

Negotiating Better Working and Living Conditions

Gender Mainstreaming
in Collective Bargaining

Over the Company Walls Booklet 2

Community Level
Sectoral Collective Bargaining
National Social Dialogue

ICFTU / International Confederation of Free Trade Unions
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A Resource Kit for Trade Unionists

Negotiating Better Working and Living Conditions.

Gender Mainstreaming
in Collective Bargaining.

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Booklet 2

Community Level
Sectoral Collective Bargaining
National Social Dialogue

Prepared by Jasna A. Petrovic
and Agnieszka Ghinararu

*This Manual has been prepared
within the framework of a project
supported by the International Labour
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Flemish Government of Belgium*

NEGOTIATING HAPPENS EVERY DAY EVERYWHERE!

*By Mamounata Cisse
ICFTU Assistant General Secretary*

If there is a simple definition of the historic mission of trade unionism, it would be the struggle to impose regulation and control on the operation of markets so that they yield socially acceptable outcomes, with protection of the rights, interests and security of working people everywhere. This was strongly re-affirmed by the 18th World Congress of the ICFTU, held in December 2004.

For decades, trade unions have had very powerful tools for improving working and living conditions of workers: collective bargaining and social dialogue. Although employers argue more and more that contractual relationships between workers and employer should be at an individual, one-to-one level, trade unions have successfully proven the effectiveness of negotiating collective rights.

Trade unions today have many more advanced channels, tools and mechanisms for negotiating. Forms of social dialogue require more proactive and sophisticated strategies. The negotiating agenda is changing: work and family reconciliation issues are being given due attention; gender mainstreaming is now a must of contemporary trade union policy and strategy development. The identification of the ways in which policies and decision-making processes reflect and reinforce inequalities between men and women and the development of policies and practices to overcome these have become daily concerns of trade unions.

Women are the most vulnerable group of workers in the world labour market, and trade unions must give special attention to protecting their needs and interests. This is especially important in the countries of Central and Eastern Europe, which are still today undergoing the difficult phase of transition of their economies and societies. Trade unions in the CEE (Central and Eastern Europe) and NIS (New Independent States) countries cannot be left behind; they need to reform their structures, policies and strategies.

The manual developed within the ILO/ICFTU/WCL gender project on collective bargaining has very definite objectives: to raise the unions' awareness about bargaining, as a daily task for every level of activity; to stress the importance of gender mainstreaming in collective bargaining; to impart knowledge on how to undertake effectively collective bargaining and to change the bargaining agenda to include issues of family and work reconciliation; to acquire an understanding of the changes in the world of work and, therefore, of the changes in channels, modes and tools which unions must utilise; and to understand the need to work with new partners and allies in order to resolve problems of workers.

The Manual explains different negotiating levels, agenda, partners and allies, starting from company level up to the global level. It is rich in information and new ideas on a gender sensitive approach to collective bargaining.

What is very special about the project and the Manual is the fact that these have been worked out in close cooperation between the women's structures of the ICFTU and WCL in the CEE and NIS region, together with a large number of partners (ICFTU; WCL; ILO; FGTB; FNV etc.).

This Manual, which consists of four kits, can be used as a regional resource kit for training of trade union trainers, women and men, in collective bargaining at all levels. It is our hope that it will open a new door, a new vision for everyone.

TIME FOR IMPLEMENTATION

*By Jaap Wienen
WCL Deputy Secretary General*

When one looks at the history of the “gender equality” issue in the international trade union movement, one can hardly say that there is a lack of policy. Quite the contrary. We have plenty of good intentions and we have produced several documents in order to enforce our policy. Nevertheless we are not fully satisfied with the results of our common efforts.

Women and men are not yet represented on an equal basis in our structures, certainly not in the trade union teams responsible for collective bargaining with employers and the government.

Fortunately, in all trade unions a process of “gender mainstreaming” has been started up that will correct the lower representation level of women in trade union structures.

It is nonetheless a necessity to keep on stimulating the gender dimension in all aspects of our trade union work.

This manual is a very good example of such an initiative.

Not only have the authors of the manual succeeded in showing a concrete picture of present everyday reality, they also provide several possibilities in order to improve this reality. Congratulations for this!

Now it is the responsibility of us all, united in the international trade union movement, to make full use of this beautiful instrument in order to enhance the awareness of the current trade union negotiators as regards gender equality.

But we’ll have to give to as many new and young trade union colleagues as possible the opportunity to further develop their capacities in the field of collective bargaining and gender equality through training programs. In our action plans, these kinds of programs should receive high priority.

We have no time to lose...

HOW TO IMPROVE WORKING AND LIVING CONDITIONS AT THE LOCAL COMMUNITY LEVEL, AND AT THE SECTORAL AND NATIONAL LEVEL

How to protect workers in the best possible way?

How to improve their working and living conditions?

How to gender mainstream the negotiating agenda and to include work-family reconciliation issue on it?

These eternal questions for the trade unionists in the CEE and NIS region are usually answered with two magic words: Collective bargaining! Collective negotiating! Social dialogue!

The first step is to provide conditions in which every worker gets a formal employment contract and her or his work registered.

The second step is to conclude a company level collective agreement.

But, trade unionists are aware that there are more and more trade union related issues for which they need larger community engagement. Due to the global changes of work and employment patterns, trade union work at the community level becomes more and more important for improving working and living conditions of workers, especially of those with family responsibilities. There are different possibilities of trade union engagement at the local level, such as social dialogue, tripartite bodies, public-private partnership etc.

The next step is sectoral collective bargaining which is very important for providing the best possible coverage of workers in different sectors, due to the possibility of getting the agreement extended on all the employees in the sector in concern. Although the nature of sectors changed, and there are no more traditional industrial sectors, sectoral collective negotiating still has an utmost importance for providing minimum level of rights for the workers.

In the European practice, there are more different intersectoral agreements through which the rights of workers could be strengthened, and furthermore, different models of social dialogue at the national level became an everyday practice in all former socialist countries.

Trade unionists have to learn about all these negotiating channels, levels and forms to achieve the highest possible level of workers rights and work and family reconciliation, especially from the gender point of view.

And, not to be forgotten - collective interests, as well as the individual problems of the union members, have to be on the trade union agenda 24 hours, 30 days and 12 months a year!

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► 1. Aims and Structure of the Resource Kit

“Negotiating Better Working and Living Conditions. Gender Mainstreaming in Collective Bargaining” is a manual consisting of four kits. This manual intends to provide background information, practical guidelines and checklists, case studies and examples, with the main aims:

- to become aware that bargaining is an everyday activity at all levels
- to learn about the importance of gender mainstreaming in collective bargaining and learn how to do it
- to change the bargaining agenda by including family and work reconciliation
- to understand that the world of work has changed which leads to changes in channels, modes and tools
- to learn that in order to resolve problems of workers you have to seek new partners and allies.

The present KIT 2, a training package for trainers, is just a part of the larger training material which consists of the following four KITs:

KIT 1: Company Level

KIT 2: Over the Company Walls: Community Level, Sectoral Collective Bargaining, National Social Dialogue

KIT 3: Collective Negotiating at European and Global Level

KIT 4: Strategy and Techniques of Negotiations.

► 2. General Trainer's Notes: How to Use this KIT?

The manual is rich both with information and new ideas, as it is promoting new and gender approach to collective bargaining on all levels, starting from the company level (KIT 1); moving to community, sectoral and national levels (KIT 2), and ending with the European and global level (KIT 3). KIT 4 is supplementary as it explains the basis of negotiations, skills and techniques, but also strategies and gender mainstreaming in the negotiating process.

The manual can be treated as a "menu" to choose from - as it requires minimum 12 full training days to go through the four KITs. Thus trainers themselves can and have to decide which parts/topics are the most important for their target group and create their own educational programme based on the manual, according to the needs of their participants.

► 2.1. Objectives of KIT 2

- to learn there are many possibilities for solving your trade union members' problems in your company and for improving the quality of life and work at the community level
- to learn more about sectoral collective bargaining - its different forms and tools, as well as about its tendencies
- to understand the importance of national social dialogue and to learn about different models of social partnership
- to learn about gender mainstreaming in the process of collective bargaining at community, sectoral and national levels

► 2.2. Structure of KIT 2

This training package (kit), which is part of the training manual consisting of 4 kits, has been developed for trainers and it can be used as a training tool in trade union courses on negotiations. KIT 2 comprises three main parts:

Part 1: Community Level

Part 2: Sectoral Collective Bargaining

Part 3: National Social Dialogue

To facilitate your work as a trainer, you will find written materials - **Handouts**, to be used both for your own preparation and also as possible **handouts for the participants**. The KIT also comprises many practical exercises - **Activities**. The texts are illustrated by **case studies**. Apart from that, you will find some guidelines - **Trainer's notes** with some information on how to run a seminar based on the KIT.

► 2.3. Presentation and implementation of materials

- 2.3.1. **Handouts** are explanations of the topics or checklists that will help you introduce a topic to participants in short presentations (15-20 min). The handouts are to be distributed to participants - preferably in a shorter version (to be shortened by a trainer depending on her/his target group). In the handouts there are case studies included for better illustration and understanding of the presented material. Please include them in your presentations, or in activities (if suggested in the trainers' notes).

***Note!** Handouts should normally be distributed AFTER you have presented and worked on a topic. There are some exceptions where participants must use the handouts while working in groups (this will be indicated in trainer's notes).*

Feel free to make any necessary cuts or add anything to the handouts according to your target group's needs.

▷ 2.3.2. **Activities** are practical exercises composed of the following elements:

Aim(s) explain what the participants should learn from the activities. When organising group work, always look at the aims carefully. You must think about how they could be achieved.

Task(s) (for participants) are explanations: what the participants should do during each exercise. Most of the activities employ working groups, but also other methods like individual work, discussion, “brainstorming” or simulation.

Note: explain the aims, working method(s) and task(s) to the participants so that everyone knows what to do and why they are doing it. It would be highly recommended that you should prepare and give participants the Activity sheets (in most cases it will suffice to cut out “Trainer’s notes” which are intended for trainers only).

There are also **trainer’s notes** that serve as guides for the trainer. They explain how to organise and run a given activity. Read them carefully when preparing for the seminar!

▷ 2.3.3. **Group reports** - Most of the activities end with a group report. This should be brief and the main points from the reports should be written on flipchart paper or on OHP transparencies (overhead projector). This will help underline the key points. If reports cover several different points, you may wish to take up one point from each group at a time. When groups report back, there will not be one answer. Agreement or differences may ensue. This stage can be difficult to organise because your role is to steer the discussion and engage others in providing feedback. Plan ahead, think about the aims!

Always strive to:

1. **Share experiences** - guide participants to learn from one another. Try to build links between people’s experiences and information passed on to them during the course;
2. **Test attitudes** - the aim is always to test attitudes against information given during the course, the experiences of participants, and trade union policy.
3. **Combine everyone’s ideas** - put them all together around the main points from each of the reports.
4. **Solve problems or make plans** - find out if further discussion is needed and check whether the plans will work (use the checklist included in the manual).

Note: Reporting back may take 20 or 30 minutes, depending on the number of groups and the tasks. Make sure you tell the participants that each group will have only 3-5 minutes for reporting back and ask for concrete reports which will be to the point! Again, depending on the participants and the aim, you may wish to consider shortening the reporting or making it more interesting (in case all the small groups share the same task) by letting the first group present their full report and asking the rest to present only those parts which were not covered in the first report. Then move to the next group’s report in the same way.

Remember to make a summary!

▷ 2.3.4. **How to work on a given topic** - The structure of a working session is simple:

1. Short introduction to the topic given by trainer (approximately 10 - 15 min.) - sometimes you will involve participants in this early stage by asking them, for example, to define something with you. You can use the handouts to guide you in preparing the presentations.

Remember to use visual aids to illustrate your presentation (for example, a PowerPoint presentation, OHP slides/transparencies or posters, etc.)



Try to provide a short example/case study from your country for each session in order to illustrate the point (the message) of the session.

2. Practical exercises (one or more) - activities - their aim is to help participants practise their new knowledge or skills. Usually they are followed by reports during a plenary session (see above under Reporting).

3. Always remember to sum up the topic! You will find more guidance in the trainer's notes attached to the activities.
4. Remember to show appreciation for the participants' work - for example applause after the group report, etc.
5. Remember to use **ice-breaking activities** - they are not a waste of time! They help group integration, release tension, etc.

▷ 2.3.5. *Practical remarks*

- a. **Translation** - it is important to keep the lay-out of the manual as it is in the original. Make sure that all the handouts and activities are on separate pages.
- b. **Distribution of the material** during the seminar - make sure that you have a copy of the manual for each participant. DO NOT distribute the manual BEFORE the seminar in form of a book! Keep all the copies with you (loose pages; photocopied on one side only). You will need a table in a plenary room for the manuals. Lay them out separately and use handouts one by one according to the programme of the seminar.

c. **Training Programme** - attached at the end of the detailed KIT programme.

d. **"Ice-breaking" activities:**

We strongly suggest setting off with two such activities during the introductory session (of course, if this KIT no 2 is used for a separate one-day training):

A. **Introduction of the participants:**

Distribute papers and markers to everyone

Ask the participants to draw a situation/person that/who influenced them to become trade unionists

Organise them into pairs

Ask them to present their situation/person to their partner (one to another), also adding their present position in the union, experience related to the seminar topic, etc.

Ask person "A" to present person "B's" situation/person and vice versa

B. **"Golden Rules" of the seminar**

Prepare a flip chart and a white board marker and write "Golden Rules" on the top. Give a small introduction: "We will be working together for some time, we don't know each other, so to make our work easier, let's think about a set of rules for everyone...." Follow this by asking the participants to make a set of rules using a "brain-storming" session. The trainer will write all the proposals and when the list is complete, read it one-by-one and ask for everyone's agreement (you can use voting by show of hands).

What can be included? - Here are some examples: No smoking in the plenary room; Be punctual; Stick to the subject; Switch off your mobile phones, etc.

C. **Relaxing activities during the seminar**

During the seminar you may face different problems, from people being tired and losing concentration, to tension and frustration within the group. In order to create a relaxed atmosphere, you may wish to ask the group:

1. to sing a song (for example: ask all men during a break to prepare a song and sing it before the next session for women, and vice versa)
2. to make a "living sculpture" (divide participants into two groups during the break and ask them to prepare a "sculpture" from their bodies which would show/express something connected to trade union movement/trade unionism. Ask them to perform it in front of the other group which has to guess what it is about. The second group follows.)
3. to recite a poem (during the break ask again if anyone knows a nice poem he/she could tell in front of the group), etc.

e. Suggestions for group division

The examples below are designed for a group of 20 participants to be divided into 4 smaller groups - if you have a different number of participants or if you want to have another number of small groups - RECALCULATE accordingly!

Postcard puzzle

Cut 4 different postcards into 5 pieces each and mix the pieces in a bread basket/hat, etc. Let the participants pick ONE piece each. Ask them to find their groups by putting the “puzzle” together. Make sure that the postcards are quite different in colours/patterns, etc. - otherwise the puzzle will take too long!

Sweets

Prepare 20 (wrapped in distinct colours) sweets: 4 different kinds at 5 pieces each. Mix them in a bread basket/hat, etc. and let the participants pick ONE each.

Counting

Ask your participants to count: 1, 2, 3, 4 and again 1,2,3,4 (5 times in total) and all “numbers 1” should form one group, “numbers 2” the second one, etc.

Colour papers

Prepare yourself 4 sets of small pieces of paper of different (4) colours. Mix them in a bread basket/hat, etc. and let the participants pick ONE each. Each colour forms one group.

Picture cards

Prepare 20 small “cards” - 4 sets of 5 cards. Each set of five should have the same picture on it; do for example 5 flowers, 5 birds, etc.

f. Additional preparation: make a list of the technical equipment and stationery that you will use during the seminar (check the programme for these in the materials and equipment column).

g. Check the division of work between trainer and co-trainer/s. Decide on your responsibilities BEFORE the seminar (for more details see the attached training programme at the end of the KIT).

A

Activity 1 GOING BEYOND THE WALLS

- **Aims:**
 - To open your mind to going beyond the walls
- **Methods:**
 - Individual work
- **Tasks:**
 1. On a blank piece of paper draw 9 dots in 3 parallel rows (3 x 3).
 2. When you are ready, pass through ALL 9 dots in a SINGLE move of your hand (only four linked lines!)
- **Time: 3 min.**

Trainer's notes:

1. See the "diagrams" below for this exercise.
2. Draw diagram 1 (9 dots in 3 rows - unconnected) on a flipchart and ask the participants to copy it. Remember to explain to the participants that the rows have to be parallel with each other.
3. Allow 3 minutes for this.
4. Ask if anyone is ready; if yes, check that the answer is correct by asking the person to draw the answer on the flipchart (diagram no 2) by connecting the dots using a different colour.
5. Explain that in order to complete this exercise you have to go TWICE beyond the borders ...

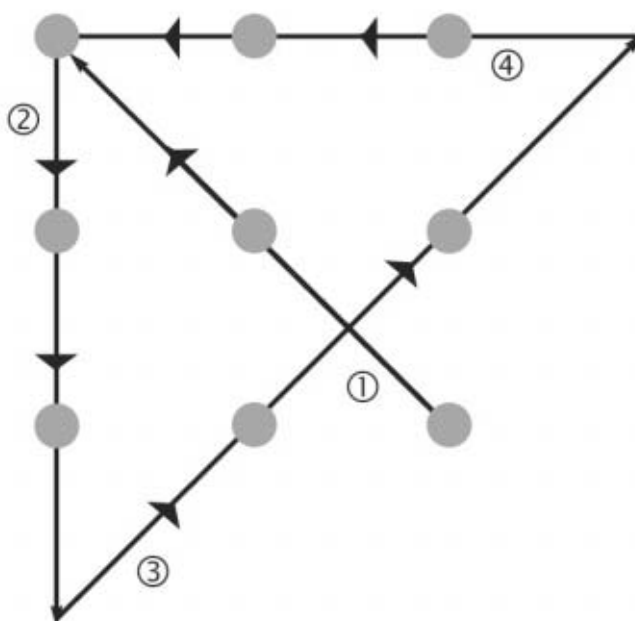
Total time: 15 min.

Beyond the Borders

1)



2)



H1

HANDOUT 1: Jump Over the Walls: Resolve the Problem (1)

Once upon the time there was socialism... In the former socialistic countries it was rather common for **large companies** (and there were many large companies; as well as the so-called “agricultural-industrial co-operatives”) to have their own social policies and projects. Many of them established their own **nurseries, company restaurants**, bought or constructed hotels and holiday resorts for workers and their families, developed their company **health centres, sport centres, educational programmes** and even schools for workers who wanted more, etc. At the same time, **small companies** relied on state funds to fulfil their task of providing social balance and peace, using **state and local budgets and facilities** for the so-called “**social standard**” of workers. The so-called trade unions had a very easy job: they just had to make a request from company directors or a local community communist party staff and they would get a special offer for their members (*the famous trade union credited purchases of clothing or meat; or vacation in the company or local community resorts*).

► **NOWADAYS** in the capitalist world of changed work nothing is the same any more. Through the privatisation in the transition almost all companies have privatised the so-called “**real estate of social standard**” and the remainder of such services have been simply **closed, rented or out-sourced**. Today the majority of companies are small or middle sized and self-employment is quite often the only form of registered work. On the other side there are huge transnational companies which are extremely influential, but have a totally different view on workers compared with more traditional companies and what they really care about is cheap labour.

In such an economy it is **not enough** for trade unions merely to negotiate for collective interests at company level, within the company walls. More and more problems have to be looked at from a **new prospective**. The solutions might be somewhere else, in the **local community**, in the **county/ region**, at the **branch level**, on the **national level**, in **EU regulations** and institutions, on the **global level**.

Trade unionists must primarily cross over the company walls and **look for new partners and allies**. Work and family reconciliation, e.g., can generally be achieved within the local community by engaging its services, on the basis of national legislation and through gender mainstreaming.

In all countries families’ incomes have been significantly affected by the **decline in social services and family related transfers**. Due to the existing pattern of sharing responsibility for raising a family, women have been more affected than men. The erosion of social services has taken place through the changes in the structure of social expenditure (cuts on health and education as compared to pensions), moving away from in-kind to cash benefits, the value of which sharply decreased due to inadequate indexation and changes in the quality of public services. In a number of countries also shares of family benefits and maternity and childcare benefits in GNP (*gross national product*) have declined. The quality of pre-school and primary education has deteriorated and schools have lost many of their social functions, such as primary health care. Social functions of schools played an important role in equalizing educational opportunities for children but also, together with other child-related benefits and services they helped women to combine maternity with paid work.

IMPORTANT!

Remember, if a union member asks you to help her/him to resolve “a personal” problem, such as finding a care home for his elderly disabled mother, if she/he cannot work normal working hours because of this problem, it is not just “a personal problem”, and you are not, as a trade unionist asked for a favour: this is your trade union job too - to assist in work and family reconciliation. The problem becomes the union problem, and you have to find out how many employees share it. Keep gender mainstreaming in mind!

If one of the company workers has a problem with public transport due to irregular services or a lack of services

providing transport to the company location, or no services at all, a trade unionist should not expect their company management to set up their own public transport scheme. That would be not rational or efficient, nor a realistic solution to propose. But, it is possible to measure the problem, assess the situation taking into consideration other companies in the neighbourhood and raise the issue with the local government. Such public transport services might be of great interest to the community and therefore easily introduced. Usually more men have cars than women!

And the most important thing is to act on the basis of the principle of subsidiarity. Do not include in the bargaining agenda something that can be resolved based on a verbal agreement. Do not address the general manager if you can fix the problem at a much lower level.

Really, what if you cannot resolve the problem in the company? Simply jump over the company walls...

POLAND: Building Coalition and Support in Local Community

Unionised women workers working in a bank (Bank Spółdzielczy) in a small town in Poland, faced a problem with transportation to and from work as they lived in a different town and had to take the train to get to work. The PKP (Polish National Railways) decided to cancel some trains on this route, so they were unable to return home from work. They wrote to the local PKP - however, with little success. Thus they decided to organise a campaign involving the employer, trade unions, local authorities and other local enterprises employing workers from other towns. They wrote another letter, this time with signatures of employers and workers, and most importantly - local town citizens. The letter was sent to the PKP General Office and their answer was a positive one. The old train schedule was kept.

