

In4BTE

Information, Consultation and Participation rights as a factor of success
of the business transfer to employees in SMEs

STATE OF THE ART: SPAIN

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Brussels, 16th of May, 2019

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Sociedad Laboral “the concept”

- No exact parallel in other EU Countries.
- Existing in Spain since 1973.
- A Sociedad Laboral is a **worker-owned** company, that has adopted the form of **public or limited liability** company and the **majority** of the shares are **owned by its permanent employees**.

I. DISPOSICIONES GENERALES

JEFATURA DEL ESTADO

11071 *Ley 44/2015, de 14 de octubre, de Sociedades Laborales y Participadas.*

FELIPE VI

REY DE ESPAÑA

A todos los que la presente vieren y entendieren.

Sabed: Que las Cortes Generales han aprobado y Yo vengo en sancionar la siguiente ley:

Participation of Employees

KEY in the FUTURE of EUROPE



Preamble to the new law

**“Sociedad Laboral, as the prime
example of employee
participation in the company in
the EU context”**

Employee involved company “the concept”

Employee involved Companies are those conventional companies that shall not be considered “Sociedades Laborales” because do not meet the requirements of Chapter I, but promote employee participation, **in particular through the legal representation of workers.**

Envolvement/Participation means



**Participation in
Management**

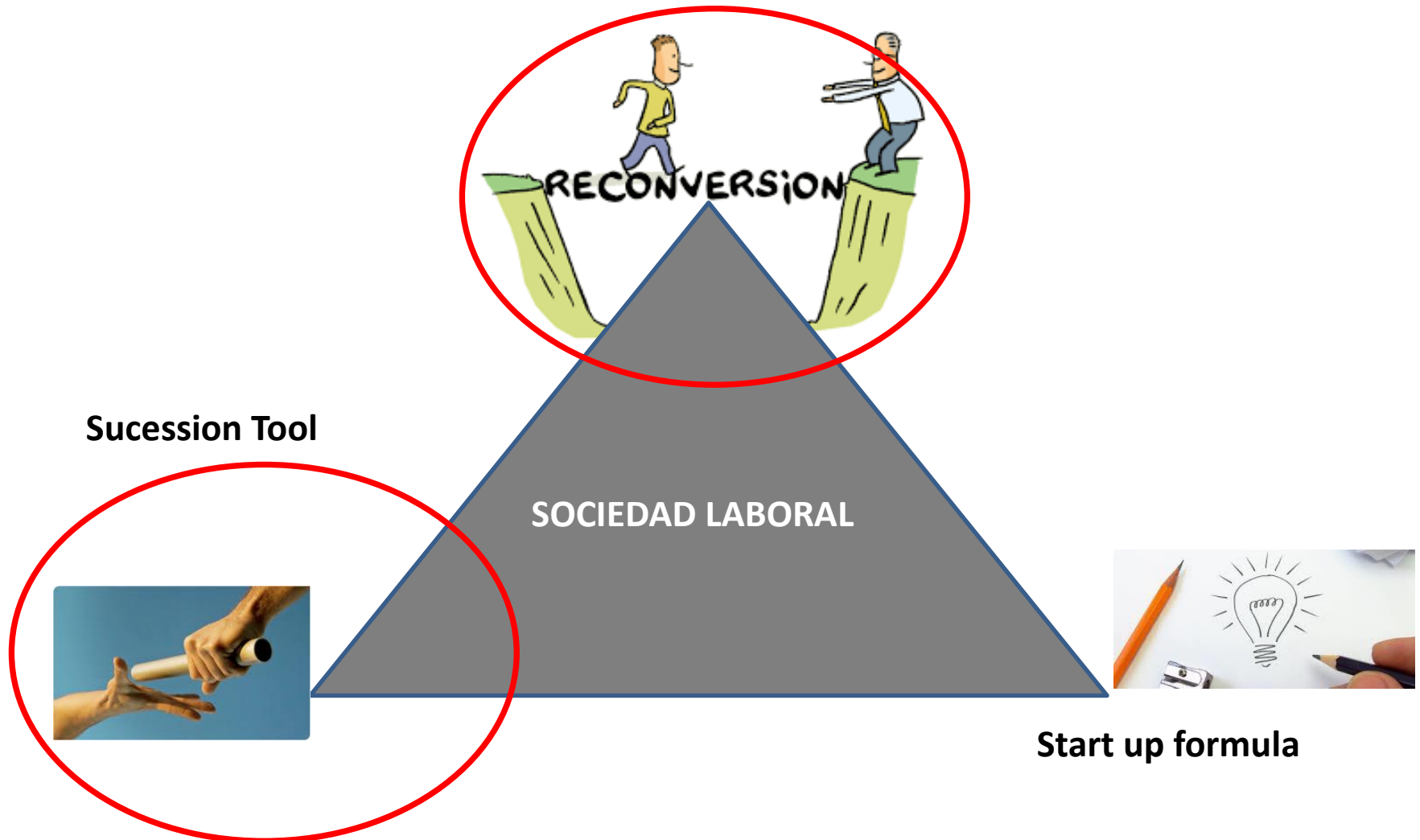


**Profit Sharing
scheme**



**Equity
participation**


Employee Owned Companies: Real Alternative



Positive Impact for all Stakeholders

- **For transmitters (succession processes): :**
 - Realistic alternative before the sale or closing.
 - Obtinance of economic resources.
 - Maintenance of the company and employment.
 - Sometimes, economic saving.
- **For Employees:**
 - Maintenance of employment. Improvement of security and continuity in employment.
 - Increase of autonomy in the workplace, greater participation and motivation.
- **For the company:**
 - The greater linking of people to the company contributes to increase the competitiveness, viability and sustainability of the companies.
 - Increase of productivity.
 - Increase of perdurability rate.
 - Greater social cohesion.
- **For the Environment/territory:**
 - It favors employment and social cohesion; and, it enhances the business commitment with its social environment.
 - Tool against relocation.
 - Rooting and mintenance of decision making centers.

