

Comparative Analysis of the Social Dialogue in the Central Public Administrations of the EU Member States

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"Social Dialogue is rooted in the history of the European continent
and this distinguishes the Union from most parts of the world."

European Commission Communication

The European Social Dialogue:

A force for innovation and change

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1. Draft Executive Summary

1. The Survey's scope is to explore and compare – for the first time since the enlargement of 2004 – developments in social dialogue and collective bargaining practices within the central public administrations of all the EU Member States and in the European Commission.
2. *Variety of social dialogue systems:* Member States' social dialogue and collective bargaining systems are characterised by substantial differences. The differences are mainly related to the following aspects: the legal right for civil servants to initiate negotiations on collective agreements; the structure and organisation of both the employers' and the employees' side; the level at which collective bargaining takes place; the scope of bargaining topics; the outcome of the collective bargaining and the degree of formality of social dialogue.
3. The biggest differences in bargaining systems exist between those states in which collective bargaining is applied both in the public and in the private sector (Scandinavian countries) and those states in which bargaining does not play a substantial role in the day-to-day practice in either sector. The trend towards aligning public sector working conditions with those in the private sector is strongest in those countries in which labour law and general employment conditions are fundamentally similar.
4. Against a background of budgetary constraints and the goal of greater efficiency, effectiveness as well as better performance in the public sector, there is a trend towards aligning working conditions in the *public* sector with those in the *private* sector as well as towards replacing unilateral determination of pay and – increasingly – other working conditions with bilateral collective bargaining structures.
5. Most of the changes in collective bargaining systems took place in countries with "position systems", i.e. an employment structure in which public employees are recruited for a specific position and not for a career (Estonia, the Netherlands, the Scandinavian countries, the United Kingdom). In these Member States negotiations are decentralised and the central government employers' negotiation power is fragmented.
6. Even if collective bargaining is characterised in those states by a fragmentation of bargaining arenas, the diffusion of negotiation power among different actors never goes so far as to leading to completely autonomous and independent negotiations. Decentralised collective bargaining remains within a set framework ("framed decentralisation").

7. *The social dialogue actors:* On the employers' side, the actors most frequently involved are the Ministries of Finance, of Public Administration or combinations of ministries. In a few cases, external agencies are involved in collective bargaining (the Czech Republic, Denmark, Finland, Italy and Sweden). On the employees' side, various – mostly sectoral – trade unions are involved.
8. *Collective bargaining topics:* The social dialogue in central public administrations deals extensively with topics such as working conditions, wages, social security and pension issues and to a lesser extent with subjects such as human resources management (competence development, training), equal opportunities (non-discrimination) and public sector reform processes.
9. *A trend towards decentralised social dialogue:* The question of centralised/decentralised labour relations regards the transfer of tasks and negotiation power to lower government levels rather than a geographical decentralisation of social partners. None of the EU Member States' collective bargaining in public services is either completely centralised or decentralised. Twelve of the Member States' administrations undertake social dialogue negotiations at centralised level. A growing number of Member States have a multi-level and/or multi-sectoral social dialogue with both centralised and decentralised bargaining (eleven countries). In four countries, negotiations take place at decentralised level.
10. The social dialogue in most Central and Eastern European countries does not seem to be as well established as it is in most old Member States. The social dialogue has only been developing for some 18 years in countries from the former socialistic bloc under new political and socio-economical conditions. Today, the legal and organisational framework for the social partners is mostly in place and social partner organisations have been established; however the effective *implementation* of bargaining processes lags behind in comparison with the other EU Member States. In a context of the sometimes weak civil society and organisation of interest groups, public administration management in some Central and Eastern European countries faces difficulties when it comes to entering into regular bargaining talks with trade unions.
11. In those countries, a low degree of experience on the *employee's* side makes bargaining difficult for the employer's side ("It takes two to tango"). Trade unions in the private sector are easier to establish than in the public sector and hence face the "two to tango" principle from the other side: start-up entrepreneurs lack interest in institutionalising employer organisations for bargaining with the trade unions.
12. *Trade union density rates:* Trade union membership rates differ considerably across Europe. The Scandinavian countries (Denmark, Finland and Sweden) have unionisation rates of approx. 90%. Austria, Ireland, Romania and the United Kingdom have a density rate ranging from 55 to 70%. Roughly 50% of public sector employees are union members in Belgium, Germany and Italy. The membership rates vary between 15 and 40% in Bulgaria, France, the Netherlands, Portugal and Spain. The lowest rates of unionisation can be observed in Estonia, Latvia, Lithuania, Poland and Slovakia. It should be noted that precise data were not available in several cases. Furthermore, union membership rates are not the only indicators of the importance and impact of workers' organisations. Another indicator is the level of participation in the elections for trade union

representatives; recent participation at professional elections results were high in France for instance.

13. *The right to strike:* Civil servants traditionally do not have the same collective bargaining rights as private sector employees in most countries, but a more limited right to strike, which is mainly due to the specific nature of the state as a public employer. In five national public administrations, statutory civil servants are exempted from the right to strike. Civil servants in 22 countries are granted the right to strike. However, within this group, twelve countries reported restrictions for special professional groups such as police and defence forces or judges. In six EU Member States, the right to strike for civil servants is accompanied by special mechanisms for dispute resolution.
14. *The outcome of collective bargaining:* When the conditions of employment are at stake, civil servants are increasingly being treated as employees and not as public servants of the state. In twelve central public administrations, the outcome of bargaining processes mainly results in voluntary collective agreements; i.e. the bargaining outcome does not have a legally binding effect. In ten Member States, collective agreements have a legally binding value. In eight countries, collective agreements only become effective after incorporation into legal acts. In four Member States collective bargaining leads to agreements which have the status of political commitments, i.e. they are not legally binding.
15. *Involvement in the inter-sectoral European Social Dialogue:* Seven of the EU Member States reported to be involved in the cross-industry social dialogue at European level as a member of the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP). Today, only few governments seem to be convinced that the involvement in the European social dialogue makes it possible to influence decision-making processes at an early stage and is, thus, beneficial for their everyday practice. Some Central and Eastern European countries reported that they had not been informed at all of social dialogue actions at EU level.
16. *Outlook:* The majority of Member States are currently not undertaking any concrete reforms in the field of social dialogue in the central public sector. However, the social dialogue in central public administrations is steadily developing and collective agreements are gaining in importance in the national employment systems, although with different scopes and at different speeds. The Scandinavian countries have engaged in delegating wage-setting to public administrations at regional and local levels; the Nordic region is likely to set a general trend in employment policy regarding performance-related wage-setting. In summary, developments within public employment relations are confirming the general trend towards flexibilisation of labour arrangements in several states.

2. Introductory Remarks

2.1 Objective of the Analysis

In the context of the French Presidency of the Council of the European Union and in cooperation with the Directors General responsible for public administrations in the EU Member States and the European Public Administration Network (EUPAN), the French Government has assigned a research project to the European Institute of Public Administration (EIPA), with the objective of analysing the main structures of and developments in the day-to-day practice of the European Member States' social dialogue systems. It is the first time since the 2004 enlargement that a comparative analysis of collective bargaining practices within central public administrations of all EU Member States (EU27) has been undertaken, highlighting the similarities and variations across the social dialogue systems.

The aim of the study is to provide a more comprehensive understanding of the various social dialogue systems within central public administrations across Europe. The actors, their roles and competencies, as well as the outputs in the field of social dialogue in the public administrations will be analysed. Growing strains on public finances, as well as changes brought about and requirements of public sector reforms, are having an impact on the actions undertaken by social partners in the public sector. For this reason, it is both necessary and timely to examine the context of social dialogue processes with a focus on changes and developments in differences between the EU Member States.

Against the background of the test phase of the Social Dialogue in European Central Public Administrations, whose objective is to reshape exchanges between EUPAN and the Trade Unions' Delegation for National and European Administration (TUNED) by experimenting with new forms of relations between the two actors, particular focus has been given on the employer's side; the responsibilities and interests of the trade union confederations acting within the European Social Dialogue Framework are beyond the scope of this analysis.

Social dialogue structures in the private sector – widely analysed by organisations such as the European Foundation for the Improvement of Living and Working Conditions, the ILO and the OECD – do not fall within the scope of this study. By the same token, an in-depth analysis of the nature and status of civil servants or public sector employees has not been entered into given that this issue has been the focus of several other research projects.¹

2.2 Research Methodology

The analysis is based on the replies received to a *questionnaire* sent transmitted to all Member States, as well as several telephone interviews that were undertaken. On the basis of the returned questionnaires – which were completed in four languages (English, French, German and Italian) – 27 *country fact sheets* were submitted to the EUPAN working group members and social dialogue experts of the EU Member States. The approved country sheets can be found in the annex hereto; it is envisaged that they will be published on the EUPAN website.

¹ See Christoph Demmke, *Are Civil Servants Different because they are Civil Servants?*, EIPA 2005; OECD, *Industrial Relations in the public sector*, 2007.

The author would like to thank Danielle Bossaert for her valuable advice and active cooperation as well as for her guidance throughout the survey, and to express his gratitude to the EUPAN Human Resources and Social Dialogue Working Groups delegates for their support in answering to the questionnaire; special thanks are addressed to the experts from Denmark (Ida Karup, Hanne Johannessen), Ireland (Robert Pye, Brian Fee), Slovenia (Branko Vidič) and Sweden (Per Stengård, Åke Fagrell). Finally, the author is grateful to Romain Bouttier (Bureau de la prospective et des affaires internationales of the French Ministère du Budget, des Comptes Publics et de la Fonction Publique; Direction Générale de l'Administration et de la Fonction Publique DGAFP) for the fruitful cooperation, as well as to Michel Mangelot, *Maître de conférences* in Political Sciences at the University of Strasbourg and Vice-Director of the *Groupe de Sociologie Politiques Européenne* for his comments on the final draft.

The European Commission has been included in this survey, since – as a member of the European Public Administration Network (EUPAN) – it plays a strong role in promoting the current social dialogue test-phase for central government administrations at European level.²

3. The Structure and Trends of Social Dialogue in the Central Public Administrations

3.1 The Concept of Social Dialogue and Collective Bargaining

The concept of social dialogue analysed in this survey covers all types of consultation, negotiation and exchange of information between or among representatives of governments and employees on issues of common interest relating to economic and social policy. Social dialogue can also exist in the form of a *tripartite* process, with the government being an official party to the dialogue or it may only consist of *bipartite* relations between trade unions and employers' organisations. According to an ILO definition, social dialogue is considered as a structure and process which has the potential to contribute to solving important economic and social issues, to encouraging good governance, to advancing social and industrial peace and stability and to boosting economic progress.

In the context of this survey, social dialogue refers exclusively to the dialogue that takes place at central administrative level between employers' and employees' organisations. The survey puts particular emphasis on the particularities, significance and further development of the social dialogue in the EU Member States' public sectors. Among the different forms of social dialogue, the survey focuses on *collective bargaining* as an important criterion in characterising and comparing the significance of social dialogue in the various states. The actors, processes and outcomes of collective bargaining are analysed. The concept of collective bargaining is understood as the process of negotiation between employers' and employees' organisations.

As shown by the study 'Who is a civil servant in the Member States – and who is not' carried out by Christoph Demmke for the Irish Presidency, almost all states with the exception of the United Kingdom distinguish between public officials under public law

² Art. 137 para. 1 TEC stipulates that the "Community shall support and complement the activities of the Member States (...) representation and collective defense of the interests of workers and employers, including co-determination."

and private employees under labour law. The duality of these legal relationships affects the social dialogue and collective bargaining. For example, whereas civil servants (*Beamte*) in Germany are not allowed to engage in (formal) collective bargaining, public employees (*Angestellte*) do have this right.

3.2 The Sectoral Responsibilities of Central Public Administrations

Countries differ in the distribution of sectoral responsibilities of central public administrations. The differences depend on national administrative tradition and the constitutional governance structure of each country. The evidence of the questionnaire-based data of this survey confirms the findings of a survey on public sector pay and employment trends carried out by the OECD³: while the defence and police forces, with few exceptions, typically constitute elements of central and federal government functions, education, health and social services are often assigned to regional or local administrations. In the late 1990s and early 2000s responsibility for education was shifted to the regional or local level in the Czech Republic, Finland, Germany, Greece, Hungary, Ireland, Spain and partly in France (see below Table 3). This distribution of functions, however, is in an ongoing process of change as a result of political and administrative decentralisation processes currently undertaken in several countries, with more functions being moved from central to lower levels of governance.

Table 3: Distribution of functions by governmental level and country (selection)

Sector	Central or federal administration	Regional administration (regions, provinces, states, Länder)	Local administration
Defence force	CZ, FI, FR, EL, HU, IT, LU, NL, ES, SE		
Police force	CZ, FI, FR, HU, IT, LU, NL, ES, SE	IE	FR, EL
Education	FR, HU, IT, LU, NL, ES, SE	DE, IE, ES	CZ, FI, IL, HU
Health services	FR, HU, ES	FR, DE, IE, ES	CZ, FI, FR, DE, EL, HU
Social services	HU, ES, SE	FR, DE, IE	FI, FR, DE, EL

Source: OECD, 2002; see also the EIPA Study: Practice of social partnership in the public service of EU Member States, 32nd meeting of DG, EUPAN, Munich, 20-21 May 1999.

3.3 Is there a Trend towards Approximation between the Public and Private Sectors?

In many of the EU Member States, employment conditions and industrial relations in the public sector are characterised by legal and administrative structures and practices which are different from those prevailing in the private sector. Generally speaking, civil servants traditionally do not enjoy the same extensive collective bargaining rights and a more limited right to strike than private sector employees. The more the collective bargaining rights of civil servants are limited - especially for military staff, police forces

³ Organisation of Economic Cooperation and Development OECD, Highlights of public sector pay and employment trends, 2002.

and staff working in the state administration, the more they are backed by international law provisions such as the European Social Charter, the Convention for Fundamental Rights and Freedoms and the International Labour Conventions (in particular nr. 87, 98 and 151 and 1554).

These differences between the public and private sector can mainly be explained by the fact that public sector employment relations are traditionally unilaterally defined by the State in its capacity as a public employer: the state has the power to define rights, duties and protections of civil servants, which are most often laid down in legislative acts. As opposed to the private sector, employment conditions in the public sector are originally not negotiated through a dialogue between employers' and employees' representatives. To a certain extent, the rights of consultation and co-determination in the field of employment conditions have been conceded to employees' organisations during what was at times a long process undertaken by the State employer, who has no obvious interest in devolving those powers. This dilemma, which fundamentally distinguishes the State employer from the private sector employer, is best encapsulated in the following statement: "How can the government, in which the supreme authority of the country is vested, often by way of democratic elections, act as an employer of labour and at the same time abdicate some of its sovereign power to a process in which it deals, on an equal footing, with representatives of employees?"⁴

This specific character of the State as an employer explains why for instance in some of the career systems with a traditional conception of civil servants such as in Austria, Belgium, Germany or Greece, officials have no legal right to collective bargaining or agreements are not legally binding, although in practice social dialogue does take place and often nonetheless plays a significant role in practice.

In France as well, the Government is under no obligation to negotiate with trade union organisations over remuneration and statutory issues for instance, although social dialogue plays an important role in everyday practice. In this EU Member State, public law and labour law are characterised by completely different features: While the employment relationship in the private sector is based on a contractual agreement, the relationship between the civil servant and the State employer is unilaterally defined by legislation. The situation in Luxembourg is similar, where social dialogue between the employers' and the employees' organisations plays an eminent role.

The answers to the submitted questionnaires illustrate that in many of the EU Member States labour relations have undergone perceptible changes over the last decade and that in some of the countries trade union organisations now have far-reaching collective bargaining rights, which are sometimes similar to or the same as those in the private sector. In Sweden, for instance, the framework that governs labour relations in the public and private sectors is laid down in the same act: the Employment Act of 1976 (co-determination in the workplace; see also the Swedish case study in chap. 7). In the Netherlands as well, we can observe a progressive trend towards a privatisation of employment and labour relations: Since the launching of the "normalisation and market conformity" process, which started in 1989, terms and conditions of employment of the private sector must be the benchmark applied to the entire public sector. In this context, differences between public and private sector labour relations are reduced to a minimum. With the exception of top civil servants, in the UK as well there are hardly any differences.

⁴ Johannes Schregle, *Labour Relations in the Public Sector*, ILR, 381, 1974, p. 393-394.

There are no major differences between both system in Ireland, Denmark and Estonia. In Spain, public sector labour relations are more extensive and more rigid. In some of the new EU Member States, labour relations regulations are - with some exceptions - the same for the public and private sectors such as in the cases of Poland, Bulgaria, Slovakia and Lithuania (see below for more detailed information on the new EU Member States).

The trend towards replacing the *unilateral* determination of employment conditions with *bilateral* collective bargaining structures goes hand in hand with a development towards aligning public sector employment and human resources practices with those in the private sector. A case study par excellence in this context is Italy, where a 1993 decree brought public employees under the same general legal framework of employment as that applying to private sector employees. In addition, in more and more countries the civil servants' employment relationships is founded on ordinary labour law, which are formalised by signing a personal employment contract concluded between the state employer and the public employer on the basis of sectoral collective agreements.

A further explanatory factor of this growing importance of collective bargaining in public sector labour relations is the attempt to increase the efficiency of public services and the general trend towards more flexible employment arrangements (part-time work, "flexitime", working time accounts, job sharing, etc.), governance reforms and the changing role of the state in general. Furthermore, it has also to be mentioned that at a time of financial constraint, civil servants are no longer universally perceived as a specific group that needs to be managed differently to employees in the private sector and that should be deprived of collective bargaining rights.

Notwithstanding these developments towards more flexible labour markets, the public nature and the separate employment statute of the public employment relationship is furthermore conserved in many countries in the sense that unilateral regulations of employment conditions co-exist alongside more formal systems of collective bargaining. In addition, professional groups of staff such as diplomatic staff, military staff and judges often remain outside the system of collective bargaining.

A comparison of the national systems of social dialogue shows that differences continue to persist between the "career systems"⁵ on the one hand and the "position systems"⁶ on the other. In contrast to career systems, in position systems public employees are recruited for a specific position and not for a fixed professional path as civil servant (shift from 'management by hierarchy' to 'management by contract'). The alignment of employment conditions in the public sector with those in the private sector is in general much greater than is the case in the career systems where employment conditions in the public sector sometimes fundamentally differ from those applied in the private sector. In addition, recruitment procedures in position systems are similar to those in the private sector; work experience is an important recruitment criterion with the level of diplomas being a less decisive recruitment factor in career systems.

