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# **Institutional representativeness of local public sector trade union and employers' organisations in the EU**

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## Author

Pierre WALTHERY, researcher

## Research Team

Prof. Armand SPINEUX

Prof. Evelyne LEONARD

Xavier LELOUP

Philippe BARRE

## Administrative co-ordination

Marie GILOT and Marie-Anne SAUSSU

## Network of National Experts

<b>Austria</b>	Franz TRAXLER – Institut für Soziologie – Universität Wien.
<b>Belgium</b>	Jean VANDEWATTYNE – Université Libre de Bruxelles (ULB)
<b>Denmark</b>	Jesper DUE – Carsten JORGENSEN – Employment Relations Research Centre - Forskningscenter for Arbejdsmarkeds- og Organisationsstudier, FAOS – Department of Sociology, University of Copenhagen
<b>Finland</b>	Timo KAUPPINEN – European Observatory on Industrial Relations (EIRO) – Dublin.
<b>France</b>	Jean-Michel PLASSARD – Université des Sciences Sociales de Toulouse – Laboratoire Interdisciplinaire de recherche sur les Ressources Humaines et l'Emploi (LIRHE).
<b>Germany</b>	Dieter SADOWSKI – Sabine LINDENTHAL – Matthias SCHMITT – Susanne VAUDT – Sergi VILA – Universität Trier.
<b>Greece</b>	Aliki MOURIKI – National Center for Social Research – Athens.
<b>Ireland</b>	John GEARY – Claire KENNY – University College Dublin – Graduate Business School – Centre for Employment Relations and Organisational Performance.
<b>Italy</b>	Franca ALACEVICH – Luigi BURRONI – Università degli studi di Firenze – Dipartimento di scienza della politica e sociologia politica.
<b>Luxembourg</b>	Franz CLEMENT – Centre d'Études de Populations, de Pauvreté et de Politiques Socio-Economiques (CEPS – INSTEAD).
<b>Netherlands</b>	Jelle VISSER – Marc VAN DER MEER – Hester BENEDICTUS – University of Amsterdam – Department of Sociology.
<b>Portugal</b>	Marinus PIRES DE LIMA – Raquel REGO – Universidade de Lisboa – Instituto de Ciências Sociais – Instituto Superior de Ciências do Trabalho e da Empresa (ISCTE).
<b>Spain</b>	Ramon de ALOS - Universitat Autònoma de Barcelona – Grup d'Estudis Sociològic sobre la Vida Quotidiana i el Treball. - Esperanza ROQUERO – Universidad Complutense de Madrid
<b>Sweden</b>	Dominique ANXO – Center for European Labour Market Studies (CELMS) – Department of Economics – Göteborg University.
<b>United-Kingdom</b>	Paul THOMSON - E-Reward

### *Remarque importante*

*Le contenu de la présente publication ne reflète pas nécessairement l'avis de la Direction Générale de l'Emploi et des Affaires sociales de la Commission européenne. Cette étude a été réalisée par des experts indépendants et son contenu n'engage en rien la responsabilité de la Commission. Par ailleurs, les organisations européennes concernées ont eu la possibilité de faire des remarques sur le contenu de l'étude avant sa version définitive.*

### *Disclaimer*

*The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General Employment and Social Affairs. This study has been carried out by independent experts. It therefore does not involve the Commission's responsibility in any way. The European organisations subject of this study have had the opportunity to comment on the content of this study before its final approval.*

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# 1. Introduction

This document is the 16th report arising out of the study commissioned from the Institut des Sciences du Travail (IST) at the Catholic University of Louvain by the European Commission services, DGV, following call for tenders No V/001/97. This report seeks to provide the Commission with empirical data that will facilitate an assessment of the *institutional representativeness* of European employers' and employees' organisations in the local public sector in the 15 Member States of the EU. It follows on from other research in the same field, that focused in particular on organisations recognised as 'social partners' in the intersectoral level in each EU country, organisations affiliated to the CEC<sup>1</sup> and to Eurocadres, and organisations that sign collective agreements in the construction, textiles and commerce sector, as well as road haulage and agriculture.

## **The context**

In a Communication<sup>2</sup> published in 1993, the European Commission set out three criteria determining the access that employers' and employees' organisations had to the consultative process under Article 3 of the Agreement on Social Policy. According to the terms of this Article, organisations must '*1. be cross-industry or relate to specific sectors or categories and be organised at European level; 2. consist of organisations which are themselves part of Member States' social partner structures and with the capacity to negotiate agreements, and which are representative of all Member States, as far as possible; 3. have adequate resources to ensure their effective participation in the consultation process*<sup>3</sup>'.

A subsequent Communication published in 1998<sup>4</sup>, introduced the concept of '*Sectoral Dialogue Committees*'; these were intended to replace the existing *Joint Committees* and *informal working groups* that had hitherto been the *locus* of sectoral relations between employers and employees at a European level. The role of these latter bodies at the present time is, without prejudging its future extension, essentially consultative, as happened at intersectoral level. As regards an extension to their competence, each Committee '*(a) shall... be consulted on developments at Community level having social implications, and develop and promote the social dialogue at sectoral level*<sup>5</sup>'.

It follows that the setting up of these Committees is an extension of the process of social dialogue at European sectoral level, albeit relying on an existing system. Before the Communication from the Commission was published, there were 9 Joint Committees and 11 informal groups in existence. By 1 February 1999, 21 applications from employers' and employees' organisations had been forwarded to the Commission<sup>6</sup>: they came from sectors as varied as agriculture, road transport, postal services, commerce, and hotels, restaurants and cafés.

The conditions of membership for the employers' and employees' organisations that might be encouraged to join these Committees, and/or file a joint application for one to be set up, are linked, as at the intersectoral level, to the notion of representativeness, and are broadly similar to the those articulated above in the 1993 Communication. The criteria governing Social Dialogue Committees state that:

*(a) they shall relate to specific sectors or categories and be organized at European level;*

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<sup>1</sup> Confédération Européenne des Cadres.

<sup>2</sup> COM(93) 600 final of 14 December 1993, Communication from the Commission concerning the application of the Protocol on Social Policy presented by the Commission to the Council and the European Parliament, Luxembourg, Office for Official Publications of the European Communities, §24.

<sup>3</sup> For a more in-depth discussion of these criteria, we refer the reader to the first study, which focused on employers' and employees' organisations at an 'intersectoral' level.

<sup>4</sup> Communication from the Commission concerning the application of the Protocol on Social Policy presented by the Commission to the Council and the European Parliament *Adapting and promoting the social dialogue at Community level* COM(98)-322 of 20 May 1998, Luxembourg, Office for Publications of the European Communities Annex II.

<sup>5</sup> Op cit §2.

<sup>6</sup> Source: Weber T, *New era in sectoral social dialogue takes shape*, in EIRO online, Dublin, European Foundation for the Improvement of Living and Working Conditions, 1998 (<http://www.eiro.eurofound.ie/1999/02/features/eu9902150f.html>).

(b) they shall consist of organizations which are themselves an integral and recognized part of Member States' social partner structures and have the capacity to negotiate agreements, and which are representative of several Member States;

(c) they shall have adequate structures to ensure their effective participation in the work of the Committees.<sup>7</sup>

As may be observed, the changes focus on the disappearance of demands relating to the intersectoral nature of organisations and on the fact that they are established in all the Member States; the new rules have not been formulated in a very restrictive manner, they only require employers' and employees' organisations to represent *several* Member States. This relaxation of the implantation condition might eventually pose a demarcation problem in the sense that there is no criterion setting out a minimum number of Member States to activate it. For a more in-depth discussion of these criteria and of the problems that they may pose, we refer the reader to the first study carried out as part of this research<sup>8</sup>.

However, we wish to make it clear that the framework of the IST report will only examine the *institutional consequences* that flow from the recognised or unrecognised representative status of members affiliated to a European organisation. Furthermore, on a theoretical plane, with regard to the various national traditions in this field, representative status – or, more accurately, *recognition of the legitimacy of a social partner organisation* to negotiate collective agreements or take part in the development of social or labour market policies – may be interpreted in any number of ways ranging from the ability to mobilise the activist grass roots effectively, through systems of mutual recognition (in the strict sense of the phrase, in which no criterion is defined), to quantitative thresholds linked to the outcomes of trade union elections. These various systems of recognition, and the extent of the problems of definition that they can pose within each country, will be the subject of a specific analysis.

### **The approach**

In this context, therefore, the research aim as far as existing sectoral committees are concerned will be mainly to provide empirical data that will make possible an assessment of the institutional representativeness of the organisations that sit on them, and on the basis of the three afore-mentioned criteria. More specifically, this report will examine employers' and employees' organisations active in the local public sector. At a national level, in order to take account of the diversity of the various recognition mechanisms, we will only consider organisations that *participate in collective bargaining*, and which therefore one way or another have *ad hoc* recognition in the sectors referred to. The only exception to this rule concerns organisations that are affiliated to one or other of the European federations that are directly the focus of our research.

However, it is important to bear in mind that in some countries, the sectoral is not mainly, or not at all, the main level of collective bargaining; this structure has accordingly had to be adjusted. In the United Kingdom, and to a lesser extent in Ireland, most bargaining takes place at enterprise level. In Ireland, though, the existence of *Joint Industrial Councils* and *Joint Industrial Committees* that fix minimum conditions of employment and pay for certain categories of enterprise and employee (their members are the main employers' and employees' organisations which also coordinate enterprise-level negotiations) makes it possible to get round the problem by giving indications about the importance of the recognition that they enjoy. In the UK, much wider scope has been given to teams of researchers to assess the main organisations that coordinate enterprise-level bargaining. Lastly, in Greece, sectoral bargaining has a much shorter history with professional (i.e. job category-based) and/or local levels playing a dominant role. However, an institutional framework does exist, and collective agreements have been negotiated at sectoral level since the early 1990s; this makes it possible to identify the leading actors at this level, even if it is still marginal. With the exception of the above, organisations, irrespective of their importance, that do not sign collective agreements are NOT covered in this report.

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<sup>7</sup> COM(98)322 of 20 May 1998, §1.

<sup>8</sup> Spineux A., Walthéry P. et al, Report on the representativeness of European social partner organisations, Report coordinated by the Institut des Sciences du Travail of the Catholic University of Louvain, for the European Commission Directorate-General for Employment, Industrial Relations and Social Affairs, Louvain-la-Neuve, 1998, pp.3-7.

On the other hand, the list of organisations that are studied is not limited to members of European bodies that have presented joint demands for the setting up of Sectoral Social Dialogue Committees. Within reason, and on the basis of available information, we address all collective bargaining actors in the sectors under examination, as this enables us to draw a collective bargaining 'map' for each of the Member States.

### ***The research design***

For the purposes of this research, a network has been established of 15 European university researchers<sup>9</sup> who were independent of both the European Commission and the social partners. The network was given the task of drawing up a report based on a common structure of organisations matching the above criteria in each of the Member States. The IST coordinating team then collated information that had been gathered for the purposes of comparative analysis. Ongoing collaboration is planned between the coordinating team and the national experts. The aim of the process is simultaneously to carry out a 'top-down' approach at European level and a 'bottom-up' approach at Member State level; the IST will also directly collate information about each of the European organisations studied. Lastly, the report will undergo a double check by the Commission's services, and by the European organisations that are themselves being studied, before it is approved.

It is worth noting that the IST team with responsibility for coordinating the work and for editing the summaries and comparative analyses, and the 15 national experts wish to stress their complete independence as to the political consequences and the decisions that might be reached from this study. Their role is limited to contributing as much data as possible, with a view to both making the three criteria of representativeness defined by the European Commission intelligible and documenting them.

The structure of the report will then proceed as follows: firstly, we will give consideration to aspects of the sector, and to differences with regard to collective bargaining that might exist from one EU country to another; then, we will present characteristics of members affiliated to the two organisations being studied by examining each of them in respect of:

#### **Quantitative aspects of representative status**

- *Employers' organisations*: number of affiliated organisations; number of enterprise members; staff employed in these enterprises, and the rate of affiliation calculated on the basis of employee numbers; if necessary, the detailing of particular characteristics of the organisation and its members.
- *Employees' organisations*: number of affiliated organisations; number of employee members; rate of affiliation; types of employee affiliated (e.g. white-collar/blue-collar, managers and skilled workers).

#### **Recognition**

- Does the organisation participate in collective bargaining, consultation (with the government) and the joint management of sectoral funds?
- Challenges to representativeness: in the event of particular developments (e.g. the emergence of new organisations that challenge those already established in the sector, or a significant fall in membership), the expert will give a brief description of what has happened, the issues and current trends.

#### **National and European affiliations**

- List of higher-level, national associations to which the organisation is directly or indirectly affiliated.
- List of European associations to which the organisation is directly or indirectly affiliated.

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<sup>9</sup> See list above.

Lastly, in respect of each Member State, we will present a summary of the bargaining structures, the organisations established there, and a more detailed description of their characteristics.

## 2. Local public sector in the EU

### 2.1 Activities included in this sector

The local public sector embraces a vast panoply of activities, the range of which varies from one EU Member State to the next. No specific code is allocated to the local public sector in NACE classifications, although it may be said to be covered by Categories 751 (Administration of the State and the economic and social policy of the community) and 752 (Provision of services to the community as a whole). Other activities such as Social work activities (853) and even education, in some cases, are deemed to form part of it. For these reasons, the figures used in the various tables below provide no more than a limited basis for comparison insofar as they include different activities in different countries according to circumstances.

Unlike what we have been able to do in earlier studies, we will not run an *a priori* definition of the sector from the collective bargaining point of view. Given the core issue of this research (i.e. an analysis of the institutional representativeness of *European employers' associations* and trade unions represented in the sectoral Social Dialogue Committee), we have delimited our aim in each case, and taken account of a number of partly contradictory elements:

1. the core of the sector – and therefore this study – is made up of *local government* (i.e. municipal administration and, depending on the circumstances, higher levels territorial administrations if they are autonomous from the point of view of collective bargaining);
2. the need to report on national members of European organisations present in the sector whose membership sometimes goes beyond local government *strictu sensu* (see below);
3. the need to embrace the national definitions and structurings of local public sector, particularly in respect of the demarcation line between public authorities and local public services.

For these reasons, we have been tried inasmuch as possible to provide *contextualized* descriptions, where the information was available, of the mechanisms that determine the actors' representativeness in each Member State, and regulate their participation in collective bargaining in different aspects of local public sector. The fact that such a broad description was adopted in the context of this study should not in any case be seen as an implicit statement on the sector's delimitation nor on the future of collective bargaining at EU level in relation to the local public sector.

However, for a full understanding of the following exposé, we need to pay close attention to a number of distinctions:

1. *Between local government and local public services and enterprises.* The former category refers to all services that are integrated into, and run directly by, the local administration, and are delivered by workers (i.e. civil servants, or white- or blue-collar staff) employed by it. However, in some countries, a more or less wide range of activities may be performed by bodies that are separate from the administrations: these may be autonomous or semi-autonomous public bodies, public enterprises and enterprises with public participation, and sometimes even private enterprises that have obtained a licence to operate following a tendering exercise. These bodies, which may operate at the level of one or more municipalities, usually have responsibility for activities in the fields of social housing, cleaning and refuse collection, health and hospitals, transport, education, culture and tourism. The enterprises often have collective bargaining situations quite separate from the public authorities, their staff working under employment contracts similar to those found in the private sector. Analysis of industrial relations in these enterprises will only be described insofar as it may be linked to analysis of local government. It is not the purpose of this study to carry out a systematic description of industrial relations in these areas<sup>10</sup>.

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<sup>10</sup> One should also bear in mind the fact that some of these public services are associated to sectors that have already been the subject of separate studies (e.g. the production and distribution of electricity, and local public transport).



2. Between the various levels included in the local public sector and definitions of 'local'. Depending on the country, the local sector may be understood solely in the 'municipal' sense or, by contrast, to the exclusion of everything that does not refer to national public authorities; in some places, for example, provincial, regional and county levels may be deemed to come within the remit of the local public sector. It is also worth noting that the big urban conurbations in many Member States, and particularly in capital cities, enjoy special statuses and collectively agreed provisions for their staff;

3. Between the various sectors of activity in the local public sector. This study contains no systematic description of the various activities delivered by the local public sector in the 15 Member States: that would be a study in itself. However, it is useful to point out that the range of activities performed at local level varies considerably from one country to the next. This is particularly true of health services, education and social services:

- *in France, Portugal, Spain, Greece and Italy, all of them traditionally more centralised countries, social services, the education system and a substantial proportion of social services are organised independently from local public authorities: for example, they may be run directly by the central administration or constitute a separate part of the public sector; no reference is made here to the existence (in education and health care) of a private sector of varying size;*
- *by contrast, in Scandinavian countries (Sweden and Denmark), Germany, Finland, Ireland and the United Kingdom<sup>11</sup>, these are covered by the local public sector, which in turn enjoys greater autonomy and is more widely spread than in the previous group;*
- *lastly, the situations in Austria, Belgium, Luxembourg and the Netherlands are extremely mixed: in education, for example, some schools in Austria are run at local level, and some at higher levels; in Belgium and Luxembourg, they are distributed between the local authority (communal) level and the higher level depending on certain fields of competence specific to education; and in Belgium and the Netherlands, a substantial semi-public sector reduces the range of missions that come under the local public authorities, particularly in education and health care.*

These broad-brush differences highlight variations in the size of the local public sector, and in the presence and variety of actors (particularly those representing the trade unions) in the field of industrial relations.

It is also important to bear in mind that the configurations (i.e. charts of actors, and of the negotiating structures in which the actors develop) described in this report are more likely to undergo changes in the next few years than in other sectors. In many European countries, the public sector is experiencing major transformations that can sometimes affect collective labour relations (e.g. through the abolition, or a reduction in the number, of statutory workers' posts). This is particularly true in the services and local public enterprises sector, where whole swathes of activity have slipped (or are in the process of slipping) from the public sector into the private sector.

## **2.2 Categories of employee**

Insofar as the majority of employees in the sector are in public employment, their status normally derives from that of workers in public administration. The most important demarcation line is that which divides workers into statutory workers (e.g. *fonctionnaires*, civil servants and *Beamten*) from employees working under contracts of employment. In practice, this distinction only affects slightly over half the Member States of the EU (i.e. Austria, Belgium, France, Germany, Greece, Luxembourg, Portugal and Spain); elsewhere, either the distinction does not exist, or it makes little difference from the point of view of collective bargaining. There can also be additional distinctions between white- and blue-collar workers in terms of collective bargaining.

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<sup>11</sup> Not true of health services. In addition, teachers are not covered by collective bargaining, but instead by a Pay Review Body System.

## 2.3 Collective agreements

As the table below shows, there are major differences between the Member States as regards collective bargaining that partly match the distinctions referred to above. *Statutory* employees in the public sector may be formally excluded from cover by *collective agreements* (e.g. in Austria, Belgium, France, Germany, Luxembourg, the Netherlands, Portugal and Spain), but with the exception of the German *Beamten*, they are usually covered by a system of *collective bargaining* that is either informal or enshrined in highly detailed legislation. In these circumstances, the content of the agreements is then turned into law by the public authorities concerned, but it is important to note that there may be major differences behind this apparent similarity between the various national systems. In Belgium and the Netherlands, for example, the ability of the public authorities to fix civil servants' conditions of employment unilaterally is in practice restricted by an obligation to consult, and even to reach an agreement, with the trade unions representing the workers. This is in sharp contrast to the situation of German civil servants, and also what happens in France, Greece and Portugal where intervention by the State continues to be strong and has reduced the scope of collective bargaining. In the Scandinavian and Anglo-Saxon countries and Finland, by contrast, the differences between statutory civil servants and staff working under contracts of employment (if any) does not restrict the access of the former to collective bargaining, which therefore hardly differs from provisions in force in the private sector. There can also be differences with regard to levels of collective bargaining: in different circumstances, bargaining may take place at central levels, at several levels simultaneously, or mainly in a decentralised manner, but the public authorities always retain control over salary movements. For more detail on this, the reader is invited to consult the national summaries.

## 2.4 The Sectoral Social Dialogue Committee

As this report is being written, the setting up of a Sectoral Social Dialogue Committee has not been ratified by the European Commission, despite the fact that a joint request has been presented. It is worth noting that the situation is marked by a degree of complexity at European level.

For the *employers*, one organisation has formally presented a request for a Sectoral Social Dialogue Committee to be set up: this is the *Council of European Municipalities and Regions Employers Platform (CEMR EP)*, an umbrella group for associations representing local authorities in the 15 Member States, although in many cases, these associations do not necessarily play the role of local authorities as employers in collective bargaining (see below).

The *European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP)*, which is recognised as a European social partner at interprofessional level, is indirectly represented in the sector in several countries in the sense that enterprises (on an individual basis) or employers' associations covering local public services and local public enterprises are affiliated to its national sections. This mainly occurs in countries where local public services are delivered by public, semi-public and even totally private enterprises, and not by local administrations. CEEP representation is stronger in northern Europe than in southern Europe, with Benelux occupying a position in the middle. However, *insofar as the "social dialogue at local level" means a social dialogue only concerning the local government administrations but not a "cross sectoral social dialogue of the second order" (meaning all economic activities carried out at local level included the administrations) 'the CEEP has no ambition to be active at sectoral level, but rather to create synergies and bring local public sector actors together with a view to improving their organisation*<sup>12</sup>. For that reason, it will not be addressed as such in this report, but solely from the point of view of dual affiliations to the CEMR EP<sup>13</sup>.

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<sup>12</sup> Interview with CEEP Director Nunzia Gava and Secretary-General Robert Plasman, 4 September 2001.

