

Abbreviations

A&S	<i>Ambiente e Sicurezza</i>
AC	<i>Archivio civile</i>
ADL	<i>Argomenti di diritto del lavoro</i>
AL	<i>Actualidad Laboral</i>
AMR	<i>The Academy of Management Review</i>
AppNDI	<i>Appendice al Novissimo Digesto italiano</i>
ARP	<i>Annual Review of Psychology</i>
ARS	<i>Annual Review of Sociology</i>
AS	<i>Aranzadi Social</i>
ASQ	<i>Administrative Science Quarterly</i>
AsS	<i>L'assistenza sociale</i>
BCLR	<i>Bullettin of Comparative Labour Relations</i>
C&CC	<i>Contratti e Contrattazione Collettiva</i>
CACM	<i>Communications of the ACM</i>
CG	<i>Corriere Giuridico</i>
CI	<i>Contratto e impresa</i>
CMAJ	<i>Canadian Medical Association Journal</i>
CMR	<i>California Management Review</i>
CRL	<i>Cuadernos de Relaciones Laborales</i>
CS	<i>Consiglio di Stato</i>
D&G	<i>Diritto e Giustizia</i>
D&L	<i>Diritto e lavoro – Rivista critica di diritto del lavoro</i>
D&R	<i>Danno e responsabilità</i>
DD	<i>Democrazia e diritto</i>
DDP	<i>Digesto delle discipline pubblicistiche</i>
DE	<i>Diritto dell'economia</i>
DL	<i>Il diritto del lavoro</i>
DLM	<i>Diritti lavori mercati</i>
DLRI	<i>Giornale di diritto del lavoro e di relazioni industriali</i>
DML	<i>Il diritto del mercato del lavoro</i>
DP	<i>Diritto pubblico</i>
DPL	<i>Diritto e pratica del lavoro</i>
DPL-Oro	<i>Diritto e pratica del lavoro, serie oro</i>

DRI	<i>Diritto delle relazioni industriali</i>
DS	<i>Droit social</i>
EC	<i>European Countryside</i>
EGT	<i>Enciclopedia giuridica Treccani</i>
EJDR	<i>European Journal of Disability Research</i>
EJSS	<i>European Journal of Social Security</i>
EL	<i>Economia e lavoro</i>
ELLJ	<i>European Labour Law Journal</i>
EMJ	<i>European Management Journal</i>
<i>Enc dir</i>	<i>Enciclopedia del diritto</i>
FA	<i>Foro amministrativo</i>
FI	<i>Foro italiano</i>
GADI	<i>Giurisprudenza annotata di diritto industriale</i>
GC	<i>Giustizia civile</i>
<i>Gen</i>	<i>Genesis</i>
GComm	<i>Giurisprudenza commerciale</i>
GCost	<i>Giurisprudenza Costituzionale</i>
GD	<i>Guida al diritto – Il Sole 24 Ore</i>
GDA	<i>Giornale di diritto amministrativo</i>
GDI	<i>Giurisprudenza di diritto industriale</i>
GI	<i>Giurisprudenza italiana</i>
GLav	<i>Guida al Lavoro</i>
GM	<i>Giurisprudenza di merito</i>
GN	<i>Guida normativa</i>
GU	<i>Gazzetta Ufficiale</i>
GWO	<i>Gender, Work & Organization</i>
HP	<i>Human Performance</i>
HR	<i>Human Relations</i>
HRDQ	<i>Human Resource Development Quarterly</i>
HRMJ	<i>Human Resource Management Journal</i>
HRMR	<i>Human Resource Management Review</i>
IH	<i>Industrial Health</i>
IS	<i>Info System</i>
I&S	<i>Imprese e Stato</i>
IJCLLR	<i>The International Journal of Comparative Labour Law and Industrial Relations</i>
IJHRM	<i>The International Journal of Human Resource Management</i>
IJHS	<i>International Journal of Health Services</i>
IJMUE	<i>International Journal of Multimedia and Ubiquitous Engineering</i>
IJOEH	<i>Italian Journal of Occupational and Environmental Hygiene</i>
IJOEH eal	<i>International Journal of Occupational and Environmental Health</i>

IJOPM	<i>International Journal of Operations & Production Management</i>
IJPR	<i>International Journal of Psychological Research</i>
IKSM	<i>Information Knowledge Systems Management</i>
IL	<i>IUSLabor</i>
ILJ	<i>Industrial Law Journal</i>
ILLeJ	<i>Italian Labour Law e-Journal</i>
ILR	<i>International Labour Review</i>
ILRR	<i>Industrial and Labor Relations Review</i>
IPrev	<i>Informazione previdenziale</i>
IT&P	<i>Information Technology & People</i>
JAP	<i>Journal of Applied Psychology</i>
JBE	<i>Journal of Business Ethics</i>
JBP	<i>The Journal of Business and Psychology</i>
JDPS	<i>Journal of Disability Policy Studies</i>
JFI	<i>Journal of Family Issues</i>
JLB	<i>Japanese Labor Bulletin</i>
JLMR	<i>Journal for Labour Market Research</i>
JLR	<i>Japanese Labor Review</i>
JM	<i>Journal of Management</i>
JMP	<i>Journal of Managerial Psychology</i>
JOB	<i>Journal of Organizational Behaviour</i>
JOM	<i>Journal of Operations Management</i>
JP	<i>The Journal of Psychology</i>
JPE	<i>Journal of Political Economy</i>
JPSP	<i>Journal of Personality and Social Psychology</i>
JPubE	<i>Journal of Public Economics</i>
JSP	<i>Journal of Social Policy</i>
JVB	<i>Journal of Vocational Behavior</i>
L80	<i>Lavoro '80</i>
LD	<i>Lavoro e diritto</i>
LG	<i>Il lavoro nella giurisprudenza</i>
LI	<i>Lavoro informazione</i>
LPA	<i>Il lavoro nelle Pubbliche Amministrazioni</i>
LPO	<i>Lavoro e previdenza oggi</i>
MD	<i>Management Decision</i>
MFI	<i>Massimario del Foro italiano</i>
MGC	<i>Massimario di Giustizia civile</i>
MGI	<i>Massimario della giurisprudenza italiana</i>
MGL	<i>Massimario giurisprudenza del lavoro</i>
MISQ	<i>MIS Quarterly</i>
MRR	<i>Management Research Review</i>
MS	<i>Management Science</i>