In many of the career systems it is to be noted that although collective bargaining can play an important role in everyday practice, agreements are often not legally binding or

⁵ Countries with classical career systems are for instance Austria, Belgium, Bulgaria, France, Germany, Greece, Luxembourg, Portugal and Romania.

⁶ Position systems are typical for Denmark, Estonia, Finland, the Netherlands, Sweden and United Kingdom.

the government has no legal obligation to initiate negotiations with trade union organisations. At least in theory, collective bargaining and social dialogue in general have a different status in the public and in the private sector in many of those countries.

In general terms, the application of a labour law system to civil servants usually entails the application of private sector collective bargaining regulations to public sector collective bargaining. However, the distinction between career and position systems is clearly still of relevance when it comes to explaining common trends as well as differences in the social dialogue systems of the EU Member State. Summing up, the reality of the different dialogues and bargaining systems in the different countries is a much more complex phenomenon that needs more refined explanation.

3.4 Different Characteristics of Social Dialogue between the Public and Private Sectors

The unique nature of the state as a public employer, which is characterised by its dual role as public employer and legislator, explains why social dialogue has for so long been different in the public and private sector. In the 1970s, Schregle went so far to state that “as an employer of manpower, a government, being also the custodian of the public interest, can never act, or be expected to act, like an employer in the private sector”.⁷ The development of social dialogue in the public sector since the 1960s also illustrates a growing significance of the states’ role as a public employer and an evolution of its role towards that of the private sector. However, significant differences continue to persist as compared to the private sector.

An important difference between public and private sector collective bargaining relates to the fact that the power of the state as an employer is divided and fragmented among ministerial departments, agencies and ministers. As Bordogna and Winchester⁸ illustrate in their article on collective bargaining in Western Europe, “negotiations (in the public sector) should be viewed as a form of multilateral bargaining in which the resolution of internal conflict on the employers’ side complicates negotiations and invites political pressure from trade unions and professional associations”. The fragmentation of the states’ negotiation power as well as the aim of guaranteeing an effective employers’ representation might have been one of the main reasons why states such as Italy and Denmark have reinforced their central coordination capacities over the last decade.

In Italy, individual public administrations are obliged to be member of the Negotiation Agency of the Public Administration ARAN (Agenzia per la rappresentanza negoziale delle pubbliche amministrazioni), an agency that represents the state in national-level collective bargaining. ARAN is financed by contributions made by individual public administrations; it is headed by a board whose members are appointed by the Council of Ministers. ARAN depends on government directives within the limits of the total budget available and cooperates with the Department of Public Administration of the Government (Presidenza Consiglio Ministri).

In several countries, membership of trade union organisations is higher in the public sector than in the private sector. Very often senior civil servants who are responsible for

⁷ See Schregle above.

⁸ Lorenzo Bordogna and David Winchester, ‘Collective Bargaining in Western Europe’, in: Carlo Dell’Aringa, Giuseppe Della Rocca, ‘Strategic Choices in Reforming Public Service Employment’, Basingstoke 2001, p. 51.

the management of a directorate or unit are also members of employees' organisations, something that can complicate the implementation of public sector reforms. Thus public sector trade unions face less resistance from employers than is usually the case in the private sector.

Another difference between the public and private sectors is the development of collective bargaining: While in the public sector a certain trend can be observed towards the delegation of responsibility to individual employers, in the private sector the trend is rather towards a delegation of responsibility upwards to employers' associations.

3.5 Is there a Trend towards Decentralisation?

The significance of collective bargaining in the public sectors of the EU Member States is characterised by the great variety of systems there are, which can be explained by the different economic, political, cultural and administrative frameworks as well as by the different roles the state has played and still plays in society. To a certain extent, each collective bargaining system is embedded in a unique institutional and legal framework, although it is possible to detect some common development patterns due to similar cultural and historical backgrounds and /or similar economic or other constraints.

The main differences relate to the legal rights of trade union organisations to initiate collective bargaining, the representation and fragmentation of the employer, the obligation to reach an agreement, the strength of trade union organisations, the topics discussed during negotiations and the nature of the outcome of collective bargaining.

In some of the EU Member States, the structure of social dialogue and collective bargaining has been subject to substantial changes over the last decade, which is part of or an effect of other changes that have taken place in the context of public sector reform. The prevailing changes are characterised by trends towards the decentralisation of collective bargaining and/or by a diffusion of the central government employers' negotiation power, for instance in the field of pay setting, among different actors, sectors or levels. The question of centralised or decentralised labour relations thus points towards the fact that social partners' tasks and negotiation powers have been transferred to lower government levels or to external agencies. There is evidence of this transfer in countries such as Austria, Belgium, Denmark, Finland, Hungary, Ireland, Italy, the Netherlands, Portugal, Spain, Slovenia, Sweden and the United Kingdom. As a consequence, 'decentralisation' does not mean a shift of social partner organisations to territories in the periphery, but rather a delegation of the social dialogue practice towards lower levels, such as to directorates and units. After all, none of the EU Member States' collective bargaining in public services is either completely 'centralised' or 'decentralised'.

In Italy, the central government's civil servants have since the 1990s been divided into three sectors or bargaining units (ministries, tax agencies and the Prime Minister's Office). In the Netherlands in the early 1990s, the public sector was divided into 12 or 13 different collective bargaining sectors; one of which was for the central government. In the mid-nineties, the pay determination ended as well in the United Kingdom, while 90 separate bargaining units with great variations in size were created. The most important

negotiations about the broad policy take place in four units;⁹ however each department and agency has its own pay and grading system.

In Finland, public employment is split between the central collective agreements and the agency or branch-level agreements: 57 government authorities can conclude specifying agreements in their areas which have to be approved by the Ministry of Finance. In Denmark and Sweden agreements are also negotiated at two distinct levels (see the country case analysis in Chap. 7). In Spain, bargaining is also characterised by a certain trend towards decentralisation: although agreements are concluded at ministerial level, they are often negotiated at lower levels by delegated committees.

In the Member States with different categories of staff working under a separate legal status such as employees under private law (e.g. Germany or Luxembourg), different negotiations take place. In some other countries, there are alternative systems of pay determination which limit the interference of employers' and employees' organisations. This is for instance the case of independent "Pay Review Bodies", whose task it is to make recommendations to governments, which are followed by a direct statement from the government itself. This form of pay setting is applied to British senior civil servants as well as to nurses, medical staff and teachers.

It is interesting to note that the trends towards decentralisation and/or sectorisation have mostly taken place in those countries in which National Public Management (NPM) inspired public sector reforms – where focusing on values such as *efficiency/value for money*, *customer orientation* and *performance management* has borne fruitful ground or where these reforms have been the most far-reaching. Furthermore, these states also have in common an alignment process of employment conditions in the public sector with those in the private sector and a certain decentralisation of HR management and managerial tools to individual ministries, administrations and agencies. In most of these countries, the uniform administration of personnel and the unilateral determination of employment conditions have long since been replaced by a more individualised management of competencies, skills and performance. As is the case for instance in Ireland, where social dialogue very often takes place at the lowest level at which outcomes are implemented (see country case analysis in Chap. 7).

Social dialogue in these states is mostly embedded in an elaborate informal and formal dialogue culture, while the range of topics discussed is rather broad and includes not only pay and working conditions, but also issues related to HRM and public sector reform. With the exception of the United Kingdom, where collective agreements mainly generate general statements of a political nature, the results of negotiations in the other states often lead to legally binding or voluntary agreements (see Chap. 6).

Although collective bargaining in the above mentioned states is characterised by a trends towards decentralisation, this trend does not mean that completely independent and autonomous negotiations on pay determination take place at different levels or in different sectors: The day-to-day practice shows that collective bargaining in these countries still shows features of centralisation: even in the United Kingdom with decentralized structures, for instance, the decentralisation trend of the 1990s did not immediately lead to an overall fragmentation and differentiation of pay determination in the public sector. On the contrary, according to an appreciation of experts, the "national

⁹ The Department for Work and Pensions, HM Revenue and Customs, the Ministry of Defence and the Home Office.

structures, grading and employment practices have survived the pressures towards devolution and fragmentation”.¹⁰

Experiences in the other “decentralised” case studies go in a similar direction: While more specific questions on working relations are dealt with at the decentralised level, standards are agreed upon at the national level. Thus the state employer still feels a need to maintain a certain degree of control over the wage bill of the entire public sector. This remaining pressure towards centralisation is very well illustrated by the tendency of certain states to create specific agencies for the coordination of the employers’ interests in which the government has still a say (e.g. Italy, Sweden).

In several states with decentralised social dialogue features, the employers’ interests are coordinated in influential ministries such as in the Ministry of Finance (Denmark, Finland, United Kingdom) or in the Ministry of the Interior (Netherlands) or partly also in the Prime Ministers’ Office (UK).

The great majority of the new EU Member States¹¹ is characterised by a rather centralised tripartite social dialogue and collective bargaining. Tripartism has become well established in these countries, because employer and employees’ organisations have since the 1990s built-up a culture of cooperation and consultation from scratch: their experiences with autonomous industrial relations had been rather limited. Tripartism provides the government with a key role in seeking the consent of the social partners in order to introduce sometimes difficult reforms.

Effective decentralised social dialogue depends to a considerable extent on having competent and knowledgeable “partners” who know how to conduct negotiations and how to express and bring forward their interests. Many countries are currently only in the phase of developing sustainable partnership structures based on principles such as equality, expertise and consensualism. Estonia for instance strives in this context for the financial support of a programme financed by the structural funds which aims at achieving better capacity in the public sector for the years 2007-2013. This programme also supports the activity of trade unions and of trade union employees.

The trend towards the decentralisation of social dialogue is also to be seen in the context of the general trend towards a flexibilisation of employment conditions to increase the efficiency and performance of the public sector. Not all the Member States have been influenced by such trends in the same way such as is also the case of the diverging financial constraints and of other constraints or country-specific traditions.

The structure of collective bargaining has not been touched upon in the same way in all the states: Collective bargaining remains quite stable, centralised and unchanged in its essence predominantly in those states where civil servants are governed by rules (legislation) of public law that are unilaterally laid down by the state (e.g. France, Germany, Luxembourg, Belgium and Greece). In those states, the superiority and specificity of the state entails that civil servants are seen as public agents with special rights and duties, a fact which completely eliminates the option of contractualising and of individually negotiating the employment relations between

¹⁰ Berndt Keller et al., *Employer Associations and Unions in the Public Sector*, in: Carlo Dell’ Aringa, Giuseppe Della Rocca, ‘Strategic Choices in Reforming Public Service Employment’, Basingstoke 2001, p. 75.

¹¹ For a more thorough description of the context of the collective bargaining systems in these countries, see the subchapter 3.6 “Old Member States – New Member States: still a distinction to be made?”

the civil servant and the state employer. In most of these states, the state employer still enjoys a high level of authority whether or not it enters into negotiations with employees' organisations.

3.6 At what Levels does Social Dialogue take place?

There is a great variety of institutional levels at which social dialogue actually occurs. In most countries, the question of the place and level at which the negotiation partners engage in bargaining processes cannot be answered simply by stating ‘centralised’ or ‘decentralised’. In an attempt to provide a rough overview of country groups, three clusters may, however, be distinguished (see Table 1):

Thirteen public administrations have rather (largely) *centralised* social dialogue systems and four Member States are characterised by (largely) decentralised systems. Big differences from country to country remain, of course, within these groups. Ten Member States have, instead, *multi-level* social dialogue structures, i.e. negotiations take place on both at centralised and decentralised level. In Ireland, for instance, collective bargaining takes place both at sectoral and national level. Only four countries have (largely) decentralised public employment relations: Estonia, Sweden, the United Kingdom and the Netherlands where collective bargaining takes places at sectoral level (see Table 1 below).

Table 1: The Structure of Social Dialogue

Country		Centralised or decentralised extent of social dialogue
1.	AT	centralised
2.	BG	centralised
3.	CZ	centralised
4.	EL	centralised
5.	LU	centralised
6.	PL	centralised
7.	SI	centralised
8.	FR	largely centralised
9.	HU	largely centralised
10.	IE	largely centralised
11.	MT	largely centralised
12.	PT	largely centralised
13.	ES	largely centralised
14.	BE	both centralised and decentralised
15.	CY	both centralised and decentralised
16.	DK	both centralised and decentralised
17.	DE	both centralised and decentralised
18.	FIN	both centralised and decentralised
19.	IT	both centralised and decentralised
20.	LV	both centralised and decentralised
21.	LT	both centralised and decentralised
22.	RO	both centralised and decentralised
23.	SK	both centralised and decentralised
24.	EE	decentralised
25.	NL	decentralised
26.	SE	decentralised
27.	UK	largely decentralised
28.	EU COM	centralised

The following Table 2 demonstrates the great variety of legal frameworks there are for central public employment. Data regarding all main legislative actors are enumerated as far as available during this EU Presidency Survey.

Table 2: Legal Framework of Social Dialogue in the Public Sector

Country		The legal frameworks and main legislative acts governing civil service labour relations laid down
1.	AT	Labour Constitution Act (Arbeitsverfassungsgesetz) covering working conditions and wages; Federal Staff Representatives Act covering civil servant staff regulations (Beamten-Dienstrechtsgesetz); social dialogue takes place at national, regional (Länder) and local level; wage bargaining by informal procedures; pension funds for contract agents by collective agreement
2.	BE	Laws, regulations, diverse legal acts; social dialogue takes place in “Negotiation Committees”: ¹² A (general public service), B (central, and regional public service) and C (provincial and local public service); furthermore several “Consultation Committees” ¹³ and 19 sectoral committees exist
3.	BG	Civil Servant Act and labour law code; social dialogue takes place at governmental, sectoral, branch and municipal level
4.	CY	Labour Law Act covering all people working in the public sector apart from judges and defence and security forces; Decree 564/2006 regulating wages for public sector employees; Civil Servant Act in preparation; social dialogue takes place at national and regional level
5.	CZ	Labour Code Act 218/2006; Coll. Civil Service Act 218/2002 (not yet in force); social dialogue takes place at central public administration level
6.	DK	Mainly collective agreements for various personnel groups, but also labour laws (regulations, individual contracts) for specific groups; for general issues (pay, working conditions) social dialogue takes place at central level; variable salary structure has been decentralised; bargaining processes at the workplace level are of increasing importance (cooperation committees, shop stewards; see Country Case Denmark, Chap. 7)
7.	EE	Public Service Act; social dialogue takes place at governmental, ministry and regional level
8.	FI	Collective agreements (with specific acts and statutes); at central government level, social dialogue takes place at governmental and agency level; at local government level, social dialogue takes place at both central and municipal level
9.	FR	The statutory framework for civil servants and trade unions in the civil service is laid down in the laws of 19 October 1946 and 13 July 1983; the right of consultation (<i>droit de participation</i>) is provided regarding remuneration issues and the working conditions and work organisation (Art. 8 of the latter act), and regarding statutory rules and career development (Art. 9 of the same act); collective bargaining is predominantly conducted at central level: the government has the right to initiate bargaining; however, since the working time reform of 2008 a trend can be noted towards also negotiating at local level
10.	DE	Constitution, National Civil Service Act, Civil Law Act (BGB), Working Time Act, collective agreements; social dialogue takes place at national, regional (Länder) and local level
11.	EL	Constitution, Civil Servants Code, Presidential Decree 410, Code for the local government officers
12.	HU	Act XXIII of 1992 (legal status of civil servants), Act XXXIII of 1992 (legal status of public servants), Act XLIII 1996 (legal status of officers of the defence force), Act XCV 2001 (legal status of soldiers); social dialogue takes place at national, sectoral and workplace level
13.	IE	The Civil Service Conciliation and Arbitration Scheme covers civil servants; similar schemes operate for teachers, defence and police forces; collective bargaining takes place mainly at sectoral and national level; the “National Centre for Partnership & Performance” - established in 2001 - seeks to promote partnership-led change in all workplaces both in the public and private sector; this social dialogue structure is laid down in a “Partnership Agreement” (see Country Case Ireland, Chap. 7)
14.	IT	Social dialogue, rather decentralised in principal, is strongly coordinated by the Agency for the Representation of Public Administration Negotiations (ARAN)
15.	LV	State civil service law and general labour law; social dialogue takes place at governmental, ministry and regional level
16.	LT	Constitution, Civil Service Act; social dialogue takes place at governmental, ministry and regional level
17.	LU	Statute of the civil servants of 16 April 1979; Law regulating the remuneration system of civil servants of 22 June 1963; Social dialogue takes place at central governmental level

¹² Comités de négociation.¹³ Comités de concertation.

18.	MT	Constitution, Collective Agreement
19.	NL	Constitution, civil service law, executive regulation for specific sectors (on pay-related issues); at central administrative level, bargaining takes place in the sectors health, education, defence and police forces sectors; the Minister of the Interior (Directorate-General Public Administration) has a coordinating role; generally, collective bargaining takes place at sectoral level
20.	PL	Constitution, Tripartite Commission for Social and Economic Affairs Act (2001), Labour Law Code, Trade Union Act (1991), Civil Service Act (2006); social dialogue takes place only at central level: the Tripartite Commission for Social and Economic Affairs is the main negotiation body
21.	PT	Constitution, civil servants statute, general labour law for public employees; social dialogue takes place at both national and sectoral level
22.	RO	Civil Servant Statute (1999); social dialogue takes place at governmental, sectoral and local level
23.	SK	Constitution, Labour Law Code (2001), Collective Bargaining Act (1991), Civil Service Act (2001); social dialogue takes place at national, branch and company level
24.	SI	Constitution, Civil Servants Act, Public Sector Wage System Act, Employment Relationship Act, Collective Agreement Act, rules of procedures regulating cooperation between the social partners (see Country Case Slovenia, Chap. 7)
25.	ES	Constitution (1978), statute for public employees; social dialogue takes place both at national and sectoral level
26.	SE	Employment Act (1976) providing the framework for co-determination in the workplace (see Country Case Sweden, Chap. 7)
27.	UK	Social dialogue takes place at both departmental and central civil service level
28.	EU COM	Statutory rules; social dialogue takes place between the Directorate-General Personnel and Administration (DG ADMIN), which centralises negotiations with 40 Directorate-Generals, and the Trade Unions or Staff Associations (Organisations syndicales ou professionnelles OSP) ¹⁴

When analysing the question of whether the collective bargaining systems in the public sector are rather *formal* or *informal*, the institutional set-ups of social partners in the countries have been examined with regard to criteria such as the frequency of negotiations and the number of committees. Certainly, other factors are also relevant such as short or long communication channels, the number of committee members, the complexity of preparative work, etc. Most EU Member States described their social dialogue system as (rather) *formal*: Belgium (*concertation social active*), Cyprus (the Joint Staff Committee meets monthly), Finland (five to ten central-level committees), Greece, Ireland (monthly General Council meetings), Italy (process of *contrattazione*), Portugal, Slovenia and Spain.