<sup>13</sup> *CEEP is primarily a cross sectoral social partner whose main interest and concern is the cross sectoral dialogue. However, CEEP is seeing more and more requests for sectoral dialogues from CEEP members or from the trade unions. This had led to a participation of CEEP in the sectoral dialogue for the transport sector by a CEEP sub-organisation called Urban Transport Association. Before CEEP can think at an increased involvement in other sectoral dialogues CEEP must speak with the Commission and the other two cross sectoral social partners. Concerning sectoral as well as cross-sectoral social dialogue, the Commission has established instruments to motivate social partners to reach agreements without intervention of the European institutions. In this context, there is currently no definition of concept of a "local*

On the *trade union* side, the situation is marked by the coexistence of one main actor and two organisations of smaller importance. Firstly, there is the *European Public Services Union (EPSU)*, a sectoral federation of the ETUC, which, jointly with the CEMR EP, presented the request for a Sectoral Social Dialogue Committee to be set up. The EPSU represents a clear majority of employees in the local public sector covered by collective bargaining.

The *Union of Civil Service Trade Unions (USSP)/European federation of the European Confederation of Independent Trade Unions (CESI)*, and the *European Federation of Employees in Public Services (Eurofedop)* have presented a common request to join the Committee. These two organisations gather a smaller number of workers, and there is a disagreement at the present time between the EPSU, Eurofedop and the USSP/CESI as to their respective representativeness: the EPSU argues that it is the only organisation capable of representing all European public service workers, while the USSP/CESI and Eurofedop argue they meet the criteria set by the European Commission in its communication on social dialogue (see page 4 of this report), and therefore must be part of the Committee. Talks are taking place between the various protagonists, but no agreement has yet been reached.

It is also important to note, although the matter is not addressed in this report, that the issue of social dialogue in the public sector, and particularly the fact that it is cut up into various sectoral dialogue committees, is still pending at European level: for example, whether a social dialogue committee will also be set up for the central public sector (i.e. central administrations of the Member States), or for certain public service sectors like hospitals and health care and local public transport has not yet been determined once and for all.

However, the absence of a Sectoral Social Dialogue Committee has not totally prevented exchanges and joint concertations between the social partners in the sector: the EPSU and the CEMR EP have produced a number of joint statements<sup>14</sup> : the Joint Declaration on Modernisation of Public Services (1996), the Joint Declaration on Equal Opportunities (1998), the Joint Statement on Employment (1997). The former was recognised by the Commission in the Green Paper on 'Partnership for a new organisation of work' (COM (1997) 128 final).

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*sectoral social dialogue". Clear demarcation lines need to be drawn if such a local sectoral dialogue is to be established without making a complex issue even more complicated and in this way maybe endangering its results. Since many of CEEP's members also are members of smaller sectoral organisations this problem has to be dealt with through negotiation between the separate members and the different European organisations. CEEP must in this connection emphasise the free and independent character of the social partners. This could of course lead to different solutions. (CEEP, comment to the draft version of the present study, 2002)*

<sup>14</sup> Source: CEMR, Weber T (1999), *Local government social partners sign joint declaration on equal opportunities*, in EIRO online, Dublin, European Foundation for the Improvement of Living and Working Conditions, (<http://www.eiro.eurofound.ie/1999/03/feature/EU9903158F.html>).

**Summary table: number of workers – activity covered by collective bargaining in the local public sector**

	Number of workers	Local government considered in the study	Public services and enterprises	Coverage
<b>Austria</b>	150,000 to 160,000	Municipalities. <i>Länder</i> not included.	Included in local government	All workers
<b>Belgium</b>	280,000 to 340,000	Municipalities and provinces. Regions and <i>Gemeenschappen/Communautés</i> not included	Public utility companies linked to local government ( <i>intercommunales</i> ) local social services (OCMW/CPAS)	All
<b>Denmark</b>	658,622 (2000)	Counties, municipalities plus Copenhagen and Frederiksberg	Included in local government. Also Copenhagen Hospital corporation	All
<b>Finland</b>	426,000	Municipalities	Distinct from local government – separate employer organisation	All
<b>France</b>	About 1,400,000 civil servants and employees in local government ( <i>fonction publique territoriale</i> )	Municipalities, <i>départements</i> and regions <sup>15</sup> ; 18,000 public bodies included in the <i>fonction publique territoriale</i>	Numerous mixed (public/private funded) companies with specific statuses, access to collective bargaining	All
<b>Germany</b>	3,845,256 <sup>16</sup>	Municipalities and <i>Länder</i>	Included in local government	All
<b>Greece</b>	About 90,000	Municipalities, communities and counties	Separate from local government (except water sewage)	All
<b>Ireland</b>	81,400 <sup>17</sup>	Counties, regions, municipalities and health boards	Included in local government	NA
<b>Italy</b>	650,000	Municipalities and regions	Separate from local government. Numerous companies organised in various employers' associations. Specific and varied collective bargaining patterns	All (within local government)
<b>Luxembourg</b>	7145 <sup>18</sup>	Municipalities	Included in local government	All
<b>Netherlands</b>	175,000	Provinces and municipalities	Included in local government	All
<b>Portugal</b>	102,687 (1999)	Municipalities	Included in local government	All
<b>Spain</b>	456,368 (2000)	Municipalities and provinces	Various patterns: sometimes included in local government, sometimes not	All (within local government)
<b>Sweden</b>	1,012,400	Municipalities, counties	Separate from local government (separate employers' association)	Nearly 100%
<b>United Kingdom</b>	2,490,560 <sup>19</sup>	Local government	Various situations depending on the status of the companies (i.e. private or public)	90% of non teaching employees in LG are covered by national collective bargaining

## 2.5 General methodological observations

We wish to draw the reader's attention to the quantitative data and the wide range of sources. In addition to the figures supplied by our network of national experts, there is information provided by national and European organisations and other bodies, and estimates made by the IST on the basis of available data. These estimates need to be viewed with considerable caution, and should only be used to develop a more global view of employment, and of trade union membership at sectoral level.

As far as this statistical data is concerned (and with the exception of the density calculation, which is the outcome of our own calculations), we prefer to use figures that have been sent to us by our national experts. However, when a significant difference is identified between the data notified to us by experts and by other sources such as European organisations (either directly, or indirectly via the questionnaire that they had to complete as part of setting up the Sectoral Dialogue Committee), we refer to the alternative figures sent to us by these organisations in a footnote.

<sup>15</sup> Paris has a special status.

<sup>16</sup> Including local public transport

<sup>17</sup> Estimated as full-time equivalents, and based on 27,600 workers in local government (2001) and 53,804 in health boards (2000).

<sup>18</sup> Estimated on the basis of 4352 blue collars workers (1998) and 3193 civil servants (1999).

<sup>19</sup> Including teachers and firefighters

We use *density* as a tool to estimate the quantitative importance of trade unions and employers' associations in the sector. Density is calculated as the total of members (trade unions) or of employees in member companies (employers' associations), divided by the number of employees throughout the sector. In the absence of data relating to the number of employees, total employment figures are used, and self-employed workers are therefore included. However, these figures must be used with the greatest of caution:

- total membership should, unless otherwise stated, be understood to mean *the number of workers in the sector concerned who are members of a union*. It is not, therefore, as far as non-specific trade unions in the sector are concerned, the total number of members in that union;
- given the lack of precise data concerning employed workers in the sector, the use of data relating to employment in the density calculation should be viewed with considerable caution. The results of these calculations have a significant tendency to underestimate the actors' importance;
- in two different cases, density calculations have been carried out using a method other than the standard, and should not therefore be used in cross-national comparisons:
  - in the case of certain countries, no overall sectoral density calculations have been carried out as there are no global data for the sector. The results derive from estimates made by experts, and are only valid for the sub-sectors concerned. As these results have not been calculated on the same activity sector basis as in other countries, they will not provide any sort of comparison with results in countries where density has been calculated in the standard manner. They are only there to give a gross indication of the representativeness of the various organisations;
  - in Sweden, density has been calculated using the two methods (by sector and by sub-sector/occupation). The reason was to take account of the comments of experts, according to whom such a sub-sectoral density calculation provides a more reliable picture of real membership levels in the country concerned. However, the use of these calculations is not possible in most other countries, due to the lack of specific figures;
- an organisation's actual importance is not necessarily directly linked to its level of membership: for example, membership is low in France and Spain, but trade unions enjoy considerable legitimacy; and the results of workers' representatives elections may be deemed more significant than the number of members (see national summaries).

Different typefaces distinguish and clarify the origins of all the data:

- **BOLD**: data from national experts;
- ***BOLD ITALICS***: data provided by European organisations or other bodies;
- *ITALICS*: estimates based on available data.

The 'employees' column to be found in all tables next to the 'country' column gives the number of employees throughout the sector. The word *employees* refers to dependent workers, except where stated otherwise in national summaries, and thereby excludes owners, self-employed workers and working family members.

### 3. The players

#### 3.1 Council of European Municipalities and Regions – Employer Platform (CEMR EP)<sup>20</sup>

##### *General characteristics*

According to the organisation, the CEMR originated out of two essential prerequisites:

- local democracy is the basis of all States' democratic life
- *"everything divides States and everything unites municipalities"* as one of the founders of the CEMR, Mr Edouard Herriot, Mayor of Lyon, asserted.

It was in response to this need that the Council of European Municipalities (CEM) was founded in 1951 in Geneva, Switzerland, becoming the Council of European Municipalities and Regions in 1984. In 1993 the Danish Association of Local Authorities (KL), the Association of Netherlands Municipalities (VNG) and the German Association of Cities (DST) initiated an establishing of an CEMR Employers Platform as *"it seems necessary for local authorities acting as employers to ensure appropriate representation at European level"*. with a view to more adequately represent local authorities *"in their capacity as employers"*<sup>21</sup> especially in the framework of the Social Dialogue and industrial relations at EU level. The decision to set up a CEMR Employers Platform was taken on February 25, 1994 with an adoption of terms of reference. It has a membership of more than 80.000 local authorities and regions in the EU

CEMR is registered as a 'not-for-profit international association' under French law (1901), and is the European section of the International Union of Local Authorities (IULA)..

While the aims of the CEMR are defined in relation to more general interest representation of local authorities<sup>22</sup>, the purposes of CEMR-EP are defined in a way more directly related to the Social Dialogue process :

- *exchange information on labour market matters and to publicise good practice in local and regional government;*
- *undertake research with a view to assisting the members of the Platform to improve their own national practices;*
- *represent local and regional government in the social dialogue as intended in the Treaty;*
- *act as a forum for consultation by EU institutions on labour market issues;*
- *enter into discussion on labour market issues with appropriate parties*

CEMR members, as well as CEMR-EP are divided into three main categories<sup>23</sup>:

1. National Sections made up of:

- *'national associations of local and/or regional authorities;*
- *local and regional authorities or groups of authorities having direct membership of the National Section... a National Section may only be admitted to membership if it represents at least one third of the population served by one or more categories of local and regional authorities or at least one quarter of the population of the member State... the representatives of the Members shall take part in all votes.'*

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<sup>20</sup> <http://www.ccre.org>

<sup>21</sup> Article 1.1, Rules of Procedure of CEMR Employers' Platform (Adopted in London on 9 October 2000)

<sup>22</sup> 1. to secure, strengthen and protect the autonomy of local and regional authorities; 2 to facilitate the operations of local and regional authorities, safeguard their liberties and contribute to their prosperity, in particular through the development of inter-authority arrangements and undertakings; 3. to develop the European spirit amongst local and regional authorities with a view to promoting a federation of the European States founded on the autonomy of these communities; 4. to provide for the participation and representation of local and regional authorities in the European and international institutions; 5. to achieve the establishment amongst the existing and future European institutions of an assembly representing local and regional authorities. Article 1, CEMR Constitution (2 June 1997 version).

<sup>23</sup> Article 2, CEMR Constitution (2 June 1997 version).

2. Associate Members, that is to say National Sections in States that are not in membership, and international groupings of local and regional authorities. *'Their representatives... shall have the right to sit and speak in all the official organs of the CEMR.'*

3. Consultative Members, who may come from establishments, institutes or associations of a European character and with cultural, social, scientific, technical, professional etc. purposes, whose members are not or not only local and regional authorities but whose activities are of relevance and interest to these authorities. Consultative Members have consultation rights on matters relating to their specific responsibilities.

### **Structure**

The structure of the CEMR is as follows<sup>24</sup>:

- an Assembly of Delegates, *'the supreme governing body of the CEMR. It shall ensure the equitable representation of the various categories of territorial authorities which exist in each country, including those which are in direct membership. It shall appoint from among it full or substitute members on the proposal of the National Sections and the Associate Members, the members of the Policy Committee. It shall meet once every three years and shall hold an extraordinary meeting at the request of at least one third of its members'*;
- a Policy Committee, *'the governing body of the CEMR. It shall be appointed from among the representatives of the National Sections and the Associate Members for a term of three years. The Policy shall as a general rule hold two meetings per year'*;
- an Executive Bureau *'responsible for carrying out the decision of the Policy Committee and for any other matter delegated to it by that Committee. It prepares meetings of the Policy Committee and of the Assembly of Delegates. It meets as necessary, as convened by the President or at the request of at least one half of its members'*. The Executive Bureau consists of the President, the First Vice President, a maximum of nine Vice Presidents including the President of the Financial Management Committee, and the Secretary General.

As far as the Employers' Platform is concerned<sup>25</sup> :

- *the president and vice-president of the EP are elected every two years amongst and by the members of the EP.*
- *The EP can give a mandate to some members to constitute working groups on specific issues.*
- *The EP shall produce an annual work program, which is an integral part of CEMR work program.*

### **Quantitative representative base**

The issue of the CEMR EP's quantitative representativeness is relatively difficult to establish accurately as exact figures relating to numbers of members (and of employees) represented by a given organisation are often not known, or simply do not exist. Moreover, where these figures do exist, they are usually not expressed in terms of employees represented, but rather numbers of local bodies or the populations therein.

However, we have a number of indications:

- the CEMR EP is represented in all EU Member States and the applicant countries from Eastern Europe. Generally speaking, it has two main ways of operating: it affiliates associations that explicitly claim to be CEMR EP sections (i.e. in France, Germany, Italy and the Netherlands), or existing associations that have acquired the status of section; Germany and the Netherlands occupy a position between these two categories;

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<sup>24</sup> Articles 3 and 4, CEMR Constitution (2 June 1997 version).

<sup>25</sup> Article 1.2, 2, 3, Rules of Procedure of CEMR Employers' Platform (Adopted in London on 9 October 2000)

- in countries such as Belgium, Sweden, Spain, the United Kingdom, Greece, France, Finland and Denmark, according to information in our possession, affiliations to member organisations of the CEMR EP (or to the CEMR section) are very high, and sometimes represent 100% of local bodies;
- the Constitutional provision referred to above states that each National Section of the CEMR EP must represent one quarter of the population of a given Member State.

All of this suggests that the various kinds of CEMR EP member (e.g. employers' associations negotiating collective agreements, and interest groups) generally seem to have fairly high membership. The usual reason for this is that even if the association in question is not normally active in the field of industrial relations, it is still quite often the only actor representing the interests of regional or local public authorities. This must act as a powerful incentive for associations to affiliate. Although a quantitative estimate is not possible, it is therefore likely that CEMR EP members represent a substantial proportion of local public authorities.

### **Recognition**

The structure of CEMR EP affiliations is most problematic at the level of recognition for the purposes of collective bargaining. In fact, in the overwhelming majority of cases, CEMR EP members are not 'employer' actors in local public sector collective bargaining in a given country, either because such an actor does not exist and other public authority representatives play this role, or because the organisations concerned are not CEMR EP members. More precisely:

- in nine countries (Austria, Belgium, France, Germany, Greece, Ireland, Italy, Luxembourg and Spain), *CEMR EP members are not 'employer' actors in collective bargaining*. This is not to say that the member organisations, for example in Greece and Belgium, do not enjoy informal access to the negotiating table: in these countries, generally speaking, public authority collective bargaining is moving away markedly from systems that apply in the private sector. Germany is the only case of while collective bargaining actually exists for local authorities, the only employers' organisation is not a member of CEMR EP.
- in five countries (Denmark, Finland, Sweden, the Netherlands and the United Kingdom), *there is effective concordance between CEMR EP members and the role played by collective bargaining*: here, members of the organisation's National Section are directly or indirectly the employers' effective representatives in collective bargaining;
- Portugal is a borderline case: the CEMR EP member organisation is clearly an employers' association, but has only a marginal role because of the degree of centralisation and State intervention that continues to characterise the country.
- To bring these two points to a conclusion, it appears that although the CEMR EP is effectively the main representative of territorial public authorities in terms of collective labour relations, the scope of this representation is limited because of the small number of the organisation's members playing the role of effective actor in collective bargaining in the Member States. However, that does not mean that the CEMR EP is 'powerless' in the *current* framework of Social Dialogue. On the contrary, as several documents and decisions demonstrate, the organisation has some capacity for taking initiatives and promoting its members' interests in many areas. However, if the aim of Social Dialogue were to shift in the direction of more precise industrial relations issues, or more binding types of relations for members reliant on collective bargaining, it is likely that problems would arise.



	Name	Employment	Members	%	CB	National/European affiliations/Actual employers in CB	
<b>Af</b>	ÖG	Smaller municipalities	All	100%	No	In <i>de facto</i> informal centralised negotiations, government representatives act directly as the State as an employer. ÖS is also a member of VÖWG and CEEP.	
	ÖS	Cities	All	100%	No		
<b>B</b>	VBSG/ UVCB	Towns and cities	All	100%	No	Representation of the State as an employer varies from one level to another, but usually includes representatives from the relevant Ministries (at national level, the Ministry of the Interior and the Ministry of Public Service; at regional level, the Ministry of Public Services). VBSG/UVCB takes part to some aspects of collective bargaining in an unofficial capacity.	
<b>D</b>	RGRE	Regions and municipalities (official CEMR EP section)	NA	NA	No	The only actor in collective bargaining for municipalities is the (CEEP-affiliated) VKA. As far as <i>Landers</i> are concerned, collective bargaining is conducted by the Tarifgemeinschaft deutscher Länder. CEMR EP members do not represent public authorities as employers.	
	DL	Cities	NA	NA	No		
	DLK	Regions ( <i>Ländkreise</i> )	NA	NA	No		
	DSG	Towns and cities	NA	NA	No		
<b>Dk</b>	KL	Towns and cities	All	100%	Yes	-	CEEP
	ARF	Counties	All	100%	Yes	-	CEEP, HOPE
<b>Fi</b>	SK	Municipalities	All	100%	Yes/Indirect	<i>Kunnallinen Työmarkkinaalaitos (KT)</i> , the sector's main employer bargaining actor, is a member of SK, the Finnish section of CEMR EP. It is also affiliated to HOPE.	
<b>Fr</b>	AFCCRE	Cities, regions and towns (official CEMR EP section)	Most	NA	No	The role of the State as an employer is performed by the Ministry of Public Services ( <i>Ministre de la Fonction Publique</i> ) for all public servants, the <i>Direction générale de la fonction publique (DGAFP)</i> , the Minister of Finance (whose signature is compulsory for all agreements), and representatives from local authorities.	
<b>Gr</b>	KEDKE	Cities and regions	All	100%	No	The Ministry of Interior, Central Administration & Decentralisation represents the central administration, alongside with the Finance Ministry, in the negotiations taking place each year with workers' federations.	
<b>le</b>	GCCC	Counties	NA	NA	No	Management in local authorities and health boards schemes are County Managers and Chief Executives of Health Boards, and two Boards (Local Government Management Services Board and the Health Service Employers Agency) coordinate negotiations. The Department of Finance, however, monitors offers through officials of the Departments of the Environment and Health.	
	AMA	Municipalities	NA	NA	No		
<b>It</b>	AICCRE	Cities, regions and towns (official CEMR EP section)	NA	NA	No	The employer part is played by ARAN, which is a member of CEEP.	
<b>Lux</b>	AVCL	<i>Towns and cities</i>	NA	NA	No	Collective bargaining on behalf on the employers is carried out by representatives of local authorities and the Ministry of Interior.	
<b>Nl</b>	REGR	Cities, regions and towns (official CEMR EP section)	NA	NA	No	-	-
	IPO	Provinces	NA	100%	Yes	-	-
	VNG	Municipalities	NA	100%	Yes	-	-
<b>Pt</b>	ANMP	Municipalities	NA	NA	Indirect and limited	The main player on the employers' side is the government. Municipalities have little autonomy in collective bargaining.	
<b>Sp</b>	FEMP	Municipalities and provinces	6826 municipalities	84.7% of local bodies in Spain	No	On a decentralised collective bargaining model, local authority representatives directly negotiate with trade unions at the appropriate level.	
<b>S</b>	SK	Municipalities	All	100%	Yes	-	HOPE, EHMA
	LF	Counties	All	100%	Yes	-	CEEP, HOPE, EHMA
<b>UK</b>	LGA/ COSLA/ NILGA/ WLGA	<i>All</i>	Most	Most	Yes	All four "national" representative bodies take part in sectoral collective bargaining through the Employers' Organisation (or COSLA in Scotland). The representative bodies for England & Wales are also CEEP members, as are 10 regional bodies	

### ***Dual affiliations and local public services***

As we stated earlier on, the demarcation line between local government and local public services) is quite blurred, whether they are delivered by autonomous public bodies, public or semi-public enterprises, or even in some cases by private enterprises. This study does not aim to carry out a systematic examination of industrial relations in the various local public services; however, given the inter-connection that exists in some countries between the two sub-sectors, and therefore between the CEMR EP and the CEEP, certain factors need to be addressed:

1. there is dual affiliation (i.e. to both organisations) in four countries: in Denmark, Sweden and the United Kingdom, the main local authorities' employers' associations are members of the CEMR EP and the CEEP; in Spain, the situation is identical except for the fact that the organisation does not take part in collective bargaining. In Denmark and Sweden, employers' associations negotiating collective agreements for local public services are also affiliated to the CEEP;
2. in two countries (Germany and Italy), the main employers' associations for both sub-sectors (*VKA*, and *ARAN* and *CISPEL-Confservizi* respectively) are affiliated to the CEEP, but not to the CEMR EP;
3. moreover, in most countries, local public enterprises appear autonomously as CEEP members. Their status from a collective bargaining point of view may vary substantially (e.g. negotiations based on private-sector mechanisms, integrated (or not) into sectoral agreements, and referring to the public sector).

