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ASSESSING AN INDIVIDUAL'S WELL-BEING THROUGH THE QUALITY OF THEIR LIFE AND WORK

1. The relationship between well-being, quality of life and quality of work

According to the definition of the World Health Organization, well-being is: «A state of complete physical, mental and social well being and not merely the absence of disease or infirmity»¹, in which every individual realizes his or her own potential can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to her or his community. One's level of well-being is given by the degree of satisfaction of one's needs², and work allows one to meet many of these needs: the need for survival (as it gives income and security); social needs (as it helps create interpersonal interactions, friendships, and a sense of belonging) (Marmot 2005); individual needs (as it allows one to develop self-esteem, autonomy and personal self-development) (Beham et al. 2006).

Work and well-being are closely related, since the quality of working conditions and prospects have a direct impact on the individual's quality of life and level of well-being: in fact, «work is not only a means of sustenance and gain, but also a means of extrinsic personality» (Court of Naples 2011, 1172). This relationship between work and well-being has a two-way effect: working well and peacefully affects the quality of personal life and the per-

¹ WHO Constitution signed on 22 July 1946 by the representatives of 61 States and entered into force on 7 April 1948.

² According to the schematic representation proposed by psychologist Maslow, there are different tendencies in individuals, deriving from the different needs that they try to satisfy. These needs are not isolated, but are placed in a hierarchy of importance, which gives rise to a pyramid at the basis of which are all the physiological needs that are essential for our physical survival in the environment.

ception of well-being³; instead, as the quality of work deteriorates, malaise increases and difficulties arise⁴.

Quality of work is a multidimensional construct, which includes several key areas: job security, fair pay, contract quality, opportunities for training and career advancement, sharing of business objectives and practices, autonomy and responsibility, recognition and gratification, maintenance and promotion of health, development of skills, work-life balance, benefits⁵, well-structured welfare plans.⁶ In particular, job security, understood as the ensured continuity of one's employment situation, is a fundamental component of work quality, which contributes significantly to one's well-being (Kalleberg 2011)⁷. There is considerable practical evidence to show that the lack of such security is a source of psychological distress, stress and ill health, with negative repercussions on the quality of one's family and social life (Hartley 1991; Larson et al. 1994; Nolan et al. 2000). Satisfaction with one's work decreases when there is no confidence that one can continue and possibly progress in one's employment. This is associated with a lower degree of identification with the employer and produces negative feelings towards the organisation in which one works. Furthermore, it creates demotivation, disaffection and reduced commitment, leading employees to have less desire to get involved and provide knowledge, innovative skills and abilities, showing a lack of willingness to share goals and to participate in company activities (Sverke et al. 2007; De Cuyper 2005).

As noted in literature and confirmed by statistical surveys, working people report a significantly higher average level of life

³ 'Good work' is what enables workers to achieve well-being and a range of personal goals: Green (2006). On this topic, cf. Pantano, Della Calce (2010); Montuschi (1986); Favretto (2009); Monea (2008).

⁴ To measure Fair and sustainable well-being (BES according to its Italian acronym), Istat (the Italian National Institute of Statistics) took started from the multidimensionality of well-being and, by analysing a wide set of indicators, described all the aspects that contribute to a person's quality of life: [https://www.istat.it/it/benessere-e-sostenibilit%C3%A0/la-misurazione-del-benessere-\(bes\)/gli-indicatori-del-bes](https://www.istat.it/it/benessere-e-sostenibilit%C3%A0/la-misurazione-del-benessere-(bes)/gli-indicatori-del-bes).

⁵ The most appreciated benefits in Italy include meal vouchers, nursery and babysitting vouchers, as well as other personal, family and home services. Benefits for professional growth are also considered important, such as training courses and health insurance plans provided by the company.

⁶ Working in a company that offers benefits and a well-structured company welfare programme significantly increase the perception of quality of life and well-being in the workplace: Poelmans (2005, pp. 3-46); Prandini et al. (2014, pp. 80-110).

⁷ Even opinion polls, like those of Eurobarometer, always place job security first among the aspects that employees consider most important.

satisfaction than those who are unemployed. Therefore, low quality of work can also have a negative effect on well-being. In some sectors and types of work (for example, those that do not allow for personal development, or that are dangerous and unhealthy), the level of malaise may even be higher than that of unemployed people (Grün 2008). The following factors can lead to malaise for employees: overly fast pace, uncertainty about one's role, lack of control over one's work, demands exceeding one's abilities, poor design and functionality of the workplace, as well as lack of good cooperation between individuals and organisations. This has consequences for the company, both economically (reduction of productivity, costs of sickness/absenteeism) and psychologically (internal conflicts, high tension, work-related stress, burn-out, mobbing)⁸.

Experts in relational dynamics in the context of production have identified several «dimensions of organisational well-being»: from setting up a healthy, comfortable and welcoming work environment, to recognising and enhancing employees' skills and contributions. This aims at stimulating the potential of so-called human capital, useful for the smooth functioning of any organisation. More generally, organisational well-being is the result of a correct way of dealing with work, which involves greater collaboration between the different levels of responsibility. Furthermore, organisational well-being comes with the commitment to eliminate and reduce situations of stress and conflict (evident or implicit), with positive consequences on individual resources, the organisation and the quality of the services provided.

Therefore, the elements that contribute to the attainment of well-being are both individual and organisational in nature. Consequently, it is essential that not only individual employees, but also all organisations, commit to preventing inconveniences and conflict, acting on several fronts to eliminate, or at least reduce, such issues. In particular, as noted by the scientific literature, the strong relationship between quality of leadership and improvement of employee well-being is evident. In fact, managerial skills are one of the main factors capable of influencing employee well-being. Organizational psychologists are indeed almost unanimous in believing that organisational effectiveness seems linked to the degree of participation and involvement of workers, not only in

⁸ Both depression and work-related stress are the object of increasing attention, as they can lead to reduce well-being, which can ultimately result in inability to work.

relation to their own tasks and duties, but also in decision-making and future planning policies concerning broader organisational issues (Avallone, Bonaretti 2003). Thus, human resource management is a key element within organisations (Valeyre et al. 2009).

2. Workers' right to health as a right to well-being

In recent years, attention to well-being at work has become an object of great interest for legislators. This concept, however, has not yet found a legal definition, but has rather borrowed elements from other disciplines (medicine, sociology, psychology of work, business organisation). The issue of well-being at work is often confused or absorbed by that of workplace safety (Prestipino 2005, 48 ff.). Instead, it is necessary to distinguish between a more restricted field, relating to a complex multi-level regulatory system - aimed at making the working environment risk-free, or at least structured in such a way as to minimise risks - and a field that deals with the wider protection of well-being, such as the workers' right to health.

The first commitment to achieving a global well-being strategy was made by the World Health Organisation in 1978 with the Alma Ata Declaration on primary health care. In the Ottawa Charter for Health Promotion, written by the First International Conference on Health Promotion in 1986, it was specifically stated that health promotion goes beyond the mere proposal of healthier life models, aspiring to well-being⁹. In this document, it is also stated that the promotion of health must lead to safe, stimulating, satisfactory living and working conditions, as well as to the protection of the environment. It must allow for a systematic assessment of the effects of the environment on people's well-being and guarantee strategies and actions aimed at inducing changes within both the individual and the community. Later, in June 2012, the UN stated that the search for happiness and well-being is a fundamental goal for humanity. That is why it is recognised in public policy goals, acknowledging the need for a more inclusive, equitable and balanced approach to economic growth that promotes sustainable development, the eradication of poverty and the happiness and well-being of all¹⁰.

