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EMPLOYERS' ORGANISATIONS IN THE "CENTRAL PUBLIC SERVICES"**

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## ABBREVIATIONS

CEC: European Confederation of Executives and Managerial Staff

CEEP: European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest

CEMR: Council of European Municipalities and Regions

CESI : European Confederation of Independent Trade Unions

USSP-CESI : The Union of Civil Service Trade Unions of the European Confederation of Independent Trade Unions

CIF: Confédération Internationale des Fonctionnaires (International Confederation of Civil Servants)

EPSU: European Federation of Public Service Unions

ETF European Transport Workers Federation

ETUC : European Trade Union Confederation

ETUCE : the European Trade Union Committee for Education

Eurocadres: Council of European Professional and Managerial Staff

EUROFEDOP: European Federation of Public Service Employees

ICFTU: International Confederation of Free Trade Unions

ICM: International Confederation of Midwives

IE: Education International

INFEDOP : International Federation of Employees in the Public Service

PSI : The international trade union federation Public Services International

UFE : Union of Finance Personnel in Europe

UNI: Union Network International

UNI-Europa: Union Network International - Europa

WCL : World Confederation of Labour

# INTRODUCTION

This report was drawn up within the framework of a study on the institutional representativeness of the social partners in the European Union and the situation of trade unions and employers' organisations in the accession and candidate countries. The study is carried out by the Labour Science Institute of the Catholic University of Louvain [*Institut des Sciences du Travail de l'Université catholique de Louvain, IST*] at the request of the European Commission's DG Employment and Social Affairs (Call for tenders No. VT/2002/83).

This report aims to examine the process of social dialogue and the representativeness of the social partners participating in that dialogue in the "central public services" sector in the countries of the European Union (this study focus on social dialogue and organisations in the countries member of the European Union before the 1<sup>st</sup> of May 2004).

## Context of the study

This study takes place in the context of the European Commission's promotion of social dialogue at Community level.

The question of the representativeness of European organisations emerged within the framework of the promotion of social dialogue at the Community level. In a Communication published in 1993<sup>1</sup>, the European Commission set out three criteria determining the access that employers' and workers' organisations had to the consultation process under Article 3 of the Agreement on Social Policy. According to the terms of this communication, the organisation 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 partners 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.* In 1996, the Commission adopted a consultation document<sup>2</sup>, with the objective of launching as wide as possible a debate in order to find ways to promote and strengthen European social dialogue. Given the fact that the social partners, at European level, were (and still are) in the process of restructuring and accepting new members, the European Commission launched, at that time, a study on the representativeness of interprofessional and sectoral organisations in the European Union. In a new Communication published in 1998<sup>3</sup>, the European Commission set out the means it intended to use to adapt and promote social dialogue at European level. On this occasion, it specifically reasserted the three criteria, laid down in the Communication of 1993, for European organisations to be recognised as representative in terms of the consultation process under Article 3 of the Agreement on Social Policy. The organisations must: (1) *be related to specific sectors or categories and organised at European level; (2) consist of organisations which are themselves an integral and recognised part of Member States' social partner structures and with the capacity to negotiate agreements, and which are representative of several Member States; (3) have adequate resources to ensure their effective participation in the consultation process.* Lastly, in 2002 the European Commission reasserted its commitment to reinforcing the European social dialogue in its Communication *The European social dialogue, a force for innovation and change*<sup>4</sup>. In the respect of the three criteria set up by the Commission, as it was observed in previous studies<sup>5</sup>, *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 Member States;*

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<sup>1</sup> COM(93) 600 final of 14 December 1993, Communication from the Commission concerning *the application of the Protocol on Social Policy*.

<sup>2</sup> COM(96) 448 final of 18 September 1996, Communication from the Commission on *the development of social dialogue at Community level*.

<sup>3</sup> COM(98) 322 final of 20 May 1998, Communication from the Commission on *adapting and promoting the social dialogue at Community level*.

<sup>4</sup> COM(2002) 341 final of 26 June 2002, Communication from the Commission: *The European social dialogue, a force for innovation and change* (summary).

<sup>5</sup> Spineux A., Walthery P. et al., *Report on the representativeness of European social partners organisations*, Report coordinated by the Institut des Sciences du Travail of the Université catholique de Louvain, for the European Commission, Directorate General for Employment, Industrial Relations and Social Affairs, Louvain-la-Neuve, 1998.

*the new rules have not been formulated in a very restrictive manner, they only require employers' and workers' organisations to represent "several" Member States. This relaxation of the implementation condition might pose a demarcation problem in the sense that there is no criterion setting out a minimum number of Member States to activate it.*

Against this background, it is clear that one of the main issues in the moment, for the Commission, will be the enlargement of the European Union and its impact on the process of social dialogue at Community level. The development of social dialogue therefore forms part of the *acquis communautaire*. *The Treaty requires that social dialogue be promoted and gives additional powers to the social partners. The candidate countries are, therefore, invited to confirm that social dialogue is accorded the importance required and that the social partners are sufficiently developed in order to discharge their responsibilities at EU and national level, and to indicate whether they are consulted on legislative drafts relating to the taking over of the employment and social policy acquis... Therefore, the development not only of tripartite structures but also of autonomous, representative bipartite social dialogue is an important aspect for the future involvement of the candidates countries' social partners in the social dialogue activities developed at European and national level*<sup>6</sup>. Enlargement will have consequences on social dialogue, both at intersectoral and at sectoral levels. In particular, it will have consequences on the European social partners and their institutional representativeness. Social dialogue, and employers' organisations and trade unions in the new member states (and in the candidates countries) has not been touched on in this study. The question of the representativeness of the European organisations is consequently limited to the 15 states member of the European Union before the enlargement of the 1<sup>st</sup> May 2004. Research approach and comments on methodology

For the purposes of this study, a network of University researchers throughout the 15 European Union Member States was set up. These researchers are independent of both the European Commission and employers' and workers' organisations. Each researcher was charged with drawing up a report based on a common template. A questionnaire tailored to the specific realities of the public sector was elaborated to that effect (cf. annex). The IST took charge of coordinating the study and drawing up the summaries. The IST wishes to stress its independence with regard to the political consequences and decisions which may be made on the basis of this study.

The research process, in its design, comprises a phase of collection of quantitative and qualitative data on the players and the social dialogue in which they participate, but also an *active approach embracing the building of a consensus, which is an integral part of the process of social dialogue itself*. Thus, whereas in a good number of cases the data collected do not permit total objectification of the role played by the organisations, the contacts made during the data collection and the discussions with the different players concerned should be an *integral part of a process of mutual recognition*<sup>7</sup>. The main sources used within the framework of this study were thus the social players themselves.

As regards delimitation of the scope of the study, two criteria were defined *a priori* with a view to determining the organisations to be taken into account:

- organisations that negotiate at sectoral level;
- organisations that are members of recognised European organisations.

On the other hand, we must stress the methodological difficulty connected with the delimitation of the "central public services" sector. The public sectors in the European Union Member States are organised and structured in starkly different ways. The same can be said about collective bargaining and the action of the social partners. Indeed, the structuring of all public services was implemented independently, and on the basis of quite distinct traditions. The perception of the notion of "central public services" accordingly varies enormously as a result of the wide range of different situations and cultures. In some countries, the notion does not even exist. A more precise description of the issue of the common delimitation of the sector is attempted in the first part of this report.

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<sup>6</sup> *Enlargement of the European Union. Guide to the negotiations. Chapter by chapter*, European Commission, DG Enlargement, June 2003.

<sup>7</sup> *Reply to Call for Tenders VT/2002/83. Studies on the representativeness of the social partners at sectoral level in the European Union and monographs on the situation of the social partners in the candidate countries*, Institut des Sciences du Travail, UCL, 2002.



In this context, we have tried, as far as possible, to respect national realities on the basis of the national reports, while at the same time attempting to take certain common criteria into consideration, but some choices, which may appear arbitrary, have had to be made. In practice, the issue of a common delimitation of “central public services” remains open and unresolved. And it is on the basis of these doubts and uncertainties that we have sought to contribute elements of a response to the description of the social actors that participate in “central public services” social dialogue in member states of the European Union. These methodological problems clearly stand in the way of a definitive reply to the first demand of this study.

The interviews with the organisations and the drafting of the national reports took place during March-June 2003.

Lastly, a few words on the consultation process involving the European social partners. The following organisations have been consulted (they also elected to send us their comments, and those of their members, on the draft report): EPSU, EUROFEDOP, USSP-CESI and CEEP<sup>8</sup>. This consultation took place during the months of November-December 2003. We accordingly received comments on the national summaries, and we have tried to include as many as possible. These observations have been incorporated in different ways, depending on the kind of information received:

- The comments have been inserted in the form of footnotes or in the main body of the text, depending on the kind of information received.
- In tables, changes have been inserted in Italics. In all cases, the changes are easy to see, and the source of the information is identified in a footnote.

Furthermore, in March-April 2004, the general directorates responsible for the public services in each country have also been consulted and their comments have been integrated in this report.

## The national summary reports

The national summary reports presented in this report depict the situation in the 15 European Union Member States, under the following headings:

- For each country, delimitation of the range of activities included in “central public services”, in the institutions, activities, and subdivisions comprised therein.
- Description of the general characteristics of the sector thus delimited, in terms of employment (workforce, trends) and status of workers.
- Overview of the social dialogue at the sectoral level: regulations, structures, principal topics of negotiation, and players.
- Elements concerning the “central public services” employers: who represents the State/employer? Who signs collective agreements?
- Last, a description of the trade union organisations catering to the “central public services” sector: representativeness and recognition of the organisations; participation in collective bargaining; national, European and international affiliations.

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<sup>8</sup> Note that we have received any comments from the CEEP.

# THE CENTRAL PUBLIC SECTOR IN THE EU

## The central public services sector

### Delimitation of the sector

At European level, there is no standard definition of (central) public services. There is even less agreement on a definition that would take into account the dimension of industrial relations in each country<sup>9</sup>. Whereas some concepts pertaining to the public sector or public administrations exist at international level (SNA 1993, ESA 1995, ISIC 1990), the national definitions hardly tally with these. Indeed, public services fall within the sphere of national competence, which is outside the scope of European standards. The countries have their national traditions, resulting in significant differences in public sector structures, collective bargaining mechanisms, and the social partners' organisations (trade unions). It is hence *a priori* impossible to provide a common definition of central public services.

Three remarks, which were present in the introduction to the study on the representativeness of the social partners in the local public services sector (IST, 2001), may usefully be repeated here, given that they still apply:

- A distinction must be made between government administrations, autonomous or semi-autonomous public bodies, and public enterprises.
- A distinction must be made between the various levels included in public services (local, regional, central).
- Last, a distinction must be made between the various sectors of activity included in public services.

It can indeed be observed that, generally, the public services of the Member States are organised both vertically (by degree of centralisation) and horizontally (by function). The same is true for the organisation of collective bargaining in the public services, and for the structure of workers' organisations at sectoral level. For each country, we shall review these three criteria, in order to attempt to define the notion of "central public services".

### *Public administration*

Given the diversity of national situations, we propose to include in the notion of *public services* the sector of *public administrations* and not the entire public sector. Through this choice, we exclude *a priori* public enterprises or public utilities. As regards the latter, there already exist several sectoral dialogue committees at European level (railways, electricity, postal services, telecommunications, transport). Nevertheless, in certain countries it will be difficult to completely exclude certain activities of public utility, to the extent that they are *de facto* part of the central public services.

More precisely, the notion of *public administrations* can be understood in a restricted meaning or in a broad meaning.

In the restricted meaning, this concept includes various types of institutions (Polet, 1996; Auer, 1996; Bossaert, 2001):

- Administrative services directly subordinate to the public authorities, at the service of the executive branch, i.e. the different *ministries* but also the executive *agencies* (particularly numerous and well-developed in Finland, Sweden, and the United Kingdom).
- Bodies that are relatively independent of the Government, set up for the execution of certain tasks (relatively autonomous "specialised" *administrative bodies*). Among these:
  - The *institutions publiques* in France and Greece
  - The *enti pubblici non economici* in Italy
  - The *corps d'intérêt public* and *établissements scientifiques* in Belgium
  - Etc.

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<sup>9</sup> Note that the study does not cover the EU state sector. According to EPSU, the EU state sector should be included in the context of European social dialogue (Source: EPSU consultation).

In the broad sense of the term, the *public administration* consists of the whole public services (excluding the public utilities). In this meaning, the *public administration* includes sectors of activity such as education, health, police, etc. (See below the paragraph regarding to the horizontal structuring)

Note that we have discarded the status of agents (employment under public or private law) as a criterion relevant for defining the different national administrations. Although this criterion could be adequate in some countries, it is definitely not in others (Ireland, United Kingdom). Both statutory workers and contract workers are included in the scope of the study, although the differences pertaining to the two situations are identified.

### ***Vertical structuring***

In order to define the administration levels to be included in the notion of *central public services*, the different government forms in the European Union Member States (federal States, regionalised States, unitary States, decentralised unitary States) must be taken into account (Bossaert, 2001). Depending on these government forms, Polet (1997) devised a classification of the different levels found in administrative structures throughout the European Union. These are the following (cf. document in annex):

- central government
- regional level (with responsibility for passing laws or other legal provisions)
- intermediate level (with administrative or executive functions), sometimes also called regional level
- local level

In addition to the central State level, for federal or semi-federal (regionalised) states it seems useful to distinguish the level referred to here as *regional*, for two reasons: foremost, because in terms of responsibilities, this level carries out tasks that are found at the central level in other countries; but also, because in terms of numbers of employees, a comparison cannot be made if only the federal structure is taken into account for these countries (discussion with R. Polet; Polet, 1996). Thus, it is a matter of including in the scope of our study the following administration levels:

- the *régions* and *communautés* in Belgium
- the *Länder* in Germany and Austria
- the *comunidades autónomas* in Spain

In these countries, public administration and collective bargaining in this sector are moreover generally structured on the basis of these different levels:

- In Belgium, the different negotiation committees (A, B, C) organise negotiations by levels
- In Germany, collective negotiations are structured first of all by status but also by level (federal and *Länder* / local)
- In Spain, there is a negotiation *table* for the State level, one for the autonomous communities, and one for the local collectivities.

In the other countries, public administration is likewise often structured vertically, e.g. in France: fonction publique d'état (State public service) / fonction publique territoriale (territorial public service) / fonction publique hospitalière (hospital public service). It is thus a matter of isolating the central level of public administration in each country. Generally, collective bargaining and trade union structures are also organised vertically (at least partly). Likewise, the European trade union organisations representing the public sector comprise subdivisions that follow the same logic.

Let us note that some unitary States include autonomous regions, e.g. Denmark (Greenland, the Faeroe Islands), Portugal (Azores, Madeira), and Finland (Åland). As these regions may be considered "exceptions" with respect to the overall functioning of these countries, they are not included in the central level of the public service sector.

### ***Horizontal structuring***

Although public services are often structured vertically in the different countries, a horizontal structure (by function or subsector) exists in parallel. In some countries, these subdivisions are particularly marked, e.g. Ireland, Italy, and the Netherlands.

- In Ireland, the following subsectors are distinguished: central government public service, police, defence, education, non-commercial public enterprises, public health, and local government.
- In the Netherlands: central government, judicial apparatus, police, education and science, armed forces, provinces, municipalities, water utilities (Auer, 2001).
- In Italy: revenue agencies, music and arts institutions, non-economic public entities, public research and development institutes, ministries, local and regional administrations, prime minister's office, national health system, public education, universities.

For these countries, it is relatively easy to isolate State administration from other sectors of activity included in public services. In the case of countries in which public services are organised vertically, it is easy enough to identify the central level but some types of activities or functions cannot be isolated from the "administration" function. In Austria, for example, the notion of central public services includes the following activities: government services and public administration, armed forces, police, universities, education, administration of justice, health services. In France, for example, teachers are an integral part of the central public service, different from health sector employees.

Thus, certain categories of activities, like health and education, are part of the State's public administration in some countries but not in others. Moreover, these different subsectors can be found in different administration levels, depending on the country (e.g. education). Whether viewed from the angle of the organisation of public administration, of collective bargaining in the sector, or of trade union organisations, the situations diverge strongly from one country to the next. Among these activities:

- Teaching staff (i.e. teachers, not the entire ministerial staff in the sector), often considered a sector on its own. When this is not the case, it may be represented at different levels. At the European level, it is not integrated among EPSU membership, for instance; it is represented by the European Trade Union Committee for Education.
- Medical staff (i.e. personnel employed in hospitals, not the entire ministerial staff in the sector): wherever it belongs to public administration, it is often also considered a sector on its own, e.g. in France and Italy.
- Police and armed forces: likewise, these are sometimes isolated when collective bargaining is conducted in the public sector. As regards the police, it does not always belong to the same administration level, depending on the countries.
- Prison officers: do not always belong to the same administration level.
- Forestry workers: do not always belong to the same level of administration.
- Judicial personnel: also sometimes considered separately when collective bargaining is conducted. The question should also be addressed of whether the administrative staff of the judicial system (personnel employed in registry offices and court offices) can possibly be differentiated from personnel of the judicial branch itself (judges, etc.).

#### ***Central public services: a common delimitation?***

As we have seen, it is difficult to achieve a common definition for all the European Union Member States.

- The core of the sector, in each country, is the *public administration* sector, which includes administrative services directly subordinate to the public authorities and at the service of the executive branch, i.e. the different *ministries* and *agencies*, as well as the *bodies*, relatively independent from government, set up for the execution of certain tasks (the relatively autonomous "specialised" administrative bodies).
- The range of activities covered by central public services is limited to the administrations linked to the *central government* (State level). Nevertheless, in the particular case of federal or semi-federal countries, the scope of the study also covers the *regional* levels, in the meaning given here to this term.
- Last, although the common basis will be the sector of public administrations, different types of personnel performing specific activities cannot always be isolated (broad sense of the public administration). This is the case for countries in which the public sector is structured vertically. Thus, depending on the country, the notion of central public services may include or exclude certain subsectors, namely teachers, medical personnel, armed forces, police, prison officers, forestry workers, and judicial personnel.

Within this study, we are examining the question of the delimitation of the central public services country by country. We have tried to respect at best the national concepts and realities.

***Delimitation of central public services by country***

Country	Delimitation of central public services
Austria	In Austria, the public sector is structured vertically (federal State, <i>Länder</i> , local). Central public services include both the federal and <i>Länder</i> levels. The following activities are included: government services and public administration, armed forces, police, universities, education, administration of justice, health services.
Belgium	From the vertical point of view, it can be considered that central public services in Belgium cover the federal, community and regional levels. From the functional point of view, they include the ministerial administrations, scientific institutions, and public interest bodies.
Denmark	In Denmark, central public services cover the central administrations (ministries), the legal system, police, armed forces, the national Church, prison officers, research, and forestry workers. This corresponds to the State sector, with the exception of public utilities (railways).
Finland	In Finland, the public sector covers the State sector and the municipal sector. The State sector is made up of the ministries, the central administrative bodies, the judicial system, police, national defence, higher education and research, unemployment administration, transport and communication management.
France	In France, the public sector is made up of the state civil services, regional civil services, and public health. The "central public services" cover the ministries (excluding military personnel, including national education) and public national administrative establishments.
Germany	In Germany, the so-called "direct" public service includes the federal level, the <i>Länder</i> level, the local level, and the federal railways. The federal and <i>Länder</i> levels come under the delimitation of central public services, consisting mainly of: administrations, defence, public security, legal protection, education, social security, etc.
Greece	In Greece, the public sector is made up of the central administration, the regional and the local governments. The central administration is made up of the civil service (ministries, regional government) and the public legal entities.
Ireland	In Ireland, public services consist of the central administration, police, defence, education, health, semi-State agencies, local authorities, and commercial entities. We have limited the notion of central public services to the central administration (ministries), also called "civil service".
Italy	In Italy, public services are subdivided into 11 subsectors: revenue agencies, music and arts institutions, non-economic public entities, public research and development institutes, local and regional administrations, prime minister's office, national health system, public education, and health. We have limited central public services to ministries, Prime Minister's Office, fiscal agencies, state autonomous administrations and firms and public schools and schools of art and music academies.
Luxembourg	In Luxembourg, there is a central and a local level. The central level is made up of general administration, judicial branch, public force, education, church services, and customs.
Netherlands	In the Netherlands, the public sector includes the ministries and agencies, provinces, local authorities, districts (water boards), education, defence, police, judicial system. The State sector (ministries and agencies) makes up the central public services.
Portugal	In Portugal, the public administration is divided in three levels: central public administration, local administrations, and regional public administration. The central level of administration includes the ministries, teachers, medical personnel, police, armed forces, prison officers, and the judicial branch.
Spain	In Spain, the levels of administration are the State, the autonomous communities, the local administrations, and the universities. We consider that the central public services are made of the State and the autonomous communities level. The State sector includes general administration (including prisons, social security, ministries, revenue administrations), security forces, armed forces, administration of justice, and public entities. The autonomous communities include the <i>Consejerías</i> (ministries), public agencies, education (except universities), health, justice, and security forces.
Sweden	In Sweden, public administration is made up of the civil service (State, central administration), local collectivities, and regional collectivities. The State includes foreign affairs, defence, justice, police, central and revenue administration, equipment/infrastructure <sup>10</sup> , social insurance, central employment administration, universities, and cultural services.
United Kingdom	In the United Kingdom, the public sector is made up of the central government, public corporations, and local government. The central government is made up of the civil service (ministries and agencies), armed forces services, and a small part of the public health sector <sup>11</sup> and others. For the Office for National Statistics, the National Health Service trusts can be considered as a part of the Central government.

<sup>10</sup> This sector includes public enterprises

<sup>11</sup> 79,000 employees, versus 1,360,000 employees working in the "national health services trusts"

In summary, we have endeavoured to respect as far as possible the national realities and delimitations. Wherever the notion of central public services is missing, we have nevertheless had to make choices that may appear arbitrary.

Following on from the foregoing comments, it should be emphasised that effecting a number of comparisons between countries may lead to problems of methodological order. For instance, how to compare two sectors that include starkly different subsectors? For one thing, the size of the sector and the number of persons employed are not comparable across countries. For this reason, but also because the nature of the functions carried out may differ substantially, it is difficult to compare both the structure of collective bargaining in the different countries and the representativeness of trade union organisations in the sector under consideration.

## Characteristics of central public services in the EU countries

### *Employment in central public services*

Country	Subsectors taken into account	Employment
Austria	Public administrations and government services (State and Länder), armed forces, police, universities, public education, administration of justice, public health.	422,515 employees <sup>12</sup>
Belgium	Public administrations, scientific institutes, federal, regional and community public interest bodies.	168,260 employees
Denmark	Central administrations, legal system, police, armed forces, national Church, prison officers, research, forestry workers. Including railways (public utilities)	147,800 FTE 183,500 FTE
Finland	Ministries, the central administrative bodies, judicial system, police, defence, higher education and research, unemployment administration, transport and communications	123,000 employees
France	Ministries (excluding military personnel), public national administrative establishments.	2,169,626 employees
Germany	Federal and Länder levels (mainly administrations, defence, public security, legal protection, education, social security, etc. <sup>13</sup> )	2,672,700 employees
Greece	The central administration is made up of the civil service (ministries, regional government) and the public legal entities.	201,043 employees
Ireland	Civil service: ministries	37,200 employees
Italy	Ministries, Prime Minister's Office, fiscal agencies, state autonomous administrations and firms and public schools and schools of art and music academies. + non contractualised staff, non covered by collective bargaining	1,240,222 employees + 505,174
Luxembourg	General administration, judicial branch, public force, education, church services, customs	ND for the central level
Netherlands	Ministries and agencies (State)	106,656 employees
Portugal	Ministries, teachers, medical personnel, police, armed forces, prison officers, judicial branch	560,823 employees
Spain	State and autonomous communities levels: general administration (prisons, social security, ministries, revenue administration), security forces, armed forces, administration of justice, <i>consejerías</i> (ministries of the autonomous communities), public entities, education (except universities), health	1,658,180 employees
Sweden	Foreign affairs, defence, justice, police, central and revenue administration, equipment/infrastructure <sup>14</sup> , social insurance, central employment administration, universities, and cultural services	240,300 employees
United Kingdom	Civil service (ministries and agencies), armed forces services, a small part of the health sector, sundries + National Health Service trusts	818,000 employees + 1,360,000 employees

FTE: full-time equivalent

### *Categories of employees*

Most European Union countries employ personnel with different statuses in their public administrations, some of which are under public law, others are under private law. *Members of personnel employed under public law are generally appointed*

<sup>12</sup> This figure includes around 39,308 civil servants (FTE), working in privately-owned companies.

<sup>13</sup> Including public utility services

<sup>14</sup> This sector includes public corporations.

through a unilateral official act emanating from the administration, whereas other personnel are generally employed on the basis of employment contracts (R. Polet et alii, 2001).

In some countries, the distinction between these two groups is a fundamental characteristic of the sector (Germany, Italy, Austria, Denmark, Luxembourg). In other countries, it makes little difference (England, Ireland). Although the gap between the two statuses is observed to be narrowing in several countries, the distinction still has implications for the workers concerned in terms of collective bargaining, right to strike, protection, etc.

Country	Categories of employees in public services
Austria	There are two types of employees: <i>Beamte</i> (public officials) and <i>Vertragsbedienstete</i> (contract employees).
Belgium	The personnel are subdivided in statutory agents and contract agents. The proportion of statutory agents with respect to contract agents varies depending on the level of engagement, the entities, and the levels of power.
Denmark	There are two statuses in Denmark: statutory public officials, for which employment conditions are regulated both by law and collective bargaining (about 46% of the State sector), and contract staff.
Finland	In Finland there are also two types of status (public officials and contract staff), but out of 120,000 persons employed by the Finnish State, only 20,000 are contract staff.
France	In France, the majority of public sector employees are covered by the general status of public officials.
Germany	In Germany, there are also two statuses: public officials ( <i>Beamte</i> ) and contract staff. In 2001, 35% of the total staff employed in the public sector were <i>Beamte</i> , 4% were professional soldiers, and 62% were contract staff.
Greece	In Greece, around 70% of staff employed in public administration are statutory staff, whereas 30% are employed under open-ended employment contracts. In the central public administration 188,784 people are tenured staff and 12,259 are employed with an indefinite duration. Tenured employees are covered by the public sector collective agreements. Workers with a fixed-term contract of private law as well as public employees with an indefinite duration contract are covered by the private law.
Ireland	From the point of view of status, a distinction is made between civil servants, police, defence forces, employees of local authorities, education, and commercial and non-commercial entities. The distinctions are of minor importance.
Italy	In Italy, non-contract staff includes the police and armed forces, judicial branch, diplomats, prefects, university professors. Other personnel are contract staff, covered by collective bargaining.
Luxembourg	In Luxembourg, civil servants are distinguished from (white-collar) employees and (blue-collar) workers.
Netherlands	In the Netherlands, the greater part of personnel is employed under public law. Formally, statutory civil servants have no right to collective bargaining, but informal negotiation practices exist.
Portugal	In Portugal, staff employed under public status are numerous, whereas staff employed under individual employment contracts are a minority.
Spain	In Spain, there are also two statuses: public official and contract employee. During recent years, a trend towards narrowing the gap between the two statuses has been observed.
Sweden	The Swedish public sector employees are subdivided between public officials in the strict sense (staff employed in the ministries) and others. They have access to collective bargaining, through the mediation of specific organisations.
United Kingdom	In the United Kingdom, there is no specific distinction between positions under public contract and positions under private contract.

## The social dialogue

### Collective bargaining in the Member States

#### *Collective bargaining*

In the different Member States, major distinctions exist as regards participation in collective bargaining in the public services.

In some countries, statutory personnel but sometimes also contract personnel may not participate in collective bargaining. Salaries, for example, are set unilaterally. In Portugal, only contract personnel are covered by collective bargaining. In Luxembourg, regulations applicable to statutory personnel are laid down through legal instruments.

Often, although employment conditions are set by the State, a specific system of industrial relations caters to the public sector. An informal system of negotiation is set in place, and the power of the State may be restrained by an obligation of consultation. In Austria, for example, employment conditions are set unilaterally by the employer, for both *Beamte* (public officials) and contract personnel. Notwithstanding, informal negotiations result in agreements between the State and trade unions. In Belgium, the "trade union status" (1974), which organises relations between authorities and trade unions, covers

both statutory personnel and contract personnel. The State is thus obliged to consult or even negotiate agreements with the trade unions. In Spain, public officials have a limited right to negotiation. In the Netherlands, the government is also obliged to consult the trade union organisations.

In some countries, the different categories of personnel are covered by collective bargaining. In Denmark, statutory public officials and contract personnel are covered by collective agreements. In Sweden, all State employees also have the right to negotiate. This is also the case in Finland, and the United Kingdom (except certain special categories such as high-ranking officials, military personnel, etc.).

Likewise, in Italy all public sector employees are covered by collective agreements except the judicial branch, armed forces, police, diplomats, and university professors.

### ***Centralisation/decentralisation***

Depending on the countries, the social dialogue can be more or less centralised. Thus, it may concern the public services in their entirety (centralised social dialogue), a particular level or subsector (partial decentralisation), or it may be further decentralised, within the central public services themselves, the ministries, agencies or other institutions, or even all the way to the workplace level. Most countries show a combination of these orientations.

In Germany, the social dialogue is highly centralised. In Austria, the social dialogue is also strongly centralised, although elements of decentralisation (by level) have recently appeared. In Belgium, the negotiation combines a very marked centralisation (negotiation for the entirety of the public sector) with elements of decentralisation (negotiation by levels and by sectors). In Spain, although the social dialogue is rather centralised, it also takes place at the different levels of power as well as at local and sectoral levels. In Portugal, there are two levels of negotiations: the central level and the sectoral level.

In Ireland, the social dialogue takes place at the sectoral level or at the department level. In the Netherlands, there is social dialogue also at the central level, but it is predominant at sectoral level; recent developments go in the direction of increasing decentralisation. Likewise, in Italy, negotiation takes place at the central level but also at the sectoral and local level.

In Denmark, negotiation is partially decentralised and takes place at different levels (central, institution, workplace). Likewise in Sweden: the social dialogue takes place at both central and local level; in general, it can be said that the social dialogue is becoming increasingly decentralised. In Finland, the social dialogue is decentralised because although it takes place at national and sectoral level, it also takes place at the level of the agencies. In the United Kingdom, negotiations take place in the agencies and ministerial departments, although certain elements are negotiated at the central level.

## **The social dialogue at European level**

### ***Introduction***

No official sectoral social dialogue is organised at European level as regards central administrations or central public services. Although an informal social dialogue has emerged recently in the public administration sector, a number of obstacles still prevent the setting up of a sectoral social dialogue structure (sectoral dialogue committee), both on the side of employers' representation and that of employees<sup>15</sup>. In addition to these obstacles, it should also be noted that because European standards do not apply when it comes to delimiting the scope of the social dialogue in central administrations, a European structure that would be set up could not match the social dialogue structures in each country (as regards workers' different statuses, the delimitation of activities, the levels to be taken into account) or would take into account very different activities and sub-sectors according to the countries.

- On the employers' side: the question of the representation of the State/employer must be posed, inasmuch as the public authorities are not represented by a European spokesman<sup>16</sup>. Let us further stress that the States/employers are not represented in the scope of the intersectoral dialogue, whereas the agreements reached therein have effects on the

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<sup>15</sup> Talks with R. Polet, IEAP, 06 February 2001.

<sup>16</sup> Except employers that are members of the CEEP, which is both a sectoral and intersectoral European organisation.



workers employed in public administrations. Certain States/employers are nevertheless represented by CEEP and CEMR (at local and regional level for the latter). They are mentioned in the national summaries. The employers of "central public services" are the Ministers and the Directors General responsible for public service. The Directors-General meet on a regular basis (one meeting during each presidency), while the Ministers meet irregularly, depending on the necessity of holding a political meeting and on the wishes and the priorities of the responsible Minister in the current Presidency<sup>17</sup>.

- On the employees' side: there are conflicts in terms of representativeness and mutual recognition between the European organisations representing public sector employees. Public sector employees are represented by three organisations: EPSU, which represent a large part of employees, EUROFEDOP and USSP-CESI, which both represent a lower proportion of agents in the sector. They all demand to take part in the possible set-up of social dialogue at the European level.

### *Meetings of Ministers responsible for public service and meetings of Directors General responsible for public service*

The organisation of the national public services is governed by the principle of subsidiarity. Nevertheless, informal meetings of the Ministers responsible for public service (there is no a fixed frequency for these meetings) and of the Directors General responsible for public service (twice a year) are organised since 1991 in the country holding the presidency of the European Union. The Directors General's work sessions are increasingly integrated in a planning that involves successive presidencies. The Presidency is assisted in its preparation of the meetings of the Directors-General by an extended troika, composed of the Directors-General representing the preceding and the two following Presidencies. The Directorate-General for Personnel and Administration of the Commission and of the European Institute for Public Administration also participate in the troika.

The European Directors General meet regularly, but do not have the status of an employers' organisation. In this respect, it should be noted that some employers of national administrations are represented by organisations that have become members of CEEP (Finland, Denmark, Sweden, Italy)<sup>18</sup>.