NDI	<i>Novissimo Digesto italiano</i>
NGCC	<i>Nuova giurisprudenza civile commentata</i>
NGL	<i>Notiziario della giurisprudenza del lavoro</i>
NLCC	<i>Le nuove leggi civili commentate</i>
NTWE	<i>New Technology, Work and Employment</i>
OGL	<i>Orientamenti della giurisprudenza del lavoro</i>
ORM	<i>Organizational Research Methods</i>
OS	<i>Organization Studies</i>
PB	<i>Psychological Bulletin</i>
PD	<i>Politica del diritto</i>
PE	<i>Politica e economia</i>
QCost	<i>Quaderni costituzionali</i>
QDLRI	<i>Quaderni di diritto del lavoro e delle relazioni industriali</i>
QDSS	<i>Quaderni del Dipartimento di Scienze Sociali</i>
QFMB	<i>Quaderni Fondazione Marco Biagi</i>
QL	<i>Quaderni di diritto del lavoro</i>
QRIDL	<i>Quaderni delle rivista italiana di diritto del lavoro</i>
QRS	<i>Quaderni di Rassegna Sindacale Racc. Raccolta</i>
QS	<i>Quaderni di Sociologia</i>
PP	<i>Personnel Psychology</i>
Psy	<i>Psychometrika</i>
RCC	<i>Rivista della Corte dei Conti</i>
RCP	<i>Responsabilità civile e previdenziale</i>
RDC	<i>Rivista di diritto civile</i>
RDComm	<i>Rivista di diritto commerciale</i>
RDES	<i>Revista de direito e estudos sociais</i>
RDI	<i>Rivista di diritto industriale</i>
RDSS	<i>Rivista del diritto della sicurezza sociale</i>
RFI	<i>Repertorio del Foro italiano</i>
RFS	<i>Revue française de sociologie</i>
RGC	<i>Repertorio della Giustizia civile</i>
RGI	<i>Repertorio della giurisprudenza italiana</i>
RGL	<i>Rivista giuridica del lavoro e della previdenza</i>
RI	<i>Relazioni industriali</i>
RIDL	<i>Rivista italiana di diritto del lavoro</i>
RIMP	<i>Rivista degli infortuni e malattie professionali</i>
RIS	<i>Rassegna Italiana di Sociologia</i>
RIT	<i>Revue International de Travail</i>
<i>Riv. Pen.</i>	<i>Rivista Penale</i>
ROA	<i>Revista da Ordem dos Advogados</i>
RPA	<i>Rassegna parlamentare</i>
RPPA	<i>Review of Public Personnel Administration</i>
RS	<i>Rassegna sindacale</i>

RTDPC	<i>Rivista trimestrale di diritto e procedura civile</i>
RTDPub	<i>Rivista trimestrale di diritto pubblico</i>
SC	<i>Sociology Compass</i>
SD	<i>Sociologia del diritto</i>
SE	<i>Sociology of Education</i>
SF	<i>Social Forces</i>
SJWEH	<i>Scandinavian Journal of Work, Environment, and Health</i>
SM	<i>Stato e mercato</i>
SMQ	<i>Services Marketing Quarterly</i>
SPQ	<i>Social Psychology Quarterly</i>
SS	<i>Sicurezza sociale</i>
SSci	<i>Safety Science</i>
SSoc	<i>Salute e Società</i>
SSM	<i>Social Science and Medicine</i>
TEDE	<i>Technological and Economic Development of Economy</i>
Trab	<i>Trabajo</i>
TRE	<i>Theory and Research in Education</i>
WO	<i>Work and Occupations</i>
YJR	<i>Yale Journal on Regulation</i>

Editorial

This volume presents a selection of papers from the Fourteenth International Conference in Commemoration of Marco Biagi, held at the Marco Biagi Foundation in Modena, Italy on 17-18 March 2016, entitled *Well-being at and through Work*.¹ The Conference brought together insights from different disciplinary perspectives (labour law and industrial relations, economics, organization and human resource management, sociology, work and organizational psychology), focusing on the relationship between the changes in the world of work and their impact on personal well-being.

The concept of “well-being at and through work” opens up the opportunity to investigate certain implications of current employment and labour market strategies, as well as of changing patterns of work organization, that would be neglected otherwise. It also offers the opportunity to reflect on the values underlying labour legislation and the trends in collective bargaining, and to envisage the way ahead in the regulation of change.

A substantial body of research, inspiring policy-making at several levels (national as well as European), envisages a positive relationship between competitiveness-oriented organizational and regulatory strategies based on innovation, flexibility and productivity and outcomes such as job satisfaction, health, and other indicators of employee personal well-being. Flexible working schedules, enhanced job mobility, increased job autonomy and atypical forms of work may prove beneficial in providing better opportunities for vocational development, work-life balance, and integration of certain categories of workers into the labour market. In this line, it may be argued that new forms of employment and work organization and new patterns of traditional employment may strengthen the character of work as a source of personal well-being.

