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Representativeness study of the European social partner organisations: Education sector - Netherlands

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→ Representativeness study of the European social partner organisations: Education sector – Netherlands

The aim of this representativeness study is to identify the respective national and supranational actors (i.e. trade unions and employer organisations) in the field of industrial relations in the education sector in the Netherlands. In order to determine their relative importance in the sector's industrial relations, this study will, in particular, focus on their representational quality as well as on their role in collective bargaining.

1. Sectoral properties

Table 1: Profile of education sector

	1996	2007**
Aggregate employment*	n.a.	n.a.
Male employment*		
Female employment*		
Aggregate employees	1,292,700	1,716,900
Male employees	692,000	691,200
Female employees	600,700	1,025,700
Aggregate sectoral employment as a % of total employment in the economy	n.a.	n.a.
Aggregate sectoral employees as a % of the total number of employees in the economy	21.3%	23.5%

Notes: * Employees plus self-employed persons and agency workers. ** Or most recent data. n.a. = not available.

2. The sector's trade unions and employer associations

This section includes the following trade unions and employer organisations:

1. Trade unions which are party to sector-related collective regulation.
2. Trade unions which are a member of a sector-related European trade union federation, namely the European Trade Union Committee for Education ([ETUCE](#)), European Confederation of Independent Trade Unions ([CESI](#)) and European Federation of Public Service Unions ([EPSU](#)).
3. Employer organisations which are a party to sector-related collective regulation.
4. Sector-related employer organisations (business associations) which are a member of the sector-related European employer federation, namely the European Federation of Education Employers ([EFEE](#)) which is a member of the European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest ([CEEP](#)).

2a Data on the trade unions

See 2a.2 for details of unions.

2a.1 Type of membership (voluntary vs. compulsory)

Voluntary.

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2a.2 Formal demarcation of membership domain (e.g. white-collar workers, public-sector workers, employees of the education sector, etc.)

The formal demarcation remains civil servants and the education sector. Five levels can be distinguished:

- primary;
- secondary;
- vocational;
- higher (polytechnics);
- scientific education.

In 1985 the [Ministry of Education, Culture and Science](#) began to decentralise the settlement of labour conditions such that teachers were no longer civil servants in the strict sense (though their pension system still is).

Before 1985 the Minister of the Interior wanted to negotiate with federations of employees employed by the authorities. The existing federations and unions had to establish these federations and so federations such as the Christian Federation of Government and Education Staff (CCOOP) were established. Where these federations sign agreements, labour relations are not yet 'normalised'.

In 1985, in addition to the traditional education unions and civil servants union federations, the unions for public sector workers joined the negotiations, thus the Public Service Workers' Union (affiliated to the Dutch Trade Union Federation, [FNV](#)) ([Abvakabo FNV](#)) and, for example, the Public Sector Union of the Christian Trade Union Federation ([CNV](#)) ([CNV Publieke Zaak](#)) joined the negotiations. Since then the federations negotiate in the primary and secondary education segments of the sector, and at the universities. The traditional unions negotiate in the vocational training and higher education segments of the sector. [Abvakabo FNV](#) has also entered the negotiations at all five levels for the collective agreement for supportive personnel.

Thus there are four active federations in the sector:

- General Federation of Civil Servants ([ACOP FNV](#));
- CCOOP (CNV for civil servants);
- Federation of Middle-Ranking and Senior Officials in the Public Sector ([CMHF](#)) – Federation of Managerial and Professional Staff Unions ([MHP](#)) for civil servants;
- [AC](#) (Civil Servants Centre).

They negotiate collective agreements in primary and secondary education and scientific education. The General Teachers' Union ([AOB](#)) (affiliated to FNV), Christian Education Union ([CNV Onderwijs](#)) and Union for Workers in Vocational and Secondary Education ([UnieNFTO](#)) negotiate at the other levels: vocational training and higher education (see 4.3 and 4.4.)