Let us also point out that in terms of "representativeness", for countries characterised by an intermediate administration level that can be included in the central level (e.g. Belgium), this level is not necessarily represented by the Directors General and Ministers present during these meetings<sup>19</sup>.

Although occasional contacts took place previously, it is during the years 1999-2000 that formal exchanges were set up between the Directors General of the public services and the European institutions representing employees in the public sector, and hence that an informal social dialogue in the central administrations sector got underway, with the participation of the three aforementioned trade union organisations: EPSU, EUROFEDOP, and USSP-CESI<sup>20</sup>. Note that some disagreements between the three organisations concerning their mutual recognition have, on several times, prevented from organising a meeting in which the three trade union are represented together at the same moment<sup>21</sup>.

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<sup>17</sup> In December 2003, the Ministers and Directors General responsible for Public Administration reasserted their desire to renew the political backing of the informal cooperation in public administration and they set a new Mid-Term Programme, taking into consideration the challenges of enlargement and of the new European constitution (Mid-Term Programme 2004-2005 for co-operation in public administrations, prepared by the troika and discussed with the directors general of the European Union, approved in Rome, on the 1<sup>st</sup> of December 2003)

<sup>18</sup> According to EPSU, the CEEP has also members in the UK. In the UK, the affiliates of the CEEP are dedicated to local authorities and transport. Thus it is not relevant to mention them in this study.

<sup>19</sup> Talks with R. Polet, IEAP, 06 February 2001.

<sup>20</sup> According to EPSU, it is only since the Belgian Presidency of the EU in 2001 that the three organisations have been invited on an equal footing to the troika Director General meetings. Previously, under the French Presidency, EPSU had separate meetings with relevant Directors Generals (Source: EPSU consultation).

<sup>21</sup> Eurofedop mentions, however, that EPSU refused to be present at the troika sessions in Greece (20/06/03) and Rome (03/12/2003) in spite of this declaration (Source: EUROFEDOP consultation).

### *Positions of the European trade union organisations on the construction of a European social dialogue in the public sector*

The development of the social dialogue is a priority for EPSU. The organisation formally demands an official social dialogue in the public sector. The sectoral social dialogue, within the range of activities covered by the organisation, is “hampered by representativeness issues” in certain key sectors, such as that of central administrations.

At the level of central administrations, EPSU has agreed to participate in the informal social dialogue in parallel with USSP-CESI and EUROFEDOP, on condition that the participation of these two organisations does not prejudice the composition of the future official social dialogue<sup>22</sup>. A declaration by the Belgian Director General of the public service was obtained to this effect under the Belgian presidency<sup>23</sup>.

EUROFEDOP likewise demands that the European social dialogue be structured and made official, moving from an informal framework to a formal one. Within this framework, the organisation feels that EPSU aims at securing a monopoly on the representation of employees in the public sector and makes the following demands:

- that this monopoly be broken and trade union pluralism be reaffirmed;
- that EUROFEDOP be recognised as a representative trade union organisation, apt to participate in the sectoral social dialogue;
- that a sectoral social dialogue committee be instituted, within which EUROFEDOP should be proportionally represented.

EUROFEDOP adds that the meetings of Directors General “allow us to believe that the different Directors General, in agreement with the different Minister, favour trade union pluralism”<sup>24</sup>.

CESI recognises that in quantitative terms it represents few members, but feels that its representativeness, partial as it may be, is nevertheless to be taken into account: “the voice of public employees which is heard at the national level must also be heard at the European level, through the organisation they have chosen”. In this framework, CESI denounces the “de facto exclusion from the social dialogue of minorities, and hence the reinforcement of the monopoly enjoyed by certain organisations (...)”. CESI demands:

- the right to recognition of qualified minorities;
- its recognition as a social partner in both the cross-sectoral and sectoral social dialogue;
- in particular, its participation in a European social dialogue for the public service sector.

Indeed, USSP-CESI deems that it fulfils the representativeness conditions decreed by the European Commission<sup>25</sup>.

## **The European trade union organisations and their affiliates**

### **Methodological remarks**

Caution is called for as regards the numerical data presented in this study. We have previously touched on the difficulty of delimiting the range of activities covered by “central public services”. In some cases, this notion being inexistent, we have had to make arbitrary choices. On the other hand, even when the notion exists, it is far from covering the same subsectors from one country to another. This causes real difficulties in comparing the data and resulting interpretations between

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<sup>22</sup> Eurofedop mentions, however, that EPSU refused to be present at the troika sessions in Greece (20/06/03) and Rome (03/12/2003) in spite of this declaration (Source: EUROFEDOP consultation).

EPSU outlines that separate meetings were held between EPSU and the Danish and Italian Directors General for public administration to discuss social dialogue matters on telework and lifelong learning (Source: EPSU consultation).

<sup>23</sup> Talk with Nadja Salson, EPSU, 28 February 2003; EPSU Steering Committee, agenda items, 18 February 2003.

EPSU also mentions that this declaration was reiterated under the Danish Presidency (Source: EPSU consultation).

<sup>24</sup> Talk with Bert Van Caelenberg, EUROFEDOP, 19 February 2003; EUROFEDOP Seminar, Report, Lisbon, January 2000; “Social Dialogue” in the 30 years of EUROFEDOP, 1996.

<sup>25</sup> Talk with Guy Lemoine, 06 March 2003; CESI Resolution on the social dialogue in Europe, Brussels, 25 February 2003.

countries: the data cover different activities and different levels, depending on the countries. The common core sector, namely the State administration (ministries), is very limited in scope, and as regards the other sectors of activity, it is often difficult, if not impossible, to separate the data based on the same breakdown into subsectors.

To correctly read the data presented below, it is essential to take into account the national definitions of central public services in the tables, and to realize that the figures do not cover the same realities. The tables presented below cannot be read in isolation from the tables presented in pages 13-15.

## EPSU

The European Federation of Public Service Unions (EPSU) was founded in 1978 and is a federation of ETUC<sup>26</sup>; at the international level, it cooperates with Public Services International (PSI)<sup>27</sup>. EPSU is recognised as a social partner by the European Commission and participate in the Sectoral Dialogue Committee for Electricity.

EPSU's aim is to "promote the interests of public sector employees and their trade unions in Europe"<sup>28</sup>. It covers the various industries and different vocational categories within the public sector with the exception of postal and telecommunications services, transport and teachers. The Federation's aims are to deal with all aspects concerned with those employed in the European institutions; national, regional and local government authorities; undertakings engaged in the production, distribution and supply of electricity, gas and water; health, environmental and social services; educational, cultural and recreational services; and other bodies that provide services to the public<sup>29</sup>.

EPSU's decision-making structures are:

- The Congress is EPSU's supreme governing body. It meets at least every four years. Each member organisation is represented by a number of delegates determined pro rata by the number of workers in membership. The Congress elects the President, the Secretary General, the members of the Executive Committee, the members of the Steering Committee, and two statutory Auditors.
- The Executive Committee determines EPSU policies between Congresses; it meets at least once a year. It is made up of the President, two Vice-Presidents, the Secretary General, the Deputy Secretary General, a member representing PSI, and members representing the affiliated organisations. The Executive Committee elects the Vice-Presidents, appoints the Deputy Secretary General, promotes gender equality within EPSU's decision-making bodies and delegations, approves the budget and manpower appropriation, deals with decisions concerning affiliations of new members, and determination of EPSU's mandate in the sectoral and intersectoral social dialogue, decides on positions to be adopted vis-à-vis the European institutions, the European employers' organisations, and ETUC.
- The Steering Committee deals with measures to be taken on an urgent or medium term basis designed to implement the policies decided by the Executive Committee. It is made up of the President, the Vice-Presidents, the Secretary General, the Deputy Secretary General, some members of the Executive Committee, and a member representing PSI. It meets at least twice a year<sup>30</sup>.

Four Standing Committees have also been created:

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<sup>26</sup> The EPSU outlines that, following the change made to article 5 of the ETUC constitution at its last Congress (May 2003), all ETUC affiliates should be part of the relevant ETUC industry federations (that is to say, for the state sector, EPSU) (Source: EPSU consultation).

The article 5 of the ETUC constitution mentions that "The European Industry Federations shall be open to all national trade union organisations affiliated to member Confederations. These organisations should be part of the relevant European Industry Federation (...). The European Trade Union Confederation favours the creation and development of European Industry Federations within all spheres of economic and social activity." (ETUC Constitution, amended by the Xth ETUC Congress, Prague, 26-29/05/2003).

<sup>27</sup> Profile of the European Federation of Public Service Unions, EPSU, 13/11/2002.

<sup>28</sup> EPSU Constitution, Preamble.

<sup>29</sup> EPSU Constitution, Article 2.1

<sup>30</sup> EPSU Constitution, Articles 4.1, 4.2, 4.3, 4.4

- Standing Committee on National and European Administration
- Standing Committee on Local and Regional Government
- Standing Committee on Health and Social Services
- Standing Committee on Public Utilities

As regards EPSU membership, the following trade unions may be members:

- all public service trade unions belonging to federations affiliated to ETUC
- the affiliates to PSI within the frontiers of ETUC,
- the other public service trade union organisations within the frontiers of ETUC insofar as they adhere to the following principles: the right to collective bargaining and representation rights; the right to freely elect representatives and elaborate a Constitution and regulations; the right of workers to stop working; and that their affiliation be accepted by the Executive Committee<sup>31</sup>.

#### *Affiliated organisations in the European Union Member States*

Country	Employment in the delimited sector	Organisation	Covered sector	Members	CPS members	CB	National affiliations	European and international affiliations
Austria	422,515 employees <sup>32</sup>	GÖD (of which the FCG and the FSG)	State sector <sup>33</sup>	229,230	229,230	Yes *	ÖGB	Eurofedop <sup>34</sup> EPSU <sup>35</sup> EUROMIL PSI Infedop WCL WTC ISS
Belgium	168,260 employees	CGSP	Ministries, parastatal (among others)	260,000	ND	Yes	FGTB	EPSU ISP
		FSCSP (5 federations among which CCSP)		310,000	45,000	Yes	CSC	Eurofedop Infedop <i>CCSP member of EPSU</i> <sup>36</sup>
		SLFP	6 sectors	68,000	6,400	Yes	CGSLB	EPSU
Denmark	147,800 FTE Incl. Railways: 183,500 FTE	SiK	State	94,300	94,300 <sup>37</sup> 58,880 FTE	Yes	LO	EPSU
		CO II	State	34,100	34,100 29,444 FTE	Yes	FTF	EPSU
		AC	Various	250,300	37,500 41,571 FTE	Yes	AC	EPSU ETUC

<sup>31</sup> EPSU Constitution, Articles 3.1, 3.2, 3.3

<sup>32</sup> This figure includes around 39,308 civil servants (FTE) employed in privately owned companies.

<sup>33</sup> Including certain privately owned companies (representing a very small minority of members - postal services and telecommunications have their own organisations).<sup>2</sup>

<sup>34</sup> Actually, the GÖD consists of several "fraktioner", of which the Fraktion Christlicher Gewerkschafter (FCG), member of EUROFEDOP, and the Fraktion Sozialdemokratischer GewerkschafterInnen, member of EPSU. Thus the affiliations of the GÖG to EPSU and EUROFEDOP are not considered as a double affiliation.

According to EUROFEDOP, the FCG has an absolute majority (Source: EUROFEDOP consultation).

<sup>35</sup> Idem

<sup>36</sup> Since November 2003 (Source: EPSU consultation)

<sup>37</sup> The membership figures for the three Danish organisations include railway workers.

Finland	123,000 employees	Pardia	Various	90,000	58,000 (60,000) <sup>38</sup>	Yes	STTK	EPSU
		VTY	Various	34,220	20,000	Yes	SAK	EPSU
France	2,169,626 employees	Federations of CGT	Various	ND	ND	Yes	CGT	Federations: EPSU
		Federations of CFDT	Various	ND	ND	Yes	CFDT	Federations: EPSU
		Federations of CGT-FO	Various	ND	ND	Yes	CGT-FO	Federations: EPSU
Germany	2,672,700 employees <sup>39</sup>	ver.di	Various	2,683,000	ND	Yes	DGB	EPSU, UNI-Europa, ETF, EF, PSI, EFJ, ITF, UNI
Greece	201,043 employees	ADEDY, of which 56 federations		320,000	175,000	Yes	-	EPSU, ETUC, PSI
Ireland	37,200 employees	IMPACT	Various	46,000	ND	Yes	ICTU	EPSU, UNI, ICFTU and ETUC via ICTU
		PSEU	Various	8,000	ND	Yes	ICTU	EPSU <sup>40</sup> , ICFTU and ETUC via ICTU
		CPSU	Clerical, administrative, managers	13,000	ND	Yes	ICTU	EPSU, UNI, ICFTU and ETUC via ICTU
Italy	1,240,222 employees (+505,174) <sup>41</sup>	Federations CGIL	Various	ND	113,251	Yes		EPSU, ISP
		Federations CISL	Various	ND	172,650	Yes		EPSU
Luxembourg	ND	OGB-L	Health, education, administration	ND	ND	Yes	OGB-L CGT-L	EPSU via CGT-L
Netherlands	106,656 employees	ACOP <sup>42</sup>	Public sector	221,237	22,676	Yes	SCO, ROP, FNV	EPSU, UNI, ISP
		CCOOP	Public sector	102,712	9,013	Yes	SCO, ROP, CNV	Eurofedop, EPSU <sup>43</sup> , Indirectly: WCL
Portugal	560,823 employees	FESAP, of which 11 federations		More than 200,000	125,000	Yes	UGT	EPSU, ISP
		STE	Managers & technicians	24,620	19,710	Yes	UGT	EPSU, Eurofedop, ETUC, Infedop
Spain	1,658,180 employees	FSAP-CCOO	Administration	102,000	60,000-70,000	Yes	CCOO	EPSU, PSI
		FES-CCOO	Health	68,000	59,543	Yes	CCOO	EPSU, PSI
		FSP-UGT	Administrations, health	202,000	105,000	Yes	UGT	EPSU, PSI
		FSP-ELA	Various	20,598	ND	Yes <sup>44</sup>	ELA-STV	EPSU, PSI

<sup>38</sup> Source: EPSU consultation

<sup>39</sup> Includes public utilities.

<sup>40</sup> Source: EPSU

<sup>41</sup> Non covered by collective bargaining.

<sup>42</sup> According to EPSU, AbvaKabo, member of ACOP, is the union that deals with civil servants (Source: EPSU consultation). According to the national report, ACOP, the confederation, deals with the entire public sector and AbvaKabo deals particularly with the provinces and local authorities.

<sup>43</sup> Source: EPSU consultation

Sweden	240,300 employees	SEKO	Workers	116,000	23,200	Yes	LO-S	EPSU, UNI-Europa, PSI, UNI
		OFR	Administration, etc.	600,000	105,746	Yes	Federations: TCO, SACO, LEDARNA	Federations: EPSU, CEC, PSI UNI, UNI-Europe, ITF, ETF <sup>45</sup>
United Kingdom	818,000 employees + 1,360,000 employees (NHS)	GMB	Various	700,000 <sup>46</sup> 200,000 <sup>47</sup>	ND	Yes	TUC	EPSU
		PCS	Employees, management	288,000	ND	Yes	TUC	EPSU
		Prospect	Various	105,000	ND	Yes	TUC	EPSU, Uni-Europa, ETF
		FDA	Senior civil service managers	ND	11,000	Yes	TUC	EPSU
			Senior civil servants	ND	2,500	Yes	TUC	EPSU
		NIPSA	Northern Ireland Public Employees	40,000	20,000	Yes	-	EPSU
		Amicus-AEEU	NHS	730,000 (including private)	ND	Yes	TUC	EPSU
		Amicus-MSF	State sector, NHS	ND	ND	Yes	TUC	EPSU
		Unison	NHS	ND	400,000 in NHS	Yes	TUC	EPSU
		UCATT	Various	110,000 (including private)	ND	Yes	TUC	EPSU
		TGWU	State, NHS	ND	ND	Yes	TUC	EPSU
		RCN	Nurses	ND	ND	(Yes) <sup>48</sup>	-	EPSU
RCM	Midwives	37,000	ND	(Yes) <sup>49</sup>	-	EPSU, ICM		

\* Informal negotiations

FTE: Full-Time Equivalent

EPSU has affiliates in all of the European Union Member States. In some cases, there are dual affiliations with EUROFEDOP: the STE in Portugal, the CCOOP in the Netherlands<sup>50</sup>, and the CCSP in Belgium<sup>51</sup> (since november 2003) are affiliated to the two organisations. In Sweden, the OFR is also affiliated to CEC. In Finland, Greece and Ireland only EPSU has affiliates in the central public services sectors such as they have been delimited. In Austria, Belgium, Denmark, Sweden and United Kingdom, EPSU's representation is very strong. In France, Spain, in Portugal, in Italy and in the Netherlands, its representation is rather strong. In Luxembourg, the representation of EPSU is moderate.

<sup>44</sup> In the Basque and Navarre Communities

<sup>45</sup> Source : EPSU consultation

<sup>46</sup> Including the private sector

<sup>47</sup> In local governments, education, health

<sup>48</sup> Review Body method: recommendations to the Government (see the national summary)

<sup>49</sup> Review Body method: recommendations to the Government (see the national summary)

<sup>50</sup> Source: EPSU consultation.

<sup>51</sup> Source: EPSU consultation.

All EPSU affiliates are involved in the collective bargaining and consultation processes that exist at the national level in the public services sector.

A great number of EPSU affiliates are members, at international level, of PSI.

## EUROFEDOP

EUROFEDOP was created in 1966 as the regional European organisation of the International Federation of Employees in the Public Service (INFEDOP), itself affiliated to the World Confederation of Labour (WCL)<sup>52</sup>.

The aims of EUROFEDOP are the "defence and promotion of the economic and social interests of European workers in the public service, due account being taken of their specific rights and duties"<sup>53</sup>.

EUROFEDOP is made up of the following bodies:

### Decision making bodies:

- The Congress is EUROFEDOP's supreme governing body. It is made up of the members of the Executive Committee, delegates of the affiliated organisations, and Presidents of the Trade Councils. It meets at least every five years, and elaborates and determines EUROFEDOP's position on all questions for which it is directly competent and all questions of a general order, and elaborates action plans for Europe. It nominates the Secretary General.
- The Executive Committee is made up of at least one member per country where there are affiliated organisations, the Secretary General, and other members. Its task is to determine EUROFEDOP's position on all questions submitted to it, to propose the nomination of the Secretary General and all other staff members.
- The Daily Management Board is made up of the President, Treasurer, Vice Presidents, and Secretary General. It meets at least twice a year and, in particular, it is charged with managing EUROFEDOP (according to the resolutions of the Congress and the Executive Committee) and to provide an opinion on affiliation applications.

### Advisory bodies:

- The European Trade Councils
- The Audit Committee
- The specialised Work Groups and non-standing Committees, created by the Executive Committee as needed<sup>54</sup>.

The Trade Councils cover the following branches: defence, finances, health services, justice, local and regional authorities, ministries, police, postal services, and telecommunications<sup>55</sup>.

EUROFEDOP's membership consists of organisations that represent employees in the public service, affiliated to INFEDOP, and located in Europe. In addition, membership is open to trade union organisations that represent the personnel of institutions located in Europe<sup>56</sup>.

### *Affiliated organisations in the Member States of the European Union*

Country	Employment in the delimited sector	Organisation	Covered sector	Members	CPS members	CB	National affiliations	European and international affiliations

<sup>52</sup> 1966-1996, 30 years of EUROFEDOP, Preface, 1996.

<sup>53</sup> Statutes of EUROFEDOP, Article 3

<sup>54</sup> EUROFEDOP Statutes, Articles 8, 9, 10, 11, 12, 14, 15, 17, 18, 23, 24, 25.

<sup>55</sup> 1966-1996, 30 years of EUROFEDOP, Trade Councils' demands, 1996.

<sup>56</sup> EUROFEDOP Statutes, Article 4

Austria	422,515 employees <sup>57</sup>	GÖD (of which the FCG and the FSG)	State sector <sup>58</sup>	229,230 employees	229,230 employees	Yes *	ÖGB	Eurofedop <sup>59</sup> EPSU <sup>60</sup> EUROMIL PSI Infedop WCL WTC ISS
Belgium	168,260 employees	FSCSP (5 federations among which CCSP)		310,000	45,000	Yes	CSC	Eurofedop Infedop <i>CCSP member of EPSU<sup>61</sup></i>
Denmark	147,800 FTE Incl. Railways: 183,500 FTE	KF		80,000	4,000	No		Eurofedop
France	2,169,626 employees	CFTC federations	Various	ND	ND	Yes	CFTC	Federations: Eurofedop
Italy	1,240,222 employees (+505,174) <sup>62</sup>	UGL	Various	ND	3,772	Yes		<i>Eurofedop<sup>63</sup></i>
Luxembourg	ND	LCGB	Administration, health	6,000	ND	Yes	LCGB	Eurofedop ETUC
Netherlands	106,656 employees	CCOOP	Public sector, education	102,712	9,013	Yes	SCO, ROP, CNV	Eurofedop, <i>EPSU<sup>64</sup></i> , <i>Indirectly: WCL</i>
Portugal	560,823 employees	STE	Managers and technicians	24,620	19,710	Yes	UGT	Eurofedop, EPSU, Infedop, ETUC
Spain	1,658,180 employees	CSI-CSIF	Administration, education, health	ND	83,600	Yes	-	Eurofedop, USSP-CESI
		CEM-SATSE	Health	95,000	ND	Yes	-	Eurofedop
		<i>USO<sup>65</sup></i>	<i>Administration</i>	<i>ND</i>	<i>ND</i>	<i>Yes</i>	<i>ND</i>	<i>Eurofedop</i>
United Kingdom	818,000 employees (+ 1,360,000 employees, NHS)	POA	Prison officers	33,500	ND	Yes	TUC	Eurofedop

\* Informal negotiations  
FTE: Full-Time Equivalent

<sup>57</sup> This figure includes around 39,308 civil servants (FTE) employed in privately-owned companies. In addition, the employees of the Land of Vienna are associated at the local level and not the central level. The density of GÖD is thus around 72%.

<sup>58</sup> Including certain privately owned companies (representing a very small minority of members - postal services and telecommunications have their own organisations).

<sup>59</sup> Actually, the GÖD consists of several "fraktionen", of which the Fraktion Christlicher Gewerkschafter (FCG), member of EUROFEDOP, and the Fraktion Sozialdemokratischer GewerkschafterInnen, member of EPSU. Thus the affiliations of the GÖG to EPSU and EUROFEDOP is not considered as a double affiliation.

According to EUROFEDOP, the FCG has an absolute majority (Source: EUROFEDOP consultation).

<sup>60</sup> Idem.

<sup>61</sup> Since November 2003 (Source: EPSU consultation)

<sup>62</sup> Non covered by collective bargaining.

<sup>63</sup> Source: Eurofedop consultation

<sup>64</sup> Source: EPSU consultation

<sup>65</sup> Source: "Certificacion del Ministerio de Trabajo y Asuntos Sociales, 30/09/03", via EUROFEDOP



EUROFEDOP has affiliates in ten countries of the European Union: Austria, Belgium, Denmark, France, Italy Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom. In some cases, there are dual affiliations with EPSU: the STE in Portugal, the CCOOP in the Netherlands<sup>66</sup>, and the CCSP in Belgium<sup>67</sup> (since november 2003) are affiliated to the two organisations. In Spain, CSI-CSIF is also affiliated with USSP-CESI<sup>68</sup>.

In Austria, EUROFEDOP has a very strong representation. In Belgium, EUROFEDOP is also solidly established. In Luxembourg, in the Netherlands and, in Spain, EUROFEDOP has a moderate representation. The organisation is rather weakly represented in Italy, France, Portugal and United Kingdom. But all organisations in these countries are recognised in their countries. In Denmark, the representation of EUROFEDOP is weak and its member does not participate in collective bargaining.

Most of the central public services organisations affiliated to EUROFEDOP participate in the collective bargaining and consultation processes that exist at the national level in the public services sector. This is not the case of the Danish organisation<sup>69</sup>.

At the international level, the members of EUROFEDOP are by definition also members of INFEDOP and the WCL.

**USSP – CESI**

The Union of Civil Service Trade Unions (USSP) is the internal structure of the European Confederation of Independent Trade Unions (CESI), which groups all affiliates covering the public sector as a whole.

CESI, founded in 1990, is a grouping of the free and independent European trade unions<sup>70</sup>. Its aim is to “maintain and improve the living and working conditions of affiliates to its member trade unions. CESI also aims to improve the living conditions of all female and male citizens of Europe.”<sup>71</sup>

CESI is open to the following:

- independent national trade union federations,
- independent European trade union federations,
- independent professional trade unions united at the European level,
- individual and independent national trade unions, to the extent that their umbrella organisation is not already a member of CESI or there is no corresponding independent umbrella organisation.

The prerequisite for admission to CESI is that trade unions applying for affiliation have a democratic constitution, are organised, and act according to these principles<sup>72</sup>.

***Affiliated organisations in the Member States of the European Union***

Country	Employment in the delimited sector	Organisation	Covered sector	Members	CPS members	CB	National affiliations	European and international affiliations

<sup>66</sup> Source: EPSU consultation.

<sup>67</sup> Source: EPSU consultation.

<sup>68</sup> According to EUROFEDOP, the CSI-CSIF is member of EUROFEDOP for Administration and Health and is a member of USSP-CESI for the Education sector (Source: EUROFEDOP consultation).

<sup>69</sup> The KF has submitted a complaint to the Council of Europe, on the basis of the European Social Charter, because KF is not allowed to exercise trade union activities in Denmark (Source: Eurofedop consultation).

<sup>70</sup> CESI, European Confederation of Independent Trade Unions, brochure.

<sup>71</sup> CESI Statutes, Article 3

<sup>72</sup> CESI Statutes, Articles 5.1 and 5.2

Belgium	168,260 employees	UNSP	9 sectors incl. finances and parastate	ND	ND <sup>73</sup>	Yes <sup>74</sup>	UNSI	USSP-CESI UFE
Denmark	147,800 FTE Incl. Railways: 183,500 FTE	FF		24,000	ND	No		USSP-CESI
France	2,169,626 employees	CFE-CGC	Various	ND	ND	Yes	CFE-CGC	CEC CESI
Germany	2,672,700 employees <sup>75</sup>	Dbb/dbb tarifunion	Mainly statutory civil servants	1,223,719	1,100,000	Yes	-	USSP-CESI
		GÖD		ND	ND	No <sup>76</sup>	CGB Dbb- Tarifunion	USSP-CESI <u>via</u> <u>dbb-tarifunion</u>
Italy	1,240,222 employees (+505,174) <sup>77</sup>	CISAL	Various	ND	6,339	Yes		USSP-CESI
		CONFSAL	Various	ND	113,196	Yes		USSP-CESI
Luxembourg	ND	CGFP	Various	24,000	ND	Yes <sup>78</sup>	-	USSP-CESI, CIF
Portugal	560,823 employees	ANP <sup>79</sup>	Education	ND	ND	ND		USSP-CESI
		CGS <sup>80</sup>	Education	ND	ND	ND		USSP-CESI
Spain	1,658,180 employees	CSI-CSIF	Administration, health, education	ND	83,600	Yes	-	USSP-CESI, Eurofedop
		ANPE	Education	45,000	45,000	Yes	-	USSP-CESI

FTE: Full-Time Equivalent

USSP-CESI has affiliates in eight of the European Union Member States: Belgium, Denmark, France, Germany, Italy, Luxembourg, Portugal and Spain. In the case of Spain, CSI-CSIF has a dual affiliation (with EUROFEDOP)<sup>81</sup>. USSP-CESI is strongly represented in Germany and Luxembourg, solidly in Italy, moderately in Spain and weakly in Belgium, France, Portugal and Denmark (in this last case, the member organisation does not participate in collective bargaining).

Most organisations affiliated to USSP-CESI participate in the collective bargaining processes that exist at the national level in the public services sector.

## Trade unions and employers in the Member States

As regards the national trade union organisations (whether members or not of the European organisations presented above) and employers in the European Union Member States, see the national summaries that follow.

<sup>73</sup> 3,379 in the finances sector

<sup>74</sup> In the finances sector

<sup>75</sup> Includes public utilities

<sup>76</sup> Negotiates via dbb/dbb tarifunion

<sup>77</sup> Non covered by collective bargaining.

<sup>78</sup> Results of the negotiations for public employees and civil servants do not lead to collective agreements but are fixed by law (see the national summary)

<sup>79</sup> Source: USSP-CESI consultation

<sup>80</sup> Source: USSP-CESI consultation

<sup>81</sup> According to EUROFEDOP, the CSI-CSIF is member of EUROFEDOP for Administration and Health and is a member of USSP-CESI for the Education sector (Source: EUROFEDOP consultation).

It is worth noting that a study is being carried out by the European Institute of Public Administration (IEAP) and, if it is validated, will deal, among others with this issue. This study will be a synthesis on the structures and the experience of European social dialogue, its impact on public administrations, on the absence of the "State Employers" in social dialogue and on a research of leads in order to organise this representation<sup>82</sup>.

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<sup>82</sup> To be published at the end of the year 2004.

# AUSTRIA

## Delimitation of the sector

Austria has three levels of government: the federal state, the provinces (i.e. the *Länder*) and the local state (cities and municipalities).

As Austria is a federal state, the central public services should cover the federal state and the *Länder*. The scope of the central public services includes several activities whose administration is headed by ministries of the federal state and the *Länder*.

Governmental services and public administration
Armed forces
Police forces
Universities
Public schools
Administration of Justice
Health services

It can be noted that the field of this study should exclude public enterprises and public undertakings and services that have been transferred into private companies (e.g. postal and telecommunication services) but some figures can be difficult to exclude.

## Characteristics of the sector

In 2001 the Austrian central public services employed 422,512 people, which represents a share of 13.7% of Austria's total workforce<sup>83</sup>.

	Federal state			<i>Länder</i>
	FT	PT	Total	Total
Career civil servants	144,129	5,146	149,275	47,211
Contract public employees	38,948	17,321	56,269	92,672
Other employees	787	883	1,670	75,415
<i>Total</i>	<i>183,864</i>	<i>23,350</i>	<i>207,214</i>	<i>215,298</i>

FT: full-time employees

PT: part-time employees

Source: Statistik Austria, Statistisches Jahrbuch 2003

The recent period has been characterised by a **decline** in federal state and *Länder* employment. This reduction of the number of employees reflects the fact that the government is attempting to reach a balanced budget and to make cuts in taxes possible. In 2003, the government has intensified these efforts and decided to stop further recruitment for the federal state. There is also a tendency towards extensive "privatisation" of public sector employment: there has been a transfer of career civil servants to contract public employees and several authorities were transferred into private companies. It can be noted that in 2004 the universities (employing about 19,000 people) will be transferred into independent organisations. Lastly, there is also a tendency towards increasing outsourcing.

There are two kinds of employees in the Austrian public sector: career public servants (*Beamte*) and contract public employees (*Vertragsbedienstete*). These statuses correspond to two types of employment relationships: the career public servants are under the public law and contract public employees are under the private law. In practice, the difference between the two types of employees are not significant: the contract public employees also enjoy strong protection against dismissals, other terms and work conditions are very similar to those laid down by statute for civil servants.

<sup>83</sup> These figures do include career civil servants working now in transferred private companies such as the postal and telecommunication services. These employees correspond to approximately 39,308 civil servants in 2001 (full-time equivalents). Furthermore, there is a growing tendency towards outsourcing and temporary workers and free lancers are not included in these figures.

## Social dialogue in the sector

According to the Law in Austria, the terms of employment for public sector employees are **unilaterally determined** by the responsible authorities; it is the case both for civil servants and for contract public employees. They are excluded from the right to conclude collective agreements.

There are, however, *de facto* **informal negotiations** between the authorities and the public sector unions. The agreements resulting from these negotiations have to be ratified by the authorities.

Until recently, the negotiations were highly **centralised**: the yearly wage negotiations for employees of the federal state, the *Länder* and the local state were conducted jointly. Since the settlement of the coalition government consisting of the ÖVP and the FPÖ, wages have been set **separately** for the three levels of government. In practice, it means that the process of wage determination follows the pattern negotiated at the federal state level<sup>84</sup>. Main **issues** of negotiations are pay and reforms concerning pay systems, the service regulation and the pension system. Besides these negotiations, trade unions are represented in some **advisory committees** (*Ausschüsse*) at federal and *Länder* levels. Generally, trade unions negotiate to maintain the current system and are against the government attempts to “privatise” the public sector employment (see above).

For the moment, negotiators of the Union of the Public Sector (*Gewerkschaft Öffentlicher Dienst, GÖD*) representing the central public services (with the exception of the Land Vienna) complains that *de facto* negotiations have become rituals and that the main negotiating strategy of the government is based on the principle “take it or leave it”. Industrial relations in the public sector in Austria are rather **conflictual**, in comparison to those in the rest of economy. **Subjects of tensions** are cuts in employment, the moderate pay hikes, the organisational transfers and reform of the pension system.

