

OECD/AIAS ICTWSS Database

Detailed note on definitions, measurement and sources

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OECD/AIAS ICTWSS Database: Detailed note on concepts and sources.

Foreword

The database on *Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts* (ICTWSS) has been developed by Prof. Jelle Visser at the University of Amsterdam. It was first released in May 2007. In its initial form, the ICTWSS database combined data from various sources and projects with a main focus on trade union in EU and OECD countries (Visser and Ebbinghaus, 2000^[1]; Visser, 1991^[2]; Visser, 2006^[3]), collective bargaining and employment relations in Europe (European Commission, 2004^[4]), and social pacts (Avdagic, Rhodes and Visser, 2011^[5]). After its first release, the database has been updated every second or third year and more variables and countries have been added. According to Prof. Jelle Visser, “*creating this database has been a process of turning texts, like laws, agreements and organisation statutes, as well as descriptions of practices, customs and traditions, into intelligible numbers open to statistical treatment in comparative research and thus adding a third choice to Ronald Coase (1984, p. 230^[6]) famous quote on institutionalism in economics: ‘Nothing to pass on but a mass of descriptive material waiting for a theory or a fire’*”.

In 2021, the ICTWSS database has been rebranded as the OECD/AIAS ICTWSS database. This new name reflects the joint effort by the OECD and AIAS to ensure the continuation of the database after Prof. Visser's retirement. The OECD/AIAS ICTWSS database develops and consolidate earlier versions of the ICTWSS database, notably in providing more detailed information on minimum wage settings in OECD and expanding geographical coverage to Western Balkan countries.

The OECD/AIAS ICTWSS database is publicly available at www.oecd.org/employment/ictwss-database.htm. The previous versions of the ICTWSS database (1-6.1) can be found at the following page <https://www.ictwss.org/downloads>.

The first version of the OECD/AIAS ICTWSS database has been released in January 2021 and has been produced with the financial assistance of the European Union Programme for Employment and Social Innovation “EaSI” (2014-2020), VS/2019/0185. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

This note has been prepared by Jelle Visser (AIAS-HSI, University of Bremen) and it provides a detailed overview of the definition and measurement of the variables in the OECD/AIAS ICTWSS database as well as the sources used.

For any information or correction, please contact CollectiveBargaining@oecd.org.

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Section A – Rights

Section A of the ICTWSS Database deals with the right of association (**RA**), the right of collective bargaining (**RCB**), and the right to strike (**RS**). These rights take a central place, as fundamental rights, in the ILO Constitution and are defined in ILO Conventions No. 87 of 1948 and No. 98 of 1949. They bind all ILO member states and guarantee to all workers (not only those with employee status) the full rights of establishing and joining a trade union, collective bargaining, and striking. Member of the armed forces, the police, and public servants in executive and confidential positions are excepted from these guarantees as their rights shall be determined by national legislation. These variables provide context for the data on trade unions, collective bargaining and social dialogue, and are important for the adjustment of bargaining coverage rates.

The construction of the six rights variables is based on the relevant ILO conventions. The *Freedom of Association and Protection of the Right to Organise Convention* (C087) guarantees that “workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation” (Art 2). “Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes” (Art 3.1) and “public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof” (Art 3.2). Art 9 allows the exclusion from these guarantees for members of the armed forces and the police. The *Right to Organise and Collective Bargaining Convention* (C098) guarantees that “workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment” (Art 1) and that “workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration” (Art2). “Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements” (Art 4). C098, like C087, allows the exclusion of members of the armed forces and the police (Art 5) and “does not deal with the position of public servants engaged in the administration of the State” (Art 6). Of further relevance is the *Labour Relations (Public Service) Convention* (C0151) of 1978, which clarifies that the exclusion of public servants applies to high-level employees “whose functions are normally considered as policy-making or managerial, or to employees whose duties are of a highly confidential nature” (Art 1). The *Collective Bargaining Convention* (CO154) of 1981 clarifies that negotiations can occur within the setting of conciliation and arbitration procedures as long as these procedures are voluntary. In its 2012 General Survey on the fundamental Conventions, paragraph 209, the ILO established that right to collective bargaining should also cover organizations representing self-employed workers.

The coding of the six rights variables tries to capture the degree of enforcement of the rights guaranteed under CO87 and C098, separately for the market and the government sector. Where they are fully granted and realised, without any of the infringements or restrictions mentioned before, they are coded '3', for 'yes'. At the opposite end, where these rights are fully absent, repressed or suspended, for example under military or authoritarian rule, they are coded '0', for 'no'. In between the codes '2' and '1' apply for 'minor' and 'major' restrictions. Based on the text of the conventions, restrictions can be of three types: (i) lack of protection against discrimination and interference by employers or governments, (ii) imposition of monopoly unionism and banning, dissolution or suppression of minority unions; and (iii) exclusion of particular categories of workers (beyond what is allowed under the conventions), directly or indirectly

through recognition or government authorisation procedures and thresholds that de facto exclude particular groups of workers.

Variables

RA_m: Right of Association, market sector

3 = yes

2 = yes, with minor restrictions (suppression of minority unions and/or limited exclusions for instance in the case of migrant, domestic, non-resident and agricultural workers.)

1 = yes, with major restrictions (lack of protection against rights violations and/or monopoly union with prior authorization and government interference, and/or major exclusions beyond the groups mentioned under code 2.)

0 = no

RA_g: Right of Association, government sector

3 = yes

2 = yes, with minor restrictions (suppression of minority unions and/or limited exclusions, for instance in the case of prison officials, judiciary, security guards, firefighters, etc.)

1 = yes, with major restrictions (lack of protection against rights violations and/or monopoly union with prior authorization and government interference, and/or major exclusions beyond the groups mentioned under code 2)

0 = no

RCB_m: Right of Collective bargaining, market sector

3 = yes

2 = yes, with minor restrictions (exclusion of minority unions through authorisation procedures or thresholds, and limited exclusions, for instance in the case of migrant, domestic, non-resident and agricultural workers).

1 = yes, with major restrictions (lack of protection against non-union contracts and/or compulsory arbitration and/or major exclusions beyond the groups mentioned under 2).

0 = no

RCB_g: Right of Collective bargaining, government sector

3 = yes

2 = yes, with minor restrictions (exclusion of minority unions through authorisation procedures and thresholds, and limited exclusions, for instance in the case of prison officials, judiciary, security guards, firefighters, etc.).

1 = yes, with major restrictions (lack of protection against non-union contracts, government can overrule consultation without judicial oversight and/or major exclusions from full bargaining rights beyond the groups mentioned under code 2).

0 = no

RS_m: Right to Strike, market sector

3 = yes

2 = yes, with minor restrictions (restrictive definition of strike rights and/or limited exclusion from rights, for instance in the case of migrant, domestic, non-resident and agricultural workers).

1 = yes, with major restrictions (restrictive definition of strike rights, and/or compulsory arbitration, and/or major exclusions beyond the groups mentioned under 2)

0 = no

RS_g: Right to Strike, government sector

3 = yes

2= yes, with minor restrictions (restrictive definition of strike rights and/or limited exclusion from rights, for instance in the case of prison officials, judiciary, security guards, firefighters, etc.)

1= yes, with major restrictions (restrictive definition of strike rights, and/or compulsory arbitration, and/or major exclusions beyond the groups mentioned under 2)

0 = no

The differentiation between the market and government sector in these variables considers the fact that in most countries special legislation governs labour relations and collective bargaining in the public sector. Collective bargaining is often more circumscribed in the public sector, with prohibitions or restrictions on the right to strike and, in fewer cases, the right to form and join unions. These restrictions go often far beyond those allowed under the aforementioned ILO conventions. They tend to be most pronounced in countries—in continental Europe but also in Latin America and Asia—which have followed a *Rechtsstaat* tradition of Napoleonic or Prussian origin (Kickert 2008). Within this tradition a distinctive model of employment regulation developed characterized by two essential elements (Bach et al 1999): public servants are denied the collective bargaining rights in favour of unilateral regulation of the terms of employment through administrative measures or compulsory arbitration; however, they enjoy a special employment *status* in terms of career advancement, employment security, pension treatment, and other individual employment rights. Originally limited to state officials whose task it was to fulfil functions on behalf of the authority of the state (external defence, internal order, administration of justice, administration of taxes), this regime often also applied to teachers and employees in state enterprises in railways and public transport, telecommunications and postal services, public utilities, and some banks. In contrast, within the *common law* tradition of British origin there is no fundamental division between public and private sector employment legislation, and the legal boundaries have never been clearly demarcated. However, even in the Anglo-Saxon tradition employment relations and wage bargaining in the public sector followed for decades a different pattern from that prevailing in the private sector (Beaumont 1992; Stieber 1989).

With the expansion of the welfare state and the increase of employees in education, health and social services, the distinction between private and public sector employment relations blurred. These newer services could also be organized through private sector providers, under employment contracts subject to ordinary labour law. As a consequence, various groups of public employees obtained collective bargaining and strike rights where such rights had previously been denied to them. A further wave of reforms of public sector employment relations, especially affecting public administration and central government functions, took place in the 1980s and 1990s with the advance of New Public Management. Together with the recognition of 'free' collective bargaining, the special status of civil servants and public employees was gradually eroded. The privatisation of several state enterprises further shifted the boundaries between the public and private sector. Confounding these trends, after 1989 many of the former communist countries

of Central and Eastern Europe introduced, as part of a state-building process, a special status for career civil servants where it did not previously exist.

A Eurofound survey conducted by Bordogna (2007) found that in more than half of all EU countries a distinction persists in the treatment of employees in the public and private sector, more specifically, within the public sector between employees with special employment status (career civil servants), usually subject to public or administrative law, and employees on ordinary employment contracts, subject to private or commercial law. There was a follow-up study of Eurofound in 2014, with separate reports for most EU member states. The right of association is almost universally permitted to both career civil servants and contractual employees, but several restrictions apply to civil servants regarding the right to collective bargaining and the strike. Similar restrictions are found in several non-EU countries, including Switzerland, Japan, Korea, Mexico, Chile, Argentina and Brazil (Stieber 1989; ILO IRlex and NATlex database, and CEARC reports, various years) (see Table 1).

Where public servants do not have the right to negotiate their wages and terms of employment, there are usually rounds of consultations involving the unions. The principal distinction is that consultation allows the government, or an agency acting on its behalf, to take a decision unilaterally if no agreement is reached. This fundamentally differs from collective bargaining, where negotiations continue, possibly interrupted or reinforced by industrial action, until both sides agree. The difference shows in critical circumstances. During the 2008 recession, under pressure of severe budget constraints, various governments utilized their unilateral regulatory powers to freeze or lower wages and change pensions and working conditions of civil servants (Glassner 2010).

For the variables that differentiate between the market and government sector, we need a demarcation. From an industrial relations point of view, the ideal criterion for classification is the nature of the employment relationship. Following this logic, workers in transport (railways for example) or utilities (power stations or water supply) can be part of the government or public sector, depending on whether a special regime similar to civil servants applies, whereas workers in public administration, education and health services may be employed under contracts similar to those in the market sector. For the coding of the rights variables the following rule has been adopted: If there are restrictions of rights for categories of employees in the ISIC sectors O (public administration and defence, compulsory social security), P (education), or Q (human health and social work), or where they target employees in 'essential services' (power and water supply, transport and communication), they are classified as restriction applying to the government sector. Restrictions applying to workers in all other sectors are allocated to the market sector.

Table 1. Special status and rights to organize, collective bargaining and strike in the central government

	Special status	% of central govt employment	Right of association	Right of coll. bargaining	Right to strike
I.					
AUT	Beamte	66-66%	Yes	No	No
BEL	Statutory civil servant	70-75%	Yes	Yes, uncertain status	Yes
BLG	Career civil servant	55%	Yes*	No	No
CYP	Public servant	55-65%	Yes	Yes	Yes
CZE		-	Yes*	Yes, limited scope	Yes*
DEU	Beamte	40-43%	Yes	No	No
DNK	Statutory civil servant	35%	Yes	Yes	Yes*
EST	Public servant	90-100%	Yes	No	No
GRC	Public servant	..	Yes*	Yes, limited scope	Yes*
ESP	Career civil servant	46-48%	Yes	Yes	Yes*
FIN	Career civil servant	83%	Yes	Yes	Yes
FRA	Fonctionnaire publique	100%	Yes*	No, uncertain status	Yes*
HUN	Career civil servant	n.a.	Yes*	No	Yes*

IRL	Career civil servant	n.a.	Yes	Yes*	Yes
ITA		-	Yes	Yes*	Yes
LTU	Career civil servant	90-100%	Yes	No	No
LUX	Career civil servant	67%	Yes	No	Yes*
LVA	Career civil servant	34–35%	Yes*	No	No
MLT	Career civil servant	...	Yes	Yes	Yes
NLD	Ambtenaar	..	Yes	Yes	Yes
NOR	Embetalemn	..	Yes	Yes	Yes*
POL	Civil service official	3%-4%	Yes	No	No
PRT	Public servant	74%	Yes	No	Yes
ROU	Career civil servant	..	Yes*	No	Yes*
SLN	Career civil servant	..	Yes	Yes	Yes
SVK	Career civil servant	68%	Yes	Yes*	Yes
GBR	..	-	Yes	Yes*	Yes
			II.		
ARG			Yes*	Yes*	Yes*
BRA			Yes	Yes	Yes
CAN			Yes	Yes	Yes
CHL			Yes*	No	No
CHN			No	No	No
COL			Yes*	Yes*	Yes*
CRI			Yes*	Yes*	Yes*
HRV		90%	Yes	Yes*	Yes*
IDN			Yes	Yes	No
IND			Yes	No	No
ISR			Yes	Yes	Yes
JAP			Yes*	No	No
KOR			Yes*	Yes*	No
MEX			Yes*	Yes*	Yes*
NZL			Yes	Yes	Yes
RUS			Yes	Yes	Yes*
TUR			Yes*	Yes*	Yes*
USA			Yes*	Yes*	Yes*
ZAF			Yes*	Yes*	Yes*

Source: Part 1: Bordogna 2007, situation in 2006. Part II: ILO: CEARC, IRlex and NATlex, situation in 2006
 * restrictions, in violation with C087 and Co98.

Data and sources

The Labour Regulation Index (LRI) of the Cambridge Centre for Business Research (Adam, Bishop and Deakin, 2016) has several indicators for collective labour rights and covers all countries in the data set, with annual data from 1970-2016, for some, mainly post-Communist countries, from 1990-2016.¹ Three indicators in particular are relevant: (25) “Right to unionisation”, (26) “Right to collective bargaining”, and (36) “Right to industrial action”. The coding of these three variables is identical and measures whether these rights are protected in the country’s constitution (or similar provisions in case of countries like the UK without a codified constitution). The coding equals 1 if a right “to form trade unions/enter into collective agreements/strike, go-slow or work-to rule” is expressly granted by the constitution. Equals 0.67 if trade unions/collective bargaining/strike rights are described in the constitution as a matter of public policy or public interest. Equals 0.33 if trade unions/collective bargaining/strikes rights are otherwise mentioned in the constitution or in the law. Equals 0 otherwise, with scope for further gradations between 0 and 1 to reflect changes in the strength of the law.

The strength of the LRI is that it registers change over time. The weakness is that the coding reflects the ‘law in the books’, not its enforcement and also none of the aforementioned exceptions or limitations. Constitutions can be beautiful but legal protection may be missing, as is the case, for example, in Colombia,

¹ <https://www.repository.cam.ac.uk/bitstream/handle/1810/256566/cbr-lri-117-countries-codebook-and-methodology.pdf;sequence=1>

China or the former USSR, which receive high scores on these indicators despite many restrictions. The opposite can also happen. Where rights are based on basic agreements between the social partners and are not codified in law, as is for example the case in Denmark for a large body of labour law, the LRI scores are very low despite a most vibrant scene of collective bargaining and industrial action. In short, the data from the LRI cannot be taken at face value but has to be combined with information from other, sometimes national sources. In the LRI, there are some additional indicators, which, at least for some countries, help to contextualise and refine the information from the three main constitutional rights indicators mentioned above. Most important for our purposes are the indicators 32 for “unofficial industrial action”, 37 for “waiting period prior to industrial action”, 39 for “compulsory conciliation or arbitration”, and 40 for “replacement of striking workers”.

The second main source is the **ILO Legal Database on Industrial Relations** (IRLex).² This database has been developed in recent years, with the latest entries for 2016, and currently covers about half of the countries in ICTWSS. IRlex contains information on the present (about 2016) regulatory framework of industrial relations and labour law in six thematic areas including the freedom of association, the right to collective bargaining, and the right to strike, as defined in the relevant ILO conventions. For each of these rights, IRlex registers which groups are legally excluded from coverage and thus addresses one of the key issues in coding our variables. IRlex does not address weaknesses in enforcement of the law—like LRI, it is about ‘law on the books’, though other sources of law such as precedential judicial decisions and collective agreements with statutory effect are also referred to where necessary. IRlex is based on the **ILO Database of National Labour, Social Security and Related Human Rights Legislation** (NATlex)³, which is the primary source for identifying national legislation and used for those countries not covered by IRlex. Additional data, with a historical dimension missing in IRlex, is obtained from the chronological country tables on legal change in Armingeon 1994. Further data on exclusion of rights in the public sector is obtained from Bordogna 2007, Bordogna and Pedersini 2013, Ebbinghaus and Visser 2010, Eurofound 2014, and Stieber 1989, as well as from national sources.

For the data on rights violations, employer or government interference, suppression of minority unions and imposition of monopoly unionism, the main sources are based on the supervisory system of the ILO, which has also been used as an additional source to track exclusions. Nearly all countries in the database have ratified ILO conventions 87 and 98 and are therefore subjected to the ILO’s supervisory system, though there are large differences in the year of ratification (see Table 2).⁴ The annual reports of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), charged with examining the application of these conventions, is the key source for this data.⁵ Additional information and data for countries that have not ratified these conventions is obtained from other ILO sources (e.g. the Country baselines under the ILO Declaration Annual Review and the reports of the Committee on Freedom of Association), the surveys of union rights violation of the International Trade Union Confederation (ITUC) and the U.S. Department of State’s Country Reports on Human Rights Practices. All these sources are used, covering recent years (2012-2017) with retrospective reports until 2000, in the database on rights violations of the Center for Global Workers’ Rights (CGWR) of Penn State University.⁶ The CGWR database uses no less than 108 evaluation criteria covering violations in law and violations in practice, and

² IRLEX <https://www.ilo.org/dyn/irlex/en/f?p=14100:1:0::NO>

³ https://www.ilo.org/dyn/natlex/natlex4.home?p_lang=en

⁴ Another relevant source of international law is the European Social Charter (<https://www.coe.int/en/web/european-social-charter>), which is a Council of Europe treaty that guarantees fundamental social and economic rights, including the right to organize (Art 5), the right to collective bargaining (Art 6.1) and the right to strike (Art 6.4). The ECR is ratified by all European countries in dataset except Switzerland. In Belgium and the Netherlands, ratification of the ECR (in 1979 and 81 respectively), has been cited by the courts as the basis for the right to strike granted to public sector employees (and previously denied). See: Armingeon 1994; Blanpain, ed., 1987.

⁵ https://www.ilo.org/wcms5/groups/public/-/ed_norm/-/relconf/documents/meetingdocument/wcms_736204.pdf

⁶ <http://labour-rights-indicators.la.psu.edu/>.

is divided in 5 categories of which 3 directly relate to our variables: (II) the right of workers to establish and join organisations; (IV) the right of collective bargaining; and (V) the right to strike. A full description of the methodology is found in Kucera and Sari 2019. The CGWR database covers violations or restrictions in rights in all three dimensions mentioned before: lack of protection; imposition of monopoly unionism; and exclusions. The entries in this database depend on actual complaints and registration of the various supervisory system and it is therefore possible that not all relevant violations are recorded. As is noted by one of its main architect, “there are clearly cases (...) when observed violations reflect a vibrant trade union movement and, conversely, where violations are not observed and indeed do not occur because the trade union movement is suppressed and under threat (Kucera 2007).

Table 2. Ratification of ILO Conventions 87 and 98 and scores in the CBR Labour Regulation Index, as of 2017.

	C87	C98	RA LRI25	RCB LRI26	CBduty LRI27	RS LRI36
ARG	1960	1956	1	1	1	1
AUS	1973	1973	0	0	0,67	0
AUT	1950	1951	0,67	0,67	0	0
BEL	1952	1953	0,33	1	0	0,67
BLG	1959	1959	1	0,33	1	1
BRA		1952	1	1	1	1
CAN	1972	2017	0,33	0,75	1	0
CHE	1975	1999	0,67	1	0	1
CHL	1999	1999	0,33	0,67	1	0
CHN			0,33	0	0,5	0
COL	1976	1976	1	1	0,25	1
CRI	1960	1960	1	0,75	0,5	1
CYP	1966	1966	1	0,33	1	1
CZE	1993	1993	1	0,33	1	0,67
DEU	1957	1956	1	0,9	0	0,9
DNK	1951	1955	1	0	0	0
ESP	1977	1977	1	1	0,67	1
EST	1994	1994	1	0,5	1	0,5
FIN	1950	1951	1	0	0	0,9
FRA	1951	1951	1	0	1	1
GBR	1949	1950	0,67	0	1	0
GRC	1962	1962	1	1	1	1
HRV	1991	1991	1	0,5	1	1
HUN	1957	1957	1	1	1	1
IDN	1998	1957	0,33	0	1	0
IND			0,33	0	0,25	0
IRL	1955	1955	1	0	0	0
ISL	1950	1952	1	1	1	0
ISR	1957	1957	0,33	0,5	1	0,5
ITA	1956	1958	1	1	0,33	1
JPN	1965	1953	1	1	1	1
KOR			1	1	1	1
LTU	1994	1994	1	0,9	1	1
LUX	1958	1958	1	0	1	0,33
LVA	1992	1992	1	1	1	1
MEX	1950	2018	1	0	1	1
MLT	1965	1965	1	0	0	0
NLD	1950	1993	1	0,67	0,5	1
NOR	1949	1955	0,67	0	1	0
NZL		2003	0,67	0	1	0
POL	1957	1957	1	1	1	1
PRT	1977	1964	1	1	1	1
ROU	1957	1958	1	1	1	1
RUS	1956	1956	1	0	1	1

SVK	1993	1993	1	1	1	1
SVN	1992	1992	1	0	1	1
SWE	1949	1950	1	0,33	1	1
TUR	1993	1952	1	1	1	1
USA			0	0	0,25	0
ZAF	1996	2012	1	1	0	1

Sources: ILO, ILR

Country notes

Argentina

LRI: Rights of association, collective bargaining and striking are protected in the constitutional amendment of 1958. Suspended and lack of protection during military rule between 1976 and 1983. Duty to bargain goes back to Act No. 14455 (1958) which makes failure to engage in collective bargaining an unfair labour practice, suspended between 1976 and 1983, reintroduced in Act No. 23546 (1988).

