 (2020) and the Transformation and Resilience Plan (2021).

3.1. Digitisation and social dialogue

Three-way social dialogue has been identified as a "blind spot" in the digital transformation process in Spain, despite its recognised relevance as a tool for the socioeconomic governance of the country in the last four decades (Rocha, F. and De la Fuente, L, 2018). In this regard, social

partners in Spain have been formulating their digitisation strategies and positions over the last decade.

Both employers and unions acknowledge the need to promote a "country-strategy" through social dialogue to manage the process. There are some common themes to the proposals put forward by both sides of the social dialogue, mostly concerning infrastructure development, connectivity and improving workers' digital skills. However, as one would expect, there are also clear differences between employers and unions when it comes to addressing the level and scope of legal regulations or tools to preserve labour rights. (Rocha, F. and De la Fuente, L, 2018).

Digitisation is viewed favourably by the employers' confederations (CEOE-CEPYME), considering its benefits. They argue that "the digital transformation of our country should not be an option but a reality, since it is the biggest and best opportunity that Spain has to generate high-value employment, consolidate economic growth, evolve the public administration and improve the welfare of citizens" (Spanish Confederation of Business Organisations, 2017).

Business associations (CEOE-CEPYME) have developed a positive view of the benefits associated with digitisation (Rocha, 2018). They agree that new technologies will be the main driver of social and economic transformation and could be a source of competitiveness. In fact, digitisation is seen as a path to economic recovery, fostering growth for European companies, especially small and medium-sized enterprises. These changes will have an impact on all agents: public administrations, companies and citizens. Moreover, it could bring major changes to the

economy and society. On the other hand, business models will be noticeably affected by the disruptive changes (CEOE, 2018).

The most representative trade unions at the national level (Comisiones Obreras - CCOO and Unión General de Trabajadores - UGT) share the view that digitisation is an economic and social process under construction, whose limits and effects have yet to be explored in depth. Furthermore, they argue that the rollout of the digitisation process is not homogeneous. On the contrary, the intensity and scope of these impacts vary significantly from one country, region, productive sector and company to the next. In fact, the impacts even vary among different population groups (CCOO, 2019). They propose three different measures to address the digitisation process within collective bargaining: a) Promote the role of industrial relations and collective bargaining at the sectoral and company level. b) Adapt traditional trade union schemes to the new workplace realities. c) Promote appropriate regulatory frameworks and policies to support female workers through tripartite social dialogue.

In 2018, a business organisation in the digital technology sector in Spain (AMETIC) and the two leading trade unions (CCOO and UGT) signed a document entitled, "Joint Recommendations on the Impact of Technology in Productive Workplaces" (Ametic et al., 2019). This document offers guidance for incorporating new technologies in productive processes and also includes a recommended protocol that can apply to any sector of the Spanish economy. This protocol is not a substitute for collective bargaining procedures but could promote best practices in information and consultation procedures.

In 2019 these three organisations also signed an agreement entitled "Manifesto for the Leadership of the Digital Transformation of the Spanish Economy through Talent Development" which is based on three pillars: reducing gender gaps in training and education in STEM subjects, fostering digital skills and job quality, and training and education for a digital society.

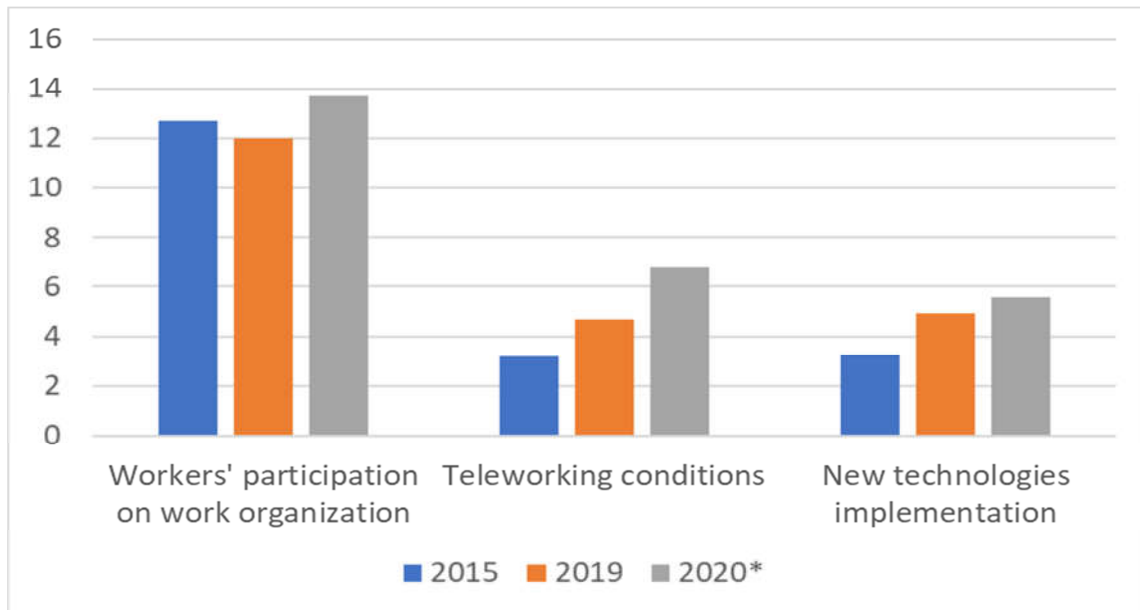
As a result of social dialogue, Royal Decree-Law 9/2021 was passed in May 2011¹ to guarantee the labour rights of workers employed by digital delivery platforms. The purpose is to "recognise the right to information of the representatives of workers in the digitalised work environment and to regulate the employment relationship in the field of digital delivery platforms".

On the one hand, it recognises "the right of the works council to be informed by the company of the parameters, rules and instructions that form the basis for the algorithms or artificial intelligence systems that affect decision-making and that can affect working conditions, access to and retention of employment, including profiling". On the other hand, "it introduces a new provision on the presumption of job-relatedness of the activities of delivering or distributing any type of product or merchandise, when the company exercises its powers of organisation, management and control, using algorithms to manage the service or working conditions on a digital platform".

¹ Agreement reached on 10 March 2021 between the Government, CCOO, UGT, CEOE and CEPYME, following the work carried out by the Dialogue Committee set up for this purpose on 28 October 2020.

The treatment of matters related to digitisation in collective bargaining appears to be quite limited according to the Ministry of Labour's Collective Bargaining Agreements Statistics. The following chart illustrates the appearance of clauses related to the participation of male and female workers in the organisation of work, teleworking conditions and the implementation of new technologies for the years 2015, 2019 and 2020 (provisional data). It shows that participation in the organisation of work only appears in 12% to 14% of agreements, without major changes in the last five years. There has been an upward trend in the subject of teleworking, although based on the provisional data for 2020 it appears in less than 7% of all collective bargaining agreements. Similarly, there is an upward trend in the introduction of new technologies, although it is a weaker trend and appears in less than 6% of the collective bargaining agreements.

Chart 1. Percentage of collective agreements with clauses on participation in work organization, telework conditions and the implementation of new technologies, 2015, 2019 and 2020 (%).



Source: Collective Bargaining Statistics. Ministry of Labour (*2020: provisional data).

