

Vocational training and social dialogue

Status report on selected countries in Latin America, Spain and Italy.

INTRODUCTION

Strengthening the links between vocational training and labour law and labour relations – specifically, social dialogue – was one of the central issues addressed by ILO/Cinterfor over the course of many years. In 2014, we return to these issues, in the conviction that the inclusion of matters related to vocational training in collective bargaining processes, as well as in other expressions of social dialogue, constitutes an effective tool in the promotion of lifelong learning for workers.

With the purpose of systematizing recent developments and experiences in this area, we requested the help of a number of experts in the region and asked them to answer a survey which would enable us to discover the status of this issue in their respective countries.

This Note provides a summary of this survey, organized into five areas: vocational training in social dialogue processes; collective bargaining and vocational training; labour laws; the

formalization of employment, social dialogue and training, and studies and publications.

VOCATIONAL TRAINING IN SOCIAL DIALOGUE PROCESSES

Social dialogue processes have been incorporated, with different emphasis, vocational training as one of the subjects of negotiation, particularly when its impact on improving salaries and labour conditions is noted.

After the crisis of the 2000s in Argentina, social dialogue was promoted in the area of labour relations and became strongly institutionalized, with the update or creation of tripartite conciliation bodies.

A significant setting for discussion on vocational training is the National Board of Employment, Productivity and Minimum Vital and Mobile Salaries, which includes a vocational training committee. Likewise, the aim of the Tripartite Sectoral Councils for Lifelong Learning and Skills Certification is to move towards the establishment of a National Lifelong Learning System.

In Colombia, a noteworthy agreement was reached in May 2013, in the area of public administration, between the government and the sector's trade union federations, which provides two training programmes, with their respective governmental commitments.

In Costa Rica, several social pacts or framework agreements which include vocational training have developed. For example: the National Employment Policy initiative, produced by the Superior Labour Council (a tripartite body for social dialogue) and the proposals for a Decent Work Plan, with the support of ILO. In addition, the National Employment Strategy, which was about to be launched at the time of the survey, also includes aspects related to vocational training.

In Spain, the issue of vocational training has been a countrywide focal point for social dialogue since the eighties. The system was based on bipartite and tripartite interprofessional agreements conducted through a foundation that handled resources and organized investment in training activities. The Agreement on Vocational Training

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The principal sources for this research were the answers to a survey conducted among national experts in different countries in the region and the world. We are grateful for the participation and valuable contributions of: Beatriz Cappelletti (Argentina), Sidnei Machado (Brazil), Mauricio Castro (Costa Rica), Martha Monsalve and Carlos Patiño (Colombia), Antonio Baylos (Spain), Franca Fiacco (Italy), Carlos de Buen and Alfredo Sánchez Castañeda (Mexico) and Oscar Hernández Álvarez (Venezuela).²

The full report will be available shortly on ILO/Cinterfor's website: www.oitcinterfor.org

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2. Information on country cases, as well as considerations assessing them in this paper should be attributed to the experts consulted.



for Employment – February 2006 – is one of the most significant tripartite agreements in the field. Since 2012, the matter has left the orbit of collective bargaining and is administered directly by the government.

Employment and training policies in Italy are based on two types of agreement: collective agreements or contracts and interprofessional funds for lifelong learning. There are two kinds of collective contracts: national or regional bilateral bodies responsible for training policy, and interprofessional funds which are used to finance the training plans of businesses, across industries and territories.

In 2011 and with ILO's support, the government of Uruguay called for a National Dialogue on Employment, organized on the basis of five focal points. The first, on youth employment and training, included a subordinate focal point on education and vocational training, which led to specific agreements for the establishment of a Comprehensive National System for Vocational Training. As a result of these agreements, Law N° 19,133 on Decent Work for Youth linking employment to education and vocational training arises.

Brazil, Mexico and Venezuela did not reach any framework agreements on this issue, although there were some vocational training initiatives arising mainly from the official government sector.

COLLECTIVE BARGAINING AND VOCATIONAL TRAINING

Since the inclusion of vocational training in collective bargaining depends on the level of maturity of the labour relations system, there are significant differences between countries in which negotiation processes have made progress and others that still face barriers to the enjoyment of trade union freedom or whose unions are too weak to sustain collective bargaining.

In Argentina, since 2004, revitalizing collective bargaining has made it possible to broaden its scope to include, among other aspects, vocational training as a subject of negotiation within the "labour conditions" category.

Argentina's policy to promote negotiation, launched by the Ministry of Labour, Employment and Social Security should also be mentioned. It contains some model clauses on vocational training and promotes job training committees as an equal treatment setting.

Collective bargaining in Spain contains provisions for vocational training, both in sectoral agreements and in agreements at company level, as well as job placement methods and commitments as to training content. Clauses regarding training relationships, such as trainee grants, are also common. Sectoral agreements continue to matter in the current critical context – collective agreements by sector or at state level – whose specific content focuses on vocational

training for employment.

In Uruguay, Law N° 10,449 on the establishment of Tripartite Sectoral Councils (Salaries Councils) has the power to regulate learning. For example, agreements on study or training leave have been frequent at different sessions of these Councils.

This experience has not been so significant in other countries. In Colombia, workers continue to focus mainly on their financial and union demands, although the study has identified some conventions and agreements related to the training of workers and their families.

In Italy, there are numerous joint interprofessional funds for lifelong learning.