In total, 10 unions or federations are party to collective agreements in one of the sector's five segments:

- ACOP FNV – also includes also employees in education and is directed at public servants in general;
- CCOOP;
- CMHF – restricted to higher civil servants;
- AC s – restricted to civil servants and is not affiliated to other union federations;
- FNV, CNV and MHP join the negotiations as they are oriented either at civil servants or the education sector;
- CNV Publieke Zaak is the Christian Union restricted to public servants;
- AOB is the FNV union restricted to employees working in education;
- CNV Onderwijs are restricted to (Christian) employees in education;
- UnieNFTO (affiliated to CMHF) is restricted to middle and higher employees in (vocational) education.
- Union for Science Staff of Universities, Research Institutions and University Medical Centres ([VAWO](#)) (affiliated to CMHF) is restricted to middle and higher employees in scientific education.

2a.3 Number of trade union members (i.e. the total number of members of the trade union as a whole)

Membership in 2007 of unions or federations in the public sector

FNV Abvakabo: 352.000

CNV Publieke Zaak: 78,761

CMHF: 61,000

2a.4 Number of trade union members in the sector

The federation ACOP FNV consists of five unions, including AOb and Abvakabo in education. It had a total of 315,000 members in 2008, of which 106,000 were employed in education, organised in AOb or Abvakabo.

The largest FNV union in education, AOb, which negotiates at every level with the exception of universities, had a total of 79,000 members in 2007 and around 80,000 in 2010, split as follows:

- primary education: 30,000;
- secondary education: 20,000 members;
- vocational training: 10,000 members;
- higher education: 4,000 members.

The FNV union for public servants, Abvakabo, had 24,000 members in the education sector in 2008, split as follows:

- universities: 7,000 members;
- university hospitals: 6,000 members;
- higher education: 2,100;
- vocational training: 2,600;
- secondary education: 2,000;
- primary education: 1,500
- education supplementary/other: 3,000 members.

Abvakabo negotiates at all five levels for the collective agreement of the supportive personnel.

The federation, CCOOP, for Christian civil servants (including education) had a total of 140,000 members in 2008. One of the associated unions, CNV Onderwijs, had around 53,000 members in 2008.

AC is an independent federation. It had in total 58,000 members in 2008, around 10,000 of whom were employed in education.

CMHF, a federation of middle and higher public servants, had in total 58,333 members in 2008; 36,000 members were employed in education (and can be member of either UnieNFTO or VAWO).

2a.5 Female trade union members as a percentage of total trade union membership

AOb, the largest union in education has 50,000 female members, around two-third of its membership. Two-thirds of the members of CNV Onderwijs, the second largest union in education, are female. At present, the figure is even 8 women at 10 members. ('Feminisation' of the profession can be observed in the CBS figures on the amount of male and female employees under 1.)

2a.6 Domain density: total number of members of the union in relation to the number of potential members as demarcated by the union domain (see 2a.2)

In general, the domain density of the unions active in education may be around 20%. For example, for AOb the density is 20% (estimate) and, for CNV Onderwijs, it is around 20% (estimate).

2a.7 Sectoral density: total number of members of the trade union in the sector in relation to the number of employees in the sector, as demarcated by the NACE definition

All unions and federations together: 30–40% (estimate from respondents for AOb and CNV Onderwijs)

2a.8 Sectoral domain density: total number of members of the trade union in the sector in relation to the number of employees which work in that part of the sector as covered by the trade union domain **2a.9 Is the trade union involved in sector-related collective regulation? If yes, is it genuine collective bargaining, de facto negotiations or consultation?**

All the organisations mentioned are involved in sector-related collective regulation.

2a.10 For each association, list their affiliation to higher-level national, European and international interest associations (including cross-sectoral associations)

AOb FNV is a member of ETUCE and Education International (EI).

Abvakabo FNV is member of EPSU. It is not (yet) active in ETUCE.

For higher education, AOb is a member of the EI Higher Education and Research Standing Committee (HERSC).

CNV Onderwijs is a member of ETUCE and Education International. It is also a member of two international, professional organisations with a Christian domination.

2b Data on the employer associations

See 2b.2 for details of organisations.

2b.1 Type of membership (voluntary vs. compulsory)

Voluntary.

2b.2 Formal demarcation of membership domain (e.g. state-owned units, universities, private adult training institutes, etc.)

Formal demarcation is the educational level: primary, secondary, vocational, higher (polytechnics) and scientific.