Strategy at State Level

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- 1) New Law on Labour Societies and Employee Owned Companies. Published the 14th November, 2015.
 - 2) Colaboration among CONFESAL and Spanish Trade Unions to promote employee participation.

Trade Unions involvement to promote employee participation

- 1) From 2011-2016, CONFESAL with other european partners developed “PRO-EFP” project focused on employee financial participation. Both main spanish trade unions (UGT and CC.OO) participated in the discussions.
- 2) S-Deed Project. In 2012, it was launched the project S-Deed on “Social Dialogue to enhance Economic Democracy in the frame of the 2020 Strategy” with other partners from Italy, France, United Kingdom and Spain). 
- 3) Study research on employee involved companies in Spain financed by EOI and cofinanced by CONFESAL. 
- 4) **Agreement of Confesal with UGT and CC.OO to trigger employee involvement.** 17th of March 2014. 
 - Workshop on companies’ recovery. Nov. 2015

Agreement with Trade Unions



Social Dialogue in Employee Owned Companies

Creation of a link between trade unionism and business sector

WHY?

To provide solutions for stable employment in the framework of the dialogue to develop initiatives that favor the participation and involvement of employees in the company and socio-economic development.

Main Targets of the Agreement

Collaboration between the three organizations.

Foster the knowledge of the figure of Sociedad Laboral and Collective Self-Employment

Promotion of knowledge, employee participation and involvement in the company, better qualification...

Improve the level of competitiveness of companies and promote all human aspects that have compromised their personal and work future with a business project.

Strengthen one of the factors of improvement of current well-being

Content of the Agreement

Clause 1: Promotion and dissemination of the self-management business model

Clause 2: Bring together the contributions that improve the legislative initiatives on employee participation in companies

Clause 3: Work together in company recovery and succession processes

Clause 4: Promote employee unionism in our business model

Clause 5: Jointly develop a specific methodology of union participation in our business model

Clause 7: Improve employee training

Clause 8: Commitment to CSR

Clause 9: Gender equality

Clause 10: Measures for the modernization of markets, quality of work and workers' capacities.