In addition to these negotiations, there is a micro-level social dialogue based on the **staff council** (*Personalvertretung*). The organs of staff representation are the general staff meeting and the local staff councils. This kind of representation is formally disconnected from the trade unions. Therefore it constitutes a dual system of employee representation in the public sector. However trade unions put lists of candidates up for staff council elections. In the case of the central public services, relevant unions in these elections are the GÖD and the GGB (*Gewerkschaft der Gemeindebediensteten*).

## Representatives of employers

Since collective bargaining in the Austrian public sector does not exist formally, there is no employer organisation. The employer representatives are the authorities of the central public services: the government and the parliament for the federal state and the *Länder*. The outcomes of the negotiations need an enactment of the responsible parliament.

The number of ministries and their competencies at federal level often change when a new government is formed. Thus, the responsibility for conducting *de facto* negotiations has changed over time. The competence for negotiations also varies according to the issues and the circumstances.

## Workers' organisations

### The Union of the Public Sector (*Gewerkschaft Öffentlicher Dienst, GÖD*)

The main participant on the trade union's side is the GÖD. Its **membership domain** is almost identical to the delimitation of the central public services. The membership domain still includes the “transferred companies” into private-law. These companies account for a minor share of the total number of members since the most important transfer concerns the postal and telecommunication services whose employees are represented in another union specialised in these services. Otherwise, the GÖD membership domain does not include the public sector employees of Vienna, which is both a *Land* and a municipality. The Union of the Community Employees (*Gewerkschaft der Gemeindebediensteten, GGB*) organise

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<sup>84</sup> It can be noted that the negotiations for the federal state also include the teachers of the *Länder*.

employees for the local level. The two organisations are member unions of the Austrian Trade Union Federation (*Österreichischer Gewerkschaftsbund*, ÖGB). Lastly, a union of teachers for the *Land* Vorarlberg was recently formed as a protest against the GÖD. This union however has not gained importance in terms of representativeness.

In 2002, the GÖD recorded a total **membership** of 229,230 employees. 45.9% of them were career civil servants and 54.1% contract employees. The union density in the central public services (the federal state and the *Länder* minus Vienna) can be estimated at 72.35% for 2001<sup>85</sup>. The union density of the organisation with regard to its own membership domain<sup>86</sup> was about 72.27% in 2001.

There is no right to take part in collective bargaining in the Austrian public sector. Thus there are no formal or informal **recognition** procedures. The GÖD's ability to take part in informal negotiations with the government is based on the representativeness of this union. No other competing unions exist.

The GÖD is **affiliated** at national level to the ÖGB. At European level, the GÖD is member of EUROFEDOP, EPSU and EUROMIL. Actually, the GÖD consists of several "fraktionen", of which the Fraktion Christlicher Gewerkschafter (FCG) is member of EUROFEDOP, and the Fraktion Sozialdemokratischer GewerkschafterInnen (FSG) is member of EPSU. Thus the affiliations of the GÖG to EPSU and EUROFEDOP are not considered as a double affiliation<sup>87</sup>.

At international level, it is affiliated to PSI, INFEDOP (International Federation of Employees in Public Services), WCL, WTC (World Confederation of Teachers) and ISS (Teachers).

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<sup>85</sup> This estimate of the researcher is based on the membership of the GÖD minus the employees of the "transferred" companies (2,400) and the total central public services employment minus the civil servants in these transferred companies (39,307) and the number of public employees of Vienna (69,855).

<sup>86</sup> CPS minus Vienna plus the "transferred" employees except postal and telecommunication services.

<sup>87</sup> According to EUROFEDOP, the FCG (Christian group), has an absolute majority (Source: EUROFEDOP consultation).

# BELGIUM

## Delimitation of the sector

The **public sector** in Belgium is structured horizontally and vertically. Vertically, the public sector incorporates the federal, regional, community, provincial and local authority levels; and in functional terms, it takes in institutions of various types, including administrations, scientific establishments, autonomous public enterprises, autonomous public enterprises and public interest ("para-state") bodies. It also covers "special bodies" (eg the armed forces, the federal police and judges), which are very specific bodies.

Federal level	Federal ministerial departments
	Federal scientific establishments
	Federal public-interest bodies (autonomous public bodies and enterprises)
Communities and regions	Ministries
	Scientific establishments
	Public-interest bodies
	Education Community Commissions
Special bodies	The law and law enforcement
	Council of State
	Provincial Governors, Deputy Governors, Commissioners of <i>arrondissements</i> and regional collectors
	Military personnel Federal police
Provincial and local administration	Local authorities
	Public Centres for Social Assistance (Centres publics d'Aide sociale/Openbaar Centrum voor Maatschappelijk Welzijn, CPAS/OCMW)
	Associations of local authorities Provinces
Legislative powers	The Senate, House of Representatives, Court of Auditors, Court of Arbitration, Council of the Brussels-Capital Region, Parliament of the French-speaking Community, Walloon Parliament, Flemish Parliament, Parliament of the German-speaking Community

Notions of "**central public services**" and the "central public sector" are not articulated in Belgium, but since the Belgian state was federalised, this notion may be said to have embraced two levels of power: the federal level, and the communities and regions.

**At federal level**, the public sector brings together federal ministerial departments, federal scientific establishments, federal public-interest bodies (except for autonomous public enterprises and credit institutions) and the special bodies. The latter have been excluded from the scope of this study as they are covered by separate legislation.

**As far as the regions and communities are concerned**, the public sector includes Ministries, scientific establishments, public-interest bodies, education and the Community Commissions. The Community Commissions have been excluded from the scope of this study. Due to the complexity of its organisation, among others from the point of view of the collective bargaining, education has also been excluded from the scope of the study.

In summary, **the scope** of this research covers:

Federal level	Federal ministerial departments
	Federal scientific establishments
	Federal public-interest bodies
Communities and regions	Ministries
	Scientific establishments
	Public-interest bodies

## Characteristics of the sector

The most recent available statistics on **staffing levels** in “central public services” relate to the situation at 1 January 2001, that is to say prior to implementation of the “Plan Copernic” (Copernicus Plan), which was designed to modernise the federal public administration. Altogether, the sector accounts for 168,260 people: of these, 53% work in ministerial departments, 2.2% in scientific establishments and 45% in public-interest bodies.

	Number of employees*
<b>Federal level</b>	
Ministerial departments	62,188
Scientific establishments	3,410
Public-interest bodies	20,380
<i>Total</i>	<i>85,978</i>
<b>French community</b>	
Ministries	4,178
Scientific establishments	-
Public-interest bodies	6,942
<i>Total</i>	<i>11,120</i>
<b>German-speaking community</b>	
Ministries	171
Public-interest bodies	89
<i>Total</i>	<i>260</i>
<b>Brussels-Capital Region</b>	
Ministries	1,343
Public-interest bodies	10,299
<i>Total</i>	<i>11,642</i>
<b>Walloon Region</b>	
Ministries	9,839
Public-interest bodies	11,534
<i>Total</i>	<i>21,373</i>
<b>German-speaking Community and Region</b>	
Ministries	11,278
Scientific establishments	304
Public-interest bodies	26,305
<i>Total</i>	<i>37,887</i>

\* Source: *Aperçu des effectifs du secteur public* (Overview of staffing levels in the public sector). Study carried out by the General Administration Service. The situation as at 1 January 2001. It is noteworthy that the figures contained in the study pose a number of problems linked to the absence of a uniform method of comparing not only federal and non-federal public services, but also the various non-federal public services themselves. In federal services, the statistical unit is the member of staff as a physical unit employed full-time or part-time, and effectively working or not working.

Employed staff are divided into **statutory workers** and **employees working under contract**. The law requires that public employees should be recruited under statute, and not under contracts, but exemptions to these rules are quite often permitted. The percentages of statutory and contractual staff vary according to the levels of recruitment, the bodies and the levels of power: in ministerial departments, 75% of staff are statutory and 25% are contractual.

## Social dialogue in the sector

The phrase “**trade union status**” (“statut syndical”) is used to describe the system of collective industrial relations conducted in the public services in Belgium. The legislation that established the trade union status (the Law of 19 December 1974) organises relations between the public authorities and the trade unions: trade union status is applied to permanent employees, trainees, and temporary and auxiliary staff, and also includes staff recruited under contracts of employment<sup>88</sup>.

<sup>88</sup> Some employees, including members of the armed forces, staff at the Court of Auditors, police force personnel, and employees in autonomous public enterprises are not covered by trade union status. These workers come under a range of schemes, including the system of collective agreements applied in the private sector, their own special trade union status, and a status that is comparable to trade union status. For the purposes of this study, all staff are covered by trade union status.



**Negotiations** in the Belgian public sector are conducted on various committees:

- Committee A, which covers all public services;
- Committee B, which deals with federal, community and regional services;
- the 19 sectoral Committees.

It follows that negotiations combine very considerable centralisation (Committees A and B) and elements of decentralisation.

Negotiations focus on the **following issues**: administrative status, pecuniary status, the pension scheme, relations with trade unions, regulatory provisions, internal measures, working time and work organisation, and minimum rights (family benefits, workplace accidents, occupational diseases and pension entitlements). A recurrent theme on Committee A is trade union status itself. For many years now, the Flemish government has been trying to extend its autonomy with regard to public sector regulation. Some measures open the way to further regionalising negotiations, for example, on working time and pay rises. Negotiations on intersectoral social planning also take place every other year on Committee A.

The outcome of negotiations is the **protocol**: this incorporates a value of political commitment.

**Concertation**, that is to say a policy of consulting the actors before decisions on current organic issues are reached, takes place on concertation committees (eg higher committees, intermediary committees and base committees). "Welfare" at work in the public sector is determined in concertation exercises.

The organisations that represent public service workers may be representative or registered. **Representative** organisations may sit on negotiating committees. The representative organisations that sit on Committees A and B are:

- the General Confederation of Public Services (Centrale Générale des Services Publics/De Algemene Centrale der Openbare Diensten, CGSP/ACOD);
- the Federation of Christian Public Service Unions (Fédération des Syndicats Chrétiens des Services Publics/Federatie van de Christelijke Syndicaten der Openbare Diensten, FSCSP/FCSOD);
- the Free Trade Union of Civil Servants (Syndicat Libre de la Fonction Publique/Vrij Syndicaat voor het Openbaar Ambt, SLFP/VSOA).

The organisations deemed representative to sit on sectoral committees are:

- the General Confederation of Public Services (Centrale Générale des Services Publics/De Algemene Centrale der Openbare Diensten, CGSP/ACOD), for all sectoral committees;
- the Federation of Christian Public Service Unions (Fédération des Syndicats Chrétiens des Services Publics/Federatie van de Christelijke Syndicaten der Openbare Diensten, FSCSP/FCSOD), for all sectoral committees;
- the Free Trade Union of Civil Servants (Syndicat Libre de la Fonction Publique/Vrij Syndicaat voor het Openbaar Ambt, SLFP/VSOA), for all sectoral committees;
- the National Public Services Union (Union Nationale des Services Publics/Nationale Unie der Openbare Diensten, UNSP/NUOD), for one sectoral committee.

Some organisations are also **registered**. When they are registered, they are allowed, for example, to intervene with the authority covering the services for which they have obtained registration, assist employees, and post opinions in workplaces; they also sometimes take part informally in negotiations and concertation exercises. It should be borne in mind that the issue of representativeness is a source of tension between the actors. The Public Sector Study and Reform Group (Groupe d'Etude et de Réforme de la Fonction Publique, GERFA), which is registered but not representative, is particularly doubtful about the representativeness of the SLFP/VSOA.

## Elements relating to employers

Public authorities may be represented in negotiations by Ministers, or by members of mandated ministerial cabinets and/or senior civil servants. The protocols are signed by Ministers, or by members of ministerial cabinets and/or senior civil servants. There is no organisational structure that brings central public sector employers together.

## Workers' organisations

### **General Confederation of Public Services (Centrale Générale des Services Publics/De Algemene Centrale der Openbare Diensten, CGSP/ACOD)**

The CGSP/ACOD is the FGTB/ABVV's professional confederation. It has almost 260,000 members (2003 figures), and is made up of ten sectors including:

- the Ministries sector, which recruits "employees working in a range of jobs in federal, community and regional Ministries";
- the para-state sector, which covers public-interest bodies that come under the federal state, the communities and the regions. "Administrative, technical and managerial staff at the Free University of Brussels and in the banking sector, and Walloon staff working on motorcar technical inspection" may also join this sector.

In 1980, in the wake of the state reform, the CGSP/ACOD set up the Walloon Inter-regional (Interrégionale Wallonne, IRW-CGSP), the Flemish Inter-regional (Vlaamse Intergewestelijke, VLIG-ACOD) and the Brussels Region (Région de Bruxelles, RB/CGSP-ACOD).

The CGSP/ACOD realises the strategic significance of its membership in "central public services", and has refused to reveal numbers.

The CGSP/ACOD is a member of the European Federation of Public Service Unions (EPSU) and, at world level, of Public Services International (PSI).

### **Federation of Christian Public Service Unions (Fédération des Syndicats Chrétiens des Services Publics/Federatie van de Christelijke Syndicaten der Openbare Diensten, FSCSP/FCSOD)**

This federation is the umbrella body for five public sector organisations affiliated to the CSC/ACV. They include:

- the Public Services Christian Union (Centrale Chrétienne des Services Publics/Christelijke Centrale van de Openbare Diensten, CCSP/CCOD), which recruits staff in federal, regional and community Ministries and public-interest bodies and in special bodies, in universities and state schools in provinces and local authorities, and in transport.

The CCSP/CCOD focuses its activities on the shared interests of public sector employees; these include the basic components of the status, general pay policy, minimum rights, the collective industrial relations system, and union dues collected at source.

Altogether, the FSCSP/FCSOD has almost 310,000 members; the CCSP/CCOD has 45,000 members in Ministries and para-state and para-regional bodies.

The CCSP/CCOD is affiliated to the European Federation of Public Service Employees (Eurofedop) and to the International Federation of Employees in Public Services (Infedop). Recently, it has become a member of EPSU<sup>89</sup>.

### **Free Trade Union of Civil Servants (Syndicat libre de la Fonction Publique/Vrij Syndicaat voor het Openbaar Ambt, SLFP/VSOA)**

The SLFP/VSOA is part of the Federation of Liberal Trade Unions of Belgium (Centrale Générale des Syndicats Libéraux de Belgique/Algemene Centrale der Liberale Vakbonden van België, CGSLB/ACLVB). It is made up of six sectors, including:

- Group III, which "defends the interests of workers employed by the federal, regional and community authorities, and by institutions that come under them";
- the Finance Group, which is restricted to employees of the Federal Finance Public Service, and of associated administrations and para-state bodies.

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<sup>89</sup> EPSU Executive Committee of the 25-26 November 2003 (Source: EPSU consultation).

In all sectors, the SLFP/VSOA has about 68,000 members, of whom almost 6400 work in “central public services”.

The SLFP/VSOA is a member of the European Trade Union Confederation (ETUC) through its affiliation to the CGSLB/ACLVB. It has also sought to join the European Federation of Public Service Unions (EPSU): this application was ratified by the EPSU Executive Committee on Friday 25 April 2003.

### National Public Services Union (Union national des Services Publics/Nationale Unie der Openbare Diensten, UNSP/NUOD)

The UNSP/NUOD is a member of the Nation Union of Independent Trade Unions (Union Nationale des Syndicats Indépendants/Nationale Unie van Onafhankelijke Vakbonden, UNSI/NUOV), and argues for “autonomous trade unionism”. It is made up of nine sectors including:

- NUOD Sector Financiën (NUOD Finance Sector);
- UNSP Secteur Finances (UNSP Finance Sector);
- Social para-state bodies

The UNSP has refused to notify either its total membership or its membership in the “central public services”. Firstly the organisation thinks that membership figures are not a fair criterion of the true representativeness of a trade union. That is why it campaigns for the organisation of “social elections” in the public sector. Secondly, the UNSP outlines that the membership is a strategic information that allows to know indirectly the financial means of a trade union organisation. Lastly, The UNSP states that “ it is not uneasy to give figures that won't be checked and that do not give any information about sectors of activities.”

The finance sector is the only sector in which the UNSP/NUOD is recognised as a representative trade union: it claims a minimum of 3379 members, which corresponds to the minimum threshold of 10% that is required to be a representative trade union.

At European level, the UNSP/NUOD is a member of the USSP-CESI, and is a founder member of the Union of Finance Personnel in Europe (UFE).

#### Recapitulation:

Organisation	Structure/Type of membership	Total membership*	Membership in central public services	CB**	National affiliations	European and international affiliations
CGSP/ACOD	10 sectors , including the Ministries sector and the para-state sector	260,000	ND	Yes	FGTB/ABVV	EPSU PSI
FSCSP/FCSOD	5 organisations in the public sector, including the CCSP/CCOD	310,000	45,000	Yes	CSC/ACV	Eurofedop Infedop <i>CCSP member of EPSU<sup>90</sup></i>
SLFP/VSOA	6 sectors, including Group III and the Finance Group	68,000	6400	Yes	CGSLB/ACLVB	EPSU ETUC via CGSLB/ACLVB
UNSP/NUOD	9 sectors, including UNSP Finances, NUOD Financiën and Social para-state bodies	ND	ND (3379 in the finance sector)	Yes (in 1 sector)	UNSI/NUOV	USSP-CESI, UFE

\* Education included

\*\* Participates in collective bargaining

<sup>90</sup> Since November 2003 (Source: EPSU consultation)

# DENMARK

## Delimitation of the sector

The **public sector** in Denmark, as a whole, can be divided, both horizontally and vertically. It consists of four categories: central administration, regional and local administrations, public services and public utilities.

The horizontal structuring of the public sector includes:

Public services	Mainly education, health care, social security
Public utilities	Public transports, water supply, etc.

Activities excluded from the public sector are the following: telecommunications (even if a small group of statutory civil servants are still covered by collective bargaining in central public services), Copenhagen Airport and parts of public transports. The rail transport sector is still included in the public sector, except units that have been privatised. Postal services have recently been excluded from the collective bargaining in the public services.

The vertical structuring of the public sector corresponds to the collective bargaining structure. The public sector is divided between the central state level and the municipal / regional level:

Central administration	State administration, legal system, police, armed forces, diplomatic corps, universities
Regional and local administrations	Functions provided at this level

Following the methodological lines presented previously, the **central public services** in Denmark include activities falling within the category of *central administration* and some which fall within the category of *public services*.

Central administrations: Ministries, (administrations and other institutions under the Ministries) 18 Ministries: The Prime Minister's Department; Foreign Affairs; Finance; Economic and Business Affairs; Justice; Employment; Social Affairs; Interior and Health; Environment; Culture; Education; National Church; Refugees, Immigrants and Integration; Transports; Foods, Agriculture and Fishery; Taxes; Defence; Science, Technology and Innovation
The legal system
The police force
The armed forces
The national church
The prison staff
Advanced studies and research
Forestry workers

Excluded from this definition are the following activities:

- School teachers: public school teachers belong both to the local / municipal sector (primary and lower secondary school) and to the regional / county level (upper secondary level of education).
- Health care is also under the responsibility of municipalities (primary health care) and counties (hospitals)
- Public utilities

Briefly, the central public services can be defined as the state sector from which public utilities are excluded (railways).

## Characteristics of the sector

The total employment in the **public sector** is the following (full-time equivalents)

State sector	183,500
Counties	141,700
Municipalities	397,700
Total	722,900

Source: Danmarks Statistik, 2002

In 2002 the whole **state sector** employed 183,500 people. At the same period, employment in the **central public services**, given in full time equivalents, was 147,800. It is divided up among these main categories:

Education, research, culture	49.5%
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Defence, police, judicial system	33.0%
Administration	17.6%

Source: Ministry of Finance: Collective bargaining database, 4<sup>th</sup> quarter 2002; and Personalestyrelsen (The State Employer's Authority, Ministry of Finance): Statens personale i tal, November 2002 (Statistics on the state personal)

Note: Following the definition given above, public utilities (Danish railways, telecommunications, the postal services) are excluded from the figure

There are two statuses for employees working in the state sector. The **statutory civil servants status** means that the terms of employment are based both on legislation and on collective bargaining. Statutory civil servants are not legally entitled to take industrial action, they are covered by a statutory pension scheme, they have the right to organise and negotiate and they are covered by the Central Government Agreement on Cooperation and Cooperation Committees. Around 36% of the employees in the whole state level sector have a statutory civil status. Their number is declining: they were 44% in 1996 in the state sector (this figure includes employees in the railways). In the future, this status will be limited to judges, policemen, military personnel, priests, high level civil servants (the core groups). In the Central public services, statutory civil servants represent 34.5% (2002)<sup>91</sup>.

**Contractual staff** constitute the rest and their terms of employment are based on collective bargaining. The collective bargaining system is, in principle, the same as in the private sector.

## Social dialogue in the sector

The social dialogue in the state sector and generally in the public sector covers both the statutory civil servants and the contractual employees. Every three years (it used to be every two years), **collective bargaining** is conducted in the state and in the regional / municipal sectors.

Signing collective agreements can take place at different **levels** and between different **players**:

- The main agreement for statutory civil servants is concluded by the Minister of Finance (represented by the State Employers' Authority) and the CFU (The Danish Central Federation of State Employees' Organisations / Centralorganisationernes Fællesudvalg). The main agreement for contractual staff is concluded by the Ministry of Finance and the four central organisations StK, CO II, AC and LC/OC<sup>92</sup> which together form the CFU.
- Main agreements with other central government employers are concluded with central organisations or their affiliates
- Specific "organisation agreements" can be concluded by the Minister of Finance or the individual state institution / company and an individual trade union. They cover members of a specific trade union and mainly focus on wages and working time.
- Local agreements are concluded by the local branches of state institutions / companies and the shop stewards at the workplace level

**Issues** discussed in negotiations are wages, working time and working conditions. Collective agreements are **applied to all** employees and not only to trade unions members (i.e. the principle of *arga omnes* applies). **Unionisation** in the sector is about 95% and **coverage rate** is about 100%.

<sup>91</sup> Calculation of the researcher on the basis of figures coming from the Personalestyrelsen: Statens personale i tal, 2002.

<sup>92</sup> StK: Association of the Danish State Employees' Organisations / Statsansattes Kartel

CO II: The Public Servant Trade Union / Statsjænestemændenes Centralorganisation II

AC: Danish Confederation of Professional Associations / Akademikernes Centralorganisation

LC: The teachers' Central Organisation / Lærernes Centralorganisation

OC: Overenskomstansattes Centralorganisation

LC and OC are two central organisations but have one seat together in the CFU

## Representatives of employers

The only employer in central public services in Denmark is the **Minister of Finance**, who signs collective agreements. The Minister is represented by the **State Employers' Authority** (Personalstyrelsen). This agency has to:

- Administer responsibilities such as wages, pensions, personnel and Management policy
- Conclude collective agreements
- Provide advice to ministries and agencies

The State Employers' Authority is member of the CEEP.

### *Central agreements concluded by the State Employers' Authority*

StK joint agreement	38 organisation agreements*
CO II joint agreement	12 organisation agreements 2 individual agreements**
LC/OC joint agreement	13 organisation agreements 1 individual agreement
AC joint agreement	6 individual agreements

Source: Personalstyrelsen: Statens personale i tal, nov. 2002, p. 14

\* Organisation agreement: agreement for a single organisation covering wage, working time, overtime, etc.

\*\* Individual agreement: agreement that covers special issues for one professional group such as hospital doctors.

## Workers' organisations

The majority of trade unions in the public sector are gathered in three national trade union confederations, all of which are affiliated to the ETUC:

- LO (the Danish Confederation of Trade Unions / Landsorganisationen i Danmark) at national level affiliates the StK (Association of the Danish State Employees' Organisations / Statsansattes Kartel). The StK is one of the six cartels under LO.
- FTF (the Confederation of Salaried Employees and Civil Servants in Denmark / Funktionærerne og Tjenestemændenes Fællesråd), whose 75% of its affiliates are public employees, include two central organisations for the state sector: CO II (The Public Servant Trade Union / Stats tjenestemændenes Centralorganisation II) and LC/OC (LC: The teachers' Central Organisation / Lærernes Centralorganisation – OC: Overenskomstansattes Centralorganisation)
- AC (The Confederation of Professional Associations / Akademikernes Centralorganisation) is both a federation and a confederation.

### *Summary table :*

Organisation	Structuring / kind of members	Number of members in the state sector*	Number of full-time equivalent employees affiliated in the state sector	CB**	National affiliations	European and international affiliations
StK <sup>93</sup>	34 affiliated unions Statutory civil servants and contractual staff; prison staff; forestry workers; army corporals, etc.	94,300	58,880	Yes	LO	EPSU
CO II	25 affiliated unions	34,100	29,844	Yes	FTF	EPSU

<sup>93</sup> The Danish Association of Managers and Executives - Ledernes Hovedorganisation (LH) have 85,000 members of which 8,000 members in the whole public services (we do not have the figure for the central public services). LH is considered as a National Confederation itself, but is nevertheless member of the organisation StK and thus member of the negotiation cartel CFU. This organisation is member of the CEC at European level.

	Statutory civil servants and contractual staff; police force; teachers at business schools, etc.					
LC/OC	Statutory civil servants and contractual staff; professional soldiers, etc.	18,700 OC: 8,200	23,098	Yes	FTF	None
AC	Statutory civil servants and contractual staff; judges; economists; lawyers; officers, etc.	37,500***	41,571***	Yes	Is a national confederation	EPSU ETUC

Source: Ministry of Finance: collective bargaining database, 4<sup>th</sup> quarter 2002

\* These figures include the postal employees (about 20,000 full-time equivalent, not covered by collective bargaining between the Ministry of Finance and the CFU), the hospital area, the pensioners, the part-time workers, in opposition to the following column (employees).

Source of these figures: the CO's

\*\* Takes part in collective bargaining

\*\*\* The difference between these two figures is due to overtime worked by employees but also to the fact that some employees that are not members of the AC unions are covered by agreements signed between the Ministry of Finance and the CFU. That is why the number of members can be less than the number of employees in the sector.

These four organisations are members of the CFU.

Concerning the federations members of EPSU, see the table below. 10 StK members are individual members of EPSU. StK represents the rest group of 18 member organisations in EPSU. AC is represented by one of its member unions, the lawyers and economists association, DJØF.

**Individual union members of EPSU :**

Organisation	National affiliates <sup>94</sup>	Members in the sector	Type of employees	Collective bargaining	National affiliation
Danish Federation of Salaried Employees – Dansk Funktionærforbund – Serviceforbundet (DFF-S)	22,001	1,643	White-collar, salaried employees	Yes	StK, LO
The Danish Trade Union of Public Employees – Forbundet af Offentligt Ansatte (FOA)	194,841 <sup>95</sup>	416	White-collar, blue-collar	Yes	StK, LO,
Union of Commercial and Clerical Employees in Denmark/State division - (HK/Stat)	42,000 <sup>96</sup>	35,959	White-collar, salaried employees	Yes	StK, LO
General Workers Union in Denmark – Specialarbejderforbundet i Danmark (SiD)	317,625	23,689	Blue-collar	Yes	StK, LO
Women Workers Union in Denmark – Kvindeligt Arbejderforbund i Danmark (KAD)	78,830	2,500	Blue-collar	Yes	StK, LO
The Danish Union of Metalworkers - Dansk Metal	135,043	5,100 <sup>97</sup>	Blue-collar, ICT	Yes	StK, LO
Hærens Konstabel og Korporsforening (HKKF)	4,373	4,360	NCO's –(Army)	Yes	StK, LO
The National Union of Nursery and Child-care Assistants –	27,118	8	Child-care assistants	Yes	StK, LO

<sup>94</sup> Including pensionists. Source: Statistics Denmark, Yearbook 2003.

<sup>95</sup> The majority of the members of FOA work in the regional/municipal sector. The same applies to PMF and SL.

<sup>96</sup> Source: EPSU consultation

HK is the biggest union in Denmark with 377,228 members. HK consists of 4 sectors: HK/private sector, HK/commerce, HK/municipal sector, HK/state.

<sup>97</sup> Source: EPSU consultation

Pædagogmedhjælpernes Forbund, PMF					
Danish Association of Professional Technicians - Teknisk Landsforbund	32,162	1.148	Technicians	Yes	SIK, LO
National Federation of Social Educators – Socialpædagogernes Landsforbund (SL)	29,809	157	Educators	Yes	SIK, LO
Union of Civilian Public Servants Within the Armed Forces in Denmark – Forsvarets Civil-Etat (FCE) <sup>98</sup>	1,772	1,772	White-collar, blue-collar, statutory civil servants	Yes	CO II, FTF
Danish Association of Social Workers – Dansk Socialrådgiverforening	10,936 <sup>99</sup>	435 <sup>100</sup>	Social workers	Yes	CO II, FTF
The Association of Danish Lawyers and Economists - Dansk Jurist- og Økonomforbund, DJØF	43,935 <sup>101</sup>	11,000	Lawyers, economists	Yes	AC
<i>The Danish Nurses' Organisation – Dansk Sygeplejeråd (DSR)</i> <sup>102</sup>	49,169	156	Nurses	Yes	CO II, FTF

Besides, FF (Firma-Funktionærerne, Independent Salaried Employees) is a member of the USSP-CESI and KF (Kristelig Fagbevægelse, Christian Workers' Union) is a member of EUROFEDOP. Both organisations are outside the central organisations presented and do not take part in the collective bargaining or any representative activities in the public sector. FF has a total membership of 24,000 but does not have sector-based statistics. KF<sup>103</sup> has a total membership of 80,000 (including juniors and seniors) and about 4,000 members in the state sector (including post employees).

<sup>98</sup> As from 2004 FCE will no longer be individually affiliated to EPSU, but included in the CO II affiliation (Source: EPSU consultation).

<sup>99</sup> Source of this data: EPSU consultation.

<sup>100</sup> Source of this data: EPSU consultation.

Membership is mainly in the municipal sector. DS and DSR are part of the so called « Health Group » of CO II, which consist of nine unions with 7,446 (source: EPSU consultation) members all together.

<sup>101</sup> Source: EPSU consultation

<sup>102</sup> Source: EPSU consultation

<sup>103</sup> Note that KF has submitted a complaint to the Council of Europe, on the basis of the European Social Charter, because KF is not allowed to exercise trade union activities in Denmark (Source: Eurofedop consultation).



# FINLAND

## Delimitation of the sector

The **public sector** in Finland covers the state sector and the municipal sector. Employees in public healthcare, education and culture, social welfare services and community planning and public works are mainly employed by the municipal sector. It has also to be added that Finland Church is the state church.

The State sector (**central level**) includes the following 13 ministries:

<b>State sector: ministries</b>
Prime Minister's Office
Ministry for Foreign Affairs
Ministry of Justice
Ministry of the Interior
Ministry of Defence
Ministry of Finance
Ministry of Education
Ministry of Agriculture and Forestry
Ministry of Transport and Communications
Ministry of Trade and Industry
Ministry of Social Affairs and Health
Ministry of Labour
Ministry of Environment
+ Office of the Chancellor of Justice

The State's functions include the judicial system, the police, national defence, higher education and research, central administrative bodies either with or without regional and / or local government bodies (taking care of such key areas as taxation and prison administration) and the financing of various public functions. The State also carries the responsibility for the payment of unemployment benefit and the management of transport and communication.

## Characteristics of the sector

The **employment** in the Finnish public sector is the following:

Finnish State	123,000
Municipalities	429,000
<b>Total employment</b>	<b>552,000</b>

Source: The Commission for Local Authority Employers (KT), the State Employer's Office

Note that the state church also employs about 20,000 people.

The total employment has decreased since the beginning of the 1990s when the public sector employed about 700,000 people. This reduction is due to economic reasons but also to the privatisation of many public sector institutions.

There are two **status**es for the public sector workers in Finland: the civil servants and the workers with a labour contract (with employment contracts similar to the private sector). The distinction has become more and more insignificant because the terms of employment have become very close to each other and negotiations are running congruently for the two statuses. Of the 123,000 people employed by the Finnish State, 103,000 are civil servants and 20,000 are workers with a labour contract.

## Social dialogue in the sector

In the public sector **collective agreements** are concluded both for **civil servants** and for workers with a **labour contract**. Some issues are however outside of the field of the collective agreements in the case of civil servants' collective agreements: pensions, responsibilities and qualifications requirements, etc. Collective agreements negotiated for employees are concluded in the same way as private sector collective agreements. The scope of these agreements can in principle be wider than civil servants' agreements. In practice there is no difference.

Collective bargaining in Finland is slightly **decentralised**. It takes place at different levels.

- At national level the "Incomes and labour-market policy agreement" is concluded by employers' national central organisations, including the State Employer's Office, and workers' national central organisations. It is not specific to the public sector. This agreement is not binding and does not guarantee labour peace.
- The State Employer's Office on one side, and workers' sector-level central organisations on the other side conclude the "Collective agreement for state civil servants and for employees under contracts". The entry in force of the Collective agreement for state civil servants requires Government approval. If a collective agreement increases central government expenditure, the Finance Committee of the Parliament has to approve additional costs. The three trade unions signing these kinds of collective agreements are the Finnish Negotiation Organisation for Academic Professionals in the Public Sector (JUKO), the Federation of Salaried Employees Pardia (Palkansaajajärjestö Pardia) and the Joint Organisation of State Employees (VTY).