LITHUANIA: Tripartite City Council

The Vilnius Tripartite City Council was established 4 years ago at the initiative of the President of the employers' association. It consists of representatives of the following organisations: 3 trade union centres, employers association and the council authorities. The Council reached an agreement on regular meetings, rotation and decision-making procedures, etc. The Council meets quarterly. Usually during the first meeting of the year all parties present their issues after which these are analysed and discussed. The decisions of the Council have the character of recommendations. Trade unions managed to draw the attention to certain issues important for the community, for example, the building of tram lines in Vilnius; or giving lease to a French heating company which allowed the revision and led to improvements in the contract.

Unfortunately, wages are not an issue to be discussed at the Council's meetings.

BELGIUM: A Good Childcare Practice: the FESC

The FESC (Fund for Collective Equipment and Services) is a federal fund installed within the ONAFTS (National Office for Workers' Family Benefits). Initially, in 1971, the aim was to finance new buildings for childcare for children from 0 to 3 years.

In the meantime, the labour market witnessed a continuous evolution: women entered on the labour market, the traditional household model was no longer a common feature, new and very flexible forms of employment were introduced... Combining a professional career and a family life became more and more difficult. There was a real need for more and flexible childcare!

Both trade unions and employers organizations were conscious of this need and in 1993, they unanimously proposed a recommendation to the National Labour Council (CNT).

As a result, a social contribution of 0,05 % would be added to the wage bill to finance childcare projects. The projects had to meet a number of conditions.

The income of the social contribution (0,05%) is paid to the FESC, which pays subsidies to the recognised projects. The subsidy is paid per day of presence per child. Only a few types of childcare can be subsidised:

- out-of-school childcare of a child (aged 2.5-12) of an employed person before and after school, during school leave as well as on Wednesday afternoons
- care of a child (aged 0-12) of an employed person, who is sick and cannot be accommodated at his/hr usual childcare facility.
- emergency care of a child (aged 0-3), or childcare in specific conditions where the parents have been given a job offer, are attending vocational training at a recognised organisation, or are currently in a procedure of reintegration in the professional life (for a maximum 6-month period).

The FESC is a good example proving that social partners can, through good cooperation, organise and administer projects for collective good. The collective solution was found to resolve a collective problem - childcare.

A

2

Activity 2 DIFFERENT LEVELS OF COLLECTIVE BARGAINING

Aim:

- To learn about different levels of collective bargaining
- To understand in what way they differ

Method:

- Presentation
- Individual work
- Discussion

Tasks:

1. Listen carefully to the trainer's presentation.
2. Take a close look at a copy of the diagram and note questions/ problems/ issues related to it which you would like raise in the discussion.
3. Take an active part in the discussion.

Time: 45 min.

Trainer's notes:

The diagram below can be used as visual means to explain different levels of collective bargaining. (Note: The same diagram may be used in trainings based on the other kits).

How to work with the diagram:

- a. Make an OHP slide with it to support your presentation
- b. Explain the tasks
- c. Explain the diagram to the participants using the following information:

Step 1: **individual worker's level** - individual employment agreement.

Step 2: **enterprise level** - company collective agreement, works council, code of conduct, etc.

Step 3: **local community level** - social dialogue, private-public partnership, etc.

Step 4: **sectoral level** - sectoral collective agreement, etc.

Step 5: **national level** - intersectoral agreements, national collective agreements, social dialogue, etc.

Step 6: **regional (CEE and NIS) level** - recommendations, guidelines, campaigns etc.

Step 7: **European level** - directives, agreements, European Social Charter, etc.

Step 8: **global sectoral level** - voluntary agreements, policies, campaigns, etc.

Step 9: **global level** - international labour standards, social clause, socially responsible investments, etc.

- d. Hand out a copy of the diagram to all the participants

- e. Ask them to take a close look at it and note some questions/issues/problems regarding it.

- f. Open a discussion. The aim should be to make sure that everyone is clear about the levels of collective bargaining and to make sure that everyone understands differences among them.

Total time: about 45 min. (15 min. for presentation; 5 min. for individual work and 25 min. for discussion)

EXPLANATIONS OF ABBREVIATIONS USED IN THE DIAGRAM:

WB - World Bank

IMF - International Monetary Fund

WTO - World Trade Organisation

UN - United Nations

ILO - International Labour Organisation

OECD - Organisation for Economic Cooperation and Development

ICFTU - International Confederation of Free Trade Unions

CEE Unit - department in the ICFTU for Central and Eastern Europe

WCL - World Confederation of Labour

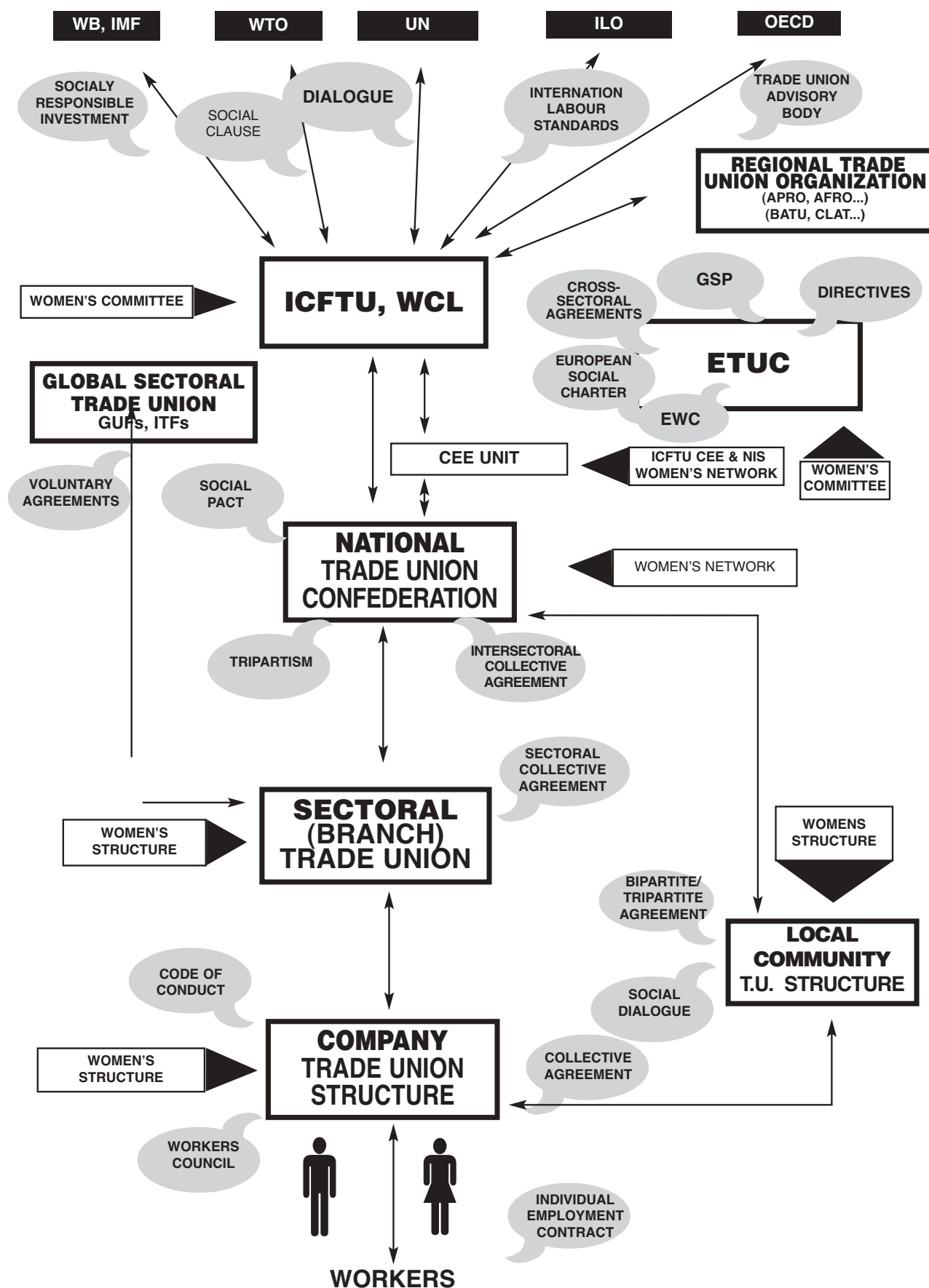
ETUC - European Trade Union Confederation

GSP - Generalised System of Preferences

GUFs - Global Union Federations (ICFTU)

ITFs - International Trade Union Federations (WCL)

NINE STEPS TO THE TOP





● **Activity 3** **JUMP OVER THE WALLS: RESOLVE THE PROBLEM (2)**

● **Aims:**

- To become aware that some issues/problems cannot be solved within company walls
- To realise that there are possibilities/partners other than the employer

● **Methods:**

- Discussion

● **Tasks:**

1. Working in the plenary, think about ONE

problem of working women which you could not solve within your company, but which nevertheless influence the labour relations in the company. Share your SHORT cases/examples with the group.

2. Then think about a possible partner (outside the company walls) with whom you could solve the problem which you described. When you are ready, go to the flipchart, and in the already prepared table, write (briefly, using only key words) your example.

● **Time:**

Task 1: 30 min.

Task 2: 20 min.

➔ **Trainer's notes:**

1. Before the start of this exercise, draw a table on the flipchart with two columns (the first column should be entitled: PROBLEM/ISSUE, and the second: POSSIBLE PARTNER)
2. Explain TASK 1 to the participants, and YOU present a short EXAMPLE first.
3. Then encourage everyone to speak briefly (giving just one example), but if the group is large - ask for 10-12 examples.
4. After sharing unresolved problems/issues, explain TASK 2 to the participants and give them 2-3 min. to think about it. Once they have done so, encourage them to come to the flipchart and write their ideas down (in short, clear words - just key words)
5. Remember to sum up by reading the items from the lists aloud.

Total time: app. 1 hour

H2

Handout 2: Atypical Employment Becomes Typical - the Disintegration of “a Normal Workplace”

Traditionally trade unions, particularly but not only in highly industrialised societies, were shaped by the existence of a **“normal” employment relationship**. This involved a **full-time job** with a specific employer and usually a degree of long-term stability.

The **“normal” worker**, and hence the **“normal” potential trade union member**, was thus a **full-time employee** whose employment status was not merely casual. By extension, the **“normal” employee** was a person who was presumed to be the **“breadwinner”** for his family. It was not the same for most of CEE countries, where women were assumed to be additional breadwinners too. And it was not only an exception.

This in turn shaped the typical trade union agenda: predominantly concerned with **terms and conditions of employment**, and in particular with three aspects: 1. achieving the payment of a **“family wage”**; 2. defining and **reducing the standard working week**, and 3. **constraining the employer’s ability to hire and fire at will**. In many countries there have indeed been serious efforts, sometimes dating back several decades, to **transform this agenda** in order to appeal to a broader constituency. Achieving this transformation has become increasingly urgent, especially because national and local legislation is still based on the idea of a man as the only breadwinner.

Data on atypical jobs from western Europe, where this segment of labour market is highly feminised, shows **disadvantages** of these jobs, including the lack of social entitlements and benefits - maternity leaves and/or pensions, large differences in wages and salaries as compared to full-time jobs and predominance of low-status occupations - cleaning offices, serving in restaurants (Source: EUROSTAT 2000). It could be expected that these disadvantages of atypical work contracts would be similar for women in transition countries where there are few institutional regulations of atypical employment.

Today, unfortunately, an **“atypical” employment relation has become increasingly typical**, even in the CEE and NIS region. Part-time work, short-term and casual employment, agency work, self-employment, special government make-work schemes and of course unemployment have all become more common; in total, in some countries, they affect the majority of the economically active population.

At the same time there have been numerous structural shifts in the sectoral and occupational distribution of employment: the decline of most of the traditional staple manufacturing and associated industries and the **growth of a wide variety of service industries**, particularly in the private sector; under the impact of microelectronic technologies, the eclipse or transformation of many traditional manual occupations and the **growth of “white-collar” work** (now in many countries the majority); the reversal of the process of employment concentration with **“downsizing” in former core industries** and the **expansion of small and medium-sized enterprises**.

There has thus developed a **diversity of forms of linkage to the labour market**, and structural change has brought both winners and losers (though in most countries, losers far outnumber winners, especially if they are the women!) - **outsourced work, tele-work, home-work etc.**

In CEE and NIS countries, during transition atypical jobs, rare prior to 1989, started to emerge along with the expansion of the private sector, **enterprise restructuring and expansion of parallel economy**. The latter consisted of **“grey economy”**, where activity was legal, though not registered, and **“black economy”** embodying many illegal and/or criminal activities, such as drug trafficking. In informal economy most workers work in atypical jobs.

Many women are interested in atypical working contracts because of their flexibility but also because other jobs may not be available. However, the data on atypical employment are usually based only on part-time employment. In the majority of the transition countries women

have higher share in part-time employment, than men. These differences are especially noticeable in the Czech Republic, Estonia, Hungary and Moldova (Source: *UNECE Programme on Gender and Economy, 2001*).

To a substantial degree, **“atypical” employment is female employment.** The growing proportion of women in the formal labour market negates the traditional model of husband as wage-worker and wife as domestic worker, but in most countries domestic work remains primarily or exclusively female. Today the typical employee may live a considerable **distance from fellow-workers**, possess a largely “privatised” domestic life or a circle of friends unconnected with work, and pursue cultural or recreational interests quite different from those of other employees in the same workplace. This disjuncture between work and community - or indeed the destruction of community in much of its traditional meaning parallel to the disintegration of the “normal workplace” - entails the **loss of many of the localized networks which strengthened the supports of union membership** (and in some cases made the local union almost a “total institution”, especially during the socialism). Therefore the **partnership between companies and communities**, different models of private/public partnership, is more and more needed, and trade unions will have to adopt their structures and mode of work to the changed situation.

Different surveys show that the **fear of job loss** - either through collective redundancy or through victimization by the employer - is the overwhelming work-related concern of employees today. Part of the function of trade unionism is to resist such this insecurity; but to the extent that such resistance is company- or sector- of local community specific. Unfortunately, the fear of job loss makes the workers ready to accept informal jobs, insecure jobs, precarious atypical jobs etc.

Flexibility as “rigidities” by which neo-liberals wish to weaken and restrict, making workers more disposable and more adaptable to the changing requirements of the employer, this **“negative flexibility” was always opposed by the trade unions.** In the 1970s objective of “humanization of work” was in essence a claim for **flexibility in the interests of workers** through the **human-centred application of technologies**, the adaptation of task cycles and work speeds to fit workers’ own rhythms, the introduction of new types of individual and collective autonomy in the control of the labour process. It is vital that the trade unions take a ball and start formally negotiating on behalf of the workers with such flexible contracts - who are mostly women!

REMEMBER!

1. When you want to resolve the problems of the members of your union, or generally of the employees working in your company, do not forget that each of the problems needs special individual treatment and an advocacy plan. Be aware that not every problem can be solved inside the walls of the company and, plus, that it can take a long time. Keep going on!
2. For the working and living related problems that you cannot resolve within your company, develop a special list of the possible allies, channels and mechanisms, such as:
 - a. Employer
 - b. Local government
 - c. Local administration
 - d. Journalists
 - e. Local communal services
 - f. NGOs
 - g. Local tripartite bodies

- h. Annual local budgets (e.g. gender budgeting)
- i. Local employers' associations
- j. Experts
- k. Different associations
- l. Individuals, etc.

Be aware that there are more and more trade union related issues for which you need larger community engagement.

3. Everything that improves working and living conditions could be put on the trade union agenda - there is nothing that is not worth negotiating. Check every item from the gender perspective!
4. Think about different perspectives and different needs that women and men may have with respect to a problem, and how different solutions may benefit them more or less (gender mainstreaming).
5. Get informed about the most vulnerable categories of citizens in your community (citizens living in illegally built housing or without adequate sanitation, long-term unemployed, seasonal workers, migrants etc.). Be involved in the resolving of their problems because this could reflect on the position of your union members and workers in your company.
6. Do not forget informal workers (how to exert positive influence on them)! Otherwise they could indirectly endanger the economic and the social position of your members.

A4

● **Activity 4** **RAISING AWARENESS ON** **ATYPICAL EMPLOYMENT**

● **Aim:**

- To raise awareness on atypical employment

Methods:

- Discussion

● **Tasks:**

Based on the introduction given by the trainer and your own experience, take an active part in the following discussion:

- What are the common forms of atypical employment in your country?
- List some case studies from your own experience
- Express your feelings on such changes (arising insecurity, etc.)
- Are trade unionists sensitive enough to represent special interests of such workers, especially of the most vulnerable categories (women, etc.)?
- How could unions improve the representation of such workers?

● **Time: 30 min.**



Trainer's notes:

1. After your presentation based on Handout 2, move on to Activity 4.
2. Explain the Activity (aim, method, task)
3. Open a discussion - use the questions listed under TASKS.

This discussion is important as, in many cases, trade unions are still not fully aware of the issue of atypical employment, so let participants express their opinion freely.

H3

Handout 3: “Communitarianism” Instead of Industrialism: Transformation of Trade Unions

“Communitarianism” has nothing with communism. It comes from word “community” and it means a system of organising life based on a community. This would not mean going back to the communist, centralised and unified process of decision-making at the national level, but rather grouping on the interest basis in order to achieve a safer and a fearless life.

There are two things which should be understood: the unions which can mediate between the economic and social structure (workplace and community), may increase their attraction and legitimacy, and, therefore the unions will almost certainly have to develop alternative, locally-based structures.

As a starting point, the labour market perspectives of the **“mass worker” with a standard model of full-time employment, firm-specific job security** and limited scope for occupational advancement can **no longer dictate the central content of bargaining policy**. The world, organisations and labour markets have changed. Also the relationship between the employers and workers has changed. Personalised contracts and the idea of the independent worker has become quite dominating. **This can mean that both employers and workers start thinking they do not need the unions!**

To resist the hostile forces ranged against them, unions must mobilize countervailing power resources; but such resources consist in the ability to attract members, to inspire members and sympathisers to engage in action, and to win the support (or at least neutrality) of the broader public. The struggle for trade union organisation is thus a struggle for the hearts and minds of people; in other words, a battle of ideas. And to convince individual workers that it is a myth that they are independent and that they could negotiate just for themselves.

● **BROADER COMMUNITY CONCERNS:** The **traditional “normal” employment relationship involved a sharp dichotomy between life at work and outside**. Where trade unions were longest established and collective bargaining most strongly developed, unionism itself tended to reflect and reinforce this dichotomy. This has not been universally the case, however: **unions in some countries have typically embraced broader community concerns.**

More established unions could well learn from the experience of newer union movements. One reason is the erosion of the “normal” employment relationship. Another is the extent to which **“community” has become an ideological device in contemporary political argument**. Arguments around the idea of “community” have two aspects. One is negative: a legitimating of the withdrawal of elements of state provision, intervention and regulation in social welfare and labour market policy. “Communitarianism” can thus provide an alibi for deregulation. Another strand of argument is more positive: the thesis that the **organizations of “civil society” can mobilize pressure**, and perhaps **generate resources**, which can counteract the destructive impact of global competition and global corporations. Unions obviously have a strong interest in engaging in this debate and in influencing conceptions of community in accordance with their own objectives.

The question is are the trade unions, especially those in transition countries, ready to face a new battle, ready to act in a community as a relevant powerful “player”?

● **“KILLING” TERRITORIAL STRUCTURES:** What really happened in the former communist countries is that the majority of the reformed trade union confederations run their transformation in a very similar way: **strengthening the branch trade unions and cutting their territorial structures.**

In reality the post-communist trade unions in a way just tried to re-write the history of the “western” labour movement, and what they got was decline in the membership, decentralisation and de-powering of confederations, “feudalisation” of the branch trade unions, development of branch parallel expert structures at the territorial level, bureaucratisation, fragmentation, division of the labour force, persistence in ignoring of individual members, exclusion of the informal workers, etc. They still work through the traditional pattern of male breadwinner. Most of the territorial trade union structures were “rationalised” with the excuse of a lack of financial resources. Branch trade union activities became priorities.

Trade unions in many of the post-communist countries, especially the reformed grouping of trade unions that existed during the plan-economy period, did not succeed to anticipate the forthcoming future and to save the comparative advantages they had - like having the strong territorial networks. The change of work, change of workplace, change of the labour relations - needed stronger linkage to the community institutions and concerns, but although there is a visible decentralisation and de-regionalisation in all countries in Europe, trade unions still repeat their “historical homework”.

Trade unions in a very few countries in the region became really active in taking part in the social dialogue at the territorial level, being innovative and initiating the new agenda for improvement of the working and living conditions in the local communities/counties, using quite often the recently established tripartite or multipartite decision making bodies.

IMPORTANT! - NEW TRADE UNION STRUCTURES TO COME

The links between work and community can be seen in two dimensions. First, it has to be kept in mind that **workers are producers, consumers and citizens** at the same time; unions which can relate to (potential) members in all these roles can build a deeper relationship than if they merely focus on employment-related issues. Second, workers produce goods or services for diverse groups of consumers, customers or clients. Employers (and other manipulators of opinion) often attempt to counterpose the interests of one against the other. Unions are in a better position to represent their members' interests if they can build alliances with those at the receiving end of their productive activity.

It is often argued that the increase in the **number of women trade unionists has in itself led to a broadening of the union's agenda**. Because *their lives are grounded in the community as well as in paid work*, in caring for others as well as in working on their own account, their trade union agenda has always been wider than men's. Important new issues have been brought onto the movement's agenda, such as health and the quality of community life, childcare and the responsibilities of a multicultural society. But building “social unionism” is not simply a gender issue. All **workers have an interest in the quality of life in the broader social milieu which they inhabit**, and unions which can mediate between the economic and social structure, may increase their attraction and legitimacy.