3.2. Direct participation in the social partners' agenda

Both employers' associations and trade unions agree on the need to increase the levels of worker participation, as evidenced by its relevance in the inter-federal agreements on collective bargaining. However, their understanding of the meaning and implications of participation at the company level can be radically different (Sánchez, 2012). Beyond the institutional and regulatory elements, there are numerous studies that point to the importance of the cultural-ideological dimension, which shows the relevance of the issues and values that are reflected in worker participation (Albalade, 2001, 2004, 2005; Sanchez, 2000, 2004, 2008, 2012).

It is difficult to find an established position of the social partners on direct worker participation. However, two generally opposing viewpoints held by the social partners on the participation of workers are clearly identified (Sánchez, 2012):

- **Employer's view.** Employers seek to avoid labour conflicts with workers and unions: worker participation involves workers assimilating the company's business interests. Participation takes place in the workplace. Participation is also a tool to achieve a "sense of connection to the business", and thereby build "morale" among workers.
- **Critical view.** Participation serves to rebalance management and labour. It is a pathway to true industrial democracy in which workers have a say in management issues. Here, participation refers to equal control of production and resources by management and workers, with equal access to research and information for decision-making purposes, which includes negotiating the organisation of work. This leads to a more equitable distribution of authority and power in the workplace.

According to the literature, participation is interpreted managerially in most of the participation experiences recorded in Spain. According to this view, workers should be involved in the values and norms of the new organisational culture, becoming participants in the business objectives. In this regard, participation could contribute to making the company more efficient (reducing costs, increasing productivity and quality) and reinforcing the workers' commitment to business objectives through assimilation of the "company culture" or "organisational culture" (Sánchez, 2012). This could be seen as a risk to trade unions when they must

collaborate with or oppose worker participation proposed by management. Support could be weakened if workers perceive their participation to be increasing, transmitting suggestions and complaints directly to management and diminishing the influence of unions in the workplace.

However, this does not mean such practices should be rejected by trade unions. As previously demonstrated, they are capable of negotiating and having positive effects on working conditions and labour relations (salaries and benefits, negotiation of productivity increases, etc.). The participation of trade unions is enhanced by bringing to light managerial disciplinary contents and at once introducing democratising contents, augmenting the participation of trade unions in the decision-making processes of companies. Given the Spanish productive structure, with a preponderance of small and medium-sized companies, this trade union perspective is necessary since business participation practices could weaken the effectiveness of trade unions if the collective solidarity of workers is transferred to the company. This is the challenge for trade unions: how to encourage participation without losing the connection with workers (Sanchez, 2012).

3.3. Direct participation driven by union representation to address productive transformation.

It is important to recognise that worker participation in the context of the implementation of new technologies can have positive effects but can also be risky. Different studies have pointed to low worker participation in

technological innovation processes in Spain. As reported by Albalade (2001, 2004, 2005) in studies of the auto parts sector in Catalonia and by Aragón et al. (2005) in the analysis of companies operating in different sectors, worker participation has focused mainly on information and consultation, to the exclusion of higher levels of participation. In some cases, direct participation through working groups has been proposed, but with the support of workers' representatives (Aragón et al., 2005).

What we see is that little progress has been made on the issue of worker participation as far as the constitutional and regulatory framework in Spain is concerned, where the focus has been mainly on collective representation. In any event, some momentum has been seen in promoting this type of participation (e.g., LPRL or collective bargaining). There are several reasons for the scarcity of regulations and experiences of direct worker participation in companies.

From a historical point of view, the Spanish transition to democracy gave rise to the establishment of labour relations based on the contrasting interests of management and labour and the creation of independent trade unions. In contrast to the "corporate union" (vertical union) of the Francoist period, there was now a need to strengthen the model of collective representation of workers. In Spain's case, this took the form of a dual model of representation as a counter-power mechanism in the workplace to guarantee worker participation.

On the other hand, Spain lagged behind other European countries in the productive and organisational development of companies. Technological and organisational changes took place in the early 1990s in Spain against

the backdrop of an effort to modernise production and labour. Worker participation was proposed as a component of undertaking this modernisation process (Köhler et al., 2005), but in general direct participation has been limited and contingent upon business needs.

It is worth noting that worker participation in a company does not depend exclusively on the regulations. Most regulations are quite restrictive when it comes to enabling real direct participation (Albalate, 2001) and they have often ended up being used as instruments for dealing with other activities having nothing to do with their original purpose. When such regulations do not actually benefit the people they are intended to protect, it can lead to a stagnant and inefficient structure. By contrast, when the regulations take prior participation experiences into account, they can strengthen worker participation and serve as a valuable tool for sectors with less union presence (Albalate, 2001).

The direct participation of workers is a challenge for trade unions, particularly with regard to representing workers' interests and their role within companies. But experience has shown that companies that incorporate forms of direct participation obtain better results. Workers make decisions collectively on the planning, organisation and performance of work in a participatory process regulated by agreement between labour representatives and management. At these companies, direct worker participation and labour representation go hand in hand. The results were not as positive in those companies where direct participation was introduced unilaterally by management or where either representative or participatory models were introduced, but not both (Knudsen, et al., 2011).

Trade unions play a central role in fostering democracy at work, not only because of their capacity to interact with companies but also because of their organised social structure and participatory practices. The principle of democracy within their organisations is a pre-requisite for incorporating industrial democracy in the workplace (Albalate, 2001).

4. DIRECT PARTICIPATION IN THE COMPANY: EXPERIENCES AND ACTIONS NEEDED

The empirical evidence of experiences with direct participation in recent decades reveals certain aspects that favour such participation.

There are several positive aspects of implementing participatory practices. The voluntary nature of participation; the sharing of information on organisation, performance, etc.; teamwork training and education for managers; teamwork training and "group" decision-making; long-term labour relations which facilitate the implementation of participatory practices in a larger number of departments (Aragón et al., 2005). On the other hand, there are other aspects that can hinder worker participation in a company. The most common obstacles (Martin, 1998) include the resistance of management to yield part of its discretionary power through participatory mechanisms; resistance of middle managers, who often perceive worker participation as a loss of control within the organisation; resistance of the workers themselves, who in many cases reject their own involvement when it is imposed unilaterally by management, without agreement, compensation or motivational incentives; and the precariousness of employment, a factor that hinders worker learning,

training and qualification and impedes motivation and development of a participatory culture.

The implementation of participatory practices is, therefore, a complex process which does not have a one-size-fits-all solution and does not affect all workers in the same way, even within the same company (Aragón et al., 2005). Worker participation can be a decisive element in improving the workplace environment, considering a wide range of aspects (employment conditions, organisation of work, continuous job training, occupational health and safety, etc.).

The literature confirms that few experiences of direct participation have been recorded in Spain. There is an intense debate surrounding such experiences and their results, since it is often the managerial vision that is assumed, thus reinforcing the interests of the employer.

In recent decades, there have been worker participation experiences in the following areas:

- **Restructuring processes.** In the early 2000s, the ARCELOR group undertook a restructuring process in different European countries, implementing a cost reduction plan and introducing the direct participation of workers. The plan was designed by company management with the consulting firm McKinsey but without the participation of the group's European Works Council. In Spain, the plan focused on the Asturias plant and was endorsed by two of the company's leading trade unions, UGT and USO. The main object was to reduce costs and the workforce was cut by 1,600 jobs (Köhler et al., 2005).