**Number of people covered by these agreements:**

Organisation	Number of people
Julkisalan Koulutettujen neuvottelujärjestö JUKO r.y.	33,000 (35,000) <sup>104</sup>
Pardia	58,000 (60,000) <sup>105</sup>
VTY	20,000

- Employer agencies and workers' agency-level unions conclude specific collective agreements for the civil servants and for the workers under a labour contract. These more detailed agreements relate to issues of pay and working hours. Before being signed, they have to be approved by the Ministry of Finance.

Furthermore, in some state organisations the employment terms are regulated by special legislation for special categories of staff. In the State sector, in 2002, 5,000 people were **outside** the collective bargaining system (directors, permanent secretaries etc.)

High **unionisation** is a basic characteristic of the Finnish bargaining system: about 90% of the public sector is unionised compared to 80% of all working people.

## Representatives of employers

The state employer is represented, for the state sector, by the State Employer's Office (Valtion työmarkkinalaitos VTML). The State Employer's Office is a department of the Ministry of Finance. This organisation has different responsibilities. It manages the State's general employer policy and personnel policy; it represents the State in negotiating and signing collective agreements; it gives advice on the economic and social policies; it represents the Government in the Incomes Policy Information Commission. The State Employer's Office is a member of the CEEP.

## Workers' organisations

There are three central organisations representing state civil servants and workers with a labour contract. These organisations are composed of several member unions.

### The Finnish Negotiation Organisation for Academic Professionals in the Public Sector JUKO

This organisation is composed of seven member associations and has about 200,000 members. 33,000 (35,000)<sup>106</sup> of them are employed by the State.

JUKO's member organisations are the following:

<sup>104</sup> Data from EPSU consultation

<sup>105</sup> Data from EPSU consultation

<sup>106</sup> Source: EPSU consultation

- The AEK or the Central Union of Special Branches is a trade union for specialists in administration, culture and business life. There are 21 members with some 15,000 people represented (5,500 in the public sector)
- The Julkisen sektorin esimiehet ja asiantuntijat, JEA (public sector foremen and professionals) has 5 members with 20,000 people represented
- The Julkisen sektorinsociaali- ja terveyshuollon asiantuntijat SOSTER (public sector social and health experts) has 3 members representing 20,000 workers (social workers, pharmacists and health nurses)
- The Lääkärikartelli (The Cartel of Medical Doctors), with 30,000 medical, dental and veterinary doctors
- The Opetusalan Ammattijärjestö OAJ (The Trade Union of Education) whose membership is over 109,000 (various school levels, universities)
- The VAKAVE (The State Sector Academic People's Organisation whose 15 members represent 20,000 workers (clergy, lawyers, psychologists, officers)
- The Ylihoitajyhdistys (The Nurse Administrator Association) represent 4,000 people

JUKO is member of AKAVA (the Confederation of Unions for Academic Professionals in Finland) at national level and of ETUCE at European level. Indirectly (via AKAVA), it is member of the ETUC<sup>107</sup>.

### **The Organisation of Salaried Employees Pardia (Palkansaajajärjestö Pardia)**

This organisation is a member of the STTK (Finnish Confederation of Salaried Employees) and represents about 90,000 people from which 58,000 (60,000)<sup>108</sup> are state sector employees. Pardia has altogether 23 member organisations. Some of the Pardia's member organisations are the Policemen's union (13,000 members) the Personell Federation in Universities and Research Branch (6,300 members), the Taxation Officers' Union (5,000 members), the Institute Officers' Union of the Finnish Defence Force and Frontier Guard (4,300 members), the Finnish Association of Technical and Information Employees (4,200 members)<sup>109</sup>. 23 unions negotiate their collective agreements via Pardia. At European level, the Pardia is a member of EPSU.

### **The Joint Organisation of State Employees (VTY)**

There are 34,220 members of the VTY, of which 20,000 are state employees. The organisation has eight member organisations:

- The Trade Union for Municipal Sector (2,000 members)
- The Coastguard Union (571 members)
- The Metalworkers' Union (600 members)
- The Finnish Seamen's Union (84 members)
- The Finnish Customs Officers' Union (1,534 members)
- The Finnish National Union of State Employees and Special Services (27,261 members)
- The Finnish Prison Officers' Union (1,819 members)
- The Finnish Musicians' Union (351 members)

This organisation is affiliated to the central organisation SAK (The Central Organisation of Finnish Trade Unions). At European level, the VTY is a member of EPSU.

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<sup>107</sup> Source: EPSU consultation

<sup>108</sup> Source: EPSU consultation

<sup>109</sup> Source: EPSU consultation

## Memberships of trade unions

All these figures are from the official statistics of the unions. Union membership figures include about 10-15% extra people such as retired people, students, resting members etc.

### *Summary Table*

Organisation	Structure / kind of members	Number of affiliates	Number of affiliates in the CPS*	CB**	National affiliations	European and international affiliations
JUKO	Administration, health, education, academic, etc.	200,000 members	33,000 (35,000) <sup>110</sup> members	Yes	AKAVA	ETUCE <u>Indirectly: ETUC</u>
Pardia	Policemen, technical staff, etc.	90,000	58,000 (60,000) <sup>111</sup>	Yes	STTK	EPSU
VTY	Various	34,220	20,000	Yes	SAK	EPSU

\* = State sector

\*\* Takes part in collective bargaining

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<sup>110</sup> Source: EPSU consultation

<sup>111</sup> Source: EPSU consultation

# FRANCE

## Delimitation of the sector

The **public sector** in France is structured as follows:

The state civil services	Ministries, public national establishments (Public national administrative establishments, EPA, public national establishments with industrial or trade activities, EPIC), the Post Office, private educational establishments
The regional civil services	Municipalities, <i>départements</i> and regions
The hospital branch of the public services	Public establishments, establishments for elderly and social establishments

This definition does not include the SNCF (Rail transports), EDF-GDF (electricity, gas), RATP (Paris public transport system), etc. because they are covered by other statutes or collective agreements. France Télécom, now partially privatised, is also excluded of the field of the public services. Social security bodies are also governed by private law. In the same way, the Post Office, the private education and the public national establishments with industrial or trade activities (EPIC) should be excluded of the delimitation of the "central public services", because the main part of their personnel has no the statute of civil servant, but is governed by private law.

In consequence, the "**central public services**" include:

-	Ministries for the Civil Service and National Defence: Foreign Affairs; Agriculture and fisheries; Planning, environment; Culture, communication; Economy, Finance, Industry; National Education; Employment, solidarity; Equipment, transport, housing; Interior and decentralisation; Youth and sport; Justice; Overseas territories, Prime Minister's departments; National Defence, Additional Budgets
-	Public national administrative establishments (EPA)
-	
-	

## Characteristics of the sector

**Number of employees**, by positions, in the ministries, regional and local authorities and public national administrative establishments in the National Civil Service (31 December 2001):

State Civil Services	Civil service in the strict sense *		
	Ministries, and regional and local authorities	EPAs (staff recruited under public law)	Total
Established Officials	1,715,573	77,164	1,792,737
Contractual staff	199,623	117,528	317,151
Manual staff	58,185	1,553	59,738
<b>Total</b>	<b>1,973,381**</b>	<b>196,245</b>	<b>2,169,626</b>
Military personnel***	321,397	77	321,474

Source: La Fonction Publique de l'Etat, Annual Report 2002, Ministry of the Civil Service and State Reform, pp. 23 and 26

\* Civil service in the strict sense: staff working in bodies covered by administrative law whose public law is the normal recruitment statute (see definition of "central public services").

\*\* Of which 916,420 are teachers.

\*\*\* Military personnel are employed by the Ministry of Defence, but here we present them separately because of their different statute in terms of trade unions rights.

Within the national civil services, there are **several categories** of agents: grade A posts correspond to executive and managerial staff; grade B posts correspond to application / implementation staff; and the category C correspond to executive posts.

## Social dialogue in the sector

The “General statute for civil servants” defines the basic aspects for recruitment and remuneration of civil servants in France. Other legislative texts (laws, decrees, circulars) complete this basic framework. The contractual employees are not under the general statute.

The trade union statute originally made no reference to negotiation, but pay talks nonetheless took shape in 1968. The law of 13 July 1983 states that trade unions are empowered to conduct negotiations at national level with the government prior to determining the development of pay rates, and to discuss with authorities responsible for management at various levels questions relating to working conditions and work organisation. The agreements that come out of these negotiations have no legal status, but they do carry moral and political weight<sup>112</sup>.

The principle of participation has developed through the setting up of consultative bodies on which civil servants’ delegates sit:

- The laws and decrees affecting civil servants have to be submitted to the Higher Council for the National Civil Service (Conseil Supérieur de la fonction publique d’état, CSFPE);
- The Joint Administrative Committees (Commissions administratives paritaires, CAP) are consulted on decisions concerning the careers of employees (promotions, dismissals, disciplinary sanctions);
- The Joint Technical Committees and the Establishment Technical Committees (Comités techniques paritaires, CTP and Comités Techniques d’Etablissement) are involved in questions and draft texts relating to the organisation, working conditions, statutory staff regulations;
- The Hygiene and Safety Committees (Comités d’Hygiène et de Sécurité, CHS) assist the CTP
- The Interministerial Committee for Social Action (Comité interministériel d’action sociale, CIAS) deals with social, culture and leisure programmes, and social action credits (to finance equipment, canteens, reserving housing and crèche places, etc).

Informal negotiations have also taken place outside these institutions, and have focused on information, consultation, concertation and negotiations. They have been conducted between the government, represented by the Minister for Civil Services (in the framework of a negotiating mandate fixed by the Prime Minister in close cooperation with the minister responsible for the budget), and civil servants’ representative trade unions<sup>113</sup>.

Social dialogue is conducted at various levels:

- - At interministerial level: national negotiations, concertation on the Higher Council for the National Civil Service and Interministerial Committee for Social Action (Conseil Supérieur de la fonction publique d’Etat, CSFPE and Comité interministériel d’action sociale, CIAS)At ministerial level: Ministerial Joint Technical Committees (Comités techniques paritaires CTP)
- At infra-ministerial level: Joint Administrative Committees, and central and local Joint Technical Committees (Commissions administratives paritaires, CAP and Comités technique paritaires, CTP).
- 

The **main themes** of negotiation and consultation are the following:

- The remuneration: general salary measures can be subject to negotiation. After informal consultation with the unions, if an agreement seems possible, negotiation takes place with all the representative unions. If not the government will take

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<sup>112</sup> Fournier J., *Livre blanc : le dialogue social dans la fonction publique: rapport au ministre de la fonction publique et de la réforme de l’Etat*, Paris, La Documentation française, 2002 (Collection des rapports officiels).

It is worth noting that the question of making the form of these agreements more restrictive has now been posed

<sup>113</sup> Source : Monsieur Raymond Piganiol, Chef de la Mission des affaires européennes et internationales, Direction Générale de l’Administration et de la Fonction Publique, Ministère de la Fonction Publique et de la Réforme de l’Etat (consultation, avril 2004).

a unilateral decision. Between 1990-2002, 7 budgets were covered by a wage agreement. No agreements have been concluded for the period 2000-2001-2002;

- Apart from pay talks, the main negotiations have recently focused on further training (framework agreements in 1989, 1992, 1996), renewal of the classification remuneration grids of the three civil services (February 1990), end-of-working-life leave and the re-absorption of precarious employment (1996), occupational health, safety at work and medical prevention (1997), and the modernisation of recruitment (2001)<sup>114</sup>.
- Working hours in the civil service are laid down by regulations whose application in every ministerial department and service can be negotiated. These negotiations have led to many conflicts (strikes, demonstrations, etc.)
- "Equal opportunities for men and women" was subject to a consultation in joint committees in 2001 to draw up a law relating to this issue (law of 9 May 2001). An equal opportunities steering committee for men and women in higher positions was created;
- A reform including a retirement scheme for civil servants is currently being worked out.

Social dialogue for the **contractual staff** has been getting closer to the social dialogue for civil servants for about two decades. Concerning remuneration and working conditions, there are no differences between the two statuses of workers. The Joint administrative Committees have an equivalent for the contractual staff.

The **Military forces** are a specific kind of personnel. They can not set up or join a trade union.

## Representatives of employers

The state as an employer is represented by several bodies and actors:

- The Prime Minister, who is in charge of the Public Administration, and is the central authority over the public sector
- The Minister for the Civil Services and State Reform
- The Minister with responsibility for budgets signs all agreements that are concluded
- The General Directorate for the Administration and the Public Sector (DGAFF) is under the Minister for Civil Services' authority

It is also worth noting that the Council of State (Conseil d'État) plays a supervisory role in respect of all bills and decrees affecting the whole of the civil service. Strictly speaking, it has no role in respect of collective bargaining.

Before negotiations commence, a 'negotiating mandate' is defined by the Prime Minister following discussions with the Minister for Civil Services and State Reform and the Minister in charge of the Budget, with a view to determining the margins available for negotiation. Negotiations are then led by the Minister for Civil Services and State Reform.

The Minister for the Civil Services and State Reform is also empowered to conduct State Public Sector negotiations.

Lastly, all management Ministries, management departments and Human Resource Directors also have powers at Ministerial level.

## Workers' organisations

The level of membership in the French public sector is about 12-15%. It is higher than in the private sector (5-6%).

## Recognition criteria

The workers' organisations deemed to be representative in the public sector are:

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<sup>114</sup> Source : Monsieur Raymond Pignaniol, Chef de la Mission des affaires européennes et internationales, Direction Générale de l'Administration et de la Fonction Publique, Ministère de la Fonction Publique et de la Réforme de l'Etat (consultation, avril 2004).

- those that are affiliated to a trade union that has at least one seat on each of the Higher Councils, or which won at least 10% of votes cast in Joint Administrative Committee elections for the whole of the public sector, and at least 2% of which in each public sector
- and those which, among staff affected by the election, meet the representativeness criteria fixed by Article L133-2 of the Labour Code<sup>115</sup>

The right to field candidates in social elections is restricted to these representative trade union organisations. However, if none of the lists is presented by a representative trade union organisation, or if the number of those casting a vote is less than half the number of members, there will then be a second ballot for which any civil servants' trade union organisation may lodge a list<sup>116</sup>.

The aim of these provisions is to favour trade union pluralism and simultaneously to prevent trade union representation from dissipating.

## Representative trade unions in the national civil services

On this basis, seven trade unions were granted as representative for the national civil service:

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

In addition to these organisations, some trade unions have a granted representative status within an administration, a department or an organisation. This is the case of the unions "SUD" (Solidaires, Unitaires, Démocratiques) which represents some ministries and the Post Office.

## Election results for the joint administrative committees

The level of participation in the elections for joint administrative committees (2000-2002) was 69.7% for the whole civil services and 73.2% for the national civil services.

These results include votes cast by staff in the Post Office (187,795 votes), in France Telecom (102,416 votes), and in public national establishments with industrial or trade activities (EPIC).

### *Election results for the joint administrative committees : results in votes for the national civil service and for the whole civil service*

Trade union federations	State civil services (2000-2002)	
	Number	%
FSU	263,580	18.5
UNSA	225,950	15.9
CGT	225,201	15.8

<sup>115</sup> The representativeness of trade union organisations is determined according to the following criteria:

- membership;
- independence;
- contributions;
- the experience and seniority of the trade union;
- its patriotic attitude during the occupation.

The latter criterion has been replaced in case law by two other criteria : influence (audience) and activity.

<sup>116</sup> Fournier J., *Op. Cit.*



CFDT	198,226	13.9
FO	198,990	14.0
CGC	44,616	3.1
CFTC	30,829	2.2
Various	236,087	16.6
Total registered voters	2,037,395	-
Total votes	1,491,994	73.2
Total valid ballot papers	1,423,478	-

Source : La Fonction Publique de l'Etat, Rapport annuel 2002, Ministère de la Fonction Publique et de la Réforme de l'Etat, p. 149.

In the national civil service, the two national education federations, the FSU and UNSA<sup>117</sup>, got the largest number of votes. It can be explained by the large numbers employed in the education sector: staff employed by the Ministry of National Education represent 1,082,954 people out of a total of 2,144,006 for all the ministries (Source: Administrative Department of the Civil Service, Annual Report, 2001). Five organisations got more than 200,000 votes: FSU, UNSA, CGT, CFDT and FO. The category "various" include a large number of collective unions (present in one administrative department or other) not affiliated to one of the seven organisations represented on the Higher Council for the National Civil Service.

### Representativeness : number of affiliates

We have no data concerning memberships of the organisations neither in the public sector nor in the state sector (central public services).

### Affiliations at higher level organisations

The civil services unions CGT, CFDT, FO and CFTC belong to the ETUC through their national organisations. The CFE-CGC is affiliated to the CEC and to the CESI. The CFDT and the FO belong to the ICFTU and to the WCL. CGT federations, CFDT federations and CGT-FO federations are members of EPSU. CFTC federations are members of EUROFEDOP.

#### Summary Table

Organisation	Number of affiliates	Number of affiliates in the CPS	CB*	National affiliations	European and international affiliations
FSU	ND	ND	Yes		
UNSA	ND	ND	Yes		ETUC
CGT	ND	ND	Yes	CGT (representative at national level)	Federations: EPSU ETUC
CFDT	ND	ND	Yes	CFDT (representative at national level)	Federations: EPSU ETUC ICFTU WCL
CGT-FO	ND	ND	Yes	CGT-FO (representative at national level)	Federations: EPSU ETUC
CFE-CGC	ND	ND	Yes	CFE-CGC (representative at national level)	CEC CESI
CFTC	ND	ND	Yes	CFTC (representative at national level)	Federations: Eurofedop ETUC

\* Takes part in collective bargaining

<sup>117</sup> The UNSA has extended its scope beyond the education sector (Source: CESI consultation, comments from the CSEN.)

# GERMANY

## Delimitation of the sector

The **public sector** in Germany includes:

Direct public sector ( <i>unmittelbarer öffentlicher Dienst</i> )	Administrative authorities ( <i>Behörden</i> )
	Courts or establishments at the federal, <i>Länder</i> and local levels
	Communal organisations ( <i>Kommunale Zweckverbände</i> )
	The Federal Railway Fund ( <i>Bundeseisenbahnvermögen</i> )
Indirect public sector ( <i>mittelbarer öffentlicher Dienst</i> )	The Federal Employment Service ( <i>Bundesanstalt für Arbeit</i> )
	The Federal Bank ( <i>Bundesbank</i> )
	The Social Insurance Fund ( <i>Sozialversicherungsträger</i> )
	The legally independent public corporations ( <i>Körperschaften</i> ), Institutions ( <i>Anstalten</i> ) and foundations ( <i>Stiftungen</i> ) possessing the "public employer capability" ( <i>Dienstherrenfähigkeit</i> )

In this case, Germany being a federal state, the field of this study should include not only the administration linked to central government but also that linked to regional government. Therefore, we can consider that the **central public services** consist of the federal and the regional (*Länder*) levels.

## Characteristics of the sector

In 2001, the German **public sector** consisted of about 4.8 million employees, on which 4.3 million worked in the "direct public sector". This makes the public sector the largest employer in the country:

	Civil servants + Judges	Professional soldiers	White-collar workers	Blue-collar workers	Total
Federal level	131,100	184,600	99,500	78,600	493,800
<i>Länder</i> level	1,238,100		811,700	129,000	2,178,900
Local level	177,400		973,600	386,100	1,537,100
Federal Railway Fund	62,100		1,200	3,100	66,400
<i>Total direct public sector</i>	<i>1,608,700</i>	<i>184,600</i>	<i>1,886,000</i>	<i>596,800</i>	<i>4,276,100</i>
<i>Indirect public sector</i>	<i>57,400</i>		<i>433,200</i>	<i>54,500</i>	<i>545,100</i>
<b>Total</b>	<b>1,666,100</b>	<b>184,600</b>	<b>2,319,100</b>	<b>651,400</b>	<b>4,821,100</b>

Source: Statistisches Bundesamt (2002b)

The **central public services** (federal and *Länder* levels) employ 2,672,700 employees. At the federal level, about 64% of the employees work in defence. At *Länder* level, about 54% employees work in education.

### *Employment in the central public services shared by spheres of activities:*

Activities	Federal level	<i>Länder</i> level
General services (including administration, defence, public security and order, financial administration, legal protection)	444,400	750,800
Education, Sciences and Research (including schools, universities)	12,000	1,167,000
Social security	3,700	62,300
Health, sports, recreation	5,200	50,300
Housing, communal services	-	27,000
Nutrition, agriculture, forestry	400	26,400
Energy and water supply, services	2,000	13,100
Transportation and communication	26,100	48,600
Economic units	-	33,300
<b>Total</b>	<b>493,800</b>	<b>2,178,800</b>

Source: Statistisches Bundesamt (2002b), Source: Statistisches Bundesamt (2003)

From the point of view of the **status** of the workers, we can find in Germany a dichotomy between white- and blue-collar workers, on the one hand, and civil servants (*Beamte*, including judges) on the other hand. In 2001, 35% of all public sector employees were *Beamte*, 4% were professional soldiers, 48% were white-collar employees (*Angestellte*) and 14% were blue-collar workers (*Arbeiter*). The status of *Beamte* is laid down in the German Constitution and their employment relationship is characterised by the so-called "loyalty and service status". *Beamte* are offered tenured employment, their earnings are determined by state regulations and they are not included in the statutory health insurance and retirement fund. They are mainly employed in civil administration, ministries, courts and the military sector at the federal level. Nowadays, they also hold positions in education, postal and railway services and other service sectors. In contrast to the *Beamte*, the employment of white- and blue-collar workers is based on an employment contract under private law.

## Social dialogue in the sector

In Germany, there are two systems of representation and pay determination, according to the **status** of the workers:

- Blue- and white-collar workers' pay and working conditions are subject to collective bargaining. These employees have the right to strike. Public sector labour contracts regularly refer to the existing collective agreements even for employees not bound by these collective agreements.
- Pay and working conditions of *Beamte* are determined in Parliament. *Beamte* are not allowed to take part in collective bargaining and to engage an industrial action. *De facto*, pay and working conditions are set up in accordance to the results of collective bargaining for public sector blue- and white-collar employees.

Collective bargaining in the public sector is very **centralised**. There is one round of collective bargaining for employees from the three levels of the public sector. The **duration** of the collective agreements varies; the current agreement is valid for 27 months. This round of negotiations aims to fix pay and working conditions of blue-collar and white-collar employees. The **employers' bargaining committee** consists of an equal number of representatives from federal, *Länder* and local levels who negotiate a joint agreement with the unions involved. The Ministry of the Interior bargains on behalf of the federal level and the *TdL* (*Tarifgemeinschaft deutscher Länder*) on behalf of the *Länder*. On the side of the **employees**, the two following organisations are the official bargaining partners:

- The *Vereinte Dienstleistungsgewerkschaft ver.di*
- The *dbb-Tarifunion*

Besides these rounds of collective bargaining, **Framework agreements** set up the basic principles of remuneration and the criteria which lead to the classification of workers. These longer term agreements are the following:

- The Federal Collective Agreement for Salaried Employees (*Bundesangestelltentarifvertrag*, BAT), for the white-collar workers in Western Germany
- The Framework Collective Agreement for Blue-collar Workers at Federal level and *Länder* level (*Manteltarifvertrag für Arbeiterinnen und Arbeiter des Bundes und der Länder*, MTArb) in Western Germany
- The Framework Collective Agreement for Public Sector Apprentices (*Manteltarifvertrag für Auszubildende*, MTA), in Western Germany

Similar agreements exist in Eastern Germany, e.g. the BAT-O (*Tarifvertrag zur Anpassung des Tarifrechts*, for white-collar employees)

## Representatives of employers

In the round of collective bargaining on pay and working conditions,

- the Ministry of the Interior represents the Federal Republic of Germany at federal level
- the Bargaining Association of German States (*Tarifgemeinschaft deutscher Länder*, TdL) represents the employers at *Länder* level.

## Workers' organisations

The most important peak organisations of public employee interest representation are the German Trade Union Federation (*Deutscher Gewerkschaftsbund*, DGB) and the German Civil Servants' Federation (*Deutscher Beamtenbund*, DBB). As the main peak organisations, they have the right to participate in the preparation of any general regulation regarding *Beamte*.

### The German Trade Union Federation (*Deutscher Gewerkschaftsbund*, DGB)

The DGB comprises 8 member unions and is the dominant union confederation in Germany. It had about 7.9 million union members in 2001. Some of its affiliated unions<sup>118</sup> have members in the public sector:

- The United Service Union (*Vereinte Dienstleistungsgewerkschaft*, *ver.di*) is one of the official organisations of collective bargaining
- The Education of Sciences Union (*Gewerkschaft Erziehung und Wissenschaft*, GEW)
- The Police Union (*Gewerkschaft der Polizei*, GdP)

These two organisations work together with *ver.di* and support its demands

### The German Civil Servants' Federation (*Deutscher Beamtenbund*, DBB)

The DBB comprises 39 affiliated unions and until recently they organised exclusively public sector employees, mainly *Beamte*. They have more than 1.2 million members. Some of its member unions are allowed to take part in collective bargaining and form the *dbb-Tarifunion*. The *dbb-Tarifunion* is one of the official partners of collective bargaining.

### The Christian Federation of Trade Unions (Christlicher Gewerkschaftsbund, CGB)

Besides, the CGB functions also as a peak organisation. Within the CGB, the Public Sector and Services Union (*Gewerkschaft Öffentlicher Dienst und Dienstleistungen*, GÖD) represents public employees. This union is a member of the *dbb-Tarifunion*.

### Other trade unions

Not affiliated to the above mentioned peak confederations, the *Marburger Bund* (mb) organises medical doctors. This organisation works with *ver.di* in the process of collective bargaining.

The German Judges Federation (*Deutscher Richterbund*, DRB) organises judges and public prosecutors and the German Federal Armed Forces Association (*Deutscher Bundeswehr-Verband e.V.* – DBwV) organises the German Federal Armed Forces.

### Memberships

	CB* L*	Total	Blue-collar	White-collar	Beamte	Total CPS	Blue-collar	White-collar	Beamte
Ver.di	CB, L	2,683,000	859,000	1,500,000	324,000	ND	ND	ND	291,000
GEW	CB <sup>1</sup> L	264,684	-	116,196	148,488	ND	ND	ND	ND
GdP	CB <sup>1</sup> L	185,000	5,000	20,000	160,000	185,000	ND	ND	ND
Dbb/dbb tarifunion	CB, L	1,223,719	44,264	299,534	879,921	1,100,000	41,500	270,000	792,000
GÖD	CB <sup>2</sup> , L	ND	ND	ND	ND	ND	ND	ND	ND
mb	CB <sup>1</sup> , L	75,000	ND	ND	ND	ND	ND	ND	ND

<sup>118</sup> The TRANSNET, organising workers of German railways, in course of privatisation, has not been included in the field of the study. The Union of Mining, Chemical and Energy Industry and the Union of Construction, Agriculture and Environment have members in the public sector but act mainly in the private sector. They have not been included in this study.

DRB	L	14,000	ND	ND	ND	ND	ND	ND	ND
DBwV	L	220,000	ND	ND	ND	220,000	ND	ND	ND

\* CB: Take part in collective bargaining; L: Involved in the legislation of remuneration for *Beamte*

(1) working together with and supporting the demands of ver.di

(2) Via its membership in the *dbb-Tarifunion*

## National and international affiliations

	Affiliations		
	National	European	International
ver.di	DGB	EPSU, UNI-Europa, ETF, EFJ <u>Indirectly: ETUC</u>	PSI, IFJ, ITF, UNI <u>Indirectly: ICFTU</u>
GEW	DGB	<u>Indirectly: ETUC</u>	<u>Indirectly: ICFTU</u>
GdP	DGB	EUROCOP <u>Indirectly: ETUC</u>	<u>Indirectly: ICFTU</u>
Dbb/dbb tarifunion	-	USSP-CESI	-
GÖD	CGB, Dbb/dbb tarifunion	<u>Indirectly: USSP-CESI</u>	ND
mb	-	PMG, CPME	-
DRB	-	EAJ	IAJ
DBwV	-	EUROMIL	-

ETF: European Transport Workers' Federation

EFJ: European Federation of Journalists

EUROCOP: European Confederation of Police

PMG: Permanent Working Group of European Junior Doctors

CPME: Comité Permanent des Médecins Européens

EAJ: European Association of Judges

EUROMIL: European Organisation of Military Associations

ITF: International Transport Workers' Federation

IAJ: International Association of Judges

# GREECE

## Delimitation of the sector

The **public sector** (with the exception of public enterprises that are excluded from the field of the study) in Greece, consists of three administrative levels: the central administration (19 ministries), the regional government (13 regions) and the local government organisation (1,033 municipalities and communes and 54 prefectures). The ministries and its public law legal entities<sup>119</sup> are included in the **central public services**. The 19 ministries in Greece are the following:<sup>120</sup>

Prime Minister's officer	
Ministry of Foreign Affairs	
Ministry of National Defence	Including the army
Ministry of Justice	Including judiciary staff
Ministry of Interior, Public Administration and Decentralisation	
Ministry of Public Order	Including public forces
Ministry of Development	
Ministry of Economy and Finance	
Ministry of the Merchant Navy	
Ministry of the Environment, Physical planning and Public works	
Ministry of Agriculture	
Ministry of Transport and Communications	
Ministry of Labour and Social Security	
Ministry of Health and Welfare	Including medical staff
Ministry of Education and Religious Affairs	Including teachers
Ministry of Culture	
Ministry of Press and Mass Media	
Ministry of Macedonia-Thrace	
Ministry of Aegean	

Specific categories of activities, namely teachers, medical staff, military forces, public security forces, judiciary staff and prison officers form part of the central public services (i.e. the central administration).

Public legal entities are supervised by the different Ministries. The hospitals are supervised by the Ministry of Health, the research institutes are supervised by the Ministry of Development, the universities and the Paedagogic Institute are supervised by the Ministry of Education, the public means of transport and the posts are supervised by the Ministry of Transports & Communications, the Water and Sewage Company is supervised by the Ministry of Environment, the Organisation for the Management of Public Debt and the Fund for Loans and Deposits are supervised by the Finance Ministry, the National Gallery and the Museum of Greek Popular Instruments are supervised by the Ministry of Culture, etc.

## Characteristics of the sector

Employees' **statuses** in the Greek public administration are either *tenured personnel* (permanent staff, 70%) or employed *with an indefinite duration contract* (30%). Only tenured personnel is covered by the public sector collective agreements.

<sup>119</sup> These public legal entities includes some public utilities services such as transport means, post, water and the sewage company.

<sup>120</sup> There is also a Minister without portfolio, close to the Prime Minister

Note that the names of certain ministries have been changed since the redaction of this report. At the moment of the consultation of General Directorates for public administrations' consultation (March-April 2004), the new names of the ministries are the following: Ministry of State; Ministry of Foreign Affairs; Ministry of National defence; Ministry of Justice; Ministry of Interior, Public Administration and Decentralisation; Ministry of Public Order, Ministry of Development, Ministry of Economy and Finance; Ministry of the Merchant Navy; Ministry of the Environment, Physical Planning and Public Works; Ministry of Rural Development and Food; Ministry of Transport and Communications; Ministry of Employment and Social Protection; Ministry of Health and Social Solidarity; Ministry of Education and Religious Affairs; Ministry of Culture; Ministry of Tourism; Ministry of Press and Mass-Media; Ministry of Macedonia-Thrace; Ministry of Aegean and Insular Policy.

Besides, workers *with indefinite duration contracts and fixed-term contracts* (8-24 months) are considered as private law employees and fall outside the scope of the public sector collective agreements.

In 2001, the total number of employees in the public administration was 367,067 people of which 257,000 were tenured staff and 109,823 were employed with an indefinite duration<sup>121</sup>:

Agencies / organisations	Employment status		
	Tenured	Indefinite duration	Total
Civil service (ministries + regions)	84,089	5,854	89,943
Public Law Legal Entities	104,695	6,405	111,100
Local Government organisations	68,460	6,575	75,035
State Private Law Legal Entities	-	90,989	90,989
<i>General Total</i>	<i>257,244</i>	<i>109,923</i>	<i>367,067</i>

Source: Ministry of Interior, Central Administration and Decentralisation, 32-12-2001 Census

The number of the workers with a fixed-term contract varies greatly, according to reasonable needs and political considerations.

In the central public services (central administration and public legal entities), the number of employees was 201,043.

## Social dialogue in the sector

Formal collective bargaining procedures for the public sector have been introduced recently and are **regulated** by the law 2738/1999. The negotiations between the state and employees' representatives take place once a year and lead to the conclusion of several labour collective agreements. Negotiations take place between the state and employees trade unions at **two levels**: between the state and the ADEDY (the Supreme Administration of Greek Civil Servants' Trade Union) and between the state and trade union federations.

**Agreements** concluded for the public sector set out employment terms and conditions for all public sector tenured staff employed in the civil service (ministries, regions), the public law legal entities and the local government administrations. Workers with a fixed-term contract of private law as well as public employees with an indefinite duration contract are covered by the Law 1876/1990, which settle the procedures for the signature of collective labour agreements and for the mediation and arbitration of possible disputes.