In 1985 the Ministry of Education, Culture and Science decentralised the settlement of labour conditions. Successively, for each level an employer council or employer association (at the universities) was established, representing employers in that particular field, for example in primary education. The rules and relevant social partner parties are set out in a covenant.

2b.3 Number of member companies (i.e. the total number of members of the association as a whole)

Primary Education Council ([PO-Raad](#)): 600 member employers

Secondary Education- Council ([VO-Raad](#)): 320 member employers

Vocational Education Council ([MBO-Raad](#)): 70 member employers

Higher Education Council ([HBO-Raad](#)): 40 member employers

Association of Universities in the Netherlands ([VSNU](#)): 14 member employers (does not represent academic medical hospitals)

2b.4 Number of member companies in the sector

Primary Education Council: 600 member employers

Secondary Education Council: 320 member employers

Vocational Education Council: 70 member employers

Higher Education Council: 40 member employers

VSNU: 14 members

2b.5 Number of employees working in member companies (i.e. the total number of the association as a whole)

Primary Education Council: 128,000 employees are employed in the 600 member companies.

Secondary Education: 100,000 employees are employed in the member companies (80,000 full-time equivalents, fte).

Vocational Education Council: around 55,000 employees (around 43,000 fte) are employed in the 70 member companies.

Higher Education: around 40,000 employees are employed in the member companies.

Scientific Education: around 50,000 employees are employed in the 14 member companies.

2b.6 Number of employees working in member companies in the sector

Not applicable.

There are five domains.

2b.7 Domain density in terms of companies: total number of member companies of the association in relation to the number of potential member companies as demarcated by the association's domain (see 2b.2)

Primary Education Council: 600 member employers. That represents a domain density of 50%. The Council's predecessor had a density of 100%. The Council was established in 2008 and aims to achieve the same (high) density as the other Councils active in the other levels of education.

Secondary Education Council: 320 member employers. That is a domain density of 97%.

Vocational Education Council: the 70 member employers represent a domain density of 100%.

Higher Education Council: 40 member employers. That is a domain density of 100%.

Scientific Education: the 14 member companies represent a domain density of 100%

2b.8 Sectoral density in terms of companies: total number of member companies of the association in the sector in relation to the number of companies in the sector, as demarcated by the NACE definition

2b.9 Sectoral domain density in terms of companies: total number of member companies of the association in the sector in relation to the number of companies which operate in that part of the sector as covered by the association's domain

2b.10 Domain density in terms of employees represented: total number of employees working in the association's member companies in relation to the number of employees working in potential member companies, as demarcated by the association's domain (see 2b.2)

Primary Education Council: 128,000 employees working in the 600 member companies. The density in terms of employees is 70%. Thus, around 183,000 employees in total are employed in the 1,200 schools.

Secondary Education Council: 100,000 employees, working in the member companies (80,000 fte). Density is 97%.

Vocational Education Council: around 55,000 employees (around 43,000 fte) are employed at the 70 companies. Density in terms of employees is 100%.

Higher Education Council: around 40,000 employees, working in the member companies. Density is in terms of employees is 100%.

VSNU: around 50,000 employees, working in the member companies. The domain density at the 14 universities in terms of employees is 100%.

2b.11 Sectoral density in terms of employees represented: total number of employees working in the association's member companies in the sector in relation to the number of employees in the sector, as demarcated by the NACE definition

2b.12 Sectoral domain density in terms of employees represented: total number of employees working in the association's member companies in the sector in relation to the number of employees working in companies which operate in that part of the sector as covered by the association's domain

2b.13 Is the employer association involved in sector-related collective regulation? If yes, is it genuine collective bargaining, de facto negotiations or consultation?

The five councils or associations are involved in sector-related (domain) collective bargaining.

2b.14 For each association, list their affiliation to higher-level national, European and international interest associations (including the cross-sectoral associations).

The Primary Education Council is active at European level, becoming a member of EFEE in 2009.

The Secondary Education Council is a member of EFEE.

The Higher Education Council is active in a professional organisation, the European Organisation of Applied Sciences.net (EOAS.net).

VSNU is a member of the European University Association ([EUA](#)).

3. Inter-associational relationships

3.1. Please list all trade unions covered by this study whose domains overlap.

ACOP FNV is restricted to public servants, including those employed at all levels of education.