⁹<https://www.azioniperunavitainsalute.it/files/materiali/formazione/Bologna-mar10/CartaOttawa.pdf>

¹⁰ UN General Assembly, Resolution

A/RES/66/281: <https://www.un.org/en/ga/66/resolutions.shtml>

These same principles can be found in the social rights pillar of the European Union¹¹, expressed by Article 3 of the Treaty on European Union. Among its aims, the latter includes the promotion of the well-being of its peoples, also by promoting equal opportunities and access to the labour market, fair working conditions, social protection and inclusion. Since the new millennium, European Union policies have been characterised by a new approach, based on the close integration and connection of well-being with other community strategies, especially those related to employment. In particular, the aim has been to reconcile the quantity of employment with its quality: health and, more generally, well-being at work, have been taken as significant indicators of a better quality of work, which the improvement of the company's performance depends on in turn.

It is the firm conviction of the European Union that a positive relationship between work and well-being is a necessary factor to achieve greater economic and social progress, since full and good employment is one of the main elements of economic stability and social cohesion in a country. In terms of regulatory techniques, the emphasis has so far mainly been on non-binding measures (so-called *soft law*). Among the numerous acts, of a non-binding nature but which nevertheless have legal effect, it is worth mentioning the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 21 February 2007, entitled 'Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work', where a global strategy of well-being at work is outlined. This is understood as a broader concept than that of health and safety at work alone, with reference both to legal profiles and to psychological and social profiles¹². This strategy is based on the belief that ensuring good health at work improves public health in general, as well as the productivity and competitiveness of the companies that do so. On the contrary, health and safety issues at work increase costs for social protection systems. In fact, it is economically more advantageous to ensure good working conditions for workers and contribute to their general well-being.

¹¹ https://ec.europa.eu/commission/sites/beta-political/files/social-summit-european-pillar-social-rights-booklet_it.pdf

¹² <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=LEGISSUM%3A110114>

In June 2008, the European Commission, together with social partners and stakeholders, signed the European Pact for Mental Health and Well-being, which highlights the importance of mental health and well-being as key resources for promoting growth and employment, achieving social cohesion and making significant progress towards sustainable development¹³. In this perspective, the previous Framework Agreement on work-related stress pointed out that changes in work organisation, in particular the more flexible ways of organising working time and a more individual and result-oriented management of human resources, have a profound impact on health problems at work and, more generally, on well-being at work¹⁴. In the Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council of 20 November 2008 on the health and well-being of young people, also sought to promote health and risk prevention as fundamental values, which not only safeguard the lives and health of workers but also play an essential role in strengthening the competitiveness and productivity of both companies and workforce¹⁵. The concept of 'well-being for all' is thus once again reaffirmed, in the belief that social cohesion is nothing more than «the ability of a society to ensure the well-being of all its members, while minimising inequality». Another very important concept, introduced for the first time by the Resolution, is that well-being must be shared by all members of society and cannot be achieved only at the individual level. Hence the importance of the social actors that have joint responsibility for its achievement.

In line with the above, health and well-being at work are key elements of the current European 2020 strategy for smart, sustainable and inclusive growth. The assumption of the strategy is that a healthy economy depends on a healthy population. Without this, companies lose productivity and citizens are deprived of po-

¹³ https://ec.europa.eu/health/sites/health/files/mental_health/docs/mhpact_it.pdf

¹⁴ In the 2004, EU social partners BUSINESSEUROPE, UAPME and CEEP signed a Framework Agreement on work-related stress, which is being implemented through various initiatives by social partners at national and company level

(<https://osha.europa.eu/it/legislation/guidelines/framework-agreement-on-work-related-stress>). The investigation into the causal interrelations between work organisation and the protection of health and safety at work has led the EU and other international institutions to focus on factors of a more strictly psycho-pathological and psychosocial nature, such as harassment and work-related stress. In fact, depression and work-related stress are an increasingly important cause of work incapacity.

¹⁵ <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A42008X1213%2801%29>

tential longevity and quality of life. Better health is, in this respect, a way to address Europe's economic challenges and support the financial sustainability of the European social model. Therefore, health promotion cannot be the responsibility of the health sector alone because, as the *Health in All Policies* (HIAP) approach points out, social goals are best achieved when all actors include health and well-being as key components in their goals¹⁶.

