



a **project...**

# a project

## **A FRAMEWORK FOR CO-EXISTENCE.**

Towards the end of the 1980s, the social atmosphere in Asturias, brought about by a severe economic crisis and with frequent and serious conflicts in almost all production sectors, was the main cause that led the unions and the employers' organisations of the construction sector to seek a solution to the traditional labour relationship system based on the existence of one yearly negotiation, the collective labour agreement, to solve problems that had accumulated throughout the year. The main purpose was to put an end to the atmosphere of prejudice, distrust and confrontation that had previously prevailed during the said negotiations, bringing about a change that would result in a truly useful system and a fruitful relationship.

Therefore, the employers' organisations and the unions visited several countries within the European Community in order to obtain ideas for a solution to the existing problem.

The analysis of the different experiences gained in France, Italy, Holland, Belgium and Switzerland led to the conclusion that it was necessary for the new social relationship within the construction sector in Asturias to be based on the introduction of an equality based problem management and solution system in contrast with the system based on the preponderant position or force of any of the parties, as well as on a participation model to substitute the traditional protest model.

## **THE SEARCH FOR AN EFFICIENT LEGAL CONCEPT WITHIN THE SPANISH LEGAL CODE.**

Once the basic philosophic principles for the new social relationship system in the construction sector in Asturias had been established, the task of structuring and formalising the intended experience commenced.

The lack of a specific legal framework for the development of equality-based management experiences presented the need to look for a "tailor-made concept" that the current Spanish legal code could provide to adapt to the objectives established and to facilitate the development of the equality-based management system, with common objectives for an entire production sector within a given territory.

The legal concept that, after several studies, consultations and analyses, seemed to be nearest to the objective intended was that of a Labour Foundation.



## EQUALITY-BASED MANAGEMENT WITHIN THE LABOUR FOUNDATION.

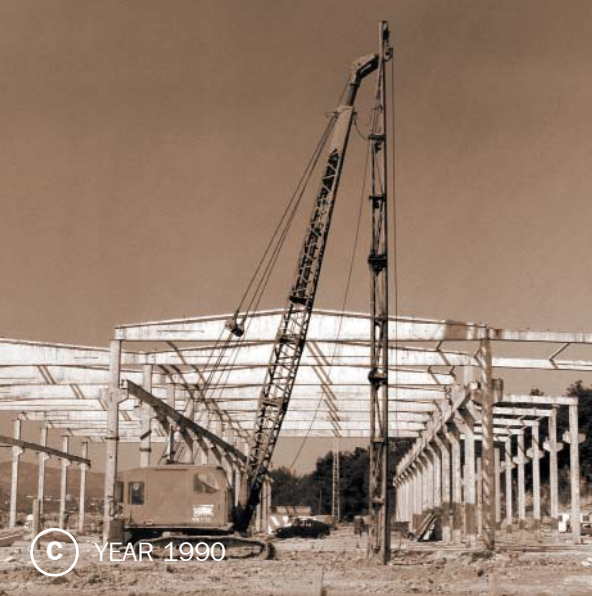
All this led to the establishment of an equality-based non-profit making welfare organisation that was called the Fundación Laboral de la Construcción del Principado de Asturias (FLC) (Construction Labour Foundation of the Principality of Asturias) based on a culture of consensus; a culture that has given rise to open and permanent dialogue between the parties, without obstacles or prior conditions, where the firmness of each party's positions does not hamper the purpose of reaching a consensus. The said foundation should extend its scope to the entire construction sector in the Principality of Asturias and include within its aims the creation and management of one or several funds, supported by contributions from employers, workers or third parties for the provision of aid and social services, such as schools, rest homes and residential homes for the elderly, recreational centres, cultural centres and schools dedicated to vocational training, sports installations, healthcare services for the sector or other healthcare centres, compatible and independent benefits to complement the Social Security, grants, housing and, in general, any type of aid for the benefit and use of individuals who work or belong to the general regime of the Social Security in this sector or to work centres that belong to the companies that are included in the Collective Labour Agreement for Construction and Public Works of the Principality of Asturias (CCPA), in accordance with the provisions established in the relevant regulations.

## FINANCING.

However, from the beginning, we were aware that all these ends, objectives and projects could end up as mere "good intentions" unless the FLC achieved a stable financial and fund collecting structure to guarantee its long-term permanence and continuity. Although it was a difficult task to achieve and, in spite of having to break many existing behavioural moulds in several fields, we managed to achieve our goal. Finally, it became clear that a foundation such as the one we intended to create required important resources, which could be obtained in the following way.

- Obligatory business contributions established by the CCPA, as well as those negotiated between the FLC and a given company, group of companies or individuals.
- Contributions by workers, equally obligatory and negotiated.
- Voluntary contributions from companies and workers.