For the second consecutive year, during the **2003 collective bargaining round**, centralised negotiations failed to reach an agreement. However, at a lower level, most public sector federations have concluded separate collective agreements with the government.

Collective bargaining in the public sector mainly focuses on pay **issues**. The agenda for the 2003 round of negotiations included the following trade union demands: a new pay scale and a new wage policy, a review of the grade scales, safeguarding of the pensions, working time issues, health and safety at work issues, education and training opportunities for all, etc. The government's proposals mainly aimed at rationalising the pay system and at introducing qualitative criteria into the remuneration of employees. The main divergences of the 2003 negotiations relate to the new pay scale and working time issues. Regarding to wages, ADEDY claims that the government's proposal has only taken into account a very little part of the union's demands and has reiterated the inequalities prevailing in various groups of public sector employees. Concerning the working hours issue, ADEDY has always been opposed to the introduction of part-time work in the public sector because it considers that it is associated with low paid and precarious employment. On the other hand, the government wants to promote part-time employment in the public sector in order to improve the services as well as to provide jobs to unemployed people.

<sup>121</sup> At the moment of the consultation of General Directorates for public administrations' consultation (March-April 2004), the following figures were mentioned (2002 Census): the total number of employees in the public administration is 373,502 people of which 263,245 are tenured staff and 110,257 are employed with an indefinite duration. 91,751 people are employed in the Civil service; 113,772 in the Public Law Legal Entities; 77,971 in the Local Government organizations; and 90,008 in the State Private Law Legal Entities.

## Representatives of employers

The Government is represented in the negotiations by the Minister of Interior, Public Administration and Decentralisation. The Minister usually delegates the right of representation to the junior Minister of Interior, who is assisted by the junior Minister of National Economy and Finance. The Minister of Interior can also designate a senior civil servant to represent the Ministry. Depending of the issues discussed, representatives from the following ministries can be invited to participate in the discussions with the trade union: the Ministry of the National Economy and Finance, the Ministry of Employment and Social Security and the Ministry of Health and Welfare. The Minister of Interior signs the collective agreements.

## Workers' organisations

### The Supreme Administration of Greek Civil Servants' Trade Unions, ADEDY

ADEDY is formed of 56 federations, with 320,000 employees (tenured and indefinite duration contracts). In the central public services, there are 175,000 employees that are members of the organisation. These employees are civil servants, mostly white collar-workers, from all grades of the hierarchy. ADEDY is affiliated to EPSU and CES/ETUC at European level and to PSI at international level.

#### *Recapitulation:*

Organisation	Structure/Type of membership	Total membership	Membership in central public services	CB*	National affiliations	European and international affiliations
ADEDY	56 federations; mostly white collar workers	320,000 members	175,000 members	Yes	ADEDY is a confederal. tertiary organisation	EPSU CES/ETUC PSI

\* Takes part in collective bargaining



# IRELAND

## Delimitation of the sector

In Ireland, the **public services** are formed by several sub-sectors: central administration (staff of the ministries of the central government), police, defence, education, health, non-commercial semi-state bodies (agencies, autonomous bodies), local authorities. The whole **public sector** is made up of the public administration and the public commercial bodies such as the postal services, the rail services, the inter city bus services.

The **central public services**<sup>122</sup> are thus limited to the state sector, also called the "civil service": the civil service are those employed in Government Department linked to a Minister of the Government. This category includes prison officers and industrial civil servants working for the Department of Public Works and Department of Art, Heritage, Gaeltacht and the Islands.

## Characteristics of the sector

The whole **public sector** employs about 334,000 persons in 2003. Excluding commercial state bodies, the total employment comes to 287,000 for the Irish **public services**<sup>123</sup>.

Divisions of the public sector	2002	2003
Civil Service	37,400	37,200
Gardaí Síochána (Police)	11,700	11,800
Defence Forces	11,500	11,400
Education	84,900	85,100
Non Commercial Semi-State Bodies	10,100	10,200
Health Services	95,700	ND
Local Authorities	36,800	36,200
Commercial bodies	47,700	47,500
<i>Total (excluding health)</i>	<i>240,000</i>	<i>239,400</i>
<i>Total (including health)</i>	<i>335,700</i>	<i>ND</i>

Source: C. Kenny (2000) *The Institutional Framework of Industrial Relations in Ireland*, Table 1; Central Statistics Office (2003) *Public sector employment and earnings*, 15 August, CSO, Table 1.

Three trends can be discerned in public services employment:

- Public services employment is declining slightly because of a reduction of recruitment. This trend is quite recent since in the previous years the public sector continued to recruit new employees, particularly in education, health and social sectors. Public services numbers should be reduced by 5,000 over the next three years.
- A number of activities previously carried out by civil servants (Government Departments) are being transferred to public service agencies.
- A number of long term committees or consultative bodies have emerged which are neither strictly public nor strictly private (this part of employment is not significant in the overall framework).

There are approximately 37,200 civil servants in the **state sector** (central public services). This number includes four categories: administrative civil servants, prison officers, industrial civil servants working for the Department of Public Works and Department of Art, Heritage, Gaeltacht and the Islands. It also includes civil servants on secondment to other bodies

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<sup>122</sup> Following the proposed methodology, non-commercial semi-state bodies could be integrated in the field of the study because of its functions: "these are bodies financed by grants or revenue derived from charges imposed by legislation" (see Polet R., Nomden K., *Employment in Public Administration of the EU Member States*, Research Project carried out by the EIPA on behalf of the European Commission, December 1996). From the point of view, on one hand, of the internal subdivisions of the public sector in Ireland and, on the other hand, of the different status of the workers, the non-commercial semi-state bodies have not been integrated in the field of the "central public services".

<sup>123</sup> Source: Central Statistics Office, March 2003.

such as the United Nations or the European Commission and those working outside of Ireland with the Department of the Foreign Affairs. This figure is calculated on the basis of full-time equivalents and excludes people absent for a career break.

From the point of view of status, a distinction is made between civil servants, police and defence forces, employees of local authorities, employees of the regional health board, employees of the education sector (state schools) and employees of various commercial and non-commercial state bodies.

## Social dialogue in the sector

The most important collective agreements are the National Partnership Agreements, of which six have been concluded since 1987. The most recent called *Sustaining Progress* was signed in March 2003 and covers the period 2003-2005. The parties to the negotiations included the Government, employers, trade unions, farming bodies and the community and voluntary sector. These agreements cover both private and public sectors but some provisions are specific to the public sector. *Sustaining Progress*, for example, relate to modernisation of public services, overtime hours, performance, atypical working arrangements, etc.

At decentralised level, agreements are signed on a Departmental, occupational or sub-sectoral level.

## Representatives of employers

There is more than one interlocutor representing the employer in collective bargaining in the Irish public services:

- In the national collective bargaining, the Department of the Taoiseach (Prime Minister) is responsible for facilitating the talks, provides a chairperson, a secretariat and a venue; it is responsible for promoting social dialogue. The Department also oversees the implementation of social partnership agreements. Discussions to reach a national agreement are chaired by a senior civil servant. If talks are breaking down, the Prime Minister or the Deputy Prime Minister can intervene to facilitate the dialogue. This is not specific to the public sector.
- The employer in centralised collective bargaining for the public sector is represented by the Department of Finance (Ministry).
- The employer in localised collective bargaining is represented by a specific Department which must act in concordance with the Department of Finance.
- In more localised bargaining, the employer is represented by a senior civil servant from a Department (Ministry).

## Workers' organisations

The public services have a higher rate of **unionisation** compared with employees in private sector:

Sector	Proportion of Member of Trade Unions (%)
Public Administration and Defence	79
Health	55
Education	60
Transport, Communications	51
All sectors of Economy	37

Source: CSO (2003); Quarterly National Household Survey (QNHS), 2002 Fourth Quarter, Dublin.

Trade union sources would estimate trade union coverage in the central administrations of public services (civil service) at 90-95% (higher than the data revealed by the CSO).

There are formal procedures for the recognition of trade unions in order to:

- Access the industrial relations machinery and institutions
- Be affiliated to the ICTU: public services unions coordinate their positions inside the Irish Congress of Trade Unions (ICTU). This is achieved through a Public Services Committee of the ICTU.

## The Civil and Public Services Union (CPSU)

This trade union has 13,000 members in clerical and administrative grades and first line managers in the civil service (ministries) and public service.

The CPSU is affiliated to the ICTU at national level (member of the ETUC and the ICFTU) and to the EPSU and UNI at European and international level.

## The Public Service Executive Union (PSEU)

The PSEU has 8,000 members in executive grades in the civil service (ministries), public service and in state commercial and non-commercial bodies in jobs of tax collection, social welfare, employment, customs and Excise, the Diplomatic Service, etc.

The PSEU is affiliated to the ICTU at national level (member of the ETUC and the ICFTU). It is also affiliated to EPSU<sup>124</sup>.

## The Irish Municipal, Public and Civil Trade Union (IMPACT)

The IMPACT trade union is the largest public sector trade union in Ireland with 46,000 members in health, local government, education, civil service, state-owned companies, telecommunications, etc.

The IMPACT is affiliated to the ICTU at national level (member of the ETUC and the ICFTU) and to the EPSU and UNI at European and international level.

These three trade unions account for 67,000 public sector workers. They are the largest trade unions.

## The Association of Higher Civil and Public Servants

In addition, the Association of Higher Civil and Public Servants represent 2,500 senior civil servants and managers in the commercial and non-commercial state sector in Ireland. It is a registered trade union affiliated to the ICTU (member of the ETUC and the ICFTU).

### Recapitulation:

Organisation	Structure/Type of membership	Total membership	Membership in central public services*	CB**	National affiliations	European and international affiliations
CPSU	Clerical and administrative grades, managers	13,000	ND	Yes	ICTU	EPSU, UNI ICFTU and ETUC via ICTU
PSEU	Commercial and non commercial bodies,	8,000	ND	Yes	ICTU	EPSU <sup>125</sup> ICFTU and ETUC via ICTU
IMPACT	Health, local government, education, civil services, state companies, etc.	46,000	ND	Yes	ICTU	EPSU UNI ICFTU and ETUC via ICTU
The Association of Higher Civil and Public Servants	Senior civil servants and managers in the public sector	2,500	ND	Yes	ICTU	ICFTU and ETUC via ICTU

\* Public administration of the central government

Concerning affiliations in the civil services, trade unions estimate that they cover together about 90-95% of the civil servants.

\*\* Participates in collective bargaining

<sup>124</sup> Source: EPSU.

<sup>125</sup> Source: EPSU

# ITALY

## 1. Delimitation of the sector

The **public services** in Italy can be divided in eleven sub-sectors:

Fiscal agencies	This includes the State Property Office, the Customs Office, the Tax Office, the Local Fiscal Offices
Specialised schools of art and music academies	It includes Art academies, the National Ballet Academy, etc.
State autonomous administrations and firms	It includes fire brigades and state monopolies such as Tobacco.
Non-economic public bodies	It includes all the social security institutes, the Foreign Commerce institute, professional associations and the related federations, the Agency for agricultural assistance, etc.
Public institutes of research and development	The National Research Council, the National Statistical Institute, the Health Institute, Physics Institutes, etc.
Ministries	Employees working in the ministries of the central government and those working at Bolzano autonomous provinces' offices, plus employees working in the Centre of interforces military application studies. Includes prison officers, forestry workers and judiciary staff.
Regional and local administrations	Municipalities, provinces, regional administrations, chambers of commerce, non-economic public bodies depending of the regional administrations, civil services offices for social assistance, etc.
Premier's Office	Premier's Office
National health system	Hospitals, national health system, public charitable institutions etc.
Public school	Public schools, public kindergartens, special education institutes, primary and secondary public schools, etc.
University	Universities

Employees of the railway and the state postal service are excluded from this delimitation because they were privatised in 1985 and 1994 respectively.

There is not a recognised and shared definition of the **Central Public Sector** in the existing literature on public administration. When talking about public sector we usually refer to all employees of public administrations whose employment relationship is "contractualized". That means it is determined through collective bargaining, according to the provisions of the law decree n. 29 of 1993 (articles 1 and 2). This definition actually includes all the public services employees for whom ARAN (*Agenzia per la rappresentanza negoziale delle pubbliche amministrazioni* - National Agency representing all public employers) is the compulsory employers' side bargaining agent in all national negotiations.

Though, according to the scope of this study, we can draw a distinction on the basis of budget definition between "public sector" and "State sector". Concerning the former group (public sector, in a wider definition), Regional and local administrations, national health system, University, Public institutes of research and development and Non economic public bodies are included. In this case, the collective bargaining is addressed by the Sector's Committee (*Comitati di settore*) and the institutions included have a little more autonomy in the definition of the budget constraints, due to the relative autonomy of the institutions. On the contrary, what is here called "State sector" seems to be closer to a definition of Central public sector, as it regards only:

Ministries
Public School (together with Specialised schools of art and music academies, and <i>Presidi</i> , who are all school units' administrators)
Prime Minister's Office
Fiscal Agencies
State autonomous administrations and firms

This group differs from the former because Government is obliged to define the budget constraints for the renewals of the employees' work contracts. It is the Government, for instance, that represents Ministries. Therefore, there is a stricter and more binding rule for the bargaining procedures as it is linked to the budget definition settled in the Economic and Financial document presented by the Government (known as *Legge finanziaria*).

Take note that the Economic and Financial Planning Document (DPEF) sets budgetary constraints for all the eleven sectors mentioned above, with the only, and only partial, exclusion of the non economic bodies. This means that salary increases are defined at the national level also for regional and local administrations, National health system, Universities, etc. Even if these administrations profit of a relative autonomy, the decisions taken at the national bargaining table (within the financial constraints of the DPEF) have to be respected at the local decentralised levels. This is now a day a core problem in the difficult relations between centre and periphery: The "autonomous" budget managing of the universities, or hospitals, has to provide salary increases decide at the national level, without receiving any budget increase. That is why it is so difficult to define the "central" public employment...

We can add the "*non contractualised*" employees to the group defined as "State sector". These employees, however, are not covered by collective bargaining.

## 2. Characteristics of the sector

There are two possible **employment relationships** in the Italian public sector. On the one hand, employees of public administrations whose employment relationship is "contractualised". This employment relationship is regulated by collective bargaining. This category includes all the public services employees for whom the ARAN is the compulsory employer-side bargaining agent in all the national negotiations. It represents 2,830,262 people. On the other hand, there is the non-contractualised staff group that includes the police force, military forces, magistrature, diplomats, prefectures, university teachers. Their total number is 505,174. For the whole public sector, there are 3,335,436 employees.

### *Number of employees in the public sector*

Contractualised staff		
Sub-sector	Number (December 2000)	Of which part time employees
Ministries	208 378	
Public school	921 667	13 639
Specialised schools of art and music academies	8 382	
Premier's Office	3 101	
Public school	921 667	13 639
State Autonomous Administration and firms	38 845	126
<i>Total central public services (contractualised staff)</i>	<i>1,240,222</i>	
Non Economic Public Bodies	62 209	2322
Research Institutes	15 525	368
University	55 570	2 555
Regional and local administrations	567 520	27 003
National health system	675 192	30 092
Municipalities and Provinces secretaries	5 501	
Institutions from art. 70 Law decree 156, 2001	The headcount of this group is spread in the other sectors	
<i>Total</i>	<i>2,830,262</i>	

Non contractualised staff	
Police	316331
Military forces	124696
Magistracy	10072
Diplomats	960
Prefectures	1617
University Teachers	51 498
<i>Total</i>	<i>505,174</i>

<i>Total number of employees</i>	<i>3,335,436</i>
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Source: Ufficio della Regioneria dello stato – State Accounting Office, December 2000

Note: this table does not include atypical job contracts (temporary workers or training contracts) because their number is not stable

At December 2000 the number of persons employed in the **Central public sector** as defined above, was 1,240,222. According to the definition, we can add the 505,174 non contractualised public employees but they are not covered by collective bargaining. We obtain a total of 1,745,396 employees.

In the last years (1997-2001), there have been **reductions** in the public sector employment. The main reasons for these reductions are budgetary constraints, especially due to the Maastricht parameters, as well as the reforms aiming to foster efficiency of the public services. The sectors most affected are the public school sector, ministries, non economic public bodies, the national health system and state autonomous administrations.

### 3. Social dialogue in the sector

There are several **levels** of negotiation in the public sector in Italy:

- Some framework agreements (called *accordi*) are procedural agreements which define the formal rules for collective bargaining and settlement of disputes.
- At national level, ARAN and the representative trade unions negotiate the terms of "frame national agreements" (*Contratto Collettivo Nazionale di Lavoro, CCNQ*) for several sub-sectors, and the "Industry wide contracts" (*Contratto Collettivo Nazionale di Lavoro, CCNL*) for each sub-sector.
- At local level, public administrations negotiate with the representatives of workers (*Rappresentanza sindacale unitaria, RSU*) and with the local representatives of trade unions that have signed national agreements. Collective agreements concluded at this level are called integrative contracts (*Contratti integrativi*).

There is, for the moment, a **debate** going on about decentralisation and the enforcing of local level autonomy.

Different **agreements** are made for managers and employees. All agreements have a four-year validity for sections on norms and a two-year validity for the economic part.

In each sub-sector, there is a **Sub-sector Committee** (*Comitati di settore*) in charge of giving general guidelines for collective bargaining.

Different **topics** are discussed according to the level of negotiation and the kind of agreement concluded:

- The Frame national collective agreements (CCNQ) provide a definition of the sub-sector and the area, and it is the first step in the negotiations. It defines common topics of social dialogue such as union rights, tele-working, term contracts, conciliation and arbitration procedures, etc.
- The Industry-wide / sub-sector-wide national collective contracts (CCNL) are specific to each sub-sector and regulate employment conditions, industrial relations and economic conditions for employees' or managers' contracts. They also set rules and subjects for lower level negotiations, procedures in case of conflicts between social partners, etc. These agreements are applied to all employees (general application).
- The integrative (decentralised) contracts are based on subjects given by CCNL.

The issue on which most time is spent is probably the determination of wages. A part of the wage is linked to productivity and is defined at local level. Apart of wages, a great deal of attention has been paid to the quality of working conditions over the last decades. Several topics are common for all sub-sectors: job-grading (reduction of the professional levels / categories), wages linked to performance, mobbing, equal opportunities, etc.

#### ***Number of agreements and contracts signed between 1995 and 2003:***

CPS's sub-sector	Status	1995		1996		1997		1998		1999		2000		2001		2002		2003		TOTAL
		C	A	C	A	C	A	C	A	C	A	C	A	C	A	C	A			
Public sector wide agreements	Managers												2	1						3
	Staff																			
<b>Central public sector</b>																				
Ministries	Managers					2														19

	staff	1	2	2	2	2	1			3	1	2	1		
Premiers' Office	managers														
	staff														
Public School	managers										1				
	staff	1	1	4			1	1		2	2	4	1	2	20
Specialised schools of art and music academies	managers														
	staff														
Fiscal Agencies	Managers														
	Staff														
State Autonomous Firms	Managers			2											
	Staff		2				2		1	1	1				9
<b>Other sub-sectors</b>															
Non economic Public bodies	Managers					1									
	Staff	1	1		1	1	1			2			1	1	10
Public Institutes of research	managers					2									5
	staff		3												
University	managers														3
	staff							1		1			1		
Regional and local administrations	Secretaries									2					18
	managers		2	1			1					1	1		
	staff		3				1	2		2	1		1		
National Health System	managers (III e IV)		4	5	2				5	6	2	2			37
	staff	1	1	1			1	1	3	2	1				
Inst. art.70 d.lgs.165/2001	managers									2		5		2	21
	staff									5		6		1	
<i>Total Agreements</i>		0	6	5	8	0	2		10		4		2	37	
<i>Total Contracts</i>		4	25	16	11	7	14		38		22		8	145	

Source: ARAN

"C" stands for CCNL - Contratto Collettivo Nazionale di lavoro – National Industry-wide Collective Contracts

"A" stands for *Accordo collettivo nazionale* - National Agreement

## 4. Representatives of employers

Set up in 1993, ARAN is the representative agency for collective bargaining for the public services: ARAN carries out all activities associated with the negotiations and the settlement of collective contracts for the personnel of the public sector. The government has to give a formal authorisation to the content of the negotiations and the State Auditors Board (*Corte dei Conti*) has to control economic and financial costs. Thus ARAN is a technical force and not an interest group. It depends on government's directives and has to respect the limit of the resources available.

Principal forms of action of ARAN are the following:

- ARAN signs general and industry-wide agreements;
- ARAN assists public administrations in the application of industry-wide agreements in different sub-sectors;
- ARAN submits to the Commissione di Garanzia (Authority on Strikes) all national agreements which embody contents on essential public utility's services;
- ARAN organises seminars and conferences;
- ARAN arranges and co-ordinates studies, monitoring activities and data elaboration for the issues connected with collective bargaining (wages, working hours, employment conditions, etc.);
- ARAN processes data on elections and membership in order to identify the most representative unions;
- ARAN prepares a quarterly report on the trend of actual wages in public employment, which is submitted to the Government, to the Sectoral Committees and to Parliamentary Commissions.

ARAN represents the employer at the meetings of ministers involved in public administration. ARAN is a member of the CEEP.

## 5. Workers' organisations

One of the main characteristics of the public sector's industrial relations in Italy is the fragmentation of trade unions. There are autonomous, plant-level trade unions (*sindacalismo autonomo*) and rank-and-file committees (*cobas*). The autonomous trade unions are often highly conflictual.

### Representativeness

The identification of most representative trade union confederations in the public sector was set up in 1997. There are different ways to measure the representativeness:

- A confederation is entitled to take part in negotiations in a single sub-sector if it has within it a union representing more than 5% of employees. This figure is calculated as the average between electoral data (election for employees' work councils) and the membership rate within each sub-sector
- The trade unions entitled to take part in the negotiations for the framework collective agreements are those which have at least two recognised sub-sector's federations within their whole structure
- For the managerial areas, the trade unions entitled to negotiate are those that reach the 5% membership rate. There are no elections for managerial areas.

The ARAN is in charge of identifying the representative organisations by collecting all the data related to the elections and memberships.

The following trade unions are recognised as negotiating agents for employees of the central public sector:

Sub-Sector	Unions Confederations	Staff Trade Unions	Eventual European Affiliation
Fiscal Agencies	CISL CGIL CONFSAL UIL USAE RDB CUB CISAL	CISL FPS CGIL FP CONFSAL-UNSA UIL PA FLP RDB PI CISAL INTESA	EPSU EPSU; ISP USSP-CESI - - - USSP-CESI
Specialised schools of art and music academies	CGIL CISL UIL CONFSAL -	CGIL SNUR AFAM CISL UNIVERSITA' UIL AFAM CONFSAL SNALS UNIONE ARTISTI UNAMS	EPSU; ISP EPSU - USSP-CESI -
State autonomous administrations and firms	CISL CGIL UIL RDB CUB	CISL AZIENDE CGIL FP UIL PA RDB PI	EPSU EPSU; ISP - -
Ministries	CISL CGIL UIL CONFSAL UGL CISAL RDB CUB	CISL FPS CGIL FP UIL PA CONFSAL – UNSA FLP CISAL INTESA RDB PI	EPSU EPSU; ISP - USSP-CESI <i>Eurofedop</i> <sup>126</sup> USSP-CESI -
Premiers' Office	CISL CISAL UIL UGL RDB CUB CGIL	CISL FPS CISAL INTESA UIL PA FLP RDB PI CGIL FP	EPSU USSP-CESI - <i>Eurofedop</i> <sup>127</sup> - EPSU; ISP

<sup>126</sup> Source: Eurofedop consultation



	CONFSAL	CONFSAL - UNSA	USSP-CESI
Public school	CISL CGIL CONFSAL UIL -	CISL SCUOLA CGIL SCUOLA CONFSAL SNALS UIL SCUOLA FED.NAZ.GILDA/UNAMS	EPSU EPSU; ISP USSP-CESI - -

Source: ARAN

The following organisations represent the managers' organisation in the central public sector:

AREA I – Fiscal Agencies	CONFSAL – UNSA CIDA/UNADIS DIRSTAT CISL FPS UIL PA CGIL FP	CONFSAL CIDA CONFEDIR CISL UIL CGIL
AREA I- Autonomous State administrations and firms	DIRSTAT CISL AZIENDE CIGIL FP UIL PA CIDA/FENDEP AZIENDE with a saving clause	CONFEDIR CISL CGIL UIL CIDA
AREA I – Ministries	DIRSTAT CISL FPS CIDA/UNADIS MINISTERI FEDERAZIONE ASSOMED SIVEMP CONFSAL – UNSA CGIL FP UIL PA	CONFEDIR CISL CIDA COSMED CONFSAL CGIL UIL
AREA V (Public school management)	CIDA/ANP CISL SCUOLA CGIL SCUOLA CONFSAL SNALS	CIDA CISL CGIL CONFSAL
AREA I – Premier's Office	CIDA / UNADIS DIRSTAT UIL PA CGIL FP CISL FPS CONFSAL – UNSA	CIDA CONFEDIR UIL CGIL CISL CONFSAL

The CIDA is member of the CEC at European level.

## Number and type of members

The great majority of the workers employed in the public sector are white-collar workers. Exceptions can be found, such as forestry workers. The public sector trade unions are characterised by a high union density and the rate of participation in works councils' elections is also quite high (between 71,78% for the university sub-sector to 87,13% for the fiscal agencies sub-sector).

### *Number of workers affiliated in the trade unions representative at national level*

Trade unions federations belonging to:	CISL	CGIL	CONFS-AL	UIL	USAE	RDB CUB	CISAL	CIDA	UGL	Others
Sub-sectors										
Fiscal agencies	ND	ND	ND	ND	ND	ND	ND	ND	ND	
State autonomous administrations	7,732	6,814		3,339		1,743				

<sup>127</sup> Source: Eurofedop consultation

Specialised schools of art and music academies	412	378	154	109						Unione Artisti unams: 1,105
Ministries	25,061	17,424	9,436	16,452		3,252	6,151		3,720	
Premiers' Office	356	54	93	97		93	188		52	
Public schools	139,089	88,581	103,513	46,539						Fed. Naz. Gilda/ Unams: 37,707
<i>Total central public services*</i>	<i>172,650</i>	<i>113,251</i>	<i>113,196</i>	<i>66,536</i>		<i>5,088</i>	<i>6,339</i>		<i>3,772</i>	

Note: The data of this table are presented for trade unions federations that have reached a 5% representativeness and that are entitled to take part in the negotiation of national collective contracts. Thus these figures correspond to the workers affiliated in the representative federation, recognised as negotiating agents. They do not correspond to all members of the confederations in the sector. The table represents the number of employees that notify their employer to pay union dues on their behalf.

\*without fiscal agencies

#### *Results of works councils elections (2001, %)*

Trade unions federations belonging to:	CISL	CGIL	CONFS-AL	UIL	USAE	RDB CUB	CISAL	CIDA	UGL	Others
Sub-sectors										
Fiscal agencies	ND	ND	ND	ND	ND	ND	ND	ND	ND	
State autonomous administrations	32.78	27.90		18.22		12.19				
Specialised schools of art and music academies	11.51	30.13	7.35	9.63						Unione Artisti unams: 39.87
Ministries	27.04	24.27	9.61	19.03		6.43	6.36			
Premiers' Office	29.69	11.75	5.34	13.84		9.44	16.15		13.80	
Public schools	22.72	26.39	19.18	12.02						Fed. Naz. Gilda/ Unams: 10.67

Notes: The data of this table are presented for trade unions federations that have reached a 5% representativeness and that are entitled to take part in the negotiation of national collective contracts.

### **European and international affiliations**

The CGIL is affiliated to the EPSU and the ISP. The CGIL and the CISL public services federations are affiliated to the EPSU. The CISAL and the CONFSAL are both affiliated to CESI and therefore adhere to the USSP-CESI. See the table above.

# LUXEMBOURG

## Delimitation of the sector

The **public sector** in Luxembourg is characterised by a somewhat deconcentrated administration. This deconcentration may be seen in the way the country is divided into 3 Districts and 12 Cantons, but these areas cannot be deemed to be intermediary levels of government because they do not have any governmental structures.

The two levels of power in Luxembourg are the central level and the local level (ie the local authorities, *communes*), the only levels at which there civil services). These two levels include the following services:

Central power (the state)	General administration
	Judges
	Military and law and order (the army and the police)
	Education
	Religions
	Customs service
Local authorities	General administration
	Primary education

In Luxembourg, the scope of this research ("central public services") corresponds to the level of the central power (ie the state).

## Characteristics of the sector

**Staffing levels** in the Luxembourg public sector as at 1 January 2003 are set out in the table below:

Civil servants	
General Administration	4,752
Judges	402
Military and Law and order	1,683
Education	6,358
Religions	261
<i>Total</i>	<i>13,579</i>
White-collar staff	
Administration	3,765
Blue-collar staff	
Administration	1,007

Source: Ministry of the Public Sector and Administrative Reform. Report on activity 2002, Luxembourg, March 2003.

As far as **statuses** in the Luxembourg public sector are concerned, a distinction needs to be drawn between civil servants and white- and blue-collar employees.

## Social dialogue in the sector

Social dialogue is mostly **centralised** at government level as it concerns employees of the central public sector. Social dialogue relating to public sector employees at local authority level takes place on a central committee.

Social dialogue **focuses** on all matters relating to the status of civil servants and of white- and blue-collar employees in the public sector. In practice, the government intervenes in cases of substantial reform, and particularly when negotiations and concertation and consultation exercises deal with pay and pensions: more specific issues are the subject of discussion between the trade unions and senior managers in the administration.

The scope of social dialogue varies according to the **status** of the public sector workers concerned: as far as civil servants and white-collar staff are concerned, social dialogue leads to amendments to the law; in the case of blue-collar workers, the outcome is a collective agreement.

Negotiations on the status of civil servants and white-collar employees can lead to the signing of a written agreement, but a signed agreement is not needed for the government to act as the regulations applicable to civil servants and white-collar staff are fixed **by law**. If an agreement is, however, signed at the end of the negotiations, the question as to whether the government is bound by it is a controversial one, but this appears to have been resolved by a judgement allowing the representative trade union confederation to win the day.

**Collective agreements** are binding. They have a maximum duration of three years. All blue-collar workers employed by the state are covered by collective bargaining.

The most recent **gains** affecting the position, status and conditions of employment public sector workers include:

- staff involvement in modernising the administration in respect of the internal organisation of the administration and of its managerial methods;
- the introduction of an option to work part-time (25%, 50% or 75%) in the Luxembourg public sector;
- a range of measures aimed at a better reconciliation of working and family life (eg parental leave and teleworking);
- the opportunity for civil servants aged 60 to resume former duties up to the age of 68;
- an increase in the higher age-limit for admission to traineeships in various branches of the public sector;
- the outlawing of moral harassment.

## Representatives of employers

In the central administration, the state is usually represented in social dialogue exchanges by the government. When discussions focus on status, pay or pensions, the state is represented by the Public Sector Minister.

## Workers' organisations

Participation in dialogue social is restricted to the most **representative** trade unions at national level. To be deemed the most representative either at national level or for the sector concerned, a union must be conspicuous for its high membership, its activities and its independence.

The most representative trade union for civil servants and white-collar employees in the public sector is the General Confederation of Civil Servants (Confédération Générale de la Fonction Publique, CGFP); blue-collar workers employed by the state are represented by the Luxembourg Confederation of Christian Trade Unions (Lëtzebuenger Chrëstleche Gewerkschaftsbond, LCGB) and the Independent Trade Union Confederation of Luxembourg (Onofhängegen Gewerkschaftsbond Lëtzebuerg, OGB-L). In negotiations that are due to culminate in the signing of a collective agreement, the LCGB and the OGB-L take account of the outcomes of the negotiations conducted by the CGFP for the public sector and civil servants. The collective agreement for state-employed blue-collar staff, which covers about 3000 employees, is currently applied automatically.

### *Actors and outcomes of the social dialogue in the state public sector*

Status of the workers	Actors in the social dialogue	Results of the social dialogue
Civil servants	Government and Public Sector Minister CGFP	Law
White-collar staff	Government and Public Sector Minister CGFP	Law
Blue-collar staff	Government OGB-L and LCGB	Collective agreement

## General Confederation of Civil Servants (Confédération Générale de la Fonction Publique, CGFP)

The CGFP has approximately 60 affiliated unions or federations, and negotiates on all matters of general importance on behalf of all these organisations. It is worth noting that the CGFP also has individual members, some of whom are blue-collar workers employed by the state.

The larger organisations in the CGFP include:

- the General Federation of State-Employed University Teachers (Fédération Générale des Universitaires au Service de l'Etat, FEDUSE);
- the National Union of Teachers (Syndicat National des Enseignants, SNE);
- the General Association of Managers (Association Générale des Cadres, AGC);
- the General Federation of State Clerical and Secretarial Staff (Fédération Générale des Expéditionnaires et Commis de l'Etat, FGEC);
- the Professional Public sector Association (Association Professionnelle de la Fonction Publique);
- the Professional Law and Order Union (Syndicat Professionnel de la Force Publique);
- the Association of State White-Collar Employees (Association des Employés de l'Etat).