On paper, one might superficially conclude, from the point of view of employers' associations effectively negotiating collective agreements, that there is a some grouping of CEEP and CEMR EP members in at least four countries. In fact, though, in view of the different aims that the two organisations clearly proclaim and enunciate, this does not seem to pose particular problems, given that the CEEP seems to give prominence to its support role for its role as social partner at the interprofessional level, while the CEMR EP has positioned itself at sectoral level.

	Dual CEEP-CEMR EP affiliations	CEEP implantation in the sector
<b>Austria</b>	-	A large number of local public enterprises are affiliated to the CEEP either directly, either through the VÖWG. Company agreements may be concluded in these enterprises, notwithstanding the constraints of the Austrian system of industrial relations.
<b>Belgium</b>	-	Several local public enterprises and bodies are affiliated to the CEEP: they negotiate enterprise-level agreements within the framework of existing collective agreements concluded at a higher level.
<b>Germany</b>	-	The only employers' association that negotiates agreements for the sector (i.e. both public authorities and public services) is a CEEP member, as are some local public enterprises on an autonomous basis.
<b>Denmark</b>	The two CEMR EP members are also affiliated to the CEEP. These two organisations are the main negotiating actors for local authorities.	Three other organisations (two local authorities and one hospital board) in local public services are members of the CEEP.
<b>Spain</b>	The main organisation that represents local authorities is a member of both the CEEP and the CEMR EP. It does not take any part in collective bargaining.	Some local public enterprises are affiliated to the CEEP. Enterprise-level agreements are negotiated there
<b>Finland</b>	-	No local public enterprises are members of the CEEP.
<b>France</b>	-	Some local public enterprises are affiliated to the CEEP. Enterprise-level agreements are negotiated there.
<b>Greece</b>	-	Several local public enterprises are affiliated to the CEEP: they include the <i>Water and Sewage Company</i> , which is generally considered to be part of the local public sector. They negotiate enterprise-level agreements.
<b>Ireland</b>	-	Several local public enterprises and bodies are affiliated to the CEEP. They negotiate enterprise-level agreements on a voluntary, decentralised basis in the framework of existing interprofessional agreements.
<b>Italy</b>	-	The main 'employer' actors for local authorities ( <i>ARAN</i> ) and for local public services ( <i>Confservizi</i> – formerly <i>CISPEL</i> ) are only affiliated to the CEEP, as are a small number of local public enterprises.
<b>Luxembourg</b>	-	Several local public enterprises and bodies are affiliated to the CEEP: they negotiate enterprise-level agreements in the framework of existing collective agreements concluded at a higher level.
<b>Netherlands</b>	-	Several local public enterprises and bodies are affiliated to the CEEP: they negotiate enterprise-level agreements in the framework of existing collective agreements concluded at a higher level.
<b>Portugal</b>	-	Several local public enterprises are affiliated to the CEEP.
<b>Sweden</b>	Two employers' associations (municipalities and counties) are members of the CEEP and the CEMR EP. Both negotiate collective agreements.	An employers' association ( <i>KFS</i> ) is affiliated to the CEEP. It negotiates collective agreements.
<b>United Kingdom</b>	The national representative bodies for England & Wales (LGA/WLGA working with EO) are represented directly on both CEEP and CEMR EP-EP (via EO alone). They are directly involved in national collective bargaining	Local public transport excluded, no public enterprises are part of CEEP membership <sup>26</sup> .

<sup>26</sup> There is one very large public enterprise in CEEP's UK membership - Transport for London, which is overseen by the Greater London Authority. TfL runs London's Underground and is also responsible for the bus system. The UK employers consider that transport should be excluded from European sectoral social dialogue for local government (Source : CEMR)

## 3.2 European Public Services Union (EPSU<sup>27</sup>)

### *General characteristics*

The overall aim of the European Federation of Public Service Unions (EPSU) is to promote *'the interests of public sector workers and their trade unions in Europe'*. The EPSU also seeks to *'develop appropriate industrial relations systems for public service employees and negotiate agreements at a European level'*. The EPSU cooperates with the international body for public services, *Public Services International (PSI)*, and is a federation of the European Trade Union Confederation (ETUC<sup>28</sup>). This does not necessarily imply that as result, all public services trade unions affiliated to ETUC member national confederations are members of the EPSU<sup>29</sup>.

The EPSU is made up of:

- a Congress, the supreme governing body of the EPSU, which meets at least once every four years<sup>30</sup>: each member organisation has the right to be represented by a number of delegates determined *pro rata* by the number of workers in membership; the Congress elects the President, the General Secretary, members of the Executive Committee and the Steering Committee, and two Auditors<sup>31</sup>;
- an Executive Committee that manages the affairs of the EPSU between General Assemblies. It consists of the President, the two Vice-Presidents, the General Secretary, the Deputy General Secretary, and some members under clear rules for a period of four years: the Executive Committee's responsibilities include approval of the budget, decisions concerning affiliations, and determination of mandates in sectoral and intersectoral social dialogue<sup>32</sup>; it may also set up working groups dealing with particular issues<sup>33</sup>;
- a Steering Committee that meets at least twice a year, and consists of the President, the Vice-Presidents, the General Secretary, the Deputy General Secretary, and some members of the Executive Committee<sup>34</sup>: it determines short- and medium-term actions designed to implement policies decided by the Executive Committee<sup>35</sup>;
- a President elected by the Congress for a four-year term<sup>36</sup>;
- a General Secretary, who is elected by Congress for four years: s/he is responsible for managing the affairs of the EPSU in line with recommendations of the Executive Committee and the Congress. S/he represents the EPSU at the ETUC.

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<sup>27</sup> <http://www.epsu.org>

<sup>28</sup> Article 1 (*Name and structure*), EPSU Constitution.

<sup>29</sup> Article 6 of the ETUC Constitution says: "The European Industry Federations shall be open to all national trade union organisations which are affiliated to the ETUC's National Trade Union Confederations." This principle is recalled in paragraph 3.1. of the EPSU Constitution. In some selected cases public service trade unions have not yet joined EPSU. Those unions belong to EUROFEDOP. This is the case mainly for public service unions in Belgium and Luxembourg. The Dutch CFO and the Portuguese STE belong both to EPSU and EUROFEDOP

<sup>30</sup> Article 4.2, EPSU Constitution.

<sup>31</sup> Article 4.2.7, EPSU Constitution.

<sup>32</sup> Article 4.3.1, EPSU Constitution.

<sup>33</sup> Article 4.8, EPSU Constitution.

<sup>34</sup> Article 4.4.3, EPSU Constitution.

<sup>35</sup> Articles 4.4.1 and 4.4.2, EPSU Constitution.

<sup>36</sup> Article 4.5, EPSU Constitution.

	Organisation	Employment	Members	% employees	% union members <sup>37</sup>	CB	National Affiliations	European and International Affiliations
<b>Austria</b>	GdG	150,000 to 160,000	70.000 <sup>38</sup>	90%	100%	Yes	ÖGB	ETUC/ICFTU
<b>Belgium</b>	CGSP/CCOD	280,000 to 340,000	60,000	19,35%	39.22%	Yes	ABVV/FGTB	ETUC/ICFTU
<b>Germany</b>	Ver.di	3,845,256	Est. > 883,575	NA	Est. 85%	Yes	DGB	ETUC/ICFTU
<b>Denmark</b>	19 organisations	658,622	452,939	70%	70%	Yes	-	ETUC/ICFTU
<b>Finland</b>	AEK	426,000	5,530	98,28%	92%	Yes	AKAVA JS,	ETUC, ICFTU
	Talentia		6,177			Yes	AKAVA	ETUC, ICFTU
	KTV		216,962			Yes	SAK	ETUC, ICFTU
	KVL		56,245			Yes	STTK	ETUC, ICFTU
	KTN		15,000			Yes	STTK	ETUC, ICFTU
	TEHY		88,096			Yes	STTK	ETUC, ICFTU
Super	30,668	Yes	STTK	ETUC, ICFTU				
<b>France</b>	CFDT Interco	About 1,400,000	61,500	4.21%	>90%	Yes	CFDT	ETUC/ICFTU
	FPSPSS - FO		50,000	3.42%		Yes	FO	ETUC/ICFTU
	UGFF - CGT		(44,000)*	(3.1%)*		Yes	CGT	ETUC/ICFTU
	FSP- CGT		56,000	3.83%		Yes	CGT	ETUC/ICFTU
	FPSDR - FO		NA	NA		Yes	FO	ETUC/ICFTU
<b>Greece</b>	ADEDY	About 90,000	66,000	73.33%	100%	Yes	-	ETUC/ICFTU
<b>Ireland</b>	IMPACT	81,400 <sup>39</sup>	22,300	27.39%	58.9%	Yes	ICTU	ETUC/ICFTU
	SIPTU		16,000	19.65%		Yes		ETUC/ICFTU
<b>Italy</b>	FP-CGIL	650,000	75,000	Overall union density in the sector is about 45%	About 80% of RSU votes for local government	Yes	CGIL	ETUC/ICFTU
	FPS -CISL		58,842			Yes	CISL	ETUC/ICFTU
	FPL - UIL		(183,989)			Yes	UIL	ETUC/ICFTU
<b>Luxembourg</b>	FNCTTFEL <sup>40</sup>	7,145 <sup>41</sup>	5,888*	32.15%*	49.52%*	Yes	CGTL	ETUC/ICFTU
	OGB-L					Yes	CGT-L	ETUC/ICFTU
<b>Netherlands</b>	ABVAKABO	175,000	67,982	36.15%	98.01%	Yes	SCO, ROP, FNV	ETUC/ICFTU
	CFO		13,208	7.55%		Yes	SCO, ROP, CNV	ETUC, EUROFEDOP, INFEDOP
<b>Portugal</b>	SINTAP	102,687	19,500	19%	100%	Yes	UGT, FESAP	ETUC/ICFTU
	STAL		54,391	53%		Yes	CGTP-IN	ETUC/ICFTU
	STE		4,670	5%		Yes	UGT	EUROFEDOP, INFEDOP
<b>Spain</b>	FSP-UGT	456,368	80,270	17.6%	72.53%	Yes	UGT	ETUC/ICFTU
	FSAP-CCOO		48,900	10.7%		Yes	CC.OO	ETUC/ICFTU
	FSP - ELA-STV		6,810	1.5% <sup>42</sup>		Yes	-	ETUC/ICFTU
<b>Sweden</b>	Kommunal	1,012,400	599,000	93%	74%	Yes	LO-S	ETUC/ICFTU
	SKTF		145,100	85%		Yes	TCO	ETUC/ICFTU, EUROCADRES
	Vårdförbundet		97,700	>90%		Yes	TCO	ETUC/ICFTU, EUROCADRES
	SSR		29,400	>90%		Yes	SACO	ETUC/ICFTU, EUROCADRES
	SEKO		13,000	90%		Yes	LO-S	ETUC/ICFTU
<b>United Kingdom</b>	GMB	2,490,560	220,000	8.83%	77.37%	Yes	TUC	ETUC/ICFTU
	TGWU		100,000	4.01%		Yes	TUC	ETUC/ICFTU
	UNISON		806,182	32.37%		Yes	TUC	ETUC/ICFTU
	FBU		55,000	2% <sup>43</sup>		Yes	TUC	ETUC/ICFTU

<sup>37</sup> Estimate: in the general absence of accurate data, these figures should be viewed with caution.

<sup>38</sup> Out of a total membership of 140.000

<sup>39</sup> Estimated as full-time equivalents, and based on 27,600 workers in local government (2001) and 53,804 in health boards (2000).

<sup>40</sup> *Fédération Nationale des Cheminots et Travailleurs du Transport, Fonctionnaires et Employés Luxembourgeois*

<sup>41</sup> Estimated on the basis of 4352 blue-collar workers (1998) and 3193 civil servants (1999).

<sup>42</sup> FSPS- ELA-STV affiliates 31% of local public sector workers in the Basque Country. 51% of the representatives elected by the workers in the Autonomous Community are members of this trade union.

<sup>43</sup> 85% among firefighters, according to the FBU.

\* Total figures for the whole of the public sector.

The EPSU affiliates most, and sometimes all, workers in the local public sector in 13 of the 15 Member States. Although a quantitative estimate is difficult, it is not unreasonable to say that it is implanted to the extent of over three quarters of workers in the sector in the EU:

- the EPSU is present in the 15 Member States of the EU, and in three countries (Austria, Finland and Greece), it has clear monopoly (ie no other European trade unions are present in the sector) while gathering almost 100% of union members. In four other countries (in Denmark, Ireland, Sweden and the United Kingdom), while retaining monopoly representation EPSU gathers about  $\frac{3}{4}$  of unions members.
- in six countries (France, Germany, the Netherlands, Spain and Portugal, Italy), EPSU implantation is approximately three quarters of total trade union membership, or above; in France, the Netherlands and Portugal, implantation is actually close to 100%;
- the EPSU position is weaker in two other countries (under a half in Belgium and Luxembourg).

### **3.2.3 Recognition**

All EPSU affiliates are usually involved in collective bargaining, and are the main recognised trade union(s) for the local public sector. The only exceptions are Belgium, where the biggest trade union (in terms of membership) is affiliated to Eurofedop, and Luxembourg, where a similar situation applies. The particular situations of Member States not characterised by an EPSU monopoly are described in the following table.

	<b>% of EPSU affiliates</b>	<b>% of Eurofedop affiliates</b>	<b>% USSP/CESI affiliates</b>	<b>Recognition – comments</b>
<b>Austria</b>	50%	28.57%	-	The only trade union present in the sector, GdG, has about 40.000 members organised within Eurofedop through the <i>Fraktion Christlicher Gewerkschaften</i> . However this is a political fraction, not a trade union.
<b>Belgium</b>	39,22%	42,48%	18.30%	The main trade union in membership terms is a member of Eurofedop, the second largest is in EPSU, and the third belongs to the USSP-CESI. All three are recognised for collective bargaining purposes at central level.
<b>Denmark</b>	70%	-	-	About a third of all union members organized in the local public sector and member of the negotiating cartel KTO are not affiliated to EPSU nor to any other European trade-union for the local public sector.
<b>Germany</b>	85%	-	15%	Ver.di, which is a member of the EPSU, represents three quarters of members covered by collective agreements in the public sector, compared with one quarter represented by the DBB Tarifunion. The influence of Ver.di also extends beyond its membership as the outcomes of the centralised negotiations it takes part in have a general pace-setting effect on the rest of the public sector.
<b>Finland</b>	92%	-	-	All trade unions in the sector are members of EPSU, except the teachers' union OAJ affiliated to ETUCE. It belongs however to the same negotiating cartel (AKAVA JS) than EPSU affiliated unions AEK and Talentia, and only a part of its members are related to the local public sector.
<b>France</b>	>90%	5.26%	1.93%	Two trade unions, one affiliated to the CFTC and Eurofedop, the other to the CEC and USSP/CESI, are formally recognised for collective bargaining purposes. However, their numerical importance is much smaller than that of the other organisations involved.
<b>Ireland</b>	58.9%	-	-	The EPSU enjoys a relative monopoly as the country has no other affiliations to a European sectoral organisation. If indirect affiliations via the ETUC are taken into account, almost 100% of Irish trade union members are affiliated to the EPSU.
<b>Italy</b>	(80%)*	-	About 5 %*	A complex situation characterised by the presence of many trade unions involved in negotiations at different levels. Three actors (CGIL, CISL and UIL) affiliated to the EPSU are clearly the most significant in terms of membership, as well as the role they play in negotiations. Some autonomous unions of varying importance are involved in collective bargaining: of those represented at European level, CONFSAL, and to a lesser extent CISAL, CISAS and USPP (USSP/CESI) seem to be the largest in terms of membership.
<b>Luxembourg</b>	49.52%*	25.23%	25.23%	If both negotiating levels (centralised for civil servants and white-collar workers, decentralised for blue-collar workers) are combined, EPSU affiliates account for a little under half of all members. However, EPSU members are likely to account for a majority of blue-collar workers.
<b>Netherlands</b>	98.1%	15.96%	-	The largest trade union (it represents 82% of members) is a member of the EPSU; the second largest, with 16% of members, is affiliated to Eurofedop the second largest, with 16 % of members, is affiliated to Eurofedop and to EPSU; the third, and clearly smallest, organisation is not represented at European sectoral level.
<b>Portugal</b>	100%	-	5.94%	Although 100% of members belong to the EPSU, the members of a managers' organisation with 5% of members are also represented by Eurofedop.
<b>Spain</b>	72.53	26.93%		Apart from the most important negotiating actors, which are affiliated to the EPSU, certain autonomous trade unions sometimes take part in negotiations at local level. They are unevenly established.
<b>Sweden</b>	74%	-	-	The EPSU enjoys a relative monopoly as Sweden has no other affiliations to a European sectoral organisation. If indirect affiliations via the ETUC are taken into account, almost 100% of Swedish trade union members are affiliated to the EPSU.
<b>United Kingdom</b>	77.37%	-		The EPSU enjoys a relative monopoly as the United Kingdom has no other affiliations to a European sectoral organisation. If indirect affiliations via the ETUC are taken into account, almost 100% of UK trade union members are affiliated to the EPSU.

\* Result of the works councils elections in the public sector in 1998.

***International presence***

The majority of EPSU unions are also affiliated to *Public Services International (PSI)* and hence to the *International Confederation of Free Trade Unions (ICFTU)*. There are 20 EPSU affiliates that do not belong to PSI.



### 3.3 Association of Public Sector Trade Unions (USSP/CESI)<sup>44</sup>

The Union of Civil Service Trade Unions (USSP) is the internal structure of the European Confederation of Independent Trade Unions (USSP/CESI) gathering all public sector organisations and affiliates. Thus, the USSP does not have its own constitution, but rather a form of 'standing orders' which, according to the USSP/CESI, endows it with a form of 'functional autonomy'.

The USSP/CESI represents *free and independent trade unions in the private and public sectors that adhere to democratic principles and defend respect for human rights*<sup>45</sup>. It also affiliates national and European confederations and European professional organisations, and has applied to be recognised for the purposes of interprofessional social dialogue, although has so far been unsuccessful.

#### Quantitative representative base

	Organisation	Employment	Members	% employees	% union members	CB	National Affiliations	European and International Affiliations
<b>Belgium</b>	VSOA/SLFP	280,000 to 340,000	28,000	9,03%	18.30%	Yes*	CGSLB	-
<b>Germany</b>	DBB tarifunion <sup>46</sup>	3,845,256	150,000	3%	15%	No	-	-
<b>Denmark</b>	SFF	658,622	(4,000)*	-	-	No	-	-
<b>France</b>	UNECT-CGC	1,400,000	5,000	<1%	1.93%	Yes <sup>47</sup>	UFCFP, CFE/CGC	CEC
<b>Italy</b>	CISAL	650,000	(100,000)*	Due to data inconsistency density rates are not available		Yes	-	-
	CISAS		(15,000)*			Yes**	-	-
	USPPI		5,000			No	-	-
	CONSAP		4,000			No	-	-
	CONFILL		(10,000)*			Yes**	-	-
	CONFISAL		(140,000)			Yes	-	-
<b>Luxembourg</b>	FGFC	3,500 <sup>48</sup>	3,000	16%*	25.23%*	Yes	-	-

\*These figures could not be verified independently. \*\* Although very limited

The USSP/CESI is represented in 6 of the 15 Member States of the EU. Most affiliates are in Italy, Germany and, to a lesser extent, Belgium.

With regard to membership numbers, the quantitative importance of the USSP/CESI is generally speaking (i.e. in four countries out of six) limited to a few autonomous unions, which are therefore not affiliated to larger confederations with some recognition in a few Member States. However, their importance is marginal from the point of view of collective bargaining if compared with the number of members in other confederations negotiating for the public sector and local public sector.

#### Recognition

In two countries, Denmark and France, USSP/CESI members represent under 1% of employees in the sector: in Denmark, *SFF* does not negotiate for the local public sector, and in France, *UNECT*, which is also a member of the *Confédération européenne des Cadres (CEC)*, represents professional and managerial staff.

The situation in the two countries where most USSP/CESI are concentrated is highly contrasted:

- the *German* member of the USSP/CESI, the *DBB*, is a large organisation and the main trade union for civil servants. It has about 1½ million members. They do not have access to collective

<sup>44</sup> European Confederation of Independent Trade Unions. <http://www.USSP/CESI-bxl.org>

<sup>45</sup> Article 1 of the Constitution of the USSP/CESI, 4 December 2000.

<sup>46</sup> *DBB* as a whole is affiliated to USSP/CESI. However, only part of

<sup>47</sup> It should be noted that negotiations at a higher level are handled by the *Union Fédérale des Fonctions Publiques*, an umbrella body for all public sector members in the CFE/CGC.

<sup>48</sup> Estimate based on 4352 blue-collar workers (1998) and 3193 civil servants (1999).

bargaining, and only about 150,000 DBB members (approximately 11% of the total) would be affected by collective bargaining in the local public sector;

- the phenomenon of autonomous trade unionism is much more widespread in *Italy*, but although four USSP/CESI members are clearly involved in collective bargaining, this needs to be qualified, particularly in terms of negotiating levels: for example, *CONFISAL* and *CISAL* take part in central negotiations for the local public sector, but *CONFILL* and *CISAS* have much less influence. However, their implantation throughout the geographical sub-sectors and zones of the local public sector is more uneven than that of the three main confederations. Moreover, although trade union pluralism makes it difficult to calculate the number of members in the local public sector, what with matching different sources and relying both on the results of elections for *RSU* representatives and on overall membership figures, it is reasonable to estimate that although the three main confederations (*CISL*, *CGIL* and *UIL*) represent about 80% of members in the public sector (and, by extrapolation, in the local public sector), the influence of the four USSP/CESI members among the remaining 20% occupied by the autonomous unions does not really exceed 15% of members/voters.

The two USSP/CESI member organisations in Belgium and Luxembourg are clearly recognised for collective bargaining purposes. The *FGFC* in Luxembourg is one of the main negotiating actors in the sector; in Belgium the *VSOA/SLFP* is the third most important of the trade unions that negotiate in the local public sector).