As far as the narrower scope of health and safety protection at work is concerned, Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the health and safety of employees at work was a key step in ensuring the establishment of minimum requirements across Europe that can ensure better protection for employees in their workplace¹⁷. A significant principle is laid down in Article 6, according to which work must be adapted to people.

The requirements established by the EU have had a significant impact on the Member States' legislative systems. Moreover, by virtue of the EU principle of consistent interpretation, national judges are required to interpret domestic law in accordance with EU directives¹⁸, irrespective of whether the national legislation was adopted before or after the directive was adopted, and may apply to the European Court of Justice for a ruling on the correct interpretation of European Union law, by means of the preliminary ruling procedure under Article 267 TFEU.

¹⁶ <https://www.cdc.gov/policy/hiap/index.html>

¹⁷ Directive 89/391/EEC was followed by the adoption of a long list of individual directives, some of which were reformulated several times in subsequent years. The most important ones include the following: directive 89/654/EEC (30/11/1989), concerning the minimum health and safety requirements in the workplace; directive 89/655/EEC (30/11/1989), concerning the minimum health and safety requirements for the use of work equipment by employees at work; directive 89/656/EEC (30/11/1989) on the minimum health and safety requirements for the workers' use of personal protective equipment in the workplace; directive 90/394/EEC (28/06/1990), on the protection of workers from the risks related to exposure to carcinogens at work; directive 92/57/EEC (24/06/1992), on the implementation of minimum health and safety requirements in temporary or mobile construction sites; directive 92/58/EEC (24/06/1992), on the minimum requirements for the provision of safety and/or health signs at work; directive 98/24/EEC (07/04/1998), on the protection of the health and safety of workers from risks related to chemical agents present in the workplace; directive 2009/104/EEC (16/09/2009), concerning the minimum health and safety requirements for the workers' use of work equipment at work.

¹⁸ Court of Justice of the European Union, 10.04.1984, c. 14/83, Sabine von Colson e Elisabeth Kamann v Land Nordrhein-Westfalen:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61983CJ0014>

In the case of Italy, the country's legal system has benefited greatly from Community legislation, but we must not forget that the Italian Constitution of 1948 already establishes, in Article 3, the pursuit of «full development of the human person». The Article also establishes the right to health, understood as a state of psycho-physical well-being according to the definition of the WHO, «as a fundamental right of the individual and interest of the community». Article 41 of the Constitution, on the other hand, in recognising the freedom of private economic initiative, excludes that it may be carried out «in such a way as to cause damage to security, freedom and human dignity», so that the needs of the company are subordinate to the rights of the individual.

The fulcrum of the Italian system for the protection of the individual, in the context of the employment relationship, is constituted by Article 2087 of the Italian Civil Code, 1942, which obliges the employer «to adopt the measures which, according to the particularity of the work, experience and technique, are necessary to protect the physical integrity and moral personality of the employees».

The importance of the workers' good health and quality of life, endangered by the performance-focus of environments subject to the domain of the employer, has generated a complex regulatory system, currently incorporated into Legislative Decree no. 81 of 2008: the so-called Consolidated Act, on the protection of health and safety in the workplace, as corrected and supplemented by Legislative Decree no. 106 of 2009. The new definition of worker's health, referred to in Article 2, as «a state of complete physical, mental and social well-being, consisting not only of absence of disease or infirmity» is not a mere statement of principle, but an expression of a commitment to overcome a purely formalistic approach to the protection of health and safety at work¹⁹. The strong push of Legislative Decree no. 81 of 2008 towards prevention is aimed at ensuring a specific satisfying protection of health as a good. Due to its very existential nature, it is impervious to a logic of mere reparation after injury, not restorable through the monetary equivalent typical of compensation techniques.

¹⁹ As already mentioned, this should be read in relation to the definition of health provided by the WHO and that of well-being contained in the Ottawa Charter, as well as in the European Strategy 2007-2012 and in the European Agreement on Work-Related Stress.