Altogether, the CGFP has 24,000 active and retired members; almost all are white-collar workers. At the most recent "social elections" in 1998 and 2000, the CGFP won over 90% of the votes.

At international level, the CGFP is affiliated to the USSP-CESI.

### **Independent Trade Union Confederation of Luxembourg (Onofhängegen Gewerkschaftsbond Lëtzebuerg, OGB-L)**

The OGB-L consists of three trade unions that recruit employees in the public sector at central and local authority level. They are:

- the Public Services Union (Syndicat Services Publics) (general);
- the Health and Social Services Union (Syndicat Santé et Services Sociaux) (public establishments);
- the Education and Science Union (Syndicat Education et Science) (schools and para-school staffs).

Blue-collar workers make up 90% of the membership of the first of these unions, and white-collar workers make up 100% of the second and third. Trade union density is an estimated 30%. The OGB-L participates in collective bargaining and in consultation exercises with the public authorities.

### **Luxembourg Confederation of Christian Trade Unions (Lëtzebuerger Chrëstleche Gewerkschaftsbond, LCGB)**

The LCGB is made up of three unions that recruit workers employed in the public sector at central and local authority level. They are:

- the Public Sector Federation (Fédération du secteur public);
- the Health Federation (Fédération santé);
- the Local Authority White-Collar and Civil Service Federation (Fédération des employés et fonctionnaires communaux) (this federation does not fall within the scope of this study).

These trade unions recruit both whiter-collar and blue-collar workers. The LCGB participates in collective bargaining and in consultation exercises with the public authorities. The LCGB is affiliated to Eurofedop and the ETUC.

#### ***Recapitulation***

Organisation	Structure/ Type of membership	Total membership	Number of members in "central public	CB**	National affiliations	European and international affiliations

				services**			
CGFP		60 organisations: civil servants and white-collar staff; blue-collar staff	24,000	ND	Yes <sup>128</sup>	None (CGFP is a national organisation)	USSP-CESI CIF
OGB-L	Public Services Union (Syndicat Services Publics)	General	2,500 (Source: OGB-L website)	ND	Yes	OGB-L CGT-L	ETUC via OGB-L EPSU via CGT-L PSI via CGT-L
	Education and Science Union (Syndicat Education et Sciences)	Education and para-school staffs	ND	ND	Yes	OGB-L CGT-L	ETUC via OGB-L EPSU via CGT-L PSI via CGT-L
	Health and Social Services Union (Syndicat Santé et Services Sociaux)	Health and social services	3,205 (Source: OGB-L website, March 2002)	ND	Yes	OGB-L CGT-L	ETUC via OGB-L EPSU via CGT-L PSI via CGT-L
LCGB	Public Sector Federation (Fédération Secteur Public)	Blue- and white-collar workers	6,000	ND	Yes	LCGB	Eurofedop ETUC
	Health Federation (Fédération Santé)			ND	Yes	LCGB	
	(Local Authority White-Collar and Civil Service Association (Fédération des Employés et fonctionnaires communaux)***			(0)	(Yes)	(LCGB)	

\* Workers employed in the public sector at central power (state) level

\*\* Participates in collective bargaining

\*\*\* Does not fall within the scope of the "central public services", but included here because the membership figures obtained include this organisation.

CGT-L: Confédération Générale du Travail du Luxembourg (Luxembourg General Confederation of Labour)

<sup>128</sup> Results of the negotiations for public employees and civil servants do not lead to collective agreements but are fixed by law.

# THE NETHERLANDS

## Delimitation of the sector

From a vertical point of view, the **public sector** in the Netherlands consists of the ministries and its agencies, the provinces, the local authorities and the district waterboards. Secondly, the public sector is divided according to functional criteria: education<sup>129</sup>, defence, police and the judiciary. Within the sector of education, academic hospitals, scientific education, higher professional education and research institutes can be separated. Besides, there are also bodies belonging to the "semi-public sector", including public health, musical orchestras and the not for profit sector. Thus we will focus on the **state sector**.

## Characteristics of the sector

Employment in the **public sector** was the following in 1997:

Sector	Number of employees
State	106,656
Provinces	12,801
Local authorities	175,192
District Waterboards	8,734
Education*	339,225
Defence	76,886
Police	45,220
Judiciary	2,179
<i>Total</i>	<i>784,975</i>

Source: Ministerie van Binnenlandse Zaken, 1997

\* Data on the sectors of Scientific Education, Higher Professional Education, Research Institutes and Academic Hospitals are not available and have not been taken into consideration.

Thus, employment in the **state sector** is estimated to be 106,656 employees.

The "public sector employees' **status**" is characterised by the following main elements:

- The public employee is appointed under an unilateral act (in contrast to the private sector in which appointment is determined by a labour agreement)
- The employer in the public sector has a certain limitation of freedom in case of resignation of employees
- Rights and obligations of civil servants cannot be taken to a civil court but are put in hands of an administrative court
- The settlement of the terms and conditions of employment are under public law
- The framework of collective bargaining is different from the private sector

## Social dialogue in the sector

Until 1989, it was common in the Netherlands to speak of "collective consultation" for the public sector, rather than "collective bargaining". However **recent developments** have tended to bring negotiations in the public sector closer to those in the private sector.

All employees in the public sector have the **right to membership of** to one of the public sector trade union organisations. Formally, the state has the power to fix the terms and conditions of employment for the public employees unilaterally. However this power has been restricted with the introduction of the "requirement of agreement" establishing an obligation to consult the four public employees union confederations.

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<sup>129</sup> The education sector includes public and private education because the legal position of employees is similar.

Collective bargaining in the public sector takes place at **central level** but predominantly at **sectoral level**. Collective bargaining has been decentralised at sectoral level since 1993. The process has even been developed further in the education sector since negotiations take place on a sub-sectoral level.

In this respect, rules have been made to establish the **subject of negotiations** at central and sectoral level. Concretely, with the exception of the issue of pensions, all other terms and conditions of labour are subject to discussions at sectoral level. Eventually the issue of pensions will be shifted at sectoral level as well.

**Collective labour agreements** have a general **duration** of one or two years. After the collective agreement has expired, the employers are free to determine the terms and conditions of employment they want. A collective labour agreement binds employees who are members of the trade unions that have signed the agreement. There is a possibility of **extension** of collective agreements. It does not constitute a general measure of extension to the entire sector but rather a correction of an individual employer who does not comply with the negotiated result at sectoral level. Between 1993 and 2003, six Collective Labour Agreements were concluded in the **state sector** by the four trade union confederations participating in the negotiation in this sub-sector (see below). The **Coverage rate** per collective agreement is 100% in all sub-sectors of the public sector.

Subjects of **tensions** in the recent public sector negotiations are the insurance regime, pensions, and financial restraints and budget cuts.

## Representatives of employers

The employer for the **state sector** is the Minister of the Interior. He can be represented by a senior civil servant. They sign collective agreements.

The Minister of Interior represents the state for the whole public sector at meetings of ministers responsible for public administrations. The Director General Public Employee Management (DGMP) plays a coordination role in the case of meetings of directors general responsible for public administrations.

## Workers' organisations

### Trade unions in the state sector

At central level (for the whole public sector), the League of Public Sector Employers (VSO) consults with the Cooperating Public Employee Trade Union Confederation (SCO) within the Council for Public Sector Labour Relations (ROP). The ROP has a task in coordinating the policy for terms and conditions of employment. It also advises the government and the sectors on labour relations and labour market policy in the public sector.

In the state sector, the Minister of Interior negotiates with 4 public employee trade union confederations:

- The General Confederation of Public Sector Personnel (*Algemene Centrale voor Overheidspersoneel*, ACOP)
- The Christian Confederation of Educational and Public Sector Personnel (*Christelijke Centrale voor Overheids- en Onderwijzend Personeel*, CCOOP)
- The Centre of Public Sector Employees (*Ambtenarencentrum*, AC)
- The Confederation of Managerial and Professional Personnel employed in the Public Sector, Education, Companies and Institutions (*Centrale van Middelbare en Hogere Functionarissen bij Overheid, Onderwijs, Bedrijven en Instellingen*, CMHF)

They negotiate in the Sector Committee State (SOR).

The workers affiliated in the public sector trade unions are civil servants. They can be blue-collar and white-collar. The ACOP for example includes more blue-collar workers than the CMHF, which is mainly a white-collar workers confederation.



## Recognition system

The recognition of the social partners in the public sector is based on both formal and informal criteria. The representativeness *de jure* of the unions refers to two regulations:

- The Public Servants Act (AW) attributes to the government the power to issue rules regarding "the manner in which consultation has to take place with the appropriate unions"
- The General Public Servants Regulation establishes the position of the four public sector employee trade union confederations: ACOP, CCOOP, AC and CMHF. These confederations appoint representatives (i.e. affiliated unions) that negotiate on their behalf in the sector committees.

Furthermore, the legislator permits the government to admit "other confederations which on account of the number of public sector employees they represent, can be judged as representative, as long as their admittance does not interfere with the public interest." The legislator may also give the possibility to the government to suspend the admission of a trade union confederation, in cases where the criteria of representativeness are not met. In practice, the representativeness of trade unions has not been put to test: since 1993, no new participants have requested to be admitted and no exiting partners have been excluded.

There is also a *de facto* recognition of the trade unions in the public sector, which can be illustrated with data on membership level (see the table below) and distribution of membership. Over the period 1990-1997 overall trade union membership has increased gradually in most sectors. This trend was reversed between 1997-1999. In the year 2000, union membership has increased slightly in most sectors.

**Summary table:**

	Number of unions' members		Union density of public employees		Share in public sector union membership		CB*	National affiliations	European and international affiliations
	Public sector	State sector	Public sector	State sector	Public sector	State sector			
ACOP <sup>130</sup>	221,237	22,676	27.1	19.6	55.4	45.2	Yes	SCO ROP FNV	EPSU UNI ISP
CCOOP	102,712	9,013	12.6	7.8	25.7	18.0	Yes	SCO ROP CNV	EUROFEDOP EPSU <sup>131</sup> Indirectly: WCL
AC	46,538	12,927	5.7	11.2	11.6	25.8	Yes	-	-
CMHF	29,363	5,433	3.6	4.7	7.3	10.8	Yes	SCO ROP MHP	Indirectly: ETUC
<i>Total</i>	<i>399,850</i>	<i>50,049</i>	<i>48.9</i>	<i>43.3</i>	<i>100</i>	<i>100</i>			

Source: Ministrie van Binnenlandse Zaken en Koninkrijksrelaties, 2000; ACOP, AC, CCOOP, CMHF

\* Takes part in collective bargaining (both for the whole public sector and for the state sector)

SCO: *Samenwerkende Centrales van Overheidspersoneel*, Cooperating Public Employee Trade Union Confederations

ROP: *Raad voor het Overheidspersoneelsbeleid*, Council for Public Sector Relations

FNV: *Federatie Nederlandse Vakbeweging*, Dutch Trade Union Federation

CNV: *Christelijk Nationaal Vakverbond*, Christian Trade Union Federation

MHP: *Vakcentrale voor Middelbaar en Hoger Personeel*, Federation of Managerial and Professional Staff Unions

This text is based on a more extended report to the European Commission, prepared by Chris Moll, Marc van der Meer and Jelle Visser, Amsterdam Institute for Advanced Labour Studies.

<sup>130</sup> According to EPSU, AbvaKabo, member of ACOP, is the union that deals with civil servants (Source: EPSU consultation). According to the national report, ACOP, the confederation, deals with the entire public sector and AbvaKabo deals particularly with the provinces and local authorities.

<sup>131</sup> Source: EPSU consultation

# PORTUGAL

## Delimitation of the sector

In Portugal there are three levels of public administration:

Public administration:	Central public administration
	Local public administration
	Regional public administration (autonomous regions of the Azores and Madeira)

The notion of **central public services** does not seem to be used in Portugal. The scope of the study covers the activities associated with the direct administration of the State and does not include the administration of the autonomous regions and the local public administration. Specific fields of activity like teachers, doctors, military force, etc. fall under the definition of central public services.

## Characteristics of the sector

The most recent quantitative data available for the **public sector** refers to December 1999<sup>132</sup>. In 1999, employment in public administration represented 14.8% of the employed population and 14.2% of the active population. There were a total of 708,159 civil servants.

Composition of the Public Administration	Number of employees in the Public Administration
Central Public Administration	560,823
Regional Public Administration	33,804
Local Public Administration	116,066
Services belonging to the sovereign powers of the State and independent bodies	5,725
<i>Total</i>	<i>716,418</i>

In the **central public services** (i.e. Central Public Administration), the organisational levels with the greatest number of workers in 1999 were education (228,771 employees, including teachers), health (115,590 posts, including doctors). Here are numbers and distribution of employees in 1999 by institutional level:

Composition of The State Public Administration	Number of employees
Ministry of Education (including teachers)	228,771
Ministry of Health (including doctors, nurses, laboratory and treatment technicians, social service technical personnel and senior technical health staff)	115,590
Ministry of Internal Administration (including the police)	50,896
Ministry of Defence (including the military forces)	51,622
Ministry of Justice (including judges and prison guards corps)	24,818
Ministry of Solidarity and Social Security	27,280
Ministry of Finance	17,263
Ministry of Agriculture, Fisheries and Rural Development	14,528
Ministry of Public Works and Town and Country Planning	ND
Ministry for Economy	5,639
Ministry of the Environment	3,381
Ministry of Culture	3,509
Ministry of Foreign Affairs	3,874
Ministry of Labour and Human Resources Development	ND
Ministry of Science and Technology	1,411
<i>Total</i>	<i>548,582</i>

Figures adapted from IGDAP, 2001, *idem*

Note: In the first table, the total number of posts of central public administration is 560,823. In the second one, the total is 548,582. The difference is due to the missing categories (ministries of labour and of public works)

<sup>132</sup> IGDAP (2001), A Administração Pública em Números: Recenseamento Geral da Administração Pública, Síntesis, Lisboa, IGDAP/MREAP.

Within the State Public Administration, the most important professional categories are the teaching profession, the medical staff and then the administrative staff.

In 1999, the number of employees with an individual contract of employment was 12,407, i.e. 3.45% of the Central Public Administration.

## Social dialogue in the sector

**Regulation** of the sector is anchored in several law sources:

- The Constitution of the Portuguese Republic
- The Law No. 23/98 of 26 May concerning collective bargaining and participation rules for Public Administration workers
- Decree-Law No. 94/99 of 19 March regulating the way Public Administration workers exercise their right of Freedom in trade union matters.

In Portugal, there are two **levels of negotiation**. The first includes public administration in general and the second includes the sectoral level. Regarding matters common to the whole of public administration, negotiations are concluded by the Government and the three workers' organisations: Frente Comum (Trade Union for civil servants and employees of the Public Administration), FESAP (Trade Union for civil servants and employees of the Public Administration) and STE (Union of State Technical Staff). **Issues** of general negotiations relate to salaries, career structures, and statutory matters. At sectoral level, interlocutors of negotiations are the Government and the sectoral workers' organisations. Sectoral negotiations focus on particular matters such as remuneration, overtime, training, health and safety, recruitment, working hours, holiday arrangements, etc.

There are not in the Portuguese Public Administration negotiations of formal agreements such as collective labour agreements. Collective bargaining in the Portuguese Public Administration has a 100% **coverage** since all employees are represented in this system.

**Negotiations** are held on an annual basis. This year however, according one of the social partners contacted there have been no real negotiations since the Government has adopted measures without making any concessions. The Portuguese Government has, in particular, frozen the salaries of the Public Administration in order to limit the budget deficit. The Government has also limited recruitment and encouraged mobility among personnel. According to the social partners, the greatest cause of **tension** recently has been this approach to wage policy.

The main **trend** to point out in the sector relates to the new regulation allowing the creation of trade union associations for the **police** and professional associations for the **military forces**. For the first time these professionals can be heard on different issues. In the case of the police it can even be considered as collective negotiations.

## Representatives of employers

The Portuguese Government, as the employer, is represented by a member responsible for Public Administration, who coordinates, and by the Ministry of Finance, intervening on their behalf or through a representative. In negotiations held at sectoral level, interlocutors are the member responsible for Public Administration, the Minister of Finance and the Minister responsible for the sector.

## Workers' organisations

**Three trade unions** negotiate with the Government on the matters concerned with the whole public administration:

- The Frente Comum, Federação Nacional dos Sindicatos da Função Pública: this organisation has 500,000 affiliates and represents various kinds of workers in public administration.
- The FESAP, Frente Sindical da Administração Pública, also takes part in sectoral negotiations with the Government in health and social security sectors and in formal consultations.

- The STE, Sindicato dos Quadros Técnicos do Estado, takes part in sectoral negotiations with the Government for the sectors of health, finance, inspection, scientific research, ports and justice and participate in formal consultations (in several committees)

It seems that there are no significant conflicts on the issue of **recognition** of social partners. In this respect, however, it can be said that the SNESUP (Sindicato Nacional do Ensino Superior, National Union for Higher Education) has claimed the right to take part in collective bargaining at general level.

**Summary Table**

Organisation	Structure / kind of members	Number of affiliates	Number of affiliates in the CPS	CB*	National affiliations	European and international affiliations
Frente Comum (Federação Nacional dos Sindicatos da Função Pública, Common Trade Union for the Public Administration)	31 trade union organisations (trade unions, federations, one confederation). Various types of workers with the exception of the police, the armed forces, the judiciary and the diplomats	500,000	ND	ND	None	None
FESAP (Frente Sindical da Administração Pública, Trade Union Front for the Public Administration)	11 trade unions, 2 federations (37 trade unions in total) Various kinds of members	Over 200,000	125,000	Yes	UGT (União Geral dos Trabalhadores, General Workers' Union)	EPSU PSI
STE (Sindicato dos Quadros Técnicos do Estado, Union of State Technical Staff)	Technical and managerial staff**	24,620	19,710	Yes	UGT (União Geral dos Trabalhadores, General Workers' Union)	EPSU EUROFEDOP ETUC INFEDOP

\* Take part in collective bargaining: in Portugal, the expression "collective agreements" is not applied to the public sector. However, there are sectoral negotiations in which the social partners take part. No kind of agreements result from these negotiations but the Government produces legislation in which it is reported that it has heard the opinion of social partners.

\*\* It does not include teachers, doctors, nurses, the armed forces and police force.

At sectoral level, negotiations are held with **sectoral trade unions**:

Professional groups	Interlocutors (trade unions)
<b>Ministry of Finance</b>	
Public administration in general	<ul style="list-style-type: none"> <li>• FC (Frente Comum)</li> <li>• FESAP (Federation of Public Administration Unions)</li> <li>• STE (Trade Union of State Technical Staff)</li> </ul>
<i>(Local administrations)*</i>	<ul style="list-style-type: none"> <li>• <i>(STAL, Local Administration Workers' Union)</i></li> <li>• <i>(SINTAP, Public Administration Workers' Union)</i></li> <li>• <i>(STE, Trade Union of State Technical Staff)</i></li> </ul>
<b>Ministry of Health</b>	
Doctors	<ul style="list-style-type: none"> <li>• SIM (Independent Union of Doctors)</li> <li>• FNAM (National Federation of Doctors)</li> </ul>
Nurses	<ul style="list-style-type: none"> <li>• Portuguese Nurses Union</li> <li>• National Federation of Nurses Union</li> </ul>
Laboratory and Treatment Technicians	<ul style="list-style-type: none"> <li>• Public Administration Workers' Union</li> <li>• National Federation of Public Service Unions:</li> <li>• Democratic Union of Laboratory and Treatment Technicians</li> <li>• National Union of Paramedic and Pharmacy Professionals</li> <li>• Portuguese Physiotherapists' Union</li> <li>• Health Sciences and Technology Union (= Union of Paramedical Staff)</li> </ul> <p><b>Associations:</b></p> <ul style="list-style-type: none"> <li>• Association of Radiology, Radiotherapy and Nuclear Medicine Personnel</li> </ul>

	<ul style="list-style-type: none"> <li>• Portuguese Association of Prosthetic Dentistry Personnel</li> <li>• Portuguese Association of Orthopists</li> <li>• Portuguese Association of Audiology Personnel</li> <li>• Portuguese Association of Neurophysiology Personnel</li> <li>• Portuguese Association of Occupational Therapists</li> <li>• Portuguese Association of Physiotherapists</li> <li>• Professional Association of Orthoprosthetics Personnel</li> <li>• Portuguese Association of Pharmacy Personnel</li> <li>• National Association of Environmental Health and Hygiene</li> <li>• National Association of Pharmacy Personnel of the Laboratory and Treatment Group</li> <li>• Portuguese Association of Cardiopulmonary Personnel</li> <li>• Portuguese Association Pathological Anatomy Personnel</li> <li>• Portuguese Association of Dieticians</li> <li>• Portuguese Association of Oral Hygienists</li> <li>• Portuguese Association of Clinical Analysis and Public Health Personnel</li> <li>• Portuguese Association of Speech Therapists</li> </ul>
Social Service: technical personnel	<ul style="list-style-type: none"> <li>• Union of Social Service Technical Personnel</li> </ul>
Senior Technical Health Staff	<ul style="list-style-type: none"> <li>• Public Administration Workers' Union</li> <li>• National Federation of Public Service Unions</li> <li>• Union of State Technical Staff</li> <li>• National Union of Pharmacists</li> <li>• National Union of Psychologists</li> </ul>
<b>Ministry of Education</b>	
University Teachers	<ul style="list-style-type: none"> <li>• SNESUP (National Higher Education Union)</li> <li>• FENPROF (National Federation of Education Unions)</li> <li>• Association of Private and Cooperative Teaching Establishments</li> </ul>
Polytechnic Teachers	<ul style="list-style-type: none"> <li>• SNESUP (National Higher Education Union)</li> <li>• FENPROF (National Federation of Education Unions)</li> <li>• Association of Private and Cooperative Teaching Establishments</li> </ul>
Basic and Secondary Level Teachers Primary / Nursery level Teachers	<ul style="list-style-type: none"> <li>• STIPPEB (Union of Teachers for the 1<sup>st</sup> Cycle of Basic Education)</li> <li>• FENPROF (National Federation of Teachers)</li> <li>• FNE (National Federation of Education Unions)</li> <li>• FEPECI (Portuguese Federation of Teachers in Education, Culture, Research)</li> <li>• FENEI (National Teaching and Research Federation)</li> <li>• PRÓ-ORDEM (Trade Union Association of Teachers)</li> <li>• SNPL (National Graduate Teachers' Union)</li> <li>• SPLIU (National Union of Graduate Teachers from Universities and Polytechnical Institutes)</li> <li>• SPLEU (Trade Union of Graduate Educators and Teachers from Colleges of Education and the Universities)</li> </ul>
<b>Ministry of Justice</b>	
Judiciary	<ul style="list-style-type: none"> <li>• Trade Union Association of Portuguese Judges</li> <li>• Trade Union of Public Prosecution Service Judges</li> </ul>
Prison Guards	<ul style="list-style-type: none"> <li>• National Union of the Prison Guard Corps</li> </ul>
<b>Internal Administration</b>	
PSP (Public Security Police)	<ul style="list-style-type: none"> <li>• ASPP (Trade Union Association of Police Professionals)</li> <li>• SPP (Trade Union of Police Professionals)</li> <li>• ASOP (Trade Union Association Senior Police Officers)</li> <li>• SNOP (National Union of Senior Police Officers)</li> <li>• SICCP (Independent Union of Chiefs of Police)</li> <li>• ANS (National Association of Assistant Chiefs of Police)</li> <li>• ASJ (Independent Trade Union Association of Public Security Police Officers)</li> <li>• SIAP (Independent Union of Police Officers)</li> </ul>

	<ul style="list-style-type: none"> <li>• National Associations of Retired Public Security Police Officers</li> </ul>
GNR (National Republican Guards)	<ul style="list-style-type: none"> <li>• APG (Professional Association of the GNR)</li> <li>• ASG (Association of GNR Sergeants)</li> <li>• AOG (Association of Senior GNR Officers)</li> </ul>
<b>Ministry of Agriculture</b>	
Forest Guards	<ul style="list-style-type: none"> <li>• SETAA (Trade Union for Agriculture, Food and Forests)</li> <li>• FESAP (Trade Union Federation of the Public Administration)</li> </ul>
<b>Ministry of Defence</b>	
Military Personnel	<ul style="list-style-type: none"> <li>• ANS (National Association of Sergeants)</li> <li>• AOFA (Association of Officers in the Armed Forces)</li> <li>• APA (Association of Navy Ratings)</li> <li>• ANE (National Association of Contracted Army Personnel)</li> <li>• AMIRR (Association of Reserve and Retired Military Personnel)</li> <li>• Commandos Association</li> <li>• AFAP (Portuguese Air Force Association)</li> </ul>
Civil Personnel	<ul style="list-style-type: none"> <li>• STCFA (Union of Civilian Workers in the Armed Forces, Manufacturing Establishments and Defence Firms)</li> </ul>
Militarised Personnel	<ul style="list-style-type: none"> <li>• Maritime Police Association</li> <li>• National Association of Militarised Navy Personnel</li> </ul>

Source: DGAP/NRI, 2003

\*Not included in the field of the study

The USSP-CESI also mentions its members in the education sector<sup>133</sup>:

- The National Association of Teachers (Associação Nacional de professores, ANP)
- The Confederation General of Independent Trade Unions (Confederação Geral dos Sindicatos Independentes, CGSI)

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<sup>133</sup> Source: USSP-CESI consultation

# SPAIN

## Delimitation of the sector

There are three levels in the Spanish **public administration**<sup>134</sup>: the State administration, the administration of the 17 autonomous communities (regions) plus the cities of Ceuta and Melilla in the north of Africa, and the local administrations. The university sector is another subdivision taking place besides these three levels<sup>135</sup>.

### *Structuring of public administration in Spain:*

State administration includes <ul style="list-style-type: none"> <li>- General administration of the state</li> <li>- Security forces</li> <li>- Armed forces</li> <li>- Administration of justice</li> <li>- Public entities</li> </ul>
Autonomous communities administration includes: <ul style="list-style-type: none"> <li>- General administration (<i>Consejerias</i>, autonomous entities, etc.)</li> <li>- Administration of justice</li> <li>- Security forces</li> </ul>
Local administrations: <ul style="list-style-type: none"> <li>- municipalities (<i>ayuntamientos</i>)</li> <li>- <i>Diputaciones</i> (grouping of towns and city councils in provinces)</li> </ul>
Universities

The **central public services** in Spain can be defined as the addition of two levels: the State administration and the level of the autonomous communities (see the methodology note). Health, education and security forces are linked to the State administration and within some autonomous communities:

State administration
General administration of the state: <ul style="list-style-type: none"> <li>- Ministries, autonomous organs</li> <li>- Prison institutions</li> <li>- Social security institutions</li> <li>- Tax administrations</li> </ul> Security forces Armed forces Administration of justice Public entities
Autonomous communities
General administration: <ul style="list-style-type: none"> <li>- <i>Consejerias</i> (Ministries)</li> <li>- Autonomous public entities</li> <li>- Non-university educational staff</li> <li>- Health institutions</li> </ul> Administration of justice Security forces

## Characteristics of the sector

The number of employees in the Spanish **public administrations** was 2,284,452 in 2002. This number has continued to increase over the last-decades. Employees working in the public administration are usually divided into four areas of

<sup>134</sup> Public commercial companies have been excluded of the field of the study.

<sup>135</sup> Even if the universities have been transferred to the autonomous communities, they are often considered as an independent group because of their autonomy and the specificity of their personnel. From the point of view of the collective bargaining, this category tends to be more autonomous.

responsibility: state public sector, autonomous communities, local administrations and universities. The highest number of employees is to be found in the administrations of the autonomous communities.

**Employment in public administrations in Spain:**

	July 2002	
	Number of workers	Distribution (%)
State administration	556,181	24.4
Administrations of the autonomous communities	1,101,999	48.2
Local administrations	533,274	23.3
Universities	92,998	4.1
Total	2,284,452	100

Source: Ministerio de Administraciones Públicas, *Boletín Estadístico del Registro Central de Personal*.

Here is the detail of employment in the **central public services** (i.e. the state and the autonomous communities sectors)

	Number of workers, July 2002
<i>State administration (total)</i>	<i>556,181</i>
- General administration of the state (ministries)	238,090
- Security forces	115,480
- Armed forces	118,401
- Administration of justice	27,520
- Autonomous public entities	56,690
<i>Administrations of the autonomous communities (total)</i>	<i>1,101,999</i>
- General administration <sup>136</sup>	1,063,815
- Administration of Justice	22,993
- Security forces <sup>137</sup>	15,191

There are different levels of status in the Spanish public administrations: industrial relations for the **contract employees** are governed by the labour law, which is also valid for the private sector but it is limited by budgetary and formal controls. On the other hand, **civil servants** come under a limited collective regulation: the right to negotiate and for trade union freedom<sup>138</sup> is regulated by Act 9/1987 on Representative Bodies, Determination of working conditions and Staff Participation in Public Administrations (*Órganos de Representación, Determinación de las Condiciones de Trabajo y de Participación del Personal al Servicio de las Administraciones Públicas*) which was modified by Act 7/1990 and Act 18/1994 on Staff Representative Bodies in Public Administration (*Órganos de Representación del Personal al Servicio de las Administraciones Públicas*).

In principle, the general system and the rule is the statutory system (the civil service) and the possibility of having staff members under the labour regime is viewed as a legal exception. Nevertheless, the proportion of employees under labour law is important and varies much from one public administration to another.

The two groups have different scopes for bargaining and a different set of dynamics. However, there has been a tendency towards to move closer together these last years<sup>139</sup>.

<sup>136</sup> Include the *Consejerías* (autonomous government and its administrations) and their autonomous organisations, areas of non-university education and health institutions which have been transferred to the autonomous communities.

<sup>137</sup> In the Basque Country and in Catalonia only.

<sup>138</sup> From the point of view of union freedom, The law establishes some exceptions for some categories of workers: the Armed forces and other institutions of the army, a part of the National police, judges, magistrates and public prosecutors have no right to belong to unions. The state security forces and corps are also under a specific regulation.

<sup>139</sup> According to the comments of the Dirección General de la Función Pública (consultation), there is no consensus regarding this point of view.

Actually, this opinion was underlined by union representatives who were interviewed, but also within the agreement reached between the government and the unions for the year 2003 and 2004 (Acuerdo para la Modernización y Mejora de la Administración Pública). This agreement was signed in November 2002 by the Administration representatives and the trade unions CCOO, UGT, CSIF.



## Social dialogue in the sector

A first possibility offered by the Law for the **representation** of both civil servants and contract employees is the Union representation (*secciones sindicales*). Secondly, there is a representation system specific to the status of the employee. Contract employees elect a representative body, the Staff Committee (*Comité de empresa*) in charge of the collective bargaining. Civil servants have two kinds of representative bodies: the "Staff Council" (*Juntas de Persona*) elected every four years and the "Bargaining Commissions" (*Mesas de Negociación*). Lastly, informal negotiations are also possible for the two categories: the "Joint Staff Committee" (not legally regulated) represents the civil servants and the contract employees<sup>140</sup>.

Collective bargaining takes place at different **levels**. At **general level**, the General Civil Service Commission (*Mesa General de la Función Pública*) is a general forum of negotiation for all the public administrations. This Commission is the highest framework for collective bargaining. The general agreements have wide-ranging effects in most areas of public administrations. The trade unions attending to the General Civil Service Commission for the State Administration are those that have got above 10% of the representation in the staff councils in all Spain (UGT, CCOO, CSIF)<sup>141</sup> or trade unions that have got above 15% of the representation in the autonomous communities (CIG, ELA)<sup>142</sup>.

At **state level**, there is the State Administration General Negotiation Commission (*Mesa General de Negociación de la Administración del Estado*). General commissions for Public Service are also established for the **autonomous communities level** (*Mesa general de Negociación de la Comunidad Autónoma*).

At a lower level, **sectoral** or **local** commissions (*Mesas sectoriales* and *Mesas descentralizadas*) are also established in order to deal with the specific working conditions affecting the corresponding area, a sector or a department as well as the applicability of the agreements concluded at general level. Commissions are empowered to negotiate working conditions and they are consulted for some matters such as salaries, public vacancies, recruitment etc. The same rules as those required in the General Civil Service Commission for the State Administration are needed for trade unions to attend these commissions.

## Representatives of employers

Generally, it is established that the State Government is in charge of the staffing policy in the matter of public services in Spain. In the State administration, the most important body after the Government is the Ministry of Public Administration, in charge of the general development, the coordination and the control of execution of the governmental policy in this matter. The Civil Service Commission (Comisión de Coordinación de la Función Pública) is in charge of the coordination of the staffing policy, drawing up recruitment plans etc. The Ministry of Economy and Treasury also makes proposals to the government that relate to the staff expenditure in the process of drawing up the state budget. Each autonomous government performs similar functions in territorial administrations.