### ***International presence***

Apart from the French USSP/CESI member, which is also affiliated to the CEC, none of the national organisations are affiliated to other European or international trade union bodies.

### 3.4 European Federation of Employees in Public Services (Eurofedop)<sup>49</sup>

#### 3.4.1 General characteristics

Eurofedop was founded in 1966 as the regional European organisation of Infedop, the International Federation of Public Service Employees, itself affiliated to the World Confederation of Labour (WCL). A feature of Eurofedop is that it mainly brings together Christian trade unions<sup>50</sup>.

Eurofedop has a clause limiting its autonomy<sup>51</sup>. Its field of action is the whole of public services, including public administration, telecommunications and postal services. In particular, the organisations referred to below are acknowledged as present in the public services sector generally.

Eurofedop defines its objectives as *'the defence and the promotion of the economic and social interests of European workers in the Public Services, due account being taken of their specific rights and duties'*.

Eurofedop is made up of various *Trade Councils* that aim to represent the special interests of sub-sectors such as the local and regional public sectors. Under the rules of the organisation, these *Councils* have the necessary autonomy to take part in European-level negotiations.

#### 3.4.2 Quantitative representative base

	Organisation	Employment	Members	%	CB	National Affiliations	European and International Affiliations
<b>Austria</b>	GdG-FCG	150,000 to 160,000	40,000* <sup>52</sup>	28, 56%	A political faction, not a trade union. However, GdG reports members affiliated to Eurofedop		
<b>Belgium</b>	CCOD/CCSP	280,000 to 340,000	65,000	23.60%	Yes	ACW/CSC	ETUC/ICFTU
<b>Denmark</b>	KFO	658,622	3000*	-	No	-	-
<b>France</b>	FNACT-CFTC	1,400,000	12,000	<1%	Yes	CFTC	ETUC/ICFTU
<b>Luxembourg</b>	LCCB	7145 <sup>53</sup>	(3000)*	16%*	Yes	-	ETUC/ICFTU
<b>Netherlands</b>	CFO	175,000	13,208	7.55%	Yes	SCO, ROP, CNV	EPSU, ETUC, INFEDOP
<b>Portugal</b>	STE	102,687	4670	5%	Yes	UGT	EPSU/PSI, ETUC/ICFTU
<b>Spain</b>	CSI-CSIF	456,368	42,000	9.2%	Yes	-	-
	SAC-CSC		1500*	<1%	Yes	-	-
	CTC-FSAC		3000*	<1%	Yes	-	-
	FEP-USO		4000*	<1%	Yes	-	-

\* Total number of members in the public sector as whole.

As the table above shows, Eurofedop is formally represented in eight EU countries, but given this study's criteria, it is important to point out that the Austrian member of the organisation is not a trade union, but a *faction* with an informal existence inside a trade union that is also affiliated to the EPSU. For that reason, we do not take that country into consideration.

The situation in the seven remaining countries is highly contrasted:

- in Belgium, the Christian trade union, which has the largest number of members, is a member of Eurofedop. In relative terms, it organises about 42.5% of all trade union members;

<sup>49</sup> <http://www.eurofedop.org>

<sup>50</sup> Article 1, Eurofedop Statutes (version amended at the Luxembourg Congress (1998)).

<sup>51</sup> *'Eurofedop is the geographical offshoot of Infedop in Europe. As such it subscribes to the principles of the World Confederation of Labour (WCL) and Infedop. Its programme and actions are established conform to the decisions of a general character taken by the WCL and Infedop.'* (Article 2, Eurofedop Statutes).

<sup>52</sup> According to the Austrian expert, these factions do not have members as such, but votes in employee representative elections.

<sup>53</sup> Estimate based on 4352 blue-collar workers (1998) and 3193 civil servants (1999).

- in two other countries, Eurofedop members represent a significant minority of members: in Luxembourg, the Eurofedop-affiliated union represents a quarter of trade union members; in Spain, the four member organisations represent a maximum of 20%;
- in two other countries, Portugal and the Netherlands, organisations affiliated to Eurofedop are also members of the EPSU. There is therefore 100% dual affiliation to this organisation.

### ***3.4.3 Recognition***

In terms of recognition for the purposes of collective bargaining, Eurofedop members are involved in negotiations in the sector except in Austria, as already stated, and Denmark. However (see previous paragraph), very few workers are concerned. It is also worth noting that the member organisation in Portugal is a managers' association, and therefore represents a particular category of workers, and that the Spanish members are autonomous unions. In several countries, Eurofedop member organisations are indirectly affiliated to the ETUC. This is true of five organisations in five countries.

### ***3.4.4 International presence***

By definition, all members of Eurofedop are also members of Infedop and the WCL, but through their central organisations, some are indirectly affiliated to the ETUC as well.

## 4. National Summaries

### 1. Austria

According to the Constitution there are three government levels in Austria: the federal (i.e. central) state, the *Länder* (i.e. the provinces), and the local state (i.e. the cities and communities). Local public services refer to the local state which provides for two categories of services: local authorities in the narrow sense and such consumer-oriented services as transport, power industry and health care, water supply, water & waste disposal which are often organised in the form of businesses owned by the respective city or community. Since the cities and communities of Austria have so far refrained from privatising these services, local public sector is understood here in the broad sense (i.e. covering both categories of services). Precise employment data are lacking for the public sector in Austria, including the local state. According to estimates the local public sector records altogether about 150000 to 160000 employees.

#### ***Collective bargaining***

In Austria, almost all public sector employees are excluded from the right to conclude collective agreements. According to law the responsible authorities unilaterally determine the terms of employment for public-sector employees. However de facto informal negotiations between the authorities and the respective unions take place. The authorities then ratify the agreements resulting from these negotiations. This pattern also holds true for the local public sector.

Until recently, these de facto negotiations were highly centralised: wage negotiations for the employees of the federal state, the *Länder* and the local state were jointly conducted on a yearly basis. For this purpose, the distinct unions representing the public sector and the responsible authorities each formed for their part a common negotiating committee<sup>54</sup>. The new coalition government broke with this practice in 2000, when refraining from inviting the *Länder* and the representatives of the local state for joint negotiations. As a consequence, wages were separately set for the three levels of governments<sup>55</sup>.

The new practice of separate wage formation created problems especially for the union of the municipal employees (*Gewerkschaft der Gemeindebediensteten, GdG*) because a multiplicity of cities and communities exists which lack representation by a comprehensive employer association. Under these circumstances the provincial subunits of the GdG had to seek separate negotiations with each the larger cities and communities in the course of the 2000 wage round. Smaller communities simply followed the pay hikes fixed for their larger counterparts. The general strategy adopted by the GdG was to orient its own demands towards the pay hikes fixed for the *Länder*.

There are only three formal collective agreements relating to local public services. They cover the consumer-oriented services in each of the cities of Vienna, Graz and Innsbruck. The parties to these agreements are the GdG for the employees and the respective business (*Stadtwerke*) each owned by the city. Collective bargaining coverage is 100 percent in each of these cases. Consumer-oriented services are also provided by several other (usually much smaller) cities. In these cases the GdG concludes only informal agreements with the respective businesses because they are not formally authorised to conclude collective agreements. As a rule, these informal agreements copy the wage arrangements fixed for the larger cities' public services.

#### ***The employers***

An employer organisation that might act as a social partner in relation to the unions is lacking in the local public sector. This is for two main reasons. First, the vast majority of the sector is excluded from the right to bargain. Second, the long-term practice of highly-centralized de facto negotiations relieved each single community of dealing with industrial relations issues.

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<sup>54</sup> This centralized pattern originated in Article 21 of the Constitution according to which the employment terms of the employees employed at the three government levels should be kept comparable. Last time, this centralized form of wage formation took place in 1999, regulating the 2000 wages.

<sup>55</sup> The background of this change in negotiation practices was a revision of Article 21 of the Constitution which loosened the rule of pay comparability.

Although there are associations such as the *Österreichische Gemeindebund*, the *Österreichische Städtebund* (both members of CEMR EP, the latter also of CEEP) and the Austrian Association of Public and Social Economy VÖWG (*Verband der Öffentlichen Wirtschaft und Gemeinwirtschaft Österreichs* - affiliated to CEEP) whose membership domains relate to the sector, they all miss any role in industrial relations<sup>56</sup>. In formal terms this is manifested in the fact that none of these associations is entitled to conclude collective agreements. However, since the new coalition government has decentralised and differentiated public-sector negotiations, a need for an employer representative has emerged as regards the local part of the sector. Therefore, one cannot rule out the possibility that one or another of these associations will take on industrial-relations activities in the foreseeable future.

It should be noted however that the individual local public company whose management are allowed to conclude collective agreements with trade unions (*Wiener Stadtwerke*), is member of VÖWG and CEEP, as well as other ones where formal company bargaining does not exist (*Grazer Stadtwerke AG*, *Innsbrucker Kommunalbetriebe AG*, etc...).

### **Trade unions**

The only union that organises the employees of local public services<sup>57</sup> is the Union of the Community Employees (*Gewerkschaft der Gemeindebediensteten*, *GdG*). In 1999, the GdG's total number of membership was 176.112 employees. This even exceeds the estimated number of 150000 to 160000 employees working in the local public sector. This is mainly due to union membership of retired employees. Since net membership of the GdG is around 140.000<sup>58</sup> employees, the level of unionisation is about 90 percent.

The GdG concludes collective agreements for each of the businesses of the cities of Vienna, Graz and Innsbruck. In addition, the GdG is involved in consultation, including de facto negotiations over the employment terms applying to the sector's public services as well as to consumer-oriented services of those cities for which no collective agreement can be concluded.

The GdG is also a member of the European Federation of Public Service Unions (EPSU), Public Service International – PSI, European Transport Workers Federation – ETF and International Transport Workers Federation – ITF.

The conditions for representational activities are likely to change in the future because the cities will go on to convert their businesses into private-law companies. As an implication of this change, the employees involved will fall under the purview of the respective private-sector collective agreement referring to the specific type of consumer-oriented services provided that there is no agreement already concluded at the company level<sup>59</sup>. Hence, unions other than the GdG will conclude collective agreements on behalf of these employees: That is, the Union of the White-Collar Workers of the Private Sector (*Gewerkschaft der Privatangestellten*, *GPA*) for white-collar-employees, and the Union of the Blue-Collar Workers of the Metal industry, Mining, the Power Industry and Textiles Industry (*Gewerkschaft Metall-Textil*, *GMT*) for blue-collar employees. The GdG has reached a cooperation arrangement with each of these unions. Accordingly, the GdG will continue to organize the employees working in city-owned private-law companies, whereas collective bargaining on behalf of them will be conducted by either the GPA or the GMT in the way outlined above. This arrangement enables the GdG to sustain its organising monopoly whereas representational tasks regarding these employees move to the two other unions when it comes to collective bargaining. This means that union

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<sup>56</sup> Many of VÖWG's members have been granted collective agreement capacity by federal law. This applies for Wiener Stadtwerke Holding AG as well as for companies outside the local public sector : Österreichische Bundesbahnen (ÖBB = railways), Österreichische Post AG and Verbund Gesellschaft AG

<sup>57</sup> The GdG represents the Städte and Gemeinden. The employees of the Länder and the Federal state are organized by the Gewerkschaft Öffentlicher Dienst.

<sup>58</sup> Out of 140.000 GdG members 70.000 are organised in EPSU (the rest is organised in ETF and EUROFEDOP

<sup>59</sup> As a general rule, however, GdG concludes special agreements for the former municipal companies. As a consequence, only in small companies, where no such agreements have been negotiated, the private-sector collective agreement will be valid. Even in these cases GdG negotiates special additional arrangements for the workers. If in one municipality there are various collective agreements applicable to different spheres of activities of former municipal companies the best agreement has to be chosen and GdG concludes a company agreement along the lines of the respective sector agreement. (source : GdG)

domains remain to be demarcated in a complementary, non-competitive way. This cooperation is facilitated by the fact that all three unions are members of the Austrian Trade Union Federation (*Österreichischer Gewerkschaftsbund, ÖGB*)<sup>60</sup>.

Informally, the ÖGB and its member unions are differentiated into political factions which have close contacts with contiguous political parties (see F. Traxler, in Ferner and Hyman 1998 *Changing Industrial Relations in Europe*, p. 248). The *Fraktion Christlicher Gewerkschafter (FCG)*, member of Eurofedop is the christian faction which holds a minority within the GdG. As a faction within the unions, the FCG does not play a separate and independent role in industrial relations. Hence, it is no actor in collective bargaining. At any rate, it is important to underscore the intra-union status of the political factions is purely informal. It is the unions as such (like the GdG) which are the actors on behalf of labour in industrial relations.

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<sup>60</sup> *From the point of view of local public companies with collective agreement capacity it is important that there still remain only one union representing and negotiating for the employees' side. A splitting-up in several trade unions, as described in the study, is (...) not desirable.* (CEEP 2002, comment on the draft version of the study).

## 2. Belgium

Public sector in Belgium has experienced a wide decentralisation over the recent decades. While initially it was organised at national, provinces and communal levels, the federalisation process has added 3 regional, and 3 Community-level administrations. It is difficult to gain a precise picture of the total number of employees in the 9 provinces and 589 municipalities<sup>61</sup> and the subsequent public companies. Estimates may vary between 280.000 and 340.000 persons.

From a collective bargaining point of view, local public sector in Belgium includes local and provincial administrations : local and provincial government, some<sup>62</sup> public utilities companies (*Intercommunales*), and local social services (*Openbare Centra voor Maatschappelijk Welzijn - OCMW/Centres publics d'aide sociale-CPAS*). It should however be pointed out that while most of the education sector depends on Community authorities<sup>63</sup>, primary and some secondary schools are still organised at municipal or province (in the latter case) level<sup>64</sup>.

**Table 1 : Employees in local and provincial administrations**

Local and provincial administrations	Number of staff employed 1/01/1999	Number of staff employed 30/06/2000
<i>Communes/Gemeente</i>	142.168	145.368
<i>OCMW/CPAS</i>	24.704	95.942
<i>Intercommunales</i>	93.069	27.250
<i>Provinces</i>	17.192	17.283
Total	277.133	285.843

Source : Federale Ministerie van Ambtenarenzaken/Ministère de Fonction Publique Fédérale, 2001.

### **Collective bargaining**

There are two possible distinctions to be drawn as far as industrial relations in the public sector in Belgium are concerned:

- Between negotiation and concertation;
- Between the, sectoral (all local and provincial public servants), regional (*idem*), and local levels.

As far as negotiations are concerned, sessions usually take place within 4 distinct committees :

- The General (federal) Committee (so-called 'A') deals with cross industry (public sector as a whole) issues and is chaired by the Prime Minister. *Min inte ri + fct publ*
- The 'C' General (federal) Committee deals with issues common to all provinces and municipalities in the three regions. *Mint int min affsoc*
- The 'C' regional committees deal with issues common to all provinces and municipalities at regional level. *Obs min int fed*
- The local negotiation committees deal with matters only relevant to the particular local body (*municipality bourg cpas + prés intercomm or provinces gouv*)

It should be noted however that the outputs negotiated within the C committees are actually recommendations, to be approved by the local level.

<sup>61</sup> In relation to the growing number of workers under normal labour contracts

<sup>62</sup> Most of these do not belong to communal or provincial authorities

<sup>63</sup> That is, the dutch, french and german speaking communities : *Vlaamse Gemeenschap, Communauté Wallonie Bruxelles, Deutschpratische Gemeinschaft*

<sup>64</sup> However, since they depend on another, collective bargaining mechanism, and other players (on the trade union side), we will not take them into account in this study.



### **The employers**

The representation of the state as an employer vary from one level to another but usually includes representatives from the relevant ministries : at national level, the Ministry of Interior, the Ministry of Public Service, at regional level, the Ministry of Public Services. It should be noted that within the C regional committees, representatives from specific public authorities associations may be consulted (such as the three regional sections of the *Vereniging van Belgische Steden en Gemeenten/Union des villes et des communes belges*), as technical advisers.

The *Vereniging van Belgische Steden en Gemeenten/Union des villes et des communes belges VBSG/UVCB* is the official only association gathering all Belgian municipalities, *OCMW/CPAS* (but not higher level public authorities). It is made of three regional associations (*Union des Villes et Communes de Wallonie, l'Association de la Ville et des Communes de la Région de Bruxelles-Capitale, de Vereniging van Vlaamse Steden en Gemeenten*) that play an important autonomous role (including within regional negotiation committees). It acts as an advisory group on a vast range of issues, including aspects of collective bargaining (on a unofficial capacity) within the C regional committees. All municipalities are affiliated to the organisation, which, in turn, is a member of CEMR EP, the Committee of the Regions, the Congress of Local and Regional Authorities of the Council of Europe.

### **Trade unions**

The rules for union recognition differ according the levels where negotiations take place

<b>Organisation</b>	<b>Type of employees</b>	<b>Members</b>	<b>Density*</b>	<b>CB</b>	<b>National Affiliations</b>	<b>European and International Affiliations</b>
<i>Christelijke Centrale van de Openbare Diensten/Centrale chrétienne des services publics CCOD/CCSP</i>	White and blue collar workers, provinces and municipalities	65.000	20,97%	Yes	ACW/CSC	Eurofedop, ETUC/ICFTU
<i>Algemene Centrale van de Openbare Diensten/Centrale Générale des Services Publics CGSP/ACOD, Secteur des administration locales et régionales</i>	White and blue collar workers, provinces and municipalities	60.000 <sup>65</sup>	19,35%	Yes	ABVV/FGTB	EPSU, ETUC/ICFTU,
<i>Vrij Syndicaat van het Openbaar Ambt/Syndicat Libre de la Fonction Publique VSOA/SLFP</i>	White and blue collar workers, provinces and municipalities	28.000	9,03%	Yes*	CGSLB	USSP/CESI

As a % of the average number of workers in the local public sector (310.000).

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<sup>65</sup> 30.000 according to EPSU

### 3. Denmark

From an administrative point of view, Denmark has 14 counties/regions, 275 municipalities, the two major municipalities of Copenhagen and Frederiksberg and the Copenhagen Hospital Corporation, a joint authority referred to as H:S. According to Statistics Denmark the County sector has 189,541 employees whereas the municipal sector employs 469,081 employees, which sums to 658,622 employees in the two sectors. 18,623 workplaces exist within the two sectors.

6,232 workplaces have less than 10 employees (approximately 33,46%) and 989 workplaces have more than 100 employees (approximately 5,31%). The greatest county, Københavns Amt, has 24,275 employees whereas the smallest county, Bornholms Amt, only has 1658 employees. In the municipal sector the greatest employer is the municipality of Copenhagen with 46,295 employees, whereas the smallest employer, the municipality of Læsø only has 266 employees.

#### **Collective bargaining**

From a collective bargaining viewpoint, the Danish public sector is split up in two parts: the state and the counties/ municipalities. Bargaining in the two public sub-sectors is co-ordinated, especially on the employers' side, and the main rule is that the state segment should be the first to complete the process, by reaching agreement on a framework and on the main components of a settlement. Not only for the state sector but also for the municipal sector, which can negotiate its own agreement, within the agreed economic framework, to match its special requirements.

The framework agreement constitutes a new approach to negotiating and concluding collective agreements, whereby the parties at central level design the general framework, while the parties at local level fill in the details and thus have an opportunity to accommodate local needs and interests. (I.e. the municipal employer KL has made about 122 agreements with different employee organisations)

The several agreements are divided by employer (county or municipal), organisation and subsector. As mentioned above the central level determines the framework, whereas it is up to the subsequent bargaining at federation or trade union level to determine the details. The negotiations cover all grades in the hierarchy, from the highest to the lowest pay. The overall tendency to be highlighted is **decentralisation** and **increasing flexibility**. The introduction of a new pay system in the public sector in 1997, which marked the end of a pay system more or less exclusively based on seniority, is an important impetus for bargaining at decentralised levels in the public sector because of power to determine the final pay being delegated to the local level.

#### **Employers**

On the employers side, a negotiation coalition covers five independent groupings: one representing municipal employers KL (the National Association of Local Authorities in Denmark), one for the counties ARF (the Danish Federation of County Councils) and one for each of the municipalities of Copenhagen and Frederiksberg and the "hospitals in the of the capital" *Hovedstadens Sygehusfællesskab*, H:S.

<b>Employers</b>	<b>Type of employees</b>	<b>Companies</b>	<b>Employees</b>	<b>Density</b>	<b>CB</b>	<b>International Aff.</b>
<i>Kommunernes Landsforening KL</i>	Municipal workers	275	341.190	100	Yes	CoR, IULA, CLRAE, CEMR EP, CEEP
<i>Amtsrådsforeningens - ARF</i>	County/municipal workers	14	136.092	100	Yes	CoR, BSSSC, IULA, CEMR EP, CLRAE, CEEP
<i>Københavns kommune</i>	County/municipal workers	1	44.082	100	Yes	CEEP
<i>Frederiksberg kommune</i>	County/municipal workers	1	6.543	100	Yes	CEEP
<i>Hovedstadens Sygehusfællesskab HS</i>	Hospital staff Copenhagen	4	18.522	100	Yes	CEEP

## Unions

The employees are represented by the *Kommunale Tjenestemænd Og Overenskomstansatte*-KTO (the Association of Local Government Employees Organisation) a cartel covering 65 independent organisations from the three main trade union federations *Landsorganisationen I Danmark* - LO (The Danish Confederation of Trade Unions), *Funktionærernes og Tjenestemændenes Fællesråd*-FTF (The Confederation of Salaried Employees and Civil Servants in Denmark) and *Akademikernes Centralorganisation*-AC (The Confederation of Professional Associations) whose 646,698 members work in the municipal and county sectors. Although the bargaining at central level conducted by KTO determines the general pay levels and working conditions, the subsequent bargaining at federation or trade union level – within the centrally agreed framework – determines more specific improvements. The public sector in Denmark is in general characterised by a high level of union membership density; it is close to 100% - in comparison, the level of unionisation on a national basis is around 83%.

As far as European affiliations are concerned, 10 trade unions are directly members of EPSU.