- **Worker cooperatives.** These are business organisations with democratic structures and operations. They operate on the widely accepted principles of cooperation, duly regulated in regional, national and international mechanisms: voluntary and open membership, democratic management, participation of members in earnings, education, training and information. The Mondragon group is the classic international benchmark, but in Spain there are about 6,800 cooperatives and 92,850 members registered in the Social Security database as of 2018, most of them in the services sector.
- **Quality management.** In the early 1990s, Basque manufacturing companies underwent a restructuring process to enhance the quality of their processes and products. To do so, a series of worker participation formulas were introduced. Studies have confirmed that these experiences, focused on autonomy in the workplace - not tied to workers' demands - have led to changes in how work is organised and controlled (Sanchez, 2004).
- **Safety and health in the workplace.** There have been several participative initiatives in Spain, some proposed by management and others by prevention delegates. At Croce Ibérica, a working group was created by management made up of workers, prevention delegates, technicians responsible for health and safety at the company and government officials from the Generalitat de Catalunya. The initiative was led by company management (Figueras Esgleas, 2013). Numerous initiatives have been launched by Comisiones Obreras' prevention delegates with the support of its Occupational Health and Safety Institute

(ISTAS) in different sectors and industries. These initiatives have included direct worker participation through working groups to improve working conditions at the company.

- **Participatory ergonomics.** Application of the ERGOPAR method, a participatory method to improve working conditions. Participation promoted by the health and safety committee and accepted by management. An "ERGO group" is made up of the workers and their representatives (prevention delegates), technicians from the company's prevention service and other agents. This methodology was implemented at the Hospital del Mar in Barcelona in 2013 (García et al., 2016).

Experiences with occupational safety in particular show that participation only translated into positive results with a higher level of autonomy and decision-making at work. The Comisiones Obreras trade union and its Occupational Health and Safety Institute (ISTAS) have developed different prevention initiatives focused on psychosocial risks. The aim is to have a say in the organisation of work and defend the right to a safe, fair and democratic workplace, These initiatives replace precarious, hostile and competitive labour management practices with health-promoting, democratic and fair practices in the workplace (Llorens and Montcada, 2017).

Driven mostly by **groups of workers** in collaboration with prevention delegates, the following experiences are worthy of note:

- **Improved working conditions** at FC Barcelona pubs. Management and workers' representatives jointly designed working groups as spaces

where the company listens to and implements proposals for changes to the way work is done and services are rendered. There were weekly planning meetings and monthly departmental meetings where CCOO prevention delegates proposed preventive measures (Álvarez, et al. 2016).

- **Preventive measures for work organisation** at the health centre for people with intellectual disabilities and mental health issues (Centre Assistencial Sant Joan de Déu d'Almacelles). The prevention of psychosocial risks is addressed by having the workers participate in different issues such as the organisation of breaks and holidays, clarification of tasks and responsibilities, etc. This is a participatory prevention process led by the Comisiones Obreras prevention delegates and the Director of Administration and Human Resources (Bárcaso, et al., 2014).

- **Prevention measures in the street cleaning sector.** Initiative developed by the Federation of Private Services (CCOO), the Federation of Public Services (UGT) and the Association of Municipal Cleaning Companies, with the support of ISTAS and funding from the Occupational Risk Prevention Foundation. Workers participate in decisions and contribute their knowledge. They are asked about the assigned equipment and the route. They can propose ideas and measures which are passed on to management and delegates. Workers are also consulted before purchasing equipment such as lorries, containers, bins, garbage bags, etc., so that they can have a say in the decisions that involve their work tools (Caballero et al., 2014).

● **Transformation of work organisation** at Hotel Colón. Initiated by prevention delegates and management with the support of ISTAS, this initiative focused on the prevention of psychosocial risks. In terms of results, it brought about a real transformation in the organisation of work, specifically in the form of worker participation. The working group pointed out the need to change the working methods at this location. Department meetings were held as spaces for information, discussion and decision-making on daily operations and incidents, with the aim of reducing harmful exposures to psychosocial risks. Workers improved their influence over the day-to-day work. Their knowledge and experiences were validated and they received the support of superiors and co-workers (Haro et al., 2013).

Worker participation in experiences of this kind can yield **positive** results vis-a-vis autonomy, provided that a series of conditions are met (Llorens and Montcada, 2017): (a) for consultative participatory procedures (where management has the final decision), the consultation groups should meet during the workday and participation must be voluntary and self-managed; (b) for direct participation through delegates, the groups that handle the tasks and processes should be semi-autonomous, with decentralised decision-making; c) the group should have the power to decide who does the work, possessing the necessary information, time and skills to do it; d) the objectives and resources should be negotiated through workers' representatives.

However, this participation can have **negative** effects if the autonomy turns into self-exploitation. In an increasingly digital, flexible and deregulated work context (Allvin, 2008), traditional dynamics in which participation and

autonomy were considered crucial may pose risks. It has been noted that autonomy linked to fundamental psychological needs could ultimately be defined as an obligation to self-manage with a limited scope of action (Sanchez, 2008). In that case, the use of autonomy has the potential to morph into increased demands on workers. This could lead to a paradoxical situation linked to the growing sophistication of the "soft" mechanisms of cultural control over the flexible worker who needs to perceive himself as "autonomous and in control", but who is actually subject to multiple controls (Sanchez, 2008).

A recent study by Moncada et al. (2019) analysing the Spanish Psychosocial Risks Survey, which addresses the relationship between the work environment and direct worker participation in management practices, concludes by noting that there is no negative effect: "the fact that no negative associations were found suggests that the use of these practices by themselves would not degrade the working conditions of salaried workers. Moreover, the results of this study corroborate those of previous research suggesting that direct participation practices are formulas of work organization that lead to better psychosocial work environments" (Moncada et al, 2019).

In conclusion, in order to obtain positive results, direct participation must be linked to the needs of workers. Otherwise, it has the effect of reinforcing corporate control over the work process. To the extent that it is possible to improve not only working conditions but also decision-making and production processes, steps should be taken to democratise social relations in the workplace. Otherwise, it will be nothing more than a means

of controlling the workers, who will accept it as the corporate culture (Sanchez, 2012).

5. ANALISING DIRECT PARTICIPATION AND DIGITAL CHANGE THROUGH CASE STUDIES

This section collects the analysis of some experiences of direct participation in undertakings using a case study methodology. This methodology opens up a myriad of possibilities for exploratory analysis, especially in regard to those issues for which the information available is scarce.

In this regard, analysing these experiences offers qualitative information on direct participation in the undertaking and the factors that influence its level of development. The conclusions reached, however, cannot be extrapolated beyond the close context of each undertaking, its productive organisation and the stakeholders that take part in it.

With the aim of analysing the processes for direct participation, selected experiences cover a variety of business realities (activity sector, type of institution, trade union representation -or lack thereof-, etc.) Following the definitions and methodology of the project, the selected undertakings cover the forms of participation and processes of technology incorporation addressed in EUROFOUND studies in the nineties. Table 1 includes the main features of the selected undertakings.