However, research also underlines that the changes in the labour market and in the way work is organized, designed and managed may entail adverse

¹The Conference programme is available at: <http://www.fmb.unimore.it/online/home/international-conference/xiv-international-conference-in-commemoration-of-professor-marco-biagi/programme.html>

effects, such as social and occupational isolation, segmentation, a sense of insecurity and a lack of social protection. Thus, the changes in the world of work can also negatively affect workers' health and safety, leading to stress, injuries and occupational diseases as well as to a deterioration of living conditions, social relations and social capital.

Opportunities and risks need to be examined together to cast light on recent developments and to outline innovative solutions in respect of how regulators (lawmakers, social partners, other stakeholders and relevant actors) can contribute to promote the conciliation of different needs. Namely, the needs and opportunities of the changing employment patterns and the well-being and fair treatment of workers.

The papers in this volume address these and other related issues along three main directions of analysis.

The **first part** has an introductory character, and aims at setting up the basic conceptual framework of the book. It considers well-being as an analytical lens that provides a useful perspective to explore functional and theoretical links between a number of disciplines (i.e. economics, labour law, organization and human resource management, and sociology) with a common interest in the analysis of the relationship between the personal dimension of workers, on the one hand, and work organization and changes in the labour market, on the other.

The opening paper by **Tindara Addabbo** deals with the definition of well-being with reference to the different initiatives, such as the United Nations Development Programme, that have been spurred in the last decades in the effort of measuring social progress and human development beyond the mere concept of Gross Domestic Product. The chapter builds on the theoretical framework of the capability approach, which considers work as a fundamental capability. Following this line of reasoning, **Addabbo** concludes, work should be analysed in its multidimensionality and in the interaction with other dimensions of well-being. Consistently, policies should be evaluated not only in terms of their impact on observables functionings but also in terms of their role in expanding capabilities and in easing the process of their conversion into functionings.

Loïc Lerouge contributes to the setting-up of the general conceptual framework by adding a legal perspective. In his view, the prism of well-being at work serves to re-humanize work and to encompass in work organization not only technical and economic factors but also the often neglected human ones. Therefore, questioning about well-being at work leads to questioning about the recognition of a right to health more specifically related to work, and in turn to a change of paradigm. Starting from an overview of the system

of sources of health and safety law, **Lerouge** advocates a shift of legal perspective aimed at emphasizing the right to health at work, as it emerges from the general employer's obligation of prevention and safety and is further confirmed in the European Framework Directive of 12 June 1989. As the author concludes, such a perspective should promote the integration of the occupational health and economic processes with the aim to bring together health and productivity issues, to create spaces for innovation and to give place to new organizational models capable to integrate their effects on the health of workers.

Using an organizational perspective of analysis, **Teresina Torre**'s paper attracts attention to the evolution of work organization and its more recent trends, and of the concept of well-being as well as to the mutual interactions between the former and the latter. More specifically, the paper proposes an analysis centered on the following questions: What do we mean by "innovative approaches to work organization"? What are we talking about, when we introduce the idea of innovative approaches to work organization? What is well-being? What is the relationship between current innovative approaches to work organization and well-being? How can we look to the future considering together these two key words: innovative approaches and well-being? The aim is to foster a more conscious and structured reflection on the main issue of "how well-being can be really pursued in a working context".

The paper by **Roberto Albano** and **Tania Parisi** addresses the issue of the "value" of work for advanced economies. Authoritative social scientists have offered different theorizations of "the end of the work society". The authors argue that if these interpretations are well-founded, one should see work ceasing to be an important value for an increasing number of people. They also underline that the loss of work's centrality in people's lives could have major consequences for well-being and quality of life. Using selected data from a major repeated cross-countries survey conducted in a number of European countries from 1981 onwards, the paper first measures the values associated with work, and then attempts to provide an empirical answer to the question whether work's cultural centrality has come to an end. The paper focuses on Italy but comparing it with other European countries with different forms of job protection and security, and different welfare models. One of the major conclusion is that individual well-being, in its many different forms, still depends a great deal on having a job.

The **second part** opens the comparative analysis by addressing closely a number of peculiar issues on the implementation and enforcement of health and safety legislation in different systems. The contributions put together the legal, organizational and sociological perspectives.

The paper by **Anna Ginès i Fabrellas**, **Manuel Luque Parra** and **Raquel Serrano Olivares** investigates the role social security schemes can play in tackling the rise of industrial accidents, taking into consideration the specific situation of Spain. More particularly, the authors aim at ascertaining whether the incentivizing schemes laid down in Spanish law represent effective preventative measures against occupational injuries. After presenting a detailed analysis of the legislation in force, dwelling on its drawbacks, **Ginès i Fabrellas**, **Luque Parra** and **Serrano Olivares** put forward a *de lege ferenda* proposal in ten points, whereby, building on a comparative analysis of the French and German experiences, they advocate the introduction of a bonus-bonus and bonus-malus scheme. In the authors' opinion, such a scheme, which would rest on the reduction of contributions for companies with low levels of occupational injuries, coupled with their increase for companies with high levels of workplace accidents, may represent a suitable means to promote workplace health and safety.

Shifting the perspective to China, **Mimi Zou** highlights the fragmented character of the country's legal infrastructure as far as occupational health and safety is concerned, and points to the significant, although still under-explored, structural weaknesses which such structure gives rise to. Although the different bodies of legislation show significant parallels as far as the objectives, players and methods of enforcement are concerned, their structural separation represents a weakening factor, also in consideration of the unclear and uncoordinated responsibilities of numerous authorities involved. **Zou** argues that a more integrated legal framework for occupational health and safety would not only be important for addressing the current implementation gaps, but would also promote the establishment of a preventative culture.