By contrast, the Czech Republic and Poland described their social dialogue on civil service issues as rather *informal*; the degree of institutionalisation is rather low. In the case of Poland, for instance, this is underlined by the fact that the *Tripartite Commission for Social and Economic Affairs* does not include a subgroup on civil service matters. Sweden and the United Kingdom have both formal and informal industrial relations. The Cabinet Office of Great Britain meets formally with trade unions for discussions. Separate meetings take place each month on topics such as the efficiency and relocation of work, variable remuneration systems, etc. A group of Permanent Secretaries meet every month to discuss employment relation issues. However, the frequency of meetings and contacts depends on the negotiation issues. The rationale for this informal approach is to ensure that all topics are dealt with at the appropriate level before a possible “escalation” and stalemate of bargaining between the social partners.

¹⁴Laid down in the Accord concernant les relations entre la Commission Européenne et les Organisations Syndicales et Professionnelles (2006), the so-called “Accord-Cadre”.

In conclusion, getting to grips with the variety of cultures of social dialogue processes and understanding the diverging approaches of EU Member States remains a challenge.

3.7 Old Member States – New Member States: Still a Distinction to be made?

There is a limited amount of data within the employment policy research community on the dynamics of social dialogue in the new Member States. A distinction has to be made between the ten Member States that were part of the communist block before 1990 on the one hand, and Cyprus and Malta on the other. The latter two Mediterranean countries have established social dialogue traditions, with Cyprus influenced by the social policy action in Greece and Malta by the social dialogue culture of Italy and to a certain extent by the United Kingdom.

In the last 18 years, the ten post-socialist Member States that entered the EU in 2004 and 2007 have established new social dialogue structures, in part from scratch. While some Member States engaged in intense negotiation processes, there are still substantial differences between these countries and the old Member States due to the legal, institutional and cultural traditions. Employer organisations, for instance, are generally well-established actors in the social dialogue systems of EU15. This is not the case for a considerable number of the new Member States. Central and Eastern European countries have only a short tradition of bargaining due to the complete reorganisation of the economy after the Communist regimes collapsed. While trade unions are often ready to enter into collective bargaining, the employers in the private sector are often not.

The public administrations of Central and Eastern Europe answered parts of the questionnaire rather shortly. It can however be noted that the establishment of social partners and the undertakings of regular negotiations has entered a period of gradually increasing development. This phase of “work in process” is characterised by *tripartite* bargaining, i.e. negotiations within the triangle of ‘workers, management, government’ rather than *bipartite* bargaining, i.e. negotiations only between worker and employer organisations:

In several Central and Eastern European countries, social dialogue is concentrated at national level. However, tripartite social dialogue cannot be efficient without solid and dynamic bilateral dialogue at all levels. Social partners at regional or local level not always have sufficient own resources and knowledge. The specificities of the Central and Eastern European countries include a slower building of capacity than in the rest of the EU, which entails problems related to the strong involvement of interest groups and organisations in the various forms of social dialogue. In particular structured, independent and representative trade unions are not or not easily available.

The focus on tripartite national bargaining in Central and Eastern European countries can be drawn back to a tradition of central governmental control: due to a transition process with numerous parallel moments of building-up and changes, the governments have preferred to keep a relatively tight hand on economic and social reforms in general. Social dialogue is tripartite in the sense that – lacking experience of autonomous industrial relations – the state had exercised the all-embracing control on social dialogue during the socialistic period. In most new Member States governments have been strongly involved in the social dialogue; they were usually the initiators of tripartite meetings organised to deal with major reforms regarding working conditions in the public sector and alike.

Social dialogue is not always seen in a positive light: in several cases in the early phase of the reform and catching-up process it has been confused with (neo-)corporatism practised by the former socialist regimes. In some countries trade union membership has even declined rapidly during the transition period. The lack of resources and experience is reflected in differences between the levels of trade union membership rates in the Central and Eastern European countries and the rest of the EU (see Chart 1). The involvement of social interest groups is not as regular and continuous as in western Europe. In Hungary, for instance, the civil society is rather young and still in a learning process since it had no tradition of self-governing organisations before 1989. Also the Baltic states and Bulgaria reported that collective bargaining between employers' and employees' organisations is currently rather limited.

In summary, with regard to the historical tradition, cultural evolution and strength in terms of financial and human resources, a relevant divide still persists between the majority of old EU Member States and the Central and Eastern European countries. In the economic catching-up process since the fall of the Berlin wall and during the accession period, eight of the 10 new Member States which entered the EU in 2004 often had priorities even more important than building up from scratch a social dialogue structure. Having been ruled for decades under strong centralised governments, raising awareness in those countries as to the need for non-governmental bodies such as employer or trade union organisations has often not been on top of the reform agenda.

4. The Social Dialogue Actors

4. 1. The Counterparts in the Public Sector

The question as to who the actors in the bargaining process are does of course have a decisive influence on the coordination of the bargaining structure and the outcome of the negotiations. With regard to the role of employers, in most cases Ministries of Finance (such as in Denmark, Finland, France,¹⁵ Malta, Portugal and Spain), Ministries of the Interior (Germany, Greece; the Netherlands: Ministry of the Interior and Kingdom Relations) or a combination of ministries are involved in the bargaining processes (Hungary, Latvia, Portugal, Romania, Slovakia and the United Kingdom). Only in five cases is the employer's side represented by an *agency*, which is either separate from the government or a separately managed body within a ministry (see Table 8 in the Annex of this analysis). Independent agencies can be found in Italy (ARAN) and Cyprus (Joint Consultative Committee MEP) and separately managed bodies within a ministry exist in Denmark and Finland.

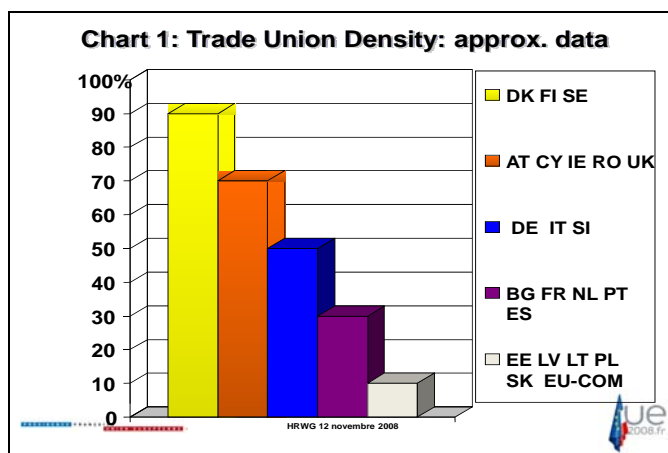
On the side of the trade unions, the right of association is almost universally permitted both for career and civil servants and contractual employees. In some countries there are restrictions for several groups, such as judges, armed forces, police or fire brigades. In a substantial number of countries – for instance in Italy or Slovenia – the employees' side is characterised by a high level of multiplication of unions and fragmentation of representation in the social dialogue sectors. *Table 8* in the Annex provides an *overview* of all social partner actors in the central public administration (on the basis of available data).

¹⁵ In France by delegation of the Prime Minister.

4.2 Diverse Trade Union Density Rates

Great differences exist between the trade union density in central public administrations within the EU. In several cases, the information available only allows for rough estimates due to the fact that membership rates differ from sector to sector. In other cases, precise data were available only in some sectors or not at all. The Belgian and the Portuguese Administration reported that the gathering of membership rates would imply a violation of law.¹⁶

Against this background of uncertain evidence, EU Member States can be cautiously categorised into five groups: Frontrunners are the Scandinavian countries Denmark, Finland and Sweden with a unionisation rate of approx. 90% (see Chart 1 below), followed by countries as different as Austria, Cyprus, Ireland, Romania and the United Kingdom with a density rate ranging from 55 to 75%. Roughly half of public sector employees are union members in Belgium, Germany and Italy. The membership rates vary between 15 and 40% in Bulgaria, France, the Netherlands, Portugal and Spain. Low union rates can be observed in Estonia, Latvia, Lithuania, Poland and Slovakia; precise data is often not available. Summarising the available data, the high union rates in Nordic countries demonstrate that these countries have strong trade unions. By contrast, in most Central and Eastern European countries – with the exception of Bulgaria, Romania and Slovenia – low union density rates indicate rather weak trade union organisations. (For complete data based on the Questionnaire replies see Table 7 in the Annex.)



4.3 The Right to Strike

As was laid out earlier (see Chap. 3.2), the right to strike of central government employees is subject to restrictions especially for statutory civil servants. In some cases it is simply forbidden, in others it is subject to special regulations. Armed forces, defence, the police and the judiciary are generally excluded from the right to strike; it is usually permitted for contractual staff in Germany, Belgium, Bulgaria, Denmark, Estonia, Hungary, Latvia and Poland, unless differently specified (see Table 4 below).

¹⁶ In the case of Belgium, gathering trade union membership data would be an infringement against the Conseil d'Etat Arrêt of 12 June 1967 (no. 12.521), in the case of Portugal against the Constitution.

In five national public administrations, statutory civil servants are exempted from the right to strike. The right to strike is granted to civil servants in 22 countries. However, among this group, twelve countries reported restrictions for special professional groups such as police and defence forces or judges. In six EU Member States, the right to strike for civil servants is accompanied by special mechanisms for dispute resolution.

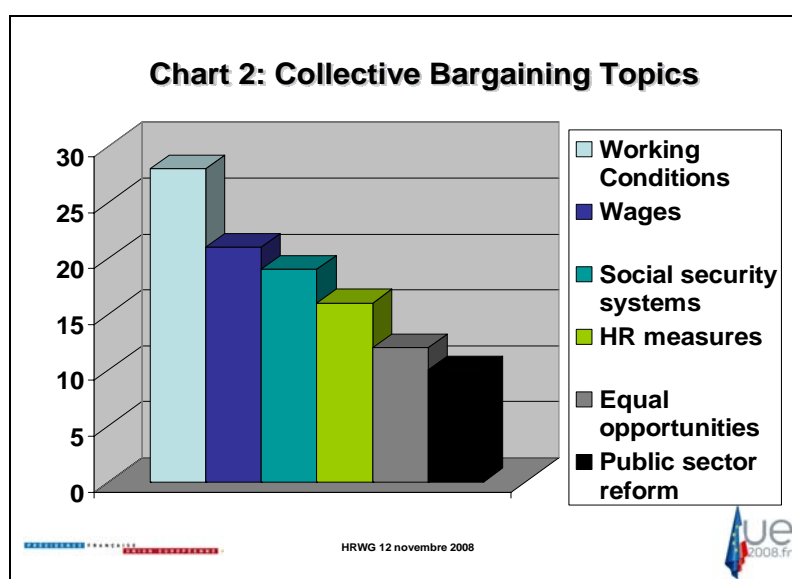
Table 4: The Right to Strike of statutory Civil Servants

Country		Right to strike
1.	AT	no
2.	BE	yes
3.	BG	yes, however with the duty to make ongoing efforts of resolution
4.	CY	yes, but restrictions for police, defence and security forces, public prosecutors and judges
5.	CZ	yes, but restrictions for police, armed forces, fire brigades and judges
6.	DK	not for civil servants, but special mediation/arbitration scheme
7.	EE	yes, but restrictions for police and military forces, public prosecutors and judges
8.	FI	yes, but restricted in comparison to contract employees; special mechanism for dispute resolution
9.	FR	yes, but restrictions for some specific civil servants such as defence forces and judges
10.	DE	no
11.	EL	yes, but restrictions for defence forces and judges; special mediation/arbitration scheme
12.	HU	yes, but restrictions for defence forces
13.	IE	yes, but special mechanism for dispute resolution
14.	IT	yes, but special rules for essential public services
15.	LV	no
16.	LT	yes
17.	LU	yes, but special mechanism for dispute resolution and exclusion for some civil servants
18.	MT	yes, but restrictions for police, armed forces, fire brigades, judges and some other civil servant groups
19.	NL	yes, but restrictions for defence forces; special mediation/arbitration scheme
20.	PL	no
21.	PT	yes, but restrictions for police/defence forces and judges
22.	ES	yes, but restrictions for police/defence forces, public prosecutors and judges
23.	RO	yes
24.	SK	yes, but restrictions for top civil servants, fire brigades and police forces
25.	SI	yes, with a special dispute resolution mechanism and a minimum public service provision
26.	SE	yes
27.	UK	yes

5. The Topics of Collective Bargaining

The significance of collective bargaining also depends on the topics. In assessing the question as to which topics are dealt with in collective bargaining processes, it can be said that the most important topics for social partners are working conditions and wages, while issues related to performance management, public sector reform and human resource management are less often on the social partners' negotiation agenda.

Concretely, all 27 national public administrations are dealing with working conditions as a collective bargaining topic (see Chart 2 below). Working conditions include all essential employment-related issues such as working time, holidays, parental leave, etc. In 20 countries public sector bargaining covers wage-setting. In 18 cases collective bargaining has dealt with the modernisation of social security systems (for instance adapting pension schemes and the retirement age to the demographic change). Human resources policies are covered by collective bargaining in 15 public administrations, followed by equal opportunity matters (non-discrimination, pay-gap, etc.) in 11 cases. Conditions of reform processes within the public employment sector have been indicated as a collective bargaining topic in 10 countries. Three public administrations indicated additional collective bargaining topics: in Bulgaria legal framework conditions of the social dialogue in the public sector is a bargaining topic; the Danish Public Employer reported child care days and shop steward issues; in France health and safety in the workplace is a bargaining topic (for complete data on the Questionnaire replies see Table 9 in the Annex).

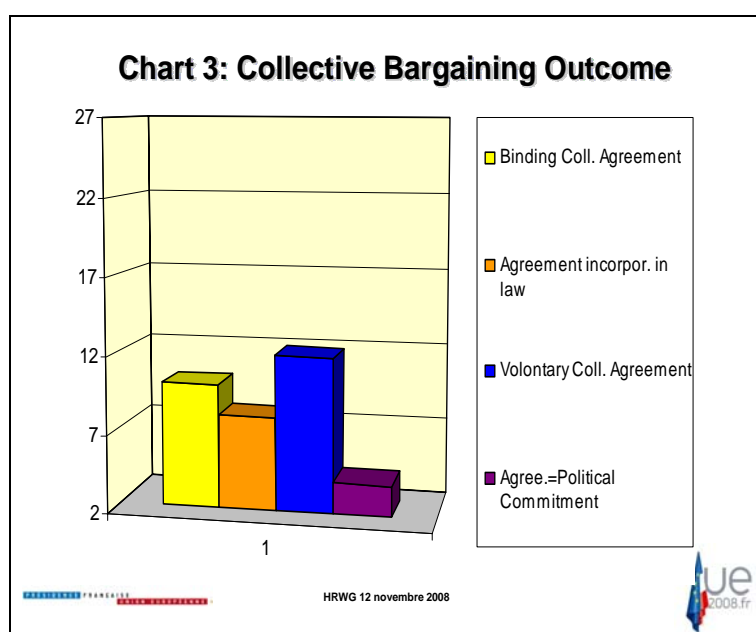


6. The Processes and Outcomes of Collective Bargaining

The variety of social dialogue cultures is reflected not only in different collective bargaining topics, but also in the different processes and outcomes of bargaining processes. With regard to the obligation to initiate collective bargaining negotiations, a country-specific view has to be taken: in Austria, the initiation of negotiations with trade unions is based on a voluntary nature; in Belgium there is no express legal right to

collective bargaining since the protocols are not legally binding. Also in France, the government cannot be legally obliged to negotiate with trade union organisations; trade unions can only initiate negotiations in areas that they wish to discuss. On the contrary, the negotiation process is obligatory in several other countries (in Bulgaria, Finland, Hungary, Romania and Slovakia).

With regard to the outcomes of collective bargaining negotiations, in roughly half of the countries, the main outcome of bargaining processes are *voluntary* collective agreements (12 Member States) according to the data collected. In ten Member States, the most typical outcomes are binding *collective* agreements. In eight countries, collective agreements are to be incorporated into legal acts. Four Member States indicated that – at least partly – collective bargaining leads to agreements which have the character of *political commitments*; i.e. the agreement has no legal force (see Chart 3 below and Table 10 in the Annex for the complete replies to the questionnaire¹⁷).



In Denmark, Estonia, Hungary, Latvia, Malta, Slovenia and Sweden, collective bargaining agreements have to be implemented once they have been signed and approved by the social partners. In the Irish public administration, the arbitration findings must be implemented unless there is a motion in the Parliament not to do so. In Spain collective bargaining agreements are only legally binding for statutory civil servants. In Cyprus, the Council of Ministers can take a final decision contrary to the recommendations of the Joint Staff Committee when deemed necessary.

The legal framework does not always reflect the day-to-day practice in the sense that collective bargaining can play an important role in the process of changing or laying down the working conditions of civil servants. But also in these states, a certain move

¹⁷ A certain number of national public administrations have indicated several different bargaining outcomes *in parallel*.

towards decentralisation, as well as other changes, is taking place (see Chap. 8 “Reform Processes and Developments of Change”).

7. Selected Country Cases

Social dialogue structures in some countries deserve to be analysed with a view to specific national employment relation features. Out of the EU27, four country cases have been chosen: Denmark which has a two-fold social dialogue culture (centralised/decentralised), Ireland which has a largely centralised social dialogue culture, Slovenia with centralised social dialogue system in its public sector and Sweden with an extremely decentralised system.