Table 1. Types of selected undertakings

	Undertaking A	Undertaking B
Activity sector	Metallurgy	Banking
Type of institution	Family business	Associated work Co-operative
Trade union representation	Yes, works council (4 trade unions)	No
Type of participation	Consultive and by delegation; individual and as a group	Consultive and by delegation; individual and as a group
Technologies	Automation, digitalisation	Digitalisation

Source: Prepared by the authors.

The difficulty of finding experiences of direct participation during the selection process should be noted. The context is one where there is no general framework on this issue, this isn't an issue found in the agenda of social stakeholders, and a culture of direct participation isn't widespread in undertakings.

In this regard, it should be pointed out that the selected undertakings are located in the Basque Country, where a participation culture exists linked to the co-operative world that also extends to private undertakings with trade union representation. Also, direct participation of workers is part of the agenda of Parliament and social partners, making it an issue that is debated and that will be fostered in undertakings.

Nevertheless, there is a certain lack of trust about these practices from trade unions. Some doubts are detected about the impacts of promoting democracy at the workplace from the cooperative-model perspective, since the conflict capital-labour seems to blur and workers' collective representation lose strength when defending their rights.

The field work includes a total of six semi-structured interviews, covering the following profiles:

- a) Undertaking A: the Managing Director of the undertaking, the chief of Human Resources and a trade union officer in the undertaking were interviewed.
- b) Undertaking B: as an associated work institution, a former director of the institution and two directing partners of the institution were interviewed.

In short, analysis of the selected undertakings provides a contrasting overview of direct worker participation under different forms of participation and conditions (type of undertaking, type of participation, impact on working conditions, relationship to indirect participation, etc.),

and also highlights the drivers and obstacles that undertakings find to implement these participation systems.

Partners in the project:



Associated organizations:



5.1. CASE A: A multinational foundry

A. Company information

This undertaking is a foundry linked to the automotive sector. 85% of their product is exported worldwide. With a turnover of approximately 70 million euros, the pandemic has reduced its income. The undertaking has undergone transformations linked to automation.

The undertaking was created in 1911. Its main activity at the time was manufacturing handguns. In 1982 it became part of the automotive industry, working for some of the Seat, Opel and Ford factories. The undertaking had foreign capital for 10 years, first from a German company and later becoming part of the multinational group Mahle for almost two years. During this time, new technologies and forging processes became the main activity of the undertaking. In 2007, ownership returns to the traditional family shareholders, and the option for workers to participate in the share capital was started, with a group of workers becoming shareholders. Subsidiary companies and offices have since opened in South Africa, Czech Republic, France, Germany, United States and Shanghai.

There are 200 workers in Spain, working at a single location. Half of them work in offices and half work in the factory. Only 15% of workers are women, this proportion being smaller in the factory floor. Most of the workers have open-ended contracts (98%), with temporary workers used during work peaks. Work is carried out in three shifts: morning, evening and night.

B. Labour relations in the undertaking

The 4 most representative trade unions in the Basque Country are represented in the undertaking: ELA and LAB (with a majority presence in the undertaking), CC.OO. and UGT.²

The undertaking holds monthly meetings of the works council, in which there is a will to listen to proposals and demands. Following the meeting of the board of directors of the undertaking, tri-annual meetings are held during which the undertaking presents the business figures, monitoring of the strategic plans, specific issues, etc.

Furthermore, relations are kept with the Occupational Safety and Health council, an Equality Plan has been devised, and collective agreements have been negotiated every 3-4 years, with extraordinary measures negotiated when required (like the recent furlough scheme and the Covid Council). The trade union representative interviewed positively valued the transparency the undertaking exercises. Labour relations seem to be fluent and to work well.

C. Features of direct participation in the undertaking

The participation model in the undertaking is structured and designed to promote both the economic participation of staff in the undertaking and their involvement in designing the business strategy, as well as taking part in the everyday organisation of work.

² Every trade union has different union perspectives and policies. For the purposes of this study, a trade union representative was interviewed from one of the largest trade unions at national level, though not with majority representation in the undertaking studied. It represents an intermediate position, activist but willing to negotiate and reach agreements.

70% of shares currently belong to the fourth generation of the founding families, while 30% belong to a group of workers (50 out of 200 workers) who voluntarily signed on to purchasing shares. Workers' shares are different, and they must sell them at market price once they are no longer workers of the undertaking. New shares are offered every three years for workers to purchase; the only requirement is for them to have been employed by the undertaking for at least two years. Furthermore, certain decisions regarding the undertaking must be supported by 30% of the working shareholders for approval. Also, for the past 15 years, a significant amount of profits (20-30% after tax) is shared among the employees.

The **direct participation model** arose from a change in management which forced a young inexperienced person to become a management leader. To take charge of the undertaking, this manager decided to involve other work colleagues who are willing to rethink the company and increase participation.

Direct participation of workers in the undertaking has a long tradition, guaranteeing transparency for workers in regard to how the undertaking is run and how work is organised. It all began by each worker taking on responsibility regarding their own work. The direct participation model was included in the Strategic Plan, becoming one of the most relevant issues in the plan. This model has been included in all strategic plans since, for the past 20 years.

Participation instruments

50 people, selected from the different departments, take part in drafting the **Strategic Plan**, working in groups. The general projects for the next 5 years are explained to them, and they are asked to contribute from the perspective of their areas of business, especially in regard to people management and work-life balance. Brainstorming kicks off proceedings, then ideas are grouped by similar categories and small groups are set up to work on them.

Tri-annual meetings are held, following the meeting between the undertaking and the works council, to inform workers in relatively small groups of 15 or 20 people, lately by means of video-conferencing. At these meetings, workers are given the same information by the board of administration: sales, investments, quality issues, income statement and strategic plan. The undertaking invests in preparing accessible videos and materials to explain the content of this information. There is room for feedback and questions at these meetings, which are then included in the meetings with other groups.

In regard to self-managing teams, **daily departmental work meetings** are held during the day shift (when most people are working in rotation to avoid activity coming to a halt) to communicate everyday work issues and proposals. There is also an **online collaborative spreadsheet** tool to share information and work development proposals. Every team is flexible and has its own mechanisms in place, with an adaptable structured work methodology. **WhatsApp groups** have also been created for the different shifts to communicate; this helps work organisation across the 3 operational shifts.

A **weekly digital newsletter** has also been created through the company's social network, uploading a variety of information. Furthermore, **TV screens** have been placed in the factory through which messages, documents or comments can be sent. There is a monitoring plan for every participation forum and actions are taken to assess its functioning.

There isn't a specific **profile** of person who more actively takes part. Exceptionally, however, there have been managers who have felt they were losing power in the participation process and, as a result, have gradually withdrawn from it, and factory workers who didn't wish to get involved.

D. Impact of direct participation

The undertaking's management believes there is a to-and-fro between direct participation and the business model: "Our mission is to last another 100 years." The staff itself has set the target of becoming sustainable. "Transparency, credibility, trust, a feeling of belonging and pride. Making working [for the company] meaningful."

Although management acknowledges making mistakes, it considers the impact of participation is clearly positive, both in regard to the staff's motivation and involvement in the business projects, their working conditions, and in labour relations with trade union representatives. From a trade union perspective, however, there is some weariness, especially in regard to the impact of some of the workers' economic participation in the undertaking.