CCOOP is restricted to public servants, including those employed in education.

CMHF is restricted to higher civil servants.

AC is restricted to civil servants and is not affiliated to other union federations.

Aside the federations, the unions of FNV, and of CNV and MHP are joining the negotiations; they are either oriented at civil servants or at the sector education.

The union for public servants FNV is Abvakabo FNV.

AOb is the FNV union restricted to employees working in education.

CNV Publieke Zaak is the Christian trade union restricted to public servants.

CNV Onderwijs is restricted to (Christian) employees in education.

UnieNFTO, which is affiliated to CMHF, is restricted to middle and higher employees in (vocational) education.

3.2. Do rivalries and competition exist among the trade unions, concerning the right to conclude collective agreements and to be consulted in public policy formulation and implementation?

According to the respondents, there are no rivalries leading to exclusion of the unions or federations mentioned above.

3.3. If yes, are certain trade unions excluded from these rights?

3.4. Same question for employer associations as 3.1.

Not applicable.

The five employer organisations are active on different levels.

3.5. Same question for employer associations as 3.2.

Not applicable.

3.6. Same question for employer associations as 3.3.

Not applicable.

3.7. Are there large companies or employer associations which refuse to recognise the trade unions and refuse to enter collective bargaining?

No.

4. The system of collective bargaining/regulation

4.1. Sector's rate of collective regulation

Not applicable.

4.2. Sector's rate of collective bargaining coverage

The coverage is at all five levels and is 100%, though the procedure may differ slightly.

One factor is the specific Dutch nature of public and private schools. Private schools often have a denominational foundation; their employees have never been public servants and formally these employees were employed under a collective agreement. However, the labour terms of employees at public schools were not the result of collective bargaining but of de facto negotiations, formally labour terms and regulations settled by the Minister of the Interior. Labour terms in public and private schools have, however, always been coordinated and thus one party follows the other in the settlement of (more or less equal) terms.

Because it was established relatively recently, the Primary Education Council is in the middle of a transition period. In the most recent collective agreement, which expired in the summer of 2009, the Minister was still the signatory party on the employers' side. The Council will be the signatory party in the next collective agreement. (The Council and its predecessor have been responsible for the secondary labour terms since 2006.) The coverage of the most recent collective agreement was 100% and the Council is seeking the same high level of coverage by trying to convince schools to become member of the association. It has to be seen whether and how the agreement will be extended. Since the Council organises 70% of employees, the requirements for a formal extension procedure are present.

Secondary education has a coverage of 100%. Private school employers, represented on the Board, negotiate a collective agreement. This agreement is accepted by the employers who still fall under the public arrangements via formal consent of the local authorities. They then make a public arrangement of the private collective agreement.

In vocational education, the collective bargaining coverage is 100% for the domain.

In higher education, the collective bargaining coverage is 100% for the domain.

In scientific education, the collective bargaining coverage is 100% for the domain; the three private denominational universities follow the agreed and binding collective agreement for the former public servants at the public universities.

4.2.1. Is there a practice of extending multi-employer agreements (genuine bargaining) to employers who are not affiliated to the signatory employer associations?

No, see 4.2.

4.2.2. If there is a practice of extending collective agreements (genuine bargaining), is this practice pervasive or rather limited and exceptional?

No, see 4.2

4.3. List all sector-related multi-employer wage agreements* (genuine bargaining) valid in 2007 (or most recent data), including for each agreement information on the signatory parties and the purview of the agreement in terms of branches, types of employees and territory covered.

* Only wage agreements which are (re)negotiated on a reiterated basis.

Table 2: Sector-related multi employer wage agreements

Bargaining parties	Scope of the sector-related multi-employer wage agreements		
	Sectoral	Type of employees	Territorial
See 4.4 *			
VSNU Abvakabo, AC/FBZ, CNV Publieke Zaak, CMHF; VAWO (CMHF)	Universities	All	-

Note: * All collective agreements mentioned were are valid in 2007 or more recently.

4.4. List the sector's four most important collective agreements (genuine bargaining, single-employer or multi-employer agreements) valid in 2007 (or most recent data), including for each agreement information on the signatory parties and the purview of the agreement in terms of branches, types of employees and territory covered. Importance is measured in terms of employees covered.