O' Connell 1999: More than one union may exist, but only the union with union status (*personería gremial*) can represent workers, call a strike, etc. This status is awarded by the state. The 1994 Constitution also grants the Executive the power to rescind collective agreements for economic emergency. The resolution of collective conflicts is also highly regulated, including mandatory conciliation prior to any direct action. By law, a system of voluntary and mandatory arbitration has been established, thought the Ministry of Labour can intervene at every juncture in the process. Collective bargaining by public employees was allowed and regulated in 1992. But government retains final decision power and on several occasions the government repealed freely negotiated clauses in collective agreements in public enterprises.

Sénen Gozález and Medwid 2018: statutory regulation instead of collective bargaining for agricultural and domestic workers

CGWR: Various years, complaints about imposed unity, exclusion of minority unions, prior authorisation is biased and registration procedures are slow. Denial of right to strike to unions without official status.

IRLEX: Armed forces, police, judiciary, prison officials, fireguards and senior public servants are excluded of A, CB and S rights.

- Senén González, C., and B. Medwid. 'Extension and collective agreements in Argentina', in: S. Hayter and J. Visser, eds. *Collective agreements: Extending labour protection*. Geneva: International Labour Organisation, pp. 175-193.
- O'Connell, L.D. 1999. 'Collective Bargaining Systems in Latin American Countries: Degrees of autonomy and decentralization. Argentina, Brazil, Chile, Mexico, Peru, and Uruguay', Washington DC: Inter-American Development Bank.

Australia

LRI: Although public policy has strong supported unionisation in Australia since the early 1900s, there is no constitutional guarantee of unionization, nor is there a constitutional right to collective bargaining or right to strike. Under the award system, although there was no duty to bargain as such, the compulsory element of the industrial arbitration jurisdiction in effect imposed one. This was removed by WRA 1996. Under the Work Choice Act of 2005, there is no protection against non-union contracts. FWA 2009 restores a version of a duty to bargain in good faith. Under the award system, all strikes had to be preceded by conciliation and before 1993 strikes were generally unlawful. 1993 legislation enacted a limited right to strike, granting immunity for strike action in connection with 'protected' industrial action within the confines of enterprise bargaining, which has continued in various forms since.

Lansbury and Niland 1995: Australian system (before 1996) is hybrid between collective bargaining and arbitration. The Industrial Relations Commission's decision of 1987 and the law change in 1988 introduced a two-tiered system, with true collective bargaining (wages related to productivity) at enterprise level. The Commission's vetting role was removed in another law change in 1992.

Isaac (1989): notes that the Australian Public Service Act of 1967, which applied to the federal public service, prohibited the participation in strikes, making it a ground for dismissal, but that this was rarely used and was never a serious deterrent to strike action. Many issues were however excluded from collective bargaining and regulated by legislation instead.

CGWR: Recent complaints against exclusion from organizing and bargaining rights refer to people on vocational training in the FWA 2009. Another complaint relates to the 2015 FWA amendment introducing compulsory arbitration for new agreements in greenfield sites. Strike rights are rather limited.

- Isaac, J. 'Co-operation and Conflict in Public Sector Labour Relations in Australia', in A. Gladstone, ed. *Current Issues in Labour Relations. An international perspective*. Berlin and New York: de Gruyter, pp.335-348.
- Lansbury, R., and J. Niland. 1995. 'Managed Decentralisation? Recent trends in Australian industrial relations and human resource policies', In: R. Locke, Th. Kochan, and M. Piore, eds. *Employment Relations in a Changing World Economy*. Cambridge Mass.: The MIT Press.

Austria

LRI: The right to freedom of association is long-standing and dates back to constitutional texts of 1867 and 1918. There is no reference to collective bargaining in the Constitution but support for collective bargaining is seen as implicit in the constitutional guarantee of freedom of association. No duty to bargain. Austrian law does not recognise an individual right to strike as deriving from constitutional protections for freedom of association.

Bordogna (2007): Almost all public employees, not only career civil servants, are excluded from the right to conclude collective agreements; their terms and conditions of employment are unilaterally determined by the responsible authorities, although informal negotiations (consultations) take place.

EF 2014: In the public sector, almost all employees are excluded from the right to conclude collective agreements and right to strike. Instead, employment conditions are fixed by law.

Belgium

LRI: The Constitution refers to a right of freedom of association and right to collective bargaining. The Collective Agreements Act 1969 does not impose any duty to bargain beyond a requirement to disclose information once bargaining has commenced. The right to strike is not specifically referred to in the Constitution but can be derived from the right to collective bargaining and is governed by case law. A Supreme Court judgment of 1981, noting Belgium's ratification of the ESC, established an individual right to strike which is not conditional upon union approval and extended the right to strike to the public sector.

Gevers 1989: Until 1986 the government made use of its prerogative to decide unilaterally, though from 1974 there were regular consultations with public sector unions. Following the Royal Decree of 1985 and the return to free collective bargaining in the market sector (in 1986), negotiations in the public sector result in a non-binding 'protocol', which has been interpreted as a political commitment by the government (without eroding the constitutional rights of parliament). The right of strike of public servants was limited until 1981.

Bordogna 2007: Although negotiations and consultations take place between government and trade unions over pay and other issues, the agreements (*protocols*) are not legally binding and the government can act unilaterally.

EF 2014: The government is not obliged to reach an agreement with the trade unions and can decide to impose her measures, subject to review by the Council of State. This model covers all employees in the central government, unchanged since the law of 1974.

IRlex: The police gained right to associate in 1999 but cannot strike.

- Gevers, P. 1989. 'Arbeidsverhoudingen in de overheidssector', in Belgische Vereniging voor Arbeidsverhoudingen, *50 jaar arbeidsverhoudingen*. Brugge: die Keure, pp. 337-360.

Brazil

LR: Although Federal Constitution of 1967 refers to freedom of association, right of collective bargaining and right to strike, each was largely restricted during the military regime in place until 1981. Following the restoration of civil rule, these rights were restored in the 1988 Constitution. Currently, the employer has an obligation to enter into collective bargaining if called to do so by an authorized union.

Cardoso 2018: The authoritarian regimes (Vargas' *Estado Novo* from 1937 to 1945 and the military regimes from 1964 to 1985, some relaxation after 1981) applied the restrictive laws fully, while democratic regimes have mostly ignored the most authoritarian elements in the laws dating back to 1943, especially those that prohibited strikes. In recent times, the role of the administrative authorities has become less interventionist. The Labour Justice's normative power is now residual; the Ministry of Labour retains a role as coordinator.

O' Connell 1999: Only one union may exist in a given occupational category and it has a monopoly on representation. The 1988 Constitution prohibits state intervention in the organization or administration of unions, emphasizes the role of collective bargaining in resolving questions of working conditions, adjustment of wages, etc., and provides for voluntary arbitration prior to the judicial process. Despite these reforms, the principle characteristics of the pre-Constitution labour relations systems remain in force: monopoly representation by a single union, agreements extended to all workers in a given ambit (affiliated or not), and mandatory contributions. Mandatory arbitration (the *dissídio*) predominates despite efforts to increase private conciliation. Much of the intervention formerly conducted by the state is maintained through courts.

CGW: ILO notes that the still existing 'single union system', known as '*unicidade*', according to which there can be only one trade union organization to represent an occupational or economic category in a given territorial area, is not compatible with the rights as defined in CO87. Other violations relate to restrictions of the right of organization of firefighters and civil servants, including those not employed in the administration of the state. Enshrined in the Constitution is a compulsory union tax (*imposto sindical*), which is levied on all workers. Law 13476/2017 ended this compulsory union levy.

- Cardoso, A. 2018. 'Collective bargaining and extension in Brazil', in: S. Hayter and J. Visser, eds. *Collective agreements: Extending labour protection*. Geneva: International Labour Organisation, pp. 159-174.
- O'Connell, L.D. 1999. 'Collective Bargaining Systems in Latin American Countries: Degrees of Autonomy and Decentralization. Argentina, Brazil, Chile, Mexico, Peru, and Uruguay', Washington DC: Inter-American Development Bank.

Bulgaria

LRI: Constitutional right to organize and strike, and derived rights of collective bargaining. Under the Act on the Settlement of Collective Labour Disputes (1990) a strike can be declared by a 'spontaneous coalition' but that group must have the support of at least 50% of the employees.

Dimitrova 1994: Association, collective bargaining and strike rights are guaranteed in the 1991 Constitution. collective bargaining became the basic mechanism for labour regulation with the 1993 Labour Code.

Bordogna 2007: No bargaining over pay in central government; wage levels and increases are established by government regulations.

CGWR: The Civil Servants Act withholds the right to collective bargaining and right to strike for public service workers, including those not engaged in the administration of the State. The prohibition of the right to strike will be lifted and limited to senior civil servants following a reform in 2019, but collective bargaining CB rights remain restricted and are not addressed in the 2019 law.

IRlex: No strike rights for police, armed forces, prison officials, judiciary and civil servants. They can join unions but cannot be involved in collective bargaining.

EF 2014: Despite enjoying the right to organise and form trade union organisations, civil servants do not have right to collective bargaining and right to effectively strike (just symbolic).

- Dimitrova D. 1994. 'Bulgaria', in: H. Moerel, ed. *Labour Relations in Transition*. Nijmegen: ITS, pp. 35-42

Canada

LRI: Constitutional texts, the Bill of Rights 1960 and the Charter of Rights and Freedoms 1982, contain references to the freedom of association. The Supreme Court ruled that freedom of association includes the right to form and join trade unions. In case law the right to collective bargaining and strike has been upheld in the public sector (health services in particular) since 2007. All (provincial) jurisdictions impose a duty to bargain in good faith to bargain with the certified bargaining representative. Under the Canadian Labour Code employees are not permitted to strike if they are not part of a bargaining unit

Thompson 1989: The federal Public Service Labour Relations Act of 1967 ended exclusion from collective bargaining for most public sector employees, but excluded public sector workers in managerial position from union membership, collective bargaining and striking. Independent contract workers, for instance in postal workers, have full rights. Some variation across provinces remains.

CGWR: In some (provincial) jurisdictions there are restrictions in CB and S rights for agricultural workers, domestic workers, and members of the medical, dental, architectural, legal and engineering professions.

- Thompson, M. 1989. 'From Compromise to Resistance. Public sector industrial relations in Canada', in A. Gladstone, ed. *Current Issues in Labour Relations. An international perspective*. Berlin and New York: de Gruyter, pp.307-318.

Chile

LRI: Prior to 1973 the norm of *fuera sindical* (dismissal protection for union representatives) provided strong protection to unions. In 1973 association, bargaining and strike rights were suppressed, the main trade union confederation was dissolved and unions were deprived of the right to hold meetings. Decrees in 1978 dissolved all major federations, declared activity on behalf of workers by unofficial groups as liable to criminal penalties, and restricted the legal existence of unions and right of collective bargaining to the enterprise level. The 1980 Constitution provides a right to free association without prior authorization and a limited right to collective bargaining at workplace level 'except as prohibited in legislation'. With effect from 1994, the LC establishes a duty to bargain at enterprise level. There is a limited protection of the right to strike, replacement of strikers is possible.

O'Connell 1999: The 1967 Labour Code granted agricultural workers the right to establish or join unions. In 1994 Chile's civil servants gained the right to establish unions, the right to strike remains restricted. The Constitution only protects firm-level bargaining.

CGWR: In contravention of Articles 5 and 6 of the Public Service Convention (which allows the exemption of the armed forces, the police and public servants engaged in the administration of the State) all civil

servants, employees of public enterprises and decentralized entities, public sector teachers and transport sector staff are excluded from collective bargaining. The Labour Code also prohibits collective bargaining in state enterprises working for the Ministry of Defence and in public or private companies or institutions that have had 50 per cent or more of their budget funded by the State during any of the last two years. The law does not provide for collective bargaining in companies whose employees are prohibited from striking, such as in health care, law enforcement, and public utilities. The 1994 reform abolished the exclusion from collective bargaining rights for temporary workers or contract workers in agriculture, construction, ports, or the arts and entertainment sector. Executives, such as managers and assistant managers, are prohibited from collective bargaining. The same applies to strike rights. Seasonal agricultural workers have no strike right, in violation with ILO principles. The government retains broad powers to monitor unions' financial accounts and financial transactions. While employees in the private sector have the right to strike, the law places some restrictions on this right. For example, an absolute majority of workers must approve strikes. The law also prohibits employees of many private sector companies, largely providers of services such as water and electricity, from striking, and it stipulates compulsory arbitration to resolve disputes in these companies. In addition, workers employed by companies or corporations whose stoppage would cause serious damage to the health, economy, or security of the country do not have the right to strike. In contrast to the previous labour code, employers may not dismiss or replace employees involved in a strike.

- O'Connell, L.D. 1999. 'Collective Bargaining Systems in Latin American Countries: Degrees of autonomy and decentralization. Argentina, Brazil, Chile, Mexico, Peru, and Uruguay', Washington DC: Inter-American Development Bank.

China

LRI: No constitutional right to unionization, collective bargaining or strike. The constitutions of 1975 and 1978 referred to the right to strike, but this reference was removed in the 1982 constitution. (During the Cultural Revolution (1966-1975) the unions ceased to function.

CGWR: Only one official trade union is allowed and unions are subject to government's interference, which is a denial of the principles and rights as defined in Conventions 87 and 98.

IRlex: public sector workers and armed forces generally excluded from association, collective bargaining and strike rights. From 2004 on the government promotes collective bargaining (but heavily controlled by managers).

Colombia

LRI: The right to organize, collective bargaining and strike has been recognised in successive constitutions. The 1965 Decree established a duty to negotiate; from 1990, there is no duty to conclude a collective agreement where union membership is below 30%. Instead, the employer may conclude a 'collective pact' with non-unionised workers.

CGWR: There is no protection of rights and widespread violence against trade union members and leaders. Contractual arrangements, so-called *pactos coletivos*, with non-union members, are used to prevent workers setting up trade unions and undermine collective bargaining. Members of associated workers' cooperatives and contract workers are not allowed to form unions. Public-sector employees, with the exception of the armed forces and the police, legally have the right to bargain collectively, though its effectiveness is limited by restriction of the right to organise and strike. Restrictions, and absence of effective protection of strike rights also apply in the oil sector.

USSD: Violence, threats, harassment, and other practices against trade unionists continued to affect the exercise of the right to freedom of association and collective bargaining. 130 unionists were murdered in 2011-15, compared to 275 in 2006-10.

Costa Rica

LRI: Association, collective bargaining and strike rights are recognized in the 1949 Constitution, amended in 2011. The 1943 Labour Code establishes a quorum for lawful strikes, usually 60%, though this was rejected by the Constitutional Court in 2011. The amended 2011 Constitution confirmed the right to strike except in public services.

CGWR: The effective exercise of trade union rights is fraught with obstacles. In the private sector, unions are practically non-existent, owing to a wanton combination of anti-union strategies, government indifference and the promotion of *solidarismo* associations (employer-backed associations that act as a barrier to the formation of trade unions within enterprises), compounded by persistent anti-unionism in the media. The Ministry of Labour and Social Security (MTSS) has no mechanism to promote the right to freedom of association. On the contrary, the MTSS promotes an “alternative” to trade unions, limiting the authority and autonomy of workers and undermining internationally recognised trade union instruments such as the right to strike and collective bargaining. Workers in EPZs are excluded from all three rights. In a 2011 ruling the Supreme Court of Justice gave priority to collective agreements, which are recognized under the Constitution, over direct agreements with non-unionized workers. But despite some government efforts little has changed. CEARC notes with concern that the number of collective agreements in the private sector is still very low and the number of direct agreements with non-unionized workers very high. The ILO recalls that direct bargaining between the enterprise and unorganized groups of workers, in avoidance of workers’ organizations, where they exist, is not in accordance with the promotion of collective bargaining, as set out in Art 4 of C098. “To the extent that solidarity associations and permanent committees displaced trade unions, they affected the independence of workers’ organizations from employers’ influence and infringed on the right to organize and bargain collectively”. The list of essential services, excluded from the right to despite objections from the Court of Justice and the ILO. 2017 amendment also exempts workers in oil refineries from the right to strike.

Croatia

LRI: Constitution guarantees the right of association, collective bargaining and striking. A duty to bargain in good faith was introduced in 1995 Labour Code and maintained in the amendment of 2009.

Bagić 2019: Before the adoption of the 1995 LC, collective bargaining commenced with the first framework central agreement in 1991 covering the entire economy (with the majority of firms state-owned, before privatisation), which defined procedures and rights, followed in 1992 with two central agreement, one for the private and one for the public sector. The conclusion of these agreements, with a coverage over 90 percent, regulated the basic rights of almost all workers

CGWR: Minors, trainees and the self-employed, members of the armed forces and civilians in the military are excluded from the right to organise and strike. A part of the public service is excluded from collective bargaining.

EF 2014: There is a Collective Agreement for Civil Servants and Civil Service Employees, covering around 63-65 thousands employees in the public sector. Around 90 percent of employees in the sector are civil servants.

- Bagić, D. 2019. Croatia: Stability amidst heterogeneous collective bargaining patterns, in: T. Müller, K. Vandaele, and J. Waddington, eds. *Collective Bargaining in Europe: Towards an endgame*. 3 vols., Brussels: ETUI, vol. 1, pp. 93-108

Cyprus

LRI: Constitutional right to form and join a trade union. The Constitution refers to the possibility of legislation providing for collective agreements but does not confer a right to collective bargaining. The 2012 Labour

Code puts the employer under a legal duty to bargain once an order to this effect has been issued by the court. The right to strike is recognized in the Constitution.

NATlex: The rights of unions, right of collective bargaining, and dispute settlement procedures are defined in the Industrial Relations Code of 1977, agreed between the government and the main social partners. No significant exclusions.

Czechoslovakia/Czech Republic

LRI: There is a constitutional right to form or join trade unions (Charter of Fundamental Rights and Freedoms, 1993). The right of collective bargaining is inferred and based on the 1991 Law on Collective Bargaining there is an obligation on either party to respond to a written request for collective bargaining by the other, putting a duty to negotiate on either side. A constitutional right to strike is recognised in the 1993 Charter. Strikes are unlawful unless called by a trade union and have the support of half the workers covered by the relevant collective agreement.

Bordogna 2007: Existing legislation provides very limited scope for collective bargaining over pay in the central state administration.

EF 2014: Collective bargaining in the public sector (including central state administration) takes place only at company level, with the scale of bargaining considerably restricted, compared to the private sector. Based on the 2002 Amendment only those entitlements specified by the law may regulated through collective bargaining.

CGWR: The 2013 amendment to the 1991 excludes workers in micro-companies from the right to join unions. This amendment requires that at least three members are in employment relation with the employer; in small undertakings with one or two employees there will no longer be trade union protection. Strikes can be restricted or prohibited in essential service sectors, including hospitals, electricity and water supply services, air traffic control, nuclear energy, and the oil and natural gas sector. Members of the armed forces, prosecutors, and judges may not form or join trade unions or strike. The scope for collective bargaining is limited for civil servants, whose wages are regulated by law.

Denmark

LRI: The Constitution protects the right of association. There is no constitutional protection for collective bargaining and strike rights, and there is no duty to bargain.

Ebbinghaus and Visser 2000: Basic rights and procedures for union representation, collective bargaining and striking regulated in the basic agreement ('September Compromise') of 1899, expanded to include white collar employees (in private and public sector) in 1938.

Bordogna 2007: Pay in the central government sector is regulated only by collective bargaining; career civil servants and contractual staff have two separate collective agreements.

CGWR: Non-resident foreign workers on Danish ships do not have the right to strike or to participate in the country's collective bargaining agreements.

Estonia

LRI: The right to form and associate in trade unions was recognised in the USSR Constitution and is recognized in the Constitution of Estonia. The USSR Constitution did not recognise the right to collective bargaining. The Estonian constitution recognises the right of unions to use any means not prohibited by law to protect their rights and interests. Art. 7 of the Collective Agreements Act 1993 states that negotiations for the conclusion of a collective agreement must commence if one party prepares a draft agreement and submits it in writing to the other. There is no constitutional right to strike but the Constitution

permits unions to use lawful means to pursue their interests. Under the Collective Labour Dispute Resolution Act of 1993, strike notice and a ballot are generally required.

Bordogna 2007: collective bargaining is restricted or excluded for civil servants, but it is also very limited or totally absent for central government contractual employees because of the great weakness or absence of trade unions in the sector.

CGWR: The 1993 Act excludes “indispensable services and production” in “enterprises and institutions which satisfy the primary needs of the population and economy” from the right to strike, but the government has failed to produce a list of excluded workers.

EF 2014: In 2009 the new Employment Contracts Act and in 2013, the new Civil Service Act came into effect, which stipulated that only employees who have the authority to exercise public power would remain to be public servants. Before the new Civil Service Act was enacted, all employees working in government agencies and other state bodies and local government or the defence forces, other national defence organisations, courts and firefighting and rescue services were prohibited to strike according to the Collective Labour Dispute Act regardless of whether they worked under the Employment Contracts Act or Civil Service Act. Since April 2013, those who work under Employment Contracts Act were given the right to strike.

Finland

LRI: RA, RCB and RS are protected in the constitution, going back to 1919. There is no duty to bargain.

Ebbinghaus and Visser 2000: Civil servants obtain bargaining and strike rights in 1970.

Bordogna 2007: A few special categories of staff in the state sector are outside the collective bargaining system, like directors, permanent secretaries and others, amounting to about 5,000 people out of a total of 124,000 central government employees.

France

LRI: The Preamble to the 1946 Constitution refers explicitly to the right of every person to take part in trade union activities and join the union of his or her choice. The constitution does not guarantee collective bargaining rights. A duty to bargain was introduced in 1982. There is no requirement of union authorisation for industrial action, although unofficial strikes may be subject to controls in the public sector. The Constitution of 1946 protects the individual right to strike.