Roberto Albano, **Eleonora Ballocchi**, **Ylenia Curzi** and **Paola Maria Torriani** present a critical examination of Italy's current statutory legislation on the right to work of people with disabilities. The analysis is framed into the more general aspects of the relationship between organization and well-being, and aims at assessing whether the legislation on people with disabilities is consistent with the principle of reasonable accommodation introduced by the Council Directive 2000/78/EC and later taken up by the 2006 UN Convention on the Rights of Persons with Disabilities. In the authors' view, the Italian legislation reveals a conception of the organization as a predetermined and intangible system that requires the adaptation of disabled individuals to the its own needs. As long as this conception persists, **Albano**, **Ballocchi**, **Curzi** and **Torriani** argue, Italy will unlikely go beyond a merely apparent compliance with the principle of reasonable accommodation. As a conclusion, the authors put forward a few provisional suggestions for a better implementation of such principle.

Continuing with the references to the Italian system, the paper by **Roberta Nunin** and **Maria Dolores Ferrara** makes the case for a gender-based approach to health and safety issues. The starting point is Legislative Decree n. 81 of 2008, which introduced an explicit obligation for the employer to include in his risk assessment activity the possible impact of the gender differences in health and safety. As the authors point out, statistic data confirm the persistence of occupational segregation issues that penalize women, mirroring the general labour market trends. On the other hand, given that collective bargaining practices are still tailored on the figure of the “male breadwinner”, a gender-sensitive shift of industrial relations seems unlikely and, in any case, inadequate to integrate the legal policies on these issues. In **Nunin** and **Ferrara**’s view, the mainstreaming of gender health and safety issues in collective bargaining would require a massive investment in the training of operators and a stronger role for decentralized bargaining levels.

The **third part** sheds light on the influence of work organization and working time on workers’ well-being, this latter intended in a broad perspective including the satisfaction of workers’ needs for work-life balance. The papers in this part address this issue focusing on two main aspects. On the one hand, the innovative practices implemented in the workplace and the changes in legislative and collective bargaining provisions aiming at increasing flexibility. On the other hand, the working conditions that may threaten worker’s well-being giving rise to risks related to stress at work, and the methodological challenges involved in their identification.

The paper by **Ana Teresa Ribeiro** explores some recent working time flexibility schemes that may be implemented through collective bargaining, and other related changes introduced by Portuguese Law. The author argues that the new instruments result from the modern tendencies towards the flexibility of labor law, allowing for the optimal adjustment of human resources to the productive needs felt at a certain moment. After providing an outline of the new mechanisms, the author underlines a number of questionable aspects regarding these innovations, which concern both the constitutional conformity of these solutions, and their practical implementation. Based on this analysis, **Ribeiro** concludes that the new working time schemes allow for greater flexibility, with less costs to the employer, but with greater sacrifice to the employees’ interests. According to **Ribeiro**, collective schemes should be given priority, in order to force employers to deal, primarily, with trade unions. Otherwise, the result may be the submission of workers’ interests and rights to management’s interests, with clear loss to their health and life balance.

Flexible working time measures are also the main subject of **Carla Spinelli**’s paper which addresses this issue in the perspective of work-life balance

and of sustainable work. Indeed, this latter perspective draws attention to organizational models that respect and integrate the crucial need for reconciliation of work and private life with that for well-being at work, and thus emphasising the dynamic adaptation of work to the needs of the worker. In this line, the paper focuses on the instruments of flexible duration and organization of working time and on the key role played by social partners and collective bargaining in this regard, especially at the firm level, and examines some of the best practices in this field in Italy. The author also considers the collective agreements at firm level dealing with smart working or agile work, and analyses them in the perspective of sustainable work. The author stresses that each measure on flexible working time, oriented to promote reconciliation, can have positive and multiplier effects, only if it is integrated into a number of other interventions on the organization of work. On the other hand, she attracts attention on the role of the legislator in improving the negotiation of measures of working time flexibility oriented to work-life balance, by providing for either economic incentives to widespread best practices or an advantageous legal framework to promote collective bargaining.

Smart working, as a new pattern of work organization enabled by the use of advanced information technologies, is also the main subject of the in-depth reflection developed by **Daria Sarti** and **Teresina Torre** using an organizational perspective of analysis. The authors review the debate on this phenomenon in the international literature. The latter emphasises the challenges it poses to conventional models of work design, the traditional hierarchy and the classic managerial style focused on control, and its positive effects for both individuals (in terms of work-life balance) and companies (in terms of greater competitiveness). However, the authors also underline the lack of a theoretical framework able to define clearly the phenomenon and its main implications. Therefore, the paper proposes the analysis of three case studies, chosen among enterprises that are just engaged in the use of smart working, based on the lens of the literature on the role of technologies in work organizations and on the relationship between the human and the technical system in an organization. In their conclusion, **Sarti** and **Torre** point out that the potentialities of advanced information technologies play a dual-purpose role. On the one hand, they seem to enrich the social component in organization, allowing people to empower their work; on the other hand, they put in evidence a necessary change in the cultural approach toward work by both managers and workers themselves.

The paper by **Tindara Addabbo**, **Stefania Capecchi**, **Domenico Piccolo** and **Elena Sarti** focuses on self-assessed evaluation of workers' working conditions and work-related stress. Work-related stress, as a latent variable, is ana-

lysed comparing different statistical and econometric techniques. The study explores the relationship between personal, economic and age-dependent covariates as determinants of stress perception at work in a large sample survey, implementing CUB and SEM models. As the results show, the models implemented in the study converge substantially on the same results, with some differences. In particular, not facing discrimination of any type or having an appropriate working time, so as to allow to balance work and private life, are all elements helping the decrease of work stress. **Addabbo, Capecchi, Piccolo and Sarti** conclude that further research is needed to investigate the source in the different effect played by some covariates (as age) in the two models.