Employees	Type of employee	Members	%	CB	National Affiliations	European and International Affiliations
<i>Socialpædagogernes Landsforbund, SL</i>	social education workers	22.914	3,57%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>Specialarbejderne i Danmark, SiD*</i>	blue collar	36.900	5,75%	Yes	LO, KTO, DKK	ETUC/ICFTU, ETUC/ICFTU
<i>Teknisk Landsforbund, TL</i>	Technicians	4.576	0,71%	Yes	LO, KTO, DKK	UNI, ETUC/ICFTU
<i>Pædagogisk Medhjælper Forbund, PMF</i>	Nursery assistants	29.193	4,55%	Yes	KTO, DKK, LO	ETUC/ICFTU
<i>Dansk Sygeplejerråd</i>	Nurses	51.012	7,95%	Yes	KTO, FTF	ICN/PCN, WENR, EFMI, EFNMA&WHO, EHMA, ETUC/ICFTU
<i>Københavns Kommunal Forening, KKF</i>	White collars/Copenhagen	6.346	0,99%	Yes	KTO, FTF	ETUC/ICFTU
<i>Dansk Metalarbejderforbund</i>	Blue collar	5.010	0,78%	Yes	LO, KTO, DKK	EMF/IMF, ETUC/ICFTU
<i>Forbundet af Offentligt Ansatte, FOA</i>	blue collar	192.835	30,04%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>HK/Kommunal</i>	Office workers	70.494	10,98%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>Dansk Socialrådgiverforening</i>	Social workers	7275	1,13%	Yes	KTO, FTF	ETUC/ICFTU
<i>Kvindeligt Arbejderforbund i Danmark, KAD</i>	Female blue collars	22.300	3,47%	Yes	LO, KTO, DKK	ECF/IUF, EMCEF/ICEM, UNI, ETUC/ICFTU, EMF/IMF
<b>Total</b>		<b>448.855</b>	<b>69,92%</b>			

In addition, DKK, an internal cartel within the blue collar workers union LO is also a member of EPSU.

<i>Blik- og Rørarbejderforbundet</i>	Blue collar	250	0,04%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>Dansk EI-forbund</i>	Electricians	1.470	0,23%	Yes	LO, KTO, DKK	EFBWW/IFBWW, ECEM, EMF, UNI
<i>Dansk Frisør- og Kosmetikerforbund</i>	Hairdressers	20	0,00%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>Dansk Funktionærforbund</i>	White collar	489	0,08%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>Dansk Jernbaneforbund</i>	Railway employees	400	0,06%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>Forbundet Træ-Indstri-Byg, TIB</i>	Cabinetmakers, carpenters	1.008	0,16%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>Malerforbundet</i>	House painters	146	0,02%	Yes	LO, KTO, DKK	ETUC/ICFTU
<i>RestaurationsBranchens Forbund, RBF</i>	waiters, waitresses	301	0,05%	Yes	LO, KTO, DKK	ETUC/ICFTU
<b>Total</b>		<b>4.084</b>	<b>0,64%</b>			

AC-Affiliated unions members of the KTO not members of EPSU for the local government sector.

<i>Ansatte Arkitekters Råd</i>	Architects	1.343	0,21%	Yes	KTO, AC	EUROCADRES, ETUC/ICFTU
<i>Bibliotekarforbundet</i>	Librarians	2.506	0,39%	Yes	KTO, AC	IFLA, FID, EBLIDA, EUROCADRES, ETUC/ICFTU
<i>Civiløkonomerne</i>	Bachelors of Commerce	121	0,02%	Yes	KTO, AC	EUROCADRES, ETUC/ICFTU
<i>DJØF</i>	Lawyers and Economists	3.856	0,60%	Yes	KTO, AC	EYBA, EUROCADRES, ETUC/ICFTU
<i>Dansk Farmaceutforening</i>	Pharmacists	212	0,03%	Yes	KTO, AC	EAHP, ETUC/ICFTU, EUROCADRES
<i>Dansk Magisterforbund</i>	Mas and MSs	1.716	0,27%	Yes	KTO, AC	EI/ETUCE, ETUC/ICFTU, EUROCADRES
<i>Dansk Psykologforening</i>	Psychologist	2.258	0,35%	Yes	KTO, AC	EFPPA, IUPsyS, ETUC/ICFTU, EUROCADRES
<i>Dansk Tandlægeforening</i>	Dentists	497	0,08%	Yes	KTO, AC	ETUC/ICFTU, EUROCADRES
<i>Den danske Landinspektørforening</i>	Chartered surveyor	256	0,04%	Yes	KTO, AC	FIG/CLGE, ETUC/ICFTU, EUROCADRES
<i>Forbundet af dyrlæger</i>	Veterinary surgeons	152	0,02%	Yes	KTO, AC	WVA, ETUC/ICFTU, EUROCADRES
<i>Forbundet af kandidatforeninger</i>	Academy of music	1.208	0,19%	Yes	KTO, AC	ETUC/ICFTU, EUROCADRES
<i>Foreningen af speciallæger</i>	Specialists	3.786	0,59%	Yes	KTO, AC	CP, UEMO, PGW, WMA, RULU, ETUC/ICFTU, EUROCADRES
<i>Foreningen af yngre læger</i>	Doctors	5.109	0,80%	Yes	KTO, AC	CP, UEMO, PGW, WMA, RULU, EUROCADRES, ETUC/ICFTU
<i>Gymnasieskolernes Lærerforening</i>	Upper-2nd school teachers	8.767	1,37%	Yes	KTO, AC	ETUCE/EI, EUROCADRES, ETUC/ICFTU
<i>Ingeniørforbundet i Danmark, IDA</i>	Engineers	3.203	0,50%	Yes	KTO, AC	EMF/IMF, FEANI, EUROCADRES, ETUC/ICFTU, CEC
<i>Jordbrugsakademikernes Forbund</i>	Masters of agriculture	300	0,05%	Yes	KTO, AC	ETUC/ICFTU, EUROCADRES
<i>Tandlægenes Nye Landsforening</i>	Dentists	1.190	0,19%	Yes	KTO, AC	ETUC/ICFTU, EUROCADRES
<b>Total</b>		<b>36.480</b>	<b>5,70%</b>			

FTF-Affiliated unions members of the KTO cartel are not members of EPSU for the local government sector

<i>BUPL</i>	Nursery teachers	55.335	8,62%	Yes	KTO, FTF	ETUCE/EI, ENSAC, OMEP, ETUC/ICFTU
<i>Dansk Musiker Forbund</i>	Musicians	1.061	0,17%	Yes	KTO, FTF	FIM, ETUC/ICFTU
<i>Dansk Navigatørforening</i>	Navigators	20	0,00%	Yes	KTO, FTF	ETUC/ICFTU
<i>Dansk Skuespillerforbund</i>	Actors and actresses	262	0,04%	Yes	KTO, FTF	FIA, ETUC/ICFTU
<i>Dansk Tanplejerforening</i>	Dental hygienists	252	0,04%	Yes	KTO, FTF	ETUC/ICFTU
<i>Danske Bioanalytikere</i>	Bioanalysts	4.533	0,71%	Yes	KTO, FTF	ETUC/ICFTU
<i>Danske Fysioterapeuter</i>	Physiotherapists	3.029	0,47%	Yes	KTO, FTF	WCPT, ETUC/ICFTU
<i>Danske Skov- og Landskabsingeniører</i>	Wood- and landscape engineers	108	0,02%	Yes	KTO, FTF	ETUC/ICFTU
<i>Den alm danske Jordemoderforening</i>	Midwives	1.349	0,21%	Yes	KTO, FTF	ETUC/ICFTU
<i>Det Kom. Beredsskabspersonales Landsforening</i>	Civil defence staff	190	0,03%	Yes	KTO, FTF	ETUC/ICFTU
<i>Ergoterapeutforeningen</i>	Occupational therapists	3.346	0,52%	Yes	KTO, FTF	ETUC/ICFTU
<i>Farmakonomforeningen</i>	Pharmacologists	333	0,05%	Yes	KTO, FTF	ETUC/ICFTU
<i>Foreningen af Havnefogeder</i>	Harbour masters	146	0,02%	Yes	KTO, FTF	ETUC/ICFTU
<i>Foreningen af kommunale chefer</i>	Municipal executives	851	0,13%	Yes	KTO, FTF	ETUC/ICFTU
<i>Frederiksberg Kommunal Forening, FKF</i>	white collar employees	662	0,10%	Yes	KTO, FTF	ETUC/ICFTU
<i>Gentofte Kommalforening</i>	white collar	621	0,10%	Yes	KTO, FTF	ETUC/ICFTU
<i>Halinspektørforeningen</i>	Sports centre inspector	739	0,12%	Yes	KTO, FTF	ETUC/ICFTU
<i>Konstruktørforeningen</i>	Constructors	295	0,05%	Yes	KTO, FTF	ETUC/ICFTU
<i>Kort- og Landmålingsteknikernes Forening, KLF</i>	Surveyors	60	0,01%	Yes	KTO, FTF	ETUC/ICFTU
<i>LederForum</i>	Managers	528	0,08%	Yes	KTO, FTF	ETUC/ICFTU
<i>Lærernes Centralorganisation, LC</i>	Teachers	64.995	10,12%	Yes	KTO, FTF	ETUC/ICFTU
<i>Søllerød Kommalforening</i>	white collar	272	0,04%	Yes	KTO, FTF	ETUC/ICFTU
<i>Teaterteknikerforbundet</i>	Theatre technicians	264	0,04%	Yes	KTO, FTF	ETUC/ICFTU
<i>Økonomaforeningen</i>	Catering officers, matrons	6.437	1,00%	Yes	KTO, FTF	ETUC/ICFTU
<b>Total</b>		<b>145.688</b>	<b>22,69%</b>			

A few independant unions, though members of the KTO cartel, are not linked to EPSU

Employees	Type of employee	Members	Density	CB	National Affiliations	European and International Affiliations
<i>Dansk Formands Forening</i>	Foremen	790	0,12%	Yes	KTO	-
<i>Landsklubben for Deltidsansatte Brandfolk, LDB</i>	Part time firemen	1.222	0,19%	Yes	KTO	-
<i>Ledernes Hovedorganisation, LH*</i>	Managers	4.183	0,65%	Yes	KTO	CEC
<i>Maskinmestrenes Forening</i>	Engineers	667	0,10%	Yes	KTO	FECER, CEC
<b>Total</b>		<b>6.862</b>	<b>1,06%</b>			

To summarise this picture, we may thus estimate that while 97% of salaried workers in the sector are members of a trade union, 96 of them are as well directly and indirectly linked to EPSU. Among union members about 70% are members of EPSU.

EUROFEDOP mentions a Danish member, *Kristelig Funktionær-Organisation – KFO (3.000 members)* . It doesn't seem to play any any role in collective bargaining in the local public sector. Nor it is the case of USSP- USSP/CEI member, *Firma Funktionærerne* (claiming 4.000 members).

## 4. Finland

Finland is a republic with 5.2 million inhabitants. It is divided into 448 self-governing municipalities. Municipal autonomy is guaranteed in the Constitution. The municipalities have a self-government with the power to legislate over municipal affairs. For historical reasons certain municipalities are called cities and any municipality may choose to call itself a city by decision of the municipal council. The municipalities can establish joint municipal authorities for regional purposes.

Finland has no immediate level state, canton or county governments. It has therefore been necessary to implement large and costly projects through joint municipal authorities. Joint municipal authorities, of which there are 226, are independent self-governing entities with their own administrations, budgets, personnel and legal obligations. 88 of the municipalities have less than 2,000 inhabitants and 6 with a population of over 600,000. Nearly two thirds of municipalities have between 4,000 and 30,000 inhabitants.

There is a variety of tasks assigned to municipal government under legislation. In addition to these, there are a range of functions which municipalities are free to take upon themselves. The most important statutory functions performed by local authorities are *educational and cultural services* (schools, vocational training, libraries, community colleges, and recreational facilities), *health care* (hospitals are almost exclusively administered and maintained by local authorities, including central hospitals and university central hospitals, local health care centres, environment health and veterinary services), *social welfare services* (care for the elderly and disabled, municipal home help, children's day care, social work, income support, housing, services for refugees etc.), *planning and building* (planning and implementing zones in the municipal area, strategic and regional planning, supervision of buildings) and *fire and rescue services* (fire brigades, air and noise pollution control, environmental protection in general).

### **Local public authority employees**

In the local public sector (municipalities and joint municipal authorities) there are 426,000 employees. The total number of the active labour force in Finland is 2 million. The municipal sector accounts for 1/5 of the active population.

<b>Municipal personnel 2000<sup>66</sup></b>		
	<i>Personnel</i>	%
<i>Public healthcare</i>	121,000	29
<i>Social welfare services</i>	112,000	27
<i>Education and culture</i>	112,000	26.9
<i>Community planning and public works</i>	21,000	5
<i>Public utilities</i>	29,000	4.5
<i>General administration</i>	14,000	3.4
Building maintenance	9,000	2.2
Fire and rescue services	8,000	2.0
Total	426,000	100

According to the 1995 Local Government Act, municipal employees are bound to their authority by civil service relations (50% of the personnel) or they work for it under terms of an employment contract (50 % of the personnel) drawn up under private law. Civil servants (officials) have a status under public law. Officials exercise public authority functions (administration). Municipal workers come under private law. The provisions concerning these employees are governed by general employment legislation.

The Commission for Local Authority Employers represents the whole of the local public sector in consultation with the State in a tripartite consultation.

### **Collective bargaining**

The labour market affairs of the municipal sector are handled within the framework of a national collective agreement system, and all the municipalities, joint municipal authorities and local authority officials and employees fall within its scope. Promoting the interests of the local authorities as employers is centralised and

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<sup>66</sup> Source: Commission for Local Authority Employers, 2001

based on the Act on the Commission for Local Authority Employers (Kunallinen työmarkkinalaitos, KT) since 1970. KT is part of the Association of Finnish Local Authorities but has a separate board for decision-making in labour market affairs. The budget of the Commission for Local Authority Employers is covered directly by the municipalities.

There are some limited companies and trusts that are subject to the authority of local governments. They do not fall within the municipal negotiation system, but the collective agreements are concluded in private sector negotiations. These enterprises are either organised within the private employer organisations in Finland, or they do not belong to any organisation. Of the private sector employer organisations, only the Employers' Association for Transport and Special Services, which represents state employees, is a member of CEEP. None of the companies that are subject to local government authority are members of the above-mentioned employer organisation or directly affiliated to CEEP.

*Main agreement on negotiation structure* The Commission for Local Authority Employers (KT) and the 4 main negotiation bodies above have agreed on a *Main Agreement* on the negotiation structure in the municipal sector. According to this agreement, the negotiations on collective agreements are negotiated and agreed among KT and these 4 main negotiation bodies.

The *collective agreements* (now 5) negotiated and agreed as below are valid as long as agreed, usually for a period of 1-2 years. The current collective agreements run from 1 February 2001 to 31 January 2003. The collective agreements include stipulations on wages and salaries, working hours, annual holidays, paid leave etc. Issues not agreed in the collective agreements are eg social security, pensions, management and qualifications. In addition to the main agreement and the collective agreements, KT and the main negotiation bodies have negotiated and agreed on a *General agreement* on information and consultation in the municipal sector.

According to the main agreement, the municipalities and joint municipal boards may diverge from the national collective agreement with local collective agreements, except for stipulations concerning regular working time, length and pay of annual holiday, pay during maternity and sickness leave and a wage that would be beneath the lowest pay in the collective agreement.

### ***Bargaining parties***

According to the Act on the Municipal Collective Bargaining Agreements for Civil Servants (669/70), the negotiating parties are the Commission for Local Authority Employers and an organisation representing municipal officers, with whom the Commission considers it appropriate to conclude a collective agreement.

The Commission for Local Authority Employers represents all the local public sector and thus it is a national employers organisation itself. As a part of the Association of Finnish Local Authorities, the Commission for Local Authority Employers is a member of CEMR EP and is represented in the CEMR EP Employers Platform (a committee of CEMR EP representing local authorities and regions as employers). The municipal sector is not represented in CEEP, and no enterprises owned by or subject to the authority of municipalities or joint municipal authorities are members of CEEP.

### *Employees*

The Commission for Local Authority Employers has signed the main agreement on the procedures to be followed in negotiations with the organisations representing municipal employees and officers. According to this agreement the negotiating parties are Akava-JS (the Confederation of Unions for Academic Professionals in Finland), Joint Negotiation Body for the Municipal Sector, the STTK-J (the public sector union within the Finnish Confederation of Salaried Employees STTK) and the Negotiating Organisation of Salaried Employees TNJ. These are called the main negotiating parties in collective bargaining, and they carry out the central negotiations.

All the main negotiating organisations in the municipal sector are members of EPSU, with the exception of the Public Sector Negotiating Commission AKAVA-JS (teachers), which is a member of ETUCE.

- The members of Joint Negotiation Body for the Municipal Sector are the Trade Union for Municipal Sector KTV and the Federation of Municipal Officers KVL. The Trade Union for Municipal Sector KTV with its 216,962 members is a member of the Central Organisation of Finnish Trade Unions SAK (ETUC, ICFTU). The Federation of Municipal Officers with its 56,245 members is a member of the Finnish Confederation of Salaried Employees STTK (ETUC, ICFTU).
- The Confederation of Municipal Employees in Technical and Basic Service Professions KTN has 15,000 members and is affiliated to EPSU. KTN mainly represents technical personnel unions which are affiliated to STTK.
- The Negotiating Organisation of Salaried Employees TNJ represents approximately 120,000 health care workers. The Union of Health and Social Care Professionals TEHY 88,096 members, (STTK) and The Finnish Union of Practical Nurses SuPer 30,668 members (STTK) form TNJ. TEHY and Super are affiliated to EPSU.
- AKAVA-JS is the Public Sector Negotiating Commission AKAVA-JS. The main members of AKAVA-JS are the Trade Union of Education in Finland OAJ with 109,000 members (AKAVA, ETUCE), the Central Union of Special Branches within AKAVA, AEK, with 5,530 members in the public sector (AKAVA, EPSU) and the Union of Professional Social Workers, Talentia, (AKAVA, EPSU) with 6,177 members.

Employers	Employees' organisations	% unionised employees <sup>67</sup>
Commission for Local Authority Employers (KT) Represents municipal sector (448 local authorities and 226 joint municipal authorities)	Joint Negotiation Body for the Municipal Sector ( <i>Kunta-alan unioni</i> ) represents the Trade Union for the Municipal Sector ( <i>Kunta-alan ammattiliitto KTV</i> ) and the Federation of Municipal Officers ( <i>Kunnallisvirkamiesliitto, KVL</i> )	195,500 (47%)
	The Finnish Negotiation Organisation for Academic Professionals in the Public Sector (AKAVA-JS)	108,200 (26%)
	Negotiating Organisation of Salaried Employees ( <i>Toimihenkilöiden neuvottelujärjestö, TNJ</i> ) represents the Union of Health and Social Care Services ( <i>THEY</i> ) and the Finnish Union of Practical Nurses ( <i>Suomen lähija perushoitajaliitto, SuPer</i> )	95,700 (23%)
	Confederation of Municipal Employers in Technical and Basic Service Professions ( <i>Tekniikan ja peruspalvelujen neuvottelujärjestö, KTN</i> )	16,600 (4%)

Approximately 95% of all the employees in the municipal sector are members of the various local sector organisations.

### **Agreements in the local government sector 2001**

In the municipal sector there are 5 principal collective agreements covering all the 426,000 employees.

Collective agreement	Trade Unions bargaining	Covered employees
<i>Municipal General Collective Agreement</i> (Kunnallinen yleinen virka - ja työehtosopimus (KVTES))	<i>Joint Negotiation Body for the Municipal Sector</i> <i>Negotiating Organisation of Salaried Employees TNJ</i> <i>The Finnish Negotiation Organisation for Academic Professionals in the Public Sector, AKAVA-JS</i> <i>Confederation of Employees in Technical and Basic Service Professions, KTN</i>	290,000
<i>Municipal collective agreement for teachers</i>	AKAVA-JS	62,000
<i>Municipal collective agreement for technicians</i>	KTN <i>Joint Negotiation Body for the Municipal Sector</i> AKAVA-JS	29,000
<i>Municipal collective agreement for physicians</i>	AKAVA-JS	13,000
<i>Municipal collective agreement for hourly paid employees</i>	Trade Union for the Municipal Sector ( <i>Kunta-alan ammattiliitto (KTV)</i> )	24,000

<sup>67</sup> These figures slightly differ from above. The former, based upon the paid membership declared by Finnish unions to EPSU have been taken into account for the summary calculations in part 1

In addition to these, there are some smaller agreements concerning such vocational branches as actors and musicians covering under 1,000 employees.



## 5. France

Local public sector in France is mainly made of local public service (*Fonction publique territoriale*) including regional, *départementales* and municipal authorities. However, a large number of local public (or mixed) enterprises carry out a significant amount of missions in relation to local public service. Health services (*fonction publique hospitalière*) are organised on a national basis.

Local government comprises about 36.700 municipalities, 100 *départements*, 26 regions and 18.000 public bodies (*établissements publics*), which together employed 1.460.000 public servants (grossly one quarter of all public servants) in 1996. Paris has its own specific status. It should be noted that the creation of an autonomous public service at local level is recent in France. Two laws (n°83-634 and 84-53) have established a common framework for public servants of *fonction publique territoriale* in 1983 and 1984, while allowing local authorities to manage relevant services of local interest.

If we put aside financial and energy production and distribution activities, four kinds of public or mixed bodies, distinct from local government, are also present :

- 1300 Local mixed economy companies (*Sociétés d'économie mixte locales – SEML*) employing about 60.000 workers and encompassing a wide range of activities;
- 300 Housing offices (*Offices HLM*), employing 25.000 workers;
- Chambers of Commerce and Industry (26.000 employees), in charge of airports, ports, some road and storage facilities, etc..
- So called EPCI (*Etablissement publics de coopération intercommunale*) public bodies representing about 35.000 employees.
- In addition, some services (ie funeral services, some housing) are subcontracted to private companies

### **Collective bargaining**

While formally speaking, collective bargaining is not allowed for public servants, functional equivalents do actually exist. Public authorities sign *protocol of agreements* with trade unions then formally approved by the relevant public bodies. As far as local authorities are concerned, collective bargaining takes place both at central and local levels and is still a fragile process. It is not uncommon that the government takes unilateral decisions in the absence of agreements with unions. While wage bargaining is only dealt with at central level, other issues are negotiated at local level.