Bordogna 2007: Perhaps the clearest example of the uncertain legal status of the right of collective bargaining (called *colloques préliminaires* or *négociations préalables*) for government and public sector employees, at least over pay issues, is that of France. Since the 1983 Law on the Rights and Obligations of Civil Servants, trade unions are recognised as capable (*ont la qualité*) of conducting preliminary negotiations with the government over pay increases, but these negotiations are not compulsory (they can be held or not). If negotiations do take place, they may but need no lead to an agreement. The government may use this (possible) agreement when determining wage increases, but is also free to disregard it. Since the law was passed, all scenarios have in fact occurred: in some cases negotiations were not held, in others they did not lead to agreement, in others still the agreement was disregarded, while only in a few cases it was translated into wage determinations.

Bologna and Pedersini 2013: The ultimate decisional power of the government has not been removed even after the important reform for the renewal of social dialogue in the public in 2010. Given these characteristics, France is certainly closer to the model of unilateral determination than to a model where the right to collective bargaining is fully established, although forms of joint regulation are not excluded.

IRIe: senior civil servants (titulaires) are excluded from the right to strike and from collective bargaining. Armed forces are excluded from all three rights; the police cannot strike.

Germany

LR: The German Basic Law protects the right to associate to every individual in every occupation or profession. Case law and constitutional rules consistently ruled that this includes all basic activities of unions, including the right to collective bargaining and right to strike. There is no duty to bargain in German labour law. Civil servants are excluded from collective bargaining and strike rights.

Bordogna 2007: *Beamte* (career civil servants), which amount to more than 40% of total central government employees, do not have the right of collective bargaining nor the right to strike.

CGWR: While the working conditions of public employees (*Angestellte*) can be established via collective bargaining, civil servants are denied the right to bargain collectively. They are free to join unions. All civil servants (including some teachers, postal workers, railroad employees, and police) and members of the armed forces are prohibited from striking. Germany violates Art 4 and 6 of the Public Services Convention by excluding public servants not engaged in the administration of the State (including teachers) from collective bargaining and strike rights, in spite of recurrent ILO requests, supported by European Convention on Human Rights, to change the law. This matter is subject to various cases brought before Germany's Federal Administrative Court and Federal Constitutional Court. Churches and associations whose purpose is to foster a philosophical creed have autonomy under Article 137 of the Weimar Constitution, which still applies. Their employees' right to collective bargaining is contentious.

Greece

LRI: The right of association, collective bargaining and striking is guaranteed by the 1975 Constitution, which came in force after the end of the military regime 1967-73. The 1955 Act on Collective Bargaining provided for settlement of collective labour disputes by direct negotiations leading to a collective agreement, or by compulsory arbitration. The 1990 Act provides for a right to bargain.

Kritsantonis 1992: During the years of 'managed democracy' (1949-67), trade unions operated under state control, minority unions were repressed or dissolved, and collective bargaining and strike rights were restricted. The military coup of 1967 and authoritarian-repressive regime (1967-74) suspended or violated civil and human rights (martial law in 1967 and 1968), and tightened state control over unions and collective bargaining. The return to democracy in 1974 gradually restored most freedoms and rights. The 1955 Act prescribed a collective bargaining system under state control with compulsory arbitration, this was revised slightly after 1974 without replacing the legal framework until a new law was passed in 1990, which ended compulsory arbitration. From 1982 civil servants could join their own unions and choose their own leadership, previously prescribed to them. Pay adjustments are unilaterally decided by the government (until 1990 automatically based on the cost-of-living index).

Bordogna 2007: In Greece collective bargaining is allowed, but pay for public servants under public law is determined annually by law.

EF 2014: The revised Constitution of 2001 abolished Article 12, which had allowed the legal imposition of restrictions on public servants' right of association. Wages in the public sector are set not by collective bargaining but by legislative regulation. The new method of setting public servants' wages is based on Law 3205/2003. This includes staff in state-law entities and local government, the armed forces, police, fire brigade and coast guard. On this basis, it was possible for the government to freeze or lower pay rates and pensions, starting in 2009 until 2015. Some form of collective bargaining in the public sector will be reintroduced in 2016 (?).

CGWR: complaints that the use of enterprise-level collective agreements by non-union "associations of persons" (law amendment in 2011) undermines free collective bargaining as defined in C098. These agreements can derogate from national agreements and is seen by the unions as "having a severely detrimental impact upon the foundation of collective bargaining".

- Kritsantonis, N.D. 1992. 'Greece: From state authoritarianism to modernisation' , in: A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*, Oxford: Blackwell, pp. 601-628.

Hungary

LRI: Constitutional protection for the right of association, going back to 1949. There was no provision in the 1949 Constitution for collective bargaining until 1992. The 1992 Labour Code stipulates that neither party should reject a proposal for negotiations a collective agreement. The 1949 Constitution provided that the right to strike may be exercised within the framework of the law regulating this right, which became permissive only after 1989.

Bordogna 2007: In Hungary the strict letter of the law rules out collective bargaining in the public administration, although there are several consultations between government and the unions, at central (including on pay increases) and local levels, which can lead to agreement. These depend, however, on the political disposition of the government in office

EF 201: In central administration, there is no collective bargaining and there are no institution for participation; in addition to rules set out in legislation, the right to strike may be exercised in a rather limited manner pursuant to an agreement reached in 1994. Instead of collective agreements, there are consultation fora with the possibility to conclude agreements. The government tends to use these for information purposes mostly, especially since 2010. Similarly to the private sector, the operation of trade unions has been hampered in recent times, lowering support and dismissal protection for union officers, limiting access to workplaces and time-off for union duties. The trade union's right to raise objections was abolished in respect of all legal relationships. These restrictions were formalised with the new Labour Code of 2012.

CGWR: Complaints about repression of freedom of expression and administrative rules hampering union authorization in both the market and government sector. Judges, prosecutors, firefighters and several categories of civil servants, including employees in ministries, public administration offices and offices of local municipalities, do not enjoy collective bargaining rights, and following a more expansive definition of essential services, strike rights of transport and postal workers are restricted.

IRlex: No strike rights for military and tax office staff. No collective bargaining rights for police, judiciary, military, prison staff and senior civil servants

Iceland

LRI: 1944 Constitution recognized the right of association, collective bargaining and striking. There is no express duty to bargain but Collective Bargaining Act of 1938 stipulates that when a collective agreement is up for renewal, employers and trade unions must draw up a schedule of negotiations, to be submitted to the State Conciliation and Mediation Officer. Collective bargaining rights were fully extended to the public sector by law in 1986 (Act No.94).

India

LRI: he Constitution refers to the right to form associations or 'unions'; this does not extend to a right to collective bargaining. The Industrial Dispute Act of 1947 leaves this to state laws; however, from 1984, the courts have characterized the refusal to bargain in good faith as an unfair labour practice under the IDA, in principle punishable through fine or imprisonment, but hardly ever adjudicated in practice. Industrial action is not unlawful simply because it is unauthorised by the union concerned, although this is effectively the case in the public utilities. The Constitution does not guarantee the right to strike. (Rights suspended during state of emergency 1975-76)

CGWR: According to the Indian government, workers in India enjoy the rights and protection envisaged under C087 and C098. However, public servants are treated as a separate category and while being excluded from association, collective bargaining and strike rights, they have an exceptional high degree of job security flowing from article 311 of the Constitution. Indian courts have upheld the constitutionality and reasonableness of the restrictions imposed on the freedom of association for government officials. Regarding the market sector, there is a complaint that state officials too often refer conflicts to compulsory arbitration.

Indonesia

LRI: Under Art 28 of the Constitution, the extent of freedom of association is 'to be determined by law'. There is no right to collective bargaining in the Constitution. The 2003 Act refers to an obligation to agree a collective agreement; if no agreement is reached, one or both parties may take the matter to the institutions for resolution of industrial relations disputes. There was a similar mandatory approach under previous laws. There is no constitutional right to strike. Strike rights are regulated in the Labour Disputes Act of 1957.

Ford 2009: During the Suharto rule (1966-1998), unions were under state control, with the repression or dissolution of minority unions, and far-reaching limits on collective bargaining and strike rights. Some relaxation after 1972, with some state-controlled collective bargaining.

CGWR: Workers in the private sector have broad rights of association, and formed and joined unions of their choice without previous authorization or excessive requirements. The law, however, places restrictions on organizing among public-sector workers. Although the law recognizes civil servants' freedom of association and right to organize, they may only form employee associations with limitations on certain rights, such as the right to strike. Employees of state-owned enterprises (SOEs) are permitted to form unions, but their right to strike is limited in practice by the fact that most SOEs are treated as essential services. The ILO recommended lifting these restrictions in 2000. All strikes at "enterprises that cater to the interests of the general public or at enterprises whose activities would endanger the safety of human life if discontinued" are deemed illegal. Regulations do not specify the types of enterprises affected, leaving this to the government's discretion. The same regulation also classifies strikes as illegal if they are "not as a result of failed negotiations." Unions alleged that in recent years, the government expanded the number of sites deemed to be of national interest and used this designation to justify the use of security forces to impose restrictions on strike activity.

IRlex: Military excluded from all rights. Civil servants excluded from right to strike.

- Ford, M. 2009 'Trade Unionism in Independent Indonesia', in C. Phelan, ed., *Trade Unionism since 1945. Towards a global history*, Vol. 2, Oxford: Peter Lang.

Ireland

LRI: Right of association is recognized in the 1937 Constitution, no reference to collective bargaining and no duty to bargain. The 2001 Industrial Relations (Amendment) Act gives the Labour Court the power to issue a legally binding ruling on pay and conditions of employment when an employer refuses to recognise a trade union but does not require the employer to recognize a trade union or unions or to negotiate with them. The Constitution does not protect the right to strike. Under the 1906 Trade Dispute Act, there were no procedural requirements and consequently individuals were protected by the immunities in the event of unofficial but lawful industrial action. The 1990 Industrial Disputes Act introduced procedural requirements for lawful strikes. However, certain immunities are still available to individual union in case of invalid strikes.

Cox and Hughes 1987: part of public service fall under the (voluntary) conciliation and arbitration system—about half of all public employees in 1986. Only senior civil servants, police and managing health staff are under pay review boards and excluded from collective bargaining.

Bordogna 2007: very small number of senior civil servants are outside the collective bargaining system, similar to the UK

IRlex: The police is excluded from the right to strike.

- Cox, B., and J. Hughes. 1987. Industrial Relations in the Public Sector, in: B. Hillary, ed., *Industrial Relations in Ireland*. Dublin: UCD Dept. of Industrial Relations, pp. 79-93.

Israel

LRI: Israel has no written constitution. Israel's Basic Law on Human Freedom and Dignity (1992) has been interpreted to provide a right of freedom of association and has been used as the 'constitutional' basis for striking down other rules. This applies also to collective bargaining rights. The 1970 Contract Law imposes an obligation to negotiate in good faith, upheld in case law. The right to strike is also a matter of case law and guaranteed under the Basic Law. Labour Courts generally refrain from interfering in strike action.

Ben-Israel 1989: Labour relations in the public sector are regulated through collective bargaining. Some matters are regulated through legislation, in particular hiring, retirement and disciplinary decisions, but otherwise no subjects are excluded. There is no ban on strikes in the public sector, though some restrictions apply.

CGWR: Workers essential to state security, such as members of the military, police, prison service, Mossad, and the ISA, are not permitted to strike.

- Ben-Israel, R. 1989. 'Co-operation and Conflict in Public Sector Labour Relations in Israel', in A. Gladstone, ed. *Current Issues in Labour Relations. An international perspective*. Berlin and New York: de Gruyter, pp.349-360.

Italy

LRI: The 1948 Constitution guarantees association, collective bargaining and strike rights, but the union right to negotiate *erga omnes* binding collective agreements has never been implemented in law. According to the majority view in case law, there is no general duty to bargain. In some cases, however, failure to bargain may amount to an unfair anti-union practice under the 1970 Workers' Statute. Strike action is constitutionally guaranteed as an individual right and not unlawful merely by virtue of being unofficial.

Bordogna 2007: In Italy, the armed forces and police (about 460,000 individuals) are formally excluded from collective bargaining, but these employees have forms of negotiations to determine at least part of their terms and conditions of employment, albeit using separate procedures from those of other central government and public sector employees. Judges, diplomats and prefects (about 12,000 persons in total) are excluded entirely from collective bargaining.

EF 2014: The large majority of civilian public employees, managerial staff included, have been 'privatized' in 1993 and enjoy collective bargaining rights (top-level state managers only since the so-called 'second privatization' in 1997-98). State police and prison personnel have specific union representation rights and forms of collective negotiations. The national corps of fire-fighters (about 33 thousand units in 2011), privatized and contractualised in 1993, has been brought back under a public law regime in 2004, aligned with that of the state police corps. Members of the armed forces have no union representation rights.

Japan

LRI: Association, collective bargaining and strike rights are protected in the Constitution. Under the 1946 Labour Union Act the refusal to bargain without good reason is an unfair labour practice. The duty extends

to managerial issues affecting employment conditions. Unofficial industrial action is not protected by the Constitution and may be a ground for dismissal.

Hanami 1989: Shortly after 1947, in response to general strike wave and Communist treat, under the auspices of the Occupation Forces, the government imposed restrictive labour laws for the public sector.

CGWR: There are limitations particularly for civil service employees and employees of state-run companies and private companies that are considered to have "higher social responsibility", and those that provide essential services. Employees in firefighting services, penal institutions and the Maritime Safety Agency are not allowed to organise and do not possess the right to conclude a collective bargaining agreement. The law places limitations on the right of public sector workers and employees of state-owned enterprises to form and join unions of their choice. Public sector employees do not have the right to strike; trade union leaders who incite a strike in the public sector may be dismissed and fined or imprisoned. Their wages are set by law and/or regulations issued by the National Personnel Authority. Workers in sectors providing essential services, including electric power generation and transmission, transportation and railways, telecommunications, medical care and public health, and the postal service do not have the right to collective bargaining and strike rights are restricted. The share of civil servants excluded from bargaining rights decreased from 870,000 in 2003 to 299,000 in 2019.

IRlex: Military, police, judiciary, prison officials are excluded from organisation, collective bargaining and strike rights. Collective bargaining and strike rights restricted for public servants and in essential services.

- Hanami, T. 1989. 'Cooperation and Conflict in Public Sector Industrial Relations in Japan', in A. Gladstone, ed. *Current Issues in Labour Relations. An international perspective*. Berlin and New York: de Gruyter, pp.361-366.

Korea

LRI: Association, collective bargaining and strike rights are protected in the 1948 Constitution. Between 1971 and 1981 the legal status of the constitution was downgraded, by virtue of the National Security Act 1971. The 1997 Trade Union and Labour Relations Adjustment Act (TULRAA) created a duty to bargain in good faith and unions or employers shall not refuse or delay negotiations without just causes. Refusal to bargain without justifiable reasons is an unfair labour practice. Industrial action may be conducted only if a majority of union members have voted by 'direct, secret and unsigned ballot in favour of the action' and it is only legal if organised and led by a trade union.

OECD 2000: Up to 1997, trade union legislation specified that only one union was permitted at company, industry and national levels. Rival unions were prohibited. TULRAA allowed multiple unions at industry level, at company level this will be allowed from 2002 onwards. TULRAA excepts public servants and teachers from the right to freely establish or choice a union. The Public Services Act has prohibited public officials from joining trade union organisations. This provision refers to all levels and categories of government personnel, with the exception of manual workers employed mainly in telecommunication and the national railroads. Workplace associations, involved in consultations and grievance handling, will be permitted from 1999. These associations can only be joined by lower-grade public servants and exclude more than one-third of public servants. Teachers has been granted trade union organising rights before 1999, the right to negotiate collective will be granted from 1999. "While many OECD countries do not conform fully to the requirements of these conventions (C087 and C098), Korea remains unique in that it a) does not recognise the right of public officials to establish and join trade unions, and b) even restricts membership in consultative workplace associations to support staff alone." TULRAA and special public service legislation prohibit strikes by workers in central and local government and those engaged in the production of military goods.

CGWR: Current laws restrict the scope of public officials' right to organise such as general public officials of Grade 5 or above and fire fighters. This remains a barrier for the ratification of the C087 and C098.

Teachers are being threatened with the cancellation of registration of their trade unions and public officials have been refused trade union registration for the last four years. Workers in the public sector have been dismissed in retaliation for involvement in trade union activities. Collective bargaining agreements are being ignored or unilaterally terminated in public institutions. In the market sector, precarious employment is widespread and many precarious workers are employed by employment agencies and therefore considered as self-employed. Regulations forbid them to form unions and to bargain collectively. Trade unions attempting to organize these self-employed workers risk having their trade union registration withdrawn. Unemployed, dismissed and contract workers are disallowed from union organization. A 2015 Supreme Court decision affirmed the right of all migrant workers, including undocumented workers, to form or join a union, but this has not yet been enforced. Essential services, with restricted rights to strike, are defined broadly and include services such as railroads, air transport, communications, water supply and other utilities, and hospitals. Individuals designated as essential by management may not strike.

IRlex: Military, police, prison officials and higher-level public servants excluded from A, CB and S rights.

- OECD 2000. *Pushing Ahead with Reform in Korea*. Paris: Organisation for Economic Co-operation and Development.

Latvia

LRI: The right to form and join associations is guaranteed in the 1998 Constitution, and requires the state to protect trade union freedom. Prior to that, the Trade Union Law of 1990 referred to a right to form trade unions 'in accordance with the Declaration on the Restoration of Independence of the Republic of Latvia'. The 1991 Law on Collective Agreements, amended in 2002, established the right of collective bargaining and the right to strike.

Bordogna 2007: Civil servants are excluded from collective bargaining.

CGWR: The amended Trade Union Act of 2014 stipulates that a trade union cannot have less than 15 members, or less than 25 per cent of the total number of employees in the company (which cannot be less than 5), thus practically denying workers in small firms with less than 5 employees the right to unionise. Collective bargaining in the public administration is allowed, but a formal procedure with no real substance, since all employment conditions are fixed by law. Members of the military, the State Security Services and border guards may not form or join unions. The law prohibits strikes in sectors related to public safety and by personnel classified as essential, including judges, prosecutors, police, firefighters, border guards, employees of state security institutions, prison guards, and military personnel.

Lithuania

LRI: The right of association and right to strike are guaranteed in the Constitution of 1997 and regulated in 1991 Law on Trade Unions. There is no specific constitutional right to collective bargaining, but a Supreme Court rule of 1999 establishes that there is indirect support in the Constitution for this right. The 1992 Law on Collective Disputes and later law require secret ballot with a two thirds majority for legal strikes.

Bordogna 2007: Civil servants are excluded from collective bargaining.

NATlex: The Labour Code of 2002 expanded collective bargaining and strike rights, but still limited for many civil servants.

CGWR: Civil servants in the Ministry of Internal Affairs are not allowed to strike, nor is this right granted to civil servants holding head of department positions in an institution or an agency, or other senior positions. Replacement of strikers is permitted in some cases

EF 2014: Though several trade unions are operating in public administration sector, collective bargaining and real social dialogue does not take place.

Luxembourg

LRI: Right of association guaranteed in the Constitution; no constitutional right to collective bargaining or right to strike. A 1952 court ruling established that a limited right to strike can be implied from the right to freedom of association in the Constitution. The 1965 Collective Labour Agreements Act, amended in 2013, establishes that, if the employer refuses to bargain, conciliation proceedings follow. Under case law, industrial action undertaken without prior conciliation is unlawful.

Bordogna 2007: civil servants are excluded from right to collective bargaining

Malta

LRI: The Constitution, as amended in 1974, grants freedom of association, but no collective bargaining or strike rights. The legal recognition of unions for the purposes of collective bargaining is unregulated. However, it is common practice for an employer to recognise a union representing 50% of workers in a given workplace or enterprise, but there is no statutory duty to bargain. Immunity from liability in tort is contingent upon the union's authorisation and the union's own immunity. Codified in various Acts since 1945 and unchanged.

Bordogna 2007: Limitations on the right of collective bargaining exist for the police force, the army and a few other categories, which are also excluded from the right of association and the right to strike.

Mexico

LRI: The Constitution formally protects the right to unionise and refers to a right to strike for the purpose of 'harmonising labour rights with those of capital'. There is no constitutional protection for collective bargaining, but a duty to bargain if unionised employees request it. A lawful strike must be called by the relevant trade union.

O' Connell 1999: Mexico's corporatist structure is preserved by the state's denial of the registration of opposition unions, which prevents their participating in collective bargaining or organising lawful strikes. This is fortified by the use of separation and exclusion clauses, which allow that only members of the signatory union are hired and workers who disaffiliate must be fired. Collective autonomy is circumvented by the practice of 'contracts of protection' in which employers sign agreements that provide minimum benefits to satisfy the 'duty to bargain' and avoid entering into substantive negotiations. The state intervenes in collective bargaining and conflict resolution through the tri-partite conciliation and arbitration boards, which are subordinate to and politically dependent upon the government.

CGWR: To obtain legal status unions must be listed in the Register of Associations. The authorities may decline to "take note" of a request. Although it is possible to appeal against a refusal of registration, there is no legal recourse. An unregistered union cannot call a strike or participate in collective bargaining. Legislation restricts the right to strike of certain state employees (including workers in the banking sector and those in many decentralized public bodies). Members of the military and law enforcement personnel may join a registered trade union, but the law prohibits strikes by this category of workers. Compulsory arbitration continues to limit collective bargaining rights. The ILO recalls that for many years it has been commenting on the following provisions: the prohibition of the coexistence of two or more unions; the prohibition on trade unionists from leaving the union of which they have become members; the prohibition on rural workers and public servants from joining trade union organizations; and the denial of free elections in the unions.

Netherlands

LRI: Freedom of association rights are guaranteed in the Constitution, going back to 1848, and have been interpreted as giving rise to a right to collective bargaining, regulated by the 1927 Act on Collective

Agreements. There is no legal obligation on the employer to conclude a collective agreement but the principle of good faith has been used to encourage employers to enter into negotiations with representative trade unions. The right to strike is not protected in the Constitution but the ratification of the European Social Charter has been interpreted by the courts as establishing a right to strike since 1980 and has ended the strike ban for public servants (existing since 1903). Strike regulation is a matter of case law developed by the courts and unofficial strikes are not unlawful as such.

Ebbinghaus and Visser 2000: Collective bargaining rights in the public sector are gradually introduced between 1984 and 1992, in eight bargaining sectors. Until 1984 public sector wages were indexed to private sector collective bargaining. In 1984 consultation with public sector unions were intensified, leading to 'free' negotiations from 1992.

Bordogna 2007: Negotiations in the public sector do not lead, legally, to collective agreements, since the law on collective agreements does not apply to the government sector. However, since 1984 and more particularly 1993, the employer cannot unilaterally change the terms of employment of civil servants, but has to reach an agreement.