- Transfer of property and income for profit reasons.
- Subventions by any institution or public administration or private entity.
- Income from own assets.
- Income obtained from the exercise of activities as part of the foundation's object and aims.
- Income from the economic operations performed in compliance with or developing the objectives and aims of the FLC.
- Any other resource of a similar nature.

## **LEGAL STATUTE.**

Initially, under Decree 446/1961, of 16th March, on Labour Foundations; today the legal statutes of the FLC come under the legislation on foundations (Law 50/2002, of 26th December, on Foundations).

## **ORGANISATION.**

From an organic point of view, it was decided that the FLC would be established by:

### **• A Board of Directors or Trust.**

This is the highest governing and representational body of the FLC. It is an equality-based body formed by twelve members, six from the employers' organisations and another six from the unions, both representing the construction sector. The positions are as follows:

- One Chairperson, who represents the entity; this figure does not have a casting vote.
- Three Vice-chairpersons, two of whom belong to the unions and one represents the employers.
- Eight board members.

These members must accomplish the objectives of the foundation and manage the resources and rights that form part of the FLC assets, maintaining their revenue and use, as well as providing sufficient information on the said objectives and activities for the information of possible beneficiaries and other interested parties.

The Board of Directors will exercise its functions with independence and without obstacles and limitations. Their acts will be definitive and unappealable, with the exception of the legal authority of the Protectorate. Their meetings can be attended, with voice but without vote, by the General Manager as well as by any persons who, due to their relevance in the face of the issues being dealt with, are invited by the said body.

- **The Executive Committee.**

The FLC management and administration body, formed by the Chairperson of the Board of Directors, who will chair the committee, and the three Vice-chairpersons, one of whom will be the secretary.

- **Work Commissions.**

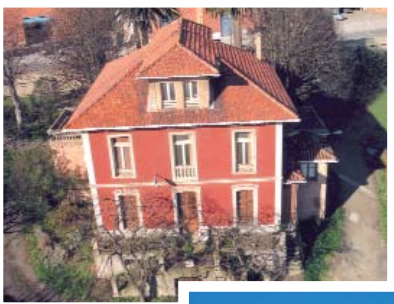
These commissions are created, modified or closed by the Board of Directors, which will appoint their members and establish their title, mission and specific functions.

These Work Commissions, which will be equality-based, will not have any representative, governing or control functions, unless expressly delegated by the Board of Directors or the Executive Committee, limiting their tasks to the presentation of proposals to the relevant FLC governing and administration bodies, the study of any issues they have been entrusted, preparing any relevant reports, as well as any other type of similar tasks.





Installations  
**RIBERA DE ARRIBA**



Installations  
**GIJÓN**

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## SETTING UP.

The FLC was created on 14 June 1988 by means of a foundation agreement included in the 1988 and 1989 Collective Labour Agreements for the Construction and Public Work Sector in the Principality of Asturias (CCPA), subscribed by the employers' organisations Confederación Asturiana de la Construcción (CAC) (Asturian Construction Confederation) and Asociación de Promotores y Constructores de Edificios Urbanos de Gijón (ASPROCON) (Association of Promoters and Constructors of Urban Buildings of Gijón), and by the union organisations Federación Asturiana de Madera, Construcción y Afines de la Unión General de Trabajadores (FAMCA-UGT, hoy MCA-UGT) (Asturian Federation for Wood, Construction and Similar Professions of the General Workers' Union) and the Sindicato Regional de Construcción y Madera y Corcho de Comisiones Obreras (Regional Union for Construction, Wood and Cork of Comisiones Obreras) (today Federación de Construcción, Madera y Afines de Comisiones Obreras, FECOMA-CCOO).

## PRIORITY OBJECTIVES.

Among the priority objectives already undertaken, we can mention the study, scheduling and development of the following:

- **Vocational Training School.**

This School has two teaching centres, one located in Ribera de Arriba (since 1991) and another in Gijón (since 1995), apart from other temporary installations that are prepared depending on annual requirements. The training tasks developed are organised into three clearly different areas. On one hand, on-going training, directed at active workers who wish to update their skills for reasons related with professional improvement. Secondly, vocational training for unemployed workers who wish to improve their training to re-enter the labour market. Finally, official education, which required the signing, on March 28, 1996, of an Agreement with the Ministry of Education and Science to implement a pilot co-operation project which took off during the 1997/1998 course and is still being developed with highly positive results.

- **Study grants and aid for people with disabilities.**

Grants are provided as non-recoverable aid, except in the case of loans for university education. In this case, beneficiaries will have to return the funds to FLC once they have ended their studies and commenced their professional activities.