The main concertation and consultation bodies are

- The *Conseil supérieur de la Fonction Publique territoriale*<sup>68</sup> (Local Public Service Higher Council) is a central level joint body consulted on all laws and decrees in relation to public servants and staff in local authorities. Les représentants syndicaux sont *désignés* en fonction d'une clef a priori. It is made of 40 representatives from local authorities and union (in proportion to the result of social elections).
- *The Commissions paritaires administratives – CAP* (Joint administrative committees). They provide advices on individual cases and issues. There are 6 of them for local public service depending on the different groups of public servants
- *The Comités techniques paritaires – CTP* (Technical joint committees). They are consulted on issues related organisation of work or administrations, and health and safety problems.

Negotiation may happen outside any of these bodies

### **The players**

The state as an employer is carried out by different bodies:

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<sup>68</sup> There is one such council for each public service : State, Health, and Local

- The Minister of Public Service (*Ministre de la Fonction Publique*) for all public servants;
- The *Direction générale de la fonction publique – DGAFP*
- The Minister of Finance (whose signature is compulsory for all agreements).
- The State Council (*Conseil d'État*)
- At local level (but also in some central negotiation bodies) representatives from local authorities;

For a trade union to be recognised as representative it has to hold a seat in each Higher Council or gathering at least 10% of the votes at the social election (in Joint Administrative Committees) and at least 2% in each of them. This does not prevent from some dispersion in union representation : apart from the 5 traditional main confederations, (CGT FO, CFTC, CFDT, CGT, CGC), various professional or sectoral union (such as UNSA) are also present.

Overall union density is higher than in the private sector : between 20 to 25%.

	Type of workers	Members	Density <sup>69</sup>	CB	National Affiliations	International Affiliations
<i>CFDT Interco</i>	Local authorities workers (public servants and workers under labour contracts) <sup>70</sup>	61.500 <sup>71</sup>	4.21%	Yes	CFDT	<i>ETUC, EPSU, PSI</i>
<i>Fédération des Personnels des Services Publics et des Services de santé Force Ouvrière</i>	Local authorities and health services	50.000	3,42%	Yes	FO	<i>ETUC, EPSU, PSI</i>
<i>Fédération des personnels des services des départements et des régions FO</i>	Local authorities ( <i>regions and départements</i> ) and associated services	NA	NA	Yes	FO	<i>ETUC, EPSU, PSI</i>
<i>Fédération CGT des services publics</i>	Local authorities and local public bodies, public and mixed housing, water supply and funeral services.	56.000	3,83%	Yes <sup>72</sup>	CGT	<i>ETUC, EPSU, PSI</i>
<i>Fédération des personnels des services des départements et des régions FO</i>	Local authorities ( <i>regions and départements</i> ) and associated services	NA	NA	Yes	FO	<i>ETUC, EPSU, PSI</i>
<i>Union générale des fédérations de fonctionnaires - CGT</i>	Local authorities and local public bodies, public and mixed housing, water supply and funeral services.	(44.000)*	(3,1%)*	Yes	CGT	<i>ETUC, EPSU, PSI</i>
<i>Union. Nationale. de l'Encadrement. des Collectivités. Territoriales UNECT-CGC</i>	Professional and managerial staff within local authorities	4.400	<1%	Yes <sup>73</sup>	UFCFP, CFE/CGC	<i>USSP/CESI, CEC</i>
<i>Fédération nationale des agents des collectivités territoriales – FNACT-CFTC</i>	Local authorities and associated services, mostly municipal policemen, firefighters, and public servants in rural municipalities	12.000	<1%	Yes	CFTC	<i>Eurofedop, ETUC</i>

\* Public sector as a whole

It should be noted that both UNECT-CGC and FNACT-CFTC, when contacted initially by the national experts in the framework of this study, dismissed their role in collective bargaining for local public sector.

<sup>69</sup> Denominator : total number of civil servants within the *fonction publique territoriale*

<sup>70</sup> Also includes public servants from central administration. Figures only refer to local authorities.

<sup>71</sup> 34.595 according to EPSU

<sup>72</sup> Although CGT takes part to all negotiations, it has not signed the general agreements on public services

<sup>73</sup> It should be noted that as far as higher level collective bargaining is concerned, it is the *Union Fédérale des Fonctions Publiques (gathering all public sectors members within CFE/CGC) that enter the negotiations.*

In addition, the following results of elections of the fonction publique territoriale delegates (1995) gives another complementary picture of trade union representativeness in the sector.

***Results of the elections***

	<b>Voix</b>	<b>%</b>
<b>CGT</b>	190 998	33,37%
<b>CFDT</b>	145 085	25,35%
<b>FO</b>	133 560	23,34%
<b>UNSA</b>	44 816	7,83%
<b>CFTC</b>	29 865	5,22%
<b>CGC</b>	4 123	0,72%
<b>DIVERS</b>	23 713	4,14%

## 6. Germany

Employment in local public services<sup>74</sup> in Germany (2000) was as follows.

Federal		Länder		Municipal		Community services		Total
Employees	%	Employees	%	Employees	%	Employees	%	
575,639	11,8	2,273,257	46.3	1,571,999	32	487,988	9,9	4,908,883
<i>Of which</i>		<i>Beamten</i>		<i>Angestellten</i>		<i>Blue collar workers</i>		
		Employees	%	Employees	%	Employees	%	
		187,0914	38,1%	2,353,123	47,9%	684,436	13,9%	

Source : DBB, 2002

Education, research, science are dealt with at Länder level, while health and social services depends on municipalities, as well as refuse collection and other services.

### **Collective bargaining and industrial relations**

There basically is one single round of collective bargaining for all public sector blue- and white-collar employees generally once a year – the resulting collective agreements serve as a model for the subsequent agreements for enterprises governed by public law. Individual labour contracts in the public sector are mainly governed by collective agreements. In addition, there exist two different systems for the representation of interests and pay determination, for white and blue collar workers as well as for civil servants. Whereas the formers are subject to collective bargaining, pay and working conditions for civil servants are determined by parliament.

Collective bargaining for the white and blue-collar workers takes place once a year and determines the actual remuneration level and working conditions. The general framework of the basic principles of remuneration and working conditions are laid down in the Federal Collective Agreement for Salaried Employees (*Bundesangestelltentarif – BAT*) for white collar workers and in the Framework for the Collective Agreement for blue collar workers (*Bundsmanteltarifvertrag für Arbeiter gemeindlicher Verwaltungen und Betriebe (BMT-G II)*).

The negotiations are held exclusively between the respective employers' associations (for the federal, regional and local level) and the trade unions. On the employers side, the associations are the Federal Ministry for the Interior (for the employees of the Federals State), the Tarifgemeinschaft deutscher Länder (TdL; for the Länder) and the Vka (for the local level). Additional negotiations may be carried out in the framework of central level agreements.

### **The players**

Annual central-level collective bargaining is conducted only by the Federation of Local Government Employers Associations (*Vereinigung der kommunalen Arbeitgeberverbände-VkA*) and its regional associations, representing the local employers, and Verdi as the union responsible for the representation of blue and white collar workers within the public sector. These wage settlements are normally declared generally binding (via *Allgemeinverbindlichkeitserklärung*) for all of the 3,5 million employees within the public sector. Furthermore, since the results of wage negotiations serve as a guideline for the annual wage settlement for the civil servants, the wage concessions made by the Vka and ver.di affect about 5 million employees.

Cities, Municipalities and Landkreise<sup>75</sup> hold a double membership: their professional interests are represented by the Deutsche Städtetag, Deutscher Städte- und Gemeindebund and Deutscher Landkreistag. Their interests as employers are covered by their membership in the regional associations of the Vka which has their mandate to act in the centralised collective bargaining negotiations.

<sup>74</sup> Local Public Transport not included

<sup>75</sup> Administrative areas within Landers

Name	Acronym	Scope	Membership	CB	International affiliations
<i>Deutscher Städtetag</i>	-	Association of Cities and Towns	57.000 cities	No	CEMR EP
<i>Vereinigung kommunaler Arbeitgeberverbände</i>	<i>VKA</i>	Municipal employers and local enterprises	2.200.000 <sup>76</sup>	Yes	CEEP
<i>Deutscher Städte-und Gemeindebund</i>	DGSTE	Cities and communes	NA	No	CEMR EP
<i>Deutscher Lankkreistag</i>	-	Association of <i>Landkreise</i>	NA	No	CEMR EP

On the trade union side, the main player is ver.di resulting from the recent merger of several distinct unions. It is difficult to gain a precise figure of its membership as far as local public sector is concerned. The internal structure of the organisation doesn't match this demarcation. Overall Ver.di membership in the public sector is about 964.511<sup>77</sup>, while there were 883.575 affiliates in 2001<sup>78</sup> in the three sections most relevant to this studies (health and social services excluding social security administration, municipal administration (368.644) , education and research)<sup>79</sup>. Therefore we may estimate that Ver.di membership amounts to about 850.000 workers in both Ländern and Gemeinde. These figures are to be taken with caution.

	Type of workers	Members	Density	CB	National Affiliations	International Affiliations
<i>Ver.di (ÖTV + DAG)</i>	Regional/municipal employers and local enterprises	At least 883,575	85%	Yes	DGB	EPSU/PSI, ETUC/ICFTU
<i>DBB TarifUnion</i>	Public sector	150.000	15%%	Yes	-	USSP/CESI

As regard civil servants' collective organisation in trade unions, the German situation is rather complex.

1. The German civil servants federation DBB (*Deutscher Beamtenbund*) represents a vast majority of them (about 850,000 out of 1,500,000 members for the public sector as a whole). As such, the DBB does not play any role in negotiations (since its members' conditions are determined by the German Parliament). However, the DBB is an important organisation, recognized by the German public authorities in consultations on a broad range of issues (such as training, career paths, pension schemes, etc...).
2. In addition to this, a certain number of DBB members are *Angestellten* (white collars employees) which have formally to collective bargaining. The representation of their interest is carried out by a bargaining cartel set up on the initiative of the DBB, the *DBB Tarifunion*. The Tarifunion is made of various organisations within the DBB (*Gewerschaft der Beschäftigten im Kommunal und Landesdienst – KOMBA, Bund Deutscher Forsrlaute – BDD, Gewerschaft der Sozialverwaltung – GdV*), as well as the small Christian trade union CGB. It actually participates to the central-level collective bargaining round in the public sector, although with less negotiating power than ver.di unions. While the overall number of employees represented by the DBB Tarifunion reaches 360,000 in local public sector, this number is about 150.000<sup>80</sup>.
3. In addition, although civil servants are not organised within Ver.di, it appears that, as far as wage and working conditions are concerned, the agreement negotiated by ver.di (and to a smaller extent, the DBB Tarifunion), serves as a pace setter for the civil servants terms and conditions. Considering this, Ver.di's influence extends beyond its formal membership domain.

<sup>76</sup> Includes workers in Local Public Transport

<sup>77</sup> Source : EPSU, cotisation fees data

<sup>78</sup> Source : Ver.di

<sup>79</sup> In addition, 162.262 workers are members of the « Federal and Länder » Section.

<sup>80</sup> Source : interviews with Mr Lemoine (USSP/CESI) and Heeger (DBB) 20/12/2001

4. As far as decentralised level collective bargaining (ie actual collective agreements) is concerned, it should be noted that while ver.di enjoy the broadest representation, the DBB tarifunion is present at the communal level (but not the Länder nor in decentralised health services).

## 7. Greece

After a long period of centralisation, over the past 10-15 years Local Public Sector in Greece has been gaining importance and is being vested with an increasing number of competencies, as a result of the on-going process of decentralisation. The major breakthrough in the modernisation of local government structures has been the introduction and implementation of innovative (and controversial) legislation in 1997, as part of the “Kapodistrias Programme” (Law 2539/1997). The persistent fragmentation of local government authorities into a multitude of small and often fragile communities (until 1998, there existed 5318 small communities and 457 municipalities) gave place to a series of forced mergers. At present, there exist 900 municipalities and 133 communities in the 54 counties of Greece, governed by 18 517 elected members, who manage increasingly large sums of national and community funding. Besides the 1033 municipalities and communities, the Local Government Organisations also include the 72 Municipal Enterprises, the Development Links, as well as the municipal water and sewage companies. An estimated 90.000 workers are employed in local government (62.000 in municipalities and 28.000 in counties). It should be noted that free collective bargaining procedures in the Greek public sector were introduced only in 1999. Moreover, wage determination remains unilaterally imposed by government, in line with the stability programme policies.

### **Collective bargaining**

A collective labour agreement is negotiated every year (since 1999) between the *Panhellenic Federation of Local Government Workers (Panellinia Omospondia Ergazomenon Stous Organismous Topikis Aftodioikisis - POE-OTA)* on one hand, acting on behalf of the employees working in the municipalities and communities and their affiliates, and the *central government*.

Both these unions are members of the public sector workers’ confederation ADEDY, which is a direct member of EPSU. Until recently however, when only central level agreements were concluded, it was the confederation that was the only direct signatory party for local government workers.

Local government employees with an indefinite duration contract (about 1300 employees), whose primary union is not affiliated to the above-mentioned Federation but to the *Panhellenic Federation of Personnel working in the Local Government Organisations (POP-OTA)*, sign a separate agreement with the central government.

Personnel working in the municipal water and sewage companies (approx. 3 500 employees), represented by the *Panhellenic Federation of Municipal Water & Sewage Companies’ Workers*, conclude a distinct sectoral collective agreement with the employers’ association *Union of Municipal Water & Sewage Companies (EDEYA, based in Larissa)*<sup>81</sup>.

As from this year, a collective labour agreement<sup>82</sup> has been concluded for the first time, covering employees working in the counties (second-degree local government or regional government) on a indefinite duration contract. Following the recent change of status of these employees, a new federation was established in view of representing this new category of workers, the *Panhellenic Federation of County-level Employee Associations (POSYNA)*.

### **Employers**

As all Local Government Organisations are part of the central government institutions, they comply with the collective bargaining procedures applicable to the public sector. Hence, it is the competent Ministry of Interior, Central Administration & Decentralisation that represents the central administration, alongside with the Finance Ministry, in the negotiations taking place each year with the workers’ federation POE-OTA on wage and other issues and –as from this year- with the POSYNA. represented by the Ministry of Interior, Public Administration and Decentralisation and the Finance Ministry.

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<sup>81</sup> This sectoral agreement does not cover the 4 500 employees working in the Water & Sewage Company of the Capital (Athens), who have a different status and are covered by a company agreement.

<sup>82</sup> The approx. 28 000 employees working in the counties did not conclude separate collective agreement until recently, as they were covered by the Central state collective agreement.

The *Central Union of Municipalities and Communities (KEDKE)* is an umbrella organisation gathering all municipalities and communities . However, it does not have the status of social partner and the capacity to participate in collective bargaining procedures. A long-standing claim of KEDKE is to be recognised as the appropriate social interlocutor. KEDKE is a member of CEMR EP.

Similarly, the umbrella organisation for the 54 counties is the *Greek Union of County Governments (ENAE)*. The second degree of local government was introduced in its present form, fairly recently, in 1994, when institutional reform allowed for the prefects to be directly elected rather than appointed by government.

Municipal *Water & Sewage Companies* are represented by the employers' organisation *EDEYA*.

### **Trade Unions**

	<b>Type of workers</b>	<b>Members</b>	<b>Density</b>	<b>CB</b>	<b>National Affiliations</b>	<b>International Affiliations</b>
<i>POE-OTA</i>	All workers in municipalities and communities	50.000	81%*	Yes	ADEDY	<i>ETUC, EPSU, PSI, ICFTU</i>
<i>POP-OTA</i>	Employees on an indefinite duration contract	1.300	2%*	Yes	ADEDY	<i>ETUC, EPSU, PSI, ICFTU</i>
<i>POSYNA</i>	All workers in counties	Approx 16.000	57%**	Yes	ADEDY	<i>ETUC, EPSU, PSI, ICFTU</i>
<i>Panhellenic Federation of Municipal Water &amp; Sewage Companies' Workers</i>	Workers in Water & Sewage Companies, except Athens	NA	NA	Yes	ADEDY	<i>ETUC, EPSU, PSI, ICFTU</i>

\* Basing on an estimated figure of 62.000 workers in municipalities \*\* Basing on an estimated figure of 28.000 workers in counties

*POSYNA* is a newly constituted trade union within the public sector confederation - *ADEDY*, resulting from the recent reforms that allows county workers to access collective bargaining. Its membership is still expanding and therefore figures should be taken with caution.



## 8. Ireland

Local public sector in Ireland consists of

- **Local government**, which includes a number of local and regional authorities at three levels: county/city level; sub-county level; and regional level. The elected local authorities are the county councils (29), county borough corporations (5), borough corporations (5), urban district councils (49) and boards of town commissioners (27). In addition to the traditional representation role, local authorities usually provide the following range of services: housing and building, road transportation and safety, water supply and sewerage, (physical) development incentives and controls, environmental protection (including refuse collection and disposal), recreation and amenities, agriculture, education (higher education grants), health (minor functions) and welfare, and some miscellaneous services.
- Since 1971 ten **health boards** have been responsible for the administration of the health services. Membership of health boards consists of persons appointed by the constituent local authorities, persons elected by the medical and paramedical professions; and persons appointed by the Minister for Health and Children. Health boards provide the following services: *Community Care Services* (ie health services, food and drink supervision...), *Community health services* (ie general medical services; community nursing services; maternity and infant care services; dental, services...), *Welfare services*, (ie financial support and income maintenance schemes; community support services...), *General Hospital Services and Special Hospital Services* (ie in-patient and out-patient hospital care for geriatric patients, for the mentally ill and for the mentally disabled<sup>o</sup>).

In terms of full time equivalent Local authority services employed 27.600 people in January 2001, while health boards represented 53.804 employees in 2000.

### ***Collective bargaining and industrial relations***

Apart from national framework agreements (which put some issues at the bargaining agenda, and sets voluntary wage increases boundaries), no collective bargaining takes place at national level for the local public sector. As far as industrial relations at local level are concerned, we may draw a distinction between the *partnership* and *Labour Relations Commission/Labour Court* processes.

1. In the wake of the national partnership agreements (Partnership 2000 and the recent Program for Prosperity and Fairness), there has been a trend towards developing partnership arrangements at local (enterprise and public sector) level. Employers and unions have agreed upon partnership structures in local authorities in national framework agreements. This structure is twofold and comprises:

- a Local Authority National Partnership Advisory Group-LANPAG (recently established to coordinate, advise and support the local level arrangements);
- Local Authority Partnership Committees.

These structures mainly deal with training and other 'soft' issues, and are not to replace other existing collective bargaining procedures and practices.

2. The major part of industrial relations and collective bargaining, once under *Conciliation and Arbitration schemes*, have gradually switched to the system of *Labour Relations Commission* (conciliation) and *Labour Courts* (dispute adjudication service) in force in the private sector. Its consists of committees where most of the issues related to terms and conditions are dealt with at local level. If disputes cannot be resolved at the Conciliation stage, it is up to the Labour courts to try and settle an agreement.

### ***The employers***

Management in local authorities and health boards schemes are County Managers and Chief Executives of Health Boards and two Boards (Local Government Management Services Board and the Health Service Employers Agency) co-ordinate negotiations. The Department of Finance, however, monitors offers through the officials of the Departments of the Environment and Health, which somewhat suppresses the influence of

local negotiators. The arrangements for arbitration in this area are unusual in that either side may reject a finding within six weeks, but such rejection is rare.

#### *The Department of Finance*

With regard to local authorities and the health boards, the Personnel and Remuneration division of the Department plays a key role in:

- Advising the Government on general policy on pay and conditions and in particular on such policy in relation to the public sector
- The negotiation of general agreements on pay and conditions and ensuring that the terms of these agreements are complied with
- Monitoring, co-ordinating or controlling developments on pay and conditions in the local authorities, health boards and state-sponsored bodies maintaining good industrial relations in the public service, by way of general advice and dealing with issues and problems as they arise
- Management and control of expenditure on the exchequer pay and pensions.

#### *Local Government Management Services Board*

The LGMSB is a statutory body which was established to provide services for staff negotiations purposes and such other management services as may be required, to local authorities and other bodies as designated. The Board's activities are divided into three general categories: industrial relations, human resources, and management services. It is a full member of CEMR EP Employers Platform in which it has participated since its inception in 1994.

#### *Health Service Employers Agency*

The HSEA is a statutory body, which represents all publicly funded health service employers. It was established to promote greater efficiency and effectiveness in employment practice and to provide a focus for the management of change consistent with changing service and operational requirements. The Agency represents health service employers in national negotiations in pay and conditions of employment for all categories of staff. It also supports, and where appropriate represents, health service employers on local issues.

Two organisations<sup>83</sup>, the *General Council of County Councils*, and the *Association of Municipal Authorities* are the Irish members of CEMR EP. They do not play any role in industrial relations so far.

#### **Trade unions**

Trade union recognition is granted to unions under ministerial authority in the public services, health, education and local government. Trade union density is high in the local public sector, which reflects high levels of union membership throughout the public sector. Union officials estimate trade union density at between 85-90 per cent.

All trade unions listed below hold negotiating licenses, and are therefore are entitled to participate in collective bargaining with the employer on implementation of wage agreements and conditions of employment for their members in the local public services sector.