Still with reference to the assessment of risks to health related to stress at work, **Ylenia Curzi, Tommaso Fabbri and Christian Nardella** develop a critical reflection on the guidelines issued by the Italian advisory committee for health and safety at work. In doing so, the authors make reference to the recommendations of the European Framework agreement on work-related stress and the general principles of prevention introduced by the European and Italian legislation. Thus, they put forward an alternative approach which combines quantitative data about workers' perceptions of work organization and occupational well-being dimensions and an in-depth organizational analysis of work processes which permits to identify the organizational decisions giving rise to and allowing for the prevention of problems of work-related stress. **Curzi, Fabbri and Nardella** also illustrate how qualitative and quantitative methods can be combined to assess and prevent risks to health related to stress at work in a subcontracting company. The analysis shows that both methods yield to similar results highlighting that workload is one of the most critical conditions of work. In the concluding section, **Curzi, Fabbri and Nardella** identify some potential areas of intervention to eliminate the potential sources of stress in the work processes under investigation. In so doing, they highlight the suitability of the proposed approach to assist employers and other OH&S operators in putting in place interventions covering the organizational conditions of work as a whole, as required by EU and national law.

Miriam Kullmann and Marco Rocca explore the various dimensions of the combination between part-time work with part-time retirement in the context of the EU and of its Member States. The authors highlight that combining part-time work with part-time retirement will enable employers to retain skills and experience, and to establish a well-balanced age structure within the undertaking, thus increasing workforce productivity and work quality. In addition, older workers will be better capable of organizing their work and private lives in the light of care responsibilities. **Kullmann and Rocca** conclude with a number of interesting points in a policy perspective. First of all, they under-

line the need for policy makers to take on a long-term vision in order to address the situation of older workers. A legal framework in this area should guarantee pension adequacy for everyone so that to avoid “forced” employment after the retirement age. In addition, the authors attract attention to the need to take workers’ well-being at work and during retirement into consideration to encourage workers to consider the possibility of continuing work beyond the normal/legal retirement age. In this connection, the authors stress the need for companies and employers to foster the necessary rethinking of work practices with the objective of accommodating older workers’ needs.

In concluding this Editorial, we wish to thank the Marco Biagi Foundation for the opportunity to edit this volume, the authors who submitted papers for publication and, last but not least, Carlotta Favretto and Ksenia Myasnykh, PhD candidates in Labour, Development and Innovation, for their editorial assistance.

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Part I

Interpretative Categories: a Multi-Disciplinary Perspective

Well-being and Work

Tindara Addabbo

SUMMARY: 1. Introductory remarks. – 2. Beyond GDP towards Well-being. – 3. Work as a fundamental capability in the construction of Well-being. – 4. Conclusions. – 5. References.

1. *Introductory remarks*

Well-being at and through work is the central focus of this volume and of the XIV International Conference in Commemoration of Professor Marco Biagi held in Marco Biagi Foundation in March 2016.

In this Chapter the definition of well-being will be treated with reference to the different initiatives that have been spurred in the last decades in the effort of measuring social progress and human development getting beyond Gross Domestic Product (Section 1), for then getting to the link between work and well-being and to the implications for the evaluation of labour market policies (Section 2).

2. *Beyond GDP towards Well-being*

The need of extending economic progress evaluation of a country on the basis of a more complex and multidimensional concept beyond gross domestic product is spread amongst different institutions showing also different theoretical frameworks and measurement methodologies.

Since 1990 the United Nations Development Programme collects data and proposes indicators to extend to other dimensions than GDP the evaluation of human development (UNDP, Human Development Reports various years).

In the 1990 HDR report, human development has been defined in terms of per capita income, education and health, the composite index on Human Development (HDI) ranges from 0 to 1, with 1 showing the highest level of hu-

man development achievement. The HDI allows to see how a higher level of GDP does not necessarily translate into higher level of Human development. In 2010 the indicators used to measure the three dimensions of HDI changed together with the way the different indicators are summarized in an index (from an arithmetic to a weighted average).

An index has also been proposed to assess the extent of inequality in human development by taking into account inequalities across the different dimensions of well-being and by measuring the distance from the HDI and the Inequality corrected HDI.

It is possible to assess the degree of inequalities in human development by gender by using the Gender Inequality Index with regards to reproductive health, participation to the labour market, education and share of seats in Parliaments.

The importance of going beyond GDP has been confirmed also by the Commission on the Measurement of Economic Performance and Social Progress established by the former French President Sarkozy in 2008. The Stiglitz, Sen and Fitoussi Report (2009), that has been the product of its work, had an important impact on other international and national institutions initiatives on measuring well-being, by acknowledging its complexity and extending the attention to other dimensions than GDP. The Report included in the measurement of well-being eight core dimensions:

1. health;
2. material living standards (income, consumption and wealth);
3. education;
4. personal activities (including paid and unpaid work);
5. political voice and governance;
6. social connections and relationships;
7. environment (present and future conditions);
8. insecurity (economic and physical).

The European Commission started the Beyond GDP programme in 2007 and the European Commission Communication in 2009 (GDP and Beyond – Measuring progress in a changing world, COM (2009) 433), introduced explicit aims on the need of developing more inclusive indicators to better frame policies and guide public debate.

The 2009 European Commission Communication together with the Stiglitz, Sen and Fitoussi Report recommendations contributed to a new effort by the European Statistical System that led to the European Statistical System (2011) Report showing indicators that can be used to measure well-being on three main domains:

- Household perspective and distributional aspects of income, consumption and wealth;

- Multidimensional measures of quality of life;
- Environmental sustainability.

The Organisation for Economic Co-operation and Development has elaborated a new framework: the Better life initiative aiming at promoting “Better Policies for Better Lives”. The project started in 2009 and within this framework the OECD has elaborated an index: the Better Life Index¹ that allows to measure the different dimensions of well-being (Table 1) and to compare across countries the achievements in the different dimensions.