On the other hand, aid for people with physical, psychic and sensorial disabilities cover different contingencies, such as: special education, rehabilitation, specialised assistance and other complementary aid.

- **Sector loyalty compensation benefits of a social nature.**

The Regulations establish a compensation that will be granted to the companies in the sector that award workers a seniority payment and, therefore, support higher costs than other companies that do not award the said payment. Equally, in order to encourage the professionalism, loyalty and constancy of workers within the construction sector, a Prize to Sector Loyalty has been established, which is an annual payment proportional to the time the worker has been active during the financial year prior to the year in which the prize is announced.

- **Encouragement of investigation, development and promotion of activities dedicated to prevention and to the improvement of work conditions and occupational health.**

The high accident rate that the construction sector supports, involving enormous economic costs and, especially, serious injuries to workers with all that this entails, is giving rise to the proliferation of regulations that, to a certain extent, try to limit these negative consequences. The FLC, aware of its responsibility in this issue, modified its Statutes in order to introduce this matter as one of its priority objectives and approved a set of Regulations concerning Consultancy on matters of Labour Risk Prevention, which regulate the provision of information and assessment on prevention means and techniques in order to improve health and safety conditions at work centres.

- **Establishment of non-recoverable aid for workers from the sector in order to restore and access their first home.**

This aid is compatible with other public and/or private aid to help workers to obtain a decent home.

Concerning this benefit, workers from the sector may apply for aid that is equivalent to 7% of the investment made to purchase, restore, build or self-promote their home, dedicated to their family home, with a limit, at the time this information is printed, of 3,005 euros.





The type of home protected exceeds the standards of state-subsidised homes, therefore, the group of people who benefit from this aid is considerably larger.

- **Intervention and co-operation with active employment policies promoted by the Public Administrations by means of appropriate initiatives and services.**

Specifically, an Employment Agency is operational which attends employment offers issues by companies, supplying workers that best adapt to the profile requested.

This Agency, whose commercial name is GUÍA, closes the training and employment cycle within the entity, providing the human resources of the construction sector with a natural, speedy and efficient channel for integration.

- **Promotion of scientific and technical investigations in the field of construction as well as the know-how, implementation, development and use of new technologies, granting special attention to computer and telecommunication technologies.**

The FLC provides free access to INTERNET, as well as complementary features, to all construction sector companies and workers in Asturias.

From this platform, the FLC encourages a culture of permanent innovation and up-grading, providing information of interest for companies and workers (institutional, training, aid, etc.) and promoting the use of new technologies.

- **Professional Certificate.**

In accordance with the CCPA, the FLC certifies the working life of the workers in this sector, even endorsing trial periods completed as well as training courses. In order to obtain these certificates, workers are provided with a Personal Identification Card which includes complementary benefits.

## **BENEFICIARIES.**

Beneficiaries of the benefits managed by the FLC are, under impartial and non-discrimination conditions, all workers included within the scope of the CCPA, their relatives to the degree established, if and when they fulfil the requirements established by the Benefit Regulations that, with this end in mind, are promulgated by the Board of Directors.

Beneficiaries may also be unemployed people linked to the construction sector, sons and daughters, relatives and rightful successors as established by the regulations. The scope of the benefits may also be extended to other groups if this directly affects the improvement of the labour, social and professional environment of the construction sector, without being to the detriment of the funds obtained through the CCPA and as established by the Board of Directors.

## **OPEN TO THE FUTURE.**

Today, the FLC is one of the most ambitious efforts ever undertaken in Spain, directed at social and labour achievements of an extraordinary value, not only because it will contribute to the improvement of the level and quality of life of workers but also because it will improve the competitiveness in our companies in the face of the challenge presented by the establishment of the European Union. With this in mind, the FLC will develop its activities in the future trying to encourage equality-based management based on dialogue and consensus as its main features. True to this idea, the social representations that govern the FLC publicly announce their intention to work tirelessly in favour of equality-based systems as a necessary model for social relations within the European Union.

Obviously, in the case of the FLC we are talking of a novel task, not without its difficulties, sometimes arduous and sometimes reserved and lengthy. In order to face this task, the entity uses resources that have been mainly generated within its own sector, although the contribution from the Public Administrations is not at all insignificant.

However, the future lies in the hands of all parties. The construction sector does not only rest on its businessmen and workers. The attitudes and aptitudes of the Public Administration and of many other agents (University, professional associations, companies from other sectors, etc.) will be determining features in the development of the years to come.

The effort required will be great but the FLC trusts that the construction sector will be able to cope with the most immediate challenges. This confidence is based on our own experience which, in turn, is based on dialogue and teamwork.





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