7.1 Case *Denmark*: strongly developed formal and informal employment relations

- *History and tradition*: Denmark can claim to be globally the first country ever to have recognised trade union organisations. The starting point of the Danish employment relations system is the September Agreement from 1899. After a major long-lasting industrial conflict, employers and workers agreed on a more formalised cooperation based on mutual recognition and the understanding that negotiations are to the benefit of both sides.
- *The Cooperation and Collective Bargaining System*: Social dialogue in the public sector of Denmark is characterised by a comprehensive cooperation and collective bargaining system. There is no tradition of major industrial conflicts when (re)negotiating collective agreements. While bargaining processes may be long sometimes, the social partners usually come to an understanding. Special rules for the use of collective industrial action impose a “peace obligation” which prevents the social partners from resorting easily to hostile action during the period of valid collective agreements. The social dialogue structure is two-fold: framework agreements are concluded at central level, leaving the conclusion of more specific complementary agreements at the local level. At the workplace level, cooperation committees and shop stewards play an increasingly important role for instance when negotiating new forms of pay or human resources policies.
- *The actors*: The central government employer is the *State Employer’s Authority* under the Ministry of Finance. The main counterpart is the *Danish Central Federation of State Employees* (CFU) composed of three public employees’ organisations, the Association of Danish State Employees’ Organisations (StK), the Collective Negotiation Secretariat of Central and Local Government Employees (SKAF) and the Confederation of Professional Associations (AC).
- *Self-regulation and binding collective agreements*: Industrial relations in Denmark are based on “voluntarism”: workers and management have joined together in organisations on a voluntary basis and reached agreement on their own rules of the game which are not based on labour law. Strong labour market organisations with a high membership rate are a precondition for a system based on the social partners’ self-regulation. Mutual recognition and “respect of the rules of the game” are other important features of employment relations. When a collective agreement has been concluded, it has direct effect and will apply to all workers within the specific personnel group, union members and non-union members alike.

- *Negotiation power delegated to the workplace level:* During the wage reform, the “New Pay System” was introduced in 1998. Pay-setting bargaining processes have been delegated to the local level; the Government’s arguments for this change process were:
 - firstly, detailed knowledge of the actual working conditions and the qualifications of staff are at the workplace level;
 - secondly, pay development should reflect the performance and qualifications of the individual staff member to a greater extent than the previous pay system;
 - thirdly, pay should be seen as a management instrument for staff motivation aiming to achieve more effective public services.

Facing a rapidly changing labour market, “Cooperation Committees” at the workplace level have an increasingly important role as key players in the bargaining processes: those Committees enable a greater focus on the conditions for a good working environment and high standards for health and safety in the workplace. Furthermore, the social partners have recognised that cooperation and jointly defined objectives are a precondition to the delivery of better services.
- *Good practices and a role model on an international scale:* Summing up, the Danish Social Dialogue Model has served as a role model for several delegations from European countries and abroad. A recent example of other countries seeking inspiration is a study visit organised by EIPA with participants from the Czech Republic, the United Kingdom and the Netherlands focusing on the collective bargaining model and specific examples of flexible social partner agreements. Good practices of the two employment sides working together towards shared goals are the drafting of joint guidelines and the organisation of joint “job fairs”.

7.2 Case Ireland: the Partnership Approach

- *Nature of the social dialogue in the public sector:* Employment relations in Ireland are characterised by their voluntary nature: consultations on all major employment issues are expected in the “spirit of partnership”. National agreements tend to specify particular issues on which consultation is required. In some instances, an issue cannot proceed without agreement, in others consultation does not amount to a veto. The nature of the employment issue determines whether an agreement is required rather than a legal obligation.
- *The Partnership Approach – history and developments:* As the commencement of an ongoing process of participative management, the “Partnership Structures for the Civil Services” are a rather new development in Ireland and – as it seems – in public administration world-wide. The objective is the empowering of staff: each Department and Office is to engage in a continuous process of improvement of services and delivery, firstly by “common ownership by management, unions and staff of the development and implementation of the action programme, and, secondly, a new participative approach resolving issues and challenges”.¹⁸ In 1987, public and private sector employers adopted the National Social Partnership Agreement “Towards 2016”. This agreement sets out the basis of the institutional framework for labour relations in all public sector employments. In 2001, a *National Centre for Partnership & Performance* was established aiming at promoting and facilitating partnership-led

¹⁸ General Council Report No. 1331; Appendix “Partnership 2000”.

change in all workplaces, both public and private sector (see: <http://www.ncpp.it>). By agreement with local staff interests, each Department and Office may amend or adjust the partnership arrangements to suit local needs. The aim of the Government was to replace an adversarial approach to change processes with an open, co-operative process based on effective consultation and participation by all employees concerned. To this end, a Partnership Committee and intensive and extensive working groups were set up. The Partnership Committee has drawn up an action programme and is monitoring progress.

- *Examples of the Partnership Approach:* In the context of Partnership Agreement several Departments have continued to agree on an annual report on modernisation plans and to deal successfully with a range of day-to-day matters that would otherwise have been addressed in a more adversarial forum. These include: relocation of staff to a new building, decentralisation of staff to locations outside of Dublin, staff training and development, the parameters of a major capacity review of Departments, the recognition of long service (seniority), matters relating to health and safety policy, performance management and Merit Award Scheme.
- *Conclusion:* The development of the partnership approach as a whole is overseen by the Department of the Taoiseach (Prime Minister). The Irish Partnership Approach involves the sharing of ideas and decision-making in relation to solving problems and agreeing on what is to be done and how it is to be done to the mutual benefit of all concerned. The long-term process of the partnership process, which was initiated at the beginning of this decade, will however depend on achieving the required level of *trust and confidence* in each Department and Office.

7.3 Country Case Slovenia: a rather strong, centralised and formal social dialogue tradition

- *History, tradition and bargaining culture:* During the transition period in the early 1990s, the Slovenian social partners did not start from scratch but could base themselves on an institutional framework established during the socialist period; rather competent employers' and workers' bodies have always been in place. In 1993, the social dialogue was intensified aiming in particular at strengthening the rights and duties of employees and at building the legal framework for the functioning of the public sector in the new state. The employer's side has been providing relevant data, reports, etc. to trade unions if required. Negotiations take place at the *central* public administration level while the bargaining results affect all public employees. The collective bargaining system is compulsory and rather formal: negotiations take place several times per year, depending on the subject.
- *The actors:* The governmental bargaining group is represented by several governmental offices, agencies and ministries (Ministry of Public Administration, Ministry of Finance, Ministry of Employment and Social Affairs – depending on the bargaining topic). The *Social Economic Council* – financed by the state budget – has the important role of legislating legal acts, expressing opinions, etc. Public sector employees are represented by over 20 trade unions, for instance the *Trade Union of State Bodies of the Republic of Slovenia*. The union density is rather high, depending on the sector approx. 50% in the average; consequently, trade unions have been a rather stable negotiation partner in the last decade.

- *Reform processes:* The collective bargaining system has been recently changed regarding the wage system of the public sector. Since 2003 a bargaining process has been undertaken which came to a successful end in September 2008: by the *Public Sector Wage System Act* salaries have been unified in relevant categories of professional competences across the public sectors. Wages for instance between police and customs officers have been made comparable and inappropriate pay gaps have been closed.

7.4 Case Sweden: Delegation of employer responsibility to agencies

- *History and tradition:* Compared to other European countries, the structure of Swedish central government administration is extremely decentralised. Unlike the majority of countries, the Swedish central government administration comprises government agencies which are principally autonomous of the government in carrying out their tasks. The principle of autonomy was introduced back in the 17th century when the foundations of the civil service were laid. Ever since, delegation and decentralising decision to agencies have been regarded as the most effective way of carrying out government business. Since the late 1930's there is a tradition in the Swedish labour market that sound business and freedom for management decisions is favourable for both social partners, employers and workers alike. This was laid down in an industry sector agreement and has strongly contributed to a culture of cooperation in the field of employment relations. When negotiations were allowed for the central government sector in 1965, the "spirit of cooperation" of the private business sector had spill-over effects to the public sector.

The Co-determination act of 1979 regulates the workplace relationship between local social partners all across the Swedish labour market. From the mid-1980's to the mid-1990's the government agencies responsibilities as employers were further defined and fine-tuned: the agencies were mandated to cooperate and coordinate measures across the country in order to practice a joint employer policy. As a result, agreement has been obtained seeking to strengthen the line managers' role as employers. However, the process of devolution of responsibilities is still in progress. The degree of membership of trade unions is comparatively high, around 80 per cent, which gives the three government unions a legitimate mandate to represent the employees. Strong social partners on both sides are considered to help keeping up a consistent and trustworthy relationship.

- *Autonomous, Decentralised Agencies:* In total 240 agencies enjoy a relatively independent status. Under the Swedish Constitution, single ministers are not permitted to influence agencies' exercise of public authority. There is little detailed regulation and reporting; agencies are notified of general lines of action but not of the way these actions have to be carried out. Each agency is free to use its resources within its mandate. They submit annual reports to the government informing it of human resources developments, as well as performance and financial statements. All staff is recruited by each agency autonomously; the government appoints only the heads of the agencies and a very few other political appointees. Consequently, there are few formal career systems in the civil service (limited to judges, diplomats and parts of police and military forces). Human resources management favours job rotation within the same agency or between sectors of the labour market.

The Swedish Government delegates social dialogue responsibilities to autonomous Agencies

The Government

- Provides a written instruction
- Gives yearly written directives
- Decides about the framed appropriations
- Evaluates the performance

240 Agencies

- Carry out its mission as an employer
- Employ its own staff, except DG
- Allocate resources for staffing, machinery, localities etc.

- *The Swedish Agency for Government Employers (SAGE):* The Swedish umbrella employers' organisation is SAGE whose members are the government agencies. Membership is compulsory for all agencies. SAGE employs 65 staff; its supreme governing body is the Employers' Council which comprises all heads of agencies and meets annually. The Council proposes SAGE's Members of the Board to the Government; the Board, in turn, appoints the Director-General. The Agency's actions and procedures follow the preferences of its members. One of the most important tasks of SAGE is to coordinate all agencies for common negotiation policies towards the trade unions. Further important tasks comprise the negotiation of central agreements and the support for members by relationship-management with local trade unions.
- *One labour law for all:* Regarding the rights and obligations of central government employees the same overall labour law applies to the public and any other sector in the labour market. In addition, the social partners agree on further sector specific binding regulations. The state administration does not offer life-long employment guarantees; if redundancies become necessary, employees may be laid off according to business needs, taking into account legal regulations on the seniority of staff. Only judges enjoy special employment security. According to the Act of Co-determination at Work, the agencies are obliged to report regularly to the trade unions on developments with regard to planned actions affecting working conditions, remuneration issues and staff policy.
- *Agreements are binding:* Legal acts under public administration law are very limited. They mostly regulate the responsibilities of public employees (disciplinary rules in case of maltreatment). Instead the Swedish system of employment is based on regulations by agreements that complement the basic legislation for all of the labour market. The negotiation system rests on a basic agreement that is valid over time. There is a pension agreement (mandatory), a job security agreement (mandatory), an agreement for general working conditions (discretionary), central pay agreements (discretionary) for each union, etc. Details of discretionary agreements are set out in local agreements at each agency.

8. Reform Processes and Developments of Change

An in-depth comparative analysis of reform trajectories in the EU27 with widely different social dialogue systems and constitutional structures is so complex that this task would go beyond the scope of this study. The analysis has shown, however, that the majority of

Member States are currently not undertaking any reforms in the field of social dialogue of the central public sector. Instead, all Scandinavian countries (Denmark, Finland, Sweden) have engaged in wage-setting reforms, delegating pay determination to regional and local levels (see below Table 5 summarising *current* reform process in public employment relations). In Denmark, performance-related pay is perceived as an important motivational instrument among others in the palette of human resources tools. The Danish system of statutory civil servants has been in a down-winding, i.e. recruitments of statutory civil servants was limited to specific groups and levels. These new human resources policies can be seen as a trend of approximation with the private sector.

Instead of sharp reform processes, public employment relations of other countries are rather characterised by developments of change. In France, for instance, reforms had been of limited scale since the publication of the general status of *fonctionnaires*. However, according to the very recent *Accord de Bercy sur le renouveau du dialogue social du 2 juin 2008*, important new rules on negotiation practices have been launched; the agreement has been signed by six trade union organisations representing more than 70% of public sector employees. The criteria of representativeness have also been changed both at national and local levels. According to a legal ruling, the results of professional elections have been defined as a new requirement of representativeness, which helps to allocate financial support fairly to the trade unions.

In Central and Eastern European public administrations, social dialogue has usually not been at the centre of state-building processes or governance reforms at the early state of the transition period. Lithuania has developed so-called Social Dialogue Coordination Centres; Slovenia is undertaking wage-setting reforms (see Country Case in Chap. 7.3); the Polish administration is formalising its social dialogue structure by establishing new committees. The Czech Republic, Estonia and Hungary reported that no greater reforms have been undertaken; however social dialogue is under steady development and collective agreements are of increasing importance.

The British government can claim that it still draw impetus from its public service transformation in the late 1990s. Bach, Bordogna, Della Rocca and Winchester outlined that there has been a strong emphasis in government policy that public sector management practice should mimic private sector best practice.¹⁹ Since this period, reform debates have very much focused on public expenditures and public sector efficiency.

The Italian public sector has a strong desire to develop more professional managers and grant autonomy to civil servants to protect them from political influence. The attempts to “empower” management, however, have been constrained by the continuation of an all-encompassing framework of administrative and legal regulations as well as by changes of governments. Cyprus announced that it would critically examine the whole social dialogue system aiming to make it more modern and efficient.

For the Portuguese Government, issues such as efficiency, value for money and controlling public expenditure are key drivers for change. Within the Central Administration Restructuring Program (PRACE) the Government has extensively been reducing the number of public bodies from 518 to 332, a reform process which is almost

¹⁹ Stephen Bach, Lorenzo Bordogna, Giuseppe della Rocca, David Winchester, *Public Service Employment Relations in Europe: Transformation, modernization or inertia?*, Routledge Studies in Employment Relations, 1999, p. 14, 22-55.

concluded and has triggered substantial implications with regard to the ‘mobility’ and ‘transferability’ of the civil servants involved. The central administration intends to broaden its collective contracting regime in 2009. See below an overview of the most *recent* reform endeavours in central public administrations:

Table 5: Recent Reform Endeavours in Employment Relations of the Central Public Sector

Some reforms currently undertaken in the field of the social dialogue (Questionnaire replies)	
DK	Wage-setting decentralised, several tasks delegated to the local level; down-winding of recruitment of statutory civil servants
FI	Wage-setting decentralised
FR	<i>Accord de Bercy</i> : enlargement of the negotiation processes; six trade union organisations involved
IE	Local authorities and health care shifted to private industrial relations system
SE	Wage-setting decentralised

9. The Involvement of the Public Sector in the European Social Dialogue

European social dialogue is the primary vehicle for the joint involvement of the organisations of management and labour in European policy-making. Interprofessional social dialogue at the European level is usually described as the consultation procedures involving the three cross-industrial organisations: the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP), the Confederation of European Business (BUSINESSEUROPE)²⁰ and the European Trade Union Confederation (ETUC).

The social partners have a pivotal role to play at European level (Art. 138 and 139 of the Treaty establishing the European Community). It is the European Commission’s task to promote the consultation of management and labour at Community level. More concretely, the social partners can initiate a process of negotiation aiming at agreements which can be adopted by the European Council and enter into force as Community law.

Within the ETUC, the largest member and industry federation is the European Federation of Public Service Unions (EPSU). EPSU – recognised as a social partner organisation by the European Commission – covers the various industries and different vocational categories within the public sector with the exception of postal and telecommunications services, transport and teachers. Another recognised contract partner for the European institutions is the European Confederation of Independent Trade Unions (CESI) representing numerous members across Europe coming, for instance, from the police, customs, tax offices, education or academic sector alike.

During the survey process, several public administrations stated that they have *not* been informed about negotiations within the framework of the interprofessional social dialogue at European level. Other countries reported that they are not represented on a regular basis in social dialogue bodies in Brussels. A few public administrations did not provide any information on their involvement in the European Social Dialogue (see sample of country replies in the Table 6 below).

²⁰ In January 2007, the organisation – formerly named Union des Industries de la Communauté européenne (UNICE) – changed its name into BUSINESSEUROPE.

There are currently two negotiations underway at EU cross-sectoral level, namely the negotiation regarding the revision of the parental leave directive and the negotiation of the autonomous framework agreement on inclusive labour markets. With regard to the abovementioned European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP), seven central public administrations are organised members: Denmark, Germany, Italy, the Netherlands, Sweden and United Kingdom (see the list of member organisations and contact persons in the Annex).²¹

Summing up the analysis of data collected in the Survey, it is noteworthy that several European governments seem not to be concretely involved in the employment negotiations at European level. Some Central and Eastern European public administrations reported that they had not received any information on social dialogue negotiations at EU level. In contrast, other Member States reported that involvement in the European Social Dialogue Framework has proven to be beneficial. Engagement in the European Social Dialogue Framework would make it possible to gain knowledge and influence on issues of the European labour market at an *early stage*.²²

Table 6: Involvement in the European Social Dialogue (according to available data)

Central Public Administrations involved in negotiations within the framework of the interprofessional social dialogue at European level (Questionnaire replies)	
AT	Federal State is involved in negotiations at EU level, also as a member of the European Centre of Enterprises with Public Administration (CEEP)
CZ	Ministry of Interior (TUNED member), the Civil Servants and the State Employees Trade Union Organisation
DK	State Employer's Authority is member of various organisations (among others if CEEP) and committees on EU level
FI	State Employer's Agency (member of CEEP)
FR	Ministry of the Budget, of Public Accounts and of the Civil Service (Ministère du Budget, des Comptes Publics et de la Fonction Publique; Direction Générale de l'Administration et de la Fonction Publique DGAFP)
DE	Ministry of Interior
EL	Ministry of Interior (Human Resources Management Direction)
HU	Prime Minister's Office
IT	Prime Minister's Cabinet (Presidenza del Consiglio dei Ministri; Dipartimento della Funzione Pubblica); the Agency ARAN is member of CEEP
LU	Ministry of Civil Service and of Administrative Reform
NL	Ministry of the Interior (member of CEEP)
SI	Ministry of Public Administration is – among other activities – engaged in EUPAN and cooperating with EPSU
SE	Swedish Agency for Government participates in EU consultations as a member of CEEP; also involved in the Public Management and Governance Programme (PUMA) of the OECD
UK	Cabinet Office (member of CEEP)

10. Conclusions and Perspectives

Central government administrations are witnessing both pressures for and resistance to change and modernisation. In the last 15-20 years, a trend of approximation between the public and private sectors has been ongoing in many countries adopting more

²¹ Beside central public administrations CEEP represents also private sector member organisations in the European Social Dialogue; these organisations are from 21 EU Member States as well as Norway and Turkey.

²² See in this context also the EU Presidency Study for the French Government by Dr Michael Kaeding, Lecturer EIPA, *Mid-term evaluation of the first year of the social dialogue test phase for central public administrations*, 2008.

flexible human resources and recruitment practices, forms of performance-related pay or variable salary components. Increasing importance has been attached to merit and performance at the expense of seniority. Some pension rights for public sector employees have been gradually levelled down to private sector standards. More and more public employees are employed on fixed-term contracts.

Very often, these changes were inspired by practices prevailing in the private sector and were not without an impact on labour relations in the public sector. In general, we can observe a trend towards replacing the *unilateral* determination of pay and of other working conditions with *bilateral* collective bargaining structures, such as was recently the case in Italy – although certain professional groups such as judges, diplomatic and military staff as well as police forces are generally excluded from this change process.

The development from a *uniform* administration of personnel to a more *individualised* management of human resources can be observed in many of the EU Member States and is illustrated for instance by the introduction of more individualised pay systems. As the case study of Denmark shows, individual pay development has been decentralised to the workplace level, while the basic pay system is still agreed centrally. In some of the countries, this *multiplication* of actors in the collective bargaining process has led to a reinforcement of coordination mechanisms at the central public administration level, which is in turn slowing down the move towards decentralisation.

Although social dialogue and collective bargaining systems are characterised by a trend towards differentiation, fragmentation, decentralisation and sectorisation, considerable differences in speed and scope persist all over Europe. In general, it is surely true to conclude that in the classical career systems, civil servants generally have more limited *legal* rights for collective bargaining. However, this does not necessarily mean that social partnership is less important in practice. As such, although collective agreements are often not legally binding in career systems and/or although the government has no legal obligation to initiate negotiations with trade union organisations, social dialogue can play an important role in the daily process of modifying and changing working conditions.

It has been shown throughout the survey that a comparison of the social dialogue and of collective bargaining in national, central public administrations is a demanding task. Difficulties in the analysis arise due to substantial differences in traditions, legal frameworks and institutional and historical structures such as the role of the state in different countries. Besides these *diverging* factors, we can however also observe *converging* factors towards more bilateral agreements, a widening of the scope of topics covered by collective bargaining, the downgrading of specific statutory employment conditions for civil servants due to common development trends such as the budgetary constraints, the pressure for more efficient and effective public sectors, the individualisation of European societies, developments at the European Union level in general, the difficulty in further justifying differences of working conditions between the public and private sectors, the pressure of trade union organisations for more co-determination rights, the general rolling back of the state and the more intensive exchange of experiences between EU Member States.

The comparative analysis has shown the need for a country-by-country view when assessing commonalities of and differences between the national social dialogue structures. However, a few country groups with common features can be identified. Firstly, the *Nordic countries* such as Denmark, Finland and Sweden are characterised by widespread collective bargaining practices, a very high trade union density, rather

decentralised two-level bargaining systems, high levels of central public administration employment and approximation processes between civil servants and private sector employees. As a second group of countries, although differences persist in these Member States as well, the *Central and Eastern European countries* can be mentioned: industrial relations are still rather weak which is reflected in low trade union membership rates. As a third group of *continental European countries*, Austria, Belgium, France and Germany share a strong tradition of statutory civil servants. In Austria and Germany, the right to collective bargaining or to strike is either weak or actually denied. Wage-setting systems are highly centralised in these countries. In Germany, employees with ordinary contracts have the same bargaining rights as private sector employees. In Austria, Belgium and Germany trade union density levels in the public sector are rather high whereas in France they are relatively low. In the latter country, participation levels to professional elections are however high.

The right to collective bargaining is granted to all central governmental employees except diplomats, judges, military forces and *prefects*. Trade union density is medium-high; performance-related wage structures are applied to managerial functions while little data is available on the implementation of assessment procedures in practice. Contrary to Italy, Portugal has a fairly weak social dialogue culture with a rather low union membership rate and no collective bargaining rights for civil servants. The United Kingdom does not have a special civil servant status, nor restrictions to the right to strike or collective bargaining. Since the late 1990s attempts have been made to reduce the fragmentation of the rather decentralised bargaining processes. Trade union density is medium-high.

Certainly, approximation trends can be observed between public and private sector labour relations in a lot of EU Member States. However, it is too early to speak of a common move towards a “European Administrative Space” in the field of social partnership: the economic, political, cultural, legal and institutional frameworks of employment relations in central public administrations are still too different.

As for the Europeanisation of labour relations in general, there is clearly a need for more systematic data collection in order to better understand the diverse committees, actions and processes undertaken on both the union and the employer sides.²³ The employment research community currently has no comprehensive understanding of the impact of globalisation on social dialogue systems. Furthermore, a more profound examination is needed with regard to the question as to why and to what extent the involvement of the social partners of central public administrations in the *European Social Dialogue Framework* is becoming increasingly significant in several Member States. There is evidence that several European governments are not concretely involved in the negotiations in Brussels. A commitment both on the part of public administrations and public sector trade unions during the social dialogue test-phase launched by the EUPAN and TUNED would make it possible to gain knowledge of and exert influence on employment issues such as inclusive labour markets or the anticipation of change in central public sectors. In times of substantial changes in labour markets and accelerated economic interdependence between industrial areas, it remains to be seen what kind of new perspectives and practices will arise out of the forthcoming EUPAN initiatives with regard to the social dialogue in national public administrations.

²³ European Foundation report *New structures, form and processes of governance in European industrial relations*, cit. op., p. 77.

11. Annex

Table 7: Trade Union density rates

Country		Percentage of employees and civil servants who are member of a trade union organisation
1.	AT	approx. 53 % ²⁴
2.	BE	precise data not available: confidentiality of union membership
3.	BG	25 – 40 %
4.	CY	approx. 75 %
5.	CZ	precise data not available
6.	DK	90 – 95 %
7.	EE	approx. 5 – 15 %
8.	FIN	approx. 85 %
9.	FR	precise data not available: confidentiality of union membership
10.	DE	40 – 55 %
11.	EL	precise data not available
12.	HU	25 – 40 %
13.	IE	55 – 70 %
14.	IT	precise data not available
15.	LV	approx. 5 – 15 %
16.	LT	approx. 5 – 15 %
17.	LU	precise data not available
18.	MT	precise data not available
19.	NL	25 – 40 %
20.	PL	3 % (estimated)
21.	PT	data is considered as sensitive; the Constitution opposes the gathering of figures ²⁵
22.	RO	55 – 70 %
23.	SK	10 % (estimated)
24.	SI	10 to 40% (estimated)
25.	ES	27 %
26.	SE	approx. 80 %
27.	UK	65 – 70 %
28.	EU COM	20 % (estimate of the Trade Unions or Staff Associations)

Table 8: The Main Social Dialogue Actors in the Public Sector

Country		The main actors in the public sector on the	
		Employer's side (independent agencies are marked in bold)	Employee's side
1.	AT	State Secretary for Civil Service and Administrative Reform in the Federal Chancellery (Bundeskanzleramt BKA)	Public Service Trade Union (Gewerkschaft Öffentlicher Dienst GÖD), member of the Austrian Trade Union Federation (Österreichischer Gewerkschaftsbund ÖGB)

²⁴ Data from 2007 and covering the central government.

²⁵ According to rough estimates: 25-40%

2.	BE	Committee composed of the Prime Minister and ministers (no central public sector employer organisation)	<ul style="list-style-type: none"> • General Confederation of Public Services (<i>Centrale Générale des Services Publics</i>), CGSP/ACOD • Federation of Christian Public Service Unions (<i>Fédération des Syndicats Chrétiens des Services Publics</i> FSCSP/FCSOD) • Free Trade Union of Civil Servants (Syndicat Libre de la Fonction Publique SLPF/VSOA)
3.	BG	National Council for Tripartite Partnership ²⁶	<ul style="list-style-type: none"> • Confederation of Independent Trade Unions • Confederation of Labour Podrepa
4.	CY	Government, represented by Permanent Secretary of the Ministry of Finance and the Director of Public Administration and Personnel Department and acting in the Joint Staff Committee (J.S.C.)	Pancyprrian Public Servants Trade Union (PASDYD) and other trade union organisations for teachers (POED, OELMEK, OLTEK), police forces, etc. acting in the Joint Staff Committee (J.S.C.)
5.	CZ	Joint Consultative Committee MEP	Relevant trade union organisations; concrete data not available
6.	DK	Ministry of Finance: State Employer's Agency	3 peak organisations: <ul style="list-style-type: none"> • The Confederation of Danish Trade Unions (LO), which comprises skilled and unskilled workers and many salaried employees • Confederation of Salaried Employees and Civil Servants (FTF), which includes medium-salary employees with middle-level educational qualifications • Danish Confederation of Professional Associations AC, which includes highly paid and highly educated staff
7.	EE	Interministerial Committee chaired by the Minister of Social Affairs	The Confederation of Estonian Trade Unions
8.	FI	Ministry of Finance: State Employer's Agency (VTML)	<ul style="list-style-type: none"> • Finnish Negotiation Organisation for Academic Professionals in the Public Sector (JUKO); JUKO is a member of the Confederation of the Unions for Academic Professionals in Finland at national level • Organisation of Salaried Employees (Pardia); at national level, Pardia is a member of the Finnish Confederation of Salaried Employees • Joint Organisation of State Employees (VTY), which at national level is affiliated to the central Organisation (SAK)
9.	FR	Ministry of the Budget, of Public Accounts and of the Civil Service (Ministère du Budget, des Comptes Publics et de la Fonction Publique; Direction Générale de l'Administration et de la Fonction Publique DGAFP); Minister of Health (fonction publique hospitalière); Minister of Subnational Entities (fonction publique territoriale)	<ul style="list-style-type: none"> • French Democratic Workers Federation (Confédération Française Démocratique du Travail CFDT) • French Christian Workers Federation (Confédération Française des Travailleurs Chrétiens, CFTC) • General Federation for Executive Staff (Syndicat des Cadres et du Personnel d'Encadrement, CFE-CGC) • General Employees Federation (Confédération Générale du Travail, CGT) • General Workers Federation (Confédération Générale du Travail-Force Ouvrière, CGT-FO) • National Association of Independent Unions (Union Nationale des Syndicats Autonomes UNSA)
10.	DE	<ul style="list-style-type: none"> • Ministry of the Interior (BMI) at national level • Federation of Municipal Employers Association at local level 	<ul style="list-style-type: none"> • German Trade Union Federation (Deutscher Gewerkschaftsbund, DGB), which is the dominant union confederation in Germany and which is composed of 8 member unions; for instance Ver.di, a dominant organisation of private law employees • German Civil Servants' Federation (Deutscher Beamtenbund, DBB), which comprises 39 member unions and which rather exclusively organises public sector employees

²⁶ National Council for tripartite partnership consists of two representatives from the Council of Ministers, two representatives of the employee's organisations and two representatives of the employer's organisations. This body is chaired by the deputy prime minister, while the employees' and employers' organisations elect the deputy chairperson according to the rotation principle.

11.	EL	Ministry of the Interior, Public Administration and Decentralisation	Council of Civil Servants' Trade Unions (ADEY), which is composed of 56 federations
12.	HU	Relevant ministries ²⁷	Relevant trade union organisations
13.	IE	Department of Finance	<ul style="list-style-type: none"> Irish Municipal, Public and Civil Service Trade Union; this Union is the largest public sector trade union in health, local government, education, civil service, state-owned companies, telecommunications etc. Civil and Public Services Union The membership of this trade union is mainly composed of clerical and administrative grades and first line managers. Public Service Executive Union; mainly composed of executive grades from the ministries, as well as of state commercial and non-commercial bodies, tax collection, social welfare, employment, customs, the diplomatic service, etc. Local Government Management Services Board Health Services Executive Employers Agency Association of Higher Civil and Public Servants; this trade union mainly represents senior civil servants and managers in the commercial and non-commercial state sector
14.	IT	<ul style="list-style-type: none"> Presidency of the Council of Ministers (Department of Public Administration) Agency for the Representation of Public Administration Negotiation (ARAN), which has legal status and is governed by an executive committee of five members 	<p>Most trade unions are members of the three main confederations:</p> <ul style="list-style-type: none"> General Confederation of Italian Workers (CGIL) Italian Confederation of Workers' Unions (CISL) Union of Italian Workers (UIL)
15.	LV	Relevant ministries	Free Trade Union Confederation
16.	LT	Government	Relevant trade union organisations; concrete data not available
17.	LU	Ministry of Civil Service and of Administrative Reform	General Confederation of Civil Servants (CGFP) has the leading role in all negotiations dealing with issues concerning civil servants and public employees. The CGFP is composed of 11 affiliated unions and federations such as the National Union of Teachers, the General Federation of State Clerical and Secretarial Staff, the General Association of Managers etc.
18.	MT	<ul style="list-style-type: none"> Ministry of Finance (principal permanent secretary) Office of the Prime Minister (permanent secretary) Joint Negotiation Team Collective Bargaining Unit Malta Employers Association (MEA) 	Relevant trade union organisations
19.	NL	Ministry of the Interior	<ul style="list-style-type: none"> General Confederation of Public Sector Personnel (ACOP) Christian Confederation of Educational and Public Sector Personnel (CCOOP) Centre of Public Sector Employees (AC) Confederation of Managerial and Professional Personnel employed in the Public Sector, Education, Companies and Institutions
20.	PT	<ul style="list-style-type: none"> Chancellery of the Prime Minister Director-General of the Civil Service Office (for working conditions) 	Relevant trade union organisations; concrete data not available
21.	PT	<ul style="list-style-type: none"> Ministry of Public Administration Ministry of Finance 	<ul style="list-style-type: none"> Frente Comum, Federação Nacional dos Sindicatos da Função Pública, which represents different public administration professions

²⁷ Both the employer and employee' side are represented in the "National Council for the Conciliation of Public Service Interests".

			<ul style="list-style-type: none"> • Frente Sindical da Administração Pública (FESAP) which also represents the health and safety sector in sectoral negotiations • Sindicato dos Quadros Técnicos do Estado (STE) which also represents the sectors of health, finance, inspection, scientific research and justice in sectoral negotiations²⁸
22.	RO	<ul style="list-style-type: none"> • Ministry of Labour, Family and Equal Opportunities • Ministry of Health • Ministry of Education • National Agency for Public Servants (ANFP) 	Relevant trade union organisations; concrete data not available
23.	SK	<ul style="list-style-type: none"> • Ministry of Labour, Social Affairs and Family • Ministry of the Interior Ministry of Finance 	<ul style="list-style-type: none"> • Trade Unions of the Educational Workers • Trade Union of Healthcare and Social Services Workers
	SI	Governmental bargaining group, composed by representatives of all ministries, agencies, governmental offices, the Parliament and the associations of municipalities	More than 20 trade union organisations in numerous branches; six different trade unions for example represent the health sector; another example is the Trade Union of the State Bodies of the Republic of Slovenia
23.	SE	<ul style="list-style-type: none"> • for the public sector: Swedish Agency for Government Employers (SAGE)²⁹ • for the social security sector: Federation of Social Insurance Offices 	<p>The so-called “negotiation cartels” is composed by:</p> <ul style="list-style-type: none"> • Public Employees’ Negotiation Council, which brings together 12 professional trade union federations in the public sector • Central Organisation of Professional Associations (SACO-S), which is the negotiating arm of the Confederation of Public Sector Academic Workers. • Union of Service and Communications Employees (SEKO), which is a federation within the Swedish Trade Union Confederation • Central Organisation of Salaried Employees (OFR/S)
24.	ES	Ministry of Public Administration; three main committees: Public Administration Committee (for working conditions), one committee responsible for statutory civil servants and one for other public sector employees	<ul style="list-style-type: none"> • Workers’ Commissions (CCOO), which comprises for instance professional organisations in different fields such as health and education • General Workers’ Confederation (UGT), which groups different federations representing different occupational groups • Independent Trade Union Confederation of Civil Servants (CSIF) was founded in the 80s by a number of professional associations with the aim of presenting an alternative approach to that of the CCOO and UGT
25.	UK	The most significant bargaining units are the: <ul style="list-style-type: none"> • Cabinet Office • Treasury • Department for Work and Pensions (DWP) • HM Revenue and Customs • Home Office • Ministry of Defence 	There are several occupational sector-related trade unions with a focus on particular occupational groups, for instance administrative, specialists, senior managers, etc.
26.	EU COM	Directorate-General Personnel and Administration (DG ADMIN)	Trade Unions or Staff Associations (Organisations syndicales ou professionnelles OSP)

²⁸ At sectoral level, there exists - already for each sector - a much higher number of trade union organisations, which represent different sectors/professions such as doctors, nurses, university teachers, prison guards, military staff, forest guards etc.

²⁹ Membership of SAGE is compulsory for all the state agencies and government offices; see also the case study.

Table 9: Collective Bargaining Topics

Country		Which are the topics dealt with by collective bargaining?						
		Working conditions (working time, holidays, par. leave, etc.)	Wages	Modernisation of social security system (pension schemes)	Human resources measures (competence development etc.)	Public sector reform	Equal opportunities (non-discrimination)	others
1.	AT	x	x	x				content of the staff regulation
2.	BE	x	x	x	x			
3.	BG	x	x	x	x			legal framework
4.	CZ	x	x	x	x	x	x	
5.	CY	x	x		x	x	x	
6.	DK	x	x	x	x	x	x	child care days, shop stewards
7.	EE	x	x	x		x		
8.	FI	x	x					
9.	FR	x		x	x		x	health and safety at the workplace
10.	DE	x			x	x	x	
11.	EL	x		x	x			
12.	HU	x	x	x	x	x		
13.	IE	x	x	x	x	x	x	
14.	IT	x	x	x			x	
15.	LV	x	x	x	x			
16.	LT	x	x					
17.	LU	x	x	x		x ³⁰		
18.	MT	x			x		x	
19.	NL	x	x					
20.	PL	x						
21.	PT	x	x	x	x		x	
22.	RO	x	x			x		
23.	SK	x		x			x	
24.	SI	x	x	x	x	x		
25.	ES	x	x	x	x		x	
26.	SE	x			x		x	
27.	UK	x	x	x	x	x	x	
28.	EU COM	x		x	x	x	x	

³⁰ Regarding privatisation and transfer of services.

Table 10 : Outcomes of Collective Bargaining in Central Public Administrations

Country		What are the outcomes of social dialogue in the central public administration?				
		Binding collective agreement	Agreement to be incorporated in legal acts	Voluntary collective agreement	Agreement is a political commitment	others
1.	AT					legal acts (draft governmental bills)
2.	BE		x	x negotiation process obligatory	x	
3.	BG			x negotiation process obligat.		legal acts, political statements
4.	CY		x			
5.	CZ					
6.	DK	x ³¹		x		joint guidelines, exchange of information (conferences)
7.	EE			x		legal acts
8.	FI		x	x negotiation process obligat.		reports, protocols, action plans
9.	FR			x	x	
10.	DE	x ³²				
11.	EL	x				
12.	HU		x	x negotiation process obligat.		recommendations
13.	IE			x		National Social Partnership Agreement
14.	IT		x		x	oral agreements at local level
15.	LV	x				
16.	LT	x				
17.	LU	x				
18.	MT					political statements
19.	NL	x regarding working condit.	x	x		
20.	PL					political statements
21.	PT				x	legal acts
22.	RO			x negotiation process obligat.		legal acts
23.	SK		x	x negotiation process obligat.		
24.	SI	x				legal acts, statements
25.	ES	x	x			
26.	SE	x				
27.	UK			x		general statements
28.	EU COM					legal acts

³¹ Regarding the 'peace obligation' see the country case.

³² Only for employees.

Table 11: Central Public Administration organised in the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest CEEP (date: Sept. 2008)

Country		Institutional members of CEEP
1.	AT	Öffentlicher Dienst und Verwaltungsreform; contact: Mr Thomas Pappenscheller, Bundeskanzleramt
2.	DK	State Employers' Authority Denmark; contact: Mrs Ida Krarup, Senior Adviser
3.	FI	Office for the Government as Employer; contact: Mr Teuvo Metsapelto, Director General
4.	IT	Agenzia per la Rappresentanza Negoziale delle Pubbliche Amministrazioni (ARAN); contact: Mr Massimo Massella Ducci Teri, President of ARAN
5.	NL	Ministerie van Binnenlandse Zaken en Koninkrijksrelaties; contact: Mr Peter van der Gaast, Ministry of the Interior and Kindgom Relations
6.	SE	SAGE - Swedish Agency for Government Employers; contact: Mr Per Stengård
7.	UK	Cabinet Office; contact: Mr Phillip Jones

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- Telephone interview with the *Swedish* Agency for Government Employers (SAGE), Mr Åke Fagrell, Mr Per Stengård
- Interview with the Ministry of Public Administration of Slovenia, Mr Branko Vidič
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QUESTIONNAIRE FOR THE NATIONAL PUBLIC ADMINISTRATIONS

Information from the respondents:

We guarantee the anonymity of respondents. No reference will be made to individual persons in the final report. Contact details are used only for the purpose of possibly contacting you during the study to specify the information provided if necessary.

Your name: _____
Your address: _____
Your institution: _____

Objective of the Comparative Analysis:

In the perspective of the upcoming Presidency of the Council of the European Union by the French Government and in the context of the cooperation between the Member States' ministries and the Directors-General responsible for public services and the European Public Administration Network (EUPAN), a research project has been assigned to the European Institute of Public Administration (EIPA), with the objective of analysing the main structures and developments of the day-to-day practice of the European Member States' social dialogue systems. The aim of the study is to provide a more comprehensive understanding of the various social dialogue systems within public administrations across Europe. The actors, their roles and competencies, as well as the outputs in the field of social dialogue in the public administrations will be analysed.

Growing strains on public finances and globalisation are having an impact on the actions undertaken by social partners also in the public sector. For this reason, it is necessary to further examine the socio-economic context for industrial relations processes with a focus on the actors on the employers' and employees' side within the public administrations of all Member States.

The study will put a particular emphasis on the employers' side of the social dialogue aiming at a better understanding of EUPAN's possible future role as an employer. Based on the replies transmitted by all Member States, *27 country sheets* will be established, providing concise information on the organisation and structure of the social dialogue of the public administrations.

1. THE STRUCTURAL AND LEGAL FRAMEWORK

- 1.1 To what extent is the social dialogue in your country **centralised** or **decentralised**?
Please specify: _____
- 1.2 At which **level** is **collective bargaining** taking place (e.g. governmental level; ministry level or agency level)?
Please specify: _____
- 1.3 In case of a **decentralised** dialogue: when was it first established? Could you mention the milestones of the further development and indicate the underlying documents? How is the division of tasks characterised? Do any coordination mechanisms exist?
Please specify: _____
- 1.4 Where are **the legal frameworks** governing public service labour relations laid down (e.g. constitution, statute)?

1.5 Are there **different regulations** for **different sectors**, such as for instance health, education or for local government or different categories of staff (e.g. statutory civil servants, employees)? In the latter case, what are the main differences?

1.5 Is there a difference in the institutional framework between **public sector** labour relations and **private sector** labour relations? If yes, what are the main differences?

1.6 Are there **other forms** of social dialogue than collective bargaining (for instance informal consultation)? What is the significance of these different forms and processes of social dialogue respectively for consultation and negotiation? Does the employer's side allocate **specific** support to their trade unions such as, for instance, human resources or technical or/and financial **instruments**?

2. THE ACTORS

2.1 Who concludes agreements on behalf of the State on the **employer's side**? Which **committees** are there? At what hierarchical level are they operating in the framework of the social dialogue process? If there is a specific body for representing the employer's interests, what is its legal status? What are its competences and how is it governed?

2.2 In case of the existence of an **Agency**, is it independent? What is the amount of budget available? What is the room to negotiate for this body? Are there further criteria other than the results of professional elections to identify their counterpart in negotiations?

2.3 Who are the main social dialogue actors **on the employee's side**? Who concludes agreements? What is their respective *role* and what are their respective *competencies*?

2.4 What are the **criteria of representativeness** for trade unions (for example: results of professional elections; membership rate; etc.), in order to identify the actors on the employee's side?

3. COLLECTIVE BARGAINING

3.1 Is the employer's side (government, ministry, agency) **obliged** to consult with trade union organisations or is the social dialogue process in the public services characterised by a **voluntary nature**? In the first case, what is the legal nature of the obligation?

3.2 For which topics is there an obligation to negotiate and/or an obligation to attain **results** before the government can implement a certain policy or measure?

3.3 Which are the **topics** dealt with by **collective bargaining** between employers' and employees' representatives in central public administrations? Is the State obliged to implement the agreements? If yes, please indicate for each topic whether there is an obligation for results.

- ☐ working conditions
- ☐ equal opportunities
- ☐ modernisation of social security systems (responding to the demographic change)
- ☐ measures envisaged in the area of human resources / training
- ☐ public sector reform
- ☐ others

How would you assess the importance of these topics in a short and mid-term perspective?

3.4 Does collective bargaining cover aspects of quality management, performance management, performance-related salary systems and other forms of individualised **performance assessment**?

3.5 Is the collective bargaining system characterised by a rather **formal** or **informal** character? What is the frequency and nature of negotiations? How many committees have been set up? Are these committees compulsory or consultative by nature? Please specify if there are other elaborated institutional set-ups.

4. OUTCOME

4.1 Who must give **approval** for an agreement? What are the prerequisites for a collective agreement to be signed?

4.2 What are the **outcomes** of social dialogue and negotiations (e.g. legal texts; political statements)?

4.3 Is there any **obligation to implement** collective bargaining agreements? (e.g. by binding legislation, general statements, etc.)

5. OUTLOOK

5.1 Have there been any **reforms** undertaken in the field of the social dialogue in recent years? If yes, which ones?

5.2 Are there any **structural changes** envisaged for the near future? If yes, which ones?

5.3 Has your Central Public Administration been informed about negotiations within the framework of the interprofessional social dialogue **at European level**?

6. FURTHER COMMENTS

If you have you any **further comments**, please specify:

Country Codes and Abbreviations

Country codes	
Code	Country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	The Czech Republic
DK	Denmark
EE	Estonia
FI	Finland
FR	France
DE	Germany
EL	Greece
HU	Hungary
IE	Ireland
IT	Italy
LV	Latvia
LT	Lithuania
LU	Luxembourg
MT	Malta
PL	Poland
RO	Romania
PT	Portugal
SK	Slovakia
SI	Slovenia
ES	Spain
SE	Sweden
NL	The Netherlands
UK	The United Kingdom

Abbreviations	
EU27	European Union after the 2007 Enlargement
BUSINESS EUROPE	Confederation of European Business
CEEP	European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest
CEDEFOP	European Centre for the Development of Vocational Training, Thessaloniki (EL)
CESI	European Confederation of Independent Trade Unions
DG EMPL	European Commission, Directorate-General Employment Social Affairs and Equal Opportunities
EPSU	European Federation of Public Service Unions
ETUC	European Trade Union Confederation
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions, Dublin (IE)
ILO	International Labour Organisation, Geneva (CH)
OECD	Organisation for Economic Co-operation and Development, Paris (FR)
NPM	National Public Management
TUNED	Trade Union's National and European Administration Delegation

Country Sheets of the EU Member States (EU27)

AUSTRIA

Existence of specific civil service employment rules in the Federal Public Administration³³

The staff regulations for officials (“Beamte”) are governed by Federal law (“Beamtendienstrechtsgesetz”). The staff regulations for contract agents (“Vertragsbedienstete”) are also regulated by Federal Law (“Vertragsbedienstete-tengesetz”).

Social Dialogue about working conditions, etc (excluding legislation) is taking place at ministry level with elected staff representatives in the framework of the Federal Staff Representatives Act (“Bundes-Personalvertretungsgesetz”)

Applicability of these rules to at least 50% of public employees

Yes, they are applicable to all employees of the Federal Public Administration.

Existence of a legal right for civil servants to conclude collective agreements

Bargaining (wages, staff regulations) between the government and the Public Sector Trade Union is following established procedures; they do not have legal status. However the results of this bargaining are usually the basis of the draft legal proposal of the government.

Rules governing pension funds for contract agents are established following a collective agreement between the GÖD and the Federal government. Most recently this arrangement is applicable to officials as well.

Employment in externalized public institutions is governed on the basis of collective agreements between the unions and the respective employer representatives; however these institutions do not belong to the central government.

Art 12 and 13 Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger RGBI 1867/142 and Art 10 and 11 EMRK form the basis of collective action. Most recently a Constitutional Amendment has recognized the role of the Social Partners (Article 120a para 2 Bundes-Verfassungsgesetz, BGBl. Nr. 1/1930 amended by BGBl I Nr. 2/2008).

³³Data relate to the central government level only.

The representation of the employers' side in the social dialogue

Currently the employers' side is represented by the State Secretary for Civil Service and Administrative Reform in the Federal Chancellery.

The main actors in the social dialogue on the employee's side

The Trade Union of the Public Service (Gewerkschaft des öffentlichen Dienstes - GÖD), a member of the Austrian Trade Union Federation (Österreichischer Gewerkschaftsbund, ÖGB).

Key topics dealt with by the social dialogue

The key topics are: Pay and reform of pay systems, the pension system and the staff regulations.

Outcome of the collective bargaining

draft legal proposal of the government

Obligation to implement collective bargaining agreements

pension fund for contract agents and officials

Main characteristics of the social dialogue

Wage bargaining is taking place for all Federal employees at central government level. Social dialogue about working conditions etc. (excluding legislation) is taking place at Ministry level with elected staff representatives in the framework of the federal Staff representatives Act.

Union density at central public administration

53 % (2007)³⁴

Existence of a right to strike for public employees

There is no specific legislation concerning the right to strike.

Strike and passive resistance exercised by officials and contract agents may involve the violation of statutory duties on conduct in the service (breach of the duty to observe working hours or a failure to perform the tasks assigned). Strike is not explicitly regulated but considered to be part of the constitutionally guaranteed right of association and assembly.

³⁴ Data relate to the central government only.

BELGIUM

Existence of specific civil service employment rules

Yes

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

There is a legal right for collective bargaining but the agreements are not legally binding; they have the same value as a political commitment.

The representation of the employers' side in the social dialogue

There is no central public sector employers' organisation. Collective bargaining agreements are negotiated with those political authorities that are responsible for determining working conditions and the level of remuneration.

The main actors in the social dialogue on the employee's side

The General Confederation of Public Services (*Centrale Générale des Services Publics*), CGSP/ACOD

The Federation of Christian Public Service Unions (*Fédération des Syndicats Chrétiens des Services Publics*), FSCSP/FCSOD

The Free Trade Union of Civil Servants (*Syndicat Libre de la Fonction Publique*), SLFP/VSOA

Key topics dealt with by the social dialogue

Statutory regulations, issues related to remuneration and pensions, working time and work organisation, relations with trade unions.

There is another form of social dialogue besides negotiations: the consultation of employees' organisations before decisions are taken on topics such as 'welfare' at work.

Outcome of the collective bargaining

The outcome of negotiations is a protocol, which has the same value as a political commitment. If negotiations fail, the government can act unilaterally.

Obligation to implement collective bargaining agreements

The outcome of negotiations is to be considered as a political engagement, although it is not legally binding.

Main characteristics of the social dialogue

The social dialogue in the public sector is characterised by elements of centralisation and elements of decentralisation: negotiations are conducted at various levels. Element of centralisation: “Committee A” deals with topics concerning all public services. Elements of decentralisation: 20 “sectoral committees” at federal, community and regional level.

Union density

40-55%

Existence of a right to strike for civil servants

Yes

BULGARIA

Existence of specific civil service employment rules

Yes (The Constitution, the Law for Civil Servants and the Labour Code)

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

No

The representation of the employers' side in the social dialogue

The centralised social dialogue is carried out by the National Council for tripartite partnership. The National Council consists of two representatives from the Council of Ministers, two representatives from the employees' organisations and two representatives from the employers' organisations. This body is chaired by the Deputy Prime Minister, while the employees' and employers' organisations elect the deputy chairperson according to the rotation principle.

The main actors in the social dialogue on the employee's side

- The Confederation of Independent Trade Unions
- The Confederation of Labour Podkrepa

Key topics dealt with by the social dialogue

Working conditions (remuneration, holidays etc.), performance appraisal, legal framework.

Outcome of the collective bargaining

Legal texts, political statements, agreements.

Obligation to implement collective bargaining agreements

There is an obligation to implement collective bargaining agreements.

Main characteristics of the social dialogue

There are no differences in the institutional framework between public sector labour relations and private sector labour relations. Differences in the social dialogue relate for instance, to some differences for different sectors, such as health, education or culture. Currently, collective bargaining between the employers' and employees' organisations is rather limited.

Union density

25-40%

Existence of a right to strike for civil servants

Yes. Civil Servants have a right to strike. When the presented requirements connected with the official and insurance relations are not met the civil servants shall be able to declare a strike. The implementing of the strike shall be accomplished by carrying and mounting appropriate signs and symbols, protest posters, ribbons etc. without terminating the fulfilment of the civil service. During the strike, representatives of the civil servants and the body of appointment shall make efforts to solve the disputed issues.

CYPRUS

Existence of specific civil service employment rules

Yes

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

Yes

The representation of the employers' side in the social dialogue

The employers' side is represented by the Permanent Secretary of the Ministry of Finance (Chairman of the Joint Staff Committee) and the Director of the Public Administration and Personnel Department.

The main actors in the social dialogue on the employee's side

- The Pancyprrian Union of Public Servants (PASDYD)
- The Pancyprrian Organisation of Greek Teachers (POED)
- The Organisation of Greek Secondary Education Teachers (OELMEK)
- The Organisation of Greek Technical Education Teachers (OLTEK)

Key topics dealt with by the social dialogue

Recruitment issues, promotion issues, working time, leave, holidays, medical treatment issues, different issues affecting the terms of employment related to any position or the civil service as a whole, disciplinary issues, salary issues, training issues, pension benefits, changes in legislation and issues related with the welfare of civil servants.

Outcome of the collective bargaining

Collective agreements do not create legal rights and obligations. The decisions of the Joint Staff Committee are submitted to the Council of Ministers as recommendations.

Obligation to implement collective bargaining agreements

After the recommendations of the Joint Staff Committee are approved by the Council of Ministers, there is an obligation to implement the "Council of Ministers' Decisions", mostly by binding legislation subject to the approval of the House of Representatives.

Main characteristics of the social dialogue

Social dialogue in Cyprus is very centralised: negotiations take place at the central public administration level, while the results affect all public employees.

Union density

Almost 80% of the statutory civil servants belong to the Pancyprian Union of Public Servants (there is also another 10% of employees belonging to other trade unions).

Existence of a right to strike for civil servants

The existence of the right to strike for civil servants is stated in the Constitution of the Republic of Cyprus, but there are restrictions for judges, armed forces, police and fire brigades.

CZECH REPUBLIC

Existence of specific civil service employment rules

Yes (Act 262/2006, Labour Code; Act 218/2002 Coll., Civil Service Act (not yet in force)).

Decree 564/2006 Sb., about salaries of employees in public service and administration.

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

Yes, but with a limited scope for wage bargaining in central administration

The representation of the employers' side in the social dialogue

There are several types of social dialogue. In simple terms, it is partly ministries that conclude collective agreements as an employer. In the other forms of social dialogue, namely in the legislative process, the trade unions also negotiate with ministries or other central authorities.

In the tripartite body – the Council of Economic and Social Agreement (RHSD) – there are seven representatives of the government: five are ministers and two are deputy ministers as statutory representatives of the members of the government.

The government represents the employers' side. The government is represented by six ministers and one deputy minister in the tripartite Council of Economic and Social Agreement (RHSD).

The main actors in the social dialogue on the employee's side

The Czech-Moravian Confederation of Trade Unions (CMKOS) and its member Trade Union of State Bodies and Organisations.

Key topics dealt with by the social dialogue

Working conditions, equal opportunities, modernisation of social security systems, training etc.

Outcome of the collective bargaining

Binding collective agreements and sometimes political statements.

Obligation to implement collective bargaining agreements

Yes, in case of binding agreements.

Main characteristics of the social dialogue

Social dialogue is characterised by its rather informal nature; the launch of collective agreements depends on concrete situations. There is no obligation to set up committees or other formal structures.

Union density

No precise data are available

Existence of a right to strike for civil servants

Yes, but with restrictions for the courts, the state prosecution service, the armed forces and the security forces.

DENMARK

Existence of specific civil service employment rules

Yes (The Civil Servants' Act, The Civil Servants' Pensions Act and specific provisions in the Danish Constitution)

Applicability of these rules to at least 50% of public employees

No (approx. 36% of the state sector personnel are employed as civil servants)

Existence of a legal right for civil servants to conclude collective agreements

Yes

The representation of the employers' side in the social dialogue

The Ministry of Finance, which is represented by the State Employers' Authority. The task of this agency is to carry out the state's overall function as employer, i.e. to conclude collective agreements, to provide advice to ministries and agencies and to manage responsibilities such as pay, HRM and management policy etc.

The main actors in the social dialogue on the employee's side

The Danish Central Federation of State Employees' Organisations (CFU), which is set up by the three central organisations in the state sector:

- The Organisation of Public Employees – Denmark (OAO). OAO is a federation of trade unions, which organises skilled and unskilled workers as well as salaried employees and civil servants, and of which the most part are affiliated to the Confederation of Danish Trade Unions (LO).
- The Joint Secretariat of Central and Local Government Employees (SKAF). SKAF is a joint structure set up by three federations (LC, OC and COII) of trade unions, which organise salaried employees and civil servants and are affiliated to the Confederation of Salaried Employees and Civil Servants (FTF),
- The Danish Confederation of Professional Associations (AC), which organises professional and managerial staff.

Key topics dealt with by the social dialogue

All issues related to wages and working conditions, including wage systems, pensions, working time, personnel policy, work environment, competence development, parental leave and senior schemes. According to Danish tradition, the social dialogue is carried out formally (e.g. collective agreements) as well as informally (e.g. joint initiatives in between collective bargaining periods).

Outcome of the collective bargaining

Mutually binding collective agreements.

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

The collective bargaining system is characterised by both centralisation and decentralisation. Collective bargaining takes place at three levels;

At the central level, a general agreement is concluded in connection with the collective bargaining (normally every third year) by the Ministry of Finance (State Employer's Authority) and CFU. This agreement covers general working conditions for state sector personnel such as general wages regulations, general working time provisions, parental leave schemes, competence development etc.

In addition, specific collective agreements, so-called union agreements (which cover specific personnel groups and mainly regard wages and working time) are concluded by the State Employer's Authority and the relevant, individual trade unions.

Finally, at the work place level, local agreements are concluded by the local branches of state institutions and the shop stewards. Such agreements may for instance settle qualification- and function-related allowances and local working time conditions.

The trend is to conclude framework agreements at the central level, leaving the conclusion of more specific agreements – within the centrally agreed framework – to the local actors.

Union density

90-95%

Existence of a right to strike for statutory civil servants

No

ESTONIA

Existence of specific civil service employment rules

Yes (The Public Service Act)

Applicability of these rules to at least 50% of public employees

Yes

Existence of a right for civil servants to conclude collective agreements

Collective bargaining in Estonia is very limited at central administrative level.

The representation of the employers' side in the social dialogue

The employers' side is represented by an interministerial committee, which is chaired and coordinated by the Ministry of Social Affairs

The main actors in the social dialogue on the employee's side

The Confederation of Estonian Trade Unions, which also represents the interests of civil servants.

Key topics dealt with by the social dialogue

Remuneration, working conditions, modernisation of social security systems, public sector reform etc.

Outcome of the collective bargaining

Principles of legal acts and collective agreements.

Obligation to implement collective bargaining agreements

Yes, it will be applied by legal acts.

Main characteristics of the social dialogue

The social dialogue is characterised by its rather informal and decentralised character. Its frequency depends on the needs of the participants, although collective bargaining concerning the issue of remuneration is rather formal.

There are no established committees and hierarchical levels; the dialogue is based on ad hoc delegations and meetings.

Union density

Below 15%

Right to strike for civil servants

No

FINLAND

Existence of specific civil service employment rules

Yes (Status of collective agreements is regulated in specific acts and statutes on collective agreements; separate on the one hand for contract employees, and on the other hand for civil servants).

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

The central level parties in the central government sector have concluded a procedural agreement according to which, it is obligatory to start a collective bargaining process concerning civil servants when a party demands it.

The representation of the employers' side in the social dialogue

The Ministry of Finance, who is represented by the State Employers' Office and which manages the State's general employer policy and personnel policy. It gives further advice on economic and social policies.

The main actors in the social dialogue on the employee's side

The three representative employees' organisations determined by the Ministry of Finance as counterparts for negotiations are: the Public Sector Negotiating Commission JUKO ry; the Trade Union for the Public and Welfare Sectors JHL ry; and the Federation of Salaried Employees Pardia ry.

The counterparts at agency level may be the same or one of their affiliated associations.

Key topics dealt with by the social dialogue

Centralised agreements are made on the total amount of salary rise and guidelines for allocation, working time, leave of absence, annual holidays and reimbursement of travelling expenses.

Pay, working hours, general conditions of work; topics related to the pay system, pay adjustment and working hours bank are negotiated at agency level or branch level within the framework of national collective agreements.

Outcome of the collective bargaining

Binding collective agreements, protocols, plans of action, legislation, reports – depending on the issue in question

Obligation to implement collective bargaining agreements

Yes, there is an obligation to implement collective agreements by legislation.

Main characteristics of the social dialogue

In Finland, a distinction is made between the national collective agreements for civil servants and between agency-level or branch-level agreements for civil servants. The complementary collective agreements between agencies or administrations and trade unions can specify – and to some extent alter – the central agreements. There are 57 government authorities who can conclude specifying agreements in their areas. However, before being signed, the agreements have to be approved by the Ministry of Finance.

The collective bargaining system can be characterised as rather formal. The frequency of negotiations varies depending on the terms of agreements. A typical term of a central-level agreement is around two years. The matter-specific sub-committees prepare the issues for the head negotiation group, which finally negotiates the agreements.

In general, the collective bargaining system has become more decentralised during recent years. Nowadays the pay systems are agreed at agency level.

Union density

About 90%

Existence of a right to strike for civil servants

Yes, but with a special mechanism for dispute resolution.

FRANCE

Existence of specific civil service employment rules

Yes (The Constitution, the general status of civil servants)

Applicability of these rules to at least 50% of public employees

Yes (State administrations and public bodies, local authorities (regions, departments, towns and their public bodies), social and medical authorities (hospitals, etc.)).

Existence of a legal right for civil servants to conclude collective agreements

Trade union organisations do not have a right to initiate negotiations. The government cannot be obliged to negotiate with trade union organisations, except for wage increases (legislative obligation). Nonetheless, this fact has not prevented the development and enrichment of negotiation practices during the last ten years (for instance, for working conditions, training, social action, etc.).

The representation of the employers' side in the social dialogue

The Minister responsible for the civil service represents the employers' side if agreements apply to statutory civil servants.

The main actors in the social dialogue on the employee's side

Six trade unions are considered to be representative in the public sector, such as for instance:

- The French Democratic Workers' Federation (Confédération Française Démocratique du Travail, CFDT)
- The French Christian Workers' Federation (Confédération Française des Travailleurs Chrétiens, CFTC)
- The General Federation for Executive Staff (Syndicat des Cadres et du Personnel d'Encadrement, CFE-CGC)
- The General Employees' Federation (Confédération Générale du Travail, CGT)
- The General Workers' Federation (Confédération Générale du Travail-Force Ouvrière, CGT-FO)
- The National Association of Independent Unions (Union Nationale des Syndicats Autonomes, UNSA)

Key topics dealt with by the social dialogue

Pay determination, working conditions, status, modernisation of social security systems, training issues, hygiene and security issues, employment of disabled employees.

Outcome of the collective bargaining

Agreements without a legal status but with political weight.

If negotiations fail, the French government can act unilaterally.

Obligation to implement collective bargaining agreements

No legal obligation; however, the implementation has the character of a political commitment.

Main characteristics of the social dialogue

Collective bargaining is centralised at the national level; the negotiations over wage increases take place at the central level within budget limits determined by the Ministry of Finance. The social dialogue system is characterised by the “concertation”, i.e. the obligation for consultations before any decisions are taken (Décrets du 28 mai 1982 relatifs au Conseil supérieur de la fonction publique de l’Etat 82-450, aux CAP 82-451 et aux CTP 82-452).

According to the very recent *Act de Bercy* of 2 June 2008, an agreement between the employers’ and employees’ representatives is to be considered as valid if two trade unions representing at least 20% of the votes of all the union representatives sign the agreement, and if the agreement is not opposed by the organisations representing the majority of votes.

Union density

Precise data is not available due to principle of confidentiality of union membership. However, the participation rate to professional elections between January 2005 and December 2007 was 69.7%

Existence of a right to strike for civil servants

Yes, but with restrictions for some specific civil servants (such as armed forces and judges).

GERMANY

Existence of specific civil service employment rules

Yes (The Civil Servants' Law)

Applicability of these rules to at least 50% of public employees

No

Existence of a legal right for civil servants to conclude collective agreements

Civil servants in Germany have no legal right for collective bargaining, although they are allowed to participate in the development of rules regulating the legal conditions of civil servants. Thus civil service laws contain provisions that oblige the government to consult with trade unions before adopting unilateral measures.

Their pay and working conditions are adjusted to the results of the collective bargaining negotiations between employees and workers.

The representation of the employers' side in the social dialogue

The Ministry of the Interior

The main actors in the social dialogue on the employee's side

The two dominant peak organisations in the public sector are the following:

- The German Trade Union Federation (Deutscher Gewerkschaftsbund, DGB), which is the dominant union confederation in Germany and which is composed of eight member unions.
- The German Civil Servants' Federation (Deutscher Beamtenbund, DBB), which comprises 39 member unions and which rather exclusively organises public sector employees.

Key topics dealt with by the social dialogue

Working conditions, equal opportunities, training, public sector reform

Outcome of the collective bargaining

Binding collective agreements

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

Until 2003, collective bargaining was highly centralised in the sense that the agreements covered the whole public sector at the three governmental levels (Federal level, *Länder* and local level).

Nonetheless in 2005, the Employers' Association of the German Länder left the negotiations; there have since been separate negotiations.

Union density

40-55%

Existence of a right to strike for civil servants

No

GREECE

Existence of specific civil service employment rules

Yes (The Civil Servants' Code for established officials and the Presidential Decree 410 for auxiliary officers).

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

Yes. The employers' side is obliged to consult with trade union organisations. The legal character of this obligation is laid down in the statute for civil servants.

The representation of the employers' side in the social dialogue

The Ministry of the Interior, who concludes agreements on behalf of the State. Usually, agreements are negotiated by a specific body, which includes, besides the Ministry of the Interior, representatives of the Ministry of Economics, the Ministry of Health, the Ministry of Employment and the relevant line ministry.

The main actors in the social dialogue on the employee's side

The Supreme Administration of Greek Civil Servants' Trade Unions, ADEY, which is composed of 56 federations.

Key topics dealt with by the social dialogue

Pay issues, working conditions in general, modernisation of social security systems etc.

Outcome of the collective bargaining

Agreements concerning pay, pensions and the creation of jobs are not legally binding, whereas agreements on matters such as civil service training, hygiene and safety matters, social security issues (apart from pensions issues), leaves issues and the exercise of trade union rights are binding.

If negotiations fail, the Greek government can act unilaterally.

Obligation to implement collective bargaining agreements

Yes, the implementation agenda of agreements is laid down in particular programmes.

Main characteristics of the social dialogue

Social dialogue is characterised by its formal and centralised nature. Collective bargaining takes place every year, while the agreements cover the whole public sector.

Union density

No data available

Right to strike for civil servants

Yes, but the details are regulated by special rules and with restrictions for judges and for armed forces.

HUNGARY

Existence of specific civil service employment rules

Yes (The legal status of civil servants, public servants, officials of the armed forces and soldiers of the Hungarian Army).

Applicability of these rules to at least 50% of public employees

No

Existence of a legal right for civil servants to conclude collective agreements

A law determines the topics on which the employer's side is obliged to consult with trade union organisations.

The representation of the employers' side in the social dialogue

A government delegation comprising high-ranking officers from several ministries

The main actors in the social dialogue on the employee's side

Social dialogue takes place in the National Council for the Conciliation of Interests, where the employees' side is represented.

Key topics dealt with by the social dialogue

Living and working conditions, remuneration, principles of HR management etc.

Outcome of the collective bargaining

National level agreements, recommendations and methodologies.

Obligation to implement collective bargaining agreements

Yes, both parties consider the content of agreements as legally binding.

Main characteristics of the social dialogue

Social dialogue is characterised by its centralised structure.

Union density

25-30%

Existence of a right to strike for civil servants

Yes, but regulated by special rules and with restrictions for armed forces.

IRELAND

Existence of specific civil service employment rules

Yes (The statute for public employees).

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

Yes

The representation of the employers' side in the social dialogue

The Department of Finance concludes agreements on the employer's side.

The main actors in the social dialogue on the employee's side

- The Irish Municipal, Public and Civil Trade Union
This union is the largest public sector trade union in health, local government, education, civil service, state-owned companies, telecommunications etc.
- The Civil and Public Services Union
The membership of this trade union is mainly composed of clerical and administrative grades and first line managers.
- The Public Service Executive Union
The membership of this trade union is mainly composed of executive grades from the ministries, from state commercial and non-commercial bodies, from tax collection, social welfare, employment, customs, the diplomatic service etc.
- The Association of Higher Civil and Public Servants
This trade union mainly represents senior civil servants and managers in the commercial and non-commercial state sector.

Key topics dealt with by the social dialogue

Collective bargaining deals with a broad range of topics, such as working conditions, public sector reform, modernisation of social security systems etc. There is no obligation for agreement before changes can be implemented, but every attempt is made to reach an agreed settlement rather than an imposed solution.

Outcome of the collective bargaining

Written agreements; if no agreement can be reached, certain issues may be taken to third party arbitration.

Obligation to implement collective bargaining agreements

The arbitration findings must be implemented unless there is a motion in the Parliament not to do so. Collective bargaining agreements are always implemented by the central public administration.

Main characteristics of the social dialogue

Decentralised dialogue has always been a feature of social dialogue. The extent of decentralised dialogue depends on the nature of the issue. Dialogue on an issue usually takes place at the lowest level at which outcomes are implemented.

The system is rather formal. Negotiations take place at monthly General Council meetings and agreements are formally recorded. Sub-committees are created to deal with complex or long term issues. Agreements reached at sub-committee level are ratified at the General Council.

Union density

55-70%

Existence of a right to strike for civil servants

Yes, but with a special mechanism for dispute resolution.

ITALY

Existence of specific civil service employment rules

Yes (The Laws 165/2001; 29/1993)

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

Yes

The representation of the employers' side in the social dialogue

The employers' side is represented by the Agency for the Representation of Public Administration Negotiation (ARAN), which has legal status and is governed by an executive committee of five members. These members are nominated by decree of the Presidents of the Council of Ministers; one of them must be designated by the Conference of Presidents of the Regions and another by the association of the Italian municipalities and provinces.

Membership to ARAN is compulsory for public administrations, who must be regularly informed during the negotiation process. They can also forward guidelines to ARAN, while they must give their approval to the final agreement.

The main actors in the social dialogue on the employee's side

The employees' side is characterised by a high level of fragmentation; nonetheless most trade unions are members of the three main confederations:

- The General Confederation of Italian Workers
- The Italian Confederation of Workers' Unions
- The Union of Italian Workers

Key topics dealt with by the social dialogue

Determination of pay and working conditions; the co-rights of trade unions are nevertheless quite weak as regards topics such as recruitment, mobility and promotion, which are non-contractualised and laid down in public law.

Outcome of the collective bargaining

Binding collective agreement

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

Since a Law of 1993, the employment relationship of most civil servants has been contractualised and is in essence determined by collective bargaining. Nonetheless, as regards employment status, differences still persist between the public and private sector.

The social dialogue has a rather decentralised structure. However, it is characterised by its strong coordination mechanisms through the creation of ARAN, which is the representative employer for all negotiations at central level.

All contractualised public employees are divided into 11 sub-sectors for negotiations, while five belong to the central administration (ministries, tax agencies, the Prime Minister's Office, schools and academies). A distinction is made between collective bargaining for managers and employees.

Union density

Exact data are not available

Existence of a special right to strike for civil servants

Yes, but with special rules for certain public services

LATVIA

Existence of specific civil service employment rules

Yes (The legal frameworks governing public service labour relations laid down in the Labour Law and in the State Civil Service Law).

Applicability of these rules to at least 50% of public employees

No

Existence of a legal right for civil servants to conclude collective agreements

In Latvia, collective bargaining can be initiated by the state employer, by employers' representatives or by employees' representatives, as laid down in Article 18 of the Labour Law. An employer or an employees' organisation or an employers' organisation is not entitled to refuse to enter into negotiations.

Collective bargaining is very limited at central administrative level. In general, the social dialogue in the Latvian public sector is not characterised by detailed rules.

Furthermore, there are different regulations for different sectors, such as health, education, internal affairs etc. The main differences for instance, concern the regulation of wages, holidays etc.

The representation of the employers' side in the social dialogue

Representatives of agencies and ministries conclude agreements on behalf of the employers' side.

The main actors in the social dialogue on the employee's side

The main actor on the employees' side is the Free Trade Union Confederation of Latvia. It encompasses the majority of trade unions.

Key topics dealt with by the social dialogue

Remuneration, labour protection, employment relationships, improvement of qualifications, work procedures, social security issues etc.

Outcome of the collective bargaining

Results of collective bargaining are legal texts, political statements, collective agreements and simple agreements.

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

In Latvia, there is no obligation to negotiate collective agreements.

Union density

Below 15%

Existence of a special right to strike for civil servants

Yes, but regulated by special rules.

LITHUANIA

Existence of specific civil service employment rules

Yes (The Constitution, the Law on Civil Service)

Applicability of these rules to at least 50% of public employees

No

Existence of a legal right for civil servants to conclude collective agreements

No; social dialogue takes place at three levels (national, sectoral and company level). It is most developed at company level, while it is rather weak at sectoral level, with the exception of some professions (e.g. teachers of the public sector).

The representation of the employers' side in the social dialogue

The Government of the Republic of Lithuania

The main actors in the social dialogue on the employee's side

- The Lithuanian Trade Union Confederation; the main sectors represented are the private industry, the private service and the state sector (created in 2002)
- The Lithuanian Trade Union 'Solidarumas'; the main sectors represented are the private industry, the private service and the state sector (created in 1989)
- The Lithuanian Labour Federation; the main sector represented is the state sector (created in 1991)

Key topics dealt with by the social dialogue

Remuneration, working conditions

Outcome of the collective bargaining

Collective bargaining agreements (legal texts)

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

In Lithuania, social dialogue at national level takes place at the Tripartite Council of the Republic of Lithuania. Permanent members of the Tripartite Council are the representatives from trade union organisations (see above), from employers' organisations and the government (Ministry of Finance, Ministry of Economy, Ministry of Education and Science, Ministry of Social Security and Labour, Ministry of Agriculture).