The dimensions of well-being taken into account in the Better Life Index can be grouped in:

- Material conditions (income and wealth, jobs and earnings, housing);
- Quality of life (including health, work-life balance, education, social connections, civic engagement and governance, environmental quality, personal security and subjective well-being).

The concept of job quality taken into account by OECD (2015) is multi-dimensional its indicators are referred to earnings quality, labour market security and quality of working environment (Cazes, Hijzen, Saint-Martin, 2016).

Table 1. – *Dimensions and indicators of the OECD Better Life Index.*

Domain	Indicator
Income and wealth	Household Net Adjusted disposable Income
	Net Household financial Wealth
Job and earnings	Employment rate
	Average annual gross earnings full-time employee
	Probability of becoming unemployed
	Long term unemployment rate
Work-life balance	Employee working very long hours
	time devoted to leisure and personal care

¹ <http://www.oecdbetterlifeindex.org/>

Housing	Room per person Housing expenditure Dwellings without basic sanitary facilities
Environment quality	Satisfaction with water quality annual exposure to fine particulate matter air pollution
Health Status	life expectancy at birth perceived health status
Education and skills	educational attainment of the adult population cognitive skills of 15 year old students competencies of the adult population aged 16-65
Social connections	Perceived social network support
Civic engagement and governance	Voter turnout
Personal security	Deaths due to assault Self-reported assault
Subjective well-being	Life satisfaction

Source: OECD (2015), *Selection from Table 1.1*, 26.

Another composite indicator of well-being proposed by the Centre for the Study of Living Standards is the Index of Economic Well-Being (IEWB). This index measures well-being by focussing on command over resources and on four dimensions:

- Consumption flows (including market consumption, government spending and unpaid work);
- Wealth (including not only per-capita capital stock but also research and development, natural resources and human capital);
- Economic equality (income distribution and poverty);
- Economic security (on the risk in future economic conditions).

The Index of Economic Well-Being has been extended by Berloffia and Modena (2012) to include also the employment risk connected to being in a temporary or irregular employment status and the income loss suffered by younger generations with respect to older ones. Berloffia and Modena (2012) show that in Italy and in the Italian region Lombardia from 1995 to 2007 the gap in the lower increase in the Index of Economic Well-being with respect to GDP widens when they use the revised version of the Index of Economic Well-Being that includes also income insecurity connected to job type and intergenerational inequality.

Turning to theoretical framework of well-being evaluation we refer to the capability approach. The capability approach to well-being is centered on capabilities – a set of opportunities that can be achieved – and functionings – what the individual realizes, is and does (Sen, 1985, 1993). Another key element of the capability approach is agency and the evaluation of the extent to which the individual can achieve the states of being and doing that she values. The extent to which the capabilities can be converted into factors is affected by conversion factors that can be aggregated into personal (amongst them age, gender), social (amongst them institutional, cultural, social norms) and environmental (amongst them climate, public facilities, quality of the air) conversion factors (Sen, 1992). The process of converting available resources into well-being is dependent on these personal, social, and environmental conversion factors.

In this framework public institutions can play a role (Addabbo, Lanzi, Picchio, 2010) in removing constraints that can limit individuals development of capabilities and/or their conversion into functionings and in expanding their opportunity sets.

A crucial issue for the definition of well-being in the capability approach is the selection of the relevant dimensions of well-being.

Based on social justice arguments Martha Nussbaum (2003, 2011) proposes a defined list of ten capabilities that in Nussbaum's words:

“Considering the various areas of human life in which people move and act, this approach to social justice asks, What does a life worthy of human dignity require? At a bare minimum, an ample threshold level of ten Central Capabilities is required. Given a widely shared understanding of the task of government (namely, that government has the job of making people able to pursue a dignified and minimally flourishing life), it follows that a decent political order must secure to all citizens at least a threshold level of these ten Central Capabilities” (Nussbaum, 2011).

On the other hands the list of capabilities is kept open and should be defined with reference to the specific context in Robeyns' (2003) interpretation of Sen's approach.

Addabbo, Lanzi and Picchio (2010) propose to define the list of capabilities implicit in the institution analysed by detecting the functions and targets taken by the government analysed.

Participatory lists of capabilities emerge from the application of qualitative participatory analyses to the definition of well-being (Biggeri et al., 2006).

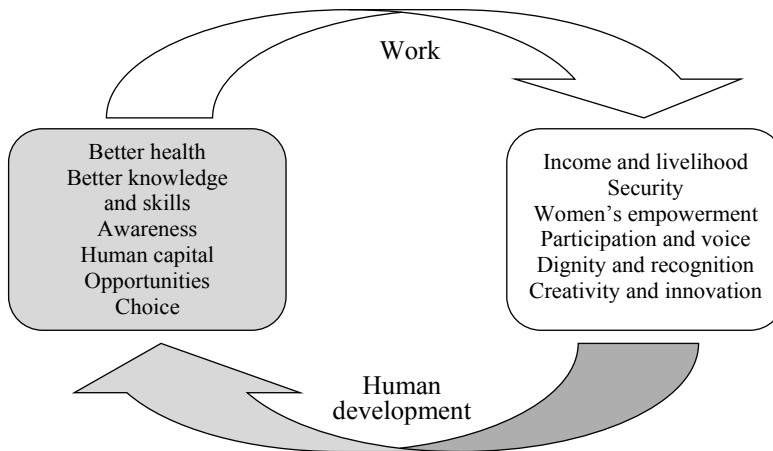
3. Work as a fundamental capability in the construction of Well-being

In the definition of well-being, work can be considered as a fundamental capability.

In the capability approach: “work is not reduced to a means of earning a living or an input factor for production but seen as an intrinsically valuable activity and hence a relevant dimension” (Leßmann, 2012).