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<sup>83</sup> The *Institute of Public Administration (IPA)* is also a member of CEMR, but is not relevant in the framework of this study, since its purpose consists of providing services (training...) to local authorities

	Type of workers	Members (Health boards)	Members (Local authorities)	Density*	CB	National Affiliations	International Affiliations
<i>Irish Medical Organisation -IMO</i>	Health boards (medical doctors)	NA	-	NA	Yes		<i>ETUC, ICFTU</i>
<i>Irish Municipal, Public and Civil Trade Union - IMPACT</i>	Health boards and local governments	9,500	12,800	27,39%	Yes		<i>ETUC, ICFTU, EPSU, PSI</i>
<i>Irish Nurses Organisation -INO</i>	Health boards (nurses)	22,320	-	27,41%	Yes		<i>ETUC, ICFTU</i>
<i>Psychiatric Nurses Association - PNA</i>	Health boards (nurses in mental health)	4,400	-	5,4%	Yes	ICTU	<i>ETUC, ICFTU</i>
<i>Services Industrial Professional and Technical Union - SIPTU</i>	Health boards and local governments	NA	16,000	19,65%	Yes		<i>ETUC, ICFTU, EPSU, PSI</i>
<i>Amalgamated Transport and General Workers Union - ATGWU</i>	Local Government	-	NA	NA	Yes		<i>ETUC, ICFTU</i>

Our estimation. Denominator : total number of employees in health boards services and Local Authorities. These figures are underestimated since only full time equivalent employees data were available.

The *Craft Group of Unions*, which represents craft workers in the local authorities and health boards, consists of the following unions:

- *Amalgamated Transport and General Workers Union (ATGWU)*
- *Building and Allied Trades Union (BATU)*
- *Technical Engineering and Electrical Union (TEEU)*
- *National Union of Sheet Metal Workers of Ireland (NUSMWI)*
- *Operative Plasterers and Allied Trades Society of Ireland (OPATSI)*
- *Union of Construction, Allied Trades and Technicians (UCATT)*
- *Services Industrial Professional and Technical Union - SIPTU*

## 9. Italy

Italian local public sector is characterised by a high degree of complexity. It includes a heterogeneous range of activities, many of which are facing a recent and intense process of reorganisation. The most important distinction to be drawn is between the services sector (which includes for example gas and water provision, - about 500 firms with 36,000 employees) and local government (about 600,000 workers).

### **Collective bargaining**

Successive reforms undertaken since the 90's had relevant consequences on industrial relations in the public sector. Bilateral negotiation replaced more and more unilateral and hierarchical regulation of public employment. This emerging role of collective bargaining entailed also a double process: on the one hand, it enlarged the issues covered by collective agreements - now they are the same that the ones bargained in the private sector - and, on the other, it fostered a progressive regulation of bargaining practices.

### **Levels and actors of collective bargaining in Italian public sector**

<b>Levels of bargaining</b>	<b>Employers' Organizations</b>	<b>Trade Unions</b>
Agreements for the whole public sector	Aran	Most representative Trade Unions (According to Law Decree 396/1997) in at least two sub sectors
Agreements for more than one sub sector	Aran	Most representative Trade Unions (According to Law Decree 396/1997) in at least two sub sectors
National industry-wide agreements at sub sectoral level	Aran	Most representative Trade Unions in the sub-sector (According to Law Decree 396/1997) in at least two sub sectors
Economic integrative of CCNL (renewed every two years)	Single administration (eventually with the support of Aran)	RSU

*Source:* Bordogna, 1998 quoted in Report on institutional framework of collective bargaining in the public sector

As to the industry wide agreements, the public sector is divided in 8 sub sectors (among which local authorities), each characterised by a double process of collective bargaining, one for managers and the other one for employees. Thus the total number of national industry-wide agreements in the public sector is of 16. The actors that take part to negotiations are the ARAN and the most representative trade unions identified according to the Law Decree 396/1997 (see below).

National collective bargaining for local authorities, as well as in other public sector industry wide agreements follow the same stages: first the Financial Law, according with the contents of the DPEF (*Documento di Programmazione Economica e Finanziaria*, Document on Economic and Financial Planning) identifies the economic resources which can be used in the process of collective bargaining. Before this process, the Sectoral Committees deliberate their guidelines, and give them directly to the ARAN. The ARAN starts the process of bargaining calling sub-sectoral or sectoral trade unions recognised as 'the most representatives'. The first output of the process of negotiation between ARAN and trade unions is a pre-agreement, that trade unions submit to the electoral consent of all the workers involved, whilst ARAN discusses it with the sectoral administrations. Then ARAN has to collect the outlook of sectoral committees, and the State Court. Finally - and only if these outlooks are positive - the agreement is considered valid and it is published in the *Gazzetta Ufficiale* (Official Gazette). On the contrary, if these outlooks are not positive, the ARAN can re-start the process of bargaining.

National agreements for local authorities cover 642,255 workers and 12.000 executives in regional and local administrations.

In addition, decentralised bargaining takes place within the boundaries set by national agreements and the managers of each single administration directly negotiated it (eventually helped by ARAN) with trade unions representatives and the RSU (*Rappresentanze Sindacali Unitarie*)<sup>84</sup>. Usually issues such as work organisation,

<sup>84</sup> The new Works Councils (RSU), were introduced in the private sector by the 1993 Agreement, and successively introduced also in the public sector with an agreement on July 1998. Despite their double character of organizational structures of trade unions and representational structures of all workers, RSU represent the new IR actor dealing with

employment management and working hours are dealt with at that level. Furthermore, a part of wages, connected with productivity increases, has to be negotiated at this level.

### ***Employers' Organizations***

As for local government, the most important actor which sign collective agreements is the ARAN, the Agency for Bargaining representation of Public Administrations, who since the beginning of the '90s replaced a wide group of sub-sectoral public institutions previously participating in collective bargaining. It is a technical body, with about 50 employees, with organisational and financial autonomy, legally representing the public administrations in collective bargaining and signing collective agreements on behalf of Government and other public administration. It can institute temporary bodies acting at the decentralised levels in order to assist regional or interregional process of bargaining in the public sector. ARAN, as well as *Confservizi* are members of CEEP.

As for firms in the local public service sector the most important management organization is *Confservizi* (formerly *CISPEL*), which gathers 8 sectoral organization (Federgasacqua, Federelettrica, Federambiente, Federculture, Assofarm, Asstra, Fiaso and Federcasa), representing about 1,370 service providers both at local and regional levels with about 156,000 employees. *Confservizi* represents those actors - public and not - who manage the local public service, such as the provision of gas and water (Federgasacqua), public housing (Federcasa), local provision of electricity (Federelettrica), pharmaceutical firms and services (Assofarm), local transport (Asstra), cultural and recreational services (Federculture), local firms specialised in street-sweeping (Federambiente).

The Italian section of CEMR EP, although gathering regional, provincial and municipal administrations, do not play any direct role in collective bargaining.

### ***Labour Organisations Negotiating Collective Agreements***

In the local government sector alone, it is possible to identify a plethora of trade unions taking part to industrial relations. In order to reduce the fragmentation in workers' representation a recent law (the Law Decree 396/1997) introduced rules<sup>85</sup> for the identification of a small group of 'most representative' trade unions. In order to be admitted to collective bargaining, trade union organisations must have a minimum representativeness of 5%, a figure obtained by calculating the average between the number of members and the number of votes obtained in the elections for workplace representatives (on the RSU representative body). Moreover, collective agreements are valid if they are signed by union organisations which together represent at least 51% of the workforce, the figure again being calculated by averaging the number of enrolled members and the votes gained in the RSU elections. Verification in both cases will be carried out by the state Bargaining Relations Agency (Agenzia per le Relazioni Negoziali, ARAN).

With regards to local public services, there are several different industry-wide organisations of the same general trade unions that represent workers in this sector. Looking at the last industry-wide agreements for gas and water provision, we will find FNLA for CGIL but another sectoral organization for CISL (Flerica). In other cases, there is the coexistence of private public sector unions: The national industry-wide agreement signed for local firms specialized in street sweeping was signed by unions of the public sectors (Fp-CGIL and Fiadel-CISAL) together with unions of the transport sector (UILtrasporti and Fit-CISL). Finally, there are sectors such as public housing or local cultural and recreational services, signed only by industry-wide organisations of public sector. We will not go into detail with these in the framework of this study. On the contrary, in local government sector there are sub-sectoral unions of the public sector.

There are three factors to take into account while determining the importance of the trade unions in the sector :

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company-level bargaining. RSU are elected, for two years, with the proportional method by all workers of a given public administration.

<sup>85</sup> As said above, these rules provide for an average of membership rates and election results, that must show at least 5% representativity

*Membership data* is often unreliable and confusing, because based upon unverifiable claims from some of the unions. This is also due to the fact that some EPSU member unions sometimes underestimate their membership claims in order to reduce cotisation fees. In addition, membership figures are not necessarily calculated on the same ground from one union to another, and hinder any attempt to provide accurate comparable data.

A more unambiguous quantitative estimation for our purpose are the RSU elections results. The first ones were held in November 1998. The constituency of the public sector was about 1.5 million of public employees, in different sub-sector, that had to vote for about 13,500 representatives. The participation rate was very high (about 70%) and the results showed that CGIL, CISL and UIL actually are the most representative organisations in the whole public sector: they accounted for about 80% of the votes, whilst the remaining 20% to be divided among many different organisations.

	Local public services	Local government	Autonomous public bodies	Health services	Total
<i>Cgil</i>	35,00	34,76	19,28	29,87	31,80
<i>Cisl</i>	33,42	29,17	32,83	29,50	29,71
<i>Uil</i>	14,05	16,20	14,45	17,20	16,43
<i>rdb</i>	8,18	1,93	9,25	2,29	2,74
<i>csa</i>	5,09	5,06	16,98	4,42	5,49
<i>ugl</i>	1,76				0,07
<i>diccap</i>		5,05			2,44
<i>inel</i>		4,28			2,07
<i>fed confsal ugl</i>			3,14		0,18
<i>dirp</i>			1,51		0,10
<i>rsu</i>				7,60	3,18
<i>fials confsal</i>				5,78	2,42
<i>Other</i>	2,51	3,55	2,56	3,35	3,36

In addition, if we take into account overall union strength (in terms of total membership) and legitimacy in collective bargaining (actual participation to negotiations at all the different levels), there is a clear prevalence the three major trade unions (Cgil, Cisl and Uil).

Nevertheless, there are also some important autonomous trade unions which represent a notable number of workers in this sector: the most important of which are Confsal and CISAL. Their importance in collective bargaining may also vary locally or according to categories of workers.

#### ***Trade unions in local government and service sector***

	Members	CB	National affiliation	International affiliation
FP (Funzione Pubblica)	75,000*	Yes	CGIL	EPSU, PSI, ETUC, ICFTU
FPS (Federazione lavoratori pubblici e dei servizi)	58.842*	Yes	CISL	EPSU, PSI, ETUC, ICFTU
FPL (Federazione Poteri Locali)	(183,989)**	Yes	UIL	EPSU, ETUC, ICFTU
Cisal	(100.000)**	Yes	-	USSP/CESI
Confsal	(140.278)**	Yes	-	USSP/CESI
RdB Cub	NA	Yes	-	-
Ugl	NA	Yes	-	Eurofedop
Others	NA	Yes	-	-

\* Overall paid membership declared by the organisation to EPSU. \*\* Unverified figures \*\* % of known unionised workers

Overall union density in the sector is about 45% (source : CGIL, CISL).

USSP/CESI also mentions the Confederazione Italiana Sindacati Addetti ai Servizi – CISAS (15.000 members claimed), Confederazione Italiana Lavoratori Liberi – CONFILL (10.000), USPPI (5,000), CONSAP (4,000) as its members. Their role with regard collective bargaining in the sector is very marginal.

## 10. Luxembourg

Due to the small size of the country, local public sector in Luxembourg only concerns the municipalities (*communes*). There were 4.352 blue collar workers in 1998, and 3.193 civil servants and employees in 1999 employed in the 118 local authorities.

### **Collective bargaining**

Collective bargaining follows this demarcation line between civil servants and employees on the one hand, and blue collar workers on the other :

The terms and conditions (all matters dealing with pay, statutes, social issues) of the former are negotiated within a central committee (*commission centrale*) for all municipalities. The output of the negotiations is then transformed in to a law.

As far as blue-collar workers are concerned, collective bargaining directly takes place either at the local level, or sometimes at a multi-municipal level. The case may also arise that some municipalities choose to align the status of their blue collar workers to the one existing at central government level.

### **Employers**

Within the central committee, the delegation of the employer is made of representatives from the municipalities and the ministry of Interior. There is an Association of Luxembourg Towns and Municipalities, which is affiliated to CEMR EP. It does not however play any role in collective bargaining.

### **Trade unions**

At the central committee level, three trade unions negotiate with public authorities representatives on behalf of civil servants and employees:

- Fédération Générale de la Fonction Communale
- *Letzebuenger Chrëstleche Gewerkschaftsbond* (LCGB)
- Fédération Nationale des Cheminots et Travailleurs du Transport, Fonctionnaires et Employés Luxembourgeois – FNCTTFEL

For blue collar workers, the trade unions negotiating collective agreements are :

- *Onofhänge Gewerkschaftsbond Lëtzebuerg* OGB-L Syndicat secteur public
- Fédération secteur public - *Lëtzebuenger Chrëstleche Gewerkschaftsbond* (LCGB)

	Type of workers	Members	Density*	CB	National Affiliations	International Affiliations
<i>FGFC</i>	Civil servants, white collar workers	(3500)* **	(16,38%)*	Yes	-	USSP/CESI
<i>LCGB</i>	Christian civil servants, white and (mostly)blue collar workers	(3000)*	(16,38%)*	Yes	-	ETUC/ICFTU, Eurofedop/Infedop
<i>FNCTTFEL</i> <sup>86</sup>	Civil servants, white collars	(5.888)*	(32,15%)*	Yes	CGT-L	<i>ETUC, EPSU, PSI, ICFTU</i>
<i>OGB-L Syndicat secteur public</i>	Blue collars workers			Yes	CGT-L	<i>ETUC, EPSU, PSI, ICFTU</i>

\* Figures for the public sector as a whole \*\* Source : USSP/CESI

Eurofedop mention the *Confederation générale de la fonction publique – CGFP* as one of its members in local public sector. Although CGFP is a recognised social partner in the central public service, it does not take part to collective bargaining in the local public sector.

<sup>86</sup> Fédération Nationale des Cheminots et Travailleurs du Transport, Fonctionnaires et Employés luxembourgeois

## 11. Netherlands

The sector Local Authorities comprises 175.000 employees, of which the workers in the local public services (15.000 in number) are considered to be an integral part (*Source: Ministerie van BZK, 2001*). The number of public funded companies in the sector Local Authorities, which render local public services, is estimated at 400. To this day, no self-employed (publicly funded) professionals are employed in the sector Local Authorities (*Source VNG/CvA*). At the province level, 12.801 workers were employed.

Over the past 20 years, the local public services in the Netherlands have been decreasing significantly in number. In particular services of an executive nature have been fully or partly transferred from the local public administration to private initiative. However, services of a predominantly political character remain exclusively a matter of concern for the municipal authorities.

### **Collective bargaining**

The terms and conditions of employment for workers in the local public services and local authorities are determined at sectoral level. Social partner organisations of the sector local authorities meet in the National Consultative Body for Employment and Conditions in Local Authorities (*Landelijk Overleg Gemeentelijke Arbeidsvoorwaarden, LOGA*). The Board of Labour Affairs (*College voor Arbeidszaken, CVA*) negotiates with three public servants trade union confederations:

- the General Confederation of Public Sector Personnel (*Algemene Centrale van Overheidspersoneel, ACOP*),
- the Christian Confederation of Educational and Public Sector Personnel (*Christelijke Centrale voor Overheids- en Onderwijzend Personeel, CCOOP*)
- the Confederation of Middle and Higher Personnel employed in the public sector, education, companies and institutions (*Centrale van Middelbare en Hogere Functionarissen bij Overheid, Onderwijs, Bedrijven en Instellingen, CMHF*)

The rules for the bargaining process have been laid down in 1993 in a protocol for the settlement of the terms and conditions of employment of the LOGA (*Protocol voor het Arbeidsvoorwaardenoverleg in het Landelijk Overleg Gemeentelijke Arbeidsvoorwaarden*).

The consultation on the level of local authorities is threefold.

1. The Collective arrangement for the terms and conditions of employment (*Collectieve Arbeidsvoorwaarden Regeling, CAR*) comprises the main issues for the local level and is binding for all local authorities. De CAR is subject of negotiation at sectoral level in the LOGA. Bargaining issues in the CAR involve (amongst others) both procedural and material issues, such as the function and salary structure, the annual wage increase, flexible pension, working hours, sectoral social security arrangements, leave and training facilities.

2. Detailed implementation of what has been agreed on in the CAR, may take place at *local level* in the Local Consultative Body (*Georganiseerd Overleg, GO*). Social partner organisations wishing to participate, other than ACOP, CCOOP and CMHF have to be representative. This decision is a local prerogative (*Source: CAR/UWO*).

Local authorities also have an option to adhere opt for a sectorally agreed Execution Agreement (*Uitvoeringsovereenkomst, UWO*) detailing implementation of CAR-issues. If they choose to do so, the LOGA substitutes the local consultative body (GO) as a platform for negotiations<sup>87</sup>.

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<sup>87</sup> In recent years, a growing number of municipalities has been opting for the execution agreement UWO. This arrangement is gaining significance as a service of the VNG-employers section for its members, as currently 325 municipalities (64%) participate in the UWO. The administrative workload of local negotiating for municipal authorities is most clearly the motive for this trend (*Source: VNG/CVA*).



3. On local level the negotiations take place in the local consultative body (GO) about terms and conditions of employment, of which parties in the LOGA have decided, that for reason of their local character, are not be binding for all local authorities.

While ‘the big four municipalities’ (Amsterdam, Rotterdam, Utrecht and The Hague) are bound by the sectoral agreement with regard to salary, working time and top-up benefits in social security (which have been transferred from the central to the sectoral level)<sup>88</sup>. On other issues, the ‘big four’ have the power to freely negotiate locally with trade unions.

As far as *provinces* are concerned, on basis of the *Sectoroverleg Provinciale Arbeidsvoorwaarden – SPA* (Sector Protocol for the Sectoral Consultation on terms and conditions of employment for the Provinces), the *Interprovinciaal Werkgeversverband – IMV* (Interprovincial Employers League), a body of the *Interprovinciaal Orgaan - IPO* (Interprovincial Consultative Body) negotiates with the public servant trade union confederations. The consultation deals with subjects that can be labelled as sectoral issues. Additionally, parties may agree on other subjects, which are centrally decided on to be sectoral issues. Apart from this, parties have the ability to agree on other issues on which they decide sectoral agreements should be made. The sectoral agreements are binding for the provinces and have to be laid down in regulations by the provincial authorities.

Sector	Employer(s)	Forum	Employees
State	Minister for the Interior	SOR	ACOP, CCOOP, AC, CMHF
Provinces	Interprovincial Employers League (IMV)	SPA	ABVAKABO FNV/NOVON, CFO, CMHF
Local Authorities	Board of labour Affairs (CvA)	LOGA	ABVA/KABO FNV/NOVON, CFO, CMHF

### The employers

The Union of Local Authorities (*Vereniging van Nederlandse Gemeenten, VNG*), aims at concluding agreements with the public sector trade union confederations on the terms of employment for personnel employed in the sector. Furthermore this employers’ association supports her members collectively and individually in their administrative tasks. The VNG is open to membership for municipalities and Regional Cooperations (*Gewesten*). (Source: *Statuten VNG*). Though membership is not compulsory, all municipalities have joined the VNG Acting exclusively on behalf of its 504 members (2001), the representativeness of VNG rates at 100%. It is affiliated to CEMR EP.

At the Province level, the above mentioned IPO is also a member of CEMR EP

### Trade unions

As mentioned above three trade unions take part to collective bargaining at sector level.

Employees	Type of employees	Members		Density		CB	National affiliations	International affiliations
		Provinces	LA	LA	Prov			
ABVAKABO <sup>89</sup>	Public servants (blue collar)	4.743	63.239	34,4%	37,9	Yes	SCO, ROP, FNV	EPSU/PSI, ETUC/ICFTU
CFO	Public servants (blue/white collar)	830	12378	6,7%	2,8	Yes	SCO, ROP, CNV	EPSU, EUROFEDOP, ETUC, INFEDOP
CMHF	Public servants managerial and Professional staff	71	1502	0,8%	0,6	Yes	SCO, ROP, MHP	ETUC/ICFTU, Eurocadres

Until 1998, a fourth union *Ambtenarencentrum – AC* (Centre of Public Servants) also took part to the collective bargaining process. In 1998 however the *Nederlandse Onafhankelijke Vakbond voor de Overheids- en Non-profitsector NOVON*, an AC-union, terminated its membership of the AC and transferred to the ACOP. This shift resulted (also) from relatively low membership figures in the sector Local Authorities. As a

<sup>88</sup> .Central level refers to the level of the public sector as a whole, where the unified sector-employers and the cooperating public servant trade union confederations negotiate agreements.

<sup>89</sup> Formerly ABVA/KABO

result, the AC is no longer party to the protocol of the provinces and local authorities sectors. This is due to the fact that AC membership is unevenly distributed and above all concentrated in local transport of the larger municipalities, which makes the organisation not representative for the broader local authorities as a whole.

The CMHF on its turn managed to keep its position as a partner in collective bargaining, although its share in membership is even lower than the AC. So far, its position has not been overtly questioned by other social partner organisations.

## 12. Portugal

Public service in Portugal is made of a central and regional (without any real autonomy) administration and the municipalities, as well as public utilities. An estimated 102,687 workers (17% of the total number of public sector employees) were employed in local authorities<sup>90</sup> and about 10.000 in the regions.

Industrial relations in the public sector are characterised by collective bargaining, but no collective agreements as such are concluded. All issues in relation to wages and working conditions may be negotiated (with the exception of the very definition of the public sector's attributions and structures). Negotiations rounds are conducted on a yearly basis, at central (public sector as a whole) and sectoral levels. The government directly negotiates with the unions, even if the association representing local authorities is consulted. In the absence of an agreement between parties, and after a possible additional round (to be asked for by unions), the government is entitled to take unilateral decisions. The output of the negotiations automatically covers all employees concerned by their scope. Consultation (so called *participation*) is carried out at national sectoral level mostly within *technical committees*.