One example is the campaign in Modena/Italy in the mid-1990s, when the local unions joined with community groups, business organizations and the local authority to agree changes in the timetables of transport services and communal facilities to match the varying requirements of workers-as-citizens. Much more generally, current emphasis on “life-styles” - which some critics perceive as a source of individualism - provides “a focal point alternative to work-based identities” which in one respect threatens unions but in another offers opportunities for a new basis of recruitment and representation.

Establishing a “social unionism”, unionism closer to its members on the changed labour markets, who are today easier accessible at the community level, has implications for unions' organizational structures.

◉ **WORKPLACE NO MORE A SOCIAL UNIT:** In many countries, the primary unit has been the company or workplace unit. Many workplaces are no longer social units:

- ▶ 1. “Lean production” has reduced the scope for socialising on the job;
- ▶ 2. Diversification of work schedules means increasingly that only a fraction of the workforce is present at any one time;
- ▶ 3. Outsourcing and subcontracting entails that workers on a single site may be employees of different companies;
- ▶ 4. Individuals often live a considerable distance from their work.

The trade unions should change their strategy and policy accordingly! This creates a need for alternative organizational mechanisms.

For example, in 1996 it was reported about the experience of one of the regions of the German metalworkers’ union in building activity around the localities where members (and potential members) live rather than where they work.

This also offered the basis for creating **links between employed and unemployed, and between working and retired members**. (It should be noted that while unions in some countries - notably in Italy - retain substantial numbers of pensioners in membership, it is difficult to integrate them in the life of the union where workplace-based structures predominate.)

To appeal to **younger workers** - in most countries seriously underrepresented in union membership - **unions will almost certainly have to develop alternative, locally based structures**. Moving away from the bureaucratic formalities of traditional meetings to alternative, more participative types of collective activity is also a necessary part of organizational innovation if unions are to appeal to a more diverse constituency with very different cultural backgrounds to those of the traditional trade unionist.

WOMEN SAVE THE UNIONS: It is especially important to support the working **women to self-organise themselves within the unions** and to establish their local community level structures and launch their specific activities. Forgetting gender mainstreaming of trade union policies, might be among the most dangerous risks for the future of the unions! Women’s share in the majority of the transition countries increased parallel to decline of the men’s share. Women rely on the community more sensitivity for the issues like quality of life, work and family reconciliation, etc. They can save their unions.

ITALY: Working Time - Indicator of Life Quality

Women have been prime movers in “time in the cities” developments, in which the male-defined organisation of time is challenged and urban time linked to working time. A 1994 agreement signed by the Milan municipal authorities, the prefect’s office, the Chamber of Trade and trade unions, tackles the relationship between working time and free time and models the social organisation of time. Working times are now used as an indicator to ascertain the quality of life of male and female workers and their families. These changes are affecting people whose needs are not only different but may be contradictory. It is up to negotiators to identify ways of directing negotiations towards an equitable outcome; taking account of the fact that working time no longer concerns only production processes but also other areas.

IRELAND: Community Groups Make Decisions!

Social partnership in Ireland describes an approach to government where interest groups outside of elected representatives play an active role in decision taking and policy making. This form of participative democracy enables the social partners to enter discussions with government on a range of social and economic issues and to reach a consensus on policy.

Local social partnership, based on the same principle, just as national organisations can influence policy through participation in social partnership, so too can **community groups influence local decision making** by getting involved in local social partnership.

The overall objective of the Programme is to counter disadvantage, poverty and inequality, and promote social and economic inclusion. The local decision making body meets its objective by promoting communication, co-operation and co-ordination among state agencies, social partners (e.g. Irish Congress of Trade Unions) and the community and voluntary sectors. The creation of links across and between all relevant

local development organisations enhances the effectiveness of **supporting the most marginalized and disadvantaged community groups and individuals**. The groups who benefit from such partnership are the following: unemployed and underemployed persons; travellers (Roma people); single parents; elderly people; low-income households; disadvantaged children and young persons; disabled; persons who are socially and economically disadvantaged; disadvantaged communities, such as former prisoners, refugees, asylum seekers, etc.

The first main objective is to help people re-enter the labour market. It encourages individuals and groups to take part in education, training and work experience opportunities that will lead to gainful and sustained employment and/or self-employment. Examples of support under this measure include: Local Employment Service; education and training support for adult learners, etc. The second main objective is to enhance the capacity of people living in disadvantaged areas to participate fully in local development opportunities; examples of supports under this measure include: research activities and dissemination of information; support for new and established community groups; pre-development and foundation work with target groups community based youth initiatives. The main third objective is to enhance the social and personal development of young people who have left, or are at risk of leaving, school early. Examples of support under this measure include: provision of early childhood education, learning and development opportunities; prevention of school drop-outs and promotion of education and development of young persons; access to further and higher education, etc.

POLAND: 16 Regional and 356 Local Employment Councils

Poland is one of the countries with the most developed tripartite co-operation, i.e. in quantitative terms, with a very large number of specialised national tripartite and multilateral bodies. The key national tripartite body - the Tripartite Commission for Social and Economic Affairs - was established in 1993 as a direct outcome of tripartite negotiations on a pact covering state-owned enterprises which was concluded in 1992. The members of the tripartite body are the same as those who were involved in the tripartite negotiations in 1992: the two large trade union confederations (OPZZ and Solidarity), seven smaller trade unions which are independent of the large confederations, and - finally - the largest and oldest of the two employers' confederations (KPP).

Poland has a number of regional and local tripartite bodies, covering issues such as working environment, labour-market policy, etc. However, the most important regional and local tripartite bodies are the regional and local employment councils. There are 16 regional and 356 local employment councils. They should, perhaps, be designated multilateral bodies since for both types the circle of representatives covers more than three parties. The regional tripartite councils have, in addition to the social partners, representatives from the government administration, local administration and agricultural organisations. In the local councils, the representation is the same, apart from the absence of the government representatives.

Both the regional and the local employment councils are attached to the employment service, and deal mainly with issues such as local and regional employment and education/training policy, economic restructuring, etc. The councils issue recommendations on the work to be carried out by the employment services and on regional and local employment and education/training policies, but they have not been granted the powers to make decisions with a binding effect on the employment services or other parties.

H4

Handout 4: Guidelines for the Advocacy Plan**HOW TO MAKE AN ACTION PLAN FOR ADVOCACY TO RESOLVE THE PROBLEM**

1. **Define the problem** (survey, complaints of workers, or resource management, etc.)
2. **Use data and research for resolving**
Data is essential. Facts will often be the most important part of your argument. What arguments can you use from the perspective of gender mainstreaming?
3. **Identify the possible partners for resolving your problem**
When the goal and the issue have been chosen, think strategically who your partner in solving the problem could be. Then direct your advocacy towards those responsible for making decisions or to those individuals who can influence the decision-makers.
4. **Shape and direct your request/form the message**
Create a message appropriate to those to whom it is being directed.
5. **Make financial estimation** - cost out (sometimes there is no cost or it may be cheaper, for example, if women do not have to leave the job in order to resolve the problem)
6. **Who can be an ally?**
The number of participants involved in attaining the goal ensures the power of advocacy. Involving a large number of groups or individuals also serves as a form of protection, particularly in places where democracy and public advocacy are new phenomena. Think about who else you can include. Who else can be an ally? Who else can raise money to finance your plan? What can your friends do?
7. **Make convincing presentations** (leaflets, etc.)
Opportunities to influence decision-makers - within the company and outside of it - are limited. A politician may only offer you one meeting. A minister may be able to spare five minutes of her/his time. A well-prepared presentation based upon convincing arguments can transform even a short meeting into a successful action. You often have only one chance to explain your position, so it is very important that you know how to take advantage of this opportunity. Think about something creative, unusual...
8. **Start lobbying/campaigning** (publicity if needed)
Most activity requires funding. Successful advocacy calls for a long-term investment of time, energy, and resources. You will need to plan ways to gather the necessary financial resources.
9. **Negotiate - keep a balance!**
Finally, you did it or you did not. If you did not resolve the problem, you may start from the beginning, reconsidering how you could do it better. Do not forget: if you can not get everything resolved, keep it open, start a pilot project or a survey.
10. **You resolved the problem - evaluate!**
How will you know whether or not you have been successful in reaching your goals? How can you improve your strategy? If you want your advocacy to be successful, you will need to seek feedback and evaluate your invested effort. Evaluation - the basis for the next step if needed - and on the basis of that you will design the follow up steps. And, do not get disappointed too soon.

A5

Activity 5 **JUMP OVER THE WALLS:** **RESOLVE THE PROBLEM (3)**

Advocacy Plan Development

Aim:

- To learn more and to practise developing advocacy plans for improving living and working conditions in the framework of company-community partnership

Methods:

- Group work
- Role play

Tasks:

1. Working in your group on a given problem/issue, based on your experience and also the guidelines for advocacy, develop an advocacy plan in order to solve your problem/issue.
2. Reporting will be organised in form of the role play - so when you are ready with your advocacy plan (put in on a flipchart), prepare for the role play (divide roles, prepare the "setting" if necessary).

Time:

- Task 1: 40 min. (for group work)
Task 2: 10 min. (each group)

Trainer's notes:

1. After your presentation on "Guidelines for the advocacy plan" (Handout 4) - max. 15 min (prepare a slide/s/ to illustrate your presentation, distribute the guidelines (Handout 4)).
2. Based on Activity 2, choose 3 stories unsolved women workers' problems/issues - one for each work group.
3. Divide participants into 3 groups (using candies, for details see "General trainer's notes" at the beginning of this KIT). Then ask the "authors" of the selected issues/problems to join ONE group each (they can explain it in more detail, if necessary)
4. Explain TASK 1 and 2, time (max 40 min.) and show the participants where to work. Remind them to write their advocacy plan on flipchart paper, and that they would have 7 (max. 10) minutes for reporting (role play).
5. Remember to sum up by underlining the importance of preparation of advocacy or action plans in order to solve issues. Comment on the role play when it is finished; also ask the group to comment on the strong and the weak points of the role play.

Total time: 1 h 30 min.

H5

Handout 5: Process of De-industrialisation and Branch Agreements

The essence of sectoral collective bargaining is that employers organisations and workers organisations - trade unions - negotiate and conclude collective agreements at the sectoral level on working conditions (e.g. wage, training, working time, facilities). Over the past decades, sectoral agreements have been the main channel for introducing gender mainstreaming on the employers' agenda.

Historically trade union policies in general and collective bargaining in particular, followed the organisational changes in trade union structures. As the workers at the beginning of trade union movement organised themselves at the company level, the first written agreements which regulated their rights covered only the workers in the company in concern. Later the workers started to organise themselves on the professional basis (bread bakers, etc.) and the model of collective bargaining followed that model. After the 19th century industrial development, the workers started to organise themselves at industrial level (textile, metal workers, etc.). Sectoral or branch collective bargaining at national level became the most desirable model for trade unions in the second half of the 20th century. In some countries it became the dominating model (e.g. Germany, the Netherlands), while in some other (USA, Japan e.g.) the trade unions were too weak to enforce such a model. Most of the Western European trade unions still struggle to oppose the "denomination" of sectoral/branch collective bargaining, believing it is still the model that could help workers rights remain strong. It is very important for gender mainstreaming to be reinforced as well.

On the other side there are the "newcomers" who preach that the sunset of the sectoral collective bargaining is a natural phenomenon and that the trade unions have to invent new models of collective bargaining. **The current process of de-industrialisation, fragmentation of economies worldwide and domination of small and medium enterprises on one side, and parallel global strengthening of multinational companies on the other, will lead to the transformation of the sectoral model of collective agreements** - not only due to the strong pressure of the employers' associations against such model, but because it would be seen as the logical outcome of the changes in the labour markets and of the changed nature of work..

1. MEASURE OF IMPORTANCE: Still, there is no doubt that the bipartite model of sectoral collective bargaining is an important one for both sides of social partnership. There are a few very important **reasons**:

Autonomy of the sectors: For the employers, a key motive for entering the social dialogue can be to enhance the autonomy of the sectors through agreements with trade unions.

Secure a stable environment for the economy: For the employers the bipartite dialogue can serve as a means to avoid industrial conflicts. Securing a stable environment will also be in the interest of the unions, as this is decisive in safeguarding and creating jobs.

Regulation of competition: Sector-wide agreements create a basis of equal conditions for all employers in the sector with regard to the competition for workers. Further, the social partners can seek to secure a fair regulation of competition through lobbying. Employers know what the real cost of the work is and how much they might afford themselves to pay.

Improvement of wages and working conditions: A basic aim for the trade unions in the bipartite dialogue is to secure and improve rights, wages, working conditions of the employees and introduce gender mainstreaming. Extending sector collective agreements to all employees within the sector is a pathway for the trade unions to cover a maximum number of employees.

Handling economic crisis: When specific sectors are facing economic crises, social dialogue can facilitate the search for fair solutions. For employers the dialogue might ease the way forward for a continuation of at least parts of the industry. For employees the dialogue might lead to the establishment of collective programmes of re-training or re-skilling and re-employment.

Preparing for EU membership: In the process of EU accession, social partners have co-operated (in cases of countries which have recently joined the EU) and can cooperate on identifying the specific consequences for their sector of EU accession. This might include exchange of information, expert analyses, etc.

2. BEFORE THE FALL OF BERLIN WALL: Talking about the former socialist countries, it would good to remind ourselves that from the 1950s onwards, the Soviet-type political and economic regimes in the CEE and CIS region established its model of labour relations. As this classic command economy was characterized by political, economic and ideological monopoly, its labour relations system was not only over centralized and monolithic, but also dependent on the authoritarian party-state. Formally, negotiations did lead to some kind of collective agreements, but not as a result of autonomous collective action taken at the joint initiative of the independent social partners. **Branch unions were centralized in monolithic structures of national confederations under the tutelage of the ruling parties.** Union leaders were appointed and controlled by the central political organs. Obligatory union membership was a tool of political control in society and in companies. Nor were employers autonomous actors: they exercised political power by organizing economic activities and carrying out central economic decisions at the workplace. The function of the unions was to transmit and support the targets of centralized planning not only in the field of production, but also in the allocation of resources and in the redistribution of income. Negotiations and agreements at enterprise and branch levels were derivations of the national and branch-level economic planning and political directives.

The first wave of divergence among the labour relations systems of the CEE region may be detected in the late 1950s. In some countries, the centralized character of collective bargaining has been reinforced (as in the former German Democratic Republic or in the former Czechoslovakia since 1968), while in others decentralization of political and economic decision-making enabled trade unions and enterprise managements to have a more independent role in collective bargaining (as in Poland, Hungary or Bulgaria during the 1970s). The first signs of articulation of different levels of collective bargaining can be traced to this period. **Enterprise-level and branch-level negotiations began to have more and more impact on resource allocation and the redistribution process** as the actors started winning important rights in the sphere of decision-making and as their degree of autonomy increased. Management at enterprise level became responsible for investments, technological development, organization, providing incentives and utilization of labour. At the same time Polish, Hungarian and Bulgarian enterprise-level unions were officially considered to be partners in enterprise-level decisions. In case of conflict they could even exercise the right of veto granted to them from the 1970s. In this group of countries, the scope of direct participation of employees in issues such as wage distribution within smaller groups, working time arrangements and the allocation of work loads, etc., has been introduced and extended.

Increased autonomy and economic responsibility of the business organisations has led to further enrichment of their labour relations systems. Even in the production process various **forms of organizational innovations were introduced** such as the autonomous brigades in Bulgaria in

the 1980s and economic working associations in the same period in Hungary. These institutions of collective bargaining - and employee participation - similar to the self-management system of the former Yugoslavia - emerged after long decades of cumulative changes and they seemed to be the basis for **further social developments towards a more autonomous system of labour relations** at the end of the 1980s. In spite of these significant changes in some of the CEE countries until late 1980s, the core of the political and economic system remained intact.

3. AFTER THE FALL OF BERLIN WALL: Since 1989, the pluralist and democratic political system and market economy based on private ownership have opened the way for setting up an autonomous system of labour relations. This general tendency in the CEE region observed the universal standards laid down in ILO Conventions and Recommendations and these countries, setting in place mechanisms of collective bargaining, also tried to bring them in conformity with the social dimension of the European Union. Foreign direct investors and multinational companies also represent external resources for adapting to new ways of bargaining.

In all countries of the region, the fundamental laws ensure the right of employees to freedom of association in independent unions, the right of trade unions to collective action, including strikes and the right to collective bargaining. On the other hand, such rights mean obligations for employers to negotiate with unions at different levels. The new labour relations systems in the CEE countries have brought about the pluralisation of both unions and employer organizations. At the same time, the membership of unions has radically diminished though in some countries it has still remained at high levels compared with Western Europe. Different sectors of the economy according to branches, ownership and size, however, show a great variety as to the functioning of collective bargaining and the coverage of collective agreements. Coverage is wider in those branches where only a few employers of mostly large enterprises dominate the sectors and where unions maintained or re-created their positions after the transformation and privatisation (as in the energy, chemicals, and mining industries or public administration).

After the fall of the Berlin Wall, most of the trade unions in the region, except the Polish Solidarnosc, tried to re-design the history of the Western European trade unions, reshaping their internal structure and establishing a new balance. The **trade union confederal structures were weakened or even destroyed**; the **vanishing of the territorial structures followed**, and at the same time, the branch trade unions became, for the first time, organisationally and financially independent. It may have been expected that such strengthened branch trade unions/federations should succeed in establishing a strong sectoral collective bargaining system, however they failed due to many reasons. One of the most important ones was the **weakness of the sectoral employers' associations** and their reluctance to engage in higher-level collective negotiations. The consequences are well-known: in most of the CEE and CIS region, the sectoral collective bargaining system is rather weak.

The partners of trade unions cannot yet be unambiguously identified given the very wide range of problems and their complexity that lie well beyond the responsibility of employers. Even during the intensive codification process of the early 1990s during the social dialogue on social and economic consequences of setting up the new market economies, in dealing with welfare issues, **the main partners of trade unions were and remained the governments**. This fact was reflected in the creation and functioning of the national-level tripartite bodies that correspond to the national-level collective bargaining institution in the CEE countries. There has been express political intention to integrate unions in the transformation process and to neutralize them with regard to the controversial issues of economic austerity, mass lay-offs, etc., for the sake of social peace. It should also be mentioned that agreements between employers and the government on business contributions, payroll taxes, health contributions, taxes, etc., were also negotiated and agreed upon in these tripartite councils. Meanwhile, the same tri-

partite forum was proposed to unions and employers as a “classical” collective bargaining institution in such business-related issues as wages or working-time arrangements between these two partners.

At the same time there is a distance between the national and the local level where the **lack of branch-level bargaining is noticeable**. As a general tendency in the CEE countries, and similar to the international trend, **enterprise level collective bargaining has been growing in importance**. At first glance, this trend seems to be the result of similar processes rather than the transformation of labour relations. In the mature capitalist countries of the EU the same trend is attributed to the **effects of globalisation that requires more flexibility** and higher performance from the individual enterprises or from the network of enterprises. The newly shaped labour relations system and the business world of the CEE countries are even more sensitive to the same factors. The tendency towards the **declining influence of national and branch-level collective bargaining** corresponds to those CEE phenomena that show the relative lack of branch level bargaining and agreements as well as the sometimes contested, sometimes weakened role of national-level bargaining.

As we could observe in some countries, multinationals quite often refuse to become members of employers' organisations. We have witnessed this especially in countries in transition. They are working with their own Human Resources departments, their own company rules, etc. The result is that many employers organisations are consisting only of SMEs. Smaller companies are in many cases already suffering from competition with multinationals and are (generally speaking) not the one's with the most progressive views on social economic structures, labour market policy, safety and health, pension systems, etc. Therefore this creates a real obstacle to the realisation of social economic structures on branch level.

Conclusion: to establish a well-functioning social and economic structure on branch level we need representativity on the employers side which would include the multinationals.

4. CURRENT STATE OF AFFAIRS: Sectoral collective bargaining is poorly developed in almost all CEE and CIS countries, with the exceptions of Slovenia and Slovakia. In **Slovenia**, the bargaining system, introduced in 1990, is highly centralised and far from voluntary. Two general national agreements are concluded first in the bargaining cycle: one for the state and 'budgetary' (i.e. funded from the state budget) sector; the other for the competitive market sector of the economy. Sectoral agreements must comply with the relevant general agreement, and should follow one after the other in a special order. The conclusion of sectoral agreements is compulsory. The parties to sectoral agreements are the relevant sectoral trade unions and relevant sectoral organisations of the Slovenian Chamber of Commerce and Industry, in collaboration with the relevant sectoral sections of the the Slovenian Employers' Association, the national employers' organisation. Slovenian enterprises are obliged to be members of the Chamber of Commerce and Industry, and sectoral agreements thus cover practically all important sectors of the economy. This legal and institutional arrangement resembles the Austrian collective bargaining system. By accepting the recent modification of the Labour Code in 2002, the social partners have already committed themselves to the fundamental change especially with the transformation of employers associations into voluntary associations. It is a shared worry of the social partners and the government that collective bargaining will have a lower coverage rate in future. As a safeguard, they intend, for example, to make extension automatic if collective agreements have been signed by sufficiently representative social partner organisations. In **Slovakia** almost all economic sectors are covered by sectoral collective agreements. Unlike Slovenia, these agreements are the outcome of completely voluntary bargaining. While in quantitative terms Slovakian bargaining practice at sectoral level is rather impressive, in quality terms serious doubts could be raised. The country's widespread sectoral collective bargaining has a clear connection with the high degree of centralisation of the social partners and the strong institutional concentration. In **Cyprus**, sectoral bargaining is quite

intense, and can be considered as the prevalent form of bargaining, with most terms and conditions of employment determined through sectoral collective agreements. Sector level social dialogue by and large has been the missing level of dialogue in **Hungary** - the dialogue has primarily been developed at the central (national) level and at company (local) level.

<i>Collective agreements at sectoral level in some EU countries</i>		
<i>Country</i>	<i>Number of collective agreements</i>	<i>Coverage rate (% of labour force)</i>
Cyprus	12	90-95%
Czech Republic	12	no data
Estonia	7 + 10 'sub-sectoral'	Under 10%
Hungary	19 sectoral + 33 multi-employer	10.6 (sectoral only)
Latvia	10	no data
Lithuania	Few	no data
Poland	136 multi-employer agreements*, of which 20 have sectoral scope, of which 8 are 'proper' sectoral agreements	Under 10%
Slovakia	55	App. 50%
Slovenia	38	Close to 100%

Source: ILO/European Commission Conference on 'Sectoral Dialogue in Candidate Countries', 2002

*Multi-employer collective agreements are quite typical in CEE countries, as they are usually concluded by the successors of large, formerly state-owned companies which disintegrated into several (sooner or later privatised) enterprises over the 1990s. As the successor enterprises continue to have close economic ties, and sometimes even ownership relations with each other, the setting of common labour and employment standards seems almost self-evident. Multi-employer collective agreements are only seldom the signs of newly emerged alliances among employers aimed at controlling the labour market.

Sectoral collective bargaining in the CEE often refers to both the market (production) sector (including private and public enterprises) and the public services (primarily education and healthcare). This makes any comparison with sectoral bargaining coverage rates in current EU Member States rather doubtful. In **Poland**, for example, all sectoral collective agreements have been concluded in the public sector. Collective agreements at sectoral level actually cover mainly state enterprises and companies owned by the state treasury engaged in production and, to a lesser extent, education and municipal workers. Thus, collective bargaining at sectoral level is a practice relevant to public companies and service institutions, but not for private companies in the competitive sector. By contrast, in Slovenia, around two-thirds of sectoral agreements have been concluded in the industrial and commercial sectors, and one-third cover institutions dependent on the state budget and public services. Despite all the above uncertainties, it is reasonable to state that **sectoral collective bargaining practice is modest (or even not-existing) in most CEE and CIS countries**. In addition, the few agreements concluded at sectoral level have **weak regulatory force**, not only due to their limited scope but also because of their **weak content**.

The following interrelated factors can explain this rather general situation prevailing in the CEE countries at the end of the 1990s:

- ▶ **low organizational capacity of trade unions** due to rivalry that results from the lack of organizational comprehensiveness among their confederations;
- ▶ **overemphasis on external (national- level/political) legitimacy** and less attention paid to the continuous search for internal legitimacy by members, on the part of both trade unions and employer organizations;
- ▶ **difficulties in identifying the partners in collective bargaining**, especially on the employers side at national and branch levels;

- ▶ **mistrust or “jealousy” of the new political forces** in the emerging democracies in the region which aim at controlling all segments of the political arena (that can be motivated by a zero sum game approach among the social actors that can be considered as one of the strongest legacies of the “monism” of the political regime of the socialist type);
- ▶ **heterogeneous business structures** in the making with diversified market and human resource strategies: small and micro enterprises becoming dominant employers in the CEE region where face-to-face relations favour informal bargaining instead of institutionalised collective negotiations;
- ▶ multi national enterprises carrying out direct investments representing a **“union unfriendly attitude”** while combining organisational and labour-market flexibility based on individualized contracts;
- ▶ the **“dual structure”** of enterprise level labour relations, as in Hungary and Croatia, may also in the short run challenge the role of trade unions and collective bargaining. (In Hungary, works councils are often used, especially in foreign-owned enterprises, as a substitute for trade unions, and in Croatia as additional channel for the trade union influence.)

HUNGARY: Registered Collective Agreements, 31 March, 2001

	Number of collective agreements	Number of covered persons	In % of employed persons
Competitive sector, agreements with one employer	1,352	726,776	18.7
Competitive sector, relating to more than one employer and agreed by employers	57	84,427	2.2
Competitive sector, relating to more than one employer and agreed by employers' organisation	17	260,375	6.7
Public sector, agreements with one employer	2,082	271,439	7
Public sector, relating to more than one employer	11	2,117	0.05
Total	3,519	1,345,134	34.7

(Source: Ministry of Economy, in *Gazdasági és Szociális Adattár, 2001, Budapest 2002, p. 251.*)

In 1998 obligatory registration duty was introduced according to which trade unions signing collective agreements had to officially register it at the Ministry of Labour, and currently at the Ministry of Economy. According to the data on average registration in 1998-2001, 14 % of employees in the competitive sector were covered by a sectoral level agreement and 40 % by a company level agreement. As there are some companies where both sectoral and company level agreements cover the employees, the total percentage of employees covered in the competitive sector is 51 %.

FOOD FOR THOUGHT

The influence of the national-level collective bargaining systems, i.e. of the tripartite bodies, shows differences as to the topics selected for joint decisions and the issues for consultations. For example, in **Hungary**, the national-level tripartite body not only negotiates general economic and social issues but is also a forum for fixing the national minimum wage. In other countries, as is the case of the **Czech Republic**, the outcome of national-level tripartite negotiations is more like a “gentle men’s agreement” and the function of this body is purely consultative.



There are certain views that centralized tripartite negotiations are not favourable to the development of branch-level action and agreements. Such centralized agreements automatically integrate the branches and leave open some margin for action at enterprise level. This approach carries two consequences within the labour relations system:

- (1) the government remains the main actor in national-level bargaining; and*
- (2) enterprise-level agreements (either through “classical” bargaining between unions and employers or through the participatory models of works councils) assume a more and more important role giving a heterogeneous and fragmented character to the labour relations systems.*

5. THE WEST SIDE OF THE CURTAIN: In many (Western) European countries sectoral collective bargaining is **still the most important collective bargaining level**, where at least basic wages and standard working time are determined. Since the 1980s, however, most countries have seen a **continuing decentralisation or even erosion of sectoral collective bargaining**. Growing unemployment has certainly had an impact on these tendencies. On the one hand, **increasing international competition** may result in a growing number of companies which have problems accepting the collectively agreed industry-wide standards. On the other hand, growing unemployment weakens the bargaining position of the unions and thus makes them accept lower standards in return for job guarantees.

In some countries, the social partners have included the so-called “**opening clauses**” in **sectoral collective agreements**, which usually allow the social partners at company level to agree on **standards of pay and conditions below the collectively agreed rate for a limited period of time in return for job guarantees**. This type of opening clause can be found in particular in **Germany**, with less importance in **Austria**, and in a similar form in the **Finnish** municipal sector. Furthermore, in some countries sectoral collective agreements include lower standards of pay and conditions for special target groups, such as long-term unemployed people (**Denmark**, **Germany** and the **Netherlands**). In **Italy**, sectoral bargaining is starting to take on the issue of job creation in some cases.

6. TODAY’S TENDENCIES IN SECTORAL BARGAINING

1. AUSTRIAN SPECIALITY: In Austria, collective agreements, even when limited to a particular area or branch, can only be concluded by the trade union itself. The negotiations are carried out by the thirteen trade unions affiliated to the OEGB. These individual unions settle the agreements, while the Austrian Trade Union Federation is the single body empowered to sign them. Collective bargaining policy is thus not centralized, but decentralized, carried out by the individual unions and their sectors and trade groups. The negotiation team usually consists of the works councils of each branch. For the employer, the conclusion of collective agreements is usually the task of the Chamber of Commerce.

2. HOLLAND'S DECENTRALISATION: Since the end of the nineties the system of collective bargaining on sectoral and company level is changing. All companies in a sector with one collective agreement still implement their central agreement (CAO). But within that frame of a central agreement it becomes more and more possible to make choices as a company and as individual workers. A collective agreement can be split up in the "A" and the "B" part. Part A is obligatory (e.g. salaries), while Part B are issues that can be implemented on company or even personal level. Examples are child-care facilities, part-time-work schedules, policy on sexual harassment, workers democracy, early retirement. This process is called "decentralisation". Another development is the "CAO a la Carte": like in a restaurant workers can make a choice of working fewer hours a week, child-care, parental leave, longer holidays, and even material issues such as paying with working hours for a computer or a bicycle. Central unions like FNV monitor the results every year. They also develop educational material and provide training for workers. Works councils and union member groups can also set up negotiations on the "B" part of CAO's. This system of decentralisation has also been developed to implement laws covering issues such as the right of an individual worker to part-time work, childcare facilities, work time schedules and freedom from harassment at workplace.

3. DANISH "SOCIAL CHAPTERS": In 1995 in Denmark, the majority of social partners inserted "social chapters" in their collective agreements. The aim is to increase the employment of groups with a reduced ability to work - long-term unemployed, disabled or elderly person. Creation of such jobs must promote employment and may not, as a consequence, affect the already employed persons. The social partners agreed to establish working groups and committees with a view to propose initiatives and issue information. In the public sector, the Ministry of Finance and the state employees' union federation inserted a social chapter in the 1995 collective agreements. It states that: "extraordinary" employment shall not lead to layoffs of already employed persons; part-time employment is possible under certain conditions; employees with reduced ability to work and persons who have taken early retirement can be employed on "special" terms; efforts have to be made to motivate institutions/companies to meet the wish among older employees to be employed under special conditions (i.e. partial early retirement); and efforts have to be made to motivate institutions/companies to increase employment opportunities for people who are in social and labour market policy schemes.

4. GERMAN OPENING CLAUSES: An interesting case is that in Germany since 1993, the social partners have concluded various "agreements to safeguard employment" at sectoral level. All these agreements follow a similar pattern: they include an opening clause allowing companies to conclude a works agreement on a relatively extensive working time reduction (on average 20%), with a corresponding temporary reduction in monthly wage income. In return, the employer agrees not to make people redundant during the period of reduced working time. Furthermore, in 1997, the reduction of lifelong working time through partial retirement has become an important collective bargaining issue. In some sectoral agreements, the social partners have also concluded opening clauses on wages, allowing companies under certain circumstances (e.g. a possible bankruptcy) to pay their employees below the minimum rates set by the collective agreement for a limited period of time. In return, the employer usually has to guarantee job security during the term of reduced payments. In addition, some sectoral agreements include reduced pay rates for special target groups such as employees in their first job or long-term unemployed persons.



Activity 6 SECTORAL COLLECTIVE AGREEMENTS

Aims:

- To recognize tendencies and threats
- To learn and discuss the gender related issues for the sectoral collective bargaining agenda

Methods:

- Group work
- Debate

Tasks:

1. Working in your group:
 - a. Read the provided case study
 - b. Discuss it in a group, pay special attention to gender mainstreaming
 - c. Write on the flipchart 5 main issues you have learned from this case study
 - d. Remember to select a person to present your group's report in the plenary (use

OHP slides and markers while preparing the report).

2. "TV-like debate" on the current state of sectoral collective bargaining in your country(s)

Roles:

- a. The debate facilitator (prepare a few questions for the debate)
- b. Employers' organisation representative
S/he will speak against sectoral collective bargaining: There is no need for sectoral collective bargaining. Company level collective bargaining is enough.
- c. Trade union representative
S/he will speak in favour of sectoral collective bargaining (prepare a few arguments)
- d. Trade union women structure representative
She will explain why sectoral collective bargaining is important from the gender point of view (prepare a few arguments)

Time:

Task 1: 30 min.

Task 2: 20 min.

Trainer's notes:

Suggestion: *The day before this session ask for 4 volunteers to prepare presentations based on Handout 5. Divide the text among them and ask them to prepare app. 5-minute presentations each (encourage them to use OHP slides or posters to facilitate their presentations).*

1. After the presentations, move to TASK 1: divide participants into 3 groups using small cards (on 1/3 of them write Western Europe, 1/3 CEE and on the remaining 1/3 - equal pay). Those who get Western Europe work on Case Study 1 (Germany); the "CEE" group gets Case Study 2 (Bulgaria and Estonia), and those with equal pay cards, get Case Study 3.
2. Explain the task, remind about time - about 30 min.; show the participants where to work in groups.
3. Reporting should include: short presentation of the case and highlighting of the 5 key issues. Explain that this exercise is also an introduction to Task 2 - the debate.
4. After the presentations, explain TASK 2: TV debate. You may wish to ask the same persons who gave the presentation at the beginning of the activity to do this task, or you may ask someone else to do it (note that this should be arranged BEFORE the start of the activity).

Divide the roles as you did in Task 2 and explain participants' roles.

5. Ask the "TV facilitator" to sum up the debate after 15-20 min. by underlining the most important issues raised during the debate.

Total time: min. 1 hour 30 min.

Presentations based on H 5: 25 min.

Group work: 30 min.

Reporting: 15-20 min.

Debate and summary: 20 min.

NOTE:

1. For this part of the seminar it would be useful to invite a guest speaker or a person who is familiar with the situation in sectoral collective bargaining in your country and who could give a presentation on this after this Activity. If this is not possible, the trainer should prepare the presentation himself/herself.

2. In either case, you should prepare a NEW SEPARATE HANDOUT for the participants, which should include:

- national legal framework for sectoral collective bargaining
- coverage (how many agreements, how many workers are covered, etc)
- tendencies
- threats, etc.

CASE STUDY

for Group 1

WESTERN EUROPE - Germany

Threats to the Branch Negotiating Model

Since the beginning of the 1990s, German branch-level collective bargaining has been under increasing pressure from employers demanding more company-specific regulations on working conditions. As a reaction, in recent years the social partners have concluded more and more “opening clauses” in branch-level collective agreements (**opening clauses** on wages and salaries and other payments; opening clauses on working time; and opening clauses for particular groups of employees or companies). By using an opening clause, some companies are able, to a certain extent, to diverge from collectively agreed standards. Overall, **opening clauses lead to a further decentralisation of collective bargaining** which, in the long term, could question the foundations of the Germany’s traditional bargaining system.

The German system of collective bargaining, as it developed in the post Second World War period, is **mainly based on branch-level collective bargaining** between relatively strong collective organisations, such as industrial trade unions and employers’ associations. As a result of a “historical compromise” between capital and labour, German collective bargaining created a system of solidaristic settlements, which guaranteed a certain wage standard independent of the economic performance of an individual company and thereby, to a certain extent, took wages and working conditions out of the sphere of market competition. Today, about three-quarters of German employees are still covered by a branch-level collective agreement.

However, following the current public debate, the German system of collective bargaining seems to be looking more and more old-fashioned. Fundamental changes in the economic and political environment have put the system under increasing pressure:

- ▷ **growing internationalisation** seems to lead to a new mobility of capital which makes it more and more easy for companies to undermine the national “cartel function” of branch-level collective agreements (e.g. by a shift of production). Internationalisation brings wages back into the field of competition;
- ▷ increasing international competition leads to permanent restructuring among companies seeking cost reductions and therefore reinforces a **tendency to undermine collective agreements** which are blamed for being too expensive and over-regulated;
- ▷ continued **growth in unemployment weakens the position of the trade unions** and even makes employees’ representatives at company level often willing to accept working conditions below the collectively agreed standards;
- ▷ new forms of work organisation do not fit with “tayloristic” work classifications in traditional collective agreements (e.g. the distinction between blue- and white-collar workers) and demand more differentiated provisions;
- ▷ trade unions and employers’ associations are both losing members and the **organisational foundations of branch-level collective bargaining are thus being weakened**;
- ▷ as a result of the enormous crisis associated with its economic, transformation branch-level collective bargaining has never become as stable in East Germany as in the West. In the meantime, in some sectors branch-level collective bargaining has been widely eroded, which in return has a significant influence on the developments in the west; and
- ▷ the **growing influence of “neo-liberal” ideologies** puts both collective bargaining parties in a defensive position and undermines the political acceptance of branch-level collective agreements.

As a consequence of these developments, it has become widely accepted among the collective bargaining parties that German collective bargaining needs some major reforms, in order to make the system more flexible and allow more differentiated solutions in accordance with the specific needs of individual companies. However, so far only a minority of employers have sought a radical shift in collective bargaining to the company level. To the contrary, trade unions, employers’ associations and even the majority of individual employers still want to continue with the principle of branch-level bargaining, but to limit its scope and allow more space for (additional) company bargaining at the same time.

CASE STUDY

for Group 1

However, the transformation so far has taken various forms:

- ▷ the **number of employees covered by sectoral agreements has shown a significant decline** while the number of company agreements has grown continuously
- ▷ the flexibility within sectoral agreements has increased significantly with the **conclusion of numerous so-called 'opening clauses'** which allow companies to diverge from collectively agreed standards under certain conditions - more than one third of all companies now make use of an opening clause; and
- ▷ many companies have established so-called **'company pacts for employment'** whereby the employees have made concessions on pay or working conditions in exchange for limited job guarantees given by the employers. Although many of these company pacts either deal with issues not regulated by collective agreements (for example additional company payments) or adopt an existing opening clause, there is also a significant number of company pacts which more or less openly contravene collectively agreed standards.

To sum up, all these **developments have weakened the significance of sectoral regulation** to the benefit of more company regulation. Despite all these changes in the practice of collective bargaining, there is an ongoing debate on whether or not the German bargaining system is still too rigid. A large number of German economists take a 'neo-classical' point of view and see the bargaining system as a major source of Germany's inability to reduce its mass unemployment. In October 2003, for example, the Economic Advisory Board of the Ministry of Economy and Labour issued a detailed statement on the German bargaining system, in which it called for a change to the Collective Agreement Act. The economic advisors proposed a new legal provision whereby all collective agreements at sector level should include an opening clause in order to allow companies to diverge from collectively agreed standards.

The arguments put forward by those in favour of more decentralisation in collective bargaining are, however, in many respects doubtful. First, the idea of the German bargaining system as a rigid form of regulation which does not take into account the specific needs of companies is little more than a politically constructed myth. At the moment there are more than **57,000 collective agreements in force, with sectoral agreements in more than 300 branches**. In addition, almost all major sectoral agreements now have various opening clauses which give companies opportunities to adopt collectively agreed standards according to their specific needs. Second, if the issue of flexibility is not the problem of the German bargaining system, it might be - as maintained by German employers - that work standards and labour costs are too high. In most recent years, however, German wage increases have been extremely moderate. As international comparisons have shown, it is therefore a second myth that more decentralised bargaining systems will lead to lower labour costs. On the contrary, more radical decentralisation of German bargaining would mean that works councils would gain the right to take industrial action, and that might lead to a fundamental shift in the culture of German industrial relations. Finally, a third **myth is the idea that more decentralised bargaining would help safeguard employment or create new jobs**. The so-called 'company pacts for employment' might help save jobs in a certain company. However, the reduction of labour costs through concessions made by the employees increases the pressure on competing companies, which either have to seek similar concessions or may face economic difficulties and in the end have to make dismissals. Taking into account recent economic developments in Germany, the main sources of low growth and high unemployment are not so much the institutions on the labour market but more the insufficient macroeconomic policy.

(Source: Thorsten Schulten, Institute for Economic and Social Research, WSI; and EIRO survey)

Tasks:

1. Read the case study.
2. The German model of sectoral collective bargaining has been recognised worldwide. It is nowadays faced with numerous threats. Are these trends similar to the ones in your country(ies)?
3. Write on the flipchart the 5 main issues you have learnt from this case study.
Report in the plenary.

CASE STUDY

for Group 2

CEE EUROPE - Bulgaria and Estonia

Poor Employers' Side and Weakening of Trade Union Density

BULGARIA: Changes to Bulgarian labour law made in March 2001 promoted bipartite cooperation between the social partners at sector level, and especially collective bargaining. This has led to the development of sectoral bargaining, with 63 new collective agreements signed at this level in 2002-3, covering an estimated 40% of the workforce.

First, it appears that the parties to the bargaining process - the representative organisations of employers and trade unions - have managed to maintain collective bargaining in almost all the sectors during the transition period. A total of 56 sector/branch collective agreements were signed in 2001-2, rising by 12% to 63 (9 sector and 54 branch agreements) in 2002-3 - covering an estimated 40% of all employees. In over 75% of cases, the bargaining parties have agreed on the maximum two-year duration for collective agreements permitted by the law, which is seen as corresponding to a tendency towards longer-lasting agreements observed in other countries in Europe and elsewhere. A second important development in sector/branch social dialogue has been the creation and launch during 2003 of a new bipartite mechanism for mediation and voluntarily arbitration in disputes. A number of provisions agreed by the social partners in collective agreements are becoming more and more effective in setting common minimum sectoral standards on some of the most important aspects of work and industrial relations.

Collective bargaining at the level of sectors and branches is facing a number of difficulties that affect the quality of both the process of negotiations and the agreements signed.

Notably:

- ▷ there is **no clear definition of the terms 'branch' and 'sector'**. The established national classification of industries serves statistical needs and hampers the structuring and development of sectoral dialogue and its institutionalised structures;
- ▷ the **government**, and specifically the Minister of Labour, **does not implement** the provisions of the Labour Code which allows collective agreements or specific **provisions of them to be extended to all companies in a sector**, even where this is demanded by the social partners. This shows a lack of will;
- ▷ the **poorly structured and organised employers' organisations at branch and sectoral level** are hindering the social dialogue. Employers often prefer not to become members of any employers' organisation in order to stay out of the collective bargaining process, as they wish to avoid the burden represented by the provisions of collective agreements. There is also a persistent problem of firms having double membership in different employers' organisations, while some branch structures have low coverage and there is a lack of participation by small and medium-sized enterprises. Last but not least, some employers implement **anti-trade union measures**, considering the social dialogue and collective bargaining as being outdated;
- ▷ in 2003, for the second year in succession, the employers failed to sign a prepared national agreement concerning the procedural framework for sector and branch agreements;
- ▷ one of the main problems of trade unions at sector and branch level lies in gathering information on their industries' economic and financial situation and perspectives; and
- ▷ the **lack of a legislative obligation to sign collective agreements** sometimes prolongs the bargaining process and makes it ineffective.

There is a tendency towards greater publicity and transparency for the social partners' discussions, with a number of examples of the largest representative organisations defending their positions in national discussions, round tables, sectoral conferences etc where there is an open public debate. Together with decentralisation of the dialogue to company level, this is a positive step.

CASE STUDY

for Group 2

ESTONIA: Estonia has a relatively well-developed system of tripartite dialogue and bargaining at national level, but bipartite collective bargaining at sector and company level is still quite limited. The overall rate of coverage by collective bargaining stands at 28% of the workforce; sectoral agreements are few and company agreements cover only a small proportion of enterprises. 'Classical' sector-based collective agreements, as they exist in many EU Member States, are limited in Estonia to that in the transport sector. There also exist some sector-based agreements that are somewhat atypical in that the sector is/was monopolised by one state-owned company - as in the oil sector, mining, electricity, railways and postal services - or the employer is the state - e.g. the agreement between EAKL, the main trade union confederation, and the government on the wages of civil servants.

The law stipulates **no obligation on the part of employers to initiate negotiations** or to conclude a collective agreement and, similarly, no right for employees to demand the initiation of negotiations or conclusion of an agreement. While the procedure for negotiations over collective agreements is established in the law, it does not provide for the drawing up or conclusion of 'interim protocols', deadlines, and whether and when negotiations should be held, or their length. A collective agreement applies to all those belonging to the organisations concluding the agreement, unless another scope of application is described in the agreement.

Since June 2000, a sectoral collective agreement can be **extended by decree to all enterprises and workers in a sector**, even when these are not members of the organisations concluding the agreement. The period of **validity of a collective agreement is one year**, unless stated otherwise. During the validity of the agreement, a **peace clause** applies, preventing industrial action. Each year, a new agreement must be concluded, until which time the old one is valid. Upon expiry of the term of a collective agreement, the parties are required to comply with the terms and conditions of that agreement until a new agreement enters into force, with the exception of the peace obligation to refrain from calling a strike or lock-out.

Sector and branch level collective agreements are most often signed in transport, engineering, the food industry, the wood industry, textiles and clothing and chemicals. At sectoral and branch level, **most agreements are concluded for state-owned enterprises** or formerly state-owned enterprises. The main topic of branch-level agreements is the same as for enterprise-level agreements - workers' remuneration. Other issues negotiated include safety and compensation in the event of accidents at work. In some branches - such as manufacturing, merchant shipping and fishing - there is no employers' branch organisation and no sectoral agreements can be concluded.

The **number of collective agreements concluded at sector level is quite small**. In 2003, five branch trade unions affiliated to EAKL have concluded such agreements, covering 10,900 members and 16,300 workers in total. Six branch unions of TALO, another confederation, have concluded sectoral collective agreements.

According to the official register of collective agreements, the number of registered collective agreements at enterprise level in 2003 stands at 130. However, the number has declined over the years and is very small, taking into account the fact that there are roughly 40,000 business entities of all kinds. The number of workers covered by enterprise-level agreements is around 53,160. As said before the overall coverage rate of collective agreements is low, at around 28% of the workforce. The **low level of trade union membership** (app. 10%) is accompanied by a low level of collective bargaining coverage. This indicates that there is little binding collective bargaining above enterprise level, and thus agreements cannot be extended further (there are only three extended agreements in total) and the coverage rate is low.

Tasks:

1. Read the case study as an example from our Region.
2. Are these trends similar to the ones in your country(ies)?
3. Write on the flipchart the 5 main issues you have learnt from this case study.
4. Report in the plenary.

CASE STUDY

for Group 3

PSI: Pay Equity in Sectoral Collective Agreements

In an ideal world, negotiating and bargaining for pay equity is the most important route to achieving pay equity. This assumes that women are organised and represented in the union's bargaining structures and that bargaining systems are in place. The reality is that women are not always at the bargaining table and women's pay issues are routinely ignored in collective bargaining.

The PSI's pay equity research found that:

- ▷ collective agreements are the most important mechanisms for wage setting;
- ▷ many unions are using collective bargaining to uncover pay differentials or prevent them from emerging in the first place;
- ▷ there are large variations in the extent to which workers are covered by collective agreements;
- ▷ mainstreaming pay equity into collective bargaining can have positive effects regarding work organisation, skills development and industrial relations;
- ▷ centrally negotiated collective agreements can work in favour of pay equity, whereas the opposite is the case for decentralised bargaining.

In the countries of Central and Eastern Europe, strengthening collective bargaining is vitally important to anti-discrimination measures, equal opportunities and pay equity, particularly because women are the majority of workers in the public sector. For example in Latvia, negotiations for pay equity have taken place at different levels and have been integral part of wage negotiations. Negotiating larger increases for low paid public services workers in health and education has been one way of helping achieve pay equity.

Examples of mainstreaming pay equity into collective bargaining

- ▷ A project to gender proof collective agreements to raise awareness about pay equity on collective bargaining teams. A checklist to gender proof collective agreements ensures that agreements are free from discrimination at the outset (VerDi, Germany)
- ▷ An awareness raising campaign to ensure that pay equity is a central part of collective bargaining in a climate where bargaining is decentralised to local levels (SKTF, Sweden)

A new pay and grading structure in local government the Single Status Agreement is based on equal pay principles. There is a new nationally agreed job evaluation scheme, which gives recognition to female skills such as caring and communications skills and revaluing jobs such as home care. The job evaluation exercise merged manual and non-manual jobs into one status and further progressed equal pay (Unison, UK)

LATVIA:

Low Pay Linked to Pay Inequities

Low wages are a major problem in the health and education sectors, which employ large numbers of women. Removing low pay is a tool for pay equity for the Latvian unions. The trade union confederation, LBAS, has called on trade unions to integrate a gender perspective into all its activities, including all negotiations regarding wages. Despite a central agreement setting minimum wages for health and social care staff and equal pay for work of equal value provisions in the Labour Code,

CASE STUDY

for Group 3

this does not provide enough for basic subsistence and is not a living minimum wage. The Trade Union for Health and Social Care (TUHSC) Action Programme for 2001-2005 states that pay equity is to be achieved by implementing equal pay for work of equal value; an increase the health care budget by 1 % of GDP; an increase in the wages of health care workers; and the promotion of education and training. The TUHSC also organised a picket to raise basic salaries for nurses. This demand was incorporated into the General Agreement and resulted in the allocation of additional funding for health and social care institutions. Because of debts within these institutions this additional funding is not always channelled into pay rises for nurses and other care workers. In response, the THUSC has asked the government to allocate additional \$23 million for additional pay rises for the health care employees.

NORWAY: Negotiating additional pay raises for female dominated low paid categories of workers has been made possible in Norway. Where general increases are given for all workers, women have benefited by being graded on higher wage scales. In 1995, the public service unions negotiated, in their sectoral agreement, pay equity increases for occupational groups with at least 75% women. In later wage negotiations this was corrected by means of additional grades on the wage scale.

In **FINLAND**, the sectoral collective agreements for 200-2001 provide for a special equality allowance for each sector, based on the proportional quantity of women within the collective agreement of the sector concerned. The results can be used to settle an agreement; if no agreement is made then the amount is paid as a general increase based on a percentage. The aim is to redress imbalances between sectors that are low paid and to address the low paid women by taking account of their work tasks and education/training.

(Source: Pay Equity Now! Pay Equity Resource Package, J.Pillinger, PSI, France)

Tasks:

1. Read the provided text and case studies.
2. Are these trends similar to the ones in your country? Do you use sectoral collective bargaining for introducing gender/equality issues, such as, pay equity?
3. If yes - what kind of gender/equality issues are covered in your sectoral agreements? (Make a list)
If not - what kind of gender/equality issues could be covered in your sectoral collective agreements? (Make a list)
4. Write on the flipchart the 5 main issues you learned from this case study.
5. Report in the plenary.

H6

Handout 6:

Future of Sectoral Collective Bargaining:
General Declarations or Binding Agreement?

According to the European Commission's 2002 report on industrial relations in Europe, sectoral collective agreements in the transitional countries are more the general ones; a sort of the "house's fundamentals". Sectoral collective agreements mainly (as in Hungary, Poland and Slovakia) provide the lower bargaining levels with **recommendations**, and not with precise provisions that the lower-level social partners should observe in their own bargaining and collective agreements. These recommendations are often formulated imprecisely or in a declaratory way, and thus **cannot be even considered as general orientations, or frameworks**.

The **absence of binding provisions** is considered by trade unions as a **weakness of sectoral agreements**, while the employers' organisation, like the Czech Union of Industry and Transport, for example, publicly states that moving in this non-binding direction is necessary in order to conclude sectoral agreements at all.

The other problem which seems to be generally present is that today there are many different names for sectoral agreements, like 'appropriate' sectoral collective agreements, subsectoral agreements, multi-employer agreements, etc., which often creates a confusion, and gives the employers a chance to avoid real sectoral bargaining.

Sectoral collective agreements often merely **restate the provisions of legislation** (those in Labour Codes or other labour and employment-related acts), and contain few provisions, if any, that reflect compromises reached through due bargaining (as in Slovakia). This is a reflection of the persistence of **past socialist practices that render collective bargaining formal and collective agreements rather empty of content**.

Opposite to such practice in the region, the provisions of sectoral agreements should go beyond legislative provisions, should put the **additional obligations on employers**, and **introduce the new rights and higher standards**, and **benefits** guaranteed for workers!

There are several issues that could be subject to sectoral agreements but are seldom dealt with, such as: **working conditions; health and safety at work; workers' protection in the event of restructuring in the sector; social clause; training and retraining; dispute settlement in the sector**; or joint follow-up of the implementation of the sectoral agreement.

In the case of wages, sectoral collective agreements are usually confined to some general provisions (such as the **sectoral minimum wage** or the **annual average wage increase**), with the **detailed regulation left to enterprise bargaining** (as in Hungary, Slovakia, Slovenia).

When analysed for the European Commission's 2002 report on industrial relations in Europe, sectoral agreements in the region, with a few exceptions, **did not show much originality**, neither by taking up less traditional bargaining issues, nor in the approaches to how the issues are addressed. And what is to be emphasised - they **almost completely lack any gender mainstreaming**! They are usually so general, that they avoid to tackle a real woman, a real man.

As sectoral collective agreements tend to contain general and sometimes "movable" provisions (such as recommendations), their **enforcement is obviously more of a political than a legal nature**. In practice, it is only the commitment of the respective memberships of the signatory parties that guarantees the observation of these agreements. What is striking, however, is that even the signatory parties show limited interest in monitoring the implementation of sectoral agreements. Neither do the agreements themselves provide for special monitoring mechanisms.

Unfortunately, quite a number of branch trade unions/federations do not pay notable importance to sectoral bargaining claiming their policy of concluding company level agreements (listed in hundreds, but with poor coverage rate) works! In some countries, like Lithuania and Kosovo, there are no sectoral collective agreements and they are not on the list of trade union priorities, which is not really effective for them, because by concluding one sectoral agreement and getting extension on all the workers in the sector, trade unions get a high level of coverage and lose less time and energy.

At the same time the EU's European employment strategy, revised in 2003, **identify 10 priorities ('commandments')**: 1. Alongside skills, 2. Lifelong learning and career development, 3. Gender equality, 4. Health and safety at work, 5. Flexibility and security, 6. inclusion and access to the labour market, 7. Work-life balance, 8. Social dialogue and worker involvement, 9. Diversity and non-discrimination, and 10. Overall work performance - as an element in improved quality at work, which should be pursued through a concerted effort between all actors and particularly through social dialogue, especially at the sectoral level.

Trade unions in the transitional countries should "rewrite" their collective bargaining strategy at sectoral level, making them more than a general framework or declaration, introducing binding provisions, and more issues of the changed world of work.

A

7

● **Activity 7** **IMPROVING SECTORAL COLLECTIVE BARGAINING CONTENTS**

● **Aim:**

- To compare contents of existing sectoral collective agreements
- To improve their content, especially from the gender point of view

● **Method:**

1. - Individual work
- Discussion

● **Tasks:**

1. Present the content of your sectoral collective agreement (if you have one) on the plenary session
2. Do you have gender equality, family and work reconciliation, etc. covered in your sectoral agreements?
3. What could be added in order to improve it?

● **Time: 1 hour**

➔ **Trainer's notes:**

NOTE:

In the invitation to the seminar, you should ask participants to bring along their sectoral collective agreements. At the beginning of the course, check if they brought any. If yes - explain that they will be presenting them and that they should prepare themselves for the presentation. You should also have 2-3 spare copies of sectoral collective agreements, just in case no one brings any along. And if this is a case, give your copies to 2-3 participants (one copy each) and ask them to prepare a presentation on the agreements.

1. *After your presentation based on Handout 6, ask the participants to present the contents of the sectoral collective agreements they brought along (the main areas covered only). If no one in the group brought a copy of an agreement along - resort to the suggestion above (under "Note").*
2. *Prepare 2 flipcharts for this activity (or divide one into two parts):
First: Actual contents and Second: What could be added? (here ask participants to pay special attention to gender mainstreaming)
While the contents are presented - write the key points on the first flipchart.
Move on to the second one, and ask the participants: What could be added in order to improve the sectoral agreements (ask them to pay special attention to gender issues)?
Again ask someone to write the key points on the second flipchart.*
3. *Remember to sum up by reading the two lists from the two flipcharts; stress the key points, and add, if necessary, some proposals on how to improve the contents from the gender perspective.*

Total time: App. 1 hour (depending on how many different sectoral agreements participants bring to the session)

A8

● **Activity 8** **"THE LIVING SCULPTURE"**

● **Aims:**

- To relieve tensions and tiredness
- To prepare participants for the afternoon session
- To strengthen the group

● **Method:**

- Group work
- Discussion

● **Tasks:**

1. Working in your group, prepare yourselves to form a "living sculpture" (from the group

members - all or some of them) on any trade union topic.

In order to do so:

- decide WHAT you are going to form
 - and HOW you would call the sculpture (in short)
2. Then form your "sculpture" on the plenary while the other group(s) guess what you are presenting (they can have three guesses).
 3. After this, you will have to guess what the other group(s) is/are presenting.
 4. The group which makes the correct guess is the winner.
 5. Ask the participants what they have learned from this activity.

● **Time: 10 min.**

➔ **Trainer's notes:**

Note: this activity can be done any time during any training as its aim is to relax, reduce tensions, build the unity in the group, etc.

1. Divide the participants into 2-3 small groups (depending on the size of the group).
2. Explain the task and give them time - about 7-8 minutes to prepare.
3. After this participants present the "sculpture" in front of the other group(s) who have to guess what it is about.

Total time: about 20 min.

A⁹

● **Activity 9** **EXTENSION, REPRESENTATIVITY** **AND STRIKE**

● **Aim:**

- To learn more about extension of validity, representativity of trade unions and strike in sectoral collective bargaining

● **Method:**

- Group work

● **Tasks:**

1. Working in your group:
 - Read the given case study
 - Discuss and answer the given (under the case study) questions
2. Remember to select a person to present the group's report in the plenary (use OHP slides and markers when preparing the report).

● **Time: 30 min.**

➔ **Trainer's notes:**

NOTE:

In this activity only add a case study from your country (max. 1/2 page each) to each of the case studies below.

Prepare yourself on national legislation concerning sectoral collective bargaining. You could also invite a trade union expert in this field for the part of the training dedicated to sectoral collective bargaining, who could give a short presentation of the national legislation and act as a resource person during the activities.

1. *Divide participants into 3 groups by letting them choose one of the 3 case studies (prepare 3 sets of the case studies - each set should have as many copies as the number of participants you wish to have in a small group, for example: 5 copies of case study 1; 5 copies of case study 2, etc.). Keep them mixed in your hands and let everyone pick one.*
2. *Explain the aim, tasks, time (25-30 min. for group work) and place for small group work.*
3. *Reporting in the plenary (about 20 min.: 5min. each group)*
4. *Remember to sum up by underlining the most important issues raised in the reports.*

Total time: 50-60 min.

CASE STUDY N^o 1

Extension of Validity

In respect of legal regulations governing collective bargaining and collective agreements, it is possible to identify both differences and similarities among the CEE countries. For example, in Hungary and Poland, at the joint demand of the social partners signatories to the agreement, the Minister of Labour (or functional equivalent) **can extend the validity of the collective agreement to the entire sector** or sub-sector “on conditions that the contracting parties are considered to be representative in that sector or sub-sector”. In the **Czech Republic**, the extension of the national-level Economic and Social Agreement to the employers not participating in the negotiations is considerably weakened by their resistance. As to the content of collective agreements, in one group of countries (**Bulgaria**, the Czech Republic and Hungary) legal regulation is very general; in another (Poland, **Russia** and **Ukraine**) the contents of the collective agreements carry more detailed regulations. In Poland and Russia, five or nine areas respectively are grouped and recommended, either in a “negative” way (Poland) or in a “positive” way (Russia) as areas to be respected during the process of enterprise-level bargaining between the social partners.

CZECH REPUBLIC: Following a ruling by the Constitutional Court, since April 2004 the Czech Republic’s legislative provisions that allow ‘higher-level’ multi-employer collective agreements to be extended to non-signatory employers have been rescinded. In close cooperation with the social partners, the government has drafted an amendment to the relevant legislation, which will create a revised extension scheme, aimed at meeting the Constitutional Court’s requirements (initiated by the petition lodged by 52 members of the Chamber of Deputies in November 2002). The Constitutional Court ruling took effect on 31 March 2004, since when the extension of collective agreements has lost its legal basis.

Tasks:

1. Discuss the legal and practical situation on the extension of the validity of sectoral collective agreements in your country/ies on all the employees in the sector.
2. What should the trade unions do to improve the practice of extension?

CASE STUDY Nº 2

Representativity of Trade Unions

National-level institutions of collective bargaining have been also set up in the form of tripartite councils between the social partners and the Governments to discuss and coordinate their stands concerning economic and social issues and to make joint proposals in the new democratic parliaments on wages, inflation or a wide range of social welfare issues (from pension and health funds to vocational training; from family support to taxation). At this level, the social partners, the unions and the employers are embodied by those considered to be representative.

The principle of representativity and its assessment were very much discussed by the social actors and until now there has been no clear solution to this problem. For instance, in the case of **Hungary** union representativity is measured by the results of the elections based on enterprise works councils, while in **Croatia** it is based on a once-in- 4-year “count” of paying union members (at least 20,000 members), with additional conditions: local structures in at least 50% of all counties, at least 5 federations/sectoral/branch trade unions and at least two signed collective agreements at the national level. In **Poland**, union representativity is determined according to the level of collective bargaining: at national level; for example the unions with 500,000 members, and at enterprise-level, unions with a membership of 50 per cent of the workforce, are considered to be representative. In **Bulgaria** to be recognised as nationally representative, a trade union organisation must meet a set of criteria laid down in the Labour Code. These require: at least 50,000 members; at least 50 member organisations with at least five members each in more than half of the sectors determined by the cabinet in compliance with the ‘national classification of economic activities’; local structures in more than half of all municipalities.

In **Romania** legislation lays down representativity requirements for trade union organisations at various levels. For trade union confederations, which may be set up by two or more federations operating in different branches of activity, nationally representative status is granted if a confederation covers at least half of all Romanian counties and 25% of economic branches, and its membership represents a minimum of 5% of all employees in the national economy. Trade union federations can be set up by two or more trade unions related to the same sector or occupation and should organise 7% of the total number of employees in the sector or occupation in order to be recognised as representative. At the enterprise level, which is particularly important in Romania, in order to be considered as representative, a union’s members must make up at least half of all employees.

SLOVENIA: An EU Phare project on social dialogue in Slovenia was concluded in April 2004. The project’s final report includes a number of recommendations on tackling the controversial issue of how to assess whether trade union and employers’ confederations should be considered as nationally representative. The current rules on trade union representativity are based on the Law on Trade Union Representativity, which has been in force since 1993. The Phare project experts are of the opinion that the Slovenian threshold for awarding nationally representative status to cross-sectoral (umbrella) trade union organisations is fairly low. Recognition of representativity at the national level is currently based on the condition that a confederation must be active on the entire national territory and include at least two sectoral (or occupational) trade unions, each of which must account for at least 10% of all workers in its sector (or occupation). The experts propose changing the conditions so that at least three sectoral unions would be required and that the total membership of the confederation should amount to at least 10% of the Slovenian workforce. Also, recognition should be granted for a limited period of five years.

Tasks:

1. Discuss the legal provisions in your country/ies on the representativity of trade unions for collective bargaining.
2. What should the unions do to improve the provisions on representativity?

CASE STUDY N°3

Strike for Collective Bargaining

MACEDONIA

SKOPJE - Trade Unions United in Front of the Government, on Monday, 13 February 2004 - All public sector and economy branch trade unions will hold a joint protest in front of the Government offices on Monday, 13 February, as a sign of discontent with the general social and economic situation, and especially in view of the indifferent attitude of the sectoral ministries and the Government with regards to the three-week general strike in education. "We will all declare our dissatisfaction with the way the Government handles the negotiations with SONK. In a situation where Macedonia is applying for EU membership, the implementation of social dialogue and social partnership are essential. The Government's responsibilities and obligations to respect the collective agreements, which are EU's contribution to civilization, have become even greater now", stated Vanco Muratovski, President of the Union of Trade Unions of Macedonia (SSM), following the extraordinary session of the Union on Thursday. Members of the Union Council believe that the ministries' refusal to find solutions for the demands put forward in the general strike of the education sector is utterly inappropriate. SSM demand an immediate resumption of negotiations between the sectoral ministries and SONK - the signing parties of the collective agreements. The Monday protests will be also organized in other cities across Macedonia in front of the regional offices of the Ministry of Education.

GERMANY

It is not always easy to persuade employers to concede workers' demands. Where an agreement cannot be reached through negotiation, strike action must be taken. The trade unions' right to strike is guaranteed in the Basic Law (Constitution) of the Federal Republic of Germany. Attempts to deny trade unions this right are, therefore, illegal. Legislation, however, does not spell out exactly what those rights entail. Industrial tribunals take the view that only trade unions may call strike action and that such action may be taken only over the issues involved in the negotiations. According to the IG Metall statutes, the decision to take strike action rests with the Executive Committee. However, it may only take a positive decision if a secret strike ballot has been held in the collective bargaining zone in question and if 75% of IG Metall members have voted in favour of strike action. These provisions ensure that a strike is called only in exceptional situations, and that principle remains valid today. The trade unions must always be able to calculate the consequences of taking strike action since IG Metall has to fund strike pay for all its members who are called out on strike in a given area or who are locked out by employers. An example is the strike of 1984 in the metal industry of Northern Baden-Württemberg/ Northern Baden and Hessen. An agreement concerning the reduction in working hours from 40 hours per week to 38.5 hours could be negotiated only after seven weeks of strike.