The Italian legislature has pursued the aim of protecting the individual, also by means of models and techniques consisting in the attribution of worker rights and corresponding obligations on the part of the employer, or by establishing limits to the latter's powers. Moreover, various legislative provisions, especially regionally, have provided economic incentives to promote the adoption of a virtuous employer conduct. At other times, the law has established disincentive measures, which tend to discourage company conduct that is harmful to employee well-being and health. At other times, when the need for worker protection has been felt more intensely, the law has set administrative or criminal sanctions for breaching prohibitions or for failing to comply with obligations imposed on the employer and, in some cases, on the employees themselves.

One field in which the legislature has intervened even more incisively is that of public work²⁰. The regulatory framework here consists of various legislative provisions, but also of administrative acts, such as the directive of the Ministry of Public Administration, 24 March 2004, concerning measures aimed at improving organisational well-being in public administrations. This obliges the latter, by adopting appropriate forms of trade union relations, to assess the degree of well-being and «act to achieve and maintain the physical and psychological well-being of people, as well as the goals of effectiveness and productivity, through the construction of work environments and relationships that contribute to improving employee quality of life and performance»²¹.

The first legislative reference to organisational well-being was set forth in Article 14 of Legislative Decree no. 150/2009, which provides for «the carrying out of surveys among employees to determine the level of organisational well-being and the degree of spreading of the evaluation system». Article 2 of Law no. 191 of 23 December 2009 (2010 Finance Act), inserted by Article 3 of Decree-Law no. 95 of 6 July 2012, converted with amendments into Law no. 135 of 7 August 2012, requires companies to bind 15% of the savings achieved by optimising office space «through

²⁰ The Chairman of the Board (Department of Public Administration) had promoted a research, edited by Avallone, Bonaretti (2003).

²¹ The directive sets out, in a detailed and precise manner, the reasons for adopting measures aimed at improving organisational well-being, the guidelines to be followed and also the instruments to be adopted. For a historical overview of studies on organisational well-being and related psycho-sociological models and paradigms, please refer to Avallone, Bonaretti (2003).

the implementation of projects that improve the quality of the working environment and boost organisational well-being». Articles 7 and 57 of Legislative Decree no. 165 of 30 March 2001, as amended by Article 21 of Law no. 183 of 4 November 2010, entitled «Measures to ensure equal opportunities, the well-being of workers and the absence of discrimination in public administrations», are the most important regulations in this area. Article 7, entitled «Management of human resources», states that «Public administrations shall guarantee (...) a working environment based on organisational well-being and shall undertake to detect, combat and eliminate all forms of moral or psychological duress within their own organisation». In this way, organisational well-being has been added to the catalogue of values that the Administration is required to guarantee in the management of so-called human capital. Article 57, on the other hand, regulates the «Single Committee for the Guarantee of Equal Opportunities, for the enhancement of the well-being of workers and against discrimination», which has replaced the committees for equal opportunities and the joint committees on the phenomenon of mobbing, unifying them in a single committee.

Article 20 of Legislative Decree no. 33 of 14 March 2013 prescribes that Public Administrations shall fulfil their obligations to publish data relating not only to the evaluation of staff performance and to the distribution of bonuses, but also data relating to organisational levels of well-being. Article 13 of Presidential Decree no. 62 of 16 April 2013, with which the Regulation containing the Code of Conduct for Public Employees was issued, in accordance with Article 54 of Legislative Decree no. 165/2001, expressly states that:

The manager shall be responsible for, compatibly with the available resources, the organisational well-being in the establishment to which they are assigned, favouring cordial and respectful relations between collaborators, taking initiatives aimed at circulating information, training and updating personnel, including and valorising differences in gender, age and personal conditions.

The commitment to the creation of a climate of organisational well-being is, therefore, an obligation of conduct that the public manager must pursue and the breach of which constitutes conduct contrary to the duties of office, giving rise to forms of disci-

plinary responsibility (Article 16 of Presidential Decree no. 62 of 2013).

In this context, new ways of managing human resources have been developed, which intervene on factors other than the usual economic incentive, favouring performance improvement through the enhancement of employee skills, the increase in their autonomy and responsibility, their greater participation in decision-making processes, or by granting them access to new professional and training opportunities (Dipartimento della Funzione Pubblica 2006).

3. Digital work and well-being

A significant change in people's quality of life and work has been brought about by new technologies. Digital innovation has generated the so-called Fourth Industrial Revolution, which has enabled the improvement of productivity in terms of speed and quality of production and services, changing not only the way people work, but also the way of life²². The worker, enabled to work from any place and at any time thanks to technological devices, enjoys a greater autonomy in their working activity. In this way, there are greater opportunities to organise personal schedules and integrate work with family and personal needs. At the same time, productivity is promoted, thanks to the absence of rigid space-time constraints and the elimination of the commute. This also reduces stress, allowing workers to improve their performance. However, as a report by ILO and Eurofound notes, T/ICTM workers work longer than those who work in the office, especially in the evenings and on weekends. The potential health risks associated with the use of IT tools and the risk of an increased overlapping between work and personal life should not be overlooked²³.

²² The Industry 4.0 policy is based on the *smart factory* concept, which consists of three elements: *smart production*, *smart services*, *smart energy*. For the transformations of work, please refer to Cipriani (2018).

²³ <https://www.eurofound.europa.eu/it/publications/report/2017/working-anytime-anywhere-the-effects-on-the-world-of-work>. In this respect, it can be seen that the relationship between work and private life has changed in different historical contexts. In the Latin world the *otium* (time devoted to creativity and self-improvement) and the *negotium* (time of heavy labour and monetary enrichment) were two antithetical realities. In the era of the first industrial revolution, the worker became functional to production, somewhat like a cog. In that context, work, which occupied 16 hours a day, was in reality the only activity of the day. It was only as a result of subsequent legislative and contractual regulations that it was possible to limit the standard working time of employees to 40 hours per week, with a maximum of 8 hours overtime, in order to allow them to have some free time for their family, errands and hobbies.

The intensive use of new technologies is therefore likely to have ambiguous and even contradictory effects (Flecker 2016, 9 ff.). This is why 'smart working', or 'lavoro agile', has been introduced into the Italian legal system. This is not a new type of contract but a way of executing the subordinate employment relationship characterised by the absence of hourly or spatial constraints. It is an organisation of the work activity by phases, cycles and goals, established by way of an agreement between the employee and the employer. The discipline of smart working, contained in Law no. 81/2017 (also known as the Agile Labour Act), stresses the voluntary nature of the parties of the individual agreement and the use of equipment allowing for remote work, such as laptops, tablets and smartphones. 'Agile' workers are, in any case, guaranteed equal treatment, both economically and by regulation, with respect to their colleagues who perform their work in the ordinary way, despite their activity being characterised by significant organisational flexibility.

Unfortunately, however, very often 'work flexibility' means adapting workers to the needs and convenience of the company, resulting in increasing pressure on the worker and initiatives that tend to intensify the management of the labour factor, without there being legislative provisions or collective regulations (Gallino 2001; Sennet 2000; Beck 2000; Lodigiani, Martinelli 2002; Perini 2013, 39-53; Salento, Masini 2013; Streeck 2000, 3 ff.). Nonetheless, above all, it is often the idea that in order to increase competitiveness (and to increase employment and develop the economy at a macroeconomic level), it is necessary for work to be a variable that can easily be 'adapted', in both quantitative and qualitative terms, in order to decrease production costs (Dore 2005, 48; Crouch 2012; Lewis et al. 2017). It is no coincidence that many company restructurings, organisational models and working practices have been made in pursuit of this strategic goal.

As has been pointed out in this paper, however, today as in the past, economic development must necessarily consider the well-being dimension, precisely because of its direct connection with productivity and competitiveness.

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