### Employers

The ANMP – *Associação Nacional de Municípios Portugueses*, a private law association is the main player representing municipalities in the country. It plays, however, only a limited and indirect role in collective bargaining. It is a member of CEMR EP. Its membership<sup>91</sup> is not known at the time. It represents the generality of the municipal councils (about 308).

The ANAFRE – *Associação Nacional de Freguesias* represents 1.200 of the 1.400 common councils (a kind of sub-authorities; for instance, the council of Lisbon has 152 common councils with elected organs).

In addition, 21 local or regional public companies are members of CEEP through the Portuguese CEEP section. Five of these are in the area of environment; 5 in the transport field; five in the area of ports; 4 who take care of municipality service; 1 involved in the production and distribution of electricity and 1 in the construction area. These employed 13.362 employees. There are not involved local negotiations as collective bargaining is highly centralised (source : CEEP).

### Trade unions

Due to the centralized character of public sector collective bargaining, one may not easily draw the distinction between general purpose public and local government trade unions. The following four trade union have their membership more directly related to the local public sector.

	Type of workers	Members	Density	CB	National Affiliations	International Affiliations
<i>SINTAP – Sindicato dos Trabalhadores da Administração Pública</i>	White and blue collars of the whole central and local Public Administratio	19500	-	Yes	UGT, FESAP	EPSU, PSI, ETUC, ICFTU
<i>STAL – Sindicato Nacional da Administração Local</i>	White and blue collars, professional and managerial staff	54391	-	Yes	CGTP-IN	EPSU, PSI, ETUC, ICFTU
<i>STML –Sindicato dos Trabalhadores do Município de Lisboa</i>	White and blue collars, professional -and managerial staff	5000	-	Yes	CGTP-IN	-
<i>STE – Sindicato dos Quadros Técnicos do Estado</i>	Professional and managerial staff	4670	-	Yes	UGT	ETUC/ICFTU, EPSU/PSI, EUROFEDOP, INFEDOP

<sup>90</sup> Source: IGDAP (1999), *A Administração Pública em Números – 1.º Recenseamento*, vol. I et II, Lisbonne

<sup>91</sup> According to the Portuguese expert, the ANMP did not answer to his numerous contact requests.

In addition, these trade unions also take part to central level public sector collective bargaining

	Type of workers	Members	Density	CB	National Affiliations	International Affiliations
SEP – Sindicato dos Enfermeiros Portugueses	Nurses	20000 +/-	-		CGTP-IN	-
FENPROF – Federação Nacional dos Professores (consists of 5 trade unions: Sindicato dos Professores do Centro, Norte, Grande Lisboa, Sul e Madeira)	Teachers	50000/ 60000 + -	-			ETUCE
F.P. – Federação dos Sindicatos da Função Pública (constituted by de trade unions FP Norte, Centro, Sul and Açores e Madeira and by two other small unions of this sector)	All workers of the Central Administration	45000/ 50000 +-			CGTP-IN	-----

Two unions the *SMAQ - Sindicato Nacional dos Maquinistas* (1000 members, according to USSP/CESI) and the *Associação Nacional de Professores - ANP* (2000 members, according to Eurofedop) are mentioned by both these European organisations as taking part to collective bargaining in the sector. Although it seems they indeed play a limited role with that respect, it is not in the framework of local public sector but rather of education and railway transport.

### 13. Spain

In the Spanish case, Local public services basically include local public administration – local government: Municipalities, Provincial Councils<sup>92</sup>, other public administrations of a lower scope than autonomous communities and autonomous bodies depending of these administrations. As far as local public services (such as cleaning, social benefits, health services, education, professional and training advising, labour insertion, transport, water supply, firemen, etc.) are concerned, there is a a wide variety of situations. In some municipalities or local public bodies some of these services are widely integrated within the administration and therefore industrial relations arrangements are difficult to separate from the wider picture. In many other municipalities, the citizens are given the same services by public or private companies, with staff management very different from the one in the administration. Local government alone employed 456,368 workers in 2000.

#### **Collective bargaining**

In any case there are no central (national) level collective agreements negotiated for local public sector. Instead there are two frameworks, in relation to the two main categories of employees: public servants and workers under ‘normal’ (private sector) labour contracts :

- The terms and conditions of the formers are set in local (ie whose level depends on the relevant entity) so called bargaining ‘tables’ where representatives of the relevant local administrations takes place together with most representative unions<sup>93</sup>. Subsequent agreements have then to be approved by the public authority. Union representatives at higher level (State or Autonomous Communities) are also entitled to participate to the tables.
- The latter on the other hand depends on collective agreement concluded at local level or for a group of smaller municipalities. Contrary to the former, staff delegates/councils may directly negotiate collective agreements.

Actual practices tend to blur the boundaries between these two frameworks: union representatives tend to informally articulate collective bargaining sessions for both kinds of workers, the only difference lying in the subsequent process of ratification, once the agreements have been concluded.

The only exception to this decentralised pattern takes place in some Autonomous communities (ie Basque country, where agreements concluded at that level are considered as framework for lower level collective bargaining. The *‘Acuerdo Regulador de las Condiciones de Empleo del Personal al Servicio de la Administración Local y Foral de Euskadi’*, ‘Agreement for the Regulation of Working Conditions of Workers in the Local and Regional Administration from the Basque Country’, affects both the public servants and the workers under ordinary labour law of the whole local administration in the Basque Autonomous Community, (a total number of about 22,000 workers). This agreement is not directly binding since it must be ratified by the plenary meetings in each town council.

#### **Employers’ organisations**

In relation to the dispersion of collective bargaining in the sector, employers’ responsibility is automatically exercised by each local public administration (ie the staff, human resources or industrial relations departments of the affected administration), except for issues which, in accordance with the law, are in charge of the Parliament, such as wages or public employment vacancies (regulated by the State’s Budget General Act). However, the plenary of the town council or the governing body in the corresponding administration must finally agree.

The *Federación Española de Municipios y Provincias - FEMP*, Spanish Federation of Municipalities and Provinces, must be considered as the general organisation of local public administrations. In 2001 the FEMP

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<sup>92</sup> It should be noted that in Spain, provincial administrations are considered local administration since their Government bodies are elected by municipalities, and their function is to help and co-ordinate municipalities.

<sup>93</sup> That is, union having obtained more than 10% of representatives in the staff delegates/staff councils elections.

gathered 6.826 municipalities (84,17% of the Spanish local entities)<sup>94</sup>. However, its direct participation in the field of industrial relations is actually non-existent, and it works as a lobby before other administrations or it co-ordinates local activities in some concrete areas. FEMP is a member of CEMR EP

At a regional level in the Basque Country, the *Asociación de Municipios Vascos-EUDEL* (representing some 22.000 workers) played a similar role. The two organisations are distinct from each other. Some Basque local administrations belong to FEMP (and to EUDEL too); in general, those administrations are governed by Socialist or Popular (conservative) Parties. A similar picture occurs in Catalonia. In general those local administrations governed by nationalists parties do not belongs to FEMP. EUDEL negotiates a framework agreement with trade unions for the Basque country since 1980.

However, there are contacts and meetings between the FEMP and the most representative unions but they are not regular. There is not any permanent consultancy or management body. Only the setting-up of a table for social dialogue is to be remarked, which has not been permanent. This table has reopened in 2000 with the purpose of setting a reference framework for training, developments and professional careers of local public workers in the process of modernisation of the local administration.

### **Workers' organisations**

In the table below are mentioned trade unions considered as the most representative in the local public sector, according to the Spanish legal framework. Apart from the corresponding federations of the two main unions (*Unión General de Trabajadores – UGT* and *Comisiones Obreras- CC.OO*), two federations of regional unions (*Solidaridad de Trabajadores Vasco-ELA-STV* and *Confederación Intersindical Galega-CIG*), and one small independant union (*Central Sindical Independiente de Funcionarios- CSI-SIF*) take part in collective bargaining.

	Type of workers	Members	Density	CB	National Affiliations	International Affiliations
<i>Federación de Servicios Públicos de la Unión General de Trabajadores -FSP-UGT</i>	Civil servants and workers under labour contract in most local administrations	80.270 (150,399)	17,6%	Yes	UGT	ETUC, ICFTU, EPSU, PSI
<i>Federación de Servicios y Administraciones Públicas de Comisiones Obreras - FSAP-CCOO</i>	Civil servants and workers under labour contract in most local administrations	48.900	10,7%	Yes	CC.OO	ETUC, ICFTU, EPSU, PSI
<i>Sector Nacional</i>						
<i>Administración Local de la Central Sindical Independiente de Funcionarios - CSI-CSIF</i>	Civil servants and workers under labour contract in several local administrations	42.000	9,2%	Yes	-	EPU, EUROFEDOP, INFEDOP, WCL
<i>Federación de Servicios Públicos de Solidaridad de Trabajadores Vascos (ELA-STV)</i>	Civil servants and workers under labour contract in all local administrations, Basque Country	6.810	1,5% <sup>95</sup>	Yes	-	ETUC, ICFTU, EPSU, PSI, UISP
<i>Federación de Administración Pública de la Confederación Intersindical Galega - CIG</i>	Civil servants and workers under labour contract in most local administrations, Galicia	1.000	<1%	Yes	-	-

It should also be noted that in a few number of cases, other small unions, such as *Sindicat de l'Administració de Catalunya*, *Confederació de Treballadors de Catalunya* and *FEP-USO* (the latter are members of Eurofedop) are present in the local public administration. They participate in negotiations especially for workers under labour contract in those municipalities in which they are elected to be present in the 'work council'. There is

<sup>94</sup> Source : <http://www.femp.es/quees/home.html>

<sup>95</sup> FSPS- ELA-STV affiliates 31% of local public sector workers in the Basque Country. This trade-union obtains 51% of the representatives elected by the workers in this Autonomous Community.

no information about the extent of their participation, but we could estimate that they participate in few cases, and especially in small municipalities.

Eurofedop mention a small independant teachers'union as its spanish member. It does not however play any role in collective bargaining in the local public sector.

## 14. Sweden

From an administrative point of view, Sweden is divided in 289 municipalities (*Kommun*), and 21 County (Regional) councils (*Landsting*). Local public sector encompasses primary and secondary education, social services (child and elderly care, etc...), assistance to physically/mentally handicapped persons, energy, protection of the environment, urbanism, refuse collection, road maintenance, etc..., while health services are dealt with at regional level. Together both levels employed about 1.127.400 workers in 2000 (27% of total employment).

Collective bargaining for local public sector in Sweden is a two-stage process. An initial central agreement is concluded at national branch level by the three central employers organisations and the trade union federations<sup>96</sup> affiliated to LO (*Landsorganisation Sverige*), TCO (*Tjänstemannes Centralorganisation*), the blue and white collar confederations, and SACO (*Sveriges Akademikers Centralorganisation*), Swedish Confederation of Professional Associations gathering academic graduate workers. During a second stage two cartels, *Akademikeralliansen* (gathering 19 SACO-affiliated federations), and the "Negotiation Council" for teachers, negotiates additional agreements with the employers at local level. 22 such agreements thus exist.

The coverage rate by collective agreement is near 100%, while overall union density is very high (between 85 and 95%).

### **Bargaining parties in the sector**

Scope	Employers organisations	Trade unions
<i>Region/counties</i>	<i>Landstingsförbundet – LF</i>	<i>Kommunal, SKTF, SSR, Akademiker Alliansen, LEDARNA, Vårdförbundet, Sveriges Läkarförbundet</i>
<i>Municipalities</i>	<i>Kommunförbundet – SK</i>	<i>Kommunal, SKTF, SSR, Akademiker Alliansen, LEDARNA</i>
<i>Local public enterprises</i>	<i>Kommunala Företagens samorganisation - KFS</i>	<i>Kommunal, SKTF, some SACO federations, LEDARNA, SEKO<sup>97</sup></i>

In addition to this, the primary and secondary teachers unions (*Läraryrket and LR*) have created their own negotiating council (*Samverkan rådet*), and conclude distinct agreements together with SK, KFS and LF.

### **Employers organisations negotiating collective agreements**

	Scope	Number of affiliated organisations	Workers	European affiliation
<i>Landstingsförbundet – LF (Swedish Federation of County Councils)</i>	Healthcare (hospitals, dental care, etc)	21	260.000	CEMR EP, CEEP, HOPE, EHMA
<i>Kommunförbundet – SK (Swedish Association of Local Authorities)</i>	Primary and secondary education, social services (child and elderly care, etc...), assistance to physically/mentally handicapped persons, protection of the environment, urbanism,	289	837.600	CEMR EP, HOPE, EHMA
<i>Kommunala Företagens samorganisation - KFS (Swedish Organisation for Local Enterprise)</i>	Energy, refuse collection, road maintenance, tourism, leisure etc	500 <sup>98</sup>	30 000	CEEP

<sup>96</sup> The three Confederations (LO, TCO and SACO) do not negotiate central agreements for the Local Government Sector. Within LO it is Kommunal that negotiates. Within TCO the affiliated unions can negotiate themselves or in cooperation with other unions. E.g last year SKTF and SSR, within SACO, coordinated the negotiations on central agreements. There is also a coordinating organisation called OFR - The Public Employees' Negotiation Council, which on demand assists on negotiations on central agreements.

<sup>97</sup> In addition, Transport, Vårdförbundet, HTF, Civilingenjörsförbundet and Civilekonomerna are counterparts to KFS in the transport subsector as well

<sup>98</sup> It should be noted that an estimated 60% of these are companies in the energy sector



### Trade unions negotiating collective agreements

	Type of workers	Members <sup>a</sup>	Density	CB	National Affiliations	International Affiliations indirect
<i>Svenska kommunalarbetsareförbundet - Kommunal</i>	Blue collar workers in municipalities	599.000 (613 000)	93%	2	LO-S	ETUC, ICFTU, EPSU, PSI
<i>Läraryrket</i>	Primary teachers, Childcare workers	176.100	>90%	1	TCO	ETUC, ICFTU EUROCADRES, EI
<i>Sveriges Kommunaltjänstemannaförbundet, SKTF</i>	White collars, employees and higher technicians	145.100	85%	2	TCO	ETUC, ICFTU EUROCADRES EUREC, EPSU, PSI
<i>Vårdförbundet</i>	Nurses	97.700	>90%	2	TCO	ETUC, ICFTU EUROCADRES PCN, ICM, IAMLT. EPBS, EPSU, PSI
<i>Lärarnas Riksförbund, LR</i>	Secondary teachers	50.600	>90%	1	SACO	ETUC, ICFTU EUROCADRES
<i>Akademiker Alliansen</i> <sup>99</sup> Negotiation cartel gathering 19 member Federations <sup>100</sup> of SACO	Civil and agricultural engineers, pharmacists, dental surgeons, ergonomists, psychologists, physiotherapists, lawyers, economists, etc	46.000	80-95%	2	SACO	ETUC, ICFTU EUROCADRES
<i>Akademikerförbundet, SSR</i> (Negotiation cartel)	Sociologists, caseworkers, Middle and higher executives in local government...	29.400	>90%	2	SACO	ETUC, ICFTU EUROCADRES EPSU, PSI
<i>Sveriges Läkarförbundet</i>	Physicians	27.300	95%	1	SACO	ETUC, ICFTU EUROCADRES WMA. CP, UEMO, UEMS, EFMA -
<i>Facket för Service och Kommunikation, SEKO</i>	Blue collar workers Electricians	13.000 (133 000)	90%	1	LO-S	ETUC, ICFTU, EPSU, PSI
<i>Ledarna</i>	Foreman, middle and higher executives	5.000 (60 910)	>80%	2	-	CEC

<sup>a</sup>. between brackets is the total number of members

<sup>99</sup> In the dental care sector, the *Sveriges Tandläkarförbundet*, member of *Akademiker Alliansen* is affiliated to the Dental Liaison Committee, World Dental Federation -FDI, European Regional Organisation - ERO. In the pharmacy sector, the Swedish Pharmacist Association (Apoteket AB) is affiliated to: European Industrial Pharmacists Group -EIPG, Europharm Forum, International Pharmaceutical Federation -IPF

<sup>100</sup> That is *Agrifack*, *Arkitektförbundet*, *Civilekonomerna*, *DIK-Förbundet*, *Förbundet Sveriges Arbetsterapeuter*, *Jusek*, *Ingenjörförbundet*, *Svenska Kyrkans Personalförbundet*, *SKPF*, *Legitimerade Sjukgymnasters Riksförbund*, *SACOs Tjänstemannaförbundet*, *SRAT*, *Skogsakademikerna*, *Sveriges Civilingenjörsförbundet*, *CF*, *Sveriges Farmaceutförbundet*, *Sveriges Fartygsbefälsförening*, *SFBF*, *Sveriges Naturvetareförbundet*, *Sveriges Tandläkarförbundet*, *Sveriges Universitetsläraryrket* - *SULF*, *Sveriges Veterinärförbundet*, *Svenska Folkhögskolans läraryrket* - *SFHL*.

## 15. United Kingdom

Local governments (SIC code L) includes : Education, Social services, Leisure, Environmental health, refuse collection and disposal, housing, and Fire services. NHS and security services are not included in this list.

### **Employment figures**

	<b>England</b>	<b>Wales</b>	<b>Scotland</b>	<b>Total</b>
1999	1.979.570	152.100	273.800	2.407.469
2000	2.053.450	158.830	276.280	2.490.560

### **Industrial relations and collective bargaining**

Most of local government pay and terms of employment are determined by national voluntary collective bargaining taking place within two National Joint Councils : one NJC for England and Wales (covering round 1.300.000 workers), another one for Scotland (covering round 210.000 workers). They both cover manual and white-collar workers.

However :

- overall provisions originally negotiated at national level may be precised by additional arrangements at local level ;
- About 10% of local councils opted out of national pay bargaining in the 80's and early 90's
- Some services are provided by the private sector, as a result of Conservatives (Compulsory Competitive Tendering) and Labour (Best Value) policies. This mainly concerns domestic and commercial refuse collection, street cleansing, grounds maintenance and school catering in some areas. Although not covered by NJCs, employers taking over such council contract may not easily depart from previously agreed conditions because of legislation protecting employees who transfer from one employer to another.

There is a separate national agreement for craftworkers in local governments (covering 40.000 workers)

There are also separate NJCs for local government chief officers and chief executives.

### **Main NJCs**

<b>NJC</b>	<b>Workers</b>	<b>Employers organisation</b>	<b>Trade unions</b>
Local Government Services (E&W)	1.300.000	Employers Organisation*	Unison, TGWU, GMB
Local government services (Scotland)	220.000	CoSLA	GMB, TGWU, Unison
Craft workers (E&W)	43.000	Employers Organisation*	GMB, TGWU AMICUS (former AEEU) UCATT CSEU
Craft workers (Scotland)	11.000	CoSLA	GMB, TGWU AMICUS (former AEEU) UCATT CSEU
Local Authorities Fire Brigades	41.000	(LAG, CoSLA, Fire Authority for Norther Ireland-FANI)	Fire Brigades Union (FBU) National Association of Fire Officers

\* The Employers Organisation is an arms-length agency of the Local Government Association/Welsh Local Government Association

### **Additional NJCs**

Chief Executives	450	Employers Organisation	ALACE
Chief Officers	5000	Employers Organisation	GMB, Unison

The Northern Ireland Local Government Association is separately affiliated to the NJCs. There are separate arrangements for teachers, firefighters and other local government employees

### Employers organisations

On the employers' side, there are four national organisations appointing representatives to the negotiating bodies :

Name	Acronym	Scope	National affiliations	International affiliations
<i>Local Government Association</i>	LGA	England&Wales	Employer's Organisation	CEMR EP, CEEP
<i>Welsh Local Government association</i>	WLGA	Wales	Employer's Organisation	CEMR EP
<i>Convention of Scottish Local Authorities</i>	CoSLA	Scotland	Employer's Organisation	CEMR EP
<i>Northern Ireland Association of Local Government</i>	NILGA <sup>101</sup>	Northern Ireland	Employer's Organisation Local Government International Bureau	CEMR EP, CEEP

While the Employers' Organisation is the sole negotiating body representing local authorities on NJCs, overall affiliation to CEMR EP is theoretically made through LGIB (of which 6 out of 7 boards of directors' members are appointed by LGA, the remaining one by NILGA<sup>102</sup>). However nominations to the Employer's Platform of CEMR EP are made by the LGA and COSLA direct, rather than through the LGIB. In addition, LGA and the ten regional employers organisations in England and Wales are members of CEEP.

### Main trade unions

On the unions side, three organisations are taking part in collective bargaining at the different levels above mentioned : while traditionally GMB and TGWU were more manual workers oriented, and UNISON represented both blue and white collar workers, this distinction increasingly tends to be blurred. Overall estimation of union density is 61% (union sources). Density ranges widely at local level from 25% to over 90% in individual authorities.

Name	Scope	Members	Overall Density	Union members Density	National affiliations	International affiliations
<i>GMB</i>	Local Government Craftworkers (I) Chief officers	220.000 (II)	8,83	14,48	TUC	EPSU, ETUC
<i>Transport and General Workers Union - TGWU</i>	Local Government Craftworkers Private sector companies providing public services	100.000	4,01	6,58	TUC	EPSU, ETUC
<i>UNISON</i>	Local Government Chief officers Private sector companies providing public services	806.182	32,37	53,06	TUC	EPSU, ETUC
<i>FBU</i>	Firefighters	55.000	2% <sup>103</sup>	3,25%	TUC	EPSU, ETUC, PSI

**Note :** (I) a formerly independent union (the Managerial, Professional Officers Union) recently joined GMB which is now represented on the JNC for Chief Officers. (II) Whole membership of public services section including NHS workers

<sup>101</sup> Formerly Association of Local Authorities of Northern Ireland – ALANI. (Source : [www.belfasttelegraph.co.uk/today/sep06/News/bodytoensure.shtml](http://www.belfasttelegraph.co.uk/today/sep06/News/bodytoensure.shtml))

<sup>102</sup> Additional source : <http://www.lgib.gov.uk/whatis/>

<sup>103</sup> 85% among fireworkers (according to FBU)