## Workers' organisations

### Comisiones Obreras (CCOO), Workers' Commissions

Three federations take part in the public sector bargaining on CCOO's part:

- the Federation of Public Administrations and Services (*Federación de Servicios y Administraciones Públicas*, FSAP-CCOO), takes part within the field of public administrations. According to the union, it has 31% of the representatives elected by workers. FSAP-CCOO has about 102,000 affiliated workers in public administrations, including local administrations. This organisation is member of the EPSU and the PSI. Indirectly, it belongs to the ETUC and the ICFTU.

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<sup>140</sup> These Joint Staff Committees are not legally recognised but they work informally in several administrations. This was expressed by several interviewees.

<sup>141</sup> UGT: Unión General de Trabajadores; CCOO: Comisiones Obreras; CSIF: Confederación de Sindicatos Independientes

<sup>142</sup> CIG: Confederación Intersindical Galega; ELA: Eusko Langilleen Alkartasuna

- the Education Federation (*Federación de Enseñanza*, FE-CCOO) represents the whole education cycle. It has 23% of the delegates in the sector and 81,500 affiliated workers of which 63,000 are teachers in the non-university public education. FE-CCOO is member of the ETUCE and the EI (Education International). Indirectly, it belongs to the ETUC and the ICFTU.
- the Health State Federation (*Federación Estatal de Sanidad*, FES-CCOO) represent 68,000 workers in health and social security sector. About 90% of them work in the public sector. The extend to which the federation is representative of elected workers varies from 15 to 25% depending of the communities. This organisation is member of the EPSU and the PSI. Indirectly, it belongs to the ETUC and the ICFTU.

### **Unión General de Trabajadores (UGT), General Workers' Confederation**

The Federation of Public Services (*Federación de Servicios Públicos*, FSP-UGT) takes part in collective bargaining in the public sector.

- The FSP-UGT affiliates workers in the public administration. It is the second union in public administrations, with 25 to 30% of delegates. The organisation has 202,000 affiliated workers including local administration and health. This organisation is member of the EPSU and the PSI. Indirectly, it belongs to the ETUC and the ICFTU.
- This federation has a Secretariat for Health and Social Health Services (*Secretaría para el Sector de Salud y Servicios Socio-Sanitarios*). About 90% of the affiliated workers work in the public sector. It has about 10-15% of delegates depending on the autonomous community concerned.
- UGT has organised the affiliated workers in the education sector in the Education Workers' Federation (*Federación de Trabajadores de la Enseñanza*, FETE-UGT). It has about 14% of the delegates in the sector. FETE-UGT is member of the CSEE (ETUCE) and the EI. Indirectly, it belongs to the ETUC and the ICFTU.

### **Confederación de Sindicatos Independientes – Confederación Sindical Independiente de Funcionarios (CSI-CSIF), Independent Trade Union Confederation – Independent Trade Union Confederation of Civil Servants**

CSI-CSIF is a trade union exclusively covering the public service area and it is split into different sectors. CSI-CSIF is a member of the EUROFEDOP and of USSP-CESI<sup>143</sup>.

- In the Public administration, the CSI-CSIF has about 15 to 20% of the delegates. It has 100,000 affiliated workers in the public administration sector, including local administrations.
- In Education, it has about 11% of the delegates.
- In the health sector, it has about 10% of the delegates. It is representative of between 5-15% of the workers in some communities but it is not established in others.

### **Eusko Langilleen Alkartasuna – Solidaridad de Trabajadores Vascos (ELA-STV), Basque Workers' Solidarity**

ELA is a union limiting its scope for action to the autonomous community of the Basque Country and Navarra.

- In the public administration, the Public Service Federation of ELA (*Federación de Servicios Públicos*, FSP-ELA) has 20,598 affiliated workers of which more than 8,600 work in public administrations (including local administrations). The other sectors are health, post, police, etc. FSP-ELA is the first union in the public administration in the Basque Country and has more than the 15% of representation required to be present in the General Civil Service Commission for the State Administration (at State level). FSP-ELA is a member of EPSU and of the Public Services International (PSI). Indirectly, it belongs to the ETUC, ICFTU and the WCL.

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<sup>143</sup> According to EUROFEDOP, the CSI-CSIF is member of EUROFEDOP for Administration and Health and is a member of USSP-CESI for the Education sector (Source: EUROFEDOP consultation).

- The Education Federation of ELA (*Federación de Enseñanza de ELA*, FE-ELA) has 2,850 affiliated workers in the sector of non-university education out of the whole 22,000 employees. This represents 13% of employees for this sector in the autonomous community although it does not reach 1% when the whole of Spain is considered. The FE-ELA has 19% of the delegates in the Basque Country community and 18% of the delegates in the autonomous community of Navarra. FE-ELA belongs to the Education International and to the ETUCE.
- In the health sector, the FSP-ELA has 5,300 affiliated workers out of the total of 23,000 workers. Thus it represents 23% in the autonomous community even though it scarcely reaches 1% for the whole of Spain. According to data from the last Health Sector Commissions, FSP-ELA has more than 30% of the delegates in the sector.

### **Confederación Intersindical Galega (CIG), Galician Trade Union Confederation**

CIG is a union restricting its scope for action to the autonomous community of Galicia where it has a high degree of representation, above 15% in all public sectors. This result enables the organisation to be present in all existing commissions at state level. CIG is a member of the World Confederation of Labour (WCL).

- The Public Administration Federation (*Federación de Administración Pública*) in the autonomous community of Galicia has approximately 5,000 affiliated workers out of 45,000 workers (11% of the workers). For the whole of Spain it only represent 0.4% of the workers, including local administrations.
- The Education Federation of the CIG (*Federación de Enseñanza de CIG*, CIG-Ensino) has approximately 5,000 affiliated workers out of the 30,000 workers in the sector in the autonomous community of Galicia (16% for Galicia but 1% for the whole of Spain). The organisation has 40% of the delegates of the sector. CIG-Ensino is federated to the International Federation for Education.
- The Health Federation of CIG (*Federación de Sanidad*) has about 3,500 affiliated workers in the public health out of 29,000 workers in the sector (12% in Galicia and almost 1% for the whole Spain). The Federation has 22% of the delegates in the sector.

### **Confederación de Sindicatos de Trabajadores de la Enseñanza (STEs), Union Confederation of Teaching Workers**

STEs is a confederation of unions, which covers only the area of non-university education. It has about 42,000 affiliated workers in the sector out of the almost 459,000 teachers in the whole of Spain (about 8%). STEs has 22% of the delegates in the whole of all autonomous communities. It is the first union in autonomous communities such as Catalonia, País Valenciano, Castilla y León or the autonomous city of Melilla. STEs is federated to the CSEE (ETUCE) and it is a member of the Education International.

### **Asociación Nacional de Profesores de España (ANPE), National Association of Teachers of Spain**

ANPE is a union exclusively covering the area of non-university education. It has 45,000 affiliated workers in the sector out of the almost 459,000 teachers in the whole of Spain (approximately 10%). ANPE has 14%<sup>144</sup> of the delegates in the whole of the autonomous communities. It is the first union in the autonomous community of Castilla la Mancha<sup>145</sup> and it has strong presence in Andalusia or Galicia<sup>146</sup>. ANPE is a member of USSP-CESI.

### **Convergencia Estatal de Médicos – Sindicato de Ayudantes Técnicos Sanitarios de España**

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<sup>144</sup> According to ANPE, it has 19% of the delegates in the whole of the autonomous communities (Source: ANPE, via USSP-CESI consultation)

<sup>145</sup> But also in Murcia, Canarias y Cantabria (Source: ANPE, via USSP-CESI consultation)

<sup>146</sup> But also in Madrid and Baleares (Source: ANPE, via USSP-CESI consultation)

## **(CEM-SATSE), State Convergence of Doctors – Trade Union of Medical-Technical Assistant and Nursing of Spain**

The Trade Union of Medical-Technical Assistants and Nurses of Spain (SATSE) is a union exclusively covering the health area and, in practical terms, the professional group of nurses. It has about 60,000 affiliated workers in Spain out of the total 150,000 workers in this professional area (40% out of the total number and 15% of all health workers).

On their part, the State Convergence of Doctors (CEM) is also a union exclusively covering the health area but only the professional group of physicians and it has 35,000 affiliated workers out of the total 80,000 doctors (44% of the sector and a bit less than 9% of all health workers).

Both professional unions collaborate under the abbreviation CEM-SATSE in order to obtain delegates in the union elections. It is the first union force in practically most of the autonomous communities with a 30% representation, a fact enabling them to be present in all bargaining commissions, both at regional and state levels.

SATSE belongs to the EUROFEDOP.

## **Unión Sindical Obrera (USO)**

The USO has become a representative organisation at the end of the year 2003 in the State Administration General Negotiation Commission (*Mesa General de Negociación para la Administración del Estado*), with a result of 11.14%<sup>147</sup> in the last elections. One of its federations is the Federation of Public Employees (Federación de Empleados Públicos, FEP-USO)<sup>148</sup>.

USO is a member of EUROFEDOP.

## **Sindicato de la Administración Pública (SAP)**

The SAP has also obtained more than 10% of the representation in the staff councils after the 2003 elections<sup>149</sup>.

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<sup>147</sup> These results are under revision, since they are not recognised by CCOO, UGT and CSIF.

<sup>148</sup> Source: Certificación del Ministerio de Trabajo y Asuntos Sociales, 30/09/2003 (Via EUROFEDOP).

<sup>149</sup> Source: Dirección General de la Función Pública (consultation, April 2004).

However, there is, at this moment, a process to check those figures (such it is the case for USO).

Recapitulation:

Organisation	Structure/Type of membership	Total membership	Membership in central public services	CB*	National affiliations	European and international affiliations
FSAP-CCOO	Public administrations	102,000 (including LA)	60,000 – 70,000	Yes	CCOO	EPSU PSI <u>Indirectly:</u> ETUC, ICFTU
FE-CCOO	Education	81,500	63,000 in the non-university public education	Yes	CCOO	ETUCE EI <u>Indirectly:</u> ETUC, ICFTU
FES-CCOO	Health	68,000	59,543	Yes	CCOO	EPSU PSI <u>Indirectly:</u> ETUC, ICFTU
FSP-UGT	Public administrations + health	202,000 (including LA and health)	83,000 in central public administration 22,000 in health	Yes	UGT	EPSU PSI <u>Indirectly:</u> ETUC, ICFTU
FETE-UGT	Education	ND	ND	Yes	UGT	ETUCE EI <u>Indirectly:</u> ETUC, ICFTU
CSI-CSIF	Public administration	100,000 (including LA)	48,900	Yes		Eurofedop, USSP-CESI <sup>150</sup>
	Education	ND	19,100			
	Health	ND	15,600			
FSP-ELA	Public sector, various	20,598 workers 8,600 workers in public administrations (including LA) 5,300 in health	ND	Yes**	ELA-STV	EPSU PSI <u>Indirectly:</u> ETUC, ICFTU, WCL
FE-ELA	Education	2,850	2,850	Yes**	ELA-STV	ETUCE, EI <u>Indirectly:</u> ETUC, ICFTU, WCL
CIG: Public administration Federation	Public administrations	6,000 (including LA)	4,126	Yes***	CIG	<u>Indirectly:</u> WCL
CIG-Ensino	Education	5,000	4,109	Yes***	CIG	EI <u>Indirectly:</u> WCL
CIG: Health federation	Health	3,500	2,312	Yes***	CIG	<u>Indirectly:</u> WCL
STEs	Non-university education	42,000	42,000	Yes		ETUCE EI <u>Indirectly:</u> ETUC
ANPE	Non-university education	45,000	45,000	Yes		USSP-CESI
CEM-SATSE	Doctors, medical-technical assistants, nurses	95,000	ND	Yes		Eurofedop
FEP-USO	Public employees, state administration	ND	ND	Yes <sup>151</sup>	ND	Eurofedop

<sup>150</sup> According to EUROFEDOP, the CSI-CSIF is member of EUROFEDOP for Administration and Health and is a member of USSP-CESI for the Education sector (Source: EUROFEDOP consultation).

SAP	Public administration	ND	ND	Yes <sup>152</sup>	ND	ND
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\* Takes part in collective bargaining

\*\* In Basque Community and Navarre

\*\*\* In GaliciaLA: local administrations

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<sup>151</sup> According to the results of the 2003 social elections, these organisations are recognised as representative. These results are, however, in revision.

<sup>152</sup> According to the results of the 2003 social elections, these organisations are recognised as representative. These results are, however, in revision.

# SWEDEN

## Delimitation of the sector

The Swedish **public administration** is composed of civil service (The state, central administration), and local authorities, which are themselves split into communes, and regional authorities (23 Regional Councils). The law sets out their respective areas of competence.

The **central state public services** include Foreign Affairs, Defence, Justice, the Police, Central and Fiscal Administration, Equipment and Infrastructure, Social Security, Central administration of Employment, (Employment Agencies etc.), the Universities and cultural services.

One of the particularities of the Swedish central public service sector is the existence of **agencies**, which are independent of the government, within the administration. 270 agencies employ between 10 and 25,000 wage earners each. The agencies have objectives to achieve but have no directions as to the means to achieve them.

## Characteristics of the sector

The **public sector** as a whole (State, municipalities and regional councils) employ 1,3 million people, which corresponds to 29% of the active population and 34% of wage-earners.

The **central public services** employ about 245,000 people, or 5.6% of the active population and 6.5% of Swedish employees. In the last few decades, there has been a marked decrease in the number of public sector employees, and this decrease is particularly evident in the central public services. This reduction is due not only to the budgetary reductions but also to privatisation and the transfer of jobs towards local authorities. This is particularly true for the agricultural, industrial and transport sectors.

### *Employment by sector in central public services, Sweden, 2002*

Sector	Number of employed
University, research	64,600
Justice	39,900
Defence	22,500
Social affairs and Training	22,400
Equipment, public enterprises 153	20,400
Economy and finances	19,300
Social security	14,500
Missions (Uppdragsverksamhet)	13,600
Central administration (government et ministries)	12,300
Environment and agriculture	6,500
Culture	4,300
Total	240,300

Source: Arbetsgivarverkets 2002.

## Social dialogue in the sector

All state employees have had the right to negotiate and to take strike action since 1965. The procedures for **negotiations** and conflict resolution in the public sector are regulated by collective agreements. Negotiations are carried out on two **levels** :

At central level, the collective agreements are concluded by two employers' organisations (The Swedish Agency for Government Employers, *Arbetsgivarverket* and the Federation of Social Insurance Offices, *Försäkringskassaförbundet, FKf*) and by two « negotiation cartels », which are : the Public Employees' Negotiation Council (*Offentliganställdas Förhandlingsråd OFR*) and the Swedish Confederation of Professional Associations, State (*Sveriges*

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<sup>153</sup> See note 1

*Akademikers Centralorganisation, Staten, SACO-S*<sup>154</sup>. Moreover, blue collar workers are represented by the Union of Service and Communication Employees (*Facket för Service och Kommunikation, SEKO*). The collective conventions signed at this level fix a salary increase limited to the duration of the agreement and they recommend the drawing up of local agreements. The collective agreements signed at local level between the employer and the local unions determine the working conditions and the method for fixing wages.

Over the last few years, one notes a distinct tendency towards **decentralisation** and the individualisation of the methods for determining wages and working conditions.

At present, there are, at central level, three **collective agreements** in force in the central public services as well as two in the specific sector of social security. These agreements are applicable between April 2002 and September 2004.

## Representatives of employers

During the negotiations and for the signature of collective agreements, the state is represented by the Swedish Agency for Government Employers, and, for the particular sector of social security, by the Federation of Social Insurance Offices.

### The Swedish Agency for Government Employers, Arbetsgivarverket

The Swedish Agency for Government Employers brings together all the public service agencies, which employ approximately 240 300 people. This organisation negotiates the five collective agreements (at central level) of the central public services.

This organisation is affiliated to the CEEP.

### The Federation of Social Insurance Offices. Försäkringskassförbundet, FKF

The Federation of Social Insurance Offices brings together all the public social security funds. Approximately 15,000 Swedish employees work within the Swedish social security system. The FKF is party to two collective agreements, one with the SACO-S and the other with the Federation of Insurance Workers. The Federation is a member of the International Association of Social Security. (ISSA).

## Workers' organisations

The public sector trade union federations cover about 205,000 employees. The overall rate of unionisation was of the order of 90% in 2002 (not including the insurance sector). In the social security sector, the density of unionisation was approximately 98%. The unionisation density for the whole sector was 91% in 2002. The coverage rate for the collective agreements is 100% due to the fact that the agreements are extended to non-union workers.

### The Public Employees' Negotiation Council, Offentliganställdas Förhandlingsråd OFR

The Public Employees' Negotiation Council brings together 12 trade union federations in the public sector (State and regional authorities). In the central public sector, the OFR has 6 federations, of which 4 belong to the Confederation of Civil Servants and Employees (TCO), 1 belongs to the Confederation of Academic Workers (SACO) and 1 being an independent federation: The Swedish Federation for Middle Management (LEDARNA). In the public sector, the OFR represented about 100,000 members in 2002. The OFR negotiates with the Swedish Agency for Government Employers.

The federations which are members of the OFR for the central public services are the following:

Federations	Affiliates
The Union of Civil Servants, ST, member of the TCO	69,485
The Federation of Defence Employees, Försvarsförbundet, member of the TCO	5,049

<sup>154</sup> These trusts include various federations of the two principal Swedish trade union confederations, that is to say the Confederation of Civil Servants and Employees (*Tjänstemänens Central Organisation TCO*) and the Confederation of Academic Workers (*Sveriges Akademikers Centralorganisation SACO*).



The Swedish Police Federation, Svenska Polisförbundet, SPF, member of the TCO	16,235
The Federation of Customs and Coast Guard Employees, Tull-Kust member of the TCO	2,757
The Officers' Federation, Officerförbundet, member of the SACO	10,624
The Swedish Federation for Middle Management, Ledarna	1,596
<i>The Teachers Union (Läraryrket)</i> <sup>155</sup>	3,903
<i>The Swedish Association of Health Professionals (Vårdförbundet)</i> <sup>156</sup>	1,140

Source: Trade Union Organisations, 2003

The two OFR federations, The Union of Civil Servants (ST) is affiliated to PSI, EPSU, UNI, UNI-Europa, ITF, ETF. The Federation of Defence Employees is affiliated to the PSI and the EPSU. In the same way, the SACO-S federation, the Swedish Association of Social Science Graduates, Personnel Administration, Management, Economics and Social Work, is a member of the PSI and the EPSU. The Federation for Middle Management is a member of the CEC.

The TCO federations are affiliated, via the TCO, to the CES/ETUC and to Eurocadre. The SACO federation is affiliated, via the SACO, to the ETUC and to Eurocadre.

## The Swedish Confederation of Professional Associations, State, Sveriges Akademikers Centralorganisation, Staten, SACO-S

The Swedish Confederation of Professional Associations, State, is the negotiating arm of the Confederation of Public Sector Academic Workers (SACO) for the central public sector. The SACO-S brings together 24 federations representing approximately 75,700 workers in the central public sector. The SACO-S negotiates with the Swedish Agency for Government Employers and also with the Federation of Social Insurance Offices (FKF) in the social insurance sector.

The SACO-S federations are the following :

Federations	Members in the State sector
Swedish Association of Qualified Engineers ( <i>Sveriges Civilingenjörersförbund, CF</i> )	9,614
The National Federation of Teachers ( <i>Lärares Riksförbund, LR</i> )	2,937
The Federation of Graduates in Law, Economics, Information Technology, Human Resource Administration and Social Sciences ( <i>Jusek</i> )	18,635
The Swedish Association for Graduates in Social Sciences, Human Resource Administration, Management, Economics and Social Work ( <i>Akademikerförbundet, SSR</i> )	5,572
The Swedish Medical Association ( <i>Sveriges Läkarförbundet</i> )	2,144
The National Swedish Federation for Graduates in Economics and Commerce ( <i>Civilekonomerna</i> )	2,935
The Association for Documentation, Information and Culture ( <i>DIK-Förbundet</i> )	4,638
The Swedish Federation of University Teachers ( <i>Sveriges Universitetsläraryrket, SULF</i> )	10,879
The Swedish Association of Dental Surgeons ( <i>Sveriges Tandläkarförbund</i> )	409
The Swedish Federation for Qualified Physiotherapists ( <i>Legitimerade Sjukgymnasters Riksförbund, LSR</i> )	370
The Swedish Association for Graduates in Natural Sciences ( <i>Sveriges Naturvetareförbundet</i> )	4,910
The Confederation of Engineers ( <i>Ingenjörförbundet</i> )	2,291
The Civil Service Federation of SACO ( <i>SACOs Tjänstemannaförbundet, SRAT</i> )	3,220
The Swedish Association of Occupational Therapists ( <i>Förbundet Sveriges Arbetsterapeuter, FSA</i> )	424
The Union of Swedish Psychologists ( <i>Sveriges Psykologförbundet</i> )	1,102
The Swedish Association of Pharmacists ( <i>Sveriges Farmaceutförbund</i> )	296
The Architects' Federation ( <i>Arkitektförbundet, AF</i> )	662
The Association of Higher Level Graduates in Agronomy, Silviculture, Horticulture and Nutritional Sciences ( <i>Agrifack</i> )	1,542
The Swedish Federation of University Ecclesiastics ( <i>Kyrkans Akademikerförbund</i> )	64
Association of Railway Civil Servants ( <i>SACO-förbundet trafik och Järnväg</i> )	1,161
The Swedish Federation of Merchant Navy Officers ( <i>Sveriges Fartygsbefälsförening, SFBF</i> )	188
The Swedish Veterinary Association ( <i>Sveriges Veterinärförbund</i> )	900
The Swedish Association of Water and Forestry Engineers ( <i>Skogsakademikerna</i> )	501
The Head-teachers Association ( <i>Sverige skolledarförbundet</i> )	291

<sup>155</sup> Source: EPSU consultation

<sup>156</sup> Source: EPSU consultation

Source: SACO, 2003

The SACO-S is affiliated to the CES/ETUC and to Eurocadre via the SACO.

## The Union of Service and Communications Employees, Facket för Service och Kommunikation, SEKO

The Union of Service and Communications Employees is a federation within the Swedish Trade Union Confederation (LO). It represents workers with an activity in the service and communications sectors (116,000 active members). This includes the Post Office, telecommunications, merchant navy, communications, defence, energy and public services. In the central public sector, the SEKO had approximately 23,200 members in 2002.

The SEKO is affiliated to the PSI, and to UNI and UNI-Europe and to EPSU. Via LO, it is indirectly affiliated to the ETUC.

### Recapitulation:

Organisation	Structure/Type of membership	Total membership	Membership in central public services	CB*	National affiliations	European and international affiliations**
SEKO	Blue collars	116,000	23,200	Yes	LO	PSI UNI UNI-Europa EPSU <u>Indirectly:</u> ETUC
OFR	White collars, administrative employees, state employees, etc.	600,000 (for the whole public sector)	105,746	Yes	Federations affiliated to TCO SACO LEDARNA	PSI EPSU (federations) CEC (federation) <i>UNI, UNI-Europe, ITF, ETF (federations)<sup>157</sup></i> <u>Indirectly:</u> ETUC Eurocadres
SACO-S	Teachers, university professors, lawyers, administrative staff, economists, etc.	75,685	75,685	Yes	SACO	<u>Indirectly:</u> ETUC Eurocadres

\* Participates in collective bargaining

\*\* For the detail, see the text above

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<sup>157</sup> Source : EPSU consultation

# THE UNITED KINGDOM

## Delimitation of the sector

The powers and the structures of the central public services are shaped by the political organisations of the United Kingdom: England, Wales, Scotland and Northern Ireland. The Scottish Parliament and the Assembly for Wales have competencies in matters such as health, education, transport, environment, etc. The Northern Ireland Assembly is temporarily suspended owing to political difficulties, but would have similar powers. Furthermore, all parts of the UK elect members of the national Parliament in Westminster, London. The Westminster Parliament and the national public services remains however the dominant political and administrative body in the UK.

The Central government (**central public services**) in the United Kingdom is defined by the Office for National Statistics (ONS) as "all administrative departments of the State and other central agencies whose competences extends normally over the whole economic territory." It includes the following activities:

Central government	Civil service
	Armed services
	National Health Service
	Others

Concerning the **health sector**, the NHS trusts are often not thought of as belonging to the central civil services in the UK. From 2003, however, employment in the NHS hospitals is classified by the ONS under the category "central government". But this modification does not involve any changes in terms of human resources management or negotiations. Thus, although the NHS has to be considered as a specific sector, it is presented in this study. The data, however, are presented separately.

## Characteristics of the sector

The following table shows how many employees were involved in the whole **public sector** in the United Kingdom in 2002:

Armed services	204,000
National Health Service	79,000
Civil Service	516,000
Other	19,000
<i>Total Central Government</i>	<i>818,000</i>
National Health Service trusts	1,360,000
Other, including nationalised industries	379,000
<i>Total Public corporations</i>	<i>1,739,000</i>
Education	1,362,000
Social services	367,000
Police	218,000
Construction	47,000
Other	747,000
<i>Total Local authorities</i>	<i>2,741,000</i>
<b><i>Total public sector</i></b>	<b><i>5,298,000</i></b>

Source: Labour Market Trends Sept 2003 p. 454 Jobs in the public sector: June 2002. Black, Ole; Richardson, Ian, and Herbert, Rhys. Pp. 453-466.

The number of employees in the **Central Government** was 818,000 in 2002. If we add employment of the NHS trusts (included in the central government since 2003), the employment reaches 2,178,000. Regarding more particularly the Civil Service, the number of permanent **Civil Service staff** working in departments and agencies, is 516,220, which correspond to 490,420 in full-time equivalents. To this have to be added 13,270 employees (12,550 in full time employment equivalent).

***Staff in departments and agencies, April 2002:***

Departments and their agencies	Permanent headcount	Casual head-count
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Total Staff in all departments and agencies	516,220	13,270
Cabinet Office and Office for the Deputy Prime Minister <sup>158</sup>	7,270	110
Department of Culture, Media and Sport	670	10
Defence	90,980	1,750
Education and skills <sup>159</sup>	7,500	270
Environment, Food and Rural Affairs <sup>160</sup>	14,980	1,310
Foreign and Commonwealth	5,740	10
Health	5,240	110
Home <sup>161</sup>	62,810	1,710
International Development	1,560	60
Law Officers' Department	7,690	290
Lord Chancellor <sup>162</sup>	21,110	550
Trade and Industry <sup>163</sup>	12,430	260
Transport, local government and the regions <sup>164</sup>	25,020	660
Treasury <sup>165</sup>	100,700 <sup>166</sup>	1,270
Work and pensions	132,650	4,060
Northern Ireland Office	180	0
Privy Council Office	40	0
Scotland <sup>167</sup>	14,940	530
Wales <sup>168</sup>	3,620	250

Source: Civil Service Statistics 2002

The **structure** of the civil service was shaped by the 1992 Civil Service Act, which proposed that the very large government departments should be broken up in order to separate policy advice and formulation from service delivery. The latter should be concentrated in special executive agencies. These agencies were placed under the authority of a Chief Executive Office (CEO) who would work with the relevant minister. About one quarter of public employees in the civil service work in government departments with an administrative and policy role, about half of employees work in the various agencies and about one quarter in revenue raising and legal services.

## Social dialogue in the sector

The social dialogue in the UK public services has long **focused** on pay determination. This comprises different methods according to the sub-sector. For the civil servants, pay determination and the management of human resources have been

<sup>158</sup> Including the Central Office of Information (300 permanent employees) and the Security and Intelligence Services (4,590 employees)

<sup>159</sup> Including the Office for Standards in Education

<sup>160</sup> Including the Food Standards Agency, the Meat Hygiene Service and the Rural Payment Agency

<sup>161</sup> Including HM Prison Service (45,580 permanent and 1,290 casual employees) and the Charity Commission (560 permanent and 20 casual employees)

<sup>162</sup> Including HM Land Registry (8,690 permanent and 40 casual staff) and Public Record Office (480 permanent and 30 casual staff)

<sup>163</sup> Including the Advisory Conciliation and Arbitration Service, the Export Credits Guarantee Department, the Office of Fair Trading, the OFGEM, the Office of Telecommunication, the Postal Service Commission (POSTCOMM)

<sup>164</sup> Including The Health and Safety Executive (4,190 permanent and 10 casual staff), the Office of the Rail Regulator, The Office of Water Service (OFWAT), the Ordnance Survey.

<sup>165</sup> Including Office of Government Commerce, HM Customs and Excise, Government Actuary Department, Inland Revenue, National Savings and Investments, Office for National Statistics, Royal Mint

<sup>166</sup> Including HM Customs and Excise (22,560 permanent and 330 casual employees), Inland Revenue (73,310 permanent and 780 casual employees), etc.

<sup>167</sup> Including the Scottish Executive, the Crown Office and Procurator Fiscal, the General Register Office, the National Archive for Scotland, the Registers of Scotland, Scotland Office.

<sup>168</sup> Including the National Assembly for Wales, Estyn (Office of the Chief Inspector of Schools in Wales), Wales Office

delegated to departmental/agency **collective bargaining**. The 1992 Civil Service Acts specified that the delegation of pay issues should include:

- Pay and grading structures
- "Customised" performance pay arrangements for particular groups of staff
- Probation arrangements
- Starting pay for particular groups of new staff
- Redundancy scheme and disciplinary procedures

Within collective bargaining, most of the unions focus on the representation of a particular occupational group within the service. For example, in the Inland Revenue, the PCS (Public and Commercial Services Union) negotiates an agreement on behalf of one set of job grades and the FDA-AIT negotiates on behalf of senior tax inspectors.

In theory, pay mechanisms should **cover** all the employees in a particular organisation. Nevertheless, in unusual circumstances, there may be employees that are not covered by collective agreements. It would be the case for top managers of agencies. The Labour Force Survey for 2001 suggests that the percentage of employees covered by a collective agreement is quite high but nowhere near 100%. In the public administration, the figure is about 80%.

Some categories of staff are not covered by collective bargaining and the pay determination method is by "**pay review**". "Pay review" is a special system in whereby committees of independent experts make recommendations to the government, after having received some submissions from the government, the employers and the employee organisations (public spending plan and objectives, recruitment and retention, human resource management issues etc.) The Government is free to accept wholly or partially or to reject these recommendations. In recent years, this system has delivered more favourable results to employees than collective bargaining. Although the government makes the decision about pay review body recommendations, the implementation of pay arrangements and working conditions are also negotiated in addition with trade unions and professional organisations.

In the central government, the senior civil servants, the judiciary and the armed services are covered by this system.

Service	Date of establishment of the method	Pay determination method
Civil service	1996	Department/Agency collective bargaining
Senior civil servants	1971	Review Body
Members of Parliament and Ministers (London, Cardiff, Edinburgh and Belfast)	1997	Review Body
Armed forces	1971	Review Body
Prison Service (England and Wales)	2002	Review Body
Prison Service (Scotland)	1987	Collective bargaining

In the **National Health Service**, the pay determination method can be the "pay review" (for doctors, dentists, nurses, health visitors, etc.) or the national collective bargaining (for ancillaries, administrative and clerical staff, ambulance workers, scientific, professional and technical workers).

**Contentious issues** in the public services are:

- the development of performance management
- the maintenance of national collective bargaining where it still exists, and a return to it where it has been devolved
- the transfer of activities to the private sector, which has lead to questions about the scope and the extent of public employment, the methods of employee representation and pensions.

## Representatives of employers

Since the delegation of pay determination under the 1992 Act, responsibility for pay negotiation is devolved to individual departments and agencies. Government department and agencies assume the employer function. In 2002, there were 93

such organisations. Some of them are very large, such as the Department for Work and Pensions with 125,000 employees and some are very small, as the Vehicle Certification Agency, with only 100 employees. Nevertheless, the Treasury (ministry of finance) issues detailed pay guidance each year and the Chief Secretary to the Treasury has to agree all departments' agreements.

In the National Health Service, pay and human resource management are devolved to NHS hospital and other health trusts. Unlike the agencies, however, the great majority of NHS trusts remain within national agreements for most of their staff. The other significant employers in the NHS are the health authorities and the primary care trusts.

Many of the key issues facing employers can be summarised under the heading of "modernisation" of public management and of human resource management.

## Workers' organisations

One feature of the employees' representation in the public sector is that union membership and the coverage rate by collective agreement are quite high.

Most of the unions in the central public services represent employees in both the public and the private sectors. This is a consequence of union mergers, but also of privatisation of parts of the public sector.