CGWR: Conflict over the right to collective bargaining of self-employed workers, recognised in the law of 1927 but denied by the Netherlands Authority for Consumers and Markets (ACM), citing EU competition law. The European Court of the Justice and the Court of Appeal of The Hague have ruled in 2015 that competition law does not preclude a collective agreement from requiring an employer to apply the provisions of the collective agreement to self-employed 'substitutes' for employees. However, the ACM refuses to more broadly acknowledge the collective bargaining rights of self-employed workers who work side by side with regular employees. The ILO evaluates this as allowing or promoting the underbidding of rights determined through collective bargaining.

New Zealand

LRI: New Zealand does not have a formal Constitution and there are no provisions on the right of association, collective bargaining or striking in any constitutional instrument. The right to unionise has been legally supported since the 1894 Industrial Conciliation and Arbitration Act (IC&A) and is confirmed by case law as developed by the courts. The conciliation process and (until 1984) compulsory arbitration meant that parties could not lawfully refuse to bargain. This duty to bargain was abolished under the 1991 Employment Contract Act. The Employment Relations Act of 2000 reinstated a requirement for parties to negotiate and, following an amendment in 2004 (repealed in 2015), to conclude a collective agreement unless there are good reasons not to. Unofficial strikes have never been lawful in New Zealand. From 1970-73 all strikes were unlawful under the arbitration system. 1974 penalties were lifted, however. Under ECA all strikes are unlawful unless related to a dispute of interest, intended to result in an award or collective agreement. Under ERA 2000 strikes are only lawful after secret ballot held by the union with a majority in favour of strike action.

Williams 1993: The passing of the 1973 Industrial Relations Act signalled both the symbolic and administrative end of the IC&A era. However, arbitration retained an important role until it was made voluntary in 1984. The 1987 reform aimed to eradicate the dual system, whereby state servants and private sector employees were located in quite separate industrial relations environments. Clerical and administrative persons in the public sector were moved under the Labour Relations Act. With the replacement of the 1977 State Servants Conditions of Employment Act by the 1988 Public Servant's act the 'designed service organisations' who had represented the various occupations in public employment had to reregister as trade unions and receive full rights of representation.

Deeks and Rasmussen 2002: "The 1984 Industrial Relations Amendment Act, by replacing compulsory arbitration of disputes of interest in the public sector with voluntary arbitration, provided immediate encouragement for private sector unions and employers to settle their differences without third party intervention. (...) The 1987 Labour Relations Act prohibited two-tier or secondary bargaining. A group of

workers had to decide on a single set of bargaining to cover their wages and conditions of employment, either a national award or a local industry or enterprise agreement. (...) the presumption was that their preference would be to develop local agreements". The 1991 Employment Contracts Act (ECA) repealed the 1987 LRA and ended IC&A entirely. ECA facilitated individual and enterprise bargaining, lacked any encouragement or arrangement for the recognition of trade unions, and emphasised the direct relationship between employers and their employees. "The available evidence shows that under the ECA it was the employer who had the decisive power when it came to making a 'choice' between a collective and individual employment contract".

Pay awards were set under the State Services Act of 1962 and its follow-up, the State Services Conditions of Employment Act of 1977. There were negotiations, but if no agreement was reached, compulsory arbitration followed and pay was determined by tribunal order. This changed in 1988 under the State Sector Act and again with ECA 1991.

Harbridge 1993: The workers who were 'de-collectivised' under ECA in terms of collective bargaining and employment regulation were overwhelmingly in small firms, under for employees, in the private sector and in companies based in just one city or town.

Simpson 1993: In 1988, the state sector was for the first time treated as the private sector (the government could no longer call for compulsory arbitration). Under ECA 1991, the public sector is treated like the private sector.

CGWR: In 2014, the Employment Relations Amendment Act was passed, removing the duty to conclude a collective agreement and limits the right to strike in several ways. The ILO has previously found that the Employment Relations Act 2000 (and its predecessor ECA 1991) does not comply with CO87, which is not ratified by New Zealand.

- Deeks, J., and E. Rasmussen. 2002. *Employment relations in New Zealand*. Auckland: Prentice Hall.
- Harbridge, R. 1993. 'Bargaining and the Employment Contract Act', in E. Harbridge, ed. *Employment Contracts: New Zealand experiences*. Wellington: Victoria University Press, pp.31-52.
- Simpson, T. 1993. 'The Employment Contracts Act in the State Sector', E. Harbridge, ed. *Employment Contracts: New Zealand experiences*. Wellington: Victoria University Press, pp. 124-147.
- Williams, A. 1993. 'New Zealand: From legal regulation to legal deregulation: 1968-1992', in: J. Hartog and J. Theeuwes, eds., *Labour Market Contracts and Institutions. A cross-national comparison*. Amsterdam: North-Holland, pp.115-150.

Norway

LRI: There is no formal reference to freedom of association or the right to unionisation in the Constitution. However, the Supreme Court has applied ILO Convention No. 98 to rule that a non-unionisation clause in a hiring agreement was unlawful. RCB and RS rights are not constitutionally protected. Under the Basic Agreement (of 1902 and later years) one of the parties may request compulsory arbitration over the conclusion of a collective agreement if requested by one of the parties. The 2009 (amended) Basic Agreement contains a duty to bargain. The right to strike is not constitutionally protected. Under the Labour Disputes Act 1927 there are no balloting or union authorisation requirements.

Dølvik and Stokke 1998: Following a recommendation in 1996 the Labour Dispute Ac was revised so as to reduce the need of compulsory arbitration and comply with ILO conventions.

CGWR: The right to strike excludes members of the military and senior civil servants. With the approval of parliament, the government may compel arbitration in any industrial sector if it determines that a strike

threatens public safety. Trade unions criticized the government for intervening too quickly in labour disputes, although the law generally allows unions to conduct their activities without government interference.

EF 2014: State sector employees, including the majority of employees in the central government, are allowed to go on strike. The exception is for senior civil servants. This group has strong employment protection, and are not allowed the right to strike. Only a minority of civil servants hold this type of positions today.

- Dølvik, J.E., and T.A. Stokke. 1998. 'The Revival of Centralised Concertation', in: A. Ferner and R. Hyman, eds., *Changing Industrial Relations in Europe*, Oxford: Blackwell, pp. 118-145.

Poland

LRI: The right of association is protected under the Constitution of 1997, previously under the Constitution of 1952. The 1997 Constitution also guarantees collective bargaining and strike rights. Collective bargaining is regulated in the 1995 Act on Collective Bargaining. Only trade unions can call strike action which is subject to a 50% secret ballot requirement,

Kulpińska et al. 1994: Before 1989 collective bargaining was regulated by the 1956 Act and 1974 Labour Code, but since the space for collective bargaining between trade unions and the state was extremely limited, collective agreements "proved, in a sense, dead". Post-1989 labour relations were reset based on the 1991 Trade Union Act and the 1991 Act on Resolving Disputes. Since the 1984 Act on Company Wage Systems, wage determination was mostly shaped through decentralised, enterprise-level negotiations. The scope for collective bargaining was expanded after the 1993 Pact on State Enterprises.

Gardawski et al. 2015: Even though Poland ratified C098 in 1957, strikes were not seen as 'a legitimate and normal part of the union armoury'. Likewise, a constitutionally guaranteed influence on policymaking for trade unions was not enforced. They had no influence on the final version of the 1974 Labour Code. The Solidarity union existed legally only from September 1980 until 13 December 1981, when the country was placed under martial law. The enduring legacy of the 1982 Trade Union Act, which created the legal framework for 'reformed' trade unions, is the decentralised structure of Polish unions. In 1989 the Trade Union Act was amended and union pluralism made possible. The right to strike was granted in 1989.

Bordogna 2007: Collective bargaining is restricted or excluded for civil servants, but it is also very limited or totally absent for central government contractual employees because of the weakness or absence of trade unions in the sector.

CGWR: The law does not provide for the right to form a union to persons who entered into an employment relationship based on a civil law contract, or to persons who were self-employed. In 2015, the Constitutional Court ruled that this violated the Constitution and required the government and parliament to amend the law on trade unions. Government workers, including police officers, border guards, prison guards, and employees of the supreme audit office, are limited to a single union. Key civil servants, appointed or elected employees of state and municipal bodies, court judges and prosecutors do not have the right to bargain collectively. Workers in services deemed essential, such as security forces, the Supreme Chamber of Audit, police, border guards, and fire brigades, do not have the right to strike. These workers have the rights to protest and to seek resolution of their grievances through mediation and the court system." According to the government this regards in total 121,400 persons employed in government administration offices

EF 2014: There is no collective bargaining in public administration, because all terms and conditions of work, including pay and working time issues, are regulated in the Acts on Civil Service and Employees of State Offices.

- Gardawski, J., A. Mrozowicki, and J. Czarzasty. 2012. Trade Unions in Poland. Brussels, ETUI report 123.
- Kulpińska, J., S. Borkowska, A. Buchner-Jeziorska, and B. Urbaniak. 1994. 'Poland', in: H. Moerel, ed., *Labour Relations in Transition*. Nijmegen: ITS, pp.110-118

Portugal

LRI: At the end of authoritarian rule, the Constitution of 1976 guaranteed the right of association, collective bargaining and strike. The 1976 Act on Collective Bargaining created a duty to bargain in good faith; refusals to negotiate were permitted only in very limited circumstances. This was retained in the amended Labour Code of 2003

Ebbinghaus and Visser 2000: Under the 1933 Constitution and National Labour Statute, unions were fully controlled by the state and strikes were outlawed. Collective bargaining was perfunctory. There was a brief period of relaxation of rules between 1968 and 1972. In 1974, the authoritarian-corporatist regime was overthrown. The 1975 Trade Union Act ended the monopoly union system and compulsory union contributions ended in 1977.

Barreto 1992: Before 1975, there was a state-controlled system of monopoly unions, with politically selected leaders, voluntary membership but compulsory contributions for non-members. Collective bargaining was a state-directed process, and in many sectors, including public administration, the government relied on 'direct regulation'. This remained the case after 1974, until 1984 when direct regulations disappeared as an alternative to regular collective bargaining. In 1978, there were more employees under direct (government) regulation than under collective bargaining

Bordogna 2007: In Portugal, collective negotiations over pay for public servants are important but, if no agreement is reached, the government can decide wage increases by administrative procedure.

CGWR: Public sector employee unions have the right to discuss and consult with their employers on conditions of work, but they do not have the right to negotiate binding contracts. Public service collective bargaining is defined as "appraisal and discussion" between trade unions and public administration with the view to arriving at consensus. These negotiations do not result in legally binding collective agreements. The Public Service Collective Bargaining Act restricts the scope of bargaining to pay and pay-related issues such as various welfare benefits. The law explicitly excludes from collective bargaining issues relating to the structure, assigned tasks and competence of the public administration.

EF 2014: Once an agreement is reached, the government is politically obliged to adopt the legal or administrative measures defined by the agreement. The agreement does not have normative value as it is the case of collective agreements in the private sector. The practical application is conditioned on the legal and administrative intervention of the government.

- Barreto, J. 1992. 'Portugal: Industrial relations under democracy', in: A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*, Oxford: Blackwell, pp. 445-481.

Romania

LRI: The 1991 Constitution (amended in 2003) guarantees freedom of association, the right to collective bargaining and right to strike. Under Law 54/1991 in order for a strike to be lawful, specific procedures must be followed by the trade union.

Bordogna 2007: Freedom of association for public servants exists since 2003. There is no bargaining over pay in central government; wage levels and increases are established by government regulations.

CGWR: Employees of the Ministry of Defence, certain categories of civilian employees of the Ministries of Interior and Justice, judges, prosecutors, intelligence personnel, and senior public servants do not have

the right to unionize. The 2011 Social Dialogue requires a minimum of 15 members of the same enterprise to form a union. Under the 2016 law, trade unions must represent at least 50% +1 of the workers in the sector in order to be entitled to negotiate collective agreements. This high threshold makes the possibility to conclude a collective agreement practically impossible. 92.5% of all companies have less than 15 employees. The about 1 million employees working in these small firms (42% of all) are thus denied the right to organize and the right of collective bargaining. Dismissed, unemployed, retired and self-employed workers are also denied the right to organise or collective bargaining. From a total of 530,000 enterprises only about 14,000 sign a collective agreement. Of these only a minority are signed by recognised trade unions, while the vast majority are 'non-union' contracts signed by so-called "new representatives of employees", made possible in the newly reformed Romanian labour law. In the public budget sector, which covers all public employees, including those who are not engaged in the administration of the State, the fixation of salaries is exclusively by law, and no salaries or other pecuniary entitlements exceeding the provisions of this law can be negotiated through collective agreements.

Russia

LRI: The 1977 Soviet Constitution referred to the right of trade unions to take part in the government of the state (giving them a right of initiative in law-making, withdrawn in 1993). The 1993 Constitution of the Russian Federation guarantees the right to unionise. There was no right to collective bargaining in the 1977 USSR Constitution, nor is there under the Constitution of the Russian Federation. However, there is a duty to bargain with employee representatives in the 1992 Labour Code. The Constitution of the Russian Federation refers to the right to strike.

Ashwin and Clarke 2005: "The Soviet Union prided itself on the fact that the legal rights and protection accorded to labour were the most advanced in the world". But protection of worker rights was always secondary and "the Plan was always more important than the Labour Code". The monopolistic unions were party-controlled, collective bargaining was limited and there was no space for independent organisation or action. Until 2001, changes in the Labour Code were small and the 1972 Soviet Labour Code remained in force in Russia. The new law on trade unions of 1992, revised in 1995, maintained the exclusion or marginalisation of minority unions. The Law on Collective Bargaining of 1995, replacing the Soviet law of 1984, established independent collective bargaining, disallowing management representation on the workers' side. Under the 1995 Law on Collective Disputes trade unions can call a strike if employers refuse to bargain or accept conciliation or arbitration.

CGWR: The law provides that workers may form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits anti-union discrimination, but it does not require employers to reinstate workers fired due to their union activity. The law prohibits reprisals against striking workers. Unions must register, but this is often delayed or refused on arbitrary grounds. There are numerous violations of trade union rights, including physical attacks on trade union leaders, violations of freedom of opinion and expression, Government's interference in trade union matters, refusal by the state authorities to register trade unions, acts of anti-union discrimination and absence of effective mechanisms to ensure protection against such acts, denial of facilities for workers' representatives, violation of the right to bargain collectively and the failure of the State to investigate those violations. Active members of the military, civil servants, customs workers, judges and prosecutors are excluded from the right to organize. Persons working under civil contracts are not covered by the Labour Code and excluded from the right to unionise or collective bargaining. Military and essential services are excluded from the right to strike and disputes are to be resolved by administrative tribunals. The law also prohibits strikes in essential public-service sectors, including utilities and transportation, and strikes that would threaten the country's defence, and safety or the life and health of its workers. This ban extends to some non-essential public servants and imposes compulsory arbitration on railway, postal, and municipal workers as well as other public servants in roles other than law enforcement.

- Ashwin, S., and S. Clarke. 2002. Russian Trade Unions and Industrial Relations in Transition. Basingstoke: Palgrave.

Slovakia

LRI: The Constitution grants the right of association and the right to strike. The 1991 Collective Bargaining Act of Czechoslovakia created a duty to bargain (remained in place when Slovakia was created as a separate state). The right to strike does not extend to unofficial action. Lawful strikes must be approved by 50% of the workers covered by the collective agreement. Arbitration in case of conflict is voluntary.

Bordogna 2007: The right of collective bargaining for public sector employees was introduced after 2001 with the 2002 Labour Code.

Kohl and Platzer 2004: The 2002 Labour Code consolidated the collective bargaining rights and removed some constraints on the content of agreements.

- Kohl, H., and H.-W. Platzer. 2004. Industrial Relations in Central and Eastern Europe. Brussels: ETUI.

Slovenia

LRI: The right of association and right to strike are protected in the 1991 Constitution. There is no specific constitutional protection for collective bargaining. The 1990 Labour Relations Act imposed a general duty to bargain and a 2003 law imposes arbitration if agreement cannot be reached. The 2006 Collective Agreements Act places the employer under a duty to respond to a proposal for a collective agreement within 30 days. Strikes must be authorised by the relevant trade union or a majority of the workers concerned.

Stanojević and Poje 2019: In the centralised bargaining system until 2009 there were in most years two general collective agreements, one for the private sector (from 1990) and one for the public sector (from 1991). They regulated most issues but, in the public sector, not pay. In 2002 a new Employment Relations Act and in 2006 a new Collective Bargaining Act was adopted, the provisions on collective bargaining in the 2006 Act apply to both the private and public sector. Formally, pay scales for public servants are determined under the Public Sector Salary System Act.

Bordogna 2007: Collective bargaining rights for public sector employees exist from 2006.

EF 2014: Since 2002, industrial relations in the public sector are similar to other sectors. Employees are represented by trade unions and by works councils, and both multi-employer and single-employer collective bargaining takes place.

- Stanojević, M., and A. Poje. 2019. 'Organised Decentralisation in the Private Sector and Centralisation in the Public Sector', in: T. Müller, K. Vandaele, and J. Waddington, eds. *Collective Bargaining in Europe: Towards an endgame*. 3 vols., Brussels: ETUI, vol. 3, pp. 545-562.

South Africa

LRI: The 1996 Constitution, prefigured by the interim constitution in force from 1993, refers to the right of workers to form and join trade unions, to collective bargaining and to strike. Earlier constitutions made no reference to collective labour rights, and laws excluded large groups of workers on a racial basis. The LRA of 1956 viewed mandatory collective bargaining as a means of achieving industrial peace and the duty to bargain was explicitly recognised in a 1988 Industrial Court judgment, a ruling which recognised that "many employers were reluctant to recognise black trade unions as legitimate representatives of their workforces". The LRA 1995 established a right to collective bargaining but no corresponding duty to bargain. Strike rights before 1994 were restricted and in some cases subject to criminal penalties.

Godfrey 2018: National regulation of collective bargaining began with the 1924 Industrial Conciliation Act. "In terms of long-term impact on the labour relations system, the key aspect of the Act was its exclusion of pass-bearing African workers from its definition of 'employee'. This meant that most male African workers could not join trade unions registered under the Act and could not be represented in industrial council negotiations." Following years of unrest and unofficial strikes, in 1979 the Wiehahn Commission recommended that African workers should be included in the definition of 'employee'. This would automatically allow them to form or join registered trade unions and participate directly in industrial council negotiations. The Government accepted the recommendation and amended the Act.

Donnelly and Dunn 2006: The 1956 Labour Relations Act reinforced the exclusion of unions for black workers by explicitly denying them collective bargaining rights and additionally disqualified mixed race unions. These exclusions preceded official Apartheid. The 1973 strikes gave rise to a non-white union movement and following the Wiehahn Commission's recommendations, non-white unions were allowed to negotiate at sectoral and enterprise levels by the mid-1980s. The parts of the 1988 Labour Relations Amendment Act that curbed union power were repealed in the 1990 agreement between the government and the unions, which extended bargaining rights to previously excluded groups, such as agricultural, domestic and public sector workers, while future changes in employment law were to require the consent of the unions. 'Normalisation' of the industrial relations system came with the 1994 NEDLAC (social dialogue) Act, the 1995 Labour Relations Act and the 1997 Basic Conditions of Employment Act.

CGWR: The law allows all workers, with the exception of members of the National Intelligence Agency and the Secret Service, to form and join independent unions of their choice without previous authorization or excessive requirements. The law allows unions to conduct their activities without interference and provides for the right to strike, but it prohibits workers in essential services from striking. The government characterizes essential services as those whose interruption endangers the life, personal safety, or health of the whole or part of the population; parliamentary, and intelligence.

- Donnelly, E., and S. Dunn, 2006. 'Ten Years After: South African employment relations since the negotiated revolution'. *British Journal of Industrial Relations*, 44 (1): 1-29.
- Godfrey, S. 2018. 'Contested terrain: The extension of multi-employer collective agreements in South Africa', in: S. Hayter and J. Visser, eds. *Collective agreements: Extending labour protection*. Geneva: International Labour Organisation, pp. 137-158.

Spain

LRI: The 1967 Spanish Constitution recognised the right to unionisation, although this was purely formal during the Francoist period. After the return to democracy the 1978 Constitution recognizes the right of association, collective bargaining, and strike. In the 1958 Collective Bargaining Act there was an implicit duty to bargain as terms could be declared binding by the General Directorate of Labour if either side did not attend negotiations. The 1980 Workers' Statute established an obligation to bargain in good faith.

Martinez Lucio 1992: The 1958 Law on Collective Agreements permitted collective bargaining as alternative to state regulation, but with procedures and outcomes controlled by the government, and without free unions. Strikes were decriminalised in 1965 but not legalised until 1977.

Jimeno and Toharia 1993: The Franco dictatorship (1939-1975) outlawed unions and banned strikes. Although collective bargaining was formally established in 1958, the lack of truly representative unions—and employers' associations simply non-existent—and the continuous government intervention in all the stages of the process made this system very different to that prevalent at that time in other West European countries. Wages were unilaterally determined by employers or by government regulations. Unions were legalised in 1977.

IRlex: Armed forces excluded from freely joining unions, collective bargaining and strike.

Bordogna 2007: The judiciary, police and armed forces are, but public sector employees with civil servant status are not excluded from the right to collective bargaining and strike (idem IRlex).

EF 2014: In Spain, the right to collective bargaining is regulated differently for salaried employees and the civil servants. The rights of salaried employees are treated similar as those in the private sector. in the case of civil servants, collective employment relations are governed by separate legislation, amended in the 2007 Basis Public Worker Statute, but determined through negotiations.

- Jimeno, J., and L. Toharia. 1993. 'Spanish Labour Markets: Institutions and outcomes', in: J. Hartog and J. Theeuwes, eds., *Labour Market Contracts and Institutions. A cross-national comparison*. Amsterdam: North-Holland, pp. 299-222.
- Martinez Lucio, M. 1992. 'Spain: Constructing institutions and actors in a context of change', in: A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*, Oxford: Blackwell, pp. 482-523.

Sweden

LRI: The freedom of association rights contained in the Constitution do not extend to collective bargaining, but some provisions, together with the right to take industrial action, provide some recognition of collective bargaining rights. Rights are set out in the Rights of Association and Negotiation Act 1936, with a duty to bargain under the 1976 Codetermination Act. Industrial action must be called by the relevant trade union. The Constitution recognised a right to strike from 1974.