As the UNDP (2015) HDR Report devoted to Work for Human development shows work and human development can be synergists. Work that positively contributes to income and livelihood, women’s empowerment, participation and voice, dignity and recognition, creativity and innovation can positively affect human development. Human development that produces better health, knowledge and skills, greater awareness, can increase human capital, opportunities and possibility of choice that in turns can develop the capability of work (Figure 1).

Figure 1. – *Links between work and human development in UNDP (2015) Report.*



Source: UNDP (2015), Fig. 1.3, 33.

However, as the UNDP (2015) Report stresses these links are not automatic and are rather affected by conditions related to the quality of work, to the worker's voice and participation as well as to work societal value.

In terms of accessing job it is relevant, in the capability approach, to detect not only the level of labour demand but also the existence in the labour market analysed of discriminatory practices or legislative protective provisions that could limit the individual capability to work.

Burchardt (2002) addresses the point of defining and measuring capability for employment with regard to women's paid employment by using British Household Panel (1998/9). Her application shows that for about three quarters of women not in paid employment the employment capability was not developed and of them only 1/3 was captured in the available unemployment figures.

Turning to joblessness, the capability approach allows to detect a wider set of costs connected to joblessness. The literature has shown the costs of being unemployed not only in terms of income and GDP losses but with reference to many other relevant dimensions of well-being including health, social relations, experience and human capital (Sen, 1997) of the unemployed and their families leading to costs for the individual and the unemployed person's household. As shown by Sen (1997) high unemployment rates bear costs also in terms of higher resistance to technological innovation and organizational changes within firms. By focusing on the impact of unemployment on subjective well-being it is possible to detect other costs of being unemployed than those directly related to income. The non-pecuniary costs of unemployment according to Helliwell and Huang (2014) analysis based on two US large surveys (the Centers for Disease Control and Prevention's BRFSS and the Gallup-Healthways Well-Being Index) are on total around twenty times larger than those directly connected to lower income if unemployed.

As Hijzen and Menyhert (2016) found the effect of the risk of unemployment is also reflected on the well-being of those who are employed, the effect being larger when the risk of being long term unemployed is higher. The correlation between labour market insecurity and different measures of subjective well-being (life satisfaction, job satisfaction, job security) is negative and the life satisfaction measures decreases more from 2007 to 2013 in those countries (as Greece, Spain and Italy) whose labour market insecurity index increases the most. The negative effect of increased labour market insecurity on life satisfaction is also confirmed by multivariate analyses that shows also the importance of taking into account the interaction of unemployment risk and unemployment insurance in affecting subjective well-being (Hijzen, Menyhert, 2016).

Easing restrictions on temporary employment without changing firing costs for permanent workers has been found, by using ECHP longitudinal data, to positively affect well-being of permanent and temporary employees (Salvatori, 2010). Origo and Pagani (2009) analysis based on Eurobarometer data and controlling for endogeneity of the job type shows how job satisfaction is affected more than by the type of contract (temporary or permanent) by job security.

Recognizing the wider meaning of work Budd and Spencer (2015) try to bridge the gap between worker's well-being and the meanings (in terms of physical health, consumption, mental health and personal fulfilment, identity, freedom, caring for others and service) that can be derived from work enriching human life and society as a whole as they highlight:

“A more complete approach to worker well-being needs to go beyond job quality to consider workers as fully-functioning citizens who derive and experience both public and private benefits and costs from working” (Budd, Spencer, 2015).

Therefore their more comprehensive approach to worker's well-being requires to consider a wider set of dimensions (Table 2).

Table 2. – *Domains of worker well-being in Budd and Spencer's approach.*

Pay and benefits

- An adequate income including a 'living wage' and basic benefits coverage
- Economic security via social safety nets

Safety, health and body work

- Protection against workplace hazards and risks
- Positive indicators of a worker's physical health
- Protection against unwanted intimacy and sexual harassment

Psychological and mental health

- Avoidance of undue stress associated with work
- Avoidance of excessive effort and hours of work
- Positive levels of job satisfaction and self-esteem Identity

Identity

- Positive levels of self-identity and consistency with life goals
- Pay, benefits and other markers of social standing that contribute to positive identity
- Avoidance of excessive levels of emotional labour and other sources of inauthenticity

Freedom and voice

- Freedom to quit and occupational choice
- Protections against discrimination, harassment, abusive treatment and unfair dismissal
- Ability to form independent trade unions
- Workplace free speech protections

Skill and creativity

- Opportunities for skill development and use
- Avoidance of low complex and mundane work

Autonomy over work

- Opportunities to control how and what work is done
- Opportunities to influence design and planning of work

Governance and ownership

- Opportunities to participate in how work is managed
- Opportunities to own productive assets

Caring

- Opportunities for caring for others
- Avoidance of conflicts that prevent the fulfilment of caring responsibilities

Serving others

- Opportunities for serving others
- Avoidance of conflicts that interfere with ability to serve others

Source: Budd, Spencer (2015), *Table 1*, 189.

Leßmann and Bonvin (2011) use the capability approach to put the issue of job satisfaction into a wider framework. In the Capability approach they complement the concept of job satisfaction with the concept of valuable work that requires putting the quality of work in a wider context including personal and social factors therefore framing what can be defined as the capability for work. This perspective requires taking into account, in order to evaluate worker's well-being, qualitative and quantitative data and to collect information on a wider set of variables with reference to different levels: social environment (welfare state, discriminatory practices and labour market policies and legislation, labour relations, public services related to care); firm environment (training, mobility, human resources management, work-life balance policies, extent of performance pay, workers' representativeness at firm level negotiations); household (household's composition and its members' situation in terms of care role and work) and individual and to analyse the interaction of these different levels in the development of the capability for work.