The main key issues for the employee's organisations are the following:

- the maintenance or the return to national bargaining
- the reform of performance management
- the London living costs and the problems of low paid groups
- "Creeping privatisation", Public-Private partnerships, etc.
- Pensions
- Avoidance of "two-tier" workforces as a result of putting work out to the private sector
- Work life balance and family friendly policies

## Trade unions representing public employees

The trade unions that represent **government public employees** are the following (they are known by their initials rather than their names):

- Amicus-AEEU (The Amalgamated Engineering and Electricians Union) represents general skilled blue- and white-collar workers for both the public and private sectors
- The FDA (First Division Association) represents senior civil service managers
- The GMB (General and Municipal and Boilermakers Union) represents general blue- and white-collar workers in both the public and private sectors
- Amicus-MSF (Manufacturing, Science and Finance Union) represents mainly white-collar and technical and managerial workers in both the public and private sectors
- The PCS (Public & Commercial Services Union) represents broad ranges on intermediate white collar to management staff (mostly in the public sector)
- The POA (Prison Officers' Association) represents skilled prison officers
- Prospect represents white-collar managers and professional staff (public and private sectors)
- TGWU (Transport and General Workers' Union) represents general blue- and white-collar workers in the public and private sectors
- UCATT (Union of Construction and Allied Trades) represents construction trades (public and private sectors)
- The FDA-AIT (Association of Inspectors of Taxes) now is a part of the FDA
- The NIPSA (Northern Ireland Public Service Alliance) is an alliance of public service employees

Some of them are specifically dedicated to the **health sector**:

- The BDA: The British Dental Association
- The BMA: The British Medical Association
- The RCM: The Royal College of Midwives
- The RCN: The Royal College of Nursing
- Unison represents intermediate health professionals, including nurses and midwives, health professionals in the NHS, ancillary and administrative staff
- The USDAW represents some categories of professional and technical NHS staff

Other professional associations in the NHS negotiate pay agreements or participate in pay review: the Health Visitors Association, the Scottish Health Visitors Association, the Association of Supervisors of Midwives, the Society of Radiographers, the Chartered Society of Physiotherapy, the British Association of Occupational Therapists, the Society of Chiropractors British Dietetic, the Association British Orthoptic Society, APAP, the Association of Clinical Biochemists, the Hospital Physicists Association.

## Recognition

Trade unions have to be recognised by the employer in order to take part in collective bargaining and sign collective agreements. The following table shows the unions that have signed pay agreements with different government departments and agencies in 2001-2002:

Sector	Unions with bargaining rights	Employees covered by the pay determination (estimate)
<b>Government departments</b>		
Cabinet Office	PCS, Prospect, FDA	1,600
Ministry of Defence (white-collar)	PCS, Prospect, FDA	60,000
Ministry of Defence (blue-collar)	TGWU, GMB, Amicus-AEEU, UCATT, Amicus-MSF	13,000
Department of Work and Pensions	PCS, Prospect, FDA	95,000 (2001)
Benefits Agency	PCS, Prospect, FDA	70,000
Employment service	PCS, Prospect, FDA	39,000
Department of Health	PCS, Prospect, FDA	4,000
Department of Trade and Industry	PCS, Prospect, FDA	4,000
DVLA	PCS	5,300
Foreign and Commonwealth Office	PCS, Prospect, DSA/FDA	5,100
Treasury	PCS, Prospect, FDA	1,000
Forestry Commission	PCS, TGWU, Prospect, GMB, FDA	3,100
Prison Service (England and Wales)	Prison Officers' Association	29,900
Customs and Excise	PCS, FDA	22,000
Inland Revenue	PCS, FDA-AIT	65,000
<b>Regional governments</b>		
Scottish Executive	PCS, Prospect, FDA	5,800
Scottish Prison Services	SPOA, PCS, Prospect	5,500
Welsh Executive		
Northern Ireland Executive		
<b>Review Bodies</b>		
Armed forces	None	
Judiciary	None	
MPs and Ministers	None	
Senior Civil Service	FDA, Prospect, PCS	

In the **National Health Service**, recognised trade unions are the following:

Sector	Unions	Employees covered by the pay determination (estimate)
<b>Review Body Groups</b>		

Medical Staff	BMA, BDA	141,500
Nurses, Midwives and Health Visitors	Royal College of Nurses, Royal College of Midwives, Unison, Health Visitors' Association (MSF), Scottish Health Visitors' Association, GMB (APEX), Association of Supervisors of Midwives	416,000 (full-time equivalents)
Professions allied to medicine	Society of Radiographers, Chartered Society of Physiotherapy, British Association of Occupational Therapists, Society of Chiropractors British Dietetic Association, British Orthoptic Society, Unison & Amicus-MSF	54,300
<b>Groups covered by collective bargaining</b>		
Ambulance Staff	Unison, TGWU, GMB, APAP	19,000
Administrative and Clerical	Unison, TGWU, GMB	155,000
Ancillary Staff	Unison, TGWU, GMB	78,000
Maintenance Staff	UCATT, TGWU, GMB, Amicus-AEEU, Unison	15,000
Professional and Technical Staff (including estates staff)	Amicus-MSF, Unison, UCATT, EESA, USDAW	46,000
Clinical psychologists, scientists pharmacists and speech therapists and healthcare professionals	Amicus-MSF, Unison, Association of Clinical Biochemists, Hospital Physicists Association	16,000

Source: compiled from Incomes Data Services (2002)

BMA : British Medical Association

BDA: British Dental Association

## Memberships and affiliations

Organisation	Kind of members	Total membership (public)	Members in the CPS*	National affiliations	European and international affiliations
Amicus-AEEU (Amalgamated Engineering and Electricians Union)	Skilled blue- and white-collar workers (public and private sectors)	730,000 (including the private sector)	ND	TUC	EPSU
FDA (First Division Association) FDA-AIT (Association of Inspectors of Taxes) Now, part of the FDA	Senior civil service managers Senior Civil servants	ND ND	11,000 2,500	TUC TUC	EPSU EPSU
GMB (General and Municipal and Boilermakers Union)	Blue-, white- and managerial collar workers (public and private sectors)	700,000 (including the private sector) 200,000 in local governments, education, health	ND	TUC	EPSU
Amicus-MSF (Manufacturing, Science and Finance Union)	White-collar workers, technical and professional employees (public and private)	ND	ND	TUC	EPSU
PCS (Public and Commercial Services Union)	intermediate white collar to management staff	288,000	ND	TUC	EPSU
POA (Prison Officers' Association)	skilled prison officers	33,500	ND	TUC	Eurofedop
Prospect	White-collar managers and professional staff	105,000	ND	TUC	EPSU, Uni-Europa, ETF



	(public and private)				
TGWU (Transport and General Workers' Union)	Blue- and white-collar workers (public and private sectors)	ND	ND	TUC	EPSU
UCATT (Union of Construction and Allied Trades)	Construction trades (public and private sectors)	110,000 (including the private sector)	ND	TUC	EPSU
NIPSA (Northern Ireland Public Services Alliance)	Public services employees	40,000	20,000	Not applicable	EPSU

CPS: Governmental departments and agencies

***In the public corporations: National Health Service***

Organisation	Kind of members	Total membership (public)	Members in the CPS*	National affiliations	European and international affiliations
Amicus-AEEU (Amalgamated Engineering and Electricians Union)	Skilled blue- and white-collar workers (public and private sectors). In the NHS: maintenance staff	730,000 (including the private sector)	ND	TUC	EPSU
Amicus-MSF (Manufacturing, Science and Finance Union)	White-collar workers, technical and professional employees (public and private) NHS: medicine, psychologists, scientists, laboratory staff	ND	ND	TUC	EPSU

\* National Health Service

***National Health Service : illustrative categories of employees represented***

Organisation	Kind of members	Total membership (public)	Members in the CPS*	National affiliations	European and international affiliations
BDA (British Dental Association)	Dentists		22,000 (including students)	Independent	
BMA (British Medical Association)	Medical doctors		127,000 (including students)	Independent	
GMB	Blue-, white- and managerial collar workers (public and private sectors)	700,000 (including the private sector) 200,000 in local governments, education, health		TUC	EPSU
RCM (Royal College of Midwives)	Midwives	37,000	ND	Independent	EPSU, ICM
RCN (Royal College of Nursing)	Nurses	367,000 (including the private sector)	ND	Independent	
TGWU (Transport and General Workers' Union)	Blue- and white-collar workers (public and private sectors)	ND	ND	TUC	EPSU
UCATT (Union of Construction and Allied Trades)	Construction trades (public and private sectors)	110,000 (including the private sector)	ND	TUC	EPSU
Unison	Intermediate health professionals		400,000 in the NHS	TUC	EPSU
USDAW	Professional and technical NHS staff	328,000 (including the private sector)	ND	TUC	

\* National Health Service

# Annex: Questionnaire

## Objective of the study

The aim of the study is to provide precise data and information concerning the employees representatives and the representativeness of the workers organisations in the sector of **central public services**. This means provide factual and quantitative data. Qualitative data will help to understand and feel the role of actors and organisations in the system of professional relations.

In 2000, a sectoral study on local public sector was realised with your national reports. In this context, you was asked by the IST to analyse previously the whole public sector. For this study on central public services, a brief preliminary work on the collective bargaining in the whole **public sector** will be asked to you again in order to update the information giving an overview of the whole sector.

## Preliminary work: the public sector and the collective bargaining

Needed information to have a general overview of the public sector and the collective bargaining are the following:

- Activities and structuring of the public sector
- Number of workers in the public sector
- Structuring of the collective bargaining in the sector
- Short description of the actors (social partners)

The collective bargaining in the public sector was analysed by you and the IST in 2000. This is the reason why we propose you to read again the national reports sent by experts at this moment in order to:

- check if the report contents the needed information
- actualise the data if it is necessary

Your remarks can be annexed to the national report.

## The central public services

### Delimitation of the central public services

#### • Introduction

Everybody agrees that there is no standard definition of (central) public services at European level, let alone a definition that embraces the dimension of each country's industrial relations. While it is true that some international concepts exist in relation to the public sector and public administrations (SNA 1993, ESA 1995, ISIC 1990), national definitions pay little heed. In practice, public services are a national responsibility that stands outside European norms. Countries have their own national traditions, and that results in enormous differences at the level of public sector structures and the organisation of social dialogue in each country. It follows that it is *a priori* impossible to come up with a common definition for central public services.

We will therefore seek to provide the national experts with a working basis that they can rely on when defining the notion of central public services in their countries, while at the same time taking account of the way that public services are structured at national level, how collective bargaining is structured in this sector, and how the social partners (i.e. the trade unions) are organised.

To this end, we will first examine three comments that are formulated in the introduction to the study and focus on the representativeness of the social partners in the local public services sector (IST, 2001), and which continue to be of up-to-date relevance:

- it is important to draw a distinction between government administrations, autonomous or semi-autonomous public bodies, and public enterprises;
- it is important to draw a distinction between the various levels that form part of public services (local, regional and central);
- and lastly, it is important to draw a distinction between the various sectors of activity that are included in public services.

It is clear, as a general rule, that national public services are organised both vertically (according to the degree of centralisation) and horizontally (that is to say functionally), and the same goes for the organisation of collective bargaining in public services and the structuring of sectoral trade unions.

- **The public administration**

We propose to include the sector of *public administration* in the notion of *public services*, and not the public sector in its entirety (because of the diversity of the situations). In this way, we therefore *a priori* exclude public enterprises and establishments of public utility. As far as the latter are concerned, there are already several sectoral dialogue committees in existence at European level. They cover a number of sectors including railways, electricity, postal services, telecommunications and transport.

More accurately, the concept of *public administration* incorporates several kinds of institution (Polet, 1996; Auer, 1996; Bossaert, 2001):

- administrative services that come under the jurisdiction of the public authorities and are responsible to the Executive, that is to say not only the various *Ministries*, but also executive *agencies*; these are particularly common and well developed in Finland, Sweden and the United Kingdom;
- *bodies* that are relatively independent of the government for the execution of certain tasks (relatively autonomous 'specialist' administrative units); they include:
  - *institutions publiques* in France and Greece;
  - *entità pubblici non economici* in Italy;
  - *corps d'intérêt public* and *établissements scientifiques* in Belgium;
  - *zelfstandige bestuursorganen* in the Netherlands;
  - *non-departmental public bodies* in the United Kingdom.

It should be noted that we have removed the status of employees (public and private law) as a relevant criterion for defining the various national administrations. This criterion can appear to be appropriate for some countries, but not in others (e.g. Ireland and the United Kingdom). The scope of the study must therefore apply both to civil servants and to contractual staff, while at the same time identifying differences relating to the two situations.

- **Levels of administration**

When defining the levels of administration to be embraced by the notion of *central public services*, it is necessary to take account of the various governmental forms in countries in the European Union (e.g. federated states, regionalised states, unitary states, and decentralised unitary states) (Bossaert, 2001). Using these governmental forms as a basis, Polet (1997) has drawn up a classification of the various levels to be found in administrative structures in the European Union. They are (Interview with R Polet):

- central government;
- the regional level (with legislative competences or other statutory provisions);
- the intermediary level (administrative or executive functions, and sometimes also called the regional level);
- the local level.

See table in the Annex1.

Apart from the central state level, we think it is appropriate to use what is referred to here as *regional* levels for federal and (regionalised) semi-federal countries for two reasons: firstly, because in terms of competences, these levels carry out tasks to be found at central level in other countries, and secondly, because in staffing terms, comparisons can only be made if we only consider these countries' federal structures (Interview with R Polet; Polet, 1996). The administrations of the following levels therefore have to be incorporated into our scope:

- the *Régions* and the *Communautés* in the case of Belgium;
- the *Länder* in the case of Germany and Austria;
- the *Comunidades autónomas* in the case of Spain;
- the *Regioni* in the case of Italy.

Moreover, public administration and collective bargaining in these countries are usually structured on the basis of these varying levels:

- in Belgium, the various negotiating committees (A, B and C) structure negotiations by levels;
- in Germany, collective bargaining is mainly structured by status, but also by level (i.e. federal and *Länder*/local);
- in Spain, there is one bargaining *table* for the state level, one for the Autonomous Communities, and one for local authorities.

It also happens that public administration in these countries is often structured vertically (e.g. in France, the public function of the state, the territorial public function and the hospital public function). There is therefore a case for isolating the central level of public administration in each country. Generally speaking, collective bargaining and trade union structures are also organised vertically, or at least partly so; however, European trade unions representing the public sector are marked by sub-divisions of this kind.

It is worth noting that unitary countries have autonomous regions: Greenland and the Faroes (Denmark), the Azores and Madeira (Portugal), and the Åland (Finland). As these regions may be deemed to be 'exceptions' in relation to the way the countries function as a whole, they have not been included in the central level of central public services.

It goes without saying that experts are urged to comment on these proposals if they do not think they are relevant.

#### • Sectors of the administration

Although public services are often structured vertically in the various countries, there also exists a horizontal organisation by function or by sub-sector. In some countries, these sub-divisions are particularly marked, for example in Ireland, Italy and the Netherlands.

In Ireland: public function of central government, the police, defence, education, non-commercial public enterprises, public health and local government.

In the Netherlands: central government, the legal system, the police, education and science, the armed forces, the provinces, the municipalities, and water companies (Auer, 2001).

It is therefore important to find out the extent to which these various functions should, or should not, be incorporated into the notion of central public services. Indeed, some of these categories, such as health and education, form part of the public administration in some countries, but not in others. However, these various sub-sectors (e.g. education) can come under different levels of administration depending on the country. Situations vary considerably from one country to the next in terms of the organisation of public administration, collective bargaining in the sector, and trade unions.

For some activities (see below), it will therefore be necessary to specify, depending on the national situations, whether or not they are incorporated within central public services. The functions concerned are:

- **teaching staff** (that is to say teachers, and not all staff employed by the Ministry in the sector): they are often deemed to constitute a separate sector. When this is not the case, they may be represented at different levels: at European level, for example, they do not come under the EPSU, but are represented by the European Trade Union Committee for Education;

- **medical staff** (that is to say people working in hospitals, and not all staff in the sector employed by the Ministry): when they come under the public administration, it often happens that they, too, are deemed to be a separate sector, for example in France, the United Kingdom and Italy.
  - the **police force** and the **armed forces**: they, too, are often isolated from collective bargaining in the public sector; the police come under different levels of administration depending on the country;
  - **prison staff**: they are not always covered by the same level of administration;
  - **forestry workers**: they are not always covered by the same level of administration;
  - **legal staff**: they, too, are sometimes specially catered for in collective bargaining. It may also be necessary to inquire whether administrative staff in registries and public prosecutor's offices should be distinguished from members of the judiciary (e.g. magistrates).
- **Conclusion: proposed definition**

The following proposed definition defining the scope of central public services within this study is made in the light of the comments above:

- The focus is on the *public administration* sector, which incorporates the administrative services that come directly under the public authorities, and which serve the Executive (i.e. the various *Ministries* and *agencies*), and the *bodies* (i.e. relatively autonomous 'specialist' administrative bodies) that are relatively independent of government, and which perform certain tasks.
- The scope of *central public services* is restricted not only to administrations linked to *central government*, but also to those linked to what is referred to here as *regional* government in the case of federal and semi-federal states.
- Different types of employee are linked to specific activities. They are, therefore, included in, or excluded from, the notion of central public services, depending on the country. Those concerned are *teaching staff*, *medical staff*, the *armed forces*, the *police force*, *prison staff*, *forestry workers* and *legal staff*.

The research team is open to all comments and questions relating to the proposed work scheme. In the questionnaire you will find questions about a precise delimitation of the central public services from the national point of view. Thus this work scheme is a work basis to describe the national situations.

### Methodological remarks

- **From a methodological standpoint**, compliance with deadlines and the presentation of information and analyses in a summarised form are of paramount importance. The Commission has reaffirmed the importance of quantitative data that make an assessment of the importance of the social partners possible. That is why we ask you to
  - make it clear when the quantitative data is not reliable
  - provide membership estimates where data are not available from the organisations
 National experts are otherwise requested to note the sources of the various data collected because of the possible challenges from the organisations.
- **The organisations to be included** in the study:
  - organisations that are members of European organisations: EPSU, Eurofedop, USSP-CESI (see attached Annex 2) and / or
  - organisations that negotiate in the sector at central level

### National reports

- The national reports will include:
  - A validation of the previous national report on public sector

- a report of about 10-15 pages on the “description of the central public services at national level” (delimitation, characteristics, social dialogue)
- a report describing the employees representatives and the trade unions organisations in the form of ‘brief summaries’
- National reports must reach us by **Monday 30 June 2003**.
- The study **must be validated** by national and European social partners. The Institut des Sciences du Travail (IST) is responsible for European validation, and national experts will deal with validation of their national reports by national organisations. In concrete terms, we ask you
  - to send your report to the IST and the national partners at the same time;
  - to give the social partners two months in which to respond (July and Augustus);
  - to send the IST any (translated) amendments, which will then be attached to the study.

## Questionnaire

### 1. Description of the central public (CPS) services at national level

#### *Delimitation and scope of activities in the CPS*

Objectives: to find a precise delimitation of the central public services from the national point of view according to the remarks suggested in the work note.

- Activities included in the CPS from the national point of view
- Precise the divergences / convergences between the suggested work note and the national structuring of the central public services: how is defined the central level in your country? Are the specific activities mentioned in the work note (teachers, medical staff, military forces, police force, prison officers, forestry workers, judiciary staff) included or excluded of the central public services in your country?
- Possible (vertical and / or horizontal) subdivision of the CPS in several branches and consequences for the collective bargaining?
- Institutions included in the CPS from the national point of view: Which ministries? Which agencies? Which organisations (of public interest)? Others?

#### *Characteristics of the sector*

Considering the national delimitation of the CPS,

- Which are the different workers’ statuses? Main Characteristics of these statuses? Consequences for the collective bargaining?
- Number of workers in the sector (if possible, specify the number of workers according to workers’ statuses and according to the subdivisions of the sector)
- Please precise the unit (full-time equivalents, part-time, other), the date and the source (statistical office, government department, other)
- Evolutions and trends

#### *Social dialogue at the sectoral level*

Refer to the national delimitation of the CPS

For these questions, please precise the differences relating to the workers’ statuses and the subdivisions of the sector

- Description of the basic features of collective bargaining within the relevant sector

- Regulation for social dialogue in the sector (constitution, laws, collective agreements)
- Principal topics of negotiations, subjects of tensions
- Elements of contents specific to the sector in the negotiations
- Main signed collective agreements, identification of the signatories
- Levels of the social dialogue: is the social dialogue centralised for the central public services or decentralised to another level (ministries, agencies, workplaces, etc.)? Which issues are negotiated at a centralised level and which ones at a decentralised level?
- Positions of the players regarding the future evolutions of the social dialogue in the sector
- Possible conflicts between players
- Identification of players not recognised (or partially recognised) by the dominant players but who have to be considered as playing a role in the professional relations within the sector
- Cover rate per collective agreement

## **2. The national organisations (trade unions organisations and employers' representatives)**

For this part of the work, please refer to the national delimitation of the CPS

### ***a.) Elements relating to employers***

- Who is / are the employer's representative(s) for the central public services? (politician, senior civil servant, specific organisation, other)
- If there are different levels in the central public services, precise the representatives for each level.
- On which basis are these representatives designated?
- Who signs the collective agreements?
- How many collective agreements have been signed for the central public services?
- Who represents the employer's side at the "meetings of ministers responsible for public administration" and at the "meetings of directors general responsible for public administration"? If there are different levels of administration, are all of them represented in these meetings?
- Is the employer's representative affiliated or observant member in an employer's organisation at European level?

### ***b.) Elements relating to the trade unions***

#### **• *Quantitative elements of representativeness for trade unions***

- Number of affiliated organisations
- Numbers of affiliated in the organisation (type of affiliated: workers or others)
- Number of affiliated in the organisation working in the 'central public services' sector
- Type of workers affiliated : civil servants, white collar / blue collar, executive or skilled occupations, etc.

If there are no available data regarding to the number of members, elements allowing to appreciate the quantitative importance of the organisation (results of social elections, estimations, claims of the players)

#### **• *Recognition : Trade unions' capacity to negotiate collective agreements or to take part in formal consultation :***

- Are there formal or informal recognition systems on the part of the social partners ?
- Did the organisation sign or coordinate sectoral collective agreements ? Which one ?
- How many collective agreements have been signed by the organisation ?
- Participation in formal consultations ? at which level ?

- *National, European and international affiliations of trade unions*
  - List of national organisations at a higher level to which the organisation is affiliated either directly or indirectly
  - List of European organisations at a higher level to which the organisation is affiliated either directly or indirectly
  - List of international organisations at a higher level to which the organisation is affiliated either directly or indirectly



## Annex: Governmental structures and administration levels

Governmental structure	Type of government	Legislative competencies or other legal abilities	Intermediate levels with administrative or executive competencies	Local level with number of administrations
Belgium	Federal State	3 regions + 3 communities	10 provinces	589
Denmark	Decentralised unit state	2 self-governing regions (Greenland : Féroé)	14 counties	275
Germany	Federal State	16 federal länder	543 kreize, 32 regierungs-bezirke	Around 15 000
Greece	Unit state		47 prefectoral self-government and 3 enlarged PSG	5 761
Spain	Regionalised state	17 self-governing communities	52 provinces	8 072
France	Decentralised unit state		99 departments 22 regions	36 600
Ireland	Unit state		8 regions	88
Italy	Regionalised state	20 regions (5 with a special status), 2 self-governing provinces	95 provinces	8 000
Luxembourg	Unit state			118
Netherlands	Decentralised unit state		12 provinces	650
Austria	Federal State	9 federal länder	84 Landbezirke	2 350
Portugal	Unit state	2 self-governing regions (Açores, Madere)	18 districts	305 municipalities
Finland	Decentralised unit state	1 self-governing region (Aland)	19 regions 12 provinces	455 (102 cities)
Sweden	Decentralised unit state		23 counties	288
United Kingdom	Unit state	4 nations (Walles, Nordern Ireland, Scotland, England)	97 (counties, boroughs et regions)	444

Source : Polet R., « La relation entre l'administration locale, les régions et le gouvernement central. Aperçu européen », Contribution au séminaire *The Local Government in Europe*, INAP, Madrid, 4-5 novembre 1997.

### *Proposition of delimitation of the field of the study CPS:*

Central level		Intermediate and local levels	
<i>Central State</i>	<i>Regional level:</i> Legislative competencies or other legal abilities	<i>Intermediate level:</i> Administrative or executive competencies	<i>Local levels</i>

## Annex: Bibliography

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*La mesure de l'emploi public dans les pays de l'OCDE. Sources, méthodes et résultats*, OECD, Paris, 1997.

*Le cadre institutionnel des relations industrielles dans le secteur public au sein des Etats-membres de l'UE*, Research carried out for the European Commission (DG V), IST, December 2001.

Polet R., 'La relation entre l'administration locale, les régions et le gouvernement central. Aperçu européen', Contribution to *The local Government in Europe* seminar, INAP, Madrid, 4-5 November 1997.

Polet R., Nomden K., *Employment in the Public Administrations of the EU Member States*, Research carried out for the European Commission (DG IX), EIPA, 1996.

Interview with J-P Devos, CCSP, Brussels, 11 February 2003.

Interview with R. Polet, European Institute of Public Administrations, Maastricht, 6 February 2003.

Contact with L. Riflet, OECD.

## Annex: Consultations

In the framework of the redaction of the study on "employers' organisations and trade unions in the central public services", national experts had consulted these persons:

### Austria

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Dr. Wilhelm Gloss	Gewerkschaft Öffentlicher Dienst	Vice chairman
Dr. Susanne Haunold-Thiel	Bundeskanzleramt	Head of department (Abteilung) 2

The national expert had organised a validation of his/her report at national level.

### Belgium

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
	CGSP	
	CSC	
	UNSP	
	SLFP	
	Service d'Administration Générale	
	Chancellerie du Premier Ministre	

The national expert had organised a validation of his/her report at national level.

### Denmark

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Hanne Johannesen	Danish Central Federation of State Employees' Organisations - StK	European Secretariat
Carl Erik Johansen	State Employer's Authority, Ministry of Finance	Head of Department
Käthe Munk Ryom	Danish Confederation of Professional Associations - AC	European Secretariat
Lars Stig Madsen	Christian Workers' Union, KF	Secretary, head office

The national expert had organised a validation of his/her report at national level.

### Finland

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Leila Kostiainen	Finnish Confederation of Salaried Employees (STTK)	Director
Jan Vingisaar	Union of the Joint Organisation of State Employees (VTY)	Secretary General
Mika Saarinen	The State Employers' Office (VTML)	Senior inspector
Jarkko Eloranta	The Trade Union for Municipal Sector (KTV)	Head of department

The national expert had organised a validation of his/her report at national level.

### France

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Roland GAILLARD	Fédération Générale des Fonctionnaires CGT-FO	Secrétaire général
Marie-Claude KERVELLA	Union des Fédérations des fonctions publiques et assimilées CFDT	Secrétaire générale
Bernard LHUBERT	Union Générale des Fédérations de fonctionnaires CGT	Secrétaire Général
Charles BONISSOL	Union fédérale des cadres des fonctions publiques CGC	Secrétaire général
Yves MISSAIRE	Fédération générale des fonctionnaires CFTC	Secrétaire général
Hervé BARO	Union des fédérations de fonctionnaires de l'UNSA	Secrétaire général

Gérard ASCHIERI	FSU	Secrétaire général
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The national expert had organised a validation of his/her report at national level.

## Germany

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Wolfgang Dicke	Gewerkschaft der Polizei – GdP (Police Union)	Geschäftsführer (managing director)
Erhard Geyer	Deutscher Beamtenbund – DBB (German Civil Servants' Federation)	Bundesvorsitzender (chairman)
Katharina Langer	Marburger Bund	Hauptgeschäftsführung, Sekretariat Tarifpolitik (management board, secretariat for collective bargaining policy)
Ursula Werheit	Vereinte Dienstleistungsgewerkschaft – ver.di (Association of Services Unions)	Referatsleiterin europäische Arbeitsbeziehungen (head of department for European industrial relations)
Uta Fölster	Deutscher Richterbund (German Judges Federation)	Geschäftsführerin (managing director)
Hanka Heise	Transnet	Hauptvorstand, Fachgebiet Organisation (executive committee, department for organisation)
Jürgen Meinberg	Deutscher Bundeswehrverband (German Federal Armed Forces Association)	Bundesgeschäftsstelle, Abteilungsleiter Presse- und Öffentlichkeitsarbeit (main office, head of department for public relations)
Ulf Rödde	Gewerkschaft Erziehung und Wissenschaft – GEW (Education and Sciences Union)	Pressesprecher (press relations officer)
	Gewerkschaft Öffentlicher Dienst und Dienstleistungen – GÖD (Public sector and Services Union)	

The national expert had organised a validation of his/her report at national level.

## Greece

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Ioannis Nikitas	ADEDY	Head of Treasury of the Executive Committee
Mary Kotronia	Ministry of Interior, Public Administration & Decentralisation	Director, Human Resources Management Unit

The national expert had organised a validation of his/her report at national level.

## Ireland

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Simon Hare	Department of the Taoiseach	Senior Advisor
Andrew Grier	Department of the Taoiseach	Civil Servant
Dan Murphy	Public Service Executive Union	General Secretary
Bernard Harbour	IMPACT	Policy Officer
Blair Horan	Civil and Public Service Union	General Secretary

The national expert had organised validation of his/her report at national level.

## Italy

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Silvana Dragonetti	ARAN	Responsible of bargaining unit
Vincenzo Martire		Study and Research Office
Sergio Gasparrini		Study and Documentation Office
Mazzoli Lorenzo	FP CGIL	Organisation division
Rino Tarelli	CISL FPS	General Secretary
Massimo Blasi	CISAL PA	Confederal Secretary

Nigi Marco Paolo	CONFESAL	National Secretary
Paola Palmieri Domenico Provenzano Giuliano Greggi Massimo Fabiani	RDB CUB	Responsibles for the Public Sector
Giulio Del Bon	UGL	National Secretary
Biagiotti	UIL PA	National Secretary
Bonazzi Adamo	USAE FLP	National Secretary
Paolo Romoli	UNIONQUADRI	National Secretary
Bellocchio Bruno	CONFEDIR – DIRSTAT	National Secretary
Luciano Dionisi	CIDA	National Secretary

The national expert had organised a validation of his/her report at national level.

## Luxembourg

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Tom JUNGEN	OGB-L	Secrétaire central
Jean-Paul BAUDOT	LCGB	Secrétaire régional
Erny REUTER	FGFC	Secrétaire général
Pierre TRAUSCH	CGFP	Premier vice-président

The national expert had organised a validation of his/her report at national level.

## The Netherlands

The national expert commits himself to have realised consultations in the organisations concerned by the study. These persons are not quoted because they were consulted anonymously.

## Portugal

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Ermelinda Carrachás	Direcção Geral da Administração Pública – DGAP (Directorate-General for the Public Administration)	Director General for the Public Administration
Jorge Nobre dos Santos	Sindicato dos Trabalhadores da Administração Pública – SINTAP (Public Administration Workers' Union)	Under Secretary
Paulo Trindade	Frente Comum (Common Front) – FC	Coordinator
Bettencourt Picanço	Sindicato dos Quadros Técnicos – STE (Trade Union for Public Administration Senior Staff)	Under Secretary

The national expert had organised a validation of his/her report at national level.

## Spain

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Joaquin Pérez	FSAP-CCOO	
Elvira	FES-CCOO	
Antonio Navarro	FE-CCOO	
Javier Bohorquez	FSP-UGT	
Pilar Navarro	FSP-UGT	
José Pérez	FETE-UGT	
Robustiano Bueno	CSI-CSIF	
Patxi Agirre	FSP-ELA	
Nieves	Fed. AAPP-CIG	
Consuelo	Fed. Sanidad-CIG	
Casaleiro	CIG-Ensino	

	STEs	Oficina de prensa
	ANPE	Responsable organización
	CEM-SATSE	Responsable acción sindical
	Dirección General de la Función Pública del Ministerio AAPP	
Rosa Antonia Martínez	Ministerio de Administraciones Públicas	

The national expert had organised a validation of his/her report at national level.

## Sweden

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Pernilla Lundblad	Arbetsgivarverket (AgV)	Legal Adviser
Lena Moberg-Lindwall	Statstjänstemannaförbundet (STMF)	Ombudsman
Anders Lindgren	Offentliganställdas Förhandlingsråd (OFR)	Ombudsman
Sören Hellström	Facket för Service och Kommunikation (SEKO)	Bargaining Head (Responsable en chef des Negotiations Förhandlingschef)
Kjell Eriksson	JUSEK	Bargaining Head (Responsable en chef des Negotiations Förhandlingschef)
Sonja Gustafson	Försäkringskassaförbundet (FKF)	Expert of Collective Bargaining and Pension ( Responsable des Conventions collective et des question de retraites, Avtals- och pensionsfrågor)

The national expert had organised a validation of his/her report at national level.

## United Kingdom

Name of the person consulted	Name of the organisation consulted	Function of this person in this organisation
Mick C Graham*	GMB Union	National Secretary;
Alan Churchard*	PCS Union	Deputy General Secretary
Paul Noon*	Prospect	General Secretary
Karlene Davis DBE,*	Royal College of Midwives	General Secretary
Beverly Malone,*	Royal College of Nursing	General Secretary
Derek Simpson	Amicus AEEU	General Secretary
Roger Lyons	AMICUS-MSF	General Secretary
Dave Prentis	UNISON	General Secretary
Jonathan Baume,	The Association of First Division Civil Servants (AFDCS)	General Secretary
John Corey	NIPSA	General Secretary

\* Amendments proposed and made to report.

National expert had organised validation at national level of his/her report.

## General directorates responsible for the public services

Furthermore, in March-April 2004, the general directorates responsible for the public services in each country have also been consulted and their comments have been integrated in this report.