Impact on labour relations

When the model was first implemented, trade union representatives were unsure this would be a transparent proposal. By implementing these measures, the undertaking informs trade union representatives, in the understanding there is no need for them to agree. Management is open to trade union suggestions for improvement but not to them blocking these mechanisms. Management believes there is a good relationship in the implementation of these measures and trade union representatives take part even more actively in spaces for direct participation. They acknowledge, however, that there is still some dispute with trade union representatives in one of the factories.

Overall, management believes the participation model has lessened dispute and has made agreements easier. Constructive tensions exist, leading to longer or shorter negotiations. There has been no stopping of negotiations in 20 years and there has been no industrial action in that time. There were two very difficult situations in regard to collective bargaining: the 2008 recession following the bankruptcy of Lehman Brothers, and the 2020 Covid-19 pandemic. There was good social dialogue on both occasions to quickly reach agreements that were acceptable to both management and trade union representatives.

In the opinion of the trade union representative interviewed, participation of workers in share capital stands out above direct participation in organising the undertaking's activity and work. All transparency and participatory mechanisms for work management are positively valued, as they foster communication and participation, and there is good disposition

towards collective bargaining in general, including traditional tools such as workers' assemblies.

However, they believe that the participation of some workers in the share capital of the company can lead to collective bargaining malfunctioning since workers represented by one of the largest unions in the undertaking are placed in a position of greater power, usually siding with management. The fact that workers' shares are valued lower than directors' shares, makes economic participation an unattractive tool, especially for the most veteran workers.

Impact on working conditions

The direct participation model is viewed as a commitment to transparency and coherence, giving rise to a good working atmosphere and improving the well-being of the staff. Comparison with other undertakings or psychosocial risk surveys seem to indicate that, overall, workers are satisfied with working for the undertaking. The participatory process itself fosters well-being. Participation of the younger workers in the latest strategic plan led to including "Joy as a value to be fostered, an element that will be assessed among co-workers."

The good working atmosphere fostered by the participation model, makes it easier to reach individual agreements towards promoting work-life balance. According to management, "all work-life balance requests have been individually addressed."

The staff's involvement in decision-making through transparent information mechanisms communicated in an easy-to-understand way, increases

workers' skills and motivation. Viewing themselves as active agents in the undertaking's productive process increases their self-esteem and fosters their will to contribute.

The trade union representative interviewed acknowledges certain disputes have occurred, especially at the moment of implementing the process and among the most veteran workers, in regard to the right to digitally disconnect. That is why an effort is made to communicate that participation in the tri-annual meetings is voluntary and always during working hours, and that participating in the WhatsApp groups is also voluntary and each worker decides when they wish to disconnect from them.

E. Introduction of new technologies and work relations

Robot automation has entailed a big change in the foundry. Most physical work has gradually disappeared thanks to automation and the use of robots.

Both management and trade union representatives recognise automation is the only way to compete with foreign countries, especially China. As such, they consider there will be increasingly fewer man-hours to pay for physical work. Re-skilling is essential for the staff to keep their jobs.

Management has proposed two objectives in regard to automation: involve the staff in management and participation, in regard to the emotional and intellectual aspects, and sharing out the profits, if there are any. Management consider that wages shouldn't compensate for the increase in skilling and responsibilities but, rather, that these are a voluntary solution

to avoid layoffs, making workers participate in the undertaking's wealth. They are in favour of having undertakings with workers participating in share capital or implementing a profit-sharing scheme, over negotiating wages.

As mentioned earlier, this view isn't shared by the trade union representatives, and especially by the most veteran workers. Involving workers in the undertaking's share capital benefits the undertaking more than it does the workers, as it generates a greater commitment to the undertaking's goals and can occasionally work against collective demands.

Management views the participation model as a tool that has fostered robot automation, understood always as a way to facilitate work, improving occupational health by limiting the appearance of occupational illness, and involving the staff in their re-skilling. The trade union representative interviewed considers, rather, that robot automation and maintaining jobs has been possible through a shared company and union policy.

Training plays an essential role in re-skilling, in occupational safety and health, and, by means of economic training, in workers being able to understand and interpret the income statement in such a way that it fosters participation.

F. Impact of Covid-19

The Covid-19 crisis led to having no income overnight. Management believes the participation model made it possible for management and trade union representatives in the undertaking to reach a very tough

furlough scheme after a short, two-hour negotiation with the goal of overcoming the situation. Because the stopping of production was finally shorter than expected and new profits were generated, management decided to discard the agreement, return wage losses to workers, and share the profits despite the debate this raised within the Board of Administration.

Health measures were handled by the Health and Safety Joint Committee, and a Covid Committee was created that met on a weekly basis.

During the pandemic, remote working has been promoted, although such a scheme was already in place for office workers as a means to foster work-life balance. Office workers mainly worked remotely, although they are now glad to be back to working on site again for the human contact.

Meeting in person outdoors and remote meetings have been held during the months of the pandemic. However, promotion of ICT during the pandemic doesn't seem to have entailed greater involvement of the staff.

G. Drivers and obstacles to participation

The fact that this is a medium-sized, family-owned, high-productivity, unlisted enterprise is among the factors that fosters direct participation in the undertaking. These factors relieve the pressure of reaching short-term, profit-making goals, focussing more on the mid-to-long-term objectives.

Management's motivation should also be pointed out, with a commitment to transparent information and a coherence between the information workers receive and business policy, linked to the sustainability of the undertaking and its jobs.

Similarly, management considers that direct participation and automation have fostered the skilling of workers, which has guaranteed their jobs and increased their motivation and involvement.

There is also feedback between direct participation and indirect participation through union representation in regard to defining business objectives and work organisation. However, this relationship can be broken through the direct participation of workers in business actions, which gives rise to an imbalance in the collective demands made.

5.2. CASE B: Associated work co-operative in the banking sector

A. Company information

This savings bank is an associated work co-operative in the banking sector. It comprises 1954 employees, who are partners in the bank, and 301 offices.

This bank is part of the co-operative group Mondragón, which is the majority shareholder. Mondragón was founded in 1956 and became the largest co-operative group in Spain. It currently comprises 98 co-operatives (amounting to 81,837 co-operative members) and is present in 44 countries. It comprises 2,000 working partners (hereinafter, workers) and has approximately 300 temporary workers. This is a cross-sectoral co-operative, with associated work institutions in activities such as the automotive or food industries, in research and in banking.

B. Labour relations in the company

As an associated work co-operative, the co-operative's social and governing bodies are the General Assembly and Governing Council.

Partners have voting rights and are eligible to positions in the social bodies, they can make proposals and actively participate with voting rights in the agreements reached by the General Assembly and other social bodies in which they take part, they are entitled to co-operative profits, and to access information from the General Assembly and regarding co-operative governance from the Governing Council.

The **General Assembly** is the partners' meeting that is held to deliberate and adopt agreements about affairs that are legally or structurally under its competences, linked to the decisions adopted by all co-operative partners. The General Assembly shall set the co-operative's general policy and may debate any affairs of interest to the co-operative. From a regulation perspective, the Assembly appoints three social bodies: the Governing Council, the Monitoring Committee, and the Resources Committee. Working partners and other partners are represented in these bodies.

The **Governing Council** is the joint body in charge of, at least, high-level management, the supervision of directors and representation of the co-operative, according to the Law, its Statutes and the general policy set by the General Assembly. The Bank's Governing Council will comprise a minimum of 15 and a maximum of 16 members. Five members will be appointed from among working partners and all other members (co-operatives and clients), guaranteeing the set parity of 46%. It is the Governing Council itself that appoints the Chair, Deputy Chair and Secretary of the institution. The Governing Council is in charge of appointing, hiring and firing the General Director. It also appoints the

Auditing Committee, Appointments Committee, Remuneration Committee and the Risk Committee. Temporary workers may have representation in the Governing Council.

The objective of the **Resources Committee** is to address any claims made by a partner. If the working partner or worker doesn't feel represented in the social council, they can turn to this committee to stake their claim. The committee is made up of representatives of the working partners and clients, which are essentially co-operatives. This committee is chosen by the Assembly directly.

There is no trade union representation as this is a co-operative. The co-operative has set up a **Social Council** as the permanent body of participation for working partners in the co-operative, as an instrument to represent working partners (as workers) in internal governance bodies, appointing a spokesperson for the aspirations of these partners. Organically-speaking, this is an advisory body of the Governing Council in matters of institutional order, and of the General Director, on labour issues.

It comprises 20 people, distributed as representatives of the different geographical locations of the institution and its headquarters. They are democratically chosen, by a direct electronic voting system. All working partners in good standing are entitled to vote. Similarly, they are all eligible to being a candidate, regardless of their position or professional category. The only exception is they cannot be a member of the Governing Council, the Resources Committee or the Board of Directors.

Partners are explicitly **entitled to information**. The Governing Council provides for every partner a copy of the Co-operative's Statutes, Internal Regulations and any amendments made thereto. Partners have free access to the Co-operative's Register of Members, Register of the General Assembly meetings and, upon request, the Governing Council must inform them of the agreements reached in the General Assemblies and the Council's agreements that could affect them.

Furthermore, the Council must provide any partner who requests it, a report of the co-operative's economic standing within a month. The Income Statement, Profit & Loss Account, Annual Report and proposal for the distribution of surplus or losses must be published prior to holding the General Assembly in which they will be discussed, and partners can request information and further clarification thereof. The Governing Council may refuse to provide information when it is considered it could harm the legitimate interests of the co-operative, although this refusal may be contested.

As a result of a process of delegation by the Governing Council, the Social Council now has more competences, exceeding those established by Law. In particular, the creation of an **Assessment Committee**, a joint committee formed by an equal number of representatives from the Governing Council and the Social Council. The Committee is chaired by a member of the Social Council, who has a casting vote. Among its competences, the activity of this committee focusses on wage levels and sanctions. In terms of procedures, the Governing Council is the body that makes a proposal for this committee to assess. Most decisions are reached by consensus.

C. Features of direct participation in the undertaking

There are several channels or paths for direct participation in the co-operative: a) participation through the existing bodies (Assembly, Governing Council, Assessment Committee, etc.); and b) through participation systems based on work meetings at different levels and with different competences.

Participation through existing bodies

General Assembly

The co-operative logic entails a minimum level of direct participation in the General Assembly for persons employed by the co-operative, as partners and members thereof. The assembly itself may create work committees. In short, the existence of the assembly is a manifestation of participation and delegation at individual and group level.

In its meetings, the General Assembly addresses the co-operative's overall policy and can debate on any topic of interest for the co-operative. From examining its social management to approving the annual accounts, the management report and the allocation of available surplus or recording of loss, to the appointment and revocation of the members of the Governing Council, comptrollers, accounts auditors, payroll managers and members of the Resources Committee, as well as the amounts paid to advisors and payroll managers. This also includes the amendment of the Co-operative's Statutes or Internal Regulations, issues regarding contributions to the share capital and other key elements regarding the economic, social, organisational, or functional structure of the co-operative.

Social Council

The first aspect to be pointed out in regard to the social council is its participation in the group's co-operatives. It can appoint representatives in all of the group's co-operatives, which significantly increases the capacity for workers in the different co-operatives that make up the group to participate and stay informed.

Another significant role of the social council is its participation in **information** processes. As the persons interviewed have pointed out, the meetings of the Governing Council are confidential in theory, but they are included in the minutes of the Social Council. Thus, information regarding the co-operative's decisions is transferred from management to the workers. Similarly, the Social Council holds monthly meetings with the Governing Council, in which all issues brought forward by the workers are presented. Therefore, there is two-way transfer of information, top-down and vice versa.

The only exceptions in regard to information is the confidential nature of certain issues addressed by the Governing Council, which cannot be legally transferred to third parties, in specific and exceptional cases.

Internal participation systems

Besides the existing bodies, the co-operative has a direct participation system by means of a **meetings scheme**, which has become established over the past few decades. Defined as "Onenak", this system arises from

work dynamics within the co-operative, becoming an internal institution, and has been improved with several updates to the current version (fourth version).

This is a commitment to the development of participation systems in regard to work organisation by means of work teams meeting periodically. These meetings help coordinate work between the different establishments, different levels of responsibility and everyday work teams. These meetings play a role in work organisation.

Several types of meetings are identified:

a) **Periodic meetings.** Meeting rounds with workers are carried out annually, 11 sessions per round. The objective of these meetings is to convey information and consult staff more closely.

b) **Meeting with/between workers.** The co-operative considers different types of periodic meetings with and between working partners.

- Meetings of management with working partners. Among other issues, the objective of these meetings is to define how work is carried out in each office, area, or territory. Starting with the offices, weekly or monthly meetings are held with working partners, then going up in scale to monthly area meetings (at least one).

- Cross-sectional meetings. These meetings take place between working partners in different areas (retail banking, corporate banking, etc.) with the purpose of coordinating their activities. These meetings are held at the level of each office and by area/territory.

- Meetings with other departments. These meetings are held between co-operative departments (banking with auditors, with staff, investments).

These meetings make it possible for working partners to address their concerns, questions, etc., to which management must reply. In fact, there is a follow-up to all meetings, with all information collected in the intranet. Regularly, answers are given at the following meeting, depending on the content of the request or question. The minutes of these meetings usually include the answers to those issues raised previously.

- c) **Individual meetings.** Besides the above meetings, individual weekly and monthly meetings are held with workers.

As a whole, the meetings scheme in place at the co-operative includes a variety of types. As such, one can find vertical meetings (management with working partners, individually or as a group) and horizontal meetings, between working partners in different areas of the co-operative (cross-sectional or with other departments).

D. Impact of direct participation

The sign of identity of the co-operative is the direct participation of its staff. This has widespread impact on issues of global management in the co-operative and on the everyday development of work, based on a system of periodic meetings.

Information and transparency

The persons interviewed point to information in the co-operative being an essential element to the participation of workers. They understand that structuring information and operating with a full transparency policy is required for workers to actively take part in everyday work processes.

There is an intranet in place for workers, containing, for instance, all information provided by the Governing Council regarding the co-operative. Workers can find detailed information of the co-operative's situation and strategic plans, as well as other information on a variety of issues. The persons interviewed find that this is a commitment to being transparent and has been very helpful towards fostering and developing the participation of workers in the co-operative.