Ebbinghaus and Visser 2000: Union representation, collective bargaining and strike rights are regulated in Basic Agreements between central employers' and union organisations in 1906 and 1938. Bargaining and strike rights extended to public servants in 1966

Switzerland

LRI: The Federal Constitution, amended in 2000, protects the right to form trade unions. Prior to that the right was seen as implied by constitutional guarantees of freedom of association (going back to 1874) and ratification of ILO Conventions. This also applies to collective bargaining and strike rights, as interpreted by the courts (and extended to most public sector workers with ratification of C098 in 1999). Wildcat strikes are contrary to the principles of labour peace and ultima ratio in the Swiss Constitution.

Fluder and Hotz-Hart 1998:277: "In public employment the state prescribes conditions unilaterally through statutes and ordinances. Free collective bargaining does not exist". This exclusion extends to railways and postal services, local government, utilities and transport.

Oesch 2007: There was a big change due to privatization in 2001 and the number of employees excluded from CB decreased from 681,000 to 255,000.

CGWR: The government may curtail the right of federal public servants to strike for reasons of national security or to safeguard foreign policy interests. Laws prohibited public servants in some cantons and many municipalities from striking. No specific laws prohibit anti-union discrimination or employer interference in trade union activities. The law does not require employers to reinstate an employee whom employers unjustly dismissed for union activity.

- Fluder, R., and B. Hotz-Hart 1998. 'Switzerland: Still as smooth as clockwork?', in: A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*, Oxford: Blackwell, pp. 262-282.
- Oesch D. 2007. 'Weniger Koordination, mehr Markt? Kollektive Arbeitsbeziehungen und Neokorporatismus in der Schweiz seit 1990'. *Swiss Political Science Review* 13(3): 335–66.

Turkey

LRI: The 1961 and 1982 Constitutions guarantee the right of association, collective bargaining and strike. The law sets high thresholds for recognition and collective bargaining. The right to strike is vested in the trade union and there are provision for conciliation and for strike ballots. Unofficial strikes are effectively unlawful (1983 and 1993 laws).

Sunar and Suyari 1986: "Within two decades, Turkish democracy failed twice, once in 1971, when the military intervened indirectly, and a second time in 1980 when it took over power directly." After three years (1980-82), Turkey returned to democracy, with many (labour) laws revised.

Kocer 2009: Establishing trade unions had been allowed since 1947, but the right to strike and collective bargaining were legalised only in 1963. The restriction of union organisation to manual workers was lifted. Trade union could conduct bargaining at workplace or industry level and had the right to strike if employers refused to bargain. The "permissive legal structure" of 1963 created a favourable climate for the development of trade unionism (expanded to public sector in 1965). 1980 was a turning point for organised industrial relations. During the three years of military dictatorship all unions except the main federation (whose leaders were appointed by the government) were either temporarily closed or completely banned, collective bargaining and strikes were prohibited. The laws of 1963 were repealed. The post-1980 legislation, in order to prevent workplace unionism, replaced the previous accreditation condition for conducting collective bargaining (which was based on a simple majority) with a very strict threshold obligation: in order to become the bargain agent for a certain workplace, trade unions were to represent at least 10 percent of the workers in the relevant sector and more than 50 percent of the workers in the workplace. Many unions lost their accreditation (and membership contribution paid through check-off payments) and went bankrupt.

CGWR: The law requires unions to notify government officials prior to meetings or rallies, which must be held in officially designated areas and allow government representatives to attend and record the proceedings. A minimum of 7 workers is required to establish a trade union without prior approval. Some of the high thresholds for collective bargaining were eased in the 2014 Law on Trade Unions and Collective Labour Agreements. To become a bargaining agent, a union must represent 40 percent of the employees at a given worksite and 1 percent of all workers in that particular industry. Migrants and domestic servants are excluded from union membership and not covered by collective bargaining laws. Some public employees, such as senior officials, magistrates, members of the armed forces, and police, cannot form unions. The law provides prohibits strikes by public workers engaged in safeguarding life and property and by workers in the coal mining and petroleum industries, hospitals and funeral industries, urban transportation, energy and sanitation services, national defence, banking, and education. The law allows the government to deny the right to strike in any situation it deems a threat to public health or national security. Following the attempted coup of July 2016 the government declared a state of emergency, during which the government interfered with freedom of association and the right to collective bargaining.

- Kocer, R.G. 2009. Three Views of a Secret- Containment of industrial conflict in neo-liberal environments. Amsterdam: dissertation University of Amsterdam
- Sunar, I., and S. Sayari. 1986. 'Democracy in Turkey: Problems and Prospects', in: G. O'Donnell, Ph.C. Schmitter, and L. Whitehead, eds. *Transitions from Authoritarian Rule. Southern Europe*. Baltimore: John Hopkins University Press, pp. 165-186.

United Kingdom

LRI: There is no codified constitution. It has however been public policy since the late nineteenth century to allow and encourage trade union organization. The UK ratified the ILO's core conventions in the post-war years and was also a signatory to the European Convention on Human Rights, which refers to the right of freedom of association in this context. Between 1979 and 1997 public policy no longer encouraged

trade unionism as before, but at no point was a ban on the formation of unions put in place (although there are long-standing bans on the formation of independent trade unions by the police and military personnel, the scope of which was a controversial issue when extended to the intelligence officers in the early 1980s (reversed in 1997). There has been a legal duty to recognise trade unions for the purposes of collective bargaining, subject to various preconditions in 1972-3 under the Industrial Relations Act 1971, from 1975 to 1979 under Employment Protection Act 1975 until its repeal, and from 2001 under the Employment Relations Act 1999, which calls for specific recognition and voting procedures. The right to take part in industrial action is not explicitly protected in any constitutional text relevant to the UK. From 1985, the absence of an appropriate union ballot has led to a loss of such legal protections as exist for unions and workers taking part in industrial action (Trade Union Act 1984).

Bordogna 2007: In the UK, the salary increases of the approximately 3,850 senior civil servants are determined through the pay review body system, and not through collective bargaining

CGWR: In 1984-5 the government banned workers at the central intelligence-gathering centre from joining unions, which was held to be lawful by the ECtHR. The government repealed the law in 1997. However, the government has just enacted a similar provision for workers at the new National Crime Agency. The law does not cover workers in the armed forces, public-sector security services, police forces, and freelance or temporary work. The law excludes workers serving in the police, the prison service, and the armed forces from the right to strike. According to the International Trade Union Confederation (ITUC), the right to strike in the UK is "limited" due to prohibitions against political and solidarity strikes, lengthy procedures for calling strikes, and the ability of employers to seek injunctions against unions before a strike has begun if the union does not observe all proper steps in organizing the strike.

United States

LRI: The US constitution does not recognise the right of association, collective bargaining, and striking. Under the National Labour Relations Act of 1937 employers have a duty to enter into collective bargaining with a certified bargaining agent (union). Unofficial strikes are generally considered unprotected and replacement of strikers is possible.

Troy and Sheflin 1985: In 1962, following the Executive Order of president Kennedy, unionization of federal employees was allowed.

CGWR: Agriculture workers, domestic service workers, independent contractors, and supervisors continue not to be covered by the NLRA. The ILO Committee of Freedom Association (CFA) reports cases where an employer tried to declare all its staff as management and thus deny the right to seek or participate in representation elections. It remains the case under U.S. labour law that an employer is permitted to hire replacement workers during a strike in order to continue business operations and, if the strike is an economic strike (as distinguished from an unfair labour practice strike), the employer is not required to displace the replacement workers in order to reemploy the returning strikers. This provision of United States labour law has been criticized as detrimental to the exercise of fundamental rights of freedom of association and to meaningful collective. Federal government employees are prohibited from striking, as are most other public employees covered by state laws. More than 30 jurisdictions provide for binding arbitration to resolve collective bargaining disputes for public employees who are prohibited from striking. These laws typically allow arbitration to be invoked by one party regardless of whether there is consent by the other.

- Troy, L. and N. Sheflin. 1985. *Union Sourcebook*. West Orange NJ: IRDIS.

Section B – Wage setting

Section B of the ICTWSS Database deals with collective bargaining and wage setting and the various institutions that ‘govern’ the negotiation and setting of wages, e.g. (1) conflict resolutions and contract enforcement; (2) coordination and centralisation of collective bargaining; (3) organisation of multi-level bargaining, derogation and opening clauses; (4) the extension, indexation and length of agreements; and (5) minimum wage setting.

Variables – Minimum wage

See the note by Janna Besamusca, Andrea Garner and Hannah Korinth.

Variables – Centralisation

The relative weight of various bargaining levels, with the differentiation between centralised and decentralised bargaining systems, is one of the crucial variables in industrial relations and economic research. Wallerstein and Golden (2001:110-1) mention six reasons why measurement of *centralization* of wage bargaining is difficult. First, the level of bargaining does not follow statutory or formal rules and may change, subtly, from one year to the next. Second, bargaining at multiple levels is common, levels are not always neatly ordered, and “determining the relative weight of different levels in setting overall wages is a difficult theoretical and empirical task”. Third, the level of bargaining may differ across groups of workers (blue- vs white-collar), sectors (private vs public) and industries (industry vs services) with different unions involved. Fourth, actual centralization is also influenced by many forms of outside participation, including threats and promises made by government officials, of which only interventions in wage setting (a wage stop, freeze, ceiling or extension) are observable to outsiders. Fifth, the capacity to enforce decisions varies even at the same level of bargaining. “Finally, wage setting can be centralized through different institutional mechanisms”, of which the authors mention three: coordination by the main union confederations, government participation and intervention, and centralization proper, i.e. the level of bargaining combined with authority and the possibility to issue effective sanctions to correct deviant behaviour.

The ICTWSS Database addresses each of these criticisms. The first issue is solved by coding each year separately (within year changes are averaged; in some cases over a two-year period, for instance in Belgium or Norway, where ‘bargaining rounds’ follow a two-year cycle). The second issue is addressed by introducing two more variables, additional to **Level**, which indicates the dominant level of collective bargaining over wages in terms of the coverage of agreements negotiated at that level. The first of these is **CB_levels**, which codes the seven different combinations of three levels (company, industry and cross-industry) at which wages can be concomitantly negotiated. The second, bargaining centralisation (**BargCent**) calibrates the dominant level of bargaining by considering the weight of additional enterprise bargaining within ‘higher order’ (central or industry) agreements. Differences in the organization of collective bargaining between blue- and white-collar workers, the third issue, appear to have decreased as more unions and more agreements encompass both groups. Differences between industry and services, particularly between private and public sectors, exist in many countries. In this case the data collection strategy has been to select codes that apply to industry (manufacturing) and to the private sector. The fourth and sixth issue—covert and overt outside influence over bargainers and alternative mechanism of centralization—are dealt with under bargaining coordination, including various forms and degrees of government intervention. The fifth issue has been addressed, separately, with a string of variables capturing conflict resolution and enforcement of collective agreements. It also comes up in section I dealing with the authority of central (union) confederations and their main affiliates.

The three centralisation variables—**Level**, **MultLevel**, and **Centr**—capture in different ways the degree of centralisation of wage negotiations. Fully decentralized is a wage bargaining system in which all

negotiations take place in the enterprise. In principle, this allows maximum variation in procedures and outcomes across enterprises, reflecting differences across firms in business and labour market conditions, in union strength and in management and union preferences. Data on what happens within enterprises, whether separate negotiations occur at plant and workshop level, is not collected or coded. At the other end stands a fully centralized system in which all wages are negotiated at the central (cross-industry) level without further amendments (for instance, as a result of a central agreement or government wage order). Most wage bargaining systems are located somewhere in between.

Level: The predominant level at which wage bargaining takes place

The variable **Level** is operationalized as the dominant level of collective bargaining over wages in terms of the coverage of agreements negotiated. This recognizes that not all bargaining takes place at one level and makes a first quantitative assessment of centralization in terms of relative size, i.e. the number of employees affected by agreements negotiated and signed at a particular level. When more workers are covered by agreements negotiated at industry level than by agreements negotiated at enterprise level, the system is more centralized. Note however that this operationalization refers to wage bargaining and excludes central bargaining and cross-industry agreements over non-wage issues, like training, social insurance, pensions or social policy reforms (issues that might be important for coordination). From a fully centralized to a fully decentralized system, **Level** ranks five situations on an ordinal scale:

- 5 = wage bargaining predominantly takes place at the central or cross-industry level
- 4 = wage bargaining intermediates or alternates between the central and industry level;
- 3 = wage bargaining predominantly takes place at the sector or industry level;
- 2 = wage bargaining intermediates or alternates between the sector and enterprise level;
- 1 = bargaining predominantly takes place at the company or enterprise level.

This scale requires a cut-off criterion for what is ‘predominant’. A level is ‘predominant’ if it accounts for more than two-thirds of the total bargaining coverage rate (code 1, 3 or 5). If it accounts for less, but more than one-third of the coverage rate, there is a mixed or intermediate situation, between two levels (code 2). A mixed situation also occurs when bargaining levels alternate and/or it is impossible to assess which of the two contributes more to the actual coverage of agreements (code 4). The coverage data on single-employer and multi-employer agreements (the variables **SEB** and **MEB** in the section on bargaining coverage) help to distinguish between ‘2’ and ‘3’; the data on the existence, coverage, and length of central wage agreements (the variable **SPA_signed** in section C on the signing of social pacts and central agreements) are used for an assessment of ‘4’ or ‘5’.⁷

MultLevel: the combination of various levels (enterprise, industry, cross-industry) at which wage bargaining takes place

The **MultLevel** variable is a straightforward nominal scale listing the seven possible combinations when there are three-levels, without any assessment of the importance or weight of each level. Again, it is important to recall that the variable is about wage bargaining.

⁷ In some countries, e.g. Romania, the law (Social Dialogue Act, no. 62/2011) makes a distinction between sector agreements (when the signing employers' organisations represent more than 50% of the employees in the sector) and group-level agreements (when the share is below 50%). Such group-level agreements cannot be extended. A similar distinction exists in other CEE countries, for instance Czechia. In ICTWSS, group-level agreements are counted as multi-employer agreements at sector level.

- 7 = cross-sectoral (entire economy or private sector), with centrally determined binding norms, minima or ceilings to be respected by all further agreements, which can only implement central agreements
- 6 = cross-sectoral (entire economy or private sector) and sectoral, with sectoral agreements that specify and can deviate from central agreements, guidelines or targets
- 5 = cross-sectoral (entire economy or private sector), sectoral and company, with company agreements that specify and can deviate from sector agreements, and sector agreements that specify and can deviate from central agreements
- 4 = cross-sectoral (entire economy or private sector) and company, with company agreements that specify and can deviate from central agreements
- 3 = sectoral (separate branches of the economy), with sectorally determined binding norms, minima or ceilings to be respected by all further agreements and company or enterprise agreements that can only implement sector agreements
- 2 = sectoral (separate branches of the economy) and company, with company agreements that specify and can deviate from sectorally agreed norms, guidelines or targets
- 1 = company (or units thereof).

Note that code 1, 3 and 7 denote that all bargaining takes place at a 'single level' (and should correspond with codes 1,3 and 5 on the **Level** variable), whereas codes 2, 4, 5 and 6 indicate the occurrence of two or three levels in bargaining.

Central: centralisation of collective bargaining

Central is a summary index of the degree of centralisation of collective bargaining. Starting with the code for the dominant level of bargaining, **Central** takes three additional elements into account: the incidence of and control over additional bargaining at enterprise level (**rAEB**, rescaled to a 3-level measure so that it is the same as **WSSA** and **OCG** by combining codes 1 and 2); the "space" that central or sectoral agreements assign, delegate or allow for such additional bargaining to take place (**WSSA**); and the degree to which agreements can be perforated through the use of "opening clauses" (**OCG**).

In formal terms:

$$\text{Central} = \text{Level} - (\text{rAEB}^*2 + \text{WSSA} + \text{OCG})/8$$

Variables – The organisation of multi-level bargaining

The variables in this group—**rAEB**, **Art**, **Fav**, **DR**, **WSSA**, **OCG** and **OCT**—denote the presence of additional enterprise bargaining, where there is already a sectoral or cross-sectoral agreement (**rAEB**); the definition of responsibilities of those (union or employee representatives) negotiating agreements (**Art**); the hierarchical relationship of agreements to each other, as defined in law, in basic agreements or by custom (**Fav**); the possibility to derogate by agreement from the law (**DR**); the tightness of wage norms, and space for additional wage bargaining, as defined in sector or cross-sector agreements (**WSSA**); the use of 'general' opening clauses in sector or cross-sector agreements, allowing different outcomes at enterprise level (**OCG**), and crisis-related opening clauses, allowing the suspension or alteration of any contract or agreement after its signature (**OCT**).

The variables **rAEB**, **Art**, **Fav**, **WSSA** and **OCG** relate to settings with multi-level bargaining, which applies to about half the countries/years in the database. They are important for the identification of what has become known as 'organized decentralization' (Traxler 1995), to be distinguished from both centralization and decentralization. Organised decentralisation occurs within the framework of sector or central

agreements, usually with broad coverage and explicit allowance for bargaining over terms and conditions at enterprise levels, within certain (minimum) substantive and/or procedural standards that have to be respected (Ibsen and Keune 2018). **rAEB** measures the reach or incidence of additional or complementary enterprise or company bargaining, **Art** tries to capture how such bargaining is articulated and handled by negotiators on the union side. **Fav** and **DR** are about the procedures and guarantees built into multi-level bargaining, i.e. whether agreements have to obey the 'favourability rule' that standards concluded at higher levels can only be improved on (for employees) but not worsened by bargaining or norm setting at lower levels, and whether it is possible to derogate from the law by collective bargaining at any level. **WSSA** and **OCG** describe the 'space' or 'scope' for additional enterprise bargaining, whether central or sectoral agreements set standard, minimum or at most default norms on wages, and whether they allow the renegotiation of particular parts of the agreement at company level. **OCT** refers to the possibility to renege on contractual obligation under specific hardship conditions and can apply to agreements at any level.

rAEB: Reach or Incidence of Additional Enterprise Bargaining

rAEB is defined as the proportion of firms or workers *simultaneously* covered by industry (or cross-industry) and enterprise agreements:

- 3 = additional enterprise bargaining on wages is common: more than half of employees covered by sector or central agreements are affected
- 2 = additional enterprise bargaining on wages occurs only in large firms: between 10 and 50 percent of employees covered by sector or central agreements are affected
- 1 = additional enterprise bargaining on wages is rare even in large firms: less than 10 percent of employees covered by sector or central agreements are affected
- 0 = no additional enterprise-level bargaining on wages; this including cases where such bargaining is explicitly forbidden

Note: Where regional agreements are nested within sector agreements, substituting for additional enterprise bargaining in small firms, this is treated as a functional equivalent and thus counted as additional enterprise bargaining.

rAEB is mostly about additional bargaining over wage issues, but given the calculation of weekly, monthly or even hourly wages there is a close connection with bargaining over (shorter or rescheduled) working hours, for instance when setting the time frame for overtime unsocial hours to which penalty wage rates apply, etc. The focus is on the private sector, more in particular, on manufacturing and metal-engineering industries where practices across sectors vary. Since it is very difficult to find or calculate exact coverage figures, an ordinal scale has been chosen. Since the data is based on studies and survey in particular years, the annual series is based on interpolated data (assuming no change) until and unless there is evidence of change based on institutional features (laws, central agreements) or shown in surveys and empirical studies. It is important to note that **rAEB** is concerned with *additional* bargaining and must not be confused with (stand-alone) single-employer bargaining (companies preferring to bargain outside the sectoral organization or agreement, like for instance Volkswagen in Germany or Philips in the Netherlands. Stand-alone enterprise bargaining is the subject of a separate variable and discussed in connection with bargaining coverage: **SEB** (single enterprise bargaining).

Art: Articulation of enterprise bargaining

The term 'articulated bargaining' (*contrattazione articolata*) was adopted by the Italian labour lawyer Gino Giugni to indicate the transition from a form of exclusive national-level industry bargaining into a system in which the national agreement (for metal-engineering, for example) was split up in various sub-sectors (steel, electronics, ship-building, cars, etc.) and supplemented by enterprise bargaining over, for instance,

piece rates and productivity bonuses in each of these subsectors (Giugni 1963). In such multi-level bargaining, the crucial governance issue is whether “the different levels are integrated so as to prevent them from mutual blocking their respective purpose (Traxler 1994:174).” Crouch (1993:53-54) defined articulation as similarity in purpose and mutual dependence of union negotiators at different levels (the assumption being that this is less problematic on the employers’ side). The examples of articulated systems that Crouch had in mind all came from Scandinavia, with strong union workplace representation guaranteed by centrally agreed rules defining competences and responsibilities, and local negotiations taking place under a ‘peace’ rule defined at the central level. (Other variables in the dataset, related to **Art**, are therefore **Peace** and some of the **Statutory Union Power** variables in section I, for instance whether the national union can veto enterprise strikes and has a central strike fund.)

Art is formally defined as mutual dependence of union negotiations at different bargaining levels such that “the actions of the centre are frequently predicated on securing the consent of lower levels, and the autonomous action of lower levels is bounded by rules of delegation and scope for discretion ultimately controlled by successively higher levels (Crouch 1993:54-5).” This has been translated in the following codes:

- 1 = articulated: additional enterprise bargaining on wages is recognized and takes place under control of the ‘outside’ union, i.e. the signatory or signatories of sector and company agreements come from the same organisation(s) and are bound by the same rules
- 2 = partially articulated: additional enterprise bargaining on wages takes place under control of the (non-union) works council; the signatory or signatories of sector and company agreements are bound by different rules and control of the ‘outside’ union is partial
- 3 = disarticulated bargaining; additional enterprise bargaining on wages when it happens is, formally or informally, also conducted by non-union bodies and not answerable to or under control of the ‘outside’ union

Note: unless stated otherwise, the focus is on the private sector and on manufacturing.

DR Derogation

Derogation is defined as the possibility to deviate by collective agreement from statutory minimum standards of labour protection. This is sometimes called “partly” or “three-quarters” binding law (Ascher-Vonk 1994) and stresses the “autonomy” of collective bargaining as a source of law (Sinzheimer 1916). Standards set by collective agreement are regarded as “the law for the industry” and leave it to the groups thus covered to enforce the norms “by such social sanctions as are at their disposal”, no matter whether the law of the land imposes its own standards (Kahn-Freund 1972). **DR** typically applies to such issues as working time, dismissal protection, social insurance or employee representation (it rarely applies to the mandatory minimum wage). Through collective bargaining, the social partners can thus adapt legal standards to specific conditions in industries or firms. For obvious reasons, derogation is probably least important in countries where few labour standards are set by statute (in some sense, there has been derogation right from the start, even before legislating on labour standards, for example in a country like Denmark) and it is important to keep this in mind when using the **DR** variable in comparative analysis. It is because of such deep contextual variation, that DR is omitted from calculating **BargCent**. Derogation is measured as a dichotomous value:

- 1 = it is possible to derogate from terms established by law (with the possibility to offer less favourable conditions to employees) by means of collective agreement
- 0 = it is not possible to derogate from the law.

Note: sometimes the term “derogation” is used to indicate the possibility to set lower standards through enterprise bargaining than those in sectoral collective agreements. We reserve the term

'derogation' for 'deviation by agreement' from legal standards and deal with 'deviation from agreements' or setting lower norms than those agreed in 'higher-order' agreements under the variable "favourability". The two variables measure two different outcomes: for instance, deviation from sectoral agreements may be possible and lower standards can be applied in enterprise agreements than those in the sectoral agreement, in contrast to the favourability rule, but not below the standards defined in the law (no derogation, for instance on the minimum wage); or collective agreements can derogate and set lower standards than those defined in the law, for instance on working hours, but only in sectoral agreements, with or without the possibility to go below the sectoral norm in enterprise agreements.

FAV: Favourability

'Favourability' is a cornerstone of labour law in many countries (CCNC 1994; Sciarra 2006) and holds that sector agreements can only deviate from central agreements, and company agreements can only deviate from sector agreements, in ways that are favourable for workers. The favourability issue has in recent times come up as a labour reform issue in an attempt to 'unlock' enterprise bargaining where it seems blocked, especially in countries where such issues are regulated by law rather than collective agreement (Visser 2016). It may thus be seen, like opening clauses, as an alternative to 'organised decentralization' (Ibsen and Keune 2018).

The codes for **Fav** are:

- 3 = favourability is inverted, terms in lower level agreements take precedence
- 2 = hierarchy between levels is undefined and a matter for the negotiating parties (not fixed in law).
- 1 = Lower-level agreements must by law offer more favourable terms, but exceptions possible under defined conditions
- 0 = Hierarchy between agreement-levels is strictly applied and defined in law: lower-level agreements can only offer more favourable terms

Note: This can be interpreted as a nominal scale describing different situations. Viewed from the perspective of more or less decentralization, from less organized to more, it can also be interpreted as an ordinal scale

WSSA: Wage setting in sectoral agreements

Higher-order agreements affecting particular sectors or the entire economy can entail different types of standards regarding wages and working conditions. Depending on these different types, there will be more or less space for subsequent bargaining at lower levels. At the sectoral level, Ibsen and Keune (2018:10) distinguish between:

Standard agreements, prescribing wages and working conditions and leaving no or little space to company agreements;

Minimum agreements, setting minimum standards and leaving the definition of actual wages and working conditions up to company agreements, with the condition that they respect the minimum standards;

Corridor agreements, defining minimum and maximum levels that have to be respected at company level;

Default agreements, setting wages and working conditions that come into force only when local parties do not manage to agree on them. Company agreements can hence also set wages and working conditions below the default levels;

Figureless agreements, containing no wage standard and leaving wage setting entirely to the local level (company or workplace) and possibly on an individual basis;

Mixed agreements, a mix of the types above.

The same distinctions can be applied to central or cross-industry agreements.⁸ At whatever level, these different types imply different degrees of decentralisation, with ‘figureless’ agreements the least prescriptive (in a sense fully decentralised) and ‘standard’ agreements the most prescriptive (most centralised). In practice few ‘pure’ agreements are likely to exist as even figureless and default agreements may set some common standards (on non-pay issues, or on procedures of how pay decisions are reached), whereas standard agreements may offer some opportunities for additional company-level adjustments on specific issues. In measuring this variable (**WSSA**) onto a three-point scale, default and figureless agreements are grouped together as “framework agreements” as they are mostly about setting procedural rules (for instance, that all outcomes need to be negotiated and be approved by the union and its representatives). Corridor agreements are grouped together with minimum agreements. The three-point scale runs from more to less decentralization:

- 2 = sectoral agreements set the framework or define the default for enterprise bargaining
- 1 = sectoral agreements define the minimum level (and minimum rate changes) of wages
- 0 = sectoral agreements define the minimum and actual levels (and rate changes) of wages

OCG and OCT: General and temporary opening clauses in sectoral collective agreements.

Opening clauses refer to the possibility to ‘perforate’ sectoral agreements and suspend particular clauses in collective agreements or negotiate deviant solutions. We distinguish between *hardship* or *survival* clauses (**OCT**), which are temporary and relate to a crisis situation confronting a particular enterprise or industry, and *general opening* clauses (**OCG**) which allow deviation from contractual obligations under a much wider class of circumstances (Visser 2016). Hardship clauses, which allow a temporary suspension of (pay clauses in) the contract, have been used in many countries to face the immediate closure and loss of jobs in firms or sectors falling on hard times. They often come with conditions like ‘opening the books’ and social plans that accompany restructuring and guarantee benefits in case of collective dismissals. General opening clauses can be used as a means to raise the competitive position of the firm and a way to circumvent favourability constraints. Ibsen and Keune (2018) see the widespread use as a departure from organised decentralisation.

We should expect that the pressure for opening clauses is largest where sectoral bargaining produce standard agreements (**WSSA=0**). Following the hypothesis of Streeck (1984:34) that standard rules embodied in sector agreements “can be successfully enforced in different situations only when they are flexible enough to be modified according to circumstances”, then one or both of the following two situations are likely: additional enterprise bargaining, mostly in large firms with HRM departments and union representation negotiate their own ‘custom-made’ solutions, informally or sanctioned by opening clauses in the sectoral agreement, or the standards will be neglected and left unenforced, mostly in small firm, without union representation and the expense of workers in these firms. When both solutions occur at the same time, the outcome is dualism.

We distinguish between general opening clauses allowing the negotiation of sub-standard outcomes for wages (e.g., lower rates for new entrants; suspension of 13th month; lowering overtime rates, etc) and for working time (e.g., maximum hours per day, week or month; calculation of unsocial hours; etc.).

⁸ For example, the 1972 central agreement in the Netherlands was a mixture between a standard and a minimum agreement, setting a standard for some (wage) and a minimum for other (non-wage) conditions; the 1982 Wassenaar agreement was a “figureless agreement” (Visser and Hemerijck 1997)

OCG: General Opening Clauses in sectoral collective agreements

2 = sectoral agreements contain opening clauses, allowing the renegotiation of contractual wages at enterprise level

1 = sectoral agreements contain opening clauses, allowing the renegotiation of contractual non-wage issues (working hours, working time schedules, unsocial hours, etc.) at enterprise level

0 = sectoral agreements contain no opening clauses

OCT: Crisis-related, temporary opening clauses in collective agreements

1 = agreements (at any level) contain crisis-related opening clauses, defined as temporary changes, renegotiation or suspension of contractual provisions, under defined hardship conditions

0 = agreements contain no opening clauses.

Variables – Indexation, length of agreements and extension

The three variables of in this section measure features that are important for the stability, protection standards and flexibility of collective agreements for both workers and employers (indexation, length of agreements) and for the coverage of agreements and competitive relations across firms (extension).

Index: general price indexation or cost-of-living clauses in agreements

1 = (most or many) collective agreements contain (semi-) automatic index or cost-of-living escalator clauses, linking wages to prices.

0 = use of index clauses is rare or forbidden

Length: Length or duration of collective (wage) agreements

1-∞: average length of (wage clauses in) collective agreements, in months.

Extension (**Ext**) is a legal act in which (clauses in) a collective agreement negotiated between one or more unions and one or more employers' associations is (are) declared binding on firms that are not member of the contracting parties. Extension as defined is based on an administrative decision by the government, a public agency or the court. Voluntary extension, or the adoption of the agreement, after its conclusion, by non-organised firms is not covered. Nor does extension include the practice of employers that orient their pay policies on the collective agreement of organised firms. Included under extension are, however, such "functional equivalents" that produce a similar outcome of general agreements, binding all employers in a particular sector. Such functional equivalents include mandatory membership of employers' associations (Austria, Slovenia before 2006); the legal interpretation of collective agreements as generally 'erga omnes' applicable in their domain (Argentina, Spain); judicial awards (Brazil; New Zealand before 1991; Australia, scaled down in 1992, 1996 and 2005, and upgraded in 2009; and Italy based on court rulings on pay scales).

Ext: Mandatory extension of collective agreements to non-organised employers

3 = extension is virtually automatic and more or less general (including enlargement)

2 = extension is used in many industries, but there are thresholds and Ministers can (and sometimes do) decide not to extend (clauses in) collective agreements

1 = extension is rather exceptional, used in some industries only, because of absence of sector agreements, very high thresholds (supermajorities of 60% or more, public policy criteria, etc.), and/or veto powers of employers

0 = there are neither legal provisions for mandatory extension, nor is there a functional equivalent.

There is an ‘absolute zero’ (neither a legal provision for mandatory extension nor a functional equivalent), but apart from saying that 3 is more than 2, we can neither determine how much more that is, nor whether that difference is the same, more or less than the difference between 2 and 1, et cetera. Hence, this is not an interval or ratio scale. Underlying the construction of the coding scheme is its possible use for three rather different research questions: a) to establish the normative effect of a particular institution, as in legal research (in this case one would contrast 0-coded cases against the rest); b) to establish the actual effect of extension on bargaining coverage (taking all 2- and 3-coded cases versus the others); and c) to establish the effect of the difference between ‘automatic’ versus ‘non-automatic’ application of extension decisions on, for instance, actual bargaining (singling out all 3-coded cases versus the others).

The following general rules or hypotheses have guided the distinction between codes 1, 2, and 3:

- a) Besides the (near) absence of sector agreements, which can be both the cause and effect of the non-application of extension orders, the distinctive feature of code 1 is probably the possibility that one party, usually the employers, can veto the extension decision, even against applications from its own member organisations, which represent a particular industry or occupation. Where this is a feature in the law, code 2 and 3 are ruled out.
- b) Code 2 applies when at least three conditions are fulfilled: extension cannot result from court, board or Minister decisions without a prior request from the signatories to the agreement; requests can be, and occasionally are, rejected or sent back for renegotiation; representation criteria or thresholds exist and are applied. At least one of these conditions is violated when **Ext** is coded 3.
- c) Representation thresholds and legal conformity and public interest tests are not distinctive criteria and exist in different forms in each of these extension orders.
- d) When **Ext** is coded 1, the variable **ExtE** (which appears under the bargaining coverage variables in section G and measures the direct coverage effect of extension orders, will be small, below 5 percentage points)

Table 3 presents an overview of the main features of the extension instrument. The main sources are the ILO study on extension (Hayter and Visser, 2018^[7]; Hayter and Visser, forthcoming^[8]) and the OECD policy questionnaire of 2017 and 2020 (for the Western Balkans).

Table 3. Extension of collective agreements, current situation (2020): Origins, use, procedures, criteria, rules of exemption, and coding

ISO	Use	Trend	Request	Decision	Advice	representation criteria	public interest	exemption	code old 10	code new 11
1	2	3	4	5	6	7	8	9		
ALB	..									0
ARG	general	=	registr	Min		most representative	Y	Y	3	3
AUS	¥ (new award)	=	third	..	E	n.a.	Y	..	2	2
AUT	¥ (empl org)	=	n.a.	n.a.	TC	n.a.	n.a.		3	3
BEL	general	=	registr	Ex Lege		parity committee	no	no	3	3
BIH	¥ (gen.agr)	?	n.a.	n.a.		n.a.	n.a.	..	3	
BLG	limited	<	parties	Min		..	no	Y	1	1
BRA	limited	?	third	courts		registration	no	Y	1	1
CAN	not used / rare		parties	..		..	Y	..	0	0
CHE	common	>	third	Min		50% or less	Y	no	2	2
CHN	none								0	0
COL	not used		..	..		..	..	..	1	0
CRI	not used		..	..		..	..	..	1	0
CYP	none								0	0

CZE	limited	=	parties	Min		most representative	no	Y	1	1
DEU	limited	>?	parties	Min	TC (binding)	overriding importance	Y	Y	1	1
DNK	none								0	0
ESP	general	=	registr	Ex Lege		50%	no	n.a.	3	3
EST	rare	<	parties	Min		50%	no	no	1	1
FIN	general	=	registr	Ex Lege	E (threshold)	50% or less	no	no	3	3
FRA	general	=	third	Min	E (impact)	unions >30%	Y	no	3	3
GBR	none								0	0
CRC	suspended	..		Min	..	50%	..	..	0	0
HRV	limited	<	parties	Min		50%	no	..	1	1
HUN	limited	<	parties	Min		50%	no	no	1	1
IDN	not used / rare		parties	Min		'important majority'	..	..	1	0
IND	limited	<	third	Tribunal		n.a.	n.a.	n.a.	1	1
IRL	limited	<?	parties	IR Court		registration	Y	Y	1	1
ISL	general	=	registr	Ex Lege		n.a.	no	n.a	3	3
ISR	common	<	parties	Min	TC	dominant	no	Y	2	2
ITA	¥ (court ruling)		n.a.	n.a.		n.a.	n.a.	n.a.	3	3
JAP	non used / rare		parties	Min	TC	..	no	no	1	0
KOR	not used / rare		parties	Min	TC	67%	..	..	1	0
KOS	none								0	
LTU	not used / rare		parties	Min		'important'	no	no	1	0
LUX	common	<	parties	Min	TC	50%	no	no	3	2
LVA	limited	=	parties	Min		50%	no	no	1	1
MEX	not used / rare		parties	Min	TC	..	no	Y	1	0
MLT	none								0	0
MNE	¥ (gen agr)	?	n.a.	n.a.		general agreement	n.a.	..		3
NLD	common	=	parties	Min	BC	60% or less	Y	Y	2	2
NMC	¥ (gen agr)	?	n.a.	n.a.		general agreement	n.a.	..		3
NOR	targeted	>	third	Tripart. Board		foreign workers	Y	no	1	1
NZL	none								0	0
POL	not used		parties	Min		..	no	Y	1	0
PRT	common	>?	parties	Min	E (impact)	no (revised)	Y	Y	2	2
ROU	limited	<	parties	Min					1	1
RUS	not used / rare		parties	Min	TC	..	..	..	1	0
SRB	not used / rare		parties	Min					0	
SVK	limited	<?	parties	Min	TC (binding)	50%	Y	Y	1	1
SVN	common	=	parties	Min	TC	50%	no	no	3	2
SWE	none								0	0
TUR	not used / rare		parties	Min	TC	most representative	no	..	1	0
USA	none								0	0
ZAF	common	<	parties	Min		50% or less	Y	Y	2	2

Note: ¥ =functional equivalent (e.g., compulsory membership of employer organisation; general agreement with binding effect; court rulings); n.a.= not applicable; .. = no data.

Columns:

- 1) Countries (ISO codes)
- 2) The degree of use of extension orders (general, common, limited, or rare/not used),
- 3) Indication of trend in use of extension orders (increasing >, stable =, decreasing (<), or uncertain/many recent changes
- 4) Initiative to extend collective agreements, whether requiring an explicit request from (one or more) parties to the agreement (parties), occurs automatic upon registration of the agreement (registr), or allows the initiative of third parties, including the Minister, the court or a commission, even in cases where the parties have not requested extension (third).
- 5) Decision taker (Minister, Court, Tribunal, Commission or Board)
- 6) Advise, usually non-binding, from Tripartite or Bipartite Committee (TC or BC, in Ministry or as independent council), or mixed expert group /E).
- 7) Decision criterion: representation thresholds and/or target groups
- 8) Presence (Y) or absence (N) of public interest criterion, like unemployment, budget, equal pay, etc.
- 9) Presence (Y) or absence (N) of rules on exemption applicable to firms or minority interests (unions, particular groups of workers)
- 10) Coding in ICTWSS database (6.1)
- 11) Proposed coding in new database.

Sources: LRI-CBR database (Adams, Bishop and Deakin, 2016^[9]); OECD policy questionnaires of 2017 and 2020 (for Western Balkans), IRLEX database, and overview in Hayter and Visser (forthcoming^[8]).

Variables – Coordination

Together with union density, bargaining coverage and bargaining centralization, coordination of wage bargaining is one of the most-used variables in comparative research on wage setting (Aidt and Tzannatos 2008). Bargaining coordination has been widely used and in some studies been preferred over

centralisation as an indicator to assess the behaviour of wage bargainers and explain wage developments (Soskice 1990; Nickell 1997; OECD 1997, 2004). Rather than the vertical ordering of wage bargaining, which is the leading element in the concept of centralization, coordination stresses the horizontal relations or connectivity between distinct bargaining units or actors (Soskice 1990) though surely vertical relations based on authority, power and prestige of the bargaining parties all enter into the concept of coordination (Traxler and Brandl 2012).

In the ICTWSS Database there are three variables that attempt to capture the presence and degree of coordination: **Coord**, the degree of coordination, **Type**, the type of coordination, and **Govint**, the role of the government in wage bargaining. (Various other variables in the database, especially in section C on social pacts, central agreements and social dialogue, and in section I on the Activities and Statutory Powers of Union Confederation and their main Affiliates relate to these coordination variables).

Coord is an attempt to rank the extent of wage bargaining coordination on an ordinal scale from high (5) to low (1). This follows Kenworthy's indicator of the "degree, rather than the type, of coordination" (2001:78), which is based on a set of hypotheses or expectations of how much coordination is likely to be generated by particular institutional features of the wage bargaining process. These institutional features are key to the approach of Traxler et al (2001) and the basis for the variable **Type**, which classifies on a nominal scale six different institutional 'modes' of coordination based on observable characteristics of the activities by major players that aim at securing coordination of wage setting "regardless of whether these activities were successful in terms of coordination effects" (Traxler et al 2001:148). It is important to understand the different concepts of the two variable. **Type** is based on *observed* characteristics of the wage bargaining process, **Coord** infers from such characteristics particular behaviour of bargainers and a *prediction* regarding bargaining outcomes. It is also important to note that **Coord** does not measure these outcomes, for example a pattern of wages moving in similar ways across sectors, or a close association between nominal wage and productivity increases (if it did **Coord** would be a tautology and could not be used as a variable helping to explain outcomes). As Kenworthy remarks, such indicators are common in comparative research—for instance, union density is not an observation of actual union power, but rather a hypothesis about the degree of union bargain power under a set of conditions that need further specification (e.g., freedom to strike, composition and unity of the union movement, political coalitions).

One of the coordination types is government intervention in wage bargaining processes and outcomes. Such interventions may happen with or without the consent of the bargaining partners and sometime take the form of tripartite social pacts. Golden and Lange (2001:113) distinguish 15 different degrees or types of government involvement, from totally uninvolved, followed by the government's setting of the minimum wage, the extension of agreements to non-organised employers, automatic indexation of wages to prices, and finally voluntary or statutory incomes policies, which may include the imposition of a wage freeze or a wage ceiling, and the prohibition of supplementary bargaining. Hassel (2006:206) has used the Golden and Lange classification for constructing an ordinal five-point scale of government intervention in wage bargaining, which is used as the basis for the **Govint** variable in ICTWSS, with some modifications.

Finally, none of these rankings or mechanism implies a normative judgement. Coordination can guide wage bargainers to adjust their expectations downwards or upwards, as the case may be, tie wages to past or expected inflation, productivity growth or inequality indicators. Pattern setting can have benevolent outcomes, when the pattern setter internalized some of the constraints and pressures of competitiveness, unemployment and structural change, but it may also cause trend following behaviour motivated by union rivalry, prestige and unrealistic expectations.

Coord: coordination of wage-setting

Defined as "the degree to which minor players deliberately follow along with what major players decide" (Kenworthy 2001:75), **Coord** tries to capture the degree of coordination in wage bargaining on an ordinal 5-point scale, constructed as follows:

5 = *Binding norms* regarding maximum or minimum wage rates or wage increases issued as a result of a) centralized bargaining by the central union and employers' associations, with or without government involvement, or b) unilateral government imposition of wage schedule/freeze, with or without prior consultation and negotiations with unions and/or employers' associations.

4 = *Non-binding norms* and/or guidelines (recommendations on maximum or minimum wage rates or wage increases) issued by a) the government or government agency, and/or the central union and employers' associations (acting together or alone), or b) resulting from an extensive, regularized pattern setting coupled with high degree of union concentration and authority.

3 = *Procedural negotiation guidelines* (recommendations on, for instance, wage demand formula relating to productivity or inflation) issued by a) the government or government agency, and/or the central union and employers' associations (together or alone), or based on arbitration awards, or b) resulting from a not yet regularized pattern setting coupled with a medium degree of union concentration and authority.

2 = *Some coordination* of wage setting, based on pattern setting by major companies, sectors, government wage policies in the public sector, judicial awards, or minimum wage policies.

1 = *Fragmented wage bargaining*, confined largely to individual firms or plants, no coordination

What this ranking does is attribute a probable coordination score to various behavioural or institutional sources, as identified in the **Type** variable, but recognizing that the same level of coordination can be the result of different sources (for instance central guidelines and wage following based on regular pattern setting) and that the same source (for example, what Traxler et al. call 'informal centralisation', type 3, or pattern setting, type 2) may produce varying levels of coordination depending on how these activities are conditioned, for example by the authority of the organisations involved.

Type: Type of coordination of wage setting

Type describes a particular behavioural patterns of activities of the major players (unions, employers, governments) involved in wage setting. The coding follows Traxler et al. (2001), with an additional code '1' for the government setting signals to wage bargainers through public sector targets or minimum wages.

- 6 = Government-imposed bargaining (incl. statutory controls in lieu of bargaining)
- 5 = Government-sponsored bargaining (this includes social pacts, provided they deal with wages)
- 4 = Inter-associational by peak associations
- 3 = Intra-associational ("informal centralisation")
- 2 = Pattern bargaining
- 1 = Government sets signals (public sector wages, minimum wage).
- 0 = No specific mechanism identified

Types or modes of coordination often exist in combination—trendsetting in Austria, Germany, Sweden, Norway and Denmark is combined with associational controls and even an element of state support, especially regarding dispute regulation. Such combinations also exist regarding other forms of coordination—for instance, a combination between state-imposed norms in Belgium and interassociational coordination based on national agreements, or social pacts and informal centralisation, based on norm setting and guidance by associations in the Netherlands. In such cases it would be possible to distinguish between the main or dominant source of coordination, and auxiliary sources, a useful distinction made by

Roche (1986) regarding various type of government intervention in addition to other forms of coordination. The coding in ICTWSS reflects the dominant type or source of coordination.

Govint: government intervention in wage bargaining

Govint ranks various forms of government involvement in wage bargaining on an ordinal scale. The coding follows Hassel (2006:75), with four changes:

1. making a distinction between, on the one hand, government participation in the negotiation and signing of a social pact or wage agreement (= 4 instead of 5) and, on the other, direct legislative intervention and imposition of a private sector settlement (= 5), which often occurs when pact negotiations or central agreements fail;
2. adding to the government's indirect role in influencing wage bargaining outcomes, the use of public sector settlements as pattern setter and establishing a norm for private sector wage developments (=3);
3. adding to the government's involvement through providing a framework for consultation, the possibility of Parliaments or government-appointed arbitrators to end disputes and impose a settlement (= 2); and
4. distinguishing between the case of a non-interventionist government that favours and facilitates collective bargaining through broad sectoral negotiations and agreements, for instance through mandatory extension and upholding the right of secondary industrial action (= 2) and the pure liberal or neoliberal case of non-intervention and/or favouring enterprise and/or individual bargaining (= 1).

The coding of **Govint** is as follows:

5 = the government imposes private sector wage settlements, places a ceiling on bargaining outcomes or suspends bargaining;

4 = the government participates directly in wage bargaining (tripartite bargaining, as in social pacts);

3 = the government influences wage bargaining outcomes indirectly through price-ceilings, indexation, tax measures, minimum wages, and/or pattern setting through public sector wages;

2 = the government influences wage bargaining by providing an institutional framework of consultation and information exchange, by conditional agreement to extend private sector agreements, and/or by providing a conflict resolution mechanism which links the settlement of disputes across the economy and/or allows the intervention of state arbitrators or Parliament;

1 = none of the above.

Code 5 corresponds with codes 12-15 of the government involvement index of Golden and Wallerstein (2001:113): the government or the arbitrator imposes a national wage schedule with sanctions or brings about an agreement, which prohibits supplementary bargaining. Code 4 includes various kinds of voluntary agreements or pacts, or a non-binding national ruling by the arbitrator (codes 9-11 of GW). Code 3 overlaps with codes 5-8 of GW and includes wage guideposts or non-binding recommendations and negotiations with the social partners, cost-of-living adjustments, and controls in selected (usually public) industries. Code 2 covers the establishment of a minimum wage (code 2 of GW), extension (code 3 of GW). Code 1 corresponds with code 1 GW: "government uninvolved in wage setting". Note, however, that the existence of a national mandatory minimum wage is not, as such, sufficient to produce wage bargaining coordination. It depends also on the way the minimum wage is set or adjusted, and its level (or share of employees affected by it). Where the minimum wage is adjusted post factum to the outcome of wage negotiations or indexed in an automatic way to the development of consumer prices, or where the minimum wage is set

very low in relationship to average or median wages, its importance for coordinating private sector wage bargaining processes or outcomes will be limited.

Data and sources

There are no national or international registers of central or sectoral agreements and the data has to be reconstructed from various international and national overviews and studies. The most important sources are listed below.

The main source on coordination is: Kenworthy, L. 2001. *Wage-Setting Coordination Scores*. Mimeo.

<https://lanekenworthy.files.wordpress.com/2014/07/wagecoordinationscores-discussionanddocumentation.pdf>

Kenworthy's survey covers 18 OECD countries (Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, United Kingdom, United States) for the years 1960 to 2000, and provides rationales, in the form of comments and notes, for the wage setting coordination scores given. Kenworthy draws on a variety of sources, the most important of which are: Soskice (1990), Iversen (1999, pp. 84-85), Traxler, Blashke, and Kittel (2001), the Golden-Lange-Wallerstein indexes of wage centralization (Golden and Wallerstein 1996), Ferner and Hyman (1998), the monthly European Industrial Relations Review (EIRR), and the European Industrial Relations Observatory (EIRO) website (<http://www.eiro.eurofound.ie>). In some cases, the scores have been revised based on newer literature and small differences in the coding. The post-2000 data are based on EIRR and EIRO, from 2003: the European Observatory of Working Life (Eurwork), 2000-19, Country updates. <https://www.eurofound.europa.eu/observatories/eurwork/country-updates>. This source has also been used for extending the database to the European countries not covered by Kenworthy (Bulgaria, Czechoslovakia/Czechia, Croatia, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovenia, Slovakia). All member states of the European Union (EU) and Norway are covered by the Eurofound Database on wages, working time and collective disputes (EFDB, version 2.1), which contains a section on "features of wage setting systems", including variables with information about the type and stringency of coordination, government intervention and the level(s) of bargaining. <http://www.eurofound.europa.eu/eiro/structure.htm>. The 'Industrial Relations in Europe' reports of the European Commission, biennial from 2000 till 2015, have been an addition source, especially for identifying the actors involved in wage setting and coordination. In addition, use has been made of the literature on social pacts (Avdagic et al 2011, Fajertag and Pochet 1997, 2000, Tódt and Neumann 2004, and Pochet et al. 2010, as well as Ebbinghaus and Weishaupt (forthcoming). For non-European countries the additional sources are Hartog and Theeuwes 1993 (US, Australia, New Zealand, Japan), Fraile 2010 (Korea, Chile, South Africa), Cardoso 2004, and Cardoso and Gindin 2009 (Argentina, Brazil, Mexico). On government intervention the main source is Hassel 2006, with additional information from Addison (1981), Flanagan et al. 1983, and Armingeon 1982, 1994.

For centralization and wage setting Golden and Wallerstein (1996), Golden et al. 2006, and Lange et al. (1993) have served as the principal source for methodology and data, with coverage extended to other countries and recent years from the sources mentioned above, with additional data from the comparative country studies in Bamber and Lansbury (1987, 1994); Blanpain (1986 &f.) Baglioni and Crouch (1990); Calmfors (1990); Bispinck and Lecher (1993); Ferner and Hyman (1992, 1998); Hartog and Theeuwes (1993); Katz (1993); Locke et al. (1995); Katz and Darbshire (2000), and Scharpf and Schmidt (2000); and Traxler et al. (2001), and Moerel (1994), Kohl and Platzer (2004), and Bohle and Greskovits 2012 for developments in Central and Eastern Europe. Recent data for EU countries, with greater detail of multi-level bargaining and opening clauses, has been obtained from Keune 2010; Visser 2013, 2016; Koukiadaki et al. 2016, Leonardi and Pedersini 2018; and Müller et al. 2019, and related to the EIRO and EURworks database from Schulten and Stueckler 2000; Schulten 2005, Arrowsmith and Marginson 2009, Broughton 2010, Cultarelli et al. 2011 Marginson and Weltz 2014, as well as the OECD questionnaire of 2016.

Country notes

Argentina

"The main feature of the IR systems in the three countries – Argentina, Brazil and Mexico – was that the law – not collective bargaining – played the major role in regulating relationships between the State, labour and capital. While collective bargaining and social dialogue were present, they tended to play a subsidiary role in regulating IR (with the partial exception of Argentina) – a model that, despite some change in the 1980s, still holds (Cardoso and Gindin 2009:1)." Within a relative stable legal framework and dramatically different political (e.g., two military dictatorships) and economic conditions, Argentina has experienced three different stages in collective bargaining. Relatively centralized at the industry level from 1953 till 1988, decentralized at the company level and influenced by deregulation and liberal economic policies from 1989 till 2003, and again recentralizing after 2003 (Senén González and Medwid 2018; Novick and Trajtemberg 2000; Palomino and Trajtemberg 2007). According to Cardoso and Gindin (2009) the shift to decentralized bargaining took shape after 1991. In this first period of reform (1991-98) new forms of contract, with low or zero social insurance contributions, were introduced in order to 'formalise' the informal labour market, flexible measures (lowering EPL) were extended to SMEs and collective bargaining at the firm level and reducing labour costs was promoted. The new Conciliation Law (Ley de Conciliación) stimulated negotiations by requiring attempts at private conciliation before allowing recourse to the labour courts. In the second period, (1998–2001) EPL was further weakened and negotiations could now be delegated to local representatives, with local agreements gaining precedence over the law as well as over broader collective conventions negotiated by unions or federations on issues such as working hours and vacations. In the third period, from December 2001–, the reforms were consolidated with attempts at social pacts, without concrete agreements or results.

In 1988, at the return to democracy, the majority of agreements were concluded at sector level, but by 2002 "there were no sector-level collective agreements at all" (Cardoso and Gindin 2009: 37). The share of sectoral agreements that set rules on wages dropped from 40% in 1991 to 12% in 1999 (Novik 2003:10). After 2003 the dominance of industry bargaining was restored, with the possibility of additional bargaining, used in larger firms. In 2007, of the workers covered by collective agreements 91% were subject to industry-level collective bargaining and 9% to firm-level bargaining (Cardoso and Gindin 2009:38). The usual practice is that after an industry-level agreement is signed, improvements can be negotiated at company level (*idem*, 18). Relations between the unions are competitive, contributing to rivalry in pattern setting between unions/sectors and a rather low level of coordination (Marshall and Perelman 2004), hence the coding '2' for most years. In the 1990s there were some attempts at tripartite negotiations (Etchemendy and Collier 2006), but this did not affect wage bargaining. In 1991, the government introduced a Crisis Prevention Procedure, which allowed the renegotiation of current collective agreements under certain conditions (usually affecting working hours and dismissal procedures). This was used in the 1990s but became rare after 2003, except in the 2008-11 financial crisis (Sénen González and Medwid 2018:183).

Australia

Government setting of wages by virtue of the federal tribunal (commission, or court) was the fundamental feature of Australia's wage setting process during the 1960s and 1970s, though industry- and firm-level bargaining grew in importance beginning in the late 1960s. Awards were mostly about wages, non-wage issues could be negotiated (Yerbury and Isaac 1971) "The centralized character of Australian industrial relations is perhaps one of its most distinctive features. This has been achieved through a network of arbitration tribunals, which exist at the federal level and in all six states of the Commonwealth and which have quasi-judicial status (...) More than 80% of the Australian work force is covered by awards of arbitral tribunals which set out the terms and conditions of employment. Yet collective bargaining, of a particular Australian variety, does occur within the conciliation and arbitration system to quite a degree. Kenworthy ranks awards as less strict than government-imposed wage settlements (hence '3' rather than '4' for

coordination), but rulings did create an almost automatic transmission of wage gains from one sector to another (Schwartz 2000).

"With full employment after 1967, bargaining on a second tier became more prevalent and a larger share of wage gains emerged from local bargaining. When the courts tried to enforce wage restraint in the late 1960s, unions struck and the court could not enforce any legal sanctions against them Schwartz (2000:78)." According to Mitschell and Scherer (1993:84) there were two periods "in which the centralized control over wages under arbitration broke down": the early 1970s and 1981-82. In 1981-82 there was no award by the commission and bargaining was conducted in a decentralized fashion. The government imposed a wage freeze in 1983. The Accords beginning in 1983 brought a return to wage awards by the commission and added explicit union cooperation. Since 1983 and until 1992 there have been six versions of the Accord. The Accord has been singularly successful in averting a wage explosion following the lifting of the wage freeze (of 1982). Similarly, the Accord was the vehicle whereby wage indexation was abandoned (after 1986) without the political and industrial dislocation which accompanied the demise of indexation in 1981. Remarkably, the Accord has been the instrument of real wage reduction (in the order of 10 to 14 percent) without major strikes. The latest version of the Accord was agreed in February 1990 (Plowman (1990)." Over time, the Accord began to fall from favour. Concern over the aggregate level of real wages declines and there was a widespread desire to achieve greater wage flexibility (...). "In the end, the Industrial Relations Court (the body responsible for making decisions on wage increases under the centralised arbitration system) was left isolated as the sole defender of the system (...). Although the Accord was formally renewed on seven occasions during the term of the Hawke-Keating government, it ceased to be a major factor in economic policy after 1989 (Quiggen 2001:100-1)". Following a severe economic crisis in 1985-86, which saw a dramatic fall in the exchange rate of the Australian dollar and an accompanying stimulus to inflation, the ACTU agreed to abandon its demands for full wage indexation. This ushered in a new era in which a 'two-tier' wages system was introduced by the Australian Industrial Relations Commission in the National Wage Decision of March 1987. The significance of the March 1987 decision was that it promoted a productivity bargaining element that was based on unions and employers agreeing to minimize costs through the removal of inefficient and restrictive work practices." Lansbury and Niland (1995, p. 65): "In the National Wage Case Decision of October 1991, the commission further refashioned the principles governing wage policy to encourage enterprise bargaining. This was another major change in the direction of a more decentralized approach to industrial relations (...) Currently Australia appears to be in transition from an industrial relations system that was one of the more centralized of the market economies to one of a dualistic character. While the majority of unions and employers remain in the more highly regulated era of arbitrated awards, an increasing minority are moving toward a more decentralized bargaining approach at the enterprise level. Bargaining was increasingly decentralized to the firm level beginning in 1992 (by 1996 only one-third of workers had wages set through central arbitration), but the tribunal continues to set a "basic" or minimum wage (idem Schwartz 2000).

The Workplace Relations Act of 1996 was a landmark in that it provided for the replacement of sectoral by workplace bargaining (Rimmer 2007). Further reforms and especially the Work Choice Act of 2005 opened the door for individual and non-union contracts, the clause that these contracts cannot set lower terms is removed (Peetz 2006). When returning to government office, Labour in 2007 corrected some of the most radical reforms of their predecessors and encouraged 'in good faith' bargaining and restored the 'non discrimination' clause in contracts, but this has not brought back multi-employer bargaining, reversed the downward trend in bargaining coverage or lay the foundations for institutionalised employee representation in the workplace. The 2009 Fair Work Act in Australia, which requires that enterprise agreements satisfy the conditions set in 'modern awards' with minimum conditions on pay and hours (Steward et al 2018), remains wedded to single-level enterprise bargaining and does not disallow non-union agreements (Peetz 2018).

Austria

The Austrian case represents a system with regular peak-level discussions regarding the appropriate range of wage settlements but without a formal peak-level agreement. "For a long period, coordination across sectors was mainly performed by the Parity Commission (the joint council of employers and unions, informally coordinated with the government) and was based on the sectoral bargaining parties' obligation to apply jointly for the Commission's approval before renegotiating agreements. Coordination was aimed at influencing the timing of bargaining rounds; no attempt was made to prescribe their agenda or outcome (Traxler 1998: 256-57)." "The Austrian case thus represents a system with regular peak-level discussions regarding the appropriate range of wage settlements but without a formal peak-level agreement (Lange et al. 1993: 15)." Coordination is tight and based on inter-associational cooperation and supervision, which is effective insofar both sides are represented through monopoly organisations. However, as a rule there are no binding norms as to the outcome of bargaining. Kenworthy codes coordination at the highest level ('5'), especially because of the monopoly position of the Austrian Federation of Labour (ÖGB), but code '4' for level of coordination (and '4' for type) is consistent with the ICTWSS codebook (non-binding norms), except in the few years that there was a central agreement or pact. Traxler, Blaschke, and Kittel (2000:152) note that Austria tends to be misinterpreted "as a case of centralized, tripartite wage concertation. This comes from overstating the role of the Paritätische Kommission in wage policy. Even in its heyday, the Commission's role was solely procedural and has become symbolic since the early 1980s. Governments (albeit represented on the Commission) have not directly intervened in wage policy. During the 1970s, substantive coordination of wages was primarily an internal matter for the ÖGB (unions) and WKÖ (employers), with the exception of 1973 when a central wage accord was concluded." With the exception of 1973, the level of bargaining is coded '4' for all years until 1982, i.e. a mixed situation between central and sectoral bargaining, a mix between informal bargaining or decision making at the central level and actual bargaining at the industry level. Central coordination insured that there will be an agreement in all sectors. The so-called 'adjustment pact' of 1973 was a classic tax-wage deal. "Although there was a second attempt to achieve a combined wage-tax bargain in 1974-75, the ÖGB refused in this instance to connect problems of taxation with wage increases (Flanagan et al. 1983:62; Hemerijck et al 2000)." There were sporadic central agreements, in 1968-69 and 1978-79, over non-wage issues, on unemployment insurance, pensions and pre-retirement (Guger 2001).

In the early 1980s, there was a change towards a lesser role for the Commission and the peak associations, and a greater role for sector bargaining coordinated through pattern setting initiated from the metal industry. Traxler et al (2001:152) claim that this change occurred gradually but that 1983 was the year of no return. In that year the metalworkers' union proposed that, macroeconomic growth and inflation should be the main criteria for wage policy and that the exposed sector be recognized as the pacesetter for the sheltered sector. All the other unions subsequently accepted this concept. This pattern-setting model of coordination (level=4; type=2) has remained in place. In 2012-13, the employers in the metal industry discontinued their joint bargaining platform and conducted wage negotiations separately in the six branches making up the metal sector, however agreements are rather similar (Visser 2016; Eurworks. There is not a formal second round of pay bargaining of the sort existing in Scandinavia, Italy or Belgium. However, there has always been considerable wage drift, in some years up to 30-50% of the total increase, based on premiums and allowances awarded by management above the levels established in the contract (Flanagan et al 1983; Guger 1993). Often these increments were the result of plant-level negotiations conducted by the works council. It was only in the 1990s that these additional negotiations, first over working time, later also over wages, became formally mandated through opening clauses in the sectoral agreement. EFDB codes this additional enterprise bargaining as common and its articulation restrictive or informal. Bargaining is conducted by works councils (art=2) although no such role is foreseen in the law. Unlike EFDB and based on data about union presence in firms (53% of employees in non-agricultural 10+ Firms were covered by councils), rAEB is coded as 2 (common in large firms, up to a 50% coverage) rather than 3.

Beginning in the mid-1980s industry agreements have included opening clause that leave the regulation of working hours and working time schedules to negotiations by works councils, within an overall norm of a shorter working week. In this specific area, industry agreements have become framework agreements, stipulating minimum norms and procedures for local negotiations, without the possibility of striking (Traxler 1997). This development has been encouraged by new legislation on working time in 1995, transposing the EU working time directive of 1992 and allowing have derogation from legal norms by means of collective agreement. Later, opening clauses involved pay issues as well, for instance in the metal-engineering working agreement of 1993, but these clauses found little use. The metalworkers' collective agreement concluded in the autumn of 2011 follows a different approach. It contains a so-called location clause allowing companies which in the last three years did not have a positive operating result to split the collectively negotiated (sectoral) wage increase in a general and a contingent (individualized and performance related) part. The 1993 agreement had foreseen a similar solution—a lower general increase and a larger share for variable performance related pay. In their survey among managers and staff, Auer and Welte (1994) found that many works councils in Austria had been ill-prepared and experienced difficulties in legitimising lower wage increases than were considered standard for the industry. This made them unattractive partners for management and that may have been the main reason why employers, in spite of their preference for more variable pay, made little use of these opening clauses.

Belgium

"Between 1960 and 1975, Belgian industrial relations were marked by so-called *Social Program Accords*. Without direct government involvement, employers and workers concluded multi-industry agreements which established terms and conditions of employment at the national level for two or three years. (...) The government upheld the social programs agreed upon through legislation or other facilitating measures, but remained otherwise uninvolvement (Van Ruysseveldt and Visser 1996:214)." The term 'social programming' conveyed three main principles: workers must share in the growth of national wealth through the regularly improved standard of living; this must be realised through collective bargaining; and social peace must be observed during the currency of the collective agreement (Blanpain 1971:121). A national agreement first established minimum norms or rates for changes in wages and other benefits. These norms then guided sectoral and enterprise negotiations. The government was not a formal partner in these negotiations, but was expected to legislate in accordance with the outcomes. The first agreement ran to 1963, in 1964 there was no agreement, in 1965 started a series of biennial agreements. The 1971-72 agreement was about pension, hours of work and trade union education. The biennial agreements of 1973 and 1975 established a national minimum wage and pension provisions for pre-retirement. Both coordination and centralization are coded '4', indicating a combination of national and industry bargaining, and guidance by means of non-binding norms. The type of coordination is based on inter-associational cooperation ('4'). From 1975 the level of coordination is coded 5 for each year of government intervention or binding central agreements (obtained or imposed by the government), whereas the type of coordination alternates between '6' (government-imposed) and '5' (government-induced). After a few years (1977-80) without successful national bargaining (level='3'), the level of bargaining alternates between 4 (mixed between national and industry or company bargaining) and 5 (in the years with government imposed norms, leaving little or no space for additional bargaining).

The system of national collective agreements between employers and trade unions broke down in 1975, prompting governments to step in. "Government intervention has become so common and so far-reaching that one may reasonably speak of a transformation of the Belgian system of industrial relations (Spineux (1990:49-50). "Apart from the key event, namely the loss of collective bargaining independence by business and labour, and the consequent extension of state intervention in this sphere, there was an appreciable shift in the levels at which bargaining was carried on. Major agreements ceased to be reached on the economy-wide level, and the number of conventions concluded at the National Labour Council also diminished as a result. Difficulties have arisen at the industry level as well, for similar reasons. Here too

the number of contracts signed has declined. The trend towards decentralization has thus shifted bargaining towards the regional and company level (*idem*, p.58)." In 1976 indexation was suspended, in 1981 sharply reduced and again suspended in 1982; collective agreements reached before January 1981 are frozen until the end of 1982. This is sanctioned by a tripartite agreement reached in February 1981 (Beaupain 1989: 240)." After 1982, the government takes unilateral action and it was not until 1986 that the tradition of biennial central agreements is resumed. In contrast to the agreements of 1960-76, the five 'new-style' central agreements (1987-88, 1989-90, 1991-92, 1993-1994, and 1995-96) were relatively limited in content, and their impact was largely symbolic (Vilroox and Van Leemput 1998: 337)." Three times, following the EMS crisis of 1992-92, in 1995 and 1996 the government proposed tripartite negotiations and failed to obtain agreement (Arcq 1997:100-1; Hemerijck et al. 2000:242)." Following these failures, the government imposed unilateral measures. For 1994-5, it imposed a wage freeze and disallowed increases negotiated after November 1993. In 1996, the government revised the Competitiveness law, which stipulates that the maximum margin available for wage costs rises over each two-year period is determined by development in its three neighbours France, Germany and the Netherlands. Based on the new law, there were six biennial central wage agreements (1999-2000; 2001-02; 2003-04; 2007-08; 2009-10; 2017-18), and five failed (1997-98; 2005-06; 2011-12; 2013-14; 2015-16). In these years, the government imposed the agreement, with or without modifications. Usually, the sticking point was the limitation or suspension of indexation. The government intervened with a wage freeze (above indexation) in 2013-14, a limitation of indexation in 2009-10, and a temporary suspension of the wage indexation in 2011 and 2015-2016 (Van Guys et al. 2018)

Guaranteed by a central agreement (of 1971), Belgian unions can elect workplace representatives, in addition to the works council system established by law. The union delegates can negotiate and sign a collective agreement. The rise of a second, enterprise-level layer of negotiations can be dated to the late 1970s and early 1980s and happened in a context of tighter, government-imposed rules and interventions at the central level and the advent of work-sharing policies in times of rising unemployment and austerity (Hemerijck et al 2000). With the government setting financial incentives for negotiated working-time reduction and work-sharing policies at the local level, there was a sharp rise in enterprise agreements, from around 100 in 1978 to more than 3,000 in 1985 (Van Ruysseveldt and Visser 1996:243). Enterprise bargaining has not replaced industry bargaining but remained embedded in industry and central bargaining, with an increasing influence of the state in prescribing the outcomes (Vilroox and Van Leemput 1998). The work-sharing policies of the 1980s were combined with opening clauses on working time. In Belgium, this was shaped in a framework of multi-level bargaining, with room for local bargaining mostly on non-pay issues, especially related to working time. Crisis-related opening clauses in Belgium seem to have remained exceptional (Keune 2011). On three occasions, in 1976, 1981-82 and 2009-10 there was widespread use of one-off crisis related opening clauses to allow the voluntary (2009-10) or government imposed suspension or limitation of indexation clauses. (EFDB codes OCT 1 (yes) in all years since 2000, but this clearly wrong, or perhaps refers to a theoretical possibility to rewrite contracts.)

Brazil

"The main feature of the IR systems in the three countries – Argentina, Brazil and Mexico – was that the law – not collective bargaining – played the major role in regulating relationships between the State, labour and capital. While collective bargaining and social dialogue were present, they tended to play a subsidiary role in regulating IR (with the partial exception of Argentina) – a model that, despite some change in the 1980s, still holds (Cardoso and Gindin 2009:1)." During Brazilian military rule (1964-87), unions could not bargain professional wages or wage increases, which were defined by the military. In manufacturing, firms unilaterally decided the wage structure according to their production needs; the government defined changes in nominal value (Cardoso and Gindin 2009:8). Collective bargaining in Brazil has included wage bargaining since at least 1978 and organized labour tried to set professional wages above the official standards (*idem*, 2009). The resurgence of unionism and the democratization process at the beginning of

the 1980s changed the relationship between these nominal rate changes set by the government and actually bargained wages in favour of the latter, especially in manufacturing. The usual practice is that municipal-level (Brazil) agreements set the minimum standards, improvements to which can be negotiated at company level. Referring to the period from 1994, Cardoso and Gindin (2009:39) assert that collective bargaining was strongly decentralized, with collective agreements (between one union and one firm) prevailing over collective conventions covering all of the firms in a municipality (see Oliveira, 2003: 292). Multi-employer bargaining is mostly occurring at the local or regional level (Cardoso 2018), supported by the legal framework for union recognition and allowing extension. Mello e Silvo (2014) characterizes the 1990s as a period of relentless decentralization. There was considerable concession bargaining, especially in 1997-98 when firms like VW and Ford threatening to leave if unions did not give up some of their gains obtained in the late 1980s. After 2003, due to the improved economic situation, this stopped and the union bargaining position got stronger. On coordination Cardoso and Gindin (2009: 56) state: "Unlike the 1990s, during which the Ministry of Labour forced the decentralization of the bargaining process and overlooked the actual "illegality" of working conditions, the present-day administration coordinates the bargaining of most national conventions. This reduces the transaction costs of both workers' and employers' associations. The MW has lost most of its function in coordination.

Bulgaria

The law provides for a framework of sectoral bargaining, with scope for additional enterprise bargaining. This was confirmed in a central agreement between the main union and employers associations in 1993. That agreement stated that national collective bargaining would have a framework character, setting rules, while the real bargaining would take place at industry and enterprise levels Kirov (2019:83)." Sectoral bargaining remains fragile however, despite the possibility if extension, which was used, especially, between 2010-12 to rescue sectoral bargaining from erosion. Currently, the situation is best described as in between sectoral and company bargaining. Coordination is weak and in the hand of the government (minimum wage setting, extension, public sector wages). For 2006 there was a social pact, mostly on non-wage matters, another agreement was reached in 2010 with various government support schemes, including a raise of the minimum wage and extension (Kirov 2019:84). After 2012, this type approach to coordination was discontinued. Sectoral agreements define mostly legal minimum conditions and wages, with additional bargaining in most larger firms (rAEB=2, not 3 like in EFDB, for that union density is simply too low). Bargaining is conducted by union representatives (art=1). Since 2009, there is widespread use of hardship or inability to pay clauses.

Canada

Scores for level of bargaining are essentially the same as in Golden et al (1997). "The dominant form of collective bargaining in Canada is between local unions and management in a single establishment. There has been some pattern bargaining in a few industries, such as automobile assembly, steel, meatpacking, and pulp and paper, but in the course of the 1980s, this weakened, also in meatpacking industry. Hence, until 1984 the level of coordination is coded 2 (weak coordination based on pattern bargaining, type=2), from 1984 as '1' and type as unspecified = 0). In or after 1984 pattern bargaining ended in some key manufacturing sectors (Meltz and Verma 1995). Like Kenworthy (2001), the level of coordination between 1976 and 1978 is coded '5', based on government intervention resulting in the imposition of a general wage freeze (type=6). Two-tiered clauses, with sub-standard rates for new entrants, under specific conditions, are conceded since 1982.

Chile

Collective bargaining in Chile is pluralistic and decentralized. The process of bargaining and conflict resolution is regulated in detail in law, but unions and employers are free to negotiate, or refuse to negotiate, and more than one union is allowed to enter the process. After the coup of 1973 and until 1991

only firm-level negotiations was allowed, and initial union federations were prohibited. Under the 1990 Constitution, multi-employer negotiations are allowed but firm-level negotiations enjoy protection and recognition. "Tripartism with the 1990 Framework Accord, right at the onset of the first post-Pinochet democratic administration. (...). It included more specific agreements to raise the minimum wage and minimum pensions and to finance increased social spending with a moderate tax reform. (...) There was no consensus on labour law reform and employers decided to discontinue the annual tripartite setting of the minimum wage in 1993. (Falabella and Fraile 2010:129)." The signing of 1990 Accord was unprecedented. The three central agreements (in 1991, 1992 and 1993) that followed the Accord dealt only with the minimum wage, especially the restoration of the linkage with average wages, but did not address any other major theme (Campero 2001:21).

Croatia

In September 1991, the democratically elected government and the three trade unions signed the first agreement, which can be considered the framework for collective bargaining. At the time the majority of the economy was still state owned, privatisation started in 1994 and in this early agreement the government acted as the biggest employer). The first general national collective agreement for employees in the private and state-owned companies was signed in July 1992. It defined the rules for harmonising wage developments in accordance with inflation (...). In October 1992, a similar agreement was signed for public and state employees. Both these agreements set the conditions for industry-level bargaining). (...) In the early phase of the transition, therefore a centralised and coordinated system of collective bargaining was established, similar to the other former state of federal Yugoslavia, i.e. Slovenia (...). From the mid-1990s, however, a more decentralised and un-coordinated system emerged (Bagić 2019:94-95). According to Bagić (2019) bargaining patterns differ across sectors, with sectoral bargaining and limited additional enterprise bargaining in the public sector, multi-level bargaining, sector and company, in private services (tourism) and construction, and enterprise bargaining in manufacturing industries. This division appears to be rather stable without a clear trend to decentralization, with the exception of the cancellation of the sector agreement in retail. Most agreements do not define actual wage rates, which are set by management or in enterprise negotiations. In many firms, works councils rather than union committees conduct the negotiations and monitor the outcomes, and the relationship between levels is not articulated. Overall, additional enterprise bargaining is very limited (excluding manufacturing where all bargaining is conducted at enterprise level). The national minimum wage, introduced in 2008, is adjusted on the basis of the price index. This was changed in 2013, taking into account poverty and employment indicators, and this may have sent stronger signals to wage negotiators. It is legally possible to have opening clauses, but it is unclear whether they are at all existing and used.

Cyprus

The tripartite agreement of April 1977 established the Industrial Relations Code, with procedures for collective bargaining and dispute settlement, and created a tripartite Labour Advisory Board (LAB) within the Ministry of Labour. There were no changes and no tripartite agreements in preparing Cyprus for joining the Euro nor when Cyprus negotiated the MoU with the Troika of EC, ECB and IMF (2013-16) during the banking crisis. However, the government stepped up its coordination efforts, usually rather limited through its influence on minimum wage setting, by suspending indexation (2012-16). There is some intra-associational coordination based on union recommendations for wage rate adjustments in decentralized negotiations, some authors call this informal pattern setting (Iannou and Sonan 2019:114). Wage bargaining is mostly conducted at the company level, with sectoral agreements in some sectors, for example in metal engineering. Overall, sectoral bargaining is on the decline (in construction, leather and footwear, banking, where the sectoral employers' association collapsed in 2015) and stand-alone enterprise bargaining has been growing since the 2008 financial crisis. Additional enterprise bargaining is limited and poorly articulated, often with agreements at both levels having the same content (*ibid.*). There

is a single channel system of workplace employee or union representation, but negotiations are nearly always conducted by full-time union officials, even at enterprise level. The relationship between bargaining levels is left to social partners to decide. Open clauses, general or crisis related, are rare or non-existent.

Czech republic

After 1989 series of general accords between the government and the social partners in (former) Czechoslovakia. These accords included broad guidelines for pay and were negotiated in the tripartite Council of Economic and Social Agreement RHSD, itself the result of a tripartite agreement in late 1990. The second agreement, for 1992 established an expert group and relaxed the wage norm, allowing wages to increase not only with inflation but also with company profits, and relaxing tax-based wage regulation for private firms. The 1993 and 1994 agreements were signed after the break-up of Czechoslovakia. The government was not keen on these agreements and although the subject matter remained the same, the obligations were watered down. The 1994 Agreement also included a statement that social partners will support the extension of higher-level collective agreements. Wage controls were finally abandoned in 1995, when inflation no longer presented a significant threat, and there were no more general agreements. Under pressure of austerity, the Klaus government did try to negotiate a social pact in 1998, but the unions refused. With the return of the social democrats in government, tripartite concertation resumed, but there were no general agreements. During the 2008 financial crisis, the government froze the national minimum wage for several years.

"Applicable labour law poses narrow limits on the scope for free collective bargaining" (Kohl and Platzer 2004:197). Employers' associations often refuse to negotiate or renew collective agreements and there has been a rise in the use of individual contracting and in the conclusion of collective agreements without any minimum wage rate increase (Myant 2010). The division between industry and enterprise bargaining is problematic. In the coverage statistics there is a significant overlap, some employees covered by industry agreements are also covered by enterprise agreements, and vice versa, thus properly counting as additional enterprise bargaining. There are also industry agreements without additional enterprise bargaining as there is no enterprise-level union representation (Myant 2019:136). Workplace rights of employees tend to be expressed through the union, which also tends to have a monopoly on conducting negotiations and signing agreements. But with falling union membership levels and contested recognition, coverage tends to be limited to a minority of firms and workers. Collective bargaining law excludes derogation and Enterprise agreements can only set more favourable conditions when an industry agreement exists. During and since the 2008 crisis fewer collective agreements stipulate a specific year-on-year wage increase; in 2010 such rate increases were agreed in less than half of all agreements.

Denmark

With exceptions, collective bargaining in Denmark has occurred at two-yearly intervals (agreements covered three or more years in 1958-61; 1987-91; 1995-97; 2000-03; 2005-07; 2015-17, or just one year in 1981, 1982, 1986 and 1987). Until 1980, negotiations were conducted at the central level. Before 1973, only exceptionally did deadlock require parliamentary intervention in the negotiations, as in the 1956 and 1963 bargaining rounds (...). In 1973 the breakdown of bargaining led to a major conflict (...) before the parties finally reached agreement (Scheuer 1992:186) and the next three bargaining rounds (1975, 1977, 1979) all ended without agreement. The desire to avoid the deadlocks and political interventions of the 1970s led to decentralised bargaining in 1981. In 1982, however, a return to centralization occurred as the government imposed a general wage freeze (applying in 1983). In 1983-84 some industries settled separately, but most were referred by the LO and DA to the State Mediator, whose proposal was accepted in a centralized ballot. In 1985-86, Parliament prolonged all contracts when peak-level negotiations reached an impasse. After several interventions limiting or suspending its use in 1979, 1981, 1983, 1985, indexation was abolished in 1986 (Bøje and Madsen 1994:103). Since 1987, these fluctuations in the level of bargaining have ceased and wages in Denmark are set exclusively in industry-level bargaining (Lange

et al. 1993:16-17), with the exception of the 1998 conflict over longer holidays, when Parliament intervened. In 1987 employers in metal engineering and a cartel of unions (CO-Metal) led by the skilled metalworkers union concluded an unusual four-year contract with a provision for adjustment after two years. This settlement 'was virtually "carbon-copied" by the other bargaining units' (Scheuer 1997: 163). It meant a change in wage leadership (Boje and Madsen 1994) from the coalition of unskilled and public sector workers in the central federation to the metal (export) sector, with an increased role of the salaried employees within the cartel of unions around skilled metal workers. Also in 1987, together with the government the main union and employers organisation signed a so-called 'declaration of intent' (*hensigts-erklæringen*), in which they undertook to keep Danish wage increases below the level of Denmark's main trading partners (Mailand 2002:85; Meinertz 1996: 81).

In addition to these shifts in wage leadership, there was decentralisation in a further sense: a shift from standard job-related wages to person-related pay by means of the gradual replacement of what in Denmark is called the 'normal wage' by the 'minimum wage' system. Under the normal wage system the standard rates, negotiated at the sectoral or national level, cannot be improved through local bargaining. This system is (still) prevalent in the finance sector, transport (for manual workers), and in the public sector. Under the 'normal wage' system, the role of the local shop stewards is mainly to monitor compliance, not to renegotiate wages. Under the minimum wage system, only minimum pay levels are regulated through sectoral bargaining; this was originally the province of craft workers, who could negotiate piece rates locally. In Denmark local bargaining takes place more or less on an annual basis, but under a peace obligation, and takes the form of pay sum bargaining over the 'aggregate size of the pay rise for the group of workers represented by the shop steward' (Scheuer 1998: 167). Reported by Scheuer (1998), based on data from the employers' federation DA, the normal wage system applied in 1997 to just 16% of all employees covered by collective agreements to which it is signatory. Minimum wage systems apply to 67%, from 62% in 1985. The biggest rise is in figureless agreements, 17%. These agreements leave all bargaining to the local level, only specifying the rules or in some cases default outcomes should no local solution be found. Union representation in firms and additional enterprise bargaining is pervasive and extends into the small firm sector. According to Danish contribution to the EIRO study (Cultarelli et al 2012), enterprise bargaining over wages and working hours applies to 85 percent of the private sector workers covered by collective agreements. Social pacts are rare and only deal with non-wage (labour market reform) issues and the role of the central organisations in wage bargaining is since the early 1980s limited. Thus, the level of bargaining moved from '5' (central) to '3' (industry), with many fluctuations in the 1980s before a new pattern was established. Similarly, coordination changed from '5' (based on binding central agreements, type=4, or failing these agreements, government intervention, type=6) to '4' (based on pattern setting, type=2), again with some fluctuation during the 1980s.

Several areas of working life, which in other countries would be governed by legislation, are regulated by collective bargaining (OECD 1994: 154); Parliament 'has passed very little legislation' (Due, Madsen and Jensen 1997: 129) and collective bargaining itself is regulated by a basic agreement between the main social partners rather than by law. There are no legally determined favourability rules; derogation from the law, very limited, is not possible.

Estonia

According to the Wage Law, which came into force in 1994, the national minimum wage in Estonia is determined annually by government decree after the central organisations of trade unions and employers have reached consensus about its level for the next year. Over the years, the minimum wage negotiations have been rather intense. The national minimum wage was first agreed in 1992 in a tripartite agreement and until 2001 minimum wage adjustments were the result of annual consultations before the government made the final decision. In 2001 EAKL and ETTK signed a bipartite agreement on the principles for establishing the minimum wage in the period up until 2008, with annual negotiation rounds for adjustments (Kohl and Platzer 2004:236). From 2002, the annual minimum wage increase have been subject to bipartite

negotiations between EAKL and ETTK, the main union and employers federations. Based on their agreement, the government brings the new minimum wage level into effect by issuing a wage bill. In 2005-7, no agreement was reached and during the 2008-9 crisis, the government intervened and set the MW unilaterally, imposing a freeze. In 2011 MW setting through bilateral central agreements resumed and until 2019 each year, except in 2014, a minimum wage agreement was reached (Kallaste 2019:178).

Nearly all wage bargaining in the private sector is conducted at enterprise level (sector agreements exist only in health care, transport and arts). A small number of these enterprise agreements are signed by non-union employees' trustees, admitted under the reformed Employment Contracts Act of 2008. There is no evidence of pattern bargaining, Kallaste (2019:184) cites research showing that "the minimum wage agreement influences wage levels.

Finland

The level of centralization of wage setting fluctuates without any noticeable long-term trend. In most years, the labour market organisations negotiated a central agreement, from 1968 with the assistance and participation of the government, usually linked to tax and budget measures ("income policy agreements"). However, unlike central agreements in Sweden or Denmark, Finnish central agreements are not automatically binding and the industry-level bargaining that follows is not *per se* covered by a peace clause. Hence, they are coded as '4' (in between industry and central bargaining) rather than '5'. Central agreements are recommendations for their member unions. If a union affiliate rejects the result, negotiations for that union move to sectoral the level. If many unions reject the agreement, employers back out and the central agreement fails. Usually the government steps in with additional policy concessions and 'convinces' or 'bribes' a sufficient number of unions (and employers) to back the agreement (Kauppinen 2000:161). If a union (or sectoral employer association) accepts the terms of the central agreement, it must accept the result as binding and transpose its clauses in the sectoral agreement with binding effect; differences of interpretation (of the terms of any signed agreement) must be taken to Labour Court and cannot cause legal strikes. The prohibition of striking once the agreement is in force "creates important incentives for employers to take part in multi-employer bargaining (Lilja 1998:179)".

Before 1968, when unions were deeply divided, coordination was difficult, '2' or '3', with weak associational guidance, interspersed with government interventions. Governments attempts to obtain 'stabilisation agreements' failed in 1963 and 1966 (Addison 1981:221). From 1968, with a re-united union movement wage bargaining in Finland has been more regularly characterized by tripartite negotiations and in most years there was a government sponsored central agreement (coordination is '4' based on government sponsored agreements, type=5 in most years). In 1973, 1977, 1980, 1983, 1988, 1994-95, 2000, 2008-10, the central organisations failed to agree or did not start negotiations, and most settlements were at industry level, with limited coordination across sectors ('2'). In 2017 the employers federation withdrew from all central negotiations and with the last incomes policy agreement ending later that year, wage bargaining is now conducted at industry level with a greater component of enterprise bargaining. The government has rarely used its powers to impose wage settlements on the unions and employers in spite of the government's regular participation in tripartite bargaining. Exceptions occurred in 1968-70 and 1978. In 1968-70, the government enacted emergency legislation giving it the power to regulate wages and prices. In 1978, the government requested the SAK to defer a previously agreed upon wage increase (Lange et al 1993:17-18).

In most years wages have been negotiated at both the central and industry level for a two or three-year period, with little additional local bargaining. According to Vartiainen (2001:31) the Finnish system differs from its Scandinavian neighbours in the sense that, "as a rule, no local bargains are assumed to take place. (...) (O)nce the collective agreement has been signed, the employers have the right to apply this agreement unilaterally by just increasing everyone's wage by the specified amount and resuming normal business management". But this appears to have change in recent years (Johansson 2006). The industry agreements from 2007 and the central agreements from 2011 allow for more enterprise bargaining. In the

2000s Finnish employers in the technology sector pushed hard for more, or even only, local pay bargaining. In 2007, unions and employers compromised by negotiating new agreements at the sector level, against the preference of the employers in the technology sector who had wanted to set wages exclusively at the enterprise level. In the collective agreements for 2008 and 2009, the unions conceded opening clauses on working hours and overtime. The agreements in the technology sector for 2009 and 2010 were the first to move pay bargaining down to the company level with no general, industry-wide, nominal wage pay increases set for the second year. The technology employers wanted their agreement to become the trendsetter for the rest of the private sector, but were unsuccessful and in 2011 Finland returned, unexpectedly to central bargaining, however with a larger component of local bargaining.

France

Collective agreements are negotiated at the (sub)sector level, often on a departmental base. Under the 1950 law this was the only level allowed, after 1969 central bargaining was promoted, however only on non-wage issues (Reynaud et al 1975; Férec and Loos 1988). The central organisations have no role in wage bargaining, which is autonomously conducted by their industry affiliates. The 1968 tripartite (Grenelle) agreement, with various government concessions on bargaining, minimum wages, and union and employee rights, is the exception. After 1981 governments have promoted enterprise bargaining, making annual negotiations on working time mandatory, but helped by near automatic extension of sectoral agreements, the sector level has remained dominant (level='3'). Lallemand (2006:56) claims that the sector agreement lost its function as a wage floor for local negotiations and that "a set of legal exemptions first introduced in the 1980s steadily eroded the primacy of the industry level." Other authors date this development later, in the 1990s or even later. For the 1980s, Segrestin (1990, 111) comments: "The French industrial relations system has unquestionably accentuated the trend, observable since 1980, to decentralization of bargaining to the company level. (...) It would be a mistake, however, to leap to the conclusion that traditional industry-by-industry bargaining has been swept aside." The job and wage classification schemes in sectoral agreements remained the reference points for firm-level decisions and negotiations even in the 1990s. In 1998 still more than half of French managers declared that they used the recommendations and classifications of the relevant sector agreement (Avouyi-Dovi et al. 2005).

Coordination of wage bargaining depends on government action, mostly by using its position as public sector employer and through the minimum wage. Kenworthy codes the level of coordination at '2', without variation over the years. However, while this may correct for the 1950s and 1980s, given the weight of the nationalized sector, it seems that in most years between 1960 and 1981, with the exception of 1968-69, a coding of '1' is more appropriate. However, before they were sold off in the 1980s and 1990s, the government often used the so-called 'socially responsible' firms—Saint Gobain, Rhônes Poulenc, Renault, Gaