
Occupational welfare in Europe: models compared

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Abstract

This paper analyses the increasing importance of occupational welfare in some European countries, considering the characteristic welfare model and the public policies adopted to promote it. Following the needs arising from the Covid 19 pandemic, attention is focused on three work-related areas: Health care, work-life balance, and training, all of which are closely linked to the 2030 Agenda *Sustainable Development Goals*. The different roles of the various social partners will also be analysed in terms of the need to negotiate and align the professional well-being of the future with an ecosystem that puts the individual, the company, and the territory at the centre.

Keywords: Occupational Welfare; Traditional and Dynamic Fields; Union Relations; Comparative Research.

1. Introduction.

Occupational welfare is an increasingly consolidated and widespread phenomenon, not only in Italy and Europe, but now throughout the world, even if it is practiced differently in non-European areas.

While it is true that occupational welfare is an important indicator of corporate social responsibility (CSR) and implies a profound change in corporate culture, it is also true that several variables play a crucial role.¹ These include not only corporate culture, but also the social and cultural fabric in which the company is embedded, the system of public welfare

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¹ See recently, TIRABOSCHI M., (ed.), *Welfare for people. Quarto rapporto su Il welfare occupazionale e aziendale in Italia*, Adapt University Press, 2021.

already in place in the country concerned, and, finally, public policies to promote occupational welfare.²

The aim of this paper is therefore to assess the development trend of Voluntary Occupational Welfare (VOW), i.e. the totality of welfare benefits and services provided to workers by the social partners, i.e. employers and trade union organizations, by carrying out a comparative analysis between different Member States characterized by different models of welfare and industrial relations.³

Given the complexity and heterogeneity of the institutions under consideration, the concept of occupational welfare appears rather general and unsystematic upon closer examination, making it important to distinguish benefits according to the nature and needs of the recipients.⁴ Since it is difficult to list all the measures that characterize occupational welfare, it is appropriate to focus on three different areas: Health care, work-life balance, and training.

This choice is explained by the fact that the most widespread forms of VOW are supplementary health insurance and income support (in case of illness) in health, agreements on flexibility or reduction of working hours in work-life balance, and the offer of courses in professional training.

Moreover, the link between these occupational welfare measures and the Sustainable Development Goals of the 2030 Agenda cannot be underestimated. Of particular importance is Objective 3 ("Good Health"), which concerns the protection of the health and well-being of all people, regardless of age, since all are considered equally important. It is precisely in this context, for example, that the various occupational welfare measures in health care and other complementary services should be seen. Especially because of the Covid 19 pandemic, an increasing number of companies have taken measures to ensure the maximum well-being of their employees by trying to prevent or alleviate physical, social, and psychological hardships, for example by providing *ad hoc* services and specific benefits (financial or otherwise) and/or by creating a working environment that promotes health and safety at work,⁵ as much as possible.

It is also worth mentioning Objective 5 on "gender equality" and the increasing attention that companies are giving to the introduction of flexible working time models such as "smart working" to facilitate *work performance* in terms of *work-life balance*. Objective 4, which concerns the "quality of education", should be mentioned here to reflect the growing number of

² Alvino I., Ciucciovino S., Romei R., (eds.), *Il welfare aziendale Una prospettiva giuridica*, Il Mulino, Bologna, 2019, 23.

³ The reference is to France, UK, Sweden, Germany, Italy, Spain, Holland, and Scandinavia, with mention also of the United States. In this regard, see also the project "Providing Welfare through Social Dialogue" (ProWelfare), founded in 2013 and funded by the European Commission, and coordinated by the European Social Observatory and the European Trade Union Confederation. The eight countries under scrutiny were: Austria, Italy, Germany, Poland, UK, Sweden, Belgium, Spain.

⁴ See generally: Tiraboschi M., nt. (1), XVIII; Alvino I., Ciucciovino S., Romei R., (eds.), nt. (2), 20; Giubbioni S., *The Social Partners and the Welfare State in Italy: Challenges and Opportunities*, WP CSDLE "Massimo D'Antona", IT- 388/2019, 10; Chiaromonte W., Vallauri, M.L. (eds.), *Modelli ed esperienze di welfare aziendale*, Giappichelli Editore, Turin, , 2018, 42 ff.

⁵ See in particular Pandolfo A., *Principi costituzionali e regole del welfare contrattuale*, in TREU T. (ed.), *Welfare aziendale. Migliorare la produttività e il benessere dei dipendenti*, Milan, 2013, 88-89.

initiatives proposed by companies to support education, both for the younger age groups, through the provision of grants and scholarships, contributions to school costs and support of a psycho-educational nature, and for the more mature workers, through refresher courses and continuous training on purely technical issues related to the work performed or, more generally, on important aspects of daily life (e.g. courses on health and nutrition).

2. The Mission of Occupational Welfare.

The *mission* of occupational welfare is significant when considering the social and cultural context in which the company is embedded, in this case the welfare model in place in Europe. Currently, there are two predominant models. The first, the Scandinavian one, is known for the high level of public services offered to citizens and is characterised by a low prevalence of occupational welfare.⁶ The second is the high-prevalence welfare model characteristic of Mediterranean Europe and France, where firms still face significant development margins to meet growing worker demand for a wide range of services, including health care (the most in-demand), education, and family support.⁷

Finally, it is worth looking beyond Europe, in this case to the United States,⁸ where public health care is limited, and any treatment (even simple first aid) has exorbitant costs. For this reason, occupational welfare could be a *win-win* solution for employees, companies, and the state if the latter does not have the necessary resources to cover public spending in certain areas such as healthcare.

The expansion of a "second welfare system" or a "private welfare system," of which occupational welfare is one *type*, entrusted with the implementation of voluntary complementary social protection programmes in areas where public intervention is increasingly declining,⁹ thus seems to be a widespread tendency in advanced countries, aimed at responding to the changing and growing needs of citizens.¹⁰

It is true, however, that the openly declared demand for occupational welfare in most European countries was not understood by all as a substitution of public for private spending.¹¹ In many countries, occupational welfare almost always plays a complementary role to public welfare. Germany and England are exceptions in vocational training, where it takes the place of public intervention, as will become clear in the following discussion.

⁶ Natali D., Pavolini E., Vanhercke B., (eds.), *Occupational Welfare in Europe: Risks, opportunities and social partner involvement*, ETUI, 2018, 239-257.

⁷ Mapelli L., *The development and determinants of "occupational welfare" in the recalibration of European welfare regimes: a comparative perspective*, Working Paper 2WEL 1/2017, available at: <https://www.secondowelfare.it/working-paper/the-development-and-determinants-of-occupational-welfare-in-the-recalibration-of-european-welfare/>.

⁸ Rosner D., Markowitz G., *A Short History of Occupational Safety and Health in the United States*, in *American Journal of Public Health*, 110.5, 2020, 622-628; Alvino I., Ciucciovino S., Romei R., (eds.), nt. (2), 16.

⁹ Granaglia E., *Il welfare aziendale e la sanità complementare. Alcuni costi nascosti*, in *Rivista delle Politiche sociali* 2 (2017): 37-45.

¹⁰ Pizzuti F.R., (ed.), *Rapporto sullo stato sociale 2019: Welfare pubblico e welfare occupazionale*, Sapienza Università Editrice, Rome, 2019.

¹¹ Balandi G.G., *Prefazione*, in Chiaromonte W., Vallauri, M.L., (eds.), nt. (4), XV.

3. The Interplay between VOW and public welfare.

The interplay between public and private welfare varies from country to country. The United Kingdom is characterized by a liberal welfare system, financed mainly through general taxation, that aims to address poverty and the pressing needs of citizens rather than guaranteeing the maintenance of status and acquired rights (as is the case in so-called conservative-corporate regimes).¹² Public spending on welfare in the United Kingdom is below the average of other countries, except for spending on health and arbitration.

Germany has traditionally been considered a conservative corporatist welfare state. Occupational welfare (OW) has a long tradition in Germany, dating back to the 18th century,¹³ but the landscape of OW is quite heterogeneous, reflecting both the industrial relations system and differences among policy areas in terms of public provision of benefits and regulation.¹⁴ In other words, it is important to keep in mind that the regulation of OW is not necessarily high on the political agenda of the social partners compared to other issues such as wages, working conditions and job protection.

As far as health care is concerned, the public sector is still more generous, which explains the lower level of intervention by the various social partners. Vocational training, on the other hand, is poorly regulated at the state level, allowing the social partners to play a leading role in this area. Their involvement occurs first at the sectoral level, where the frame of reference is defined, and then at the company level, where the measures and their implementation modalities are determined. Finally, it is in work-life balance that the interactions are greatest, since it is here that the public authorities lay the foundations for the implementation of the measures promoted by the social partners.

In this context, it should be noted that the German social protection system, even if coherent and highly institutionalized, appears less generous today than in the past, which obviously opens interesting scope for occupational welfare. Moreover, the degree of institutionalization of the system is considerably strengthened by the inclusion in the German legal system of the so-called *Betriebliche Mitbestimmung*, which regulates in detail the relationship between the employer and the works council at the level of the individual company and establishes several matters in which the employer cannot decide without the consent of the works council. This institute is not only unique in the European panorama but is also of particular importance for occupational welfare, as it potentially opens the way for a wide range of measures to be agreed in each company that can best meet the needs of the workers employed in that specific context.¹⁵

However, as in other European countries, Germany has undergone numerous reforms in recent years that have made the overall benefits of the system less generous, significantly

¹² Esping-Andersen G., *The Three Worlds of Welfare Capitalism*, Cambridge, 1990.

¹³ See Borzaga M., *Sviluppo del welfare aziendale, relazioni industriali, cooperative e partecipazione dei lavoratori: qualche considerazione sul caso tedesco*, in Chiaromonte W., Vallauri, M.L., (eds.), nt. (4), 49 ff.

¹⁴ Blank F., *With or without you. Occupational welfare and public social policies in Germany*, in Natali D., Pavolini E., Vanhercke B., (eds.), nt. (6), 103–123.

¹⁵ Borzaga M., nt. (13), 61 ff.

reducing the weight of public welfare in favour of occupational welfare, which could play a strategic role from this point of view.¹⁶

Swedish welfare is certainly one of the most generous in Europe. This social protection system, referred to the literature as the social democratic model, is characterised by universal coverage, equal access to benefits, good redistribution of wealth, high levels of protection, widespread use of public care services, and gender equity. The Swedish public system is also an excellent example of stable, well-organised labour relations, with very high union density and strong employer associations.

The expansion of Swedish welfare occurred earlier than in many other European countries. For this reason, the growth of public spending over the past twenty years has been much lower than in other countries. Looking at the individual sectors, public spending on services for families has been particularly high. In a country with such a generous public welfare system, one might expect VOW to play a limited role. Instead, as the OECD points out, voluntary private spending has increased significantly since 1990.

In Sweden, the VOW website is seen as complementary to the public welfare system. In most cases, the measures are introduced through collective bargaining at the industry level because, as mentioned above, the Swedish labour market is characterized by a high degree of unionization among employees and many companies affiliated with employers' associations, and the industrial relations system is very centralized.¹⁷

Although the most common means of regulating employee benefits is collective bargaining, there are no legal barriers that prevent the employer from granting benefits unilaterally as well. In particular, the company can establish measures either as a supplement to the collective bargaining agreement or, if it does not apply a collective bargaining agreement, as a substitute, with the result that implementation at the company level may differ. Furthermore, the Swedish WOV is not as generous in the three areas of interest (health, work-life balance, training). It should be noted, however, that health insurance has become a frequently recognised benefit over the past decade.¹⁸

In Spain, there is no legal basis for the *acciòn social* within the company (i.e., the set of instruments, activities, or programmes to promote the social welfare of workers and their families, provided that certain conditions, established on a case-by-case basis, are met), although there have been some attempts at regulation in the past (during the Franco regime).

However, these are additional benefits that vary depending on whether they are granted in the public or private sector. The *acciòn social* in the private sector is characterised by an extreme heterogeneity of measures compared to those for public administration workers and finds its main source in collective bargaining. The analysis of the sources of collective bargaining shows that the occupational welfare measures aimed at the family are the most frequent and widespread.

In Italy, the history of occupational welfare was shaped by the initiatives of enlightened entrepreneurs, initially in response to the needs created by mass industrialization and urbanization in the first decades of industrialism. In this scenario, the figure of Adriano

¹⁶ Guardincich I., *Germany: Current pension system: first assessment of reform outcomes and output*, OSE Research, 2010.

¹⁷ Esping-Andersen G., nt. (12).

¹⁸ Johansson C., *Occupational welfare from a Swedish perspective*, in Chiaromonte W., Vallauri, M.L., (eds.), nt. (4).

Olivetti is noteworthy. His vision was to create a new type of company capable of completely renewing society. The company should be first and foremost a "social environment of coexistence" and not just a place of production, a system of people who should be guaranteed a series of basic services by right. In this respect, the Olivetti worker appears privileged in the eyes of the other workers of his time.¹⁹

In Italy, too, occupational welfare is an increasingly widespread phenomenon that highlights the growing limits of the public social protection system, which is unable to respond to the new needs of a changing society by increasing public spending.²⁰ However, it is not a phenomenon that is evenly distributed: its application remains quite uneven,²¹ both at regional level (most initiatives are concentrated in northern Italy) and by sector and size of the companies involved (given the low participation of small and medium-sized enterprises).²²

From these considerations, the coexistence between the primary and secondary social systems is still based on an integrative and/or complementary logic that expands the range of services provided and the degree of flexibility of interventions.²³ In short, the challenge is to "ensure that the interplay is as virtuous as possible in terms of efficiency, effectiveness and equity".²⁴

4. Needs and Expectations in the Labour Market After the Pandemic.

On the other hand, the need to satisfy new needs that can no longer be met by public welfare is becoming increasingly apparent,²⁵ in part because of their increasing individualization.²⁶ However, this urgency became particularly evident after the Covid 19 pandemic, the consequences of which were devastating not only in health terms but also in economic and social terms.²⁷

Thus, needs have become more complex, the population is aging and unable²⁸ to provide for itself, and intergenerational relationships have changed. For Italy, it should be noted that

¹⁹ Olivetti A., *Le fabbriche di bene*, Presentazione di ZAGREBELSKY G., Rome, 2014, 18.

²⁰ Tiraboschi M., *Il welfare aziendale ed occupazionale in Italia: una prospettiva di relazioni industriali*, in *Diritto delle Relazioni industriali*, 1, 2020, 88.

²¹ Fornasier S., Lucchini G., Strelotto F., Vecchiato G., *Welfare 4.0: Competere responsabilmente. Aziende con l'anima: responsabilità sociale, welfare e community relation. Il caso WelfareNet*, Franco Angeli, Milan, 2019.

²² See the latest Welfare Index Report in SMEs, 2020, available at www.welfareindexpmi.it.

²³ Alvino I., Ciucciiovino S., Romei R., (eds.), nt. (2), 21 ff.

²⁴ See Ferrera M., *Introduzione*, in Maino F., Ferrera M., (ed.), *Secondo rapporto sul secondo welfare in Italia 2015*, Centro di Ricerca e Documentazione Luigi Einaudi, Turin, 2015, 5.

²⁵ Ferrera M., *La società del Quinto Stato*, Laterza, Roma-Bari, 2019; Chiaromonte W., Dolores M.D., (eds.), *Bisogni sociali e tecniche di tutela giuslavoristica. Questioni aperte e prospettive future*, Franco Angeli, Milan, 2018.

²⁶ TREU T., *Introduzione, Welfare aziendale*, in WP CSDL E "Massimo D'Antona". IT- 297/2016, 6.

²⁷ Tiraboschi M., nt. (1), XXII.

²⁸ According to the 2nd *Rapporto Censis-Eudaimon* on occupational welfare at www.censis.it. On the subject, see also Barabaschi B., *L'invecchiamento delle forze di lavoro quale sfida per gli active welfare regimes europei*, Franco Angeli, Milan, 2018. With reference to Germany, cf. Borzaga M., nt. (13); Blank F., *Unemployment and Pensions Protection in Europe: the Changing Role of Social Partners – PROWELFARE Country Report: Germany*, OSE Paper Series, Brussels, 29, 2016.

public social welfare is characterized by strong familism, a dual system in access to benefits (varying according to the professional category), the existence of a national health care system, and various insurance systems, especially in pensions. Since the 1990s, however, a long process of *austerity* has been underway in Italy, without the cuts in public spending being offset by investments or reforms to ensure adequate risk coverage.²⁹ This explains why the growing debt and the need to limit public spending have brought to the fore the crucial role of corporations and/or private individuals in protecting the more vulnerable groups of the population and, more generally, in ensuring the well-being of all citizens.³⁰

Moreover, reforms have rarely effectively covered so-called "new risks," such as childcare or *long-term care*. In the area of work-life balance, Italy has tried to catch up with other European standards through the Fornero Law (Law 92/2012), but it remains a country characterised by a declining birth rate, which will currently determine one of the most abrupt and significant changes in its demographic structure, with a consequent decline in GDP.

For this reason, the government has sought to implement measures to increase the birth rate and promote work-life balance to achieve a minimum level of demographic sustainability in the medium and long term.³¹ It is worth mentioning the so-called *Family Act* (Law No. 32 of April 27, 2022), which provides for the recognition of the general allowance and the reorganisation of support measures for families with dependent children as of 2022. The allowance is paid monthly either in cash or as a tax credit from the seventh month of pregnancy until the eighteenth birthday of each child, with no age limit for children with disabilities. The allowance is increased for each additional child and for a disabled child. A minimum amount applies to the general allowance for all households, but it varies according to the "equivalent economic situation indicator" (Isee).

5. Traditional Areas of Occupational Welfare: Healthcare.

Comparative analysis shows that the percentage of workers covered varies by country and intervention area, with a widespread in the health sector³² - in the wake of the Covid 19 pandemic - and an even spread in terms of work-life balance, which was affected during the health emergency.

There is little doubt that the health sector is the classic area of occupational welfare, which varies according to the role played by the national health system in different countries.

²⁹ See *Rapporto annuale Istat 2019, La situazione del Paese*, available at www.istat.it. See also Ferrera M., Hemerijck A., *Recalibrating European Welfare Regimes*, in Zeitlin J., Trubeck D. M., (eds.), *Governing Work and Welfare in a New Economy: European and American Experiments*, Oxford University Press on Demand, Oxford, 2003.

³⁰ In this regard, see the OECD Report, *Working Better With Age*. On the subject, see also Prosperetti G., *Gli istituti di welfare e la loro necessaria revisione nella nuova realtà sociale*, in *Rivista del diritto della sicurezza sociale*, 2019, 507 ff.

³¹ Agostini C., Natali D., *Italian Welfare Reforms: Missed Opportunities for a Paradigmatic Change?*, in Schubert K., De Villota P., and Kuhlmann J., (eds.), *Challenges to European welfare system*, Cham: Springer, Berlin, 2016.

³² Thomson S., Mossialos E., *Private health insurance in the European Union*, London School of Economics and Political Science, 2009.

This explains why in the United Kingdom, despite a free and universal *National Health Service* (NHS), voluntary private spending on health is only 0.3% of GDP.³³ Nevertheless, private health insurance exists in the UK, guaranteeing, for example, access to faster treatments and a more comfortable environment, as well as to a wider choice of specialists.

In Sweden, VOW is not particularly prevalent in the health sector given the generosity of Scandinavian welfare (public health spending is 7.3% of GDP).³⁴ In the health sector, the most widespread benefits are income support for accidents at work or illness. In the case of sick leave, public social assistance pays 80 % of salary, and workers insured with the AFA (a non-profit organisation founded in 1963 at the instigation of the labour parties and financed by wage contributions and only in some cases by employers) are entitled to an additional 10 % after the first fifteen days of absence (90 days for civil servants). The same treatment is provided in case of occupational disease or accident at work. In the latter case, the AFA covers the entire discrepancy between wages and benefits. Among the other insurances that can be taken out with the AFA, life insurance is widespread, guaranteeing a funeral allowance and a compensation sum for family members in the event of the premature death of the insured employee.³⁵

In this context, as mentioned earlier, the increasing use of health insurance as an occupational benefit is worth mentioning. A few unions have purchased health insurance for their members, although they are concerned about the impact that increasing use of private health insurance could have on the public health care system in the form of a further decline in the benefits offered.³⁶

There are two types of health insurance in Germany: *statutory health insurance* (SHI), which covers about 90% of the population; and private health insurance (PHI). In 2013, there were 134 statutory insurers for SHI, from which German citizens and residents could choose, mainly according to their profession. SHIs are administered by taxpayer representatives, who in most cases are employers and policyholders, often represented by trade unions in their profession. PKV, on the other hand, are private insurance policies that are traditionally aimed at the public sector, the self-employed and employees with the highest incomes. Both insurances allow access to outpatient and inpatient care (the main differences in service providers).³⁷

Reforms over the past decade have reduced some of the benefits provided by SHI and increased cost-sharing by the insured. However, competition among different insurers (including among SHI themselves) does not encourage the use of preventive measures and services (to reduce costs and non-mandatory expenditures), which are therefore underdeveloped.

³³ OECD, *How Much is Too Much? Value for Money in Health Spending*, in *Value for Money in Health Spending*, OECD, Publishing, Paris, 2010.

³⁴ Jansson O., et al., *Sweden: Supplementary occupational welfare with near universal coverage*, in Natali D., Pavolini E., Vanhercke B., (eds), nt. (6), 55–77.

³⁵ The case of Sweden is peculiar. See: Jansson O., et al., *Unemployment and Pensions Protection in Europe: the Changing Role of Social Partners - PROWELFARE Country Report: Sweden*, OSE Paper Series, 16, 2016.

³⁶ Johansson C., nt. (18).

³⁷ Borsch-Supan A., Quinn C., *Taxing pensions and retirement benefits in Germany*, MEA discussion papers, Munich, September 3-4, 2015.

In Germany, VOW also intervenes by supporting income in the event of sick leave.³⁸ The public system provides that for the first six weeks, the employer pays 100% of the wages of an employee hired for at least four weeks. After the sixth week, SHI provides income support equal to 70% of the employee's gross wages until the 78th week. This is therefore a very burdensome protection model for the employer, which is why it has been reformed several times.³⁹

In Spain, the sickness benefits paid under collective agreements are not intended to replace those provided by the public social security system, but to complement and enhance them, so that the worker can receive 100% of his or her normal wages. Entitlement to supplementary benefits is usually limited to occupational diseases and work-related accidents.

In Italy, health care is managed by the Sistema Sanitario Nazionale (National Health System - SSN), which is mainly financed by general tax revenues, although it has experienced numerous cuts in recent years. A very important role in this context is played by the supplementary health funds (recognised by Law 229 of 1999), which are part of the multi-pillar system of the Italian reforms of the 1990s aimed at streamlining the single-pillar public system. The funds have the dual purpose of providing coverage for services not offered by the national health system (such as dental costs) and reimbursing costs incurred by citizens in the SSN (such as ticket payments). In addition, the use of the funds has been encouraged by the state through favourable tax regimes that have led to considerable expansion in the sector.

6. Dynamic Areas: Work-Life Balance.

While health care is the classic area par excellence, the area of work-life balance has gained momentum, especially because of the coronavirus pandemic, although it has taken a different course in the various countries considered.

The UK is known for its liberal public welfare system, but over the years the state has developed innovative work-life balance policies, along with a system of workplace welfare incentives for services such as nurseries and childcare, for which the state provides a financial subsidy of 20% of the costs incurred. All this has led many companies in the Channel to offer their employees a wide range of support measures for flexibility in the workplace, parental leave, and the family in general.⁴⁰

Since 1997, several reforms aimed at improving the position of women in the labour market have been implemented and have produced various concrete results⁴¹. The number

³⁸ Borzaga M., nt. (13).

³⁹ Blank F., *Providing Welfare through Social Dialogue: A New Role for Social Partners? –Country Report: Germany*, Prowelfare Country Report, 2013.

⁴⁰ Naczyk M., *Occupational welfare in the United Kingdom: From skill retention tool to social protection only for legitimate social risks*. In: in Natali D., Pavolini E., Vanhercke B., (eds), nt. (6), 79–102; Seeleib-Kaiser M., Fleckenstein T., *The political economy of occupational family policies: Comparing workplaces in Britain and Germany*, in *British Journal of Industrial Relations*, 47, 4, 2009, 741-764.

⁴¹ Cribb J., Emmerson C., *What happens when employers are obliged to nudge? Automatic enrolment and pension saving in the UK*, in *IFS Working Papers*, W16/19, November 2016.

of kindergartens has doubled, and almost all forms of parental leave (maternity, paternity, and unpaid parental leave) have been gradually extended thanks to numerous tax benefits for companies.⁴²

Businesses have played a leading role in the development of VOW. However, it is noted that workers at the bottom of the corporate hierarchy, with a non-university degree, low income, and a part-time contract, are excluded from this type of benefit, making highly skilled workers significantly more likely to benefit than their middle- or low-skilled counterparts.⁴³ Access is also related to company size, length of service, and industry sector.

Finally, it is interesting to note that reconciliation benefits are more common in companies where the presence of women on boards is more prevalent (i.e., where at least 75% of executives are women). In addition, many UK companies provide longer parental leave periods compared to national legislation, as well as income support for female employees during maternity leave and, in some cases, for the male parent, such that leave guarantees almost 100% of salary.⁴⁴

Another measure that has gained acceptance in arbitration in the last decade is the flexibilization of working time, which includes not only a reduction but also the possibility of accumulating and recovering working hours, varying the beginning and end of the working day, and special leave for family emergencies. More recently, telecommuting, "compressed work schedules" (i.e., the same number of hours as full-time employment but on fewer days), and full-day leaves for family reasons have also become popular.

In this context, the reference to Sweden seems appropriate, since the Swedish public system has guaranteed equal rights to both parents since 1974, even though it is still predominantly women who take the leave. When it was first introduced, the Parental Leave Act guaranteed workers six months of paid leave; today, the maximum has been extended to 480 days for each child. Paid leave may be taken jointly by both parents, except for a period of three months taken by the mother and father alone. The calculation of the allowance payable differs depending on whether parental leave is granted based on residence or employment. It should also be noted that statutory parental leave for blue-collar workers is supplemented by the provisions of national collective agreements, while white-collar workers do not benefit from a corresponding supplement at the national level. Nevertheless, various sectoral collective agreements regulate the right to supplementary benefits, both for blue-collar and white-collar workers.⁴⁵

For this reason, an equal opportunity policy to support the family is undoubtedly a success, both in terms of promoting gender equality and supporting families and children. From this point of view, Sweden, probably more than any other country in the world, seems to be at the forefront of achieving the goal of gender equality. Swedish women have one of

⁴² Van Wanrooy B., et al., *The 2011 workplace employment relations study: First findings*, Wers, 2011.

⁴³ Riva E., Rizza R., *Who receives occupational welfare? The importance of skills across Europe's diverse industrial relations regimes*, in *European Review of Labour and Research*, 27, 2021, 97-112, available at: <https://journals.sagepub.com/doi/epub/10.1177/1024258920980635>.

⁴⁴ Naczyk M., nt. (40).

⁴⁵ Thoresson A., Kullander M., *Sweden: working life country profile* ; *Working Life Country Profiles*, Eurofound, European Observatory of Working Life, 25 November 2015.

the highest labour force participation rates in the world, and significant progress has been made in recent decades in terms of women's representation in political bodies.

Sweden is also very progressive in terms of working time flexibility. Parents have the right to work part-time until the end of their child's first year of school, as well as to take leave if the child is sick. The percentage of employees who can vary the start and end of their working hours is above average, as is the possibility of being absent from work for a whole day for family reasons.

Childcare services are mostly public, and expenditures in this area are mainly borne by the state, municipalities, and to a lesser extent by parents depending on their income (low-income families are exempt). The generosity of public care in this area explains why the percentage of companies that offer a company crèche is significantly lower than the average in other countries, as is the case for home care services.⁴⁶

In the context of balancing private and professional life, the German public welfare system has developed a total of 156 support measures for families, including both services and economic assistance. The impetus for these measures, called "adult worker support," resulted from the transition from a single-earner family model (in which one of the two spouses took care of the family exclusively) to a model in which both spouses worked.

The role of VOW in arbitration is mainly to integrate public expectations and extend certain forms of protection. It is a new field of action that emerged in the 1990s, but without ever being at the centre of social dialogue. A recent study⁴⁷ shows that 90% of the collective agreements studied contain at least one arbitration measure, even if the trend in this regard has been decreasing in recent years.

In this context, it is interesting to note that since the amendment of the "*Works Constitution Act*" in 2001, conciliation and equality policies have become the responsibility of *works councils*, which has given a strong boost to company collective agreements for conciliation.

As far as childcare is concerned, the proportion of companies in Germany that offer company childcare is below the average in other countries, partly because all childcare facilities are publicly subsidized.⁴⁸ As far as parental leave is concerned, legislation provides for income support amounting to 65-67% of the previous salary. The maximum duration of parental leave is fourteen months, which may be divided between the parents during the first year of the child's life, with no parent taking more than twelve months.⁴⁹ It is possible to combine parental leave with part-time employment and to be absent from work through unpaid leave until the child is three years old. As an alternative to parental leave and if the company has more than 15 employees, the employee has the right to take part-time employment and then return to full-time employment.⁵⁰

In contrast, the flexibilization of working time is less pronounced in Germany than on average in other countries, although collective agreements contain a variety of instruments

⁴⁶ On this topic, see Johansson C., nt. (18).

⁴⁷ Klenner C., et al., *Förderung der Vereinbarkeit von Familie und Beruf in Tarifverträgen und Betriebsvereinbarungen in Deutschland: Eine empirische Analyse*, WSI Discussion Paper, 184, 2013.

⁴⁸ Seeleib-Kaiser M., nt. (40).

⁴⁹ Kraemer B., *Germany: Family benefit rule changes encourage parents to share childcare duties*, EurWORK - European Observatory of Working Life, Eurofound, 19 February 2015.

⁵⁰ Blome A., *The Politics of Work-Family Policy Reforms in Germany and Italy*, Routledge, 2017.

to reconcile work and family life (part-time, time off from work at times less suitable for children, time off for family reasons, time banks, working time accounts), including provisions on parental leave and childcare facilities.⁵¹ In this context, reference should be made to the long-term account or value credit, which allows employees to defer part of their salary to finance a long-term interruption in employment using social benefits.

In the Netherlands, on the other hand, there is an innovative tool that is not practised in Italy, namely the LCSS Fund (Life Course Savings Scheme), a flexible instrument that allows employees to set aside part of their salary for the period of absence and unpaid leave. If an employee does not use the amount accumulated over time, it is paid into a fund upon retirement.⁵²

For France, three instruments should be mentioned, namely CET (Compte épargne temps), CESU (cheque emploi services universel) and OCIRP.⁵³ The first instrument, defined in Article L.3152-1 of the Labour Code, is an hourly account that allows the employee to choose between a paid break from work or payment for overtime or leave⁵⁴ not taken. Collective bargaining establishes the criteria for the operation of the CET. The remuneration, which corresponds to the value of the hours accumulated, is covered by a guarantee provided by persons qualified in financial intermediation, such as banks, bilateral institutions, and insurance companies.

Upon termination of employment, in addition to the right to payment of the credit already accumulated, there is the option of paying the credit to the Casse des dépôts et consignations or transferring it to other company savings plans, such as the PEE (plan d'épargne d'entreprise) or the PErCO (plan d'épargne pour la retraite collectif). At settlement, the amounts paid in are deducted from tax within certain limits and contributions are waived in full. To encourage the employee to keep his job with CET until retirement, additional tax benefits are granted.

The second, the CESU, defined in Article L. 1271-1 of the Labor Code,⁵⁵ is a voucher with a predetermined value that can be spent on personal and family services and is financed by the employer.⁵⁶ The CESU payment voucher is a nominative payment voucher with a predetermined amount that can be issued by the employer or by other structures authorized by the Direction Générale des Entreprises, such as a works council or an organization that provides social benefits, which determine both the amount of the CESU and the benefits to which one has access. This measure was made possible by a generous system of tax and contribution incentives from the public authorities.⁵⁷

⁵¹ Borzaga M., nt. (13).

⁵² ReFlex, *Welfare aziendale: approcci e strumenti*, 2020, available at:

https://famiglia.governo.it/media/2087/deliverables-welfare-aziendale_approcci-e-strumenti_final_ita.pdf.

⁵³ On these issues, refer to: Ministère Sociaux, *Guide CET>CESU - Conversion du compte épargne-temps en chèque emploi-service-universel préfinancé*, 8 October 2015, available at:

https://issuu.com/ministere-solidarite/docs/guide_ope_cet_web.

⁵⁴ See also: art.18 of Law no.2014-873 of 4 august 2014, on equality between women and men, as well as the decree no. 2014-1535 of 17 December 2014.

⁵⁵ See also: art. L.1271-12 of the Labour Code and the decree no. 2014-1535 of 17 December 2014.

⁵⁶ Sansoni A.M., *Francia: i buoni-lavoro come strumento per favorire l'occupazione dei lavoratori anziani*, in Bollettino ADAPT – newsletter in edizione speciale, 2, 6 April 2009.

⁵⁷ See ReFlex, nt. (52).

Finally, the OCIRP is a bilateral welfare system dedicated to vocational training in addition to income support. Access to this benefit depends largely on collective bargaining: It may include health care, parental leave, disability and training, and long-term care. Participation in this bilateral system, which is relevant to the company or sector, is exclusively through direct referral under collective agreements that establish a commitment and contribution by the employer. The employee may take advantage of the benefits offered by the OCIRP to the extent provided for by the collective bargaining agreement for his sector or category or by the company agreement.⁵⁸

It should be recalled, however, that one of the characteristics of the French system is the close link between service job creation policies and anti-poverty policies. In a logic of exportability of the French model, this aspect must be considered, especially because in Italy there is no effective national policy to fight poverty.⁵⁹

It should be noted that in Spain, most company support measures and benefits have a direct or indirect link to the family, such as the marriage allowance, financial support for raising children, and support measures for dependent children. However, almost all occupational welfare benefits aimed at the family, as well as the instruments to facilitate the reconciliation of work and family life, are economic in nature, so that families are not relieved because there are no company crèches.

In this regard, it is worth mentioning the recent reform of the *Anteproyecto de Ley de Trabajo a Distancia*⁶⁰ (with the exception of public administrations), which also recognizes the right to digital disconnection, already established by Ley Orgánica 3/2018, de 5 de diciembre, de Protección de Datos Personales y garantía de los derechos digitales in Article 88, but is now affirmed with greater emphasis for remote workers, as is the right to equal treatment for remote workers compared to presence workers.

It should not be overlooked, however, that many collective bargaining agreements also provide for forms of assistance to family members with some form of disability. Of all the instruments of occupational welfare aimed at the family, the support measures for disabled children come closest to the benefits provided by the public social security system, not only because they supplement the compulsory benefits, but also because the collective agreements are fully consistent with the procedure provided for the recognition by the public social security system of economic benefits for disabled dependent children.

The Italian situation, despite the reforms of recent years (Law No. 92 of June 28, 2012, D.Lgs. No. 80 of June 15, 2015, D.Lgs. 81 of June 15, 2015, D.Lgs. No. 81 of May 22, 2017, D.Lgs. No. 162 of November 5, 2021, on the certification of equality between women and men), is characterised by poor childcare services, fewer opportunities to obtain part-time work, and more rigid working hours⁶¹. The data are particularly telling when considering the

⁵⁸ Maino F., *Il voucher universale per i servizi di assistenza alla persona, Le prospettive sostenibili delle politiche di welfare in Italia e in Europa*, Percorsi di II welfare, Rapporto di welfare – ItaliaCamp, Roma 20 Luglio 2015.

⁵⁹ Lebrun J. F., *Les services à la personne (SAP o PHS in english) en France*, Presentazione Percorsi di Secondo welfare – ItaliaCamp, Roma 20 July 2015.

⁶⁰ Serrani L., *Il progetto di legge sul lavoro a distanza in Spagna*, in *Bollettino ADAPT*, 31, 2020.

⁶¹ On this topic, see: Vallauri M.L., *Genitorialità e Lavoro. Interessi protetti e tecniche di tutela*, Giappichelli, Turin, 2020; Vettor T., *Conciliare vita e lavoro. La prospettiva del diritto del lavoro dopo il Jobs Act. Studi di Diritto del lavoro*, Giappichelli, Turin, 2018, 31; Santucci R., *La conciliazione tra cura, vita e lavoro “(il work life balance)”*, in

(very low) presence of women in the labour market. The phenomenon is even more serious when considering the difference between the centre and the north and south of the country.

In this area, in 2022, the government introduced the Family Law, which provided for a voucher for kindergarten fees, but most importantly, a reorganization and harmonization of parental leave legislation. In particular, it provides for a mandatory leave of at least 10 working days for the working father in the first months after the birth; the guarantee of the right to leave regardless of the marital status of the working parent; the introduction of flexible arrangements for the management of leave, compatible with the needs of the employer and within its competence, in the form established by the collective bargaining applicable to the sector; and finally, a minimum duration of two months of leave that is not transferable to the other parent.⁶²

Among the most notable measures introduced to support families and working mothers during the pandemic is undoubtedly *smart working*, which has led not only to an increase in working hours and difficulties in separating work and home life, but also to feelings of loneliness and isolation. In addition, the regulations appear to be incomplete, not least because workers are not protected in terms of the right to interrupt work, so "smart working in an emergency" does not appear to be a work-life balance measure.⁶³

Finally, reference should be made to Legislative Decree No. 105 of June 30, 2022, "implementing Directive (EU) 2019/1158 of the European Parliament and of the Council of June 20 2019, on reconciling work family life for parents and carers and repealing Council Directive 2010/18/EU." The decree contains provisions to improve the reconciliation of work and family life to achieve the sharing of care responsibilities between men and women and gender equality at work and in the family.⁶⁴

Santoni F., Ricci M., Santucci R., (eds.), *Il diritto del lavoro all'epoca del Jobs Act*, 187, 2016; Nunin R., *I congedi parentali dopo il D.Lgs 15 giugno 2015, n. 80*, in *Lav. e giur.* 2016, 14 ff.; Gottardi D., *La conciliazione delle esigenze di cura, di vita e Lavoro*, Giappichelli, Turin, 2016.

⁶² Izzi D., *Il work-life balance al maschile: a proposito di congedi dei padri*, in *Lav. e dir.*, 2, 2020, 333.

⁶³ On the subject, see, recently: Brollo M., *Lavoro agile per i lavoratori fragili: lezioni dalla pandemia*, in *Argomenti di diritto del lavoro*, 2022, 405; D'Aponte M., *Evoluzione dei sistemi organizzativi nell'impresa e tutela dei diritti dei lavoratori nel quadro della regolamentazione europea: dal diritto alla "disconnessione", al lavoro "per obiettivi"*, in *Massimario di giurisprudenza del lavoro*, 1, 2022, 29; Cataudella M.C., *Tempo di lavoro e tempo di disconnessione*, *ibid.*, 4, 2021, 853; Alessi C., *Lavoro agile e conciliazione: alcune osservazioni a margine della proposta di riforma del Gruppo Frecciarossa*, in *LDE*, 4, 2021; ALBI A., *Il Protocollo nazionale sul lavoro agile tra dialogo sociale e superamento della stagione pandemica*, in *LDE*, 1, 2022; D'Onghia M., *Lavoro agile e luogo del Lavoro: cosa ci ha insegnato la pandemia?*, in *LDE*, 1, 2022; Martone M., *Lavoro da remoto e bigenitorialità: come scegliere nella crisi epidemiologica un'opportunità di modernizzazione sociale*, in Martone M. (ed.), *Il lavoro da remoto. Per una riforma dello smart working oltre l'emergenza*, La Tribuna, Piacenza, 2020, 146; Nicolosi M., *Le sfide del lavoro agile dopo l'emergenza pandemica*, in Garilli A. (ed.), *Dall'emergenza al rilancio. Lavoro e diritti sociali alla prova della pandemia*, Giappichelli, Turin, 2020, 89; Gabriele A., *Work life balance ed emergenza sanitaria: il difficile 'equilibrio' tra attività professionale e lavoro di cura familiare*, in Garilli A. (ed.), *Dall'emergenza al rilancio. Lavoro e diritti sociali alla prova della pandemia*, Giappichelli, Turin, 2020, 116; Alvino I., Ciucciiovino S., Romei R., nt. (2), 109.

⁶⁴ See: Militello M.G., *Conciliare vita e Lavoro. Strategie e tecniche di regolazione*, Giappichelli, Turin, 2020; Izzi D., *Genenitorialità e Lavoro. Diritto e libertà?*, in Chiaromonte W., Ferrara M.D., nt. (25), 91.

7. Follow-up: continuous training

Finally, there is training, an essential and widespread element that must be ensured throughout working life.

In the United Kingdom, professional training is usually managed by companies, with data above the average for other European countries, though it has experienced a contraction in recent decades. Companies have benefited from both public and European funds (as is the case in Italy).

Company size has a strong influence on the capacity to offer training courses, which in many cases pave the way to nationally recognized qualifications. Alternative training options, such as on-the-job training, are also an option. Most beneficiaries who undertake training are men (because they are more prevalent in manufacturing and construction, which are among the providers of training opportunities), young people, workers in the sectors most in need of technical skills, and college graduates.

In 2021, Sweden, Finland, and the Netherlands had the highest proportions of people aged 25 to 64 participating in education and training in the past four weeks. Adult education is an important aspect when it comes to the digitalization and automation of the labour market. Workers need to adapt and learn new digital skills, for example, and in some cases retrain, as some jobs will be eliminated due to technological developments. Adult education should improve employability, foster innovation, provide social equity, and close the digital skills gap. The importance of adult learning is reflected in the target set at EU level for at least 60% of all adults to participate in continuing education each year by 2030.⁶⁵

Again, unions play a central role in analysing the phenomenon and promoting VOW.⁶⁶ A study by the trade union Unionen, in which 2,350 workers participated, shows that, according to the participants, the most effective and widespread training is in practical skills, often acquired through rotation in the workplace rather than through attendance at conferences or seminars. According to this study, the workers most involved in training are employed full-time in large private companies, have a university degree and are Swedish citizens.⁶⁷

Several actors are involved in vocational training in Germany. The federal level is responsible for implementing measures for the unemployed, while the regions (Laender) regulate the time off for participation in training courses. For in-company training, there are neither laws nor cross-industry collective agreements that provide a uniform and binding framework for all actors involved.

WVO in vocational education and training has continued to evolve over the past fifty years. By the 1990s, VET was once again seen as an effective tool for addressing immediate problems rather than a guarantor of long-term benefits. For this reason, the issue has been less present in collective bargaining agreements. More recently, several studies have found that mobilization on the issue of vocational training is on the rise again, although the results of this mobilization have so far been modest. However, the (few) contracts concluded under

⁶⁵ https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Adult_learning_statistics

⁶⁶On the subject, see Johansson C., nt. (18).

⁶⁷ Herrera L.M., *Vocational education and training in Sweden: from work-based-learning to school-based-learning and back again?* in *Revista de Educaci3n*, Madrid, January 2017.

this new perspective have the advantage of regulating training without the urgency of the context, thus treating it to achieve long-term results: namely, an increase in competitiveness, a better quality of products and services and, consequently, job security.⁶⁸

Training is an area where sectoral collective bargaining sets the framework, which is then implemented at the company level.⁶⁹ The contents of company collective agreements concern the definition of training, the participation of works councils, criteria for participation, needs analysis, quality control, bilateral commissions, objectives, methods, instruments, employee surveys, certificates, and the treatment of costs. According to a survey by the Economic and Social Research Institute (WSI), 34% of companies with works councils have a company agreement on continuing education.⁷⁰

However, the WSI identifies differential access to training as a weakness of this type of measure. Participation in training depends on the age of the worker, his or her qualifications and the size of the company. According to a recent analysis, in one-third of the collective agreements studied, training is targeted at a specific category of workers (most often junior managers, older workers, people with disabilities, single parents, workers with families, part-time workers, interns, etc.).

On the other hand, reference is often made to explicitly excluded groups (especially temporary employees). While in principle all employees have the same right to continuing education, some groups are favoured, and others are explicitly disadvantaged. Finally, women's participation in continuing education has been found to be lower than men's, although this could be due to the lower presence of women in sectors where continuing education is more widespread.

In Spain, scholarships, and measures to support education are mainly intended for the children of workers who are in training or working in a profession. However, many collective agreements provide for financial support measures specifically aimed at workers who opt for general or vocational training, but the granting of which is subject to the fulfilment of certain conditions (link between courses and work performance, involvement of approved training centres). Thus, the range of benefits is becoming more and more limited, as the amounts are reduced and the requirements for accessing them are increased, mainly due to the recent economic crisis.⁷¹

Finally, if we look at active labour market policies in Italy, public spending is below the average of European countries. As far as in-company training is concerned, there is no unified legal framework, leading to a rather fragmented scenario. A very important role in vocational training is played by bilateral bodies, established through collective bargaining at national, sectoral, or even exclusively at company level, which ensure the management and/or financing of the services. These are institutions or funds (when they manage economic resources) composed of the social partners represented on an equal footing (Fondimpresa is the main bilateral fund in the field of vocational training). Twenty-two

⁶⁸ Borzaga M., nt. (13).

⁶⁹ Blank F., nt. (14).

⁷⁰ Seeleib-Kaiser M., *et al.*, nt. (40).

⁷¹ See Almendros-Gonzales M.A, *La acción social nell'impresa: il caso spagnolo*, in Chiaromonte W., Vallauri M.L., nt. (4), 129.

bilateral funds have been created to analyse needs, manage apprenticeships, co-finance the costs incurred by the company and coordinate the training offer.⁷²

8. Occupational Welfare and Trade Union Relations.

On the issue of occupational welfare, the question arises as to the role of the social partners in relation to the forms chosen, i.e. funds at sectoral or company level, with a national fund (AFA) being used in only one case (Sweden).⁷³

In many countries, management is bilateral, but in a few countries, companies were the main actors interested in offering workers a competitive wage *package* and compensating for reduced public social benefits, while unions played a residual role (as in the United Kingdom).⁷⁴ The minor role of trade unions is also related to their decline, which has undermined their existence since 1979 because of the Thatcher government's policies aimed at reducing trade union participation in British political life. It should be noted, however, that arbitration is more widespread in companies with higher union density.

On the other hand, employee organisations with VOW can attract new members and turn the tide if they present themselves as "producers" of services, as they already do for vocational training.

The Swedish case presents a VOW system that is the result of the strength and organisational capacity of the social partners to negotiate, create, and develop systems in various policy areas that cover large parts of the labour market. Most of VOW's benefits are provided under collective bargaining agreements, and insurance is in most cases administered by a single non-profit organisation traditionally associated with the labour party. The most developed area is mediation, where much is being done to provide further assistance to families. The vocational training sector is close behind, while the health sector VOW is not particularly developed and measures primarily concern income support.⁷⁵

This widespread use is due to the willingness of employers and unions to intervene in a complementary way to public services. From the companies' point of view, the main reasons for introducing VOW are the desire to present a good corporate image to increase their attractiveness in the labour market, thus improving their performance in the field of *Corporate Social Responsibility*, while contributing to the qualification and well-being of their employees. For the unions, in turn, the guarantee of VOW is part of their *raison d'être*, namely, to offer ever better working conditions and to compensate for the slowdown in wage growth by offering services or income support.

In Germany, the main sources that regulate occupational welfare are collective agreements, both in quantitative terms, since they favour the diffusion of company welfare, and in qualitative terms, since they have specific characteristics, especially at the level of

⁷² Nogler L. (ed.), *Gli enti bilaterali dell'artigianato tra neocentralismo ed esigenze di sviluppo*, Franco Angeli, Milano, 2014.

⁷³ Fritzell J., Hols-Salén L., Nelson K., et al., *Country Profile: Sweden*, ESPN Country Profile, 2016.

⁷⁴ Naczyk M., nt. (40).

⁷⁵ Jansson O., et al., nt. (34).

individual companies, that lead to the effective consideration of the needs of workers or specific groups of workers.

Company co-determination agreements have played a crucial role in building the occupational welfare system, especially in making working hours more flexible. This was achieved through legislation that decisively institutionalised the system of industrial relations at the "micro level" as well and gave *Betriebsrat* works council, as a German peculiarity, considerable scope for negotiation and co-determination.⁷⁶

In Italy, in the wake of the industrial paternalism (we have already mentioned Olivetti) that accompanied the first industrial revolution, occupational welfare was for a long time almost exclusively unilateral and voluntary, out of an act of charity on the part of the employer, without any kind of negotiation or agreement with the workers' representatives. Occupational welfare is therefore traditionally seen as an evolution of the so-called factory welfare, i.e. the social measures introduced during the first industrial revolution.

In recent years, however, there has been no shortage of measures aimed at reversing the previous approach and enhancing the role of regulation, on the one hand, and collective bargaining, on the other, as sources of workplace welfare. While the previous regulation excluded social benefits from labour income only if they were granted on the voluntary and unilateral initiative of the employer, the tax provisions of the 2016 Stability Act⁷⁷ not only provide for the exclusion of negotiated social plans from labour income, but also for their full deductibility from labour income if they are not unilateral and voluntary.⁷⁸

Nonetheless, the recent 2020 Welfare Report for Small and Medium Enterprises shows that instruments that do not require union involvement (such as the Liberalisation Act and Enterprise Regulations) clearly predominate. This raises the question of the potential role that representatives could play in structuring the welfare plan, especially in training and involving workers or analysing their social needs.⁷⁹

In fact, it is believed that occupational welfare could provide an incentive for unions to adopt a more participatory philosophy, aiming at negotiated planning of forms of social protection that complement public-sector complementary forms of social protection. Consequently, collective bargaining could be more attractive if called upon to regulate issues of major importance to certain categories of workers who are less likely to participate in unions, such as young people, leading to less conflictual and participatory trade union relations.⁸⁰

⁷⁶ Biasi M., *Il nodo della partecipazione dei lavoratori in Italia. Evoluzioni e prospettive nel confronto con il modello tedesco ed europeo*, EGEA spa, Milano, 2013, 63 ff.

⁷⁷ Art. 1, commas 184-190, Law n. 208 of 28 December 2015. On this point, see: Tiraboschi M. (ed.), *Welfare for People. Primo rapporto su il welfare occupazionale e aziendale*, ADAPT University Press, 2018, 77-86; Pessi R., *L'accordo sul modello di welfare aziendale nel distretto industriale pratese: l'avvio di una possibile esperienza di welfare society*, in *Diritto delle Relazioni industriali*, n.145/2015, 141; Giovannone M., *Beneficiari, condizioni, limiti e modalità di accesso ai benefici fiscali delle prestazioni di welfare*, in Alvino I., Ciucciavino S., Romei R., nt. (2), 137.

⁷⁸ Pavolini E., Leonardi S., Raitano M., Arlotti M., *Unemployment and Pensions Protection in Europe: the Changing Role of Social Partners - PROWELFARE Country Report: Italy*, OSE Paper Series, Research Paper No. 21, 2016.

⁷⁹ Refer to: AA.VV., *Welfare Index PMI – Rapporto 2020*, Generali, 2020.

⁸⁰ Treu T., *Welfare e benefits: esperienze aziendali e territoriali*, in ID. (ed.), nt. (6); Scippa E., *Relazioni industriali e welfare, il ruolo della contrattazione collettiva nella protezione dei bisogni di natura sociale dei lavoratori*, Milano, 2018; Zilio Grandi G., *Stato sociale, lavoro e welfare aziendale ai tempi del Jobs Act*, in *Note di Ricerca*, 1, 2017.

The national and territorial dimension of negotiations seems to be appropriate for social security and supplementary health care institutions, also to optimise the costs of administrative and financial management.⁸¹ In contrast, the operational dimension for large companies and the territorial dimension for small companies seem to be more suitable for other types of benefits that can be better adapted to the needs of the companies and the individuals concerned.⁸² In particular, the provision of incentives in the form of contribution relief and tax exemption for collectively agreed social benefits paid in lieu of productivity compensation is certainly an example of legislative efforts to encourage second-level collective bargaining.⁸³ Consider, for example, the possibility provided in the 2017 Budget Law for employees⁸⁴ to use the amounts of productivity bonuses on which a substitute tax of 10% is levied for supplementary pensions, which is only possible if provided for in decentralised, territorial or company collective agreements.⁸⁵

The Italian case is also characterized by a significant use of bilateral agencies in the management of VOW. Interestingly, the sectors in which bilateral agencies were initially introduced were characterized by greater fragmentation of production and greater job instability (construction, agriculture, crafts, trade, and tourism).⁸⁶ However, in recent years, these organizations have expanded to all sectors. Currently, the banking sector is the sector with the largest supply of VOW, while the textile industry is the least widespread.

9. The win-win logic of occupational welfare.⁸⁷

The above considerations lead to the conclusion that occupational welfare measures must be made financially sustainable. In this context, the German experience is worth mentioning, as it shows that the financing of these instruments is generally borne mainly by the companies, of which only the medium and large companies can provide guarantees. However, since it is a "patchwork" system of occupational welfare, workers in large companies are ultimately better protected, so that if public funding for social welfare were to be reduced, the risk of an increase in dualism and inequality in the German labour market would be particularly high.⁸⁸

On the other hand, the spread of occupational welfare depends not only on the will to bring about a genuine cultural change in companies, which is the basis for a new way of

⁸¹ Tiraboschi M., nt. (1), 6.

⁸² Cf. Tursi A., *Retribuzione, previdenza, welfare: nuove variazioni sul tema*, Relazione at the AIDLASS Congress Palermo, 17 May 2018. Furthermore, see on the subject, Comandè D., *Il nuovo welfare contrattuale nei negoziati collettivi nazionali: stato dell'arte e criticità*, in *Rivista del diritto della sicurezza sociale*, 2017, 821 ff.

⁸³ Alvino I., *Le nuove fonti di disciplina del welfare aziendale: dalla erogazione unilaterale al welfare negoziale*, in Alvino I., Ciucciovino S., Romei R., nt. (2), 119 ff.; Chiaromonte W., Vallauri M.L., nt. (4), 23 ff. See also Perulli A., *La contrattazione collettiva aziendale e il welfare aziendale: caratteristiche e limiti di un modello troppo enfatizzato*, in Zilio Grandi G., nt. (80).

⁸⁴ Bacchini F., *Welfare aziendale: illazioni (ricostruttive) giuslavoristiche (II parte speciale)*, in *Argomenti di diritto del lavoro*, 4-5,2017, 1026.

⁸⁵ On the topic, cf. Tiraboschi M., nt. (1), XV.

⁸⁶ See: Nogler L., nt. (72).

⁸⁷ Alvino I., Ciucciovino S., Romei R., nt. (2).

⁸⁸ Borzaga M., nt. (13).

working and greater employee participation,⁸⁹ but also on the role played by public policies in this area, for example through tax relief and levy reductions.⁹⁰

In this regard, it should be recalled that with the August decree (Legislative Decree No. 104 of August 14, 2020), Italy raised the limit for the tax exemption of goods and services paid to employees - the so-called "fringe benefits" - to 516.46 euros, double the previous value. Within this limit, the value of goods sold, and services provided by companies to their employees does not contribute to the formation of income and is therefore exempt from taxes and duties.

Unless there is a change of heart or future action makes it a structural measure, it will be a *one-time* measure (i.e., it will apply only to 2020). Nevertheless, it is a welcome initiative as it facilitates the provision of shopping and fuel vouchers and other occupational welfare measures to employees thanks to an increase in the limit for taxing the value of goods and services provided to employees.

When the needs of the company go hand in hand with the needs of the workers, occupational welfare is a win-win for both the company and the workers.⁹¹ The psychophysical well-being of workers who take advantage of workplace welfare is of such critical importance, given the increased time available to them and their families, that it inevitably affects the efficiency and productivity of the work itself.⁹²

The more companies can create well-being, both on a personal and organisational level, the more employees feel empowered and motivated to work, making well-being benefits a strong motivating factor. All things being equal, they generate higher recognition than traditional salary incentives, especially for those in leadership roles, as the second Censis report on the subject shows.⁹³

Welfare initiatives are therefore highly valued by workers and their families, increasing the attractiveness of the company and its ability to commit resources. In short, occupational welfare initiatives improve the company's social role in the region and strengthen its image in the market, which is strategic for the company's growth.⁹⁴

10. Conclusions.

The research conducted so far shows the great potential and important role played by occupational welfare, which covers more than 20% of employees in many European countries.⁹⁵

⁸⁹ Razetti F., *'Bilateralità e welfare contrattuale: quale ruolo per i territori?'*, in Maino F., Ferrera M., (ed.), nt. (24), 69-110.

⁹⁰ Santoni V., *Welfare aziendale e provider prima e dopo le Leggi di Stabilità*, in Maino F., Ferrera M. (Ed.), *Terzo Rapporto sul secondo welfare in Italia*, Centro di Ricerca e Documentazione Luigi Einaudi, Turin, 2017, 91-118.

⁹¹ Alvino I., Ciucciovino S., Romei R., nt. (2), 63 ff.

⁹² Bombardieri M., Prunesti A., *Chief digital officer. Gestire la digital transformation per persone e organizzazioni*, Milan, 2019.

⁹³ See www.censis.it.

⁹⁴ Tiraboschi M., nt. (1).

⁹⁵ Natali D., Pavolini E., Vanhercke B., nt. (6).

Coronavirus has affected people's lives, changing habits at work and in daily life, and undermining their security and confidence in the entire ecosystem. However, the impact is not uniform, with some countries and populations feeling the economic and social consequences of the pandemic more than others.⁹⁶

Both large companies and, above all, the numerous small and medium-sized enterprises in Italy are facing an unprecedented crisis that has upset their production and service rhythms, as well as the organisation of working hours and working methods, with serious economic consequences and results that have yet to be fully deciphered in terms of layoffs and employment rates.

It is a complex picture, in which one can ask what place occupational welfare occupies: as a basic "crutch" for workers in difficulty, and as a possible lever for the country's development and recovery; or as a "flash in the pan" that will inevitably disappear again in the face of the new needs of Italian companies?

The presence and reinforcement of occupational welfare measures during the pandemic crisis do indeed seem to have had positive effects. From a purely organisational perspective, the crisis experience seems to have radically changed corporate culture, with most companies stating that they are more aware of the central importance of worker health and safety, and more than 70% stating that occupational welfare will play a greater role in the future, meaning that companies will contribute more to the sustainability of the area in which they operate.

Companies have positioned themselves in tangible ways as both social and market actors, sometimes providing a unique point of reference for workers and their families and, in many cases, for the broader community throughout the territory and across the corporate chain, while experiencing demanding scrutiny of their social responsibilities. The most common services offered by companies were related to workplace safety and accident prevention, as well as work-life balance and parenting policies. But insurance coverage, employee training, supplemental health care and supplemental retirement benefits should not be overlooked.

Collective self-government has adopted welfare measures and solutions to cope with the unprecedented circumstances that have gripped the various sectors of the economy. The need to respond quickly and flexibly, especially in the health sector, has created a new dimension of occupational welfare, more oriented to social needs,⁹⁷ especially through the adoption of flexible solutions, not only through corporate contracts and protocols, but also and especially thanks to the health insurance funds established by the parties through national collective agreements.

In other words, COVID -19 has acted (unintentionally) as an accelerator for the diffusion and awareness of the potential of occupational welfare even among small and medium-sized Italian companies.⁹⁸ Under the pressure of the emergency, resources and projects have been launched on issues of priority and usefulness such as health, safety at work, reconciliation

⁹⁶ OECD, "*Supporting people and companies to deal with the Covid-19 virus: Options for an immediate employment and social-policy response*", ELS Policy Brief on the Policy Response to the COVID-19 Crisis, Paris, 2020, available at: <http://oe.cd/covid19briefsocial>.

⁹⁷ Chiaromonte W., Ferrara M. D., nt. (25).

⁹⁸ Tiraboschi M., nt. (1), 67 ff.

with family life, and training, the latter of which, together with health and safety, can ensure a real entitlement to the future for all.⁹⁹

In conclusion, occupational welfare is becoming more widespread among companies in Italy, but above all it could represent a valuable toolkit that can accompany companies and workers in terms of sustainability in the impressive changes in work that we are currently experiencing, namely demographic, digital, and environmental transformation.

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⁹⁹ Refer to: Battisti A.M., *Misure di conciliazione vita-lavoro*, in Pessi R., Proia G., Vallebona A., *Approfondimenti di diritto del lavoro*, G. Giappichelli, Turin, 2021, 352.

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