Impact on the organisation

Among its advantages, direct participation is considered to have contributed to the following elements:

- Greater efficacy of work processes. Meeting with people from different departments and within each department, leads to a greater level of mainstreaming and transparency that improves the undertaking's efficacy, for instance from a commercial point of view.
- Greater speed in implementing company policy. Policy implementation is faster, even if the decision-making process is slower. The development process is considered part of the implementation process, with all parties feeling part of the process. This leads to a faster transfer of policies, although certain resistance can be found. All matters are open to debate, but there is no turning back once an agreement is reached.

- Greater links to the co-operative. Taking part in the decision-making process and having quality, transparent information of the co-operative available, gives rise to workers having a greater level of commitment.
- Lower stress levels than in other institutions in the same sector. Tensions between departments and/or persons derived from internal organisation issues are considered to be fewer than in other banking institutions in the sector. This doesn't mean workers don't feel pressured to reach the targets set by the co-operative. Training meetings (individual and as a group) have been carried out at certain moments to handle situations of tension. During the 2008 crisis, customers felt misled by the workers. Individual and group training meetings for workers were carried out to help them face these tense situations.

As regards their content, work meetings address a variety of issues, from the co-operative's policy and strategy to the working conditions of workers. Among these, the persons interviewed highlighted two topics: wages and work-life balance.

In regard to wages, as partners, workers have a certain leverage with the institution, which translates into a more horizontal nature in organisation and wages. The co-operative sets maximum and minimum wages, with similar conditions for all workers. Wages include a set wage and an individual variable wage based on teamwork and the business results of the co-operative. These wages are linked to the different levels of participation in the co-operative, as an individual and as a group. Retirement agreements are also pointed out (known in the co-operative as

stimulation plans). These are voluntary schemes and have the same conditions for all workers.

Work-life balance is one of the topics that is most frequently brought up at annual meetings. Agreements are usually reached in this regard to improve flexibility and the working hours of workers.

The persons interviewed pointed out few negative consequences of direct participation. This doesn't mean that all workers have taken to this system and put it into practice. As in every organisation, there are some workers who don't wish to exercise these rights. However, all agreements and decisions affect all workers, as policies and meetings affect their everyday work.

Impact on the relationship between people

Specifically, the persons interviewed point out that direct participation has a positive impact on relationships between people. Firstly, relationships between work colleagues and with customers improve. This, however, doesn't mean there are no difficulties. This form of work is considered to foster closer, more human relationships.

Secondly, this form of working is based on the principle that the better the inside is managed, the better work is done on the outside. Direct participation is a key element in the internal working of the co-operative that leads to better relationships with customers.

Thirdly, participation of the partners in the co-operative and a horizontal organisation bring fluidity to the relationships between people, which leads to increasing the quality of the services offered.

Finally, these positive results are corroborated by people who arrive from other companies with a more hierarchical organisation and with less, lower-quality information.

E. Introduction of new technologies

In the past few years, this bank has taken part in the fast-driven digitalisation process carried out by the banking sector as a whole, linked to the development of digital banking. This process has further accelerated in the past year of pandemic.

The use of new technologies affects almost all work posts in the co-operative. As regards the digitalisation process, the persons interviewed point out that the co-operative's banking services have been working digitally for many years now. In this regarding, there has been a significant process of investment in new technologies, the result of which is that customers can digitally carry out all their services, keeping in direct contact with their bank manager.

Having a more participatory and horizontal structure has fostered the digitalisation process. According to the persons interviewed, such process is based on people and having a system in place where they can participate and become involved has made it easier to implement.

The co-operative has invested not only in technology but in training its workers in digital matters. There are strategic training plans in place, known as internal re-skilling programmes (for instance, in data mining), to which many workers have access. Besides re-skilling, new profiles are being

hired by the co-operative, such as mathematicians, which weren't present in the past and are now necessary to address the digitalisation process.

Finally, the co-operative also has close ties to the university, allowing it to stay close to changes and to what specific processes require, as in the case of digitalisation.

F. The impact of Covid-19

In order to address the lockdown during the Covid-19 pandemic, remote work has become prevalent among most workers in the co-operative. The co-operative has developed several instruments to tackle this new situation:

- *Remote work support services* to help workers who face difficulties in carrying out their work remotely.
- *Remote work help guide* with tools and resources for workers working remotely.
- *Emotional wellbeing guide* that tackles, among other issues, the stressful situations that can possibly arise in the relation with customers.

As mentioned, remote working has become the general working logic across the institution in the past year. It has allowed activity to keep going during the months of pandemic and has continued for months. From a management perspective, despite the opportunities that remote working has to offer, working on site is necessary for a better relationship between workers and better work coordination.

In assessing remote working, the persons interviewed point out that it solved commuting issues for workers (headquarters in Mondragón and offices in several provinces). Prior to the pandemic, remote working wasn't really implemented, mainly because of the strong culture of on-site working. A qualitative step was taken during the pandemic. Remote working is considered to be here to stay as a form of working, though not at current levels.

Specifically, remote working has helped to step up direct participation processes (meetings scheme), making clear advances. In fact, all work meetings scheduled during the pandemic took place.

In the sphere of occupational safety and health, it should be pointed out that the co-operative has in place a joint health and safety committee (governing council and social council), chaired by someone from the social council. During the pandemic, a specific coronavirus committee was created. There were 33 communications with working partners in this regard throughout 2020.

G. Drivers and obstacles to participation

The direct participation model is closely linked to the co-operative's organisation, though it isn't an indispensable requirement. As pointed out by the persons interviewed, being a co-operative isn't an indispensable requirement to having direct participation processes in place.

Direct participation in private undertakings is at very high levels in regard to, for instance, agreements on wage levels and in horizontal systems where teams self-organise without depending on management, defining

participatory management plans, etc. According to the persons interviewed, direct participation of workers depends on the owners and, more specifically, if they believe in the model and it works well for them. The co-operative, with a company structure in which working partners hold the power in the undertaking, direct participation is structural and participatory dynamics are well-established. In the co-operative, a balance of interests is fundamental, with all parties being represented and objectives in the short, mid, and long term.

6. MANAGEMENT OF THE COVID PANDEMIC BY COMPANIES

The economic impact of the Covid-19 pandemic was especially harsh in Spain. In 2020, Spain's economy contracted more than any other European country, with an 11% drop in GDP. To make matters worse, it happened at a time when the country was still in the process of recovering from the 2008 crisis. The intensity with which the pandemic hit Spain in March 2020 and the far-reaching restrictions that were put in place, with strict lockdowns, had a devastating impact on a country that is heavily dependent on tourism and a productive fabric characterised by a high proportion of micro-enterprises and non-salaried workers.

However, the impact on employment was mitigated to a large extent by government measures implemented within a framework of social dialogue and this played a key role in the management of the crisis. With the onset of the State of Alarm, the Spanish government implemented a series of three-pronged measures: reinforcement of the healthcare system; protection of jobs and support for households; and cash assistance for

companies. The measures to support jobs and households include more flexibility for temporary lay-offs and pausing social security contributions; tightening conditions for termination; special unemployment benefits for temporary workers and domestic workers; and facilitating access to unemployment benefits for self-employed workers.

Four types of ERTE (furlough) schemes were established, which in some cases will remain in effect through February 2022: furloughs due to force majeure; those owing to technical, economic, organisational and production causes, which will only be exempted from Social Security contributions if they belong to certain heavily affected sectors; those due to impediment, i.e., the fact that public health measures preclude the business from operating altogether; and those due to limitation (the measures partially limit operations). Social dialogue has also proved, particularly through this mechanism, to be a key instrument for dealing with the consequences of the Covid-19 pandemic.

From an organisational point of view, companies and their social agents have stepped up to develop a multitude of imaginative measures to ensure the occupational health and safety of workers while keeping their businesses running. Measures ranging from splitting workers into groups to create contagion bubbles; restaurants investing in outdoor dining; temperature-taking and testing protocols; investing in ventilation, air purifiers and providing workers with personal protective equipment; and perhaps most importantly, teleworking and teleconferencing.

There has been a historic increase in telework as a result of the pandemic that began in 2020. According to data from the Labour Force Survey, the

percentage of employed people working from home more than half of the time rose from 4.8% in 2019 to 16.2% in the second quarter of 2020, after 15 years of almost negligible increases. Once the confinement was lifted, this percentage declined to 8% in the third quarter of 2021. At the same time, the percentage of workers who occasionally work remotely increased from 2.9% in the second quarter of 2020 to 5.3% one year later, at which point it starts to decline slightly.

According to the experiences analysed, teleworking has played a key role in keeping people working during the months of confinement and isolation and a useful tool for preventing infection during the different waves of the pandemic.

Teleworking and the flexible working hours that come with it has also been the only tool that has made it possible, not without a Herculean effort on the part of families, to reconcile work and family life when dependents have fallen ill. Although it affords more autonomy and flexibility, workers mention that the way in which work is organised needs to be more balanced to ensure that willingness, reversibility and the right to disconnect are guaranteed.

In this context, telework was one of the topics that came up in the negotiation process which led to the passage of the Remote Work Act in July 2021, with tri-party consensus. Among other things, this law addresses the voluntary nature of telework, the costs to be borne by the company depending on the time spent working remotely, the flexibility of working hours and the right to digital disconnection. According to both labour and management representatives, the pandemic has a clear catalyst for

digitisation, although there are adjustments that must be negotiated to ensure that it is implemented fairly and that workers' rights are guaranteed.

7. CONCLUSIONS

Worker participation is a decisive element in improving a wide range of aspects of the workplace environment, from employment conditions or the organisation of work to occupational health and safety in the workplace.

The technological innovations introduced by companies expand the possibilities and tools for workers to receive information, be consulted and generate various kinds of participatory dynamics. In turn, such participation promotes the implementation of technological innovations in a more effective, respectful and inclusive manner.

However, there are few noteworthy experiences of worker participation in companies in Spain, and even fewer of direct participation. Many of those that do exist seem to have been promoted by company management without considering the interests, needs and perspectives of the workers or their representatives. The absence of any meaningful regulatory framework or protocols to structure direct participation compounds this situation, in which the few participatory formulas that do exist are not seen as democratising mechanisms of labour relations that favour good working conditions.

There are numerous obstacles to the promotion of direct participation. Obviously, the development of mechanisms for worker participation implies

the transfer of some of management's control over crucial matters such as the organisation of work.

First, job insecurity is a factor that conditions the training and qualification of workers, as well as the development of a participatory culture. Second, there can also be resistance from the workers themselves when it is imposed unilaterally by company management without agreement, consideration or incentives; when digitisation involves excessive workloads and additional demands; or when it decisively limits their ability to make decisions about their work. Third, for all these reasons, there may also be a certain lack of confidence on the part of workers' representatives in the mechanisms of direct participation when they are promoted and directed exclusively by company management.

It is also worth noting that direct participation can generate scenarios in which conflicts of interest are created between management and labour. In some cases these participation mechanisms can be negotiated and are viewed by workers' representatives as a means of strengthening their relationship with the workers and promoting the union's influence within the company. In other cases, when they are introduced unilaterally by the company, they can be used to strengthen the bond with the corporate culture to the detriment of the collective representation of interests. However, the existing literature and the analysis have shown that the direct participation of workers does not interfere in the representation of interests but rather reinforces workers' control over their work.

A number of relevant conclusions can be drawn from the direct participation experiences examined in this study. First, with respect to the

origin and reasons for direct participation, such mechanisms are introduced when there is an interest on the part of company management in doing so, and their continuity over time also depends on management.

The experiences analysed indicate that worker participation can take place on an individual and/or group level. Individual participatory practices such as the sharing of information or individual meetings were observed, as were mechanisms for group participation involving information and consultation. Based on the experiences analysed, a range of issues were addressed. Thus, for example, there are participatory practices on the organisation of work or the definition of strategic plans. These issues are addressed at regularly scheduled meetings between management and labour.

When it comes to the organisation of work and working conditions, several key issues are addressed such as workloads, working hours or health and safety conditions in the workplace. Participation in these cases takes the form of meetings by and between production line workers and company management. In the case of cooperatives, members are able to participate in decisions regarding wages and salaries.

Regarding the interaction with representative participation, the experience analysed reveals a reinforcement of both participation mechanisms, with no relevant clash between participation in the organisation and working conditions, although the same cannot be said for economic participation. Therefore, the content and type of participation and the relationship with the company's representative bodies favour the development of direct participation practices in the company. In the case analysed, direct

participation offers a higher level of information on the company's innovation and strategic processes.

From a broad perspective, a series of elements can be identified that promote the development of direct participation experiences. The fundamental premise of democracy in the workplace is that there must be decent and stable working conditions, where collective bargaining plays a key role in addressing conflicts between labour and management. If this requirement is not met, it is difficult to establish inclusive and democratic dynamics between labour and management.

The key is a corporate culture that is committed to the democratisation of labour relations and that embraces the benefits of providing its workforce with decision-making capabilities regarding the organisation of work.

Not all workers appear to be willing to participate in company-related matters on the same level or at all times, which is why it is important to keep it voluntary so that workers see it as an opportunity to contribute to decision-making rather than an imposition that can cause stress and impact commitment and responsibility.

In this regard, both management and labour can see the potential of democratisation in the workplace in the context of a triangulation between innovation in the company, worker participation and training of the workforce. The commitment to training workers in the process of introducing new technologies is an important tool for participation (Taberna and Román, 2009).

Democratic dynamics in the organisation of work are favoured by a harmonious relationship between the different levels of management and coordination between the company and the workforce insofar as the dynamics of teamwork and collective decision-making spaces are concerned. To that end, transparency and the transmission of information about the company, its results and its strategies are the foundation upon which worker participation is built, both direct and indirect participation through representatives.

In conclusion, in addition to the necessary role played by the company in promoting participation mechanisms, it is crucial that workers' representatives are involved in the development of participatory mechanisms and protocols that ensure the conditions for democratic decision-making, that their objectives are useful for ensuring good working conditions, and that their performance is evaluated, always in accordance with the principles of equality and non-discrimination. It is only through effective coordination and feedback between direct and indirect participation that the conditions for democratic participation in the workplace can be ensured.

Partners in the project:



Associated organizations:



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