Can your union make professionals and managers commit to union values **?**

Can your union defend the specific interests of professionals and managers **?**

TRAN-MAPS
Transport trade unions organising
Professional & Managerial Staff
P&MS

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1. WHO ARE P&MS?
AND WHAT IS THEIR NEED
FOR UNION PROTECTION?

For many years we have seen unions across the globe fight attack upon attack on workers' rights. Trade unions throughout the decades fought to bring about an end to poverty, slavery and class discrimination.

As new companies grew, so did the want of the worker. The transformation and the need to improve family life styles and security and to take on a more leading role in the new flourishing industrial companies became an aspiration to some of the men and women who laboured in these factories.

It seems that the aristocracy's desire to make their fortunes without having to deal with the shop floor workers of these establishments gave birth to the most educated of the labour workers to become spokespersons for the labouring classes. It led to an increase of pay and the premise that the ladder of promotion will yield a prosperous future in management. Back then, the prospect of becoming a foreman/ supervisor and climbing the ladder to management would bring job security and wealth.

As time moved on to the 20th century we could see a major change from wealth and security, to stress and insecurity. With the introduction of computers and mobile phones, the life changing improvements for P&MS (Professional and Management Staff) over the years have diminished and been replaced by increasing working time, workloads and even criminalisation. P&MS now become the escape goats for companies that maybe trading at local, national, European or even global level. In an attempt by company owners to remove liabilities from their profit and to flout countries' laws and legislation, P&MS are increasingly faced with liability prosecution against their names.

We are also seeing more and more management graduates entering the arena of business, with exceptional qualifications, but with little or no experience to fully carryout their role. Again with little or no people skills, their task to motivate and discipline blue collar workers can bring devastating conflicts, which creates low morale and decreased output and again makes them an easy target for dismissal.

What is more, in many transport sectors failings in equality, with a lack of transparency in wages between men and women and deficiencies in promotional prospects for people from minority or migrating backgrounds as well as for women.

With increasing European legislation being implemented with regard to Corporate Social Responsibility (CSR), the corporations and companies are looking to their management teams to create the corporate image that would bring improved profitability and less

liability to the company they may represent. As the emphasis moves more and more to environmental issues and minimising the social impact of the deindustrialisation process on blue collar workers, where is the CSR for the creators of the company's image? Also where is the protection and recognition for P&MS, whose family life has been diminished by high workloads and the fear of unemployment if financial targets are not met?

Universally across Europe, we have seen the creation and strengthening of unions, on both a European and global level, which have been fighting the impoverish injustices of companies on behalf of workers. However, in many sectors our unions lack the strength that is required to truly push the social responsibility of corporations. This is partly due to failings in recognition and understanding of white collar members who are also covered by the same unions that cover blue collar workers.

We still allow companies to create a divide between blue and white collar workers. This cannot be allowed to continue since we aim to build a fair working environment for all.

Michel Patard, Eduardo Chagas, Sandra Vercammen, Carlo Parietti , Kia Regnér and Andreas Hasle

The inheritance of the blue collar workers over decades to divorce themselves from colleagues who have come through the ranks into positions of responsibility within companies has contributed to this divide. Even the trade union movement blindsided themselves to the minorities of workers who were looking for greater security in employment.

But there has been a shift. Within industry and with the introduction over the past few decades of computers, we have seen a mass shift of workforces into the white collar rankings. Were our unions prepared for this?

The answer to this in many cases is no! Trade unions were not always able to move smoothly with the growing job market and the ever increasing roles white collar workers would have to do in the transport sectors. Trade unions did not always foresee that computers were becoming the engines of our industries and how more and more blue collar workers would have to exchange their tools for keypads.

As the industrial revolution rolls forward and computers replace humans, trade unions need to re-evaluate their own changing environments to organise and recruit. More understanding and education has to be ensured. In some cases this may lead to the unions re-structuring some sectors to strengthen and re-vitalise their aims and objectives: to defend all workers' terms and conditions, regardless of the colour of their collar, their gender, origin of birth, religious beliefs or their sexual orientation.

So the aim of this publication is to broaden the minds and scope of our unions, to give help and food for thought for discussions with your colleagues on how your union deals with the growing issues faced by professional and managers staff effecting their health, lifestyle and ability to carry out their daily work.

If true protection is to be given to this highly skilled but fully vulnerable group of workers, then unions will need to re-educate themselves to the needs of these workers. Greater protection of blue and white collar members around bullying, harassment and victimisation in the workplace, is and always should remain a priority goal for all unions.

This publication aims at helping unions to start the internal discussion on who would be defined as a P&MS member in your union, your country, what issues this group of workers are facing and how best your union could protect these members.

The greater the pressure is on this highly educated and skilled group of workers, the greater the need for them to be organised. But for this to happen, there is a greater need for unions across Europe to gain an enhanced understanding of this small but highly important group of workers. And this is what this project has set out to achieve.

2. TOWARDS A DEFINITION OF P&MS

A commonly accepted definition of the target group forms the starting point of any organising effort.

It is essential that the target group can relate to the description of their position in the definition. It has to be a definition that can be easily used without the need to adapt it to any particular situation.

In the context of the TRAN-MAPS project, the ETF has drafted a definition of Professional & Managerial Staff (P&MS). However, it has been deliberately kept general enough to offer some ground for discussion on a more precise description of P&MS, one that is more applicable in each country. We invite all ETF affiliates to further refine and adapt the definition, taking into account the specificities and realities of P&MS in their respective country.

2.1 Why trying to define P&MS?

We cannot target, organise and work with P&MS without a general understanding of what the concept of P&MS comprises.

Any initiative taken when organising P&MS must correspond with the definition of P&MS. Without agreeing on a definition, the risk of fragmented approaches and failure increases.

The differences between the many countries that are involved in this important work have to be taken into account when drafting an ETF definition of P&MS.

Professionals are linguistically described as: "a person who is engaged in a certain activity, or occupation, for gain or compensation as means of livelihood."

Due to the personal and confidential nature of many professional services, and thus the necessity to place a great deal of trust in them, most professionals are subject to strict codes of conduct enshrining rigorous ethical and moral obligations.

A professional is an expert who is a master in a specific field characterised by:

- ▶ High quality work in for example: creations, products, services, presentations, consultancy, primary / other research, administration, combined with a high degree of autonomy and responsibility in the job performance;
- ▶ Expertise and specialised knowledge – often a requirement for a higher level of scientific, technical or administrative education – in the field of which one is practicing professionally.

Due to the changes in the labour market, compiling a clear definition of P&MS becomes more difficult. New management involves more flexible organisation of work, flexible management, increased flexible technology, and employees with a high degree of flexibility, increased flexibility in the relations between workers and employers.

Therefore one can observe that what was usually described as "daily work" becomes "project development". In this light, professionals are not only skilled workers, but are "masters in a specific field" and in addition to this, also trusted by the employer.

In this case the boundaries between professionals and managers tend to weaken.

The organisational rationalisation utilises the workers' organisational and social skills to reduce the need for management. The fundamental conflict between employer and the wage earners vanishes.

Against this background a "**professional**" can be characterised as follows:

> *A professional performs a job that requires a higher level of education and has a position that is trusted by the employer. This "trust" can be e.g. reflected in bearing the responsibility for other employees' performances.*

This definition includes e.g. project managers and team managers.

The "manager" as such has another role to play in the company. In contrast to the professional staff, the manager has the responsibility for organising the work.

Originally this means the responsibility to hire and fire employees. In today's context this "hard core" human resource management (HRM) is often placed in a special department, so the manager role has become more like a leadership role. Beyond organising the work, the soft element of HRM of motivation, health related issues, training and more, burden the job-substance.

So a definition of "**managerial staff**" could be:

> *A trusted employee who has the responsibility for organising work and in addition performs a number of HRM tasks.*

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2.2 Executives: a recognisable but difficult to delineate professional group

Towards a definition of P&MS: a Belgian case study

Before you start organising P&MS, you need to have a clear idea of what P&MS comprises. What makes someone a manager or a professional? As a starting point, the ETF has drafted a general description of what a professional and a manager can define, a draft definition that has been included in this publication. However, the definition of a manager and a professional can be different in each country, just like every country can have a different labour law. That is why each trade union needs to develop a definition of P&MS that takes into account its national situation and particularities. On the following pages you can read the path a Belgian trade union has followed to come to a commonly accepted concept of P&MS. This may be of help when your union engages in this exercise.

In Belgium, an 'executive' is a recognisable concept that refers to a specific group of employees: highly qualified personnel with a managerial or specialist position, located somewhere between company management and production or service personnel, with an attractive pay package ('including company car'). They are also separately represented in management-labour consultations and have their own interest groups (trade unions).

This of course is still not an accurate definition of an executive position. The description in the "Compendium of Professional Workers" of the International Labour Organization can be of help here. It proposes two criteria: the requirement for a higher level of 'scientific, technical or administrative' education, and a high degree of autonomy and responsibility in the performance of tasks, possibly in a managerial role. Thus, the ILO definition refers not only to positions higher up in the organisation, with a wide-ranging coordinating task, but also to executives in middle management or with jobs for which expertise is required and that in a certain sense are located 'outside the organisational hierarchy'. This classification corresponds to the ISCO[1] classification of professional groups, in which ISCO 1 refers to senior management and ISCO 2 to middle management and professionals.

Eurostat figures show that approximately 19% of EU employees belong to these ISCO groups; in Western European countries, this percentage is higher, sometimes exceeding 25% (Belgium: 28.4%): thus in terms of numbers, executives are a very important professional group (**Eurocadres**, Professional and Managerial Staff in Europe and their Trade Unions in the 21st Century, 2009, p. 8-10).

However, the ISCO classification is not so clear cut. The great difference in the share of ISCO 1 and 2 employees among the workforce in different countries suggests that

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1 **International Standard Classification of Occupations** (ISCO)

the granting of this (executive) status to specific positions depends on the societal context, management-labour consultations and the regulatory environment. Finally, the (ISCO) assessment based on job titles is not simple, and consequently is often done with insufficient care. The ISCO professional classification structure widely used in various administrative files is inadequate: this is the conclusion of researchers in their policy preparation study for the establishment of an "executive observatory" in Belgium. The authors indicate that for scientific surveys and research, the self-identification of the respondent gives the most reliable picture.

Thus, the juridical notion of 'executive' is only vaguely described in most countries.

The concept 'executive' is found in Belgian labour law only in the rules regarding elections of employee representatives, and the representation of executives in the works' council. The (amending) Act of 22/01/1985 defines executives as "salaried employees with a higher position in the company. This is generally applied to the holder of a specific level of diploma". Such a general description makes the precise demarcation subject to the interpretation of (and agreement between) the relevant parties within the company. The extensive case law not only shows that this exercise is often not a simple one, but it also points out the importance of the context in which the company operates and its management-labour relations: consequently (juridical speaking), it is perfectly possible for an identical position to be considered as 'executive' in one company but not in another company.

Despite this administrative and legal vagueness related to the demarcation of executives, the concept is being applied when establishing the conditions of employment for the relevant employees.

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This is usually done in negative terms:

- ▶ Salaried employees not linked to a wage scale: employees not located within a classification system and/or a wage-scale structure determined in management-labour consultations;
- ▶ Employees not subject to the application of collective bargaining agreements;
- ▶ Employees excluded from the statutory limitation of working hours and regulations concerning overtime. While such labour regulations do in fact apply to executives, in practice, this is not expected to be taken too seriously.

This exploration of the concept "executive" yields the following insights:

1. The group of executives is broader than management and middle management, and also includes highly qualified positions 'outside the hierarchy' with a high degree of autonomy, responsibility and the right to take initiative. This group is sufficiently described by the term 'managers and professionals' (MP).
2. Who precisely belongs to the MP group depends only, to a limited degree, on the legal regulations. It is primarily rather a question of definitions used 'in the field' and strongly depends on labour relations.
3. The issue of working hours is crucial for defining who is and who is not an executive. One hypothesis is that the relationship between the definition of an executive and the application of working hours/overtime rules is often reversed. It is not so much the MP characteristics that determine the applicable rules for working hours and overtime. Employees are often classified as an executive in function of their flexible approach towards working times.

Finally, based on the Flemish research on workability (**Vlaamse werkbaarheidsmonitor** or WBM), we are able to provide a brief profile of the Flemish MPs in the private sector. The WBM determines the professional group based on self-reporting (answer categories 'professionals and middle management' and 'senior management and board of directors') and thus probably correlates well to the concrete demarcation of the MP group used on the shop floor.

Executives represent 21.8% of the total workforce in the private sectors (alongside 43.2% blue-collar workers and 35.0% white-collar workers). If we convert this percentage to absolute numbers, we are talking about approximately 290,000 people.

73.9% of MP respondents consider themselves as being part of the subgroup 'professionals and middle management'; 26.1% as upper management. The group of executives is predominately masculine (32.4% women), is highly educated (31% 'bachelor's degree'; 46.4% 'master's degree') and characterised by an 'older' age distribution (10.6% of the MPs are in their twenties; 31.3% are in their thirties; 34.3% are in their forties and 23.9% are fifty and older). 39.7% of MPs are employed in industry (half of these in the metallurgical industry and the chemical sector) and 60.3% in services (half of these in the financial sector and business services).

3. P&MS WORKING TIME & WORKLOAD

The knowledge work and the net economy are changing the work organisation. Professional and Managerial Staff (P&MS) are often the first ones to face new contents, problems and opportunities. This paper elaborates on the concept of working time and the measures for workload, how this for P&MS has led to more precarious working conditions for P&MS and what role unions need to play in that respect.

Working time is one of the most rapidly changing concepts in its meaning and in the way it has to be managed by both employees and employers, and within collective negotiations. If we look at workload however, negotiation is much more complicated. The definition of workload depends very much on the level of qualification and experience. It is therefore much more difficult to define a clear relation between working time and workload.

Traditionally, the clearest measure of the performance of a worker has been the number of worked hours; defining the time is maybe the easiest part, it is more difficult to pay for it.

In a very primitive way it was, and in many cases still is, stated as the possibility to count how many actions a person was able to do in one hour. Therefore, it was easy for employers to try to raise the volume of production by increasing working hours, or to increase productivity by augmenting the number of actions per hour. Likewise it was straightforward for trade unions to try to improve the workers protection either by limiting the number of hours and actions, or by increasing the pay per hour.

Since the beginning of the past century national legislations, with few exceptions, have excluded the highest levels of employees from working time protection. The European directive on working time, as well as the negotiation and the debate on its renewal, followed the same logic. The employers are attempting to misuse the concept of autonomy for determining the working time, as a pretext to overcome and undermine employees' protection, corresponding to a huge opt-out from the employees' protection legislation.

The point is that all this history was and remains limited to a purely quantitative way to consider workers' performances.

Nevertheless, what happens when the time is no more an effective measure of the performance? In many jobs and professions workers, and especially P&MS, value acquired skills and competences more than time; availability more than presence.

Beside the lasting need for quantitative protection with respect to the working time table, negotiations must embed new contents and tools with regard to the workload. An acceptable working time alongside with paying attention to the workload, are not to be seen as two competing alternatives but as an integrative part of the same essential protection. They ought to be considered at the same time.

During the long reform process of the European Working Time Directive, trade unions sustained that there is absolutely no foundation for the derogation of P&MS from the scope of the directive. The derogation should only concern employees who have the right to determine their own working time and the working time is not measured; have a direct and final responsibility for the daily management of a corporate undertaking and who are authorised to engage the company and take corporate decisions; or are chief executive officers (CEOs or persons in comparable positions) and senior managers directly subordinated to the persons who are directly appointed by a board of directors.

Workload has extremely increased for P&MS. This has led to difficulties concerning work life balance and has caused health problems. Trade unions should work towards opening negotiations on P&MS workload, in a framework which gives people the capacity for negotiating their individual charge in terms of quantity and of time; as well as for negotiating which tools and means are required for reaching the targets in a timely manner. In this respect the development of new technologies, which allow employees to work from home, should also be on the agenda of a negotiating process.

Individual competences and skills are more and more important. Therefore, the collective negotiations must be able to deal with individual needs. Special attention is required to protect workaholics, even against their will, to warn them about the possible consequences for themselves and their colleagues.

The "old" working time objective, grafted with new ones, is the most advanced frontier for this new challenge.

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4. P&MS AND RESPONSIBLE EUROPEAN MANAGEMENT

4.1 Introduction

Trade unions have an important role to play in ensuring that companies take up their Corporate Social Responsibility (CSR), e.g. by tabling the issue high on the Social Dialogue agenda and developing the necessary circumstances to come to its effective implementation. Professional and Managerial Staff (P&MS) are often positioned in the front line with regard to applying CSR policies. Consequently, they have to pay the cost of a lack of vision and commitment from the companies' top management, often justified by profit driven rationales. What barriers do we have to overcome to arrive at a widespread acceptation and implementation of CSR policies, what is the responsibility of the trade union movement and how can we facilitate the role allocated to P&MS?

4.2 Lack of a common understanding

The fact that it is extremely difficult to find a definition of CSR (Corporate Social Responsibility), let alone Managerial Social Responsibility (MSR) shows how sensible the matter is for both the industry and the trade unions.

In the absence of a "legal" definition, unions as well as companies have often developed an own definition based on the European institutional definition, the social contexts in which they operate and the culture of their labour relations. The consequence is that a mutual understanding on MSR mostly depends on the specificities of the sector involved and it is often differently understood among countries and even among trade union organisations. What is called MSR in one country may fall under the heading "sustainable development" in another country.

An MSR definition generally accepted by the social movement is:

> *"The responsibility of enterprises for their impacts on society".*

The more detailed ISO 26000 definition is so broad that it can be complied with most of "noncriminal" organisations:

> *"Social Responsibility is the responsibility of an organisation for the impacts of its decisions and activities on society and the environment, through transparent and ethical behaviour that contributes to sustainable development, including health*

and the welfare of society; takes into account the expectations of stakeholders; is in compliance with applicable law and consistent with international norms of behaviour; is integrated throughout the organisation and practised in its relationships."

The neoliberal economic actors however consider CSR (MSR) as a fundamentally subversive doctrine (M. Friedman), saying that no enterprise can afford to assume social responsibility which leads to higher costs.

There exists a core set of internationally recognised principles and guidelines for companies seeking a formal approach to CSR (MSR): OECD (Organisation for Economic Co-operation and Development) **guidelines for multinational enterprises**, the **UN global compact principles** and the **UN principles on business and human rights**, the **ISO 26000 Standard**, the **ILO tripartite declaration**.

One can therefore easily imagine that CSR (MSR) is a complex topic which covers multiple realities and provokes much discussion.

If we want CSR (MSR) to become a reality, workers and their representatives (blue collars as well as white collars) must be involved in developing it at all levels. It would be good if we would try to make CSR (MSR) a subject of social dialogue.

Carlo Parietti and Eduardo Chagas

4.3 Towards a clear framework

If we now look at MSR in particular, it is based on innovation, long term thinking, social accountability and professional development. All items that impact the entire company.

But some fundamental questions have to be answered in order to define a proper understanding of MSR and its functioning.

What is to be understood by transparent and ethical behaviour? What are the boundaries for the business community to go beyond mere profitability expectations?

If applying MSR means that additional costs are involved, will consumers and enterprises be prepared to pay for them? MSR (CSR) can lead to a more profitable situation in the company if it is well organised and generally accepted, so why has it not yet been implemented in the market economy, and why are businesses engaged in an intensive lobbying to prevent the application of CSR at political level?

What is the value of CSR reports? They are supposed to represent the social achievements of enterprises and to provide transparency. But these values are increasingly questioned because there is a lack of common benchmarks with which we can compare the performance of different companies. And aren't these reports only read and consulted by the social community, while they are supposed to be of added value especially for the business world? We fear that in today's economic system, enterprises will not spend profits in the interest of general welfare, because the race for profit maximisation is often used as an excuse to cut costs and reduce the size of the workforce.

It will take efforts from all stakeholders to achieve the model of responsible management: training providers must offer the appropriate education, investors will have to accept long term planning and responsible profitability rather than short term financial returns.

MSR (CSR) can be of help to increase the value of a corporation's shares because there is a public demand for shares of enterprises which act in a socially responsible manner.

4.4 P&MS as allies in implementing CSR policies

Trade unions support the idea that P&MS can guide these processes, being essential as coach, liaison, manager and coordinator to secure the involvement of all employees.

P&MS can create legitimacy in innovation issues, bring up good ideas. P&MS' involvement in the company's future is not only a matter of efficient use of resources but also a democratic issue. They have to be creative, challenging and innovative co-partners.

MSR (CSR) is not yet accepted as a universal concept because there are so many ideas on how to shape the economy in the interest of the citizens. A clear definition of what social responsibility means is therefore essential together with a transparent regulation: who

takes relevant decisions in this matter, which instruments will be used to achieve the aims? We need compulsory rules for enterprises with clear indicators and benchmarks.

Regulative measures and statutory provisions are key elements to ensure MSR.

One thing, however, must be clear: turbo-capitalism and social responsibility are not compatible; alternatives have to be found and supported.

Trade unions therefore have a special role to fulfil in supporting innovations that lead to sustainable growth and more jobs. It can be done through the promotion of training, skills and MSR. Trade unions should become "innovation centres" and be prepared to take up new roles and functions in the labour market. Society changes rapidly.

Works' councils must therefore become an important player in social innovation.

To make this happen trade unions should make better use of people's talents and make delegates real partners in "innovation" discussions. It also calls for a shift in the mind-set of employers and employees: they need each other and have to assume joint responsibilities regarding strategies and organisation of the company.

The investment in skills of Works' Councils members is therefore of utmost importance, P&MS have to be offered the necessary tools that allow them to fulfil their essential part in these processes and goals.

Working group

5. CRIMINALISATION OF P&MS

5.1 Executive summary

The TRAN-MAPS project found that criminalisation of P&MS in transport sectors is a significant concern. It was defined as "the investigation of and/or commencement of criminal action against P&MS on the basis that they are wholly or partially culpable for a transport related accident, incident, near-miss, or report of a non-conformity."

P&MS do not go to work with the premeditated intention of committing criminal offences. The investigations and charges they face will often follow the occurrence of accidents, near-misses or breaches of safety rules and arise out of unintended acts or omissions. There is also a fear of being criminalised: which can be in a foreign country with concerns about detention, unfair treatment and a lack of proper legal safeguards and due process of law.

Criminalisation of P&MS could affect safety on at least two levels: firstly, by inhibiting frankness and full disclosure during post-accident interviews; secondly, by discouraging P&MS from reporting near-misses, non-conformities and other incidents.

Following an incident, P&MS will fear that they will be disciplined by their employer and subsequently dismissed. The employer may be quick to blame the accident on individual employee error rather than on its own equipment, procedures or systems. Investigators will feel public and media pressure to find a scapegoat to blame and individual P&MS will be easy targets.

P&MS will not always be well informed about concepts such as the criminal and civil law. Many do not know what to do after they are involved in an accident. They don't know what they can say to various parties, such as the regulatory authorities, their own employer or the media. They need to be aware that anything they say could have legal consequences.

Unions should be informing P&MS what kind of support they can offer, and should:

- ▶ Increase their levels of membership of P&MS, so they have more influence;
- ▶ Promote awareness of criminalisation and its problems through all channels including social media;
- ▶ Raise the issue through collective bargaining and social dialogue;
- ▶ Fund member's legal defence;
- ▶ Inform media/public;
- ▶ Oorganise a system for anonymous reporting of safety concerns;
- ▶ Promote "just culture" across all transport sectors;

> ▸ Organise reciprocal cross-border co-operation and assistance between unions;
> ▸ Lobby international and regional law making institutions.

Unions should be prioritising the issue of criminalisation in the ways outlined. By offering such assistance (particularly funding legal defence) they can show it as an important benefit in recruitment campaigns. The successful defence of members in criminal prosecutions would help them to keep their jobs and bring credit to the union. These issues should now be prioritised and treated as central functions that unions carry out for members.

5.2 Criminalisation of P&MS in different transport sectors

This paper addresses the issue of the criminalisation of Professional and Managerial Staff (P&MS) within the main transport sectors in Europe. For these purposes, "criminalisation" will be taken to mean the investigation of and/or commencement of criminal action against P&MS on the basis that they are wholly or partially culpable for a transport related accident, incident, near-miss, or report of a non-conformity. In this context P&MS will be taken to include those who are in junior, middle and senior management positions within transport companies and also professionals such as airline pilots, air traffic control operators, seafarers, and drivers in road and rail transport. The paper will highlight some examples of the criminalisation of P&MS in each sector, explore related and special issues in this context and offer some suggestions for actions by trade unions in pursuit of solutions in helping P&MS who are being criminalised.

A first draft of this paper was prepared for the purpose of providing a basis for discussion on these issues at the TRAN-MAPS Workshop 2 meeting in Lisbon on the 9 September 2013 (the questions, which were split up between the groups, are shown at the end of the paper). Since then the paper has been updated to include some of the views of the working groups at that event, together with some input from other personnel at the ETF. Therefore, the final content of the paper brings together the views of the author, working groups and ETF personnel.

There is no doubt that there is a problem in relation to the criminalisation of P&MS in all transport sectors. It could not be determined if there was an actual increase of criminalisation but the problem exists and there is no doubt that there is work for unions to do on this issue.

At top level within companies, managers and professionals bear a large responsibility. Safety is deputised, with the responsibility for it being put on individuals rather than at company level, meaning that there can be a clash/conflict of responsibilities. Part of the problem is a clash/conflict in this context between, on the one hand, the increased responsibilities of individuals and, on the other, the demand from managers for results.

Aviation

In aviation there has been a growing tendency by the authorities to resort to criminal sanctions more readily. Examples of high profile accidents and incidents resulting in criminal investigations and proceedings are: the mid-air collision over Uberlingen; the runway incursion at Linate Airport, Milan; the Air France Concorde crash in Paris.

Criminalisation can have an adverse effect on ATM reporting. One of the main reasons for P&MS, such as air traffic controllers or pilots, not systematically making such reports is the fear of being subjected to an investigation even in cases where tasks were perceived to have been exercised in a responsible and professional manner. This effect of inhibiting reporting could have an adverse effect on safety. However, it is hoped that the development of the concept of "Just Culture" (see below) in this sector will encourage and enable staff to report safety concerns without the fear of being criminalised.

Up to today there is not yet a single and universally recognised definition of Just Culture. We can describe it as a culture with the primary objective to improve safety, based on a no-blame approach, but at the same time without determining any kind of responsibility: a warranty for safety, citizens and workers.

Making culture means to spread the value of proactive and preventive safety of Just Culture which, through the increase of reports, helps to analyse the inoffensive and occasional mistakes finding the appropriate standard to avoid catastrophic accidents.

We can state that Just Culture approach is based on the communication of occurrences by operators, who are not persecuted if their actions, omissions or decisions taken are not consequence of painful behaviour.

This functional approach aims to transform work conditions asking two main questions: how and why did the defence system fail? What can we do to drastically reduce repetition of similar errors?

This method is no more stranded to the past but projected to the future with the intention to increase defensive barriers for the safety protection.

The primary mission of Just Culture is to find out the hidden leaks of the system to heal them permanently thus they are not repeated.

To achieve this objective individual sensitivity, consciousness and initiative is not sufficient, but an efficient system has to be created based on reports by operators through filling in appropriate forms to permit a deep analysis of recorded events.

A fundamental element is the protection of the operator not disclosing his/her name in order to increase reports. This protection must be given by the judicial laws in the Member States. However, employers and trade unions can create procedures, methods and organisation of the work in such a way that a system of Just Culture is created inside the companies.

In January 2011, at the conference "EU Aviation Safety Management towards 2020", all stakeholders, including the ETF, where the full power of National judicial courts was acknowledged, stated the need to arrange as soon as possible a table composed by Member States' Ministers of Transport and Justice to harmonise regulations and laws according to Just Culture. When this process is finished, the ETF may have reached its ambitious objective.

Maritime transport (including inland waterways and fisheries)

The theme of criminalisation of seafarers is, unfortunately, well established and has grown in recent years, particularly against masters and other officers. Criminal investigations can arise out of a wide variety of incidents, such as: collisions; near misses; on board fatalities; pollution; illegal cargo, etc.

One does not have to dig too deeply to find evidence of this. In July 2008 a Croatian captain was sentenced to 14 years in jail and fined EUR 200,000 by a Greek court after the Greek coast-guard found 51kg of cocaine in boxes of bananas which were being discharged from his vessel, the "Coral Sea". The ITF criticised this verdict as being "unexpected and impossible to reconcile with all the evidence heard in court which pointed to his innocence".

Other examples in recent years have been: the master of the emergency response vessel "Viking Islay" tried in England on an allegation that his lack of supervision caused three seafarers to die of asphyxiation after entering an oxygen depleted anchor chain locker (he was subsequently found "not guilty"); the master and third officer of the bulk carrier "Full City" charged in Norway with negligence after the vessel grounded in July 2009, leading to oil pollution and said by their lawyer during detention to be "lost, confused and losing spirit." More famously, the master of the "Costa Concordia" is standing trial in Italy accused of manslaughter and abandoning ship after his cruise ship capsized off the Italian Island of Giglio in January 2012 causing the deaths of 32 people. Furthermore, in fisheries, officers are in danger of being criminalised for infringements of fisheries control regulations and in cases where their vessels are alleged to have been involved in illegal, unreported and unregulated fishing.

For seafarers the problem is not just the actuality of facing criminal charges should the situation arise. There is also the fear of being criminalised in a foreign country and concerns about detention, unfair treatment and lack of proper legal safeguards and due process of law. Separate surveys carried out by maritime officers' union Nautilus International (which, now, has mainly British, Dutch and Swiss members) and research centre Seafarers Rights International (SRI) revealed the extent of the problem. The Nautilus survey found that 92% were worried about the criminalisation of their profession and 66% said that the fear of criminalisation impacted on their feelings about working at sea. The harmful impact on the attractiveness of the sector was, indeed, set out clearly in the conclusions of a project run in 2010 by the ETF on the issue of training and recruitment in shipping, and the ETF Maritime Transport Section has been repeatedly calling on the policy maker to tackle this issue in an effective manner. The SRI survey (although being international, included Europe) found that, of the 3,480

seafarers who submitted valid responses, 8.27% had faced criminal charges, 3.94% had been witnesses in criminal prosecutions and 32.77% knew of colleagues who had faced criminal charges.

Port workers

The ETF reported that there was a case of criminalisation of a foreman after a fatal accident in the Port of Antwerp, where the family of the victim took the foremen to court. The case lasted for three years after which the foreman was eventually discharged.

The ETF affiliate in Romania, FNSP, reported on criminalisation for P&MS (including foremen) within the port sector. Whenever there are cases of corruption against P&MS, FNSP has been informed by the trade union members in order to notify the police of the prosecution. Trade union members who have been accused of committing offences have been supported by FNSP in the provision of information about the particular offence and also facilitating contact with lawyers. FNSP already have P&MS as members (despite not previously making this a priority) but from now on they intend taking initiatives to attract more.

Road and rail

With regard to the road sector, the ETF does not have much information available on this issue, most likely due to the fact that Professional and Managerial Staff are not common in road transport, which is a blue-collar dominated occupation. However, some years ago, lorry drivers were jailed in the UK due to illegal immigrants having come on board at the French entrance to Eurotunnel – the drivers claimed not to have knowledge of this.

With regard to the railway sector, the ETF has knowledge of locomotive drivers and rail traffic controllers being confronted with criminalisation issues in cases of serious accidents. The ETF also learnt about cases in which on board staff/conductors were taken to court in countries where it is part of the professional profile to have operational safety tasks. The unions are defending their members in those cases and provide them with legal support.

P&MS can also be criminalised on bribery allegations. This could arise in cases where P&MS working for State owned companies are alleged to have awarded contracts to suppliers without complying with procurement rules.

Recently, following the tragic train crash near Santiago de Compostela the train driver was arrested. At the end of July 2013 it was reported on the BBC website that, under Spanish law, his legal status was that he is suspected of being involved in 79 counts of reckless homicide but has not been formally charged.

The ETF Railway Section has adopted a cooperation agreement on legal support for trade union members across borders in cases where such assistance is needed through issues arising in occupation.

5.3 Special issues arising in criminalisation in a P&MS context

Criminalisation in a P&MS context brings its own special problems. P&MS do not go to work with the premeditated intention of committing criminal offences. The investigations and charges they face will often follow the occurrence of an accident and arise out of P&MS unintended acts or omissions and so be based on allegations of negligence (whether gross or otherwise) rather than intent. Other charges will relate to breaches of safety rules (whether or not this leads to an accident) and proceedings could also arise out of investigations into near-miss reports made by P&MS. So the context of the crime must be kept in mind and, indeed, at the seminar in Lisbon a working group asked what privatisation/liberalisation meant for the criminalisation of P&MS?

In many cases it will be unfair to hold P&MS responsible at all. Accidents may happen due to unsafe equipment and procedures, the blame for which more properly lies with the employer or even the sector regulator. Furthermore, in transport, P&MS will be under great commercial pressures to get the job done and will not feel comfortable about being seen by their employer to have caused delay through raising safety concerns. Furthermore, P&MS often operate in an environment where fatigue, caused through excessive working time, impacts adversely on their performance.

There can be adverse consequences as a result of the criminalisation of P&MS. The over zealousness in the use of the criminal law against P&MS could affect safety on at least two levels: firstly, by inhibiting frankness and full disclosure during post-accident interviews; secondly, by discouraging P&MS from reporting near-misses, non-conformities and other incidents.

The same pieces of evidence and reports can form the basis of both the safety and criminal investigations. Some steps can be taken to try to keep these issues separate, such as, in the UK, statements given to the Marine Accident Investigation Branch (MAIB) cannot (without permission of a judge) be used for any purpose other than a safety investigation. In the UK the MAIB's role is:

> *"... to contribute to safety at sea by determining the causes and circumstances of marine accidents and working with others to reduce the likelihood of such accidents recurring in the future. Accident investigations are conducted solely in the interest of future safety. The Branch does not apportion blame and it does not establish liability, enforce laws or carry out prosecutions."*

The MAIB's accident reports (as opposed to statements made by individuals) are readily available on the public section of their website. It makes sense to make these public, so that lessons can be learnt.

In EU Member States, what are the domestic laws on the confidentiality of the safety concerns/reports which are raised? If these are not adequate there is the potential for a negative impact on the individuals concerned. In European aviation, the rules in many States foresee joint police and accident prevention investigations, often with priority for the police.

There is also scope for other complicating factors and conflicts of interests. Following an accident, incident or near-miss report, P&MS will fear that they will be disciplined by their employer and subsequently dismissed. The employer may be quick to blame the accident on individual employee error rather than on its own equipment, procedures or systems.

In the maritime industry the International Safety Management (ISM) Code provides an International standard for the safe management and operation of ships and prevention of pollution. Under the ISM Code vessel operators are required to implement a working Safety Management System (SMS), a procedure which will be relied on by seafarers. Yet some SMS's may not be fit for purpose and this should be taken into account when investigating the causes of accidents (as indeed it is) and seafarers should not be held culpable for relying on the SMS in such cases.

Furthermore, there can be a conflict with national regulators. For instance, in the UK, the Maritime and Coastguard Agency is responsible for investigating breaches by others of its own rules and safety procedures, and commencing criminal proceedings for the same. There may be cases when the regulatory regime itself is inadequate and the authority can effectively be investigating its own system, but yet is in a position to bring criminal proceedings against individuals which relied on and complied with that system.

It should also be noted that investigators will feel public and media pressure to produce results and to find a scapegoat to blame. Individual P&MS will be easier targets than their employers. Consider how quickly the media was to point blame at Capt. Schettino (Costa Concordia) and train driver Francisco Jose Garzon Amo (Spanish train crash). In other cases, the regulatory authorities and transport companies may well attempt to shift the blame for their own shortcomings to innocent or remotely involved parties.

5.4 How can P&MS be protected? How can unions help?

What can unions do to help P&MS in the criminalisation context? Certainly unions should be informing workers what kind of support they can offer. Should unions campaign for immunity from prosecution to be offered to those who are involved in accidents, etc? Should all investigations following an accident simply concentrate on finding the cause(s) with the sole purpose of learning lessons to minimise the risk of a repetition, without any resort to criminal sanctions? Would such a policy be going too far? Would it be more appropriate to deal with P&MS by way of professional sanction rather than criminalisation? Should unions in all transport sectors be working at the International/EU level to promote concepts such as the fair treatment guidelines (maritime) and Just Culture (aviation)?

There is yet much work for unions to do on the issue of criminalisation. It is essential that unions increase their levels of membership of P&MS and other transport workers - they can only be effective if they are sufficiently strong in numbers.

Members expect their union to help them in cases of criminalisation. Unions could help to increase awareness of the problem, which is one way to get the issue of criminalisation on the agenda. Unions should create a dialogue with P&MS and transport workers to show the benefits of becoming members.

The responsibilities of the various parties should be recognised, such as employers, employees and managers. Regarding the provision of lawyers, it is noted that in some sectors the employer will pay the fees. However, it has to be considered in each case whether it is in the employee's best interest for the employer to pay the legal fees, or should the union pay so as to avoid a conflict of interests?

There is a need to identify problems before they happen, as prevention is better than cure. Unions should open up a dialogue with employers and ensure that the latter are following their legal duties. Consideration should be given as to the union's role in collective bargaining to assist on the issue of criminalisation.

Unions should provide a legal defence benefit for members, even for well-paid management staff. Unions should ensure that risk assessments are carried out and that there is both union and management involvement in that process. For example, in the UK bus sector, representatives from the union (Unite) and company management go out together to examine bus routes, looking for hazards such as: bad pavements; dangerous areas; cyclists/roads; low trees.

The concept of establishing working groups for managers is worth considering. These are important because they would enable mangers to speak freely, so that when they raise the issue with unions it can be brought up collectively on their behalf and so protect individuals.

There could be an issue relating to signing contracts in the context of individuals having inadequate knowledge of foreign language agreements. There should be somewhere they can go for assistance – Eurocadres/ETF could take a role here in organising this. Again, this is an issue in which unions can help.

Unions could help to establish reporting systems within the work place, which were anonymous to the employer, but not to the union. A system for reporting dangerous practices by email could be implemented. If the system ensures anonymity, then members can report without fear of being prosecuted, in other words, it could be another version of a whistleblowing system. Union observers could be appointed to supervise this system.

The support that unions can provide at the local, national, EU and international level has the potential to be more effective as more P&MS become unionised. Again this emphasises the importance of volume and density of union members.

Following high profile accidents and incidents, unions should help to inform the public about what really happened. Indeed it is important that unions shout from the rooftops about what happened, so as to contribute to forming public opinion on the cause(s). This would counteract the tendency for employers to present themselves as not being at fault and instead to blame individual P&MS.

There should be a trustworthy person within the union whom workers can speak to and provide relevant information, and this option should be taken up at the choice of the worker. Unions should provide training to members so that they know how to handle problems which arise.

Currently some unions supply legal assistance, depending on the transport sector, e.g. in maritime/aviation there is global support. There is also the provision of financial help. Although there is training/re-training – there is a need to increase it for P&MS. Interestingly it was noted that currently, where there have been minor accidents/ incidents, unions engage with employers and employees in meetings which can help in reaching a compromise and so avoiding the need to go to court.

Although there is much by way of legislation, international Conventions and formal procedures, it is important to note that these exist on paper; they are not necessarily as helpful as they appear because what they say can be very distant from the reality of the situation. The reality is that many workers have to bypass safety rules to meet their employer's financial objectives. Even in cases of accidents where employers have ignored safety rules, employees are afraid of losing their jobs, so there is an impact on security of employment.

There can be problems arising out of P&MS' lack of education and knowledge of the legal system and procedures. Workers are not well informed about concepts such as the criminal and civil law. Many do not know what to do after they are involved in an accident. They don't know what they can say to various parties, such as the regulatory authorities, their own employer or the media. And this is an important issue because what P&MS say in the aftermath of an accident could lead to a criminal prosecution being brought against them.

In aviation some progress has been made through the development of the concept of "Just Culture" which has for the last few years been connected with ATM safety reporting. Before this there were less realistic concepts such as "non-punitive reporting" and "blame-free reporting".

ETF defines just culture as follows:

> *'Just culture' means a culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where wilful violations and destructive acts are not tolerated.*

Indeed the ETF has been heavily involved with all the other aviation stakeholders in developing Just Culture, with the purpose of helping staff to report accidents and incidents without being criminalised. At present, this is making very good progress with the EU legislator. As a result of the work of the ETF and other stakeholders so far on developing Just Culture there is now:

- A joint statement signed in Bucharest in 2007 between six Social Partners, promoting a Just Culture legal framework;
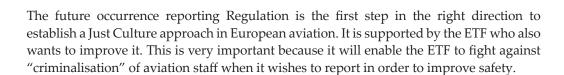
▶ Social Partner Charter on Just Culture, 2009;
▶ Company Guidelines on Just Culture, 2009;
▶ ETF request on a proposal for a EU Regulation on Occurrence Reporting, 2013 (which is not yet adopted but is expected to be soon);
▶ Letters from the ETF to the Transport and Tourism Committee MEP's and EU Transport Attaches welcoming the proposal for an EU Regulation on Occurrence Reporting.

However, the ETF does not support the Eurocontrol definition of Just Culture as set out above, which was also used in the draft of the EU Regulation on Occurrence Reporting. The ETF objection relates only to the term "gross negligence" on the basis that there is no common understanding of this term in the (then) 27 EU Member States. This ambiguity and discrepancy will jeopardize the improvement of the safety level across Europe, as foreseen in the "Objectives of the proposal" of the Regulation. As regards the term 'wilful violation' the ETF supports a definition as *"deliberate action or intent that could be expected to cause harm or injury or damage to persons and / or property"*.

Eduardo Chagas and Charles Boyle

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The future occurrence reporting Regulation is the first step in the right direction to establish a Just Culture approach in European aviation. It is supported by the ETF who also wants to improve it. This is very important because it will enable the ETF to fight against "criminalisation" of aviation staff when it wishes to report in order to improve safety.

There are two ways in which the ETF sees as making progress. Firstly, by changing legislation (including at national level) and the approach to this issue, as outlined in the 2007 statement; secondly, by improving practices at company level, as set out in Company Guidelines and Social Partners Charter (all referred to above).

It is worth considering if the general implementation of such a policy of Just Culture across EU transport sectors would strike the right balance in avoiding unfair prosecutions but allowing them when there has been real culpability. However, for it to operate fairly, it would have to be applied consistently and this would no doubt involve a degree of harmonisation within Member States to establish common notions of legal concepts like "wilful violation", etc. In other sectors it was noted in Lisbon that they have Just Culture to report without sanctions but yet sometimes criminalisation results as a common outcome.

There are international and regional instruments which may help unions in protecting their members. In the maritime context there are the Joint IMO/ILO Guidelines on Fair Treatment of seafarers in the event of a maritime accident, which emphasise co-operation and communication between those involved and in ensuring that no discriminatory or retaliatory measures are taken against seafarers because of their participation in investigations.

It is worth noting that the ETF insisted on having this issue dealt with in the framework of the Sectoral Social Dialogue Committee in Maritime Transport. The seafarers' representatives have been therefore championing the idea of transposing the above-mentioned guidelines into a community Regulation, in particular through a Social Partners Agreement, if possible, with the support of the European Community Shipowners Association (ECSA).

Again on the international level and again in aviation there is Attachment E to Annex 13 of the Chicago Convention which recognises that the "protection of safety information from inappropriate use is essential to ensure its continued availability, …". At EU level there is Directive 2003/42 on occurrence reporting in civil aviation which could be used in implementing just culture, particularly article 8(3) which states that: "Without prejudice to the applicable rules of penal law, Member States shall refrain from instituting proceedings in respect of unpremeditated or inadvertent infringements of the law which come to their attention only because they have been reported under the national mandatory occurrence-reporting scheme, except in cases of gross negligence."

Unions should be the first point of contact for P&MS who are in danger of being criminalised. They offer a source of advice and support which is not only free from improper influence or conflicts of interests but is solely dedicated to protecting members. They should make the provision of a legal defence fund a major membership benefit, as does Nautilus and the British Airline Pilots Association. Union rule books should

be clear and precise about the conditions for this benefit being available. Indeed the Nautilus survey referred to above showed that 560 respondents would look to their union for support if they had a legal problem relating to their employment, as against 283 and 85 who would look to their employer and shipping company respectively.

In cases where they are recognised by the employer, the union will have substantial influence in persuading them to protect rather than blame individual employees. In CBA (Collective Bargaining Agreement) negotiations unions should be insisting on a clause committing the employer to pay for the legal defence of P&MS who are criminalised – although where there is a conflict of interest (such as in cases where the employer is blaming the employee) the union should provide the defence through its own fund.

Finally, unions should use their influence to lobby national governments, the EU, safety regulators, and institutions like the ILO for measures to protect their members from criminalisation. A recent example was the ETF lobbying the European Commission to reduce the prospects of fishermen being criminalised for infringements of the Common Fisheries Policy Rules.

5.5   Concluding remarks

It is clear that criminalisation is a concern within the transport industry for P&MS, although in some sectors it was more prevalent than in others. From a research point of view it is more visible in the maritime and aviation sectors than it was in others. This may be due to the high media profile that such incidents normally attract due to the potential for loss of life and damage through pollution. However, it is clear that the concept of crimination is present to a greater or lesser extent in all transport sectors.

The exercise has brought to the fore ideas for helping to form an analysis of what happens behind the news headlines that report serious accidents. The input from many union officials was invaluable in this process, presenting, as they did, the view from the P&MS position. There is the competing concept of, on the one hand, the pressure to achieve a company's economic and business targets weighed against, on the other, putting safety first. Furthermore, there is the fear that P&MS hold that they may lose their job, unless company targets are met, therefore there is pressure on them to get on with the job.

There are issues of both company and union resources (which may be having more of an impact in these times of austerity and economic downturn), which can have adverse consequences for training and safety. There is the need for unions to increase their membership of P&MS and other transport workers for the union to have more of an impact with employers on issues like training and safety. There is the potential for conflicts of interest when an accident happens, whether the employer's interests will or will not diverge from those of the worker, particularly in a legal context.

It has been highlighted that having legislation and procedures is one thing; but are they fit for purpose – do they embrace the reality of what is happening on the ground?

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The causes behind accidents in transport sectors will often be complex and set in a context of various corporate contractors being involved in all major operations. There is huge scope for a blame game between the various parties while being investigated by the police and regulators. It is more important than ever that P&MS are members of unions who can support them when caught up in these issues.

The potential for unions to engage with the issue of criminalisation in collective bargaining has also been mentioned. So too has the role which unions can play in being involved with and lobbying international and regional law making institutions like the EU, ILO and IMO and other international bodies within each sector.

Regarding recommendations on how to translate it into a recruitment strategy, it was encouraging to see so many good ideas being suggested by the working groups, which are included in this paper and form a basis for unions to maintain and extend their provision of support to P&MS when they are involved in issues of criminalisation. The availability of these benefits can be used to not just retain current members, but as a way of attracting new P&MS into membership.

The various ways in which unions can help (such as the provision of legal services, confidential advice, engaging employers at a collective level, etc, - see above) should be advertised as much as possible to existing members and to those whom the union would like to recruit. Experience shows that even existing members are not always fully aware of the benefits which their union provides so they can be targeted for retention purposes and also as a way of spreading the word to non-unionised colleagues.

Full use should be made of all forms of publications, from union pamphlets, the monthly journal and all the modern channels of social media. Also, union officials can visit work places, universities, advertising all benefits against a backdrop of reality: what it might be like to be involved in an incident without union back-up. To emphasise this, provide examples of how the union has successfully helped members in the past with testimonials of how grateful the member was in each case.

Charles Boyle

6. WOMEN WORKERS AND P&MS

6.1 Introduction

There exists some resemblance between the situation of women workers and P&MS with regard to their representation in the trade union movement and the support offered. Both women workers and P&MS occupy a significant and increasing share in the labour market, and the need to adapt trade union strategies for organising and representing these target groups and thus better meet their requirements becomes more and more visible. An increase in the trade union membership of women workers and P&MS demands a better integration in trade union structures and targeted support.

This discussion paper focuses on the challenges women workers face and what type of actions can help to overcome their difficulties with entering the labour market and stepping up the ranks in companies and trade unions. It aims to give some food for thought and fire up an internal discussion within trade unions on what and how to adapt trade union structures, strategies and approaches to better attract women workers. Given the similarities with P&MS becoming a new target group, this discussion may introduce a discussion on better attracting P&MS to trade unions and bring inspiration on how to concretise that.

6.2 Background and challenges to meet

This part of the TRAN-MAPS project is about women workers and P&MS and is building on previous and on-going activities by ETF. Women workers are an increasing part of the European workforce and so are P&MS. More women want to and have to be part of the labour market not least due to the economic situation in Europe. The overall level of education is rising and is expected to rise further and a high education level is required especially for handling managerial and professional tasks. Changing structures and development of the labour market also requires more staff with higher education.

Trade unions are facing difficulties to attract new members and thus risk to lose strength and importance. In some countries the number of white collar workers that are trade union members is higher than for the blue collar workers, which is a clear trend and demonstrates the need for trade unions to recognise this in the reformation of their work and when defining their priorities how best to cater to the needs of their current and prospective members.

In the development of the European Union, social dialogue is a cornerstone and trade unions have an important role in participating in these on both sectoral and general levels. In order to be able to represent all workers in the current and future society these "new" groups of workers must be recognised and approached by trade unions in a way that is beneficial for the workers, for companies and employers and for the society as a whole.

ETF believes that trade unions have to make a priority of helping women to enter companies and to take on responsibilities by:

- Unionising women in sectors and companies;
- Developing strategies to maintain a good quality of women's jobs;
- Improving working conditions, measures to make them stay on and build a career;
- Addressing the problems of precarious jobs;
- Mainstreaming the gender dimension in trade union policies and collective bargaining;
- Dealing with segregation;
- Achieving gender balance representation in trade union structures;
- Improving participation of women in all aspects of trade union life;
- Disseminating information on ETF gender actions amongst trade unionists.

6.3 Summing up, conclusions and recommendations

The project concluded that there are different aspects that trade unions need to work on e.g.:

- Specific women training is necessary in different aspects: people management, self-assertion, communication, career management and planning, political campaigning;
- Firms must provide gender-sensitive training for men and women to promote non-discriminatory working relations. There is also a need for gender neutral job descriptions;
- More female role-models are needed;
- Equal chances for male/female to be elected in trade union bodies or quota systems;
- Transparent criteria and selection processes for access to decision-making jobs
- Take a gender balanced approach in recruiting;
- Mentor relations: create work environments which make the combination of family and work, children and career more feasible.

During this project the abovementioned issues were thoroughly discussed both in plenary and in smaller working groups. It was felt that the problems and indicated solutions are very important for a positive development of trade union activities.

The overall conclusion is that today the general situation has somewhat improved due to some progress towards better gender balance. However, we are far from having the gender balance that both individuals and society would benefit from and far from seeing trade unions as good examples in this field.

We have been discussing and identifying what actions could and should be taken in order to make further steps forward, building on our trade union expertise and experience with focus on the ETF sectors. The situation is of course different from one country to another and from one sector to another but bearing that in mind, **some general issues emerged**.

6.4 Recommendations for trade unions

Trade unions must **recognise that an increasing number of workers are P&MS and an increasing number of those are women.** Trade unions must work in a way that makes them attractive and useful also to these new groups of workers. It is not primarily an issue of quota but of a changed culture.

Trade unions must **have a realistic and practical approach** and not only formalistic to their role in the workplace. One finding in a previous P&MS study was that when managerial or technical problems occur, proximity relations between the hierarchy and managers, cooperation and solidarity between colleagues are the best ways to regulate the activities at work. This is also true when difficulties concern social or personal problems. Trade unions are involved in the regulation but they only come after the hierarchy, the managers and the colleagues. In realising this it is necessary to analyse in what way trade unions can and should act in different situations, in what way trade unions can make a difference.

Trade unions must **help women to be seen and recognised for their skills and contribution to the work** e.g. always make sure that women are given the floor in debates and are listened to even if their voices are softer than men's and they often are smaller and look more insignificant. Size does not matter when it comes to intelligence and expertise.

In their **health and safety work,** trade unions tend to focus mainly on accidents and injuries rather than on problems due to mental distress and work overload. A broader approach is necessary, otherwise the problems that many P&MS, not in the least women, face will be hidden and remain unaddressed. In this context it is also important to identify pitfalls for women at different stages of their career e.g. their trade-off between personal life and work which often means a double workload.

Trade unions could, together with the companies, **promote mentor schemes and** different kinds of **training programmes** to give support and help women in strengthening their self-esteem. There is also a need for many different practical improvements that can help to combine working life with private life in a beneficial way for both employees (male and female) and employers.

Trade unions could **facilitate setting up networks** for women (e.g. company by company, sector by sector, profession by profession) in order to support the exchange of experience and expertise. Eurocadres has established such a network, **Femanet**, which can be seen as an example.

Trade unions, like society as a whole, must reinforce their **work towards sustainability** and concern for future life. This might be an area where women in their role as P&MS and especially as managers can play an important role.

Trade unions must **be observant** of not only visible discrimination but maybe more **of hidden discrimination** that comes out in stereotyping and using words that give the wrong hints. E.g. maternity leave instead of parental leave, a husband should not be seen as helping his wife with household chores but they share them, etc. Not to mention all sexually oriented jokes and hints that have no place neither in trade unions nor in workplaces. Trade unions must be very clear about this.

The experience of some is that women are not always supporting other women and especially not as managers. If this is so, trade unions should try to address this rather than avoiding an issue that might be very sensitive.

Trade unions should of course also see these ideas and suggestions as relevant for their work to abolish all kinds of discrimination in the workplace, e.g. due to ethnic background or limitations for disabled employees.

Finally, it is very important to have the issues of different trade union membership groups and of gender balance on the agenda repeatedly in order to familiarise ourselves with and develop these issues according to the needs and possibilities within our own work area, be it at local level, work place level or at central level in trade union offices.

Kia Regnér

7. YOUNG GRADUATES

7.1 Young P&MS facing changes in the workplace

Most of the political initiatives promoted by the EU regarding young people have focused mainly on fighting unemployment and/or social exclusion. This topic has been part of the European agenda since the European Employment Strategy in 1998, integrated in the Lisbon Strategy and currently in the Europe 2020 Strategy. Therefore, European policy has mostly tackled the problem of accessing the labour market and the obstacles found by young people with regard to the lack of suitable education or the lack of professional qualification for the jobs offered by undertakings.

The severity of the current crisis has placed the Member States' political actions to fight unemployment at the centre of the debate.

It is assumed that young P&MS (YP&MS) are in a better position than young low-skilled persons to access the labour market. However, they have to overcome severe obstacles to enter a competitive labour market in the EU, characterised by heterogeneity and fragmentation, together with the difficulties to develop a professional career with contract and employment conditions that do not usually favour their progress.

At times of restructuring, YP&MS face unwritten rules, sometimes however even included in collective agreements, establishing they are the first target in the case of collective redundancies (the "last in, first out" principle). Fixed term and temporary contracts are usually the first not to be renewed, which affects generally young people, including young professionals.

There is a lack of solid policies and of suitable structures to facilitate the growth and development of YP&MS in the undertaking. Neither HR departments nor trade unions and works' councils seem to have developed effective strategies and tools to cope with post-restructuring needs and talents of high skilled young employees. Especially young trainees can be blocked in graduating due to restructuring, and they often lose the perspective of a job following up the traineeship. For such aspects, trade unions do not seem to have substantial attention and services.

What are possible hurdles and items for reflections for trade unions with regard to attracting this group of workers in a context of continuous change and economic and financial crises?

1. Certain trade unions tend to consider less qualified workers as more likely to become members than those whose professional career may lead them to become managers and, therefore, to be counterparts in the future;

2. Some trade unions have difficulties in connecting with the interests of this group of more qualified workers, who are not familiar with the trade union structures such as meetings, assemblies, etc… They more often make use of the new media formats and social networks;

3. The nature of trade unions focuses on collective bargaining; the signing of collective agreements benefits their members in particular. This scope does not favour a different treatment towards YP&MS as new members.

Trade unions must therefore start a reflection process on how to reach and attract this group of workers. Collective bargaining may not be enough, personalised campaigns may improve the level of communication with certain groups such as:

- Young graduates in search of their first job;
- Young professionals with experience and a professional career ahead of them;
- Young managers with initial responsibilities.

It is the trade unions' job to offer these groups services and a union environment that are suited to their expectations, such as for instance: web- and phone-based services at a flat rate, membership based on a discounted fee for selected internet-based services etc.

On the following pages some case studies are being presented on restructuring processes in organisations and how they have affected YP&MS. It will focus mainly on how YP&MS have experienced this and where there is still some margin for trade unions to answer occurring YP&MS' needs in those particular cases.

7.2 How to act in case of a company restructuring?

First of all, we have to realise that changes and company restructurings are no longer exceptional but became a permanent element in the global economy.

Because there is a lack of analysis of YP&MS' situation in such cases, the European Commission urged the social partners to contribute to the improvement of expertise.

Trade unions have to take the opportunity to improve young P&MS' knowledge and awareness about their working conditions and rights.

Economic, social and cultural changes are influencing the world, deeply rooted changes take place.

Adequate and efficient management of these changes are essential, it is valid for undertakings, workers, institutions and the whole civil society.

Restructuring tends to be associated with cuts in costs and staff, mass dismissals, but that is not always the case.

Restructuring should be conceived in a wider sense, ranging from labour reorganisation, shifts in company staff's role, the integration of cultures and company mergers.

A number of attempts have already been made to find an answer to the following objectives:

- A better understanding of how young P&MS are affected by restructuring processes;
- To identify the way how trade unions should contribute;
- To identify the elements of discussion enabling to alert the European institutions;
- To suggest trade unions' strategies with regard to the support of young P&MS facing changes and restructuring.

Out of the following three practical case studies executed by EUROCADRES, some very important conclusions have been drawn on how YP&MS have experienced major restructurings and have identified the shortcomings of trade unions in that particular case:

- The transfer of young P&MS staff from Fortis to BNP Paribas, within the framework of corporate restructuring;
- The effect changes have within the public sector, i.e. staff reorganisation in the Swedish municipality of OREBRO (complemented with similar cases in the UK);
- The impact of changes in the social research area. The closure of IAT (Institut Arbeit und Technik - institute for work and technology) in Germany, and its refunding as a university institute (with references to Austria, Spain, Italy and Sweden).

The Case Fortis – BNP Paribas

General

This was a unique case-study in which there were no casualties in terms of young P&MS job losses. Statistical resources on employment differ a lot according to the source (Eurostat, ECB, OECD). Data on finance jobs are only incidentally available.

Employment in the banking sector decreased by 6 % (large job losses in the financial centre of the UK influenced this figures substantially).

The situation in the UK was different because it had a very low level of regulation and stocks and securities had gone beyond reasonable limits.

In detail

The merger took place in the middle of the financial crisis (2009). The Works' Council could agree on a net loss of only 750 FTE (full time equivalent) without forced dismissals, a rather unique outcome of social dialogue. Soon after the merger even new entrants had to be hired. So the restructuring was unique with regard to implications for young P&MS, some conclusions however are universal:

- ▶ Due to the following items the first year of restructuring was full of uncertainties:
  - — Career perspective shifts;
  - — Stagnation of rewards (salary);
  - — Recognition of qualifications can get lost on the way;
  - — Increasing stress (because businesses continue);
  - — Those staying are being considered to be the lucky ones, however their workload, job content and perspectives are rapidly changing;
  - — In general neither the HR department nor the trade unions could come up with answers or tools to deal with these kind of problems (especially in the first year).
- ▶ Trade union practices in restructuring are less focused on the consequences after the restructuring has taken place; they mostly deal with the problems connected to implementing the restructuring process.

New tools for trade unions:

- ▶ Use social media;
- ▶ Ensure transparency when it comes to negotiations;
- ▶ Promote social innovation.

7.3 Restructuring the public sector (local level)

Case study: the OREBRO (Sweden) municipality reorganisation

The reorganisation aimed to streamline and develop the local administration at all levels.
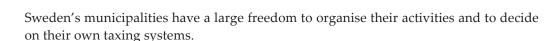
The increased pressure to cut and reduce public spending forced the public service to take the necessary measures.

The uncertain conditions for managers created insecurity for their subordinates and had a big impact on the development of this restructuring process.

The reformations in the public sector are being justified by using different slogans such as: modernisation, rationalisation, new governance, mostly accompanied by political messages about efficiency.

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Sweden's municipalities have a large freedom to organise their activities and to decide on their own taxing systems.

Because they are responsible for, e.g. providing almost all types of education, they became major employers.

The 2008 crisis did not immediately increase the number of redundancies in the public sector, but only one year later; as a consequence the number of part-time, temporary and fixed term contracts increased.

7.4   Final remarks

Recent patterns in the evolution of the public sector pose serious challenges for the future.

Drops in the number of public sector employees will endanger the provision of essential public services.

There will not be enough public service workers to meet the requirements of the ageing populations.

Budget cuts affect innovation in the public sector.

As a consequence of the recession, opportunities for young professionals in the public sector may be bigger than in the private sector (depending on the country).

However, low career expectations lead to a recruitment problem. Fast track schemes (as applied in the UK) could offer some solutions.

Trade unions should involve young P&MS in collective bargaining procedures, although they lack experience in this field.

7.5   Young professionals in social research

This relatively unknown sector shows, partly, similar problems as we have seen in the public sector. Social research, both public and private, is an essential area within the framework of EU research.

This reference case focused on the closure in 2006 of a social research institute which used to be an agency of the government of North Rhine-Westphalia. The aim was "to cut down red tape."

Thanks to employment protection regulated in collective agreements, employees were not dismissed but transferred to a university.

7.6   Some conclusions

▶ There is a diminishing appreciation of social sciences in times when global competitiveness rules European agendas;

▶ Universities have to cope with an increasing number of students, but their ranking and performance related funding depend increasingly on success in competitive research markets;

▶ Researchers depend mostly on fixed term contracts, which are often misused;

▶ Social research has become indispensable for benchmarking and policy learning of social policy at European level;

▶ Trade unions need social research in order to be robust and independent;

▶ In the majority of the EU member states, the public sector does not foresee any procedure for restructuring in the sense of the closing down, or the merger of a government agency;

▶ A new employment status for research employees, at least in public organisations, is an absolute must.

Ludo Vekemans

8. HOW TO UNIONISE P&MS?

8.1 How to unionise P&MS: challenges, solutions, conclusions

Challenges

Trade unions are facing major changes at the labour market and within the group of employees. There is a growing share of highly graduated staff and a nonstop increase of the education level. In the countries of the EU-27, we have seen an increase in the proportion of 30-34 year olds with tertiary education from 22% in 2000 to 36% in 2012.

Another important trend is the shift from middle skilled jobs towards highly qualified jobs. We are moving towards a labour market with a growing importance of highly qualified occupations. Also low skilled jobs will increase at the expense of middle skilled jobs. This is in line with what is called the polarisation of the labour market. Figures on the skill level of jobs show a clear increase in the proportion of highly skilled jobs between 2007 and 2012. In 2012 already 40% of the jobs in the EU-27 were labelled as "highly qualified".

The growing share of "professional and managerial staff" in the European labour market is a major challenge for trade unions. Nevertheless trade unions are struggling on how to deal with a new group of potential members and trade union representatives.

Solutions

Reflection on obstacles and levers for P&MS joining trade union tells us more about the possible solutions dealing with these challenges.

It is important that trade union leaders change their mind-set. Well-intentioned ideas and well-defined strategies focussing on P&MS are bound to fail if trade union leaders and key persons playing a crucial role in decision-making processes and resources are not aware of the importance of P&MS.

The TRAN-MAPS project and workshop exercise have learnt us more about P&MS' reality and recruitment strategy. Defining and mapping P&MS for action, taking into account legislative, country and enterprise context is an important start.

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Furthermore, work needs to be done on the trade union manual worker image, the integration of P&MS issues in collective bargaining and specific services must focus more on the needs of P&MS. Trade unions must highlight the win-win for employers working with trade union representatives and invest more in addressing students with appropriate services during high school or their university path. A permanent follow up of the different steps needs to be part of the action plan.

Conclusions

ETF can play a crucial role in supporting the work that needs to be done i.e. presenting the conclusions of the project, asking for the engagement of the trade union leaders in adapting the trade union to welcome P&MS, monitoring and evaluating the work in progress.

8.2 P&MS – employees with a specific position and specific interests

It is crucial that Professional and Managerial Staff (P&MS) are considered as employees. If the union doesn't do this, rather seeing them as extensions of top management, then there is no reason at all for the union to target P&MS and build up a union operation and services for that group. Acknowledging that even P&MS can be in an unfair position is a crucial starting point to accept the need for social consultation and dialogue for such staff.

Unions must also realise that P&MS, confronted with their own work-related problems and challenges, occupy a specific position within a company. When dealing with P&MS there is often more sense in **consultation** than in hard **bargaining**. Their position determines the manner in which the union has to deal with them and the subjects the union needs to target.

When defending the rights and interests of employees, the union does this first and foremost through collective bargaining within the companies and sectors. The union concludes agreements with the goal of improving wages and working conditions. Union representatives in the companies see to it that these agreements are respected. Many questions from members and employees are answered and problems are prevented or resolved because union activists within the companies are dealing with them. This individual service plays an important role.

Are collective bargaining and/or consultation and individual services also of interest to P&MS?

What do they have to obtain? And how should social dialogue be shaped if P&MS want to participate in this form of democracy?

8.3 Who are 'P&MS'?

Because of their involvement in company policy, their professional functions and the way they work, P&MS are less likely – and more difficult to convince – to join a union. Some employers abuse this and gain from binding larger groups of employees by giving them P&M positions and seducing them with all kinds of benefits. Unions do not really know how to deal with that, and remain passive when these groups become easy targets of employer strategies. Unions need to come up with their own strategy which explicitly aims to cover P&MS.

Who are P&MS? A lot of research has been conducted and written on this subject[2]. We can identify three large categories of P&MS.

- ▶ Executives with the **power to decide** at a high management level. They possess a lot of strategic information on the financial and economic status of the company. As confidants of top management, it is difficult to organise this group in a union, though this does not mean that these employees do not experience any problems. They are close to the sun but are not the sun itself. Individual services are possible.
- ▶ Employees with **managerial responsibility**. They can be found at different levels within the company hierarchy. They manage a team of colleagues. They take guidance from higher management or the management board. Often finding themselves between a rock and a hard place, they nevertheless play a crucial role in the health and wellbeing of their employees. They often suffer from work pressure, work related stress, and find it difficult to reconcile work and family life. Unions may have some meaning to them.
- ▶ Professionals, experts involved in their job. Many of them have a lot of autonomy and can organise their work as they see fit. They also determine the place and hours they work, meaning to a large degree they're self-employed. The technological possibilities allow them to work ever more independently from a certain place and a fixed time perspective, out of reach for the union.

These groups are characterised by systematically doing overtime, though this is not always considered to be a problem. Unions must be aware of this. On the other hand, career and career development questions, the pressure and threat of demotion and dismissal in an economic downturn, non-transparent remuneration, etc. are some of the many issues that raise questions for P&MS.

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2   Professional and Managerial Staff in Europe and their Trade Unions in the 21st Century – 2nd Edition - May 2009 (**http://www.eurocadres.org/spip.php?article314**)

8.4 Do P&MS gain from joining a union?

We can answer that question by taking stock of the work-related problems and challenges P&MS are confronted with today. We should take into account a liberal labour market characterised by increasing competition. Unions are relevant for P&MS if they can succeed in embracing the expectations and risks of this cohort in a liberal labour market which is slowly transforming into an individualistic market.

A qualitative, individually tailored service and a contact person within the company (the role of the union representative for P&MS) is a conditio sine qua non for making unions attractive to P&MS. **P&MS can obviously gain from joining a union, though most do not feel directly motivated to take up a mandate themselves, instead they hope that someone else will defend their individual interests. In many cases, the P&MS representative succeeds in building a network with such staff, passing on their vision, expectations and problems to the union.**

A service that matters for young highly-educated people and young starters

The work environment is irrevocably subject to change, and there has been a spectacular increase of young people with higher education entering the labour market. If we want to be attractive to such people, we need to mean something to them. Some unions experiment with wage counselling and with job application and CV-writing workshops for final-year students at job and information fairs at universities and higher education institutions.

Unions need to start thinking about services targeting young people and appropriate forms of membership; "What type of membership fees for which service?" Young people want to know what they are receiving in return for their money. Solidarity is no longer a determining criterion or, at best, no longer the only decisive criterion for membership. Unions used to be able to benefit from the choices made by parents for their children. These days are over. If we want to attract people from the start, we have to offer a service, not just focused on work-related problems, but extended to wage counselling, career management advice, information on reconciling work and family life, etc. In this way unions can get rid of their "image problem" and possibly also play a constructive role in the career development of young members.

Employability support – career support

In a context of globalising economies and increasing competitiveness, companies are looking for ways to increase the employability of employees through training, education and lifelong learning (including e-learning). In more and more companies, the job security of P&MS (and other employees) is under ever increasing pressure, with HR pressurizing P&MS to invest independently and autonomously in skill development through training and education, often outside working hours. P&MS are being pushed to

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insure themselves individually against dismissal by investing in training and education, with fewer and fewer companies investing in a proper framework for training and education.

Unions are confronted with questions from members on career development, changing jobs, wage and career counselling. But also demotions and pressure to work for a lower wage are issues P&MS often have to deal with.

Variable pay and fringe benefits: transparency and security

We are seeing a trend towards working independent from place and time, and with results being more important than the number of hours worked. In more and more companies and organisations, the assessment of the delivered performance and/or the functioning of employees are linked to pay, dismissal or promotion. The union would do well in knowing the trends in rewards and to develop a strategy in that direction. In many companies, meetings take place to assess or appraise the results, the functioning and development possibilities of P&MS.

Unions are traditionally not proponents of performance-based remuneration because it increases the pressure on employees, because there is always the risk of subjectivity and randomness and because of the risk of collegial work relations being undermined. In many cases, we also notice that performance-related remuneration systems linked to a company's targets are abused to save costs. But unions should not be blind to the fact that in many companies there are different forms of performance assessment. Unions can offer transparency and legal certainty by providing collective guidance to P&MS. The lack of clear objectives and criteria to measure performances causes a lot of frustration among such staff.

Company cars, company pensions, bonus arrangements and profit participation are related themes that regularly crop up. Especially in times of crisis, P&MS see their (variable) compensation and fringe benefits decreasing radically, with the result that they are easier to mobilise for collective negotiations.

Work pressure and work stress

P&MS are no strangers to systematic overtime and flexibility. Yet they are not always the ones calling for a well-defined job or for working hours to be recorded. Autonomy is a 'perk' of the job, partly compensating for the work pressure. Nevertheless, many managers and professionals find themselves balancing on the brink of work stress, burn-out and depression. Even top managers suffer from work pressure, work stress and difficulties in reconciling work and private life. Discussions on an anti-stress policy, on working hours and measures to maintain the availability of P&MS within acceptable promotions are not a luxury.

One-sided policies - ethical charters

Companies draw up completely one-sided 'policies' regarding end-of-career provisions, company cars, ethical rules, etc. There is no involvement of staff or consultation with the union. More and more P&MS are calling for involvement and social protection.

Due to increasing competition pressure and the high expectations of shareholders and top management, people have to work on the boundaries of legality. Contractors and employers side-step threatening risks as much as possible, covering their backs with all kinds of codes of conduct for their P&MS. It is then not difficult to find a scapegoat. In specific situations P&MS find it difficult to act within the framework of the prescribed codes of conduct. The pressure is often subtle but always present and has many faces: interrogation by a compliance officer, infringement of privacy, suspicion of conflicts of interest, stress. Sometimes it is less subtle, with blame being apportioned, sanctions threatened - and can even lead to dismissal. **P&MS have to walk on a very tight rope because of ethical codes of conduct and the fight against corruption.**

8.5 Which union approach for P&MS? Towards a guideline

A plea for individual services as a lever for the collective defence of interests

A plea for the recognition of a consultative approach, with militant negotiation and action as a last resort

Despite the many issues for which P&MS could make use of the advantages of individual and collective defence of their interests, union membership or involvement is seldom the case. In the following list, you will find a few starting points and questions as a guideline for building a union strategy targeting P&MS:

1. Are the **assignments and competences of the union at company level and other levels** (what arrangements exist for individual and collective consultations/bargaining?) statutorily defined and legally enforceable? **Is P&MS involvement legally defined or governed by conventions?** With P&MS by definition being excluded from the consultations, the first steps need to be taken here.
2. **Organising P&MS participation: P&MS representatives play a crucial role** in bridging the gap between P&MS and the union. They may present themselves as a contact point for P&MS. The idea is to find managers and professionals not just willing and able, but also ready to act as a role model for other companies. As an elected manager or professional you build bridges between personnel and top management. When this is based on trust, honesty and discretion and respect, you can run very far.
3. **Unions must dare to opt for P&MS trade unionism, adjusting their structures and services**. Different models are possible and are determined by vision and strategy. Possible elements for an integrated model of P&MS trade unionism:

> ▶ **Space and resources for a specific P&MS network**, services for and communication with P&MS;
> ▶ **Statutory decision-making participation** (routine management and national committee; representation in the Council);
> ▶ **Integrated union operations at company level, clearly targeting P&MS members via dedicated M & P delegates**;
> ▶ Legal assistance and other services for all members, including M & P members (not a separate circuit).

4. Do unions accept a consultative approach for P&MS? "Consultation if possible, bargaining and action when necessary." And how is this approach related to the approach that addresses workers? Unions will have to invest in cooperation, exchange and communication models to do justice to both strategies.

5. **P&MS activists** must be able to play a hard and honest game. Unions must strive for a union **profile** of P&MS delegates, differentiated from **corporate executive organisations** that are closer to employers, and not only interested in their own interests or those of their professional and functional group. This is not up to us. Being a P&MS activist is not always a boon for your career. Top management will never be frank about this, but P&MS members have the feeling that their career opportunities are curtailed. Opting for the union is a deliberate choice. On the other hand, we also know of examples of P&MS delegates being promoted.

6. A discrete approach is of 'utmost importance' for a P&MS activist. Everything that is being told to a P&MS delegate remains confidential. P&MS will generally only approach the union when they have very concrete questions. Sometimes they have heard or read something and would like to get more information about it.

7. Unions must first and foremost position themselves as **intermediaries** or **defenders of interests** during dismissal proceedings and possibly defending members in the Labour Court. Each year, unions achieve thousands of euros of compensation for their members. They need to highlight this much more.

8. Highlighting injustice also works with P&MS. Clear cases of injustice are a constant trigger for P&MS to contact a union and personally take action. Unions need to continually bear this in mind and play with it. It cannot be assumed that P&MS do not have a social mind-set.

9. In an age of increasing digitalisation, the use of I**T communication and social media** with P&MS is crucial. The possibilities offered by IT applications as part of a modern service has not yet been fully researched. Nevertheless, individual and **personal contact** remains necessary.

10. Besides this, unions must also focus on **constructive tailored service**s, including career support (end of career provisions, reconciling work and family life, career development) for P&MS and should not limit their services to problematic situations and collective action.

11. **Young executive members** at the start of their career believe they do not / will not need a union. They consider the collective struggle for solidarity or employee rights to be something very remote. TV only shows them images of employees on strike or campaigning. Unions should invest in a more modern image, investing in young people before they leave school, attracting them
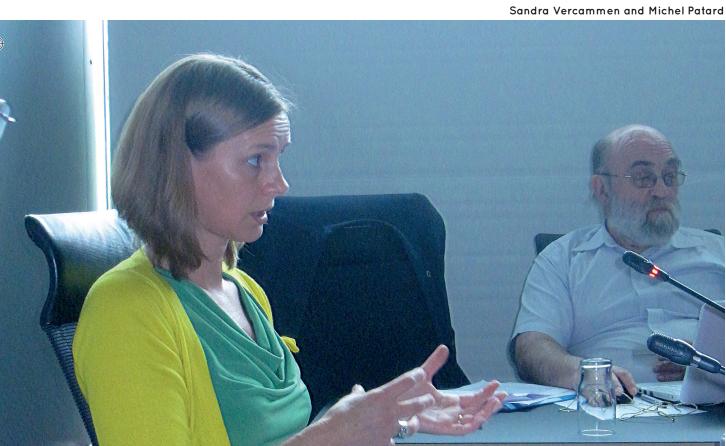
via individually tailored services. Contacts with students show that there is more understanding than is shown via the media. Unions must also learn how to deal with the media and invest more in this field. Similarly, P&MS delegates within companies can make the difference by contacting young P&MS members and convincing them of the importance of the union as an insurance policy.

8.6 Working group outcomes: "How to unionise P&MS?"

Obstacles and levers for P&MS joining trade unions (TU)

TU do reflect on the possible reasons why P&MS do hesitate about joining a union and on how to overcome them.

Sandra Vercammen and Michel Patard

The damage to career prospects is seen as one of the main reasons to hesitate joining the TU as a professional or a manager. A possible answer to overcome this problem is education to puncture the myth by giving examples of trade unionist-professionals and managers and to work with role models in communication and (social) media. Experiences tell us that working with role models of P&MS help to convince other P&MS and to spread the message that P&MS do chose for TU membership. By doing so it is helpful to even use role models of enterprises where the social dialogue is not damaging the enterprise, stressing the fact that it could be a win-win situation for employees, P&MS and employers. Nevertheless, employers make full use of spreading the message that joining the TU is damaging career paths. So taking this problem into account and being honest towards P&MS helps making choices while being fully aware of the consequences.

The TU image of the manual worker is a much quoted problem which is to the detriment of an attractive TU for P&MS. The old fashioned image is definitely a question of services. To overcome this obstacle TU must rethink their services and facilities for P&MS members in a creative and innovative way. Some ideas that were given are: training courses for managers on coaching employees in a supporting but not controlling way, education session on social responsible management, lifelong learning training, information on mobility and migration possibilities. TU can cooperate with other institutions to broaden and elaborate their service scope. It is more than necessary to work out special services for P&MS and consequently publish information about these services.

In the first place it is necessary to target P&MS and to ask them what they expect from TU. It is helpful to do this in cooperation with an academic research team. There exist already a lot of study materials helping us to focus on specific target groups and to develop specific services.

The issue of the old fashioned image is related to the image of the manual worker. One way to overcome this is to rethink the tone of voice in communication as well as the communication methodology. Social media are powerful. TU must make use of them. It is necessary to work out a strategy on how to use different possibilities of promoting a message in a contemporary manner. However, also the tone of voice remains a challenge. The question of tone of voice is particularly important for P&MS when dealing with membership in a confidential way, when negotiating and in the ways of campaigning.

P&MS are well educated and are often convinced not to be in need of any assistance. TU have the experience that knowing your rights is not the same as or a guarantee for getting represented on the workplace or in front of the labour court. Again it is useful to communicate about the reality by showing cases and using the experience of P&MS in publications, in the media and on the workplace.

P&MS easily join TU when they have had a positive experience with trade unions, even when it happened in their adolescence or before. An approach representing TU during school or university as a modern organisation of benefit in an individual and collective way, favours the image of TU. When this approach includes the presentation of services promoting the development of young highly educated starters, the benefit for TU even starts immediately.

Even more fundamental is the fact that TU-ism is not seen any more as a part of live or human attitude, unlike the well-considered strategy of employers and (not in the least) European policymakers to implement an entrepreneurship-attitude from childhood. TU are being faced with the image that they are killing the entrepreneurship of P&MS and of all employees. To overcome this obstacle TU must reflect on a long term strategy on how to get social conduct back to become a priority. TU can show that social aspects go hand in hand with socially and environmentally responsible and competitive business.

TU still lack the skills to broaden their work in collective bargaining areas so as to attract more P&MS. It would be necessary to make arrangements and preferably include them into collective agreements in favour of P&MS. Moreover it is a question of perception of P&MS as well. TU must show that collective agreements for P&MS do go hand in hand with the job responsibilities as managers/professionals who quite often do not consider them as being opposed to the TUs' goals and activities. For example, work organisation such as telework or working from home.

The economic crisis must be perceived as a lever to attract P&MS. P&MS are suffering from a salary fall down, staff reduction, work pressure and stress related problems, economic failures (restructurings and bankruptcies). TU should take much more advantage of the economic crisis: publishing about achievements, working with role models and examples of P&MS who are experiencing the positive effect of TU in their companies. TU must also invest in strengthening the organisation of unionised workers, especially P&MS. This strategy must go along with adjusted membership fees.

Conclusions

The recognition of P&MS differs from country to country. In some countries trade unions easily recognise professionals and managers of middle level. There are TU organisations which still doubt whether managers should become TU members and if that is even possible, whether they could bring any benefit and contribution to the TU.

TU need a change in their mind-set at high level. Well-intentioned ideas and a well-defined recruitment strategy focussing on P&MS are bound to fail if TU leaders and TU key persons who play a crucial role in decision making processes and resources, are not made aware of the importance of P&MS in TU.

Whether TU are ready to deal with P&MS depends on how they perceive P&MS and on the extent to which they are aware of the obstacles and levers to attract them. When these obstacles are clear, when the levers are clear, it is a question of translating them into a strong recruitment strategy.

One significant part of an action plan consists of being clear about the definition of P&MS. Often it is not specifically defined who we are talking about. Besides managers there is a whole range of professionals and low level managers who are often much more easily motivated to join the TU. Defining and mapping P&MS for action, taking into account legislative context, country- and enterprise-context is an important start.

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A TU-recruitment strategy attracting and recruiting P&MS consists in working at different levels:

▸ A communication strategy taking into account young high-potentials' way of communication, making use of P&MS role models and social media tools; taking into account an adapted and improved tone of voice, avoiding to set up white collar workers, blue collar workers and P&MS against each other;
▸ Elaboration of innovative and actual services for the new world of work to strengthen the position of P&MS on the labour market; by offering different types of services TU can be relevant in good days as well as in bad days as a strategy to attract P&MS and keep P&MS affiliated;
▸ A real social dialogue with P&MS and to the advantage of P&MS, a collective bargaining process and collective agreements extending the areas to attract more P&MS and to convince them of the value of a collective social strategy;
▸ Making TUs visible and attractive to young students and graduates; working for a lifelong partnership and positive attitude;
▸ Working together with employers to convince them of a win-win situation when having a social dialogue with P&MS;
▸ TU must invest in P&MS by giving them a real place in TU, not separating P&MS from other workers but building out a reliable relationship and taking advantage of their position at the enterprise to change policies in a more responsible way;
▸ Taking advantage of evolutions and trends as the economic crisis is an opportunity to show what TU can do to protect P&MS and help them strengthening their position on the labour market. Taking into account the need to attract and affiliate unemployed workers as also P&MS can end up in that situation.

TRAN-MAPS Conference in Paris

9. CONCLUSIONS AND RECOMMENDATIONS

When the ETF decided at its 2005 Congress to open a new front for the specific work on Professionals & Managerial Staff, it took some work to explain to some of its members the need to address this specific group of workers in the transport sector. The MASTER project, funded by the European Commission, that run between 2006 and 2008, provided the necessary evidence that the P&MS share among transport workers had been steadily increasing in the last years and all indicated this trend would be confirmed in the coming years. It further showed that a majority of ETF affiliates were not aware of the specific realities and needs of those workers, thus enabling that the 2009 Congress endorsed the work that had been developed that far by the ETF P&MS working Group and confirmed it should be further developed. When the 2013 Congress took place the TRAN-MAPS project, also funded by the European Commission, was already under way and again Congress could confirm this as a priority in organising the labour force in all sectors the ETF represents.

TRAN-MAPS was indeed the opportunity for the initial network of few trade unions who showed an interest in promoting P&MS activities within the ETF, to deliver a sustained project that brings concrete materials that will, hopefully, assist the whole of the ETF membership in improving their perception of and services to P&MS.

The enlarged and consistent participation of trade union officials in the TRAN-MAPS activities was already a first step into the widening of the ETF P&MS Network. Many came for the first time and praised the content of the activities; others were able to further develop their own internal strategies based upon the knowledge acquired and the exchange of experiences; and others also felt enriched by the possibility of attracting people for a front that their unions were already tackling, often in an isolated manner.

The specific papers that resulted from the discussion in the different workshops on working time and workload, young graduates, women P&MS, responsible European management, criminalisation, how to organise P&MS, are useful tools for the daily work of the ETF membership. They are compiled in a brochure translated into several languages and will assist in the adoption of dedicated strategies for better trade union representation, improved social dialogue and more sustainable businesses across the EU and beyond. In fact the experience acquired by the European transport trade unions will also benefit those represented in the wider family which is the International Transport Workers' Federation.

If the deliverables of this project are mainly addressed to the ETF membership, there are a number of key messages that will only bring fruits if they can be shared and adhered to by transport employers. The ETF is currently part of seven Sectoral Social Dialogue

Committees (SSDC), namely in Road Transport, Railways, Maritime Transport, Fisheries, Ports, Inland Waterways and Civil Aviation. The project has paid special attention to the possible ways of including its issues in the wider sectoral discussions. This resulted in the proposal for all ETF SSDC delegations to integrate at least one representative from the ETF P&MS Network who, to the possible extent, should ensure the inclusion of P&MS related topics in the SSDC annual work programmes. The papers already mentioned are a good basis for the approach to the employers' representatives in the different sectors to identify where to start. The ETF Political Secretaries will also be encouraged to include P&MS issues among their priorities for work in all fronts. In particular, the issues of Responsible European Management, criminalisation and gender equality can easily fit into some of the ongoing work programmes or become the subject of joint social partners' projects. The ETF has already been involved with its counter parts in social dialogue in projects such as on work related stress in railways, harassment and bullying in maritime transport, women employability in railways, among others.

It is important to stress that a better involvement of P&MS in the trade union work can also reveal an added value for the companies in terms of social dialogue and social peace.

On the other hand, the ETF Secretariat will propose to the ETF President and Management Committee to include a dedicated item on P&MS and the outcomes of the TRAN-MAPS project for discussion at the next meeting of the ETF Executive Committee (EC), to take place in November 2014. To this meeting, members of the project Steering Committee will be invited so that not only the project outcomes are put into evidence, but also the EC will involve into the discussion on the need for a more focused approach towards the growing group of Professionals and Managerial Staff within the transport workforce.

Eduardo Chagas

10. WORD OF THANKS

This TRAN-MAPS project, of which the publication in front of you is the final product, could only be concluded successfully with the precious assistance and expertise of the involved organisations and experts.

First of all, I want to thank EUROCADRES, HK Trafik & Jernbane and Oficiaismar, the three partners that contributed from the start of this project with administrative and logistical support and by sharing their experiences with targeting and understanding the issues of Professional and Managerial Staff (P&MS). If the meetings, seminars, workshops and conference organised for all ETF affiliates were so much appreciated by the participants, it is mainly because of the partners' commitment to the project.

Secondly, I want to express my sincere gratitude for the knowledge and time dedicated by the experts to all project events and the document at hand. All texts used in the activities and collected here have been written by Andreas Hasle (HK Trafik & Jernbane), Carlo Parietti (EUROCADRES), Charles Boyle (Nautilus International), James Mitchell (Unite the Union), Kia Regnér (EUROCADRES), Ludo Vekemans (EUROCADRES), Michel Patard (CGT), Sandra Vercammen (LBC-NVK) and Slavica Uzelac (EUROCADRES). All experts were very generous with sharing their experiences, expertise and networks to the benefit of the ETF and its affiliates. It was a real joy to work with them all over the past months and I look forward to future occasions to continue the cooperation.

And finally, I thank the ETF affiliates for their active contributions during the project, the ETF staff for their unconditional support with its implementation and the European Commission for ensuring access to the necessary funds. It is only with the combined efforts of all aforementioned parties that a more social Europe with sufficient attention to all workers, blue and white collar, can come into reach.

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