Table 3: Four most important agreements (genuine bargaining) in terms of employees covered

Bargaining parties	Scope of the agreements		
	Sectoral	Type of employees	Territorial
PO-Raad AC, ACOP, CCOOP, CMHF	Primary education	All	-
VO-Raad ACOP, CCOOP, CMHF	Secondary education	All	-
MBO-Raad Abvakabo, AOb, CNV Onderwijs, UnieNFTO	Vocational training	All	-
HBO-Raad AOb, CNV Onderwijs, UnieNFTO/CMHF; Abvakabo	Higher vocational training	All	-

5. Formulation and implementation of sector-specific public policies

5.1. Are the sector's employer associations and trade unions usually consulted by the authorities in sector-specific matters?

All employer associations, the Councils and the trade unions/federations mentioned are consulted on sub-sector specific matters by the Minister but, as in other economic sectors in the Netherlands, there are no tripartite bodies at sector level.

Bipartite, the social partners (the federations on the employee side and the employer councils) are

party in the Council for Public Servants ([ROP](#)). Furthermore, the parties govern the Labour Market and Education Funds (A&O-fondsen) and the Civil Pension Fund ([ABP](#)).

The parties intend to establish a permanent bipartite advice committee at sector level, the Foundation on Education ([SvhO](#)) (comparable with the central labour foundation) to discuss issues in education. The discussion on the Minister's action plan on teachers was a recent (inspiring) example. The subjects which SvHO will discuss are associated with the profession of teaching and not explicitly primary or secondary labour conditions.

5.2. Do tripartite bodies dealing with sector-specific issues exist?

There are no tripartite bodies at sector level.

6. Statutory regulations of representativeness

6.1. In the case of the trade unions, do statutory regulations exist which establish criteria of representativeness which a trade union must meet, so as to be entitled to conclude collective agreements?

There are no statutory regulations with regard to representativeness.

6.2. In the case of the unions, do statutory regulations exist which establish criteria of representativeness which a union must meet, so as to be entitled to be consulted in matters of public policy and to participate in tripartite bodies?

There are rules on representativeness with regard to participation in the tripartite Social and Economic Council ([SER](#)) and in the bipartite Labour Foundation ([STvDA](#)). Three union federations are represented in these bodies:

- FNV;
- CNV;
- MHP.

6.3. Are elections for a certain representational body (e.g. works councils) established as criteria for union representativeness?

No.

6.4. Same question for employer associations as 6.1.

There are no statutory regulations with regard to representativeness.

6.5. Same question for employer associations as 6.2.

There are rules on representativeness with regard to participation in the tripartite Social and Economic Council and in the bipartite Labour Foundation. Three employer associations are represented in these bodies:

- Confederation of Netherlands Industry and Employers ([VNO-NCW](#));
- Dutch Federation of Small and Medium-sized Enterprises ([MKB-Nederland](#));
- Dutch Confederation for Agriculture and Horticulture ([LTO-Nederland](#)).

6.6. Are elections for a certain representational body established as criteria for the representativeness of employer associations?

No.

7. Commentary

The education sector in the Netherlands represents an important economic sector employing 23.5% of all employees. This figure is an inclusive figure and, as many employees work part-time, aggregate employment is significantly lower. The process of decentralisation, which has taken place since the 1980s, is important to the understanding of the organisation of the social partners. During the process of decentralisation covenants were concluded and relevant social partner parties were identified. Since 1985 the Minister of the Interior has delegated its employer responsibility to employer associations, organised in five councils. Most recently the fifth council, the Council for Primary Education, has been established. With the exception of the last council, the councils have achieved a density of more than 95%. On the employee side, the changing negotiation structure has resulted in 10 relevant employee organisations. In the process of decentralisation the federations for civil servants were joined in the negotiations by unions, representing employees working in the public sector and by unions for employees working in the sector education. This division into three organisations can be multiplied by their respective denomination. Furthermore, middle and higher staff are organised in their own unions and federations. Moreover, the teaching profession has a high degree of involvement. There are no jurisdictional disputes or recognition problems in the

sector. All in all, total union density can be estimated at 30–40%, which is relatively high.

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