Mexico is unusual in that, although historically it has addressed "capacity-building and training", some backsliding has taken place in recent years. The Federal Labour Act provides for the obligation of employers to hold collective contracts, rather than the right to collective bargaining.

While these contracts include clauses related to capacity-building and training, the lack of collective bargaining has a negative impact on its realization.

LABOUR LAWS AND VOCATIONAL TRAINING

Vocational training emerges strongly in regulations targeting the encouragement of youth employment.

We can cite legal developments in Argentina on the regulation of internships for young people and students, or the initiatives promoted

by Brazilian legislation to regulate learning and internships in work contracts.

In other cases, references to training in recent laws have emerged within the jurisdiction of labour ministries in processes involving institutional reform; as in Colombia's Law N° 1,444 of 2011 and its regulatory decree 4,108, which created the Mobility and Training for Work Board, answering to the Under Ministry for Employment and Pensions.

In Costa Rica, a bill has been submitted to the consideration of the Legislative Assembly, for the development of dual training, including vocational training at work, which has the support of the business sector.

Spain is unique in this area in that, added to the wealth of its regulations via collective agreements is the complexity of its labour reform, enacted in recent years under the umbrella of its employment policy. Royal Decree 395/2007 is the paradigmatic text in this respect. It created a sub-system of vocational training for employment, ensuring the participation of trade unions and business associations through the Tripartite Foundation for On-the-Job Training (Fundación

Tripartita para la Formación en el Empleo).

Numerous regulations have also been launched in the field of employment policy, such as Law N° 12/2001 on the labour market reform, which provides for programmes to foster employment among groups with job placement difficulties. A number of regulations were promoted between 2010 and 2011, focusing on vocational training in relation to unemployment, as an aspect of welfare protection.

Something similar took place in Uruguay, where training activities can be stipulated as a condition for workers to receive monetary grants (unemployment benefits).

Labour laws in Mexico have traditionally referred to capacity-building and training. In the legal reform of November 2012, which amended the Federal Labour Act, the notion of vocational training including specifications regarding capacity-building was included for the first time. However, vocational training lost ground when it was no longer compulsory for enterprises to train and build capacity without the existence of a collective contract.

In Uruguay, we can cite recent legislation on the promotion of decent youth employment: Law N°

19,133 of 2013, which provides for contractual arrangements to combine the promotion of youth employment and entrepreneurship with vocational training.

FORMALIZING EMPLOYMENT, SOCIAL DIALOGUE AND VOCATIONAL TRAINING

Another of the issues surveyed referred to the existence of employment policies for inclusion and formalization that included vocational training actions.

In this respect, it was noted that regulations addressing informal employment, as well as rural and domestic labour are developments that further help to formalize employment in Argentina.

In addition, the Technical Commissions of the National Board of Employment, Productivity and Minimum Vital and Mobile Salaries provide information and advisory services on the subject of formalization and vocational training.

Other countries have their own specific institutional arrangements. Such is the case of Brazil, where the Inter-Trade Union Department of Statistical and Socio-Economic Studies (DIEESE for its acronym in Portuguese) is developing a project on reducing informality by means of social dialogue.

Colombia's Permanent Commission for



Conciliation in Salary and Labour Policy is an institutionalized body which has recently been revived.

In Uruguay, in addition to the law on decent youth employment, we should mention that work is under way on a draft bill for a national vocational training system, with a view to standardizing and certifying knowledge and labour skills.

In Spain, a country with a long history of social dialogue in the field of employment, the situation is different. Since 2010 and in the context of the country's austerity policies, labour and employment reform has been established unilaterally by the government, which has led to resistance from the unions.

In Mexico, some actions have begun to be implemented, but the Employment Formalization Programme (2013) does not provide for the participation of social stakeholders.

An innovative and recent experience involves the establishment of Sub-National Decent Work Agendas. By means of tripartite social dialogue, they put into practice agreements, policies and programmes in order to facilitate access to employment and the promotion of decent work. These Agendas have been implemented in some parts of Brazil, Argentina, Chile,

Paraguay and Uruguay.

In 2013, and with the technical support of ILO, a Network of Sub-National Decent Work Agendas was created with the purpose of gaining understanding of these experiences, promote their development and share good practices.

STUDIES AND PUBLICATIONS ON VOCATIONAL TRAINING

It emerged from the survey we conducted that the most significant studies on training, social dialogue and labour relations are to be found in countries where these issues are an object of current practice among social partners.

In some countries, publishing has been conducted mainly by the Labour Ministries (Argentina); in others, there are both public and private studies (Brazil), while in others, studies have also originated in academic settings (Spain, Italy and Uruguay).

On the ILO/Cinterfor website, under "Social Dialogue and Vocational Training" (Topics), there is a selection of documents for further reading on the subject.

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FINAL CONSIDERATIONS

- Difficulties in applying collective law and trade union freedom restrict social dialogue and collective bargaining on training in the region. In some countries, such as Argentina, Uruguay and Colombia, there is a broader spectrum of topics involving negotiation, which increases expectations of their interest in moving forward on the issue.
- Means of implementing social dialogue on vocational training can derive both from the labour environment itself and from tripartite institutions, with the participation of a variety of interlocutors, not limited to those traditionally involved in labour relations. This "double institutionality" displays different features and dynamics that should be borne in mind when analysing social dialogue on this issue.
- Youth employment policies continue to resort to contractual arrangements with strong links between work and training.