Tasks:

1. Discuss the case studies from your country detailing the open methods of trade union struggle (strike, protest rally, etc.) that were used to exert pressure to conclude the national sectoral collective agreement.

H7

Handout 7: Intersectoral Collective Bargaining at National Level

Collective bargaining at the national level might be sectoral and cover the workers in the sector for which the collective agreement has been signed, but it might be **intersectoral, which means that it is valid for all the workers in more sectors or in the whole country**. In majority of the former socialist countries, and still in some of the transitional countries even today, trade unions give priority to concluding the so-called “general collective agreement”, in which they actually try to increase overall workers’ rights and to improve their working conditions. In many transitional countries, in the 1990s, at the beginning of the democratic and labour market reforms, there were usually two national level intersectoral “general” agreements: one for “economy” (companies previously owned by society/state; from the manufacturing and partly servicing sectors) and for “state and public companies and services” (education, health, state employees, etc.). Such national level agreements are still useful (better something than nothing!) in transitional countries which still have no other type of collective agreements at sectoral or company level. But, this model is a matter of the past.

Intersectoral collective agreements at national level are not the old fashion but a flourishing mechanism for negotiating better working and living conditions. It is becoming an important channel for trade unions to influence national economic and social policies. In transitional countries there are different types of such agreements, depending on the country in concern. They usually cover some general issues, like country’s *economic development, minimum salary, indexation, wage policy, employment, labour market, education and training*; or more specific issues like *health and safety, employment offices, continuous training (lifelong learning), vocational training, working time, inter-sectoral occupational pensions and industrial relations, collective bargaining rules, etc.* Such agreements can be bipartite or tripartite.

In the recent years the majority of European countries have witnessed social partner activities on employment at national level. However, there exist many differences regarding the content, scope and legal form of these national initiatives. The most frequent form of **national agreements on employment** are the so-called “**Pacts for Jobs**” (as in **Italy** and **Portugal**) which have been concluded between the social partners and the national government, and which contain **a wide range of economic, industrial and labour market policy measures with the explicit aim of creating new employment**. Another form of tripartite agreement can be found in **Ireland**, which does not focus explicitly on labour market policy but, nevertheless, **covers a broad spectrum of macroeconomic activities including wage moderation** which aims to strengthen competitiveness and thereby indirectly promotes employment. A policy of **national wage moderation** also exists in **Norway**, which still has a centralised model of wage bargaining, and more indirectly in the **Netherlands**, where there is an **informal tripartite employment policy, and bipartite agreements on various issues** are concluded within the national Labour Foundation.

Furthermore, in many countries the national social partner organisations have signed intersectoral agreements on employment with a strong **emphasis on either training in order to improve the employability of employees** (**Finland, France, Greece, the Netherlands and Spain**), or other labour market measures (the **Netherlands and Spain**).

National collective agreements and social partners' joint action on employment

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- Belgium** On 20 December 1994, the social partners reached an intersectoral collective agreement in the bipartite National Labour Council which outlined the procedures and the objectives for concluding employment agreements at sectoral or company level in the 1995/6 collective bargaining round. The intersectoral agreement opened the way for an entitlement to a reduction of social security contributions for those companies which in return create a net increase in the number of jobs. The agreement also includes provisions for reducing the early retirement age, part-time early retirement and new provisions regarding career breaks. In 1997 - for the first time since the 1960s - the Belgian social partners have failed to reach an intersectoral pay agreement and have instead accepted government imposition of measures on employment and maximum pay increases.
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- Denmark** The social partners play an active part in the legislative process and in the implementation of the various legislative measures aimed at preserving and creating employment. The measures and frameworks for the labour market policy are set by the Ministry of Labour in cooperation with the National Labour Market Council, which is composed of representatives of the social partners at national and at county/municipal level.
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- France** In 1995, the social partners concluded a series of intersectoral agreements on job creation, such as: - an agreement for better integration of young people into the workforce, which aimed to increase the frequency with which businesses used measures designed to facilitate the employment of young people. The state was also asked for further financial incentives to reduce labour costs for young people thus recruited; - an agreement on early retirement for new jobs, which enables employees who have paid a certain amount of old-age pension contributions to take early retirement if a new job can be created to fill the time vacated; and - an agreement on job creation which includes provisions linked to the reduction and organisation of working time - time off in lieu of payment for overtime, improved working conditions, a "savings account" for time worked, and the counting of hours worked on an annual basis combined with a reduction in the working week.
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- Greece** Since the beginning of the 1990s, the Greek social partners have concluded National General Collective Agreements which cover the whole private and public sector. Even if employment is not a direct issue in Greek collective bargaining, the 1993 agreement, for example, provided for an extra contribution from both employers and employees in order to finance programmes for vocational training designed to help unemployed people.
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- Ireland** Since 1987, every three years the Irish Government and the social partners have concluded national tripartite agreements which include a broad range of economic and social policy areas. The latest 1997 national agreement, Partnership 2000, recommends a policy of modest pay increases with a strong focus on strengthening competitiveness. Within all these national agreements, increasing or maintaining employment and reducing unemployment have been cited as primary objectives.
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Portugal On 20 December 1996, the Government and the social partners signed a so-called Strategic Social Pact, which contains more than 300 measures relating to tax policy, industrial policy, and policies for social security, education and training, as well as labour policies and active policies for employment. The Pact includes a specific chapter dealing with active policies for employment, such as - initiatives to combine restructuring of operations with vocational retraining and social protection; - greater exploitation of employment-intensive sectors; - incentives for development, innovation and employment at a local level; and - development of new skills and combating social exclusion through education and training. Furthermore the Pact provides for the preparation and implementation of sectoral programmes for modernisation, skills and employment and the organisation of regional networks for skills and employment.

LATVIA: Minimum Living Wage

Conference Resolution:

Social Policy - Untaxed Minimum, Living Wage and Guaranteed Minimum Income by the Confederation of Free Trade Unions of Latvia (LBAS)

Trade unions demand particular action from the state towards the improvement of social policy. LBAS is organizing a conference on Social Policy - Untaxed Minimum, Living Wage and Guaranteed Minimum Income, in order to urge the government to turn to the issues of social policy and start solving them in good time.

LBAS has recurrently asked the Parliament and the government to increase the untaxed minimum urgently. Increasing the minimum wage and not increasing the untaxed minimum, leads to an increase in the employees' tax. The difference between the average net and gross wage increased from 18.9% in 1995 to 28.2% in 2002.

The Confederation of Free Trade Unions emphasizes that **the increase of untaxed minimum should become the priority of the government program** of action which should receive no less attention than eradication of the state budget deficit.

The Confederation of Latvia's Employers (LDDK), the Council of Cooperation of Latvia's small and medium enterprises also support the demand to increase the untaxed minimum. National Economy Committee of Parliament is also voiced a positive attitude.

LBAS **considers** that the introduction of changes of state budget in 2004 must increase untaxed minimum.

LBAS demands that **the Untaxed Minimum reach at least one half of employee monthly salary minimum.**

LBAS underlines at the same time that health care and local government must receive financial support from the state in order to compensate for the reduction in their revenue.

The LBAS Conference has therefore **taken the decision:**

1. To propose to call a NTSP meeting where social partners would discuss the possibilities of increasing the Untaxed Minimum.
2. In collaboration with LDDK, to establish dialogue with the government for real social partnership aimed at the introduction of necessary legislative changes.

RUSSIA: Fighting for Workers on National Level

The Executive Committee of the FNPR adopted at its session on the 19th of May, 2004, the following statement:

STATEMENT (excerpts) of the Federation of Independent Trade Unions of Russia

The assessment of the current situation leads to a conclusion that a large scale attack on the rights of workers has been launched. Trade unions cannot and will not watch impassively. We have, for a long time and consistently, been showing respect for social dialogue and remain its advocates; but now, when such dialogue has been unilaterally disrupted by the Government, we are compelled to turn to actions in order to have our voice heard.

The FNPR is categorically stating its disagreement with the policy of cutting down of social guarantees for the working citizens. We insist on a broad discussion, first of all in the framework of the Russian Tripartite Commission (RTC) on regulation of social and labour relations, around the package of bills of law which are being prepared by the Government and which affect the social and economic rights and interests of the working people, as well as on providing objective and well founded calculations to the negotiating parties. At present, the activity of the Commission is practically paralysed. The last session of the Russian Tripartite Commission was convened on December 5, 2003.

On the 1st of May, 2004, the Federation of Independent Trade Unions of Russia conducted a large scale collective action under the motto: "Decent wages - The way to overcome poverty", with the participation of more than 2.3 million people. Participants spoke against any decisions which could lower people's living standard.

However, the authorities have as yet failed to hear the demands put forward by the millions. It is in such circumstances that the Executive Committee of the FNPR have called upon workers' trade union organisations to hold an All-Russian trade union action on June 10, 2004, taking the form of pickets near buildings of executive and legislative bodies of power of any level, and to begin preparations for an All-Russian general warning strike if the authorities fail to listen to the working people.

Our demands are the following:

- **Wages arrears should be fully paid up in the course of 2004!**
- **Wages for employees from the budgetary sphere should be raised by no less than 50% during the current year!**
- **A bill should be prepared and passed into law on the establishment, no later than in 2005, of a minimum wage on a level no lower than the living standard minimum!**
- **A working person should not be poor!**
- **A decision should be taken on the abolishment of the unique social tax and the reestablishment of social insurance of workers based on insurance contributions!**
- **Activities of the Russian Tripartite Commission on regulation of social and labour relations should be resumed!**

M. V. Shmakov, President of the FNPR

Moscow, May 19, 2004

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● **Activity 10** **COLLECTIVE BARGAINING AT NATIONAL LEVEL**

● **Aim:**

- To discuss the present situation of national (inter-sectoral) collective bargaining in your country
- To discuss how to introduce innovative initiatives for national collective bargaining at national level

● **Method**

- Discussion

● **Tasks:**

1. In the plenary discussion dedicated to the current situation of collective bargaining on national level in your country pay attention to issues such as:
 - Negotiating agenda at national level
 - Partners
 - Schedule (regular, ad hoc, etc.)
 - How to improve it?

● **Time: 30 min.**

➔ **Trainer's notes:**

This is an initial exercise on the topic, so treat this discussion as an introduction to the topic.

NOTE! The trainer must prepare a special (short) handout with a historical review of the national collective bargaining since the fall of communism.

TO BE PRESENTED AND GIVEN TO THE PARTICIPANTS after this exercise.

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Handout 8: Social Dialogue on National Level

(CASE STUDY)
SAMPLECROATIA: Institutionalised
Dialogue

Croatia has quite a developed model of social partnership at national and territorial (local) level, which is defined as a tripartite model. The Economic and Social Council is a high level tripartite body consisting equally of the presidents of trade union confederations (6 of them), the representatives of the employers' organisation and the Government representatives, mostly ministers. This body is serviced by the Government's Office for Social Partnership which employs professional staff. The national tripartite body convenes almost on a monthly basis and has a broad agenda based on the proposals put forward by a dozen of tripartite working groups and different initiatives of all three sides. Similar tripartite bodies are established in the majority of 20 counties, but with the tendency to become multi-stakeholder dialogue fora.

Since the 2000 elections, the Government of Croatia has worked to develop a comprehensive economic and social reform framework based on tripartite social dialogue with trade unions and employers. The tripartite model was determined as the most appropriate for Croatia's desire to join the European institutions, and it grew out of a pre-election agreement signed between the current ruling coalition and Croatia's largest labour confederation, the UATUC.

The Government of Croatia (hereafter: GOC) has proclaimed social dialogue with the unions and employers' association as the most appropriate model for Croatia as it strives towards comprehensive economic and social reforms. This commitment partially originates in a pre-election agreement signed between the ruling parties and the UATUC. The commitment led to the establishment of the "Economic and Social Council" (GSV), made up of 15 members, with five representatives from the GOC, the Croatian Employers' Association (HUP), and the five national trade union confederations (since 2003 there has been a sixth one!) respectively. The position of the chair of the Council is rotated on a yearly basis between the three social partners. The GSV typically meets at least once a month to discuss policies, procedures, and legislation relating to social protection, workers' and employers' interests, and the collective bargaining process.

The Government's Office for Social Partnership provides administrative and expert support (to the extent that its limited resources permit) to the GSV itself and facilitates social dialogue between the government, employers and trade unions. The Office for Social Partnership has mediated in approximately 80 labour disputes on a collective level (compared to a backlog of some 45,000 unresolved individual labour disputes, of which almost 70 percent relate to financial claims and wage arrears). In an important step, social dialogue is being encouraged at the local level and GSVs have been formed and are beginning to function in most counties of Croatia. The social dialogue process, initially envisaged as a vehicle for reaching consensus on all major issues of social and economic development of Croatia, has undergone a tumultuous period in the last two years, experiencing serious breakdowns over sensitive issues caused partially by a lack of integrity in the process, miscommunications and self-serving political posturing on all sides, including through the public media. Due to the absence of a clear agreement between the parties on the process and substance of social dialogue, some relevant issues failed to be submitted to the GSV for consideration, and there were moments when the breakdown of the entire process seemed imminent. More notably, in the case of the Labour Law, procedural mishandling brought the country to the brink of its first ever general strike. However, despite these strains, the social dialogue concept has survived as a means for resolving key issues and preventing unnecessary conflict during economic transition, as evidenced by the fact that the negotiations on the Labour Law continue in a tripartite forum under the auspices of the Office for Social Dialogue. The final outcome of negotiations on this key issue, however, remains unforeseeable. That, combined with the fact that the draft Labour Law was sent to the Parliament without having been agreed upon by the social partners, clearly indicates that the process needs further refinement. Social dialogue is a tool that requires support and encouragement through programmatic response, in order for democratic processes to take root within all institutions involved in these critical issues for society as a whole. How this is done will critically impact upon the success of economic transition and the people's faith in the democratic process.

Trainer's notes:

NOTE! The below case study from Croatia serves as an example only! Based on that,

DEVELOP YOUR OWN

CASE STUDY from your country.

Make sure that you have a copy of an agenda or an agreement from the national level (include them in your presentation).

Time: app. 20 min.

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● **Activity 11** **SOCIAL DIALOGUE AT NATIONAL LEVEL: GENDER MAINSTREAMING**

● **Aim:**

- To learn more about gender mainstreaming in the social dialogue at national level
- To discuss the possibility of introducing gender issues in the intersectoral agreements

● **Method:**

- Discussion

● **Tasks:**

1. Read Handout 9 with the table presenting the role of legislation, collective agreements and the social partners in regulating work-related gender equality issues in different European countries.
2. In a plenary discussion on gender main

streaming in the collective bargaining at national level in your country, pay attention to issues such as:

- How to introduce such collective agreements?
- Agenda - what gender or equality issues are included? If none, why?
- Do you have a tripartite gender equality commission (or similar) on national level? Can it influence the negotiating agenda? To what extent?
- Do you have the possibility to nominate your trade union representatives in different gender or women's equality committees or bodies (parliamentary, governmental, ministerial, etc.) at the national level?
- How to improve the agenda of the national social dialogue from the gender perspective?

● **Time: 45 min.**

➔ **Trainer's notes:**

1. After your presentation based on Handout 8 - Social Dialogue on National level (developed by you), open a discussion. **Alternatively**, have a guest speaker - someone who participates in the national social dialogue and who could give an overview, paying special attention to gender mainstreaming.
2. Explain the tasks and read the questions for discussion.
3. Remember to sum up by highlighting the most important points in the discussion on gender mainstreaming in national Social Dialogue.

Total time: app. 45 min.

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Handout 9: Collective Agreements and Gender

Although there is no doubt that the national legislation by far is the most important means of regulating work-related equality issues, in most of the European countries the gender equality issues in general, or specific related topics, do feature in collective agreements at various levels, but mostly at intersectoral level and to varying extent, sometimes repeating and sometimes supplementing the legislative provisions.

However, gender equality bargaining of any type does not yet seem to have developed in the central and eastern European countries examined, with the partial exception of Slovakia. Furthermore, in Western Europe, equality bargaining seems particularly poorly developed in Austria, Greece and Luxembourg.

The role of legislation, collective agreements and the social partners in regulating work-related gender equality issues			
Country	Regulation via:		Role of social partners
	Legislation	Collective agreements (CAs)	
Austria	Yes	Equality provisions in CAs rare. One example of a sectoral CA on positive action, covering white-collar employees of social security providers. A few works agreements at company level provide for equality plans.	No tripartite or bipartite agreements. Social partners tend to regard CAs as gender-neutral.
Belgium	Yes	Intersectoral agreements contain some relevant provisions. Equality action plans, defined by law, can give rise to company CAs.	Trade unions have internal structures at all levels that work for gender equality.
Denmark	Yes	Some examples of equality provisions - sometimes involving equality plans - in CAs, mainly at sectoral level.	Extensive presence of gender equality structures in both employers' organisations and trade unions.
Finland	Yes	Some equality provisions in intersectoral and sectoral agreements (with one example of a sectoral CA referring to equality plans). Also, legislative changes concerning working life are prepared by tripartite negotiations.	Regular and active involvement in policy issues regarding gender equality.
France	Yes	2001 equality law introduced obligation to include occupational equality issues in collective bargaining at sector and company level. However few agreements have been signed. Small number of company CAs on equality plans enabled by law (see table 2 below).	Social partners are obliged to initiate sector- and company-specific bargaining on gender equality.
Germany	Yes	Some CAs deal with gender equality issues. Equality plans found in some CAs - especially those signed by United Services Union (ver.di). Some works agreements at company level provide for affirmative action plans.	Both employers' organisations and trade unions at all levels are actively involved in initiatives regarding gender equality.
Greece	Yes	Intersectoral agreements contain some provisions on equality issues, as do a few sector (eg banking) and company agreements. However, no CAs on equality plans.	Modest involvement in gender equality issues
Hungary	Yes	Do not play a role.	Social partners play a role in newly established Equal Opportunity Commission. The few trade unions that have a gender equality policy regularly publish statements.
Ireland	Yes	Intersectoral agreements contain equality provisions. Some company CAs deal with equality issues, including equality plans.	Trade union lobbying for change, plus rise in female employment and union membership, have fostered initiatives to promote equality within union agenda, both nationally and locally.
Italy	Yes	Gender equality issues frequently bargained at two levels: national industry-wide level and company level. Positive action plans are generally negotiated locally, with some relevant enabling provisions in sectoral CAs.	Unions' role mostly that of declaring principles. Higher-level social partners have minor role in formulation of company-level policies.
Luxembourg	Yes	Very little bargaining on equality issues.	Social partners not explicitly involved in equality issues

The role of legislation, collective agreements and the social partners in regulating work-related gender equality issues			
Country	Regulation via:		Role of social partners
	Legislation	Collective agreements (CAs)	
Netherlands	Yes	CAs deal with some equality issues, mainly in areas not covered by legislation. Gender equality plans as such are not part of CAs, but they do in some cases deal with relevant issues such as equal opportunities in recruitment, selection and training, and positive action.	At central level, social partners take special initiatives in field of gender equality.
Norway	Yes	Gender equality referred to or regulated in many CAs. In 'basic agreements', the obligations tend to be general in nature, and in other CAs more specific.	Social partners actively involved in encouraging gender equality issues, both nationally and locally. Joint statement calling for equal opportunities to be integrated into development work in individual companies.
Poland	Yes	Do not play a role.	No known bipartite or tripartite initiatives with wide impact.
Slovakia	Yes	Some CAs contain regulations that oblige employers to work for gender equality. However, equality plans as such are not an issue.	No bipartite or tripartite initiatives have been taken yet. Role of social partners is more one of declaring principles. The Confederation of Trade Unions (KOZ SR) has established a commission for equal opportunities for women and men.
Slovenia	Yes	Do not play a role.	Tripartite Economic and Social Council signed 'social agreement' for 2003-5, which contains specific obligations on all parties to promote equal opportunities.
Spain	Yes	Some CAs at sectoral, regional and company level contain clauses referring to gender equality. They do not include specific provisions on workplace equality plans, but some cover relevant issues such as positive action.	No social partnership on gender equality. However, 2003 central agreement providing framework for lower-level collective bargaining makes recommendations for gender equality to be part of bargaining at all levels.
Sweden	Yes	As they are covered by law, gender equality provisions and plans rarely appear in CAs. However, some CAs contain improvements on legislative provisions.	Social partners at local level play important role in fulfilment of equality law. Gender equality issues in general are of high importance for social partners.
UK	Yes	Role difficult to assess due to fragmented and decentralised nature of collective bargaining. Joint regulation of equality issues is not widespread.	No special bipartite or tripartite initiatives, however the social partners participate in initiatives independently of each other. Mostly involve declarations of principles.

Source: EIRO, 2004

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Handout 10: Social Dialogue - National Level

Introduction

The fundamental workers rights are regulated by international labour standards and by different national laws, but the most important ones are the labour relations, social policy and welfare, health, pension, unemployment, etc. legislation. How can the trade unions influence the content of such important laws? There were different methods used in the past. Some of them are still in use, *like establishment of the political parties controlled by trade unions (e.g. Labour Party in Great Britain), formal or informal daily cooperation of trade unions with political parties (e.g. DGB with the SPD in Germany), signing of temporary social pacts with political parties, running own independent trade union lists for the parliamentary elections, lobbying, etc.*

Recently all these channels for influencing national legislation and policies have been complemented by different participatory models of social dialogue and partnership.

Since the 1980s, the term “Social Dialogue” has increasingly been applied to describe a process of negotiation and consultation between the key social partners: the State, employers’ organisations and trade unions. Though the dialogue can encompass all sorts of issues across a broad socio-economic spectrum, the main focus is often on issues related to the labour market and social policy. Social dialogue must be perceived as contrasting with forms of regulation where the government assumes the sole right to regulate, or where regulation is left to the market forces. The use of the term is often associated with a belief or hope that dialogue can be used as a tool to prevent and solve disputes.

Social dialogue is defined by the ILO to include **all types of negotiation, consultation or simply exchange of information** between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers’ organisations), with or without indirect government involvement. Concertation can be **informal or institutionalised**, and often it is a combination of the two. It can take place at the **national, regional or at enterprise level**. It can be inter-professional, sectoral or a combination of all of these.

The main goal of social dialogue itself is to promote **consensus building** and democratic involvement among the main stakeholders in the world of work. Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress. **But it is of utmost importance to include the gender issues on the priority agenda of the national social dialogue!**

Burst After the Second World War

First Steps of Social Dialogue

National bipartite and/or tripartite consultative bodies in Western European countries have sometimes been established on voluntary basis, such as **Austria's** Joint Commission, and sometimes have constitutional ground. The most typical example for the latter is the Economic and Social Council in France. With the exception of **France**, where the Economic and Social Council was founded back in 1925, in other countries these bodies have largely been founded after World War II, partly due to the intention to provide social peace and not to let the right wing political forces to benefit from the social instability and conflicts. Thus, the Central Council for the Economy was established in **Belgium** in 1948 (it was transformed in 1952 into the National Labour Council), Economic and Social Council in **Netherlands** in 1950, National Council for the Economy and Labour in Italy in 1957, The National Economic Development Council in **Great Britain** in 1962, the Economic Council in **Denmark** in 1962, the Economic and Social Council in **Luxembourg** in 1966, the National Economic and Social Council in **Ireland** in 1973, the Permanent Council for Social Consultation in **Portugal** in 1984. Some other countries, such as Germany or Spain, for example, have not founded such bodies, because they have the tradition of negotiations between social partners together with governments. Nevertheless, trade unions in these countries advocated the establishment of such bodies. As the idea of united Europe thrived, other European countries followed the basic European trends referring to tripartism. Thus, **Malta** introduced tripartite institutions in 1988, and **Turkey** in 1995.

These bodies in Western Europe had different composition and number of seats. In some of them seats are strictly divided between equal number of workers' and employers' representatives (e.g. in Belgium), while in Portugal the composition is tripartite, also strictly divided in equal numbers. In Luxembourg the Government has token representation (by the number of seats, of course) in the national tripartite team, while the tripartite council in the Netherlands includes independent experts as well. The Italian National Council for the Economy and Labour encompasses a wide circle of representatives of different interest groups, while the French Economic and Social Council has the broadest composition, involving numerous representatives of different interest and social groups in the field of economy, social life and culture.

Regarding the number of members, these bodies generally have between 18 (Portugal) and 50 seats (Belgium). Of course, the Economic and Social Council in France is radically different, numbering 230 members and operating as the third house of the Parliament. In Italy, due to the participation of members of more interest groups, the number of the members of tripartite body is higher - 111. Somewhere the members of these bodies are appointed by the Government, elsewhere by the organisations represented in them. The term of office of tripartite bodies varies from two to six years. The chairmanship of economic and social councils also differs from country to country. Sometimes it is a person independent of tripartite body, without the voting right (e.g. in Belgium), somewhere it is a member of the body appointed by the Government (e.g. in the Netherlands), and sometimes these are representatives of the Government, even prime ministers.

In all countries the role of these tripartite bodies is more or less similar. Their tasks and rights include preparation of different reports, studies, analyses, research on different topics, they have a consultative role, give certain recommendations to social partners and governments, and sometimes they also discharge the bargaining function. It is important to stress that in all countries (with the exception of the Netherlands where employers finance everything) the work of the national tripartite bodies is financed by the government.

Bipartite co-operation between the government and trade unions has been practised in the **Baltic countries**. In its bipartite form, the social dialogue is often related to negotiations on pay and working conditions. From a purely economic point of view, the interest of employers in these negotiations, both individually and collectively, is to minimise wages and improve performance, while the interest of employees is to maximise wages and secure optimum working conditions. However, even though this understanding of interests is sufficient for some situations, it is too narrow in others. Firstly, employers and employees can also use the collective bargaining process to make workplace changes aimed at improving competitiveness and increasing the productivity "cake". Employers must then see employees as a resource to be developed and motivated, while employees recognise that, under certain circumstances, short-term wage restraint can result in higher wages and better working conditions in the long run. Secondly, the purely economic considerations may not be the sole issue; other aspects, e.g. social or human, may also require consideration. In the Baltic Sea countries this has led, for example, to situations in which the management of large privatised enterprises was very reluctant to dismiss employees, even though a purely economic assessment indicated that this was the only appropriate solution.

TRIPARTISM: The dialogue between the government, trade union confederations and employers' confederations, which is one of many possible forms of social dialogue, is referred to as **tripartism**. Tripartite co-operation can consist of negotiations that are, in fact, binding, insofar as the parties undertake a commitment to comply with the decisions reached; or it can consist of less binding consultations where the social partners are being consulted by the government. **Tripartite co-operation can be conducted at national, sectoral, regional or local level, as well as at the international level.**

The parties involved in tripartism – the social partners – have, of course, different interests in the dialogue. For national governments, the main purpose of tripartite arrangements is to obtain information on – and **balance the interests** of – major social partners to ensure that they support government policies. Once such support is secured, the government can formulate effective socio-economic policies reflecting the social partners' views and concerns. An important spin-off of tripartite consultative arrangements is a reduction of social tensions, which, of course, benefits all the parties involved.

For social partners, the purpose of tripartism is to **influence social and labour-market policies**, and provide service to their members. As the same time, tripartite arrangements allow organisations to consolidate themselves and define their own roles vis-à-vis their members and society at large.

PRECONDITIONS: The social partners can participate effectively in the social dialogue only if certain preconditions are met: First, it is essential that all the parties involved, i.e. governments, employers' organisations and trade unions, have the **capacity and legitimacy** to act on behalf of those they represent. If this is not the case, there is a real risk that the agreements will not be respected or will trigger tensions within and between the individual interest groups. Second, it is important that the **division of power** between the negotiating partners is **balanced**. In bipartite or tripartite co-operation, the negotiating partners will seldom be fully equal in terms of power. But if the imbalance is great, this can lead to situations in which the weakest parties (or party) will enter into compromises that run counter to their interests and undermine their legitimacy. An imbalance can also result in a refusal by the strongest party to accept any compromise or feel under no obligation to respect the compromises reached.

Third, the parties involved must be in **agreement as to the overall national goals**, even though they represent conflicting interests. Fourth, it is important that the parties involved have a **positive attitude to co-operation** and recognise the legitimate interests of the other negotiating partners.

In most countries in **Eastern and Central Europe** tripartite co-operation at national level has, perhaps, been the most important component in the social dialogue. Tripartite co-operation, even though that term often includes social partners other than just government, employer and employee representatives – assumes different forms. On the one hand, there is **tripartite co-operation at national level covering general social and economic issues across the various policy areas**. This co-operation can be conducted either as **ad hoc negotiations/consultations** or in **permanent bodies**; the latter is the most widespread form. Parallel with the tripartite co-operation at national level, there is also a pattern of specialised **co-operation limited to different policy areas**. This co-operation is – almost without exception – practised in permanent tripartite bodies. For example, in **Croatia**, in the Governing Council of the Croatian Pension Insurance Fund there is a Council which is composed of 13 members that are appointed by the Croatian Government: out of them two members represent trade unions and two the employers' associations.

SPECIALISED BODIES: In addition to the key national tripartite bodies dealing with economic and social issues of relevance to all sectors, in all the countries in question there is a number of tripartite bodies covering more specialised areas, e.g. employment policy, working environment, social security, education/training, employment services (matching workers with vacancies) and, in the candidate countries, accession to the European Union. The specialised

tripartite bodies are seldom authorised to make binding decisions; usually, they are purely consultative bodies. Third, the specialised tripartite bodies are often less prone to disputes than the key national tripartite bodies.

BALTIC COUNTRIES: Many specialised bodies

E.g. Lithuania has numerous specialised tripartite bodies, including the Tripartite Occupational Council (employment policy), the *Tripartite Council of Experts* (adult education and continued training), and the *Council of State Social Insurance Fund* (employment services and social security). Latvia has *Labour Issues Tripartite Co-operation Subcouncil* (labour protection, regulation of labour legislation and equal opportunities), *Social Security Subcouncil* (social insurance) and a newly established *Professional Education and Employment Tripartite Co-operation Subcouncil* (adult education and continued training). In Estonia since 1992, tripartite negotiations have been conducted on an ad hoc basis. The key national tripartite body - the *Social Economic Council* - was established in 1999. Poland: Among the specialised tripartite bodies are the following: the *General Employment Council* (employment policy), the *Committee for Cooperation with the ILO* (implementation of ILO conventions), the *Commission for Collective Labour Agreements* and the *Social Assistance Council*.

TIME FOR ACTION!

In most of the countries of the CEE and NIS region the social dialogue has been established. Unfortunately, not everywhere has this been functioning well, or even no activities in this field have been noticed. At the same time, however, considerable differences exist with regard to the organisation and powers of the social dialogue. Despite the fact that the countries wishing to integrate have, in a relatively short time, developed so-called 'Euro-conform' institutions (although, no uniform policy exists in this respect), these institutions often only have a formal status and fail to function satisfactorily. The weakness of civil movements and organisations (NGOs) in the countries of the Region presents another problem, since a number of issues normally falling under their competence have to be addressed by the trade unions.

► **BIPARTISM:** The social dialogue can also assume the form of bipartism in cases in which there has been no employer party that could be involved in the negotiations. But the term bipartite co-operation also covers the dialogue in the form of collective bargaining and consultation between employees and employers, both at the workplace and between their respective organisations at national, sectoral or regional level. In its bipartite form, the social dialogue is often related to negotiations on pay and working conditions.

In order to assess the standard of the national social dialogue, one of the factors examined is the level of participation of the civil organisations and trade unions in a particular country in the development of important economic and social decisions: such as the operation of social insurance and social benefit systems, unemployment insurance and employment-related re-training, employment monitoring systems and the development of the legal systems. Social rights have traditionally been considered 'soft' i.e. not enforceable rights. In the same way, the legal provisions on the participation of the trade unions solely establish the arrangements under which the participants are to negotiate. Any actual substance to these institutions has to be supplied by the trade unions.

► **INTERNATIONAL LEVEL:** Tripartism, as said - a sort of balancing model for distribution of power between government, employers and workers, which is the basis of representation at the ILO, can be shown to work to the general advantage. After the adoption of the Resolution on the strengthening of tripartism by the ILO General Conference in 1971, workers' organisations became more stimulated to make use of their rights.

There is no reason why such a model cannot be extended beyond the ILO. In fact, there is a cautiously growing tendency for the United Nations and for the other specialised agencies to concede that representatives of trade unions should have an opportunity to play a more effective part in their work than hitherto. For example, the United Nations secretariat organises an informal, but high-level consultation with international trade union organisations on the occasion of the annual session in Geneva of the Economic and Social Council. The UN

Commission for Sustainable Development work with full participation of the trade union delegation at every year sessions in New York, and the unionists were very much involved in preparing meetings for the Summit on Sustainable Development held 2002 in Johannesburg, as well as very visible and influential participating at the Summit (400-member delegation!).

Development and implementation of an idea of tripartism is becoming more and more common nowadays, especially in the transition countries. Philosophy of participatory society is not a new one, but it works much better in recent days.

SOCIAL DIALOGUE INTERNATIONAL LABOUR STANDARDS

Conventions

- C11 Right of Association (Agriculture) Convention, 1921
- C84 Right of Association (Non-Metropolitan Territories) Convention, 1947
- C87 Freedom of Association and Protection of the Right to Organise Convention, 1948
- C98 Right to Organise and Collective Bargaining Convention, 1949
- C135 Workers' Representatives Convention, 1971
- C141 Rural Workers' Organisations Convention, 1975
- C151 Labour Relations (Public Service) Convention, 1978
- C154 Collective Bargaining Convention, 1981

Recommendations

- R91 Collective Agreements Recommendation, 1951
- R92 Voluntary Conciliation and Arbitration Recommendation, 1951
- R94 Cooperation at the Level of the Undertaking Recommendation, 1952
- R113 Consultation (Industrial and National Levels) Recommendation, 1960
- R129 Communications within the Undertaking Recommendation, 1967
- R130 Examination of Grievances Recommendation, 1967
- R143 Workers' Representatives Recommendation, 1971
- R149 Rural Workers' Organisations Recommendation, 1975
- R159 Labour Relations (Public Service) Recommendation, 1978
- R163 Collective Bargaining Recommendation, 1981

BULGARIA: Women's Parliament

At the initiative and with the support of trade union confederation of CITUB, the Women's Public Parliament - 21st Century was established on 12 December 1999. It is one of the largest non-governmental organisations with unique and specific activity in Bulgaria.

Its managing board is composed of 9 persons. Ianka Takeva, the President of the teacher's trade union and President of CITUB's National Commission for Women, Children and Family, was elected President of the Women's Parliament.

Within the Women's Parliament, 12 different commissions have been set up: 1. minority and demographic problems; 2. finance and economy; 3. legislation and fighting corruption; 4. local management and regional development; 5. international policy; 6. labour and social policy; 7. human rights; 8. health care, youth and sport; 9. working conditions and environmental protection; 10. science and education; 11. culture; and 12. media policy and public relations.

Women's Parliament is an organisation of individual members. Its main goals are:

- to deal with issues of women's interests
- to take initiatives aimed at supporting women in their realization
- social protection of all members
- gender equality
- work with minorities

In order to achieve these aims, Women's Parliament works and has partner relations with the National Assembly, the Government, trade union organisations, national tripartite council and numerous NGOs.

A

12

Activity 12 DIFFERENT FORMS OF SOCIAL DIALOGUE

Aim:

- To learn more about different forms and possibilities of social dialogue

Method:

- Group work

Tasks:

Working in your small group on a given

case study:

1. Read the case study
2. Discuss it and answer the questions following the study
3. *Select two reporters:*
 - The first one will give a very brief summary of the case study (just the main points - key points to be listed on the flipchart and presented in 2-3 minutes to the rest of the groups)
 - The second one will present a brief report including your answers to the questions

Time: 30 minutes

Trainer's notes:

1. Prepare 4 equal sets of case studies (if you have 20 participants, you should have: 5 copies of case no 1; 5 copies of case no 2, etc.)
 2. Divide participants into 4 groups by letting them choose one case study from a basket/hat, etc.
 3. Explain tasks, time (30 min. for small group work), show them their place to work and remind about reporting (two reporters for each group needed)
 4. Reporting: 8-10 min. max for each group! (about 35 min. in total) Explain that the report should include the following:
 - a/. SHORT presentation of the respective case study
 - b/. Reporting on the given questions
 5. Sum up by underlining the most important ideas from the reports (case studies)
- Total time: 1 h 15 min. (max. 1 h 30 min.)**

CASE STUDY **NOT**

Social Pacts

Social pacts are an outcome of successful social dialogue. Social dialogue at the national level is dialogue among representatives of **governments, employers and workers**, on issues of common interest relating to economic and social policy. In some countries, such dialogue includes other interested parties, such as **churches, representatives of farmers and of civil society**. It includes all types of information sharing, consultation, negotiation and concertation (joint decision making). Social pacts deliver consensus, after the parties have examined the trade-offs and reconciled different interests through social dialogue.

Social dialogue at national level has been widely practised in many European countries after the Second World War. Many countries have agreed on **tripartite or bipartite income policy agreements, which are conceptually synonymous with social pacts**. Social pacts per se are, hence, not a new phenomenon. Among the European Union Member States, however, social dialogue on national economic and social policies has evolved in a new direction in the past two decades. Social dialogue became an **important instrument in dealing with the economic and social challenges of globalisation**, economic integration and the preparation for the introduction of the single currency (EURO). In the late 1990s, following the transition to European Monetary Union, the focus of social dialogue was broadened towards devising more general strategies to enhance economic competitiveness and social justice.

Tripartite: In Ireland, Italy and Portugal, the government is heavily involved in the negotiation, signing, launching and sometimes the follow-up of social pacts.

Bipartite: In the Netherlands and Finland, signatory parties of social pacts are normally bipartite between the peak organisations of social partners. However, in Finland, the government's involvement in social pacts is more substantive than in the Netherlands. For example, the representatives of government take part in the negotiations. Sometimes the agreements were concluded with the support of or pressure from the government, with the government undertaking to implement necessary measures set out in the agreements. In the Netherlands, formal social pacts are generally agreed between social partners with the support of the government. Upon reaching agreement, the government issues an informal or a formal statement to support social pacts and undertake necessary measures, including the enactment of specific legislation.

The mixed mode: This is the case of Spain where the majority of social pacts are agreed between peak workers' and employers' organisations (interconfederal agreements). As in the case of Finland and the Netherlands, the government supports the agreements through necessary policy measures. There are, however, other significant agreements reached with the direct involvement of government. For example, the Agreement on the Rationalisation of the System of Social Security and the Agreement on Part-Time Employment Contracts agreed to by the government and workers' organisations.

In all three cases, there is formal or informal involvement of all three parties, the government and workers' and employers' organisations, in the process of negotiating, implementing and managing social pacts.

**Questions:**

- *How to settle a national pact? (NOTE! to be discussed in a national seminar only)*
- *What could be included in social pacts? And why is it useful to address this topic/issue through a national pact?*
- *What kind of partners would you like to see in such pacts? Give a reason why the participation of this partner would be beneficial.*

CASE STUDY N°2

National Agreement Improved Collective Bargaining

COUNTRY: Italy**PERIOD:** 1993**TITLE:** July 22, 1993 Agreement**SIGNATORY PARTIES:** Prime Minister C.A.Ciampi; Labour Minister G. Giugni; secretaries general of the CGIL, CISL and UIL; 25 employers associations.**GOALS OF THE PACT:** inflation control, new system of collective bargaining structure, recognition of the new system of trade union representation in the workplace.**MATTERS AGREED:**

Income policy: control of inflation as a system to protect real wages (indication of a projected inflation rate — instead of running after real inflation — that the social partners must refer to in collective bargaining); concerted action on keeping the deficit and the public debt under control (through meeting with the social partners twice a year before preparation of the budget law in May and its discussion in parliament (in September)); agreement on a system of concerted monitoring concerning wages, prices and tariffs; annual report on employment (prepared by the government in May, to better evaluate active employment policies to be implemented).

Collective bargaining: the new collective bargaining structure has two levels: 1) the national contract of four-years duration dealing with the permanent norms and a two-year renewal of wage negotiation; 2) company/sectoral level bargaining linked to productivity increases.

A new indexation system, only to compensate for delays in contract renewals in the private as well as in the public sector (equal to 30% of the projected inflation rate for delays up to 3 months, 50% for longer delays).

RSUs (union plant representatives), incorporation of the interconfederal agreement: union representatives in the workplaces are elected by the proportional system, with 2/3 of the delegates elected by all workers and 1/3 reserved for union representatives that have signed collective agreements. The RSUs are entitled to negotiation.

Employment policies: reform of the labour market, reform of hiring practices for the disabled, indication of periodical meetings government-social partners; reform of the Wage Supplement Fund (for company crisis and restructuring); reform of the unemployment benefit (raised to 40% of the previous salary); extension of the so-called shock absorbers (i.e. the Wage Supplement Fund) to the tertiary sector. New rules for apprenticeship; new rules for employment and training contracts for young job seekers; enhancement of affirmative action and equal opportunity; introduction of temporary work agencies.

Fiscal policy: Tax relief for investments in research and other measures.

Education/vocational training: compulsory schooling age rose to 16 years and new rules for vocational training.

New policy for tariffs.

Public administration: national contracts for the public sector will be renewed every four years, starting from 1994; new hiring procedures for young executives, new procedures for information/consultation with the unions; establishment of an agency in charge of collective bargaining (ARAN).

CASE STUDY Nº 2

► **BACKGROUND:** In March 1993, Prime Minister Amato summoned the social partners and launched the idea of a social pact, mainly concerning incomes policy and reform of collective bargaining. The three confederations' list of demands included: the selection of a permanent seat for the incomes policy negotiation; a new structure of collective bargaining on two levels, with the national level in charge of the safeguard of the real wages and the second (company/sectoral level) in charge of fair distribution of productivity increases; a new mechanism of partial indexation of wages in case of delay in contract renewals; the official acknowledgement and application of the union interconfederal agreement on the new union representation structure in the workplace. In April, Prime Minister Amato resigned. The new Prime Minister was Carlo Azeglio Ciampi, and the new Labour Minister was Gino Giugni. The new social pact was reached on 3 July, approved by 67% of workers in a referendum and officially signed on 22 July in the Prime Minister's office.

INSTITUTIONS INVOLVED: The Prime Minister; the Labour Minister; the three secretaries general of CGIL, CISL and UIL.

IMPACTS ON:

Employment: Very minor outcome in this field, though it must be noted that it was not its major objective, while the 1996 Pact for Employment was very active in promoting new employment policies that increased unemployment.

Macroeconomic balance: a new system of income policy

Union strategy/policy: a new system of union representation at the workplace level — after a decade, the system is still well functioning (with some adjustments).

COMMENTS: This agreement created stable and recognized rules of the game, regarding income policy and collective bargaining. Social dialogue launched a process that had positive results. The government action resulted in the July agreement was followed by the 1995 pension system reform (workers' organisations actively participated in the social dialogue/concertation process that brought about the new pension law).

Questions:

- *Is it possible to sign that kind of agreement (pact) in your country?*
- *If not, why? What are the obstacles?*
- *If yes, what kind of issues could be covered in such an agreement and why?*



CASE STUDY N°3

BELGIUM:

National Social Labelling

At the end of January 2002, the Belgian House of Representatives passed a 'law aiming to promote socially responsible production', also known as the 'social label law'. The law called for the setting up of a 16-seat multi-stakeholder committee consisting of employers' federation representatives, NGOs, trade unions, consumer organisations and public officials to oversee the awarding of a Social Label to eligible products. While the committee will be responsible for reviewing the social audits of a company that has applied for the social label, the label itself will be awarded to products and not to a company in general.

What the social label will guarantee consumers is that a product has been produced with respect to 4 fundamental social rights, as secured by the 8 basic conventions of the International Labour Organisation. In other words, the social label ensures that products have not been manufactured by forced or child labour and that, workers have been secured protection against discrimination and given the right to organize collectively.

In practice, what this means is that companies interested in the social label will have to demonstrate that ILO's labour norms have been respected throughout their entire production line, also outside of Europe. As a result, consumers who purchase social label products can do their part in contributing to sustainable development in the South, where a lot of production takes place in today's globalised economy.

The social label is a voluntary scheme, and it is up to each company to weigh the costs and benefits that applying for the social label will entail. But having the social label is not a condition for selling products on the Belgian market.

The stakeholder committee that has been set up by law to implement the social label law acts as adviser to the Minister of Economic Affairs who is obliged to follow their recommendations. The first task facing the committee is to identify certified accountants who will be able to carry out the social audits that will be used to award the social label. And there are further challenges awaiting the group of social partners, NGO representatives, academics and government representatives.

With a growing demand for ethically produced products, there are also many reasons for companies to participate in such a voluntary scheme. Apart from contributing to better brand images, companies have also started to see other potential gains such as the competitive advantage that a social label can give them in public procurement tenders. In Belgium, social clauses are increasingly being added to municipal tenders, requiring that the social and ethical performance of companies be taken into consideration when procurement orders are placed.

Moreover, as is the case with many corporate social responsibility related tools, participation in the social label scheme can also have positive effects.

One thing that all parts are in agreement on in Belgium, from trade unions to employers' federations and NGOs, is that production must respect the fundamental social rights of workers, wherever they are in the world.

Questions:

- *Would it be possible to introduce such national social labelling in your country?*
- *Would you like to introduce it? Why? If not, why not, what could be the disadvantages?*
- *What criteria would you use for such a label?*

CASE STUDY N° 4

ICFTU CEE/NIS WOMEN'S NETWORK:**National campaigns for health launched: "Women for Health"***Campaigns Launched in 15 Countries, March 2002.*

During the Second International Trade Union Women's School held from October 2-6, 2001 in Rovinj (Croatia) app. 80 participants from 22 countries emphasized as one of their top priorities the problem of reduction of health protection and deterioration of the health care system for the overall population, especially for women. Following this statement at the Regional Conference of the ICFTU CEE Women's Network held on October 7, 2001 in Rovinj, it was agreed that all the national trade union women's groups should organise an event as part of the launch of a campaign called "Women for Health", if possible, on March 6th 2002, in the eve of International Women's Day. It was agreed that the campaign should be prepared in cooperation with women's groups within other trade union confederations, different trade union interest groups (youth, unemployed, disabled, elderly, etc.), non-governmental organisations and academic community. Although regionally synchronized, the campaign should be conveyed as a compound of different national campaigns. Each women's group has to define its priorities and demands as well as to decide on the methods, strategy, etc.

The ICFTU CEE Women's Network has 34 women's trade union groups in 23 countries (Albania, Azerbaijan, Belarus, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Estonia, Georgia, Hungary, Kosovo, Latvia, Lithuania, Macedonia, Moldova, Montenegro, Poland, Romania, Russia, Serbia, Slovak Republic, Slovenia and Ukraine).

According to the first available data, the CEE campaign "Women for Health" was launched or, at least, discussed by trade union confederations in the following 15 countries: Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Czech Republic, Hungary, Kosovo, Latvia, Lithuania, Macedonia, Montenegro, Poland, Romania, Slovak Republic and Slovenia.

Here are some examples of the campaign activities:

CZECH REPUBLIC: CMKOS Equality Committee organised a seminar on "Health Care of Employees" on 12 March, with the participation of the parliamentary committees for social policy and health, along with several experts dealing with health care issues. The campaign continues with a list of requests being forwarded to the Government and the Parliament.

CROATIA: The UATUC Women's Section launched a campaign on March 6th in a large panel discussion in cooperation with representatives of different trade union confederations and other trade unions from across Croatia, leading women's non-governmental associations and interest groups (League Against Cancer, Association of Breast Cancer Patients, etc.), as well as representatives of the Government, the Parliament, and media. The panel discussion took form of a forum with some 30 speakers in total. At the end of the discussion, the next phase of the campaign was presented - the signing of specially designed postcards, the process of which should be organised during the following two months. The basic demand presented by the Croatian trade union women was to establish a condition whereby a systematic gynaecological examination together with a mammography test would be stipulated by law as obligatory. The special postcard is distributed through trade unions and non-governmental associations across Croatia and some 50,000 postcards are expected to be signed and addressed to the Committee for Gender Equality of the Croatian Parliament so that the exerted pressure would motivate other activities aimed at legislative changes.

MONTENEGRO: On March 6, The Association of Working Women 'Woman Today' of the Montenegrin CITUM held a public forum "Women for Health", with the active participation of the governmental and non-governmental associations. They formulated eight demands, which were communicated to the President of the Parliament, the Minister of Health, the Minister of Labour and other state officials. The next step in the campaign, so far very well covered by the media, is the meeting of a delegation of union women and the President of the Parliament on the occasion of which women trade unionists are to formally submit their demands.

CASE STUDY **NO 4**

► **LITHUANIA:** On March 12, 2002, together with members of the Lithuanian Sejm (Parliament), social-democratic and social-liberal parties, as well as NGO activists, women trade unionists from different trade union confederations organized a conference with the participation of the Minister of Labour and Social Security, Minister of Finances and Minister of Culture. After a very successful discussion, women forwarded their list of demands to the Chair of the Lithuanian Sejm and the Prime Minister, emphasizing the need for improvements in living and working conditions for Lithuanian women, strengthening of prevention to reduce specific women illnesses and beggary in Lithuania. The next step of the campaign is to meet with the Chair of the Lithuanian Sejm and the Prime Minister to find solutions to their requests.

HUNGARY: On March 6, the MSZOSZ Women's Committee launched, in co-operation with the Public Utility Company for Railway Hygiene, screening tests in seven regions of Hungary. They conducted tests on osteoporosis and menopause and organised different events in several towns and cities, which were dedicated to women's health. In the centre of their interest was the problem of an increasing number of women diagnosed with breast cancer as well as other types of cancer.

SLOVAK REPUBLIC: The Women's Committee of the Slovak KOZ SR organised the Conference "Women for Health" in Bratislava on March 6, 2002 as a part of the activities conducted in the framework of the ICFTU CEE Women Network Campaign. With the participation of 35 women from several branch federations affiliated to KOZ SR and their guests (Ministry of Labour, Family and Social Issues, the Parliament and NGOs representatives) the problems related to women's health care were discussed within the process of reconstruction of all economy branches in the Republic. From the presented statistical data, mammography examinations were pointed out as, e.g. in Bratislava, the capital of the Slovak Republic, the waiting period on the lists is from 9 to 12 months! The Conference adopted Recommendations that were subsequently communicated to women, trade unions, and employers and to the Ministry of Health Care of SR. One of demands concerned the inclusion of preventive medical examinations for women into the process of collective bargaining. The Ministry of Health is expected to elaborate relevant legislative changes. The next phase is to work on the campaign at all the levels of the KOZ trade union structure in order to educate both men and women on the problems related to women's health.

POLAND: Solidarnosc organised a joint meeting of representatives of the Health Care Secretariat and Women's Department in order to initiate changes in the Polish health care system, especially in respect to its accessibility and working conditions. The idea is to engage the overall public in all the actions, which was approved. They established a working group for campaign building.

KOSOVO: On March 6, the BSPSK Women's Group organized a press conference where it presented the Women's Network campaign "Women for Health" and health care problems in Kosovo. Women trade unionists prepared several proposals to the newly established Ministry of Health on measures of prevention and better health care conditions, especially for women.

ROMANIA: Women's Sections of four Romanian trade union confederations - CSNLR-Fratia, BNS, Cartel Alfa and CSDR, held a National Conference on equal opportunities of men and women, with the participation of representatives of the Parliament (the President of the Chamber of Deputies), Government, Ministry of European Integration, different NGOs, etc. One of the main topics was the issue of women's health; therefore a full report was presented on the problems related to women's health. They also created a list of demands for legislative changes needed, as well as for the improvement of health care practice. All participants signed the final declaration. The campaign continues.

ALBANIA: Women's groups of the two Albanian confederations, KSSH and BSPSH, held a joint conference in March, and agreed on the campaign follow-up. In cooperation with the Ministry of Health they plan to hold a dozen of panels on improvement of health protection of women in different Albanian counties, and on the basis of these panels they expect to write a list of requests for legislative and institutional changes.

Questions:

- Do you think that this kind of support - as presented in this case study - can influence national social dialogue or lead to changes in legislation?
- What are the experiences in your country(ies) in this field? E.g. social mobilization, networking with other organisations, etc.

H

11

Handout 11: ABC of Social Dialogue

What are the enabling conditions for social dialogue?

- ▶ Strong, independent workers' and employers' organisations with the technical capacity and access to the relevant information to participate in social dialogue.
- ▶ Political will and commitment to engage in social dialogue on the part of all the parties.
- ▶ Respect for the fundamental rights of freedom of association and collective bargaining.
- ▶ Appropriate institutional support.

What is the role of the State in social dialogue?

For social dialogue to work, the State cannot be passive even if it is not a direct actor in the process. It is responsible for creating a stable political and civil climate which enables autonomous employers' and workers' organizations to operate freely, without fear of reprisal. Even when the dominant relationships are formally bipartite, the State has to provide essential support for the parties' actions by providing the legal, institutional and other frameworks which enable the parties to act effectively.

What are the different forms of social dialogue?

Social dialogue takes many different forms. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers' organisations), with or without indirect government involvement. Concertation can be informal or institutionalised, and often it is a combination of the two. It can take place at the national, regional or at enterprise level. It can be inter-professional, sectoral or a combination of all of these.

Social dialogue institutions are often defined by their composition. They can be bipartite, tripartite or "tripartite plus". The key tripartite actors are the representatives of government, employers and workers. At times, and depending on specific national contexts, the tripartite partners may choose to open the dialogue to other relevant actors in society in an effort to gain a wider perspective, to incorporate the diverse views of other social actors and to build a wider consensus.

Social dialogue can take a variety of forms, ranging from the simple act of exchanging information to the more developed forms of concertation.

Which are the most usual forms of social dialogue?

- ▶ Information-sharing is one of the most basic and indispensable elements for effective social dialogue. In itself, it implies no real discussion or action on the issues but it is nevertheless an essential part of those processes by which dialogue and decisions take place.
- ▶ Consultation goes beyond the mere sharing of information and requires an engagement by the parties through an exchange of views which in turn can lead to more in-depth dialogue.
- ▶ Tripartite or bipartite bodies can engage in negotiations and the conclusion of agreements. While many of these institutions make use of consultation and information-sharing, some are empowered to reach agreements that can be binding. Those social dialogue institutions which do not have such a mandate normally serve in an advisory capacity to ministries, legislators and other policy-makers and decision-makers.

- Collective bargaining is not only an integral - and one of the most widespread - forms of social dialogue, it can be seen as a useful indicator of the capacity within a country to engage in national level tripartism. Parties can engage in collective bargaining at the enterprise, sectoral, regional, national and multinational level.

■ Does social dialogue differ from country to country?

Social dialogue takes into account each country's cultural, historical, economic and political context. There is no "one size fits all" model of social dialogue that can be readily exported from one country to another. Social dialogue differs greatly from country to country, though the overriding principles of freedom of association and the right to collective bargaining remain the same. Adapting social dialogue to the national situation is key to ensuring local ownership of the process. There is a rich diversity in institutional arrangements, legal frameworks and traditions and practices of social dialogue throughout the world.

■ What is the role of the ILO Programme in strengthening social dialogue?

The ILO's primary objective is to promote opportunities for women and men to obtain decent and productive work in conditions of freedom, equality, security and human dignity. Social dialogue plays a key role in achieving this objective. It is seen both as a means of achieving decent work and an end in itself.

The main goal of social dialogue itself is to promote consensus building and democratic involvement among the main stakeholders in the world of work. Successful social dialogue structures and processes have the potential to resolve important economic and social issues, encourage good governance, advance social and industrial peace and stability and boost economic progress. The ILO Programme plays an important role in the promotion and development of effective institutions and processes of social dialogue in the ILO member states.

➔ **Trainer's notes:**

1. *This is a part of the summary of the PART 3 of the KIT.*
2. *Give copies of the "ABC..." to all the participants and ask them to read it - part by part: The first participant should read the first question and his/her neighbour should read the answer, etc.*
3. *When finished, launch the plenary discussion on improving the Social Dialogue in your country on different levels (pay attention to gender mainstreaming!):*
 - *national,*
 - *sectoral,*
 - *territorial, etc.*

CASE STUDY

Social Dialogue in the Baltic Countries

- For the social dialogue at national level, the possible steps are:
 - ▷ to strengthen the legal basis and clarify the powers of the tripartite bodies, with a view to increasing their legitimacy, facilitating the decision-making process and making membership of the organisations more attractive;
 - ▷ to develop the secretarial services and analytical capacity, so as to strengthen and facilitate the decision-making processes and provide the stakeholders with a better basis for formulating policies;
 - ▷ to upgrade the negotiating skills of stakeholders' representatives, thereby making the decision-making processes more effective;
 - ▷ to extend the circle of stakeholders by including representatives of other interest organisations since matters discussed in the tripartite bodies have significance for more than just three social partners;
 - ▷ to encourage governments and parliaments to be more consistent in acting on the decisions made by the tripartite bodies, and urge the governments to have a higher level of commitment to the decisions made; and
 - ▷ to encourage the social partners to make the decisions made by the tripartite bodies more binding on their members.
- For the social dialogue at regional and local level, the possible steps are:
 - ▷ to strengthen the social partners' organisations regionally and locally (as in the three Baltic republics);
 - ▷ to strengthen and support the establishment of regional and local tripartite bodies (as in Estonia) or to allow the regional and local social partners to establish tripartite bodies on their own initiative (as in Latvia); and
 - ▷ to strengthen the legal basis of the tripartite bodies.
- Further development of the social dialogue at sectoral and company level, but also at all the other levels, requires an increase in the membership of the social partners' organisations. According to the interviewees, this could be achieved by, for example:
 - ▷ development - to a greater extent - by the trade unions of strategies for recruiting the non-unionised groups (employees at SMEs and foreign-owned companies, young workers, temporary employees, etc.);
 - ▷ a tightening of the demands imposed by the trade unions on the government and employers with a view to ensuring pay and working conditions for their members (or the reverse strategy, i.e. a display of greater willingness to negotiate on the part of the trade unions);
 - ▷ a greater concentration of trade unions in a single, unified trade union confederation in each country, or closer co-operation between the trade union groupings;
 - ▷ clarification by the trade unions of their attitudes towards alternative ways of organising employees (e.g. works councils, in-house unions and the like);
 - ▷ development - to a greater extent - by the employers' confederations of strategies for recruiting groups that have not yet joined organisations (SMEs, foreign-owned companies, etc.);
 - ▷ further promotion by the employers' confederations of the social dialogue at all levels, including the conclusion of collective agreements;
 - ▷ the adoption of legislation specifically covering employers' confederations, capable of serving as a sales argument for employers' organisations when recruiting new members; and
 - ▷ the introduction of measures that make membership subscriptions tax-deductible both for enterprises and employees, as is the case in several countries in the EU.

Report for the "Seminar on Social Dialogue" under the Baltic Sea Region Sector Programme on Labour Market Policy - Warsaw 25-26 October 2000

APPENDIX 1

FULL EDUCATIONAL PROGRAMME BASED ON KIT 2:

OVER THE COMPANY WALLS:

COMMUNITY LEVEL; SECTORAL COLLECTIVE BARGAINING; NATIONAL SOCIAL DIALOGUE

DAY 1

Time	Contents of the Teaching Sessions	Duration	Method	Materials	Equipment, stationary, etc.	Trainer in charge
9.00-9.30	Introduction to the seminar: welcome; presentation of aims; programme; technical details, etc.	30 min.	Presentation		OHP, slides with aims and programme	
9.30-10.00	Introduction of the participants	30 min.	E.g. pair work followed by a Presentation			
10.00-10.30	"Golden rules" of trade union training	30 min.	Brain-storming		Flipchart, markers paper	
10.30-11.00	Coffee break	30 min.				
11.00-11.15	1 LOCAL LEVEL Activity 1: Going Beyond the Walls	15 min.	Individual work	AS 1	Flipchart, A-4	
11.15-11.45	Jump Over the Walls: Resolve the Problem (1)	20-30 min.	Presentation	H 1, diagram	OHP, slides based on H 1	
11.45-12.30	Activity 2: Different Levels of Collective Bargaining Diagram: Different Levels of Collective Bargaining	45 min.	Presentation Individual work Discussion	AS 2; diagram (copies and slide)	OHP	
12.30-14.00	Lunch break	1 h 30 min.				
14.00-15.00	Activity 3: Jump Over the Walls: Resolve the Problem (2)	1 h	Discussion	AS 2	Prepare BEFORE: two sheets of paper, flipchart, markers	
15.00-15.20	Atypical Employment Became Typical: Company – Community Partnership Needed!	20 min.	Presentation	H 2	OHP, slides based on H 2	
15.20-15.50	Activity 4: Raising Awareness on Atypical Employment	30 min.	Discussion	AS 3		
15.50-16.10	"Communitarianism" instead of industrialism: Transformation of trade unions	20 min.	Presentation	H 3	OHP, slides based on H 3	
16.10-16.40	Coffee break (including some group work)	30 min.				
16.40-16.55	Guidelines for the Advocacy Plan	15 min.	Presentation	H 4	OHP, sides based on H 4	
16.55-18.10	Activity 5: Jump Over the Walls: Resolve the Problem (3) Advocacy Plan Development	1 h 15 min.	Group work Role play	AS 4, H 4; 3 stories/cases from AS 2	Flipchart, markers; prepare the "scene" for role play; sticky notes; candies; basket/hat	

EXPLANATIONS:

Duration - total time of the element of the training

Method - teaching method to be applied for this part of the training

Materials: written materials (handouts, activity sheets, case studies, resource materials, etc.)

Equipment & Stationary - list of the technical equipment; stationary, etc. to be used during this part of the training

Trainer - put here name of a trainer who should deliver the presentation/explanations, etc. (the trainer in charge of a given topic, activity, etc.)

H 1 - Handout No. 1

AS 1 - Activity sheet No. 1

OHP - Overhead Projector

DAY 2

Time	Contents of the Teaching Sessions	Duration	Method	Materials	Equipment, stationary, etc.	Trainer in charge
9.00-9.30	SECTORAL COLLECTIVE BARGAINING Process of de-industrialization and branch agreements	30 min.	Presentation	H 5	OHP, slides based on H 5	
9.30-10.40	Activity 6: Sectoral Collective Agreements	1h 10 min.	Group work Debate	AS 5, cases studies	Slides, OHP; markers; small cards; basket/hat	
10.40-11.10	Coffee break	30 min.				
11.10-11.30	Future of Sectoral Collective Bargaining: General Declarations or Binding Agreement?	20 min.	Presentation	H 6, slides based on H 6	OHP	
11.30-12.30	Activity 7: Improving the Sectoral Collective Bargaining Contents	1 h	Individual work; Discussion	AS 6; samples of sectoral coll. agreements	Flipchart, markers	
12.30-14.00	Lunch break	1 h 30 min.				
14.00-14.20	Activity 8: "The Living Sculpture"	20 min.	Group work	AS 8		
14.20-15.00	Activity 9: Extension, Representativity and Strike	40 min.	Group work	AS 9; 4 sets of cases (ADD your national ones)	OHP, Slides, markers	
15.00-15.30	NATIONAL SOCIAL DIALOGUE Intersectoral Collective Bargaining at National Level	30 min.	Presentation	H 7, case studies	OHP, slides based on H 7	
15.30-16.00	Activity 10: Collective Bargaining at National Level	30 min.	Plenary discussion	AS 10; prepare a handout!		
16.00-16.30	Coffee break	30 min.				
16.30-17.00	Social dialogue on National Level	30 min.	Presentation	H 8, make slides	OHP, slides based on H 8	
17.00-17.45	Activity 11: Social Dialogue on National Level – Gender Mainstreaming	45 min.	Discussion	AS 11, H 9		

DAY 3

Time	Contents of the Teaching Sessions	Duration	Method	Materials	Equipment, stationary, etc.
9.00-9.30	Social Dialogue – National Level	30 min.	Presentation	H 10, slides based on H 10	
9.30-11.00	Activity 12: Different Forms of Social Dialogue	1 h 30 min.	Group work	AS 12, case studies	Flipchart, basket/hat
11.00-11.30	Coffee break	30 min.			
11.30-12.00	ABC of Social Dialogue Social Dialogue in the Baltic Countries (Case Study)	30 min.	Presentation (involve participants)	H 11 Case Study	
12.00-12.45	Closing and Evaluation of the Seminar	45 min.		Evaluation forms	
13.00	Lunch				
	Departure of Participants				

NOTE: instead of using slides/ transparencies and the OHP to illustrate your presentations, you may wish to prepare a PowerPoint presentation (remember, you will need to ensure special equipment for that!)

APPENDIX 2

SAMPLE EVALUATION FORM

Please circle ONE answer (1 = lowest mark; 5 = highest mark)

1. Have the **aims** of the seminar been achieved?
1.....2.....3.....4.....5
2. How would you rate **the contents** of the seminar?
1.....2.....3.....4.....5
3. How would you rate the general **level of the seminar**?
1.....2.....3.....4.....5
4. How supportive and useful were the **written materials**?
a/ Activity sheets
1.....2.....3.....4.....5
b/. Handouts
1.....2.....3.....4.....5
1. How would you evaluate teaching **METHODS** used during the seminar?
1.....2.....3.....4.....5
2. How useful were the **presentations** given by the trainer(s)
1.....2.....3.....4.....5
3. Please indicate level of **TEACHING**:
1.....2.....3.....4.....5
4. Please indicate the **relevance** of this seminar to your trade union work:
1.....2.....3.....4.....5
5. **Weak points** of the seminar:
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6. **Strong points** of the seminar:
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.....
7. **Organisation** of the seminar (accommodation, meals, room, etc.):
1.....2.....3.....4.....5
8. Please feel free to write any **other comments** concerning the seminar:
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THANK YOU!