Clause 11: Application of self and security measures

Clause 13: International cooperation

Clause 14: Immigrants employees

Clause 15: Make the agreement visible

Clause 16: Follow up Committee

Cláusula 3

Colaborar en los procesos de superación de crisis empresariales (reconversión, reflotamiento de empresas, empresas familiares que por jubilación de sus socios dejan la actividad económica, entre otras), utilizando la sociedad laboral, con el objetivo de mantener la actividad productiva que **favorezca el mantenimiento de los puestos de trabajo** y la creación de riqueza.

Cláusula 10

Estudiar medidas anticipándose a los problemas relacionados con la modernización de los mercados y la calidad del trabajo, así como con el aprovechamiento de las capacidades de los trabajadores.

Company Recovery



Sucession Tool



SOCIEDAD LABORAL



Start up formula



Company Recovery

ZORROTZ

ES EN FR

INICIO SOBRE ZORROTZ **PRODUCTOS** DELEGACIONES CALIDAD NOTICIAS DESCARGAS CONTACTO

PRODUCTOS

Para Líneas Slitter
Y Accesorios Para
De Cizalla
Deslizamiento
Especiales
Dentadas
Plegadora

Utillaje para Líneas Slitter

Servicios y Accesorios para Slitter

Cuchillas de Cizalla

Guías de Deslizamiento

Cuchillas Especiales

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Succession Process



Succession Tool



SOCIEDAD LABORAL



Start up formula



ENGRANAJES GRINDEL SAL

Date: 2016.

- 70 employees.
- Distribution of Social capital:
 - **52,38% non employees stakeholders**
 - **43,82% employees stakeholders**
 - **3,8% own stock**

A great **RISK**: SELLING OF THE COMPANY
Loose the condition of a Labour Society



33 employees non stakeholders and a Venture Capital Fund “Lanpar” bought the stocks to non employees stakeholders



FACTORS OF SUCCESS

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Succession Process



The screenshot shows the MU BAT website header with navigation links: HOME, QUIÉNES SOMOS (highlighted), SERVICIOS, GARDEN, PROYECTOS, ARTÍCULOS, and CONTACTO. Below the header is a large group photo of the team members, each with their name labeled above them. The names are: Ion, Igotz, Ramon, Aitziber, Rosa, Akain, Inaki, Maitu, Pantxo, Eli, Txoni, Itxaso, Iker, Ruben, Iban, and Mitxel.

inzó en el mundo de la jardinería hace 25 años, poco a poco fue evolucionando hasta contar con un equipo de jardineros, maquinaria y garden prop
as de mayor envergadura e infraestructura donde ofertar todos aquellos elementos relacionados con el jardín, entre otras cosas. Con el tiempo, se
mitió abordar trabajos desde otro punto de vista, lo que permitió acometer proyectos elaborados, con una base importante de diseño.

kimu bat es la evolución. Y es por ello que, debido a nuestras inquietudes, optamos por buscar otras líneas de trabajo relacionadas con el Medio Am
ntos adquiridos en diferentes campos, siempre relacionados con el mundo vegetal. son hoy día nuestro motor y principal valor.

Ecosystem for participation

- **Permanent Communication** with Local Development Agencies, Financial Entities, Sectorial associations, Unions, Companies-Suppliers-Clients, Public Administration Departments of Economic Promotion and Finance.
- **Organization of conferences for the prescribers**, specially, aimed at the Union Delegates of the different Unions, Financial entities and Mutual Guarantee Entities, with the aim of attracting reconversion and succession projects.

Strategic Projects at Regional Level

Basque Government

State programs to finance consultancy on:

- Succession plan in companies through financial participation of workers.
- Companies' recovery through financial participation of workers.
- Lanpar Fund.
- Projects to improve labor relations and social dialogue between trade unions and employers.
 - Research on employee participation in collective bargaining. February 2016.

Strategic Projects at Regional Level

Provincial Council of Gipuzkoa

- Succession plan in companies through financial participation of workers.
- Companies' recovery through financial participation of workers.
- Projects to improve labor relations and social dialogue between trade unions and employers.
- Tax Incentives
- Financial mechanisms: single unemployment benefit; agreements with mutual guarantee companies;

Obrigado Dank u
Mange takk
Xièxie
Danke schön
Gracias Eskerrik asko
Grazie Spasiba
Diolch Arigato Merci
Shukran