However, as Leßmann and Bonvin (2011) stress most of the available in-

formation relate to functionings (actual data on wages, working hours, health, autonomy ...) and do not provide direct information on capabilities, on the options that are available to workers given their resources, household, personal and social conversion factors.

The Capability Approach has been used also in the evaluation of labour market policies. Its use to evaluate public policies' impact requires not just to refer to the unemployment figures but to the employment capability (Burchardt, 2002) and to evaluate to what extent the policies are able to ease or rather limit the development of capabilities or their conversion into functionings (Dang, 2014).

Bonvin and Farvaque (2005) use this approach in their analysis on the appropriate informational bases to select in the assessment of claimant's situation to access social benefits and activation policies. They stress how it is important, in order to reduce the risk connected with producing adaptive preferences, of adapting to the context in which one is embedded, that the claimant's capability for voice – the capability of participating in the public process itself, expressing concerns and wishes – is developed. In the capability approach: "Training measures, subsidised jobs, or social benefits count to the extent that they widen access to valuable functionings. The distribution of such individual entitlements must not be function of what the people have done in the past – in line with a blame-allocating vision of social responsibility – but be forward-looking instead, which entails taking into account people's preferences in the process" (Bonvin, Favarque, 2005).

In this perspective it assumes relevance to what extent public institutions can develop the individual's capability for voice and whether the institutions are themselves capable to listen to the individual's voice promoting individual's autonomy not only at the end, but throughout the process of policy design and implementation.

With reference to training policies Leßmann and Bonvin (2011) highlight the importance of taking into account the degree of transferability to different working environments of the competencies developed by training policies. Lambert and Vero (2013) show how firms' corporate policies can play a key role in the conversion of the employees' capability to aspire for learning into functionings.

4. Conclusions

Well-being is a complex and multidimensional concept that requires to widen the observation to other dimensions than only GDP and income. Work plays a crucial role in the development of well-being and can be synergist to

human development. To capture the links between work and well-being – as highlighted by the capability approach – work should be analysed in its multi-dimensionality and in the interaction with other dimensions of well-being and policies should be evaluated not only in terms of their impact on observables functionings but also in terms of their role in expanding capabilities and in easing the process of their conversion into functionings.

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Well-being at Work: a Few Considerations Under a Legal Perspective

Loïc Lerouge

SUMMARY: 1. Introduction. – 2. From “occupational health and safety law” to the “right to health at work”. – 2.1. The definition of “occupational health and safety law”. – 2.2. The recognition of a “right to health at work”. – 3. Work as a well-being factor: the role of law to preserve it. – 3.1. Acting on the organizational approach in light of the employer’s health and safety obligation. – 3.2. Promote the collective approach to preventing health violations at work. – 4. Conclusion. – 5. References.

1. Introduction

Well-being at work, how is it seen by the lawyers? Although the term does not represent in itself a legal category, it has the advantage of pointing out the issues that are still undervalued by the law. For example, such a EU member state as Belgium insured major consistency to well-being at work by opting to transpose in its national law a European framework directive of 12 June 1989 391/89/CEE¹ in the form of the law of 4 August 1996² regulating workers well-being at work which defines “well-being at work as a mix of factors which relate to the conditions in which the work is performed” (art. 4 §1st). Well-being is examined from the point of view of the measures related to the “safety at work”, “protection of the workers’ health at the workplace”, “psychosocial aspects at work” (art. 5 para. 1st). In such a way “well-being at work” seems to extend health and safety at work to the working conditions, as well as to the psychosocial and organisational aspects of work tackling in this way all the aspects of labour law and work.

¹ Framework directive 89/391/CEE of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, JOCE n° L 183 of 29 June 1989, 1.

² Law of 4 August 1996 in relation to the workers wellbeing during work performance, *Moniteur Belge*, 18 September 1996.

It is well known that work may be a source of malaise but deprivation of work is even worse as it may become a source of great suffering. Unemployment is often associated with the risk of suicide. It is considered to be a factor leading to the degradation of the mental health as it generates stress, poor self-esteem and desperation.

On the other hand, mental health disorders related to unemployment can obstruct the employment (resistance at the workplace, prejudices and discrimination) and may even aggravate the initial disorder. Therefore, it is necessary to reconsider work as a health-protecting factor. Law plays an essential role as a guarantor of healthy working conditions.

In effect through well-being at work, it becomes possible to reconsider the logic and economic considerations in the light of occupational health. The prism of well-being at work serves to re-humanize work and to consider in work organization not only technical and economic factors but also human ones, which are often neglected. The creation of a link between economy, work organization and health makes it possible to establish an interdisciplinary dialogue (Karasek, 2004). In relation to the personal dignity and health work may represent an ambivalent factor, at the same time destructive and constructive. However the latter aspect is often lost in face of the economic crises and general evolution of work which involves different forms of work organisation. So the questions in this regard may be how to rediscover work as a protective as well as pro-active factor of well-being? What is the role of law in this regard?

The issues of “work” and the involvement of a person in the process of work should be dealt with in this dynamic. Although often external to the issues linked to the sociology of work, work psychology, medicine, ergonomic and existing legal texts may contain some spaces allowing a constructive interpretation, which may give rise to the legal rights for health and safety at work. The malleability of this approach sends us back not only to the material conditions, but also to the relational and organizational conditions of work.

The lawyer’s specific work consists in, interpretation aimed to place the meaning of words not only into the historical context of their pronunciation and writing but also in the contemporary social context of their application: “This is the lawyer’s and judge’s task to make the word ‘speak’ at the time and in the context where it is mobilized”.³

³ Intervention of Professor Pierre-Yves Verkindt on 15 December 2015 at the seminar «Quality of life at work: from concept to practice» du Young Researchers Network in Work and Health.