The Tripartite Council is composed of specialised tripartite councils and commissions. Within this body, a separate dialogue body of the public sector does not exist.

Union density

Below 15%

Existence of a right to strike for civil servants

No

LUXEMBOURG

Existence of specific civil service employment rules

Yes (Statute of the civil servants of 16 April 1979; Law regulating the remuneration system of civil servants of 22 June 1963)

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

In theory, remuneration and working conditions are determined unilaterally by law, although in practice, social dialogue plays an important role during decision-making processes in the public sector.

The representation of the employers' side in the social dialogue

The Ministry of Civil Service and of Administrative Reform

The main actors in the social dialogue on the employee's side

By far, the most representative trade union in the public sector is the General Confederation of Civil Servants (CGFP), which has the leading role in all negotiations dealing with issues concerning civil servants and public employees. The CGFP is composed of over 60 affiliated unions and federations, such as the National Union of Teachers, the General Federation of State Clerical and Secretarial Staff, The General Association of Managers etc.

Key topics dealt with by the social dialogue

Remuneration, pensions and questions linked to the status of civil servants.

Outcome of the collective bargaining

Agreements signed by the Minister of Civil Service and of Administrative Reform, which are binding for the government.

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

Social dialogue is centralised at central governmental level in the sense that the agreements concluded between the Minister of Civil Service and of Administrative Reform and the CGFP are valid for all public employees, who are covered by the status of civil servants.

Union density

It is quite high, although precise data are not available.

Existence of a right to strike for civil servants

Yes, but with a special mechanism for dispute resolution and with a ban for some civil servants.

MALTA

Existence of specific civil service employment rules

Yes

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

Yes

The representation of the employers' side in the social dialogue

The Ministry of Finance

The main actors in the social dialogue on the employee's side

The Confederation of Malta Trade Unions (CMTU)

Key topics dealt with by the social dialogue

Remuneration, working conditions, working hours, equal opportunities, measures envisaged in the area of human resources.

Outcome of the collective bargaining

Usually political statements

Obligation to implement collective bargaining agreements

Once signed, collective agreements are binding on both parties.

Main characteristics of the social dialogue

Malta's social dialogue system is inspired by the British model. Social dialogue is centralised to the extent that a special body – the Malta Council for Economic and Social Development – has been set up to serve as the forum for social dialogue.

Union density

No data available

Existence of a right to strike for civil servants

Yes, but with restrictions for judges, armed forces, police, fire brigades and some other civil servants.

POLAND

Existence of specific civil service employment rules

Yes (The Constitution, the Civil Service Act, the Labour Code, the Trade Union Act, the Tripartite Commission for Social and Economic Affairs Act).

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

No. In principle, social dialogue in the public sector is characterised by the fact that the central government administrations consult the trade unions as regards their opinion on proposals and drafts for legal acts.

If there is a political will to implement results of the discussions with the trade unions, the government can elaborate a proposal for a new or modified regulation.

The representation of the employers' side in the social dialogue

Informal meetings with trade unions take place a few times a year in the Chancellery of the Prime Minister. Furthermore, Directors-General of the central government administrations have the power to discuss working conditions with the trade unions.

The main actors in the social dialogue on the employee's side

The members of the representative national trade union organisations.

Key topics dealt with by the social dialogue

There is no formal list of topics to be discussed with the trade unions.

Outcome of the collective bargaining

Political statements about the development of salaries and changes in regulations.

Obligation to implement collective bargaining agreements

The results of negotiations are not legally binding.

Main characteristics of the social dialogue

Social dialogue on civil service issues is characterised by its rather informal character as well as by a low degree of institutionalisation, which is for instance underlined by the fact that the Tripartite Commission for Social and Economic Affairs does not include a subgroup on civil service matters.

Union density

The public administration does not possess any information or figures concerning the union density in Poland.

Existence of a right to strike for civil servants

Civil Service Corps members shall not be allowed to participate in strikes or actions of protest, which would otherwise interfere with the regular functioning of an Office.

PORTUGAL

Existence of specific civil service employment rules

Yes

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

No

The representation of the employers' side in the social dialogue

In general, negotiations on the employers' side are represented/coordinated by the member of government responsible for finance and for public administration. At sectoral level, the representation is assumed by the member of government responsible for the sector (which is coordinating) and by the Minister of Finance and Public Administration.

The main actors in the social dialogue on the employee's side

At the level of the general public administration, the employees' side is represented by three trade union organisations:

The Frente Comum, Federação Nacional dos Sindicatos da Função Pública; the FESAP, Frente Sindical da Administração Pública; and the STE, Sindicato dos Quadros Técnicos do Estado.

At sectoral level, there is for each sector a much higher number of trade union organisations representing different sectors/professions, such as doctors, nurses, teachers, prison guards, military staff, forest guards, etc.

Key topics dealt with by the social dialogue

At the level of general negotiations in public administration: salaries and other remunerative allowances/supplements, questions related to the status of civil servants.

At sectoral level negotiations focus on: salaries, training, health and safety, recruitment etc.

Outcome of the collective bargaining

Legally binding agreements that must be incorporated in legal texts.

Obligation to implement collective bargaining agreements

Yes. However, if no agreement is reached, the government can fix the level of remuneration increase.

Main characteristics of the social dialogue

In Portugal, there are two levels of negotiations: social dialogue takes place at the level of the general public administration and at sectoral level. At sectoral level, negotiations are related to more specific issues (see above).

Union density

The gathering of information related to the organisation and functioning of trade unions, including this aspect, is forbidden by the Portuguese Constitution.

Existence of a right to strike for civil servants

Yes, but with restrictions for judges, armed forces and police.

ROMANIA

Existence of specific civil service employment rules

Yes (The Statute of the civil servant – Law no. 188/1999).

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

No

The representation of the employers' side in the social dialogue

The employers' side is represented by the Government of Romania. The general coordinator of the social dialogue is the Ministry of Labour, Family and Equal Opportunities.

The main actors in the social dialogue on the employee's side

Employees of the public sector are represented by five trade union organisations, which are not clearly delimited by sectors and which are characterised by sectoral and regional structures.

Key topics dealt with by the social dialogue

Working conditions, remuneration, public sector reform

Outcome of the collective bargaining

Most of the time, the outcome is a legal text.

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

Social dialogue takes place at the Tripartite Economic and Social Council, which includes members from the government, the employees' side and the employers' side.

Since 2005, a department for social dialogue was established at governmental level. It is coordinated by a Secretary of State, whose competencies include the management of social dialogue commissions in ministries as well as organising meetings between the Prime Minister and the Tripartite Council.

Union density

55-70%

Existence of a right to strike for civil servants

Yes

SLOVAKIA

Existence of specific civil service employment rules

No

Applicability of these rules to at least 50% of public employees

No

Existence of a legal right for civil servants to conclude collective agreements

Yes. The legal framework for the management of industrial relations is provided in the Constitution of the Slovak Republic: in Act No.311/2001 Coll., the Labour Code, as amended; in Act No. 2/1991 Coll. on collective bargaining, as amended; in Act No. 312/2001 Coll. on the civil service, as amended; in Act No. 552/2003 Coll. on the performance of work in the public interest and others.

The representation of the employers' side in the social dialogue

Collective agreements on the employers' side are concluded at branch level with the different ministries, such as the Ministry of Labour, Social Affairs and Family, the Ministry of the Interior and the Ministry of Finance.

The main actors in the social dialogue on the employee's side

Collective agreements are concluded on the employees' side with the sectoral trade unions, such as the trade unions of the education workers, the trade union of healthcare and social services workers.

Key topics dealt with by the social dialogue

Working conditions (working time, holidays, severance pay after the termination of an employment relationship, salary, equal opportunities) and the modernisation of the social security systems.

Outcome of the collective bargaining

Agreements that have to be approved by the government.

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

The social dialogue is rather decentralised and takes place at different levels (national level, branch level and company level).

The state employer is not obliged to conclude a collective agreement. There is no duty to reach an outcome.

Union density

10%

Existence of a right to strike for civil servants

Yes, but not for top civil servants, fire brigades and police.

SLOVENIA

Existence of specific civil service employment rules

Yes (Constitution, Civil Servants' Act, Public Sector Wage System Act, Employment Relationship Act, Collective Agreement Act, Rules of procedure regulating cooperation between trade unions and employers).

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

Yes

The representation of the employers' side in the social dialogue

The employers' side is represented by the governmental bargaining group, which is composed of representatives of all ministries, agencies, some governmental offices, parliament and the associations of municipalities.

The main actors in the social dialogue on the employee's side

There are more than 20 nationally representative central employees' organisations. They represent different branches but in several cases, also the same branch (e.g. there are six different representative trade unions representing the health sector).

Key topics dealt with by the social dialogue

Working conditions, modernisation of social security systems, training, public sector reform, quality management, performance management.

Outcome of the collective bargaining

Legal texts, collective agreements and other agreements or statements.

Obligation to implement collective bargaining agreements

Yes, collective bargaining agreements are treated as binding agreements. Both parties are obliged to act in accordance with the signed agreements.

Main characteristics of the social dialogue

In Slovenia, social dialogue is centralised: negotiations take place at the central public administration level, while the results affect all public employees. In certain fields, collective bargaining is compulsory in the public sector.

Collective bargaining is characterised by its rather formal character. Negotiations usually take place two to four times per year, although no additional committees or other

institutions have been set up. Social dialogue and collective bargaining are almost a constant process in the Slovenian public sector.

Union density

Union density is strong – depending on the sector, an average of 50%.

Existence of a right to strike for civil servants

Yes, but with a special mechanism for dispute resolution and a minimum service provision

SPAIN

Existence of specific civil service employment rules

Yes (The Constitution and the Statute of employees and the basic Statute for public employees and for statutory civil servants).

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

There is a legal recognition of the right to collective bargaining. The negotiating rights of civil servants are laid down in a specific law. Thus, the employer's side is obliged, by law, to negotiate on all topics related to their working conditions.

The representation of the employers' side in the social dialogue

The Ministry of Public Administration is responsible for the development and implementation of the social dialogue.

The main actors in the social dialogue on the employee's side

The employees' side is characterised by its great variety. The employees' organisations are structured according to the different professional groups or according to the different sectors. The most important ones are the following:

-The Workers' Commissions (CCOO), which comprises, for instance, professional organisations in different fields such as health and education.

-The General Workers' Confederation (UGT), which groups different federations representing different occupational groups.

-The Independent Trade Union Confederation of Civil Servants (CSIF) was founded in the 1980s by a number of professional associations with the objective of presenting an alternative approach to that of the CCOO and UGT.

Key topics dealt with by the social dialogue

Remuneration, working conditions in general, evaluation of positions, conditions of service, training

Outcome of the collective bargaining

Collective bargaining agreements are legal texts.

Obligation to implement collective bargaining agreements

Yes, but only for civil servants who are covered by statutory law. In this case, the agreements need to be incorporated into legal texts.

Main characteristics of the social dialogue

The social dialogue is characterised by its centralised structure. Agreements are concluded at ministry level although they are often negotiated at lower levels by delegated committees.

The collective bargaining system is quite formal. At the central administrative level, a distinction is made between three main committees: 1. the committee responsible for the negotiation of working conditions common to all staff of the whole public administration (state, regions and local administration); 2. the committee responsible for the negotiations dealing with topics related to statutory civil servants only; and 3. the committee responsible for the negotiation of working conditions common to employees and civil servants. Besides these committees, there is a committee that deals solely with collective bargaining of state employees.

Social dialogue has become much more important since the adoption of the law on collective bargaining at the beginning of the 1990s and the strengthening of the trade unions.

Union density

27%

Existence of a right to strike for civil servants

Yes, except for judges, magistrates, public prosecutors, police and military personnel.

SWEDEN

Existence of specific civil service employment rules

In Sweden, employment rules are very similar in the public and private sector. (The frameworks governing labour relations in all sectors of the Swedish labour market are laid down in the employment act of 1976 (co-determination in the workplace)).

Applicability of these rules to at least 50% of public employees

Specific statuses and conditions of employment only apply to magistrates, employees of the Ministry of Foreign Affairs and the police.

Existence of a legal right for civil servants to conclude collective agreements

Yes. Since 1966 an agreement between the predecessor of SAGE and the central trade unions gave government employees a right to negotiate their salaries and other working conditions.

The representation of the employers' side in the social dialogue

The public sector employers' side is represented by SAGE (The Swedish Agency for Government Employers), a special state agency, which bargains autonomously and is responsible for the conclusion of agreements with the employees' side. For the social security sector, the state is represented by the Federation of Social Insurance Offices. Membership to SAGE is compulsory for all state agencies and government offices.

SAGE is fully financed by membership fees and has its mandate to operate only from the member agencies, and not from the government or the Riksdag (Parliament). The coordination mechanisms take their shape in the form of employers' cooperation between agencies, with or without SAGE involvement.

The main actors in the social dialogue on the employee's side

- The Central Organisation of Professional Associations (Saco-S)
- The Central Organisation of Salaried Employees (OFR)
- The Swedish Union of Service and Communications Employees

Key topics dealt with by the social dialogue

Topics at central level: overall salary level, general working conditions, industrial peace.
Topics at agency level: individual pay, local conditions.

Outcome of the collective bargaining

Binding collective agreement

Obligation to implement collective bargaining agreements

Yes, they must be implemented when they have been signed by the social partners.

Main characteristics of the social dialogue

Collective bargaining is characterised by its rather decentralised nature. SAGE acts as a coordination mechanism in the sense that the agreements, which are concluded at agency level, are negotiated according to framework agreements applicable to the entire administration. These basic and general agreements have been concluded between SAGE and the national trade unions.

The actual pay of each employee is negotiated locally between the agency as an employer and the local trade unions.

The procedure for collective agreements is rather formal. The length of these agreements may vary, but they usually run for three years.

Union density

About 90%

Existence of a right to strike for civil servants

Yes

THE NETHERLANDS

Existence of specific civil service employment rules

Yes (The Constitution, the civil service law and the executory regulations on pay for specific sectors).

However, differences between public sector labour relations and private sector labour relations are reduced to a bare minimum (process of normalisation). Slight differences refer to the end of contract litigation and the employment rules of judges, for instance.

Applicability of these rules to at least 50% of public employees

Yes

Existence of a legal right for civil servants to conclude collective agreements

In the Netherlands, there exists a 'requirement of agreement', which establishes an obligation to consult the trade unions on the conditions of employment. There is no obligation to consult trade unions on political or organisational matters.

The representation of the employers' side in the social dialogue

The Ministry of the Interior represents the employers' side in the social dialogue within the police and the central government sector.

The main actors in the social dialogue on the employee's side

- The General Confederation of Public Sector Personnel (ACOP)
- The Christian Confederation of Educational and Public Sector Personnel (CCOOP)
- The Centre of Public Sector Employees (AC)
- The Confederation of Managerial and Professional Personnel employed in the Public Sector, Education, Companies and Institutions

Key topics dealt with by the social dialogue

With the exception of pensions, all topics relating to working conditions are subject to discussions at sectoral decentralised level.

Outcome of the collective bargaining

New conditions of employment, which are later administratively codified in certain cases.

Obligation to implement collective bargaining agreements

Yes

Main characteristics of the social dialogue

Collective bargaining predominantly takes place at sectoral level. Before the 1990s, collective bargaining was taking place at central level, but since 1993 the public sector has been divided into 13 sectors, with each having their own agreements.

Those negotiations that affect the whole government are centralised in the Sectoral Committee Consultation for Government Employees between the Minister of the Interior and four trade unions.

Union density

25-40%

Existence of a right to strike for civil servants

Yes, but with restrictions for police and armed forces.

UNITED KINGDOM

Existence of specific civil service employment rules

No

Applicability of these rules to at least 50% of public employees

No

Existence of a legal right for civil servants to conclude collective agreements

Yes

The representation of the employers' side in the social dialogue

The Treasury and the Cabinet Office play an important role in social dialogue on the employers' side. Although each department and agency sets up its own pay system, the Treasury places constraints on pay discretion; while the responsibility for pay and performance management in the civil service belongs to the Cabinet Office.

The main actors in the social dialogue on the employee's side

Most of the trade unions focus on the representation of a particular occupational group, while they represent employees in the public and in the private sector.

Key topics dealt with by the social dialogue

Modernisation of public management and HRM, pensions, work-life balance etc.

Outcome of the collective bargaining

Change in policies/conditions, working practices etc., occasional ministerial announcements, more often a document outlining a policy to HR Directors.

Obligation to implement collective bargaining agreements

Mainly general statements. In case of an agreement, this needs to be implemented.

Main characteristics of the social dialogue

The single-level collective bargaining system is decentralised; it takes place in 90 bargaining units. The most significant bargaining units are the Department for Work and Pensions, the HM Revenue and Customs, the Home Office and the Ministry of Defence.

Since the creation of executive agencies and the far-reaching reform of the unified civil service during the 1990s, pay determination has been mostly delegated to agencies.

The social dialogue is characterised on the one hand by strong governance arrangements: key committees include the Permanent Secretaries Employee Relations

Group (PSER), the Permanent Secretaries Management Group (PSMG), HR Directors etc. Nationally, the Permanent Secretaries meet every month on the following issues: pay, work, wellbeing, efficiency and relocation. On the other hand, the social dialogue can also be characterised – depending on the issue – by a rather informal and ad-hoc nature, while the frequency of meetings also depends on the issue.

Union density

Between 65-70%

Existence of a right to strike for civil servants

Yes

Existence of specific civil service employment rules

This question does not apply.

Applicability of these rules to at least 50% of public employees

This question does not apply.

Existence of a legal right for civil servants to conclude collective agreements

Yes, the administration is obliged to consult trade union organisations.

The representation of the employers' side in the social dialogue

On the employers' side, the administration is represented by the Commissioner in charge of administration, audit and the fight against fraud.

The main actors in the social dialogue on the employee's side

The professional or trade union organisations

Key topics dealt with by the social dialogue

Working conditions, equal opportunities, modernisation of social security systems, human resource management, reform of the public sector

Outcome of the collective bargaining

The outcome of social dialogue will end in the drawing up of legal texts (Commission decisions, general executive regulations) and agreements

Obligation to implement the results of social dialogue

Yes

Main characteristics of the social dialogue

Social dialogue within the European Commission is characterised by its centralised character. The social dialogue of the 40 Directorates-General and services of the Commission is centralised within the Directorate-General for personnel and administration (DG ADMIN)

Union density

20% (according to an estimation)

Existence of a right to strike for civil servants

Yes, although certain functions have to be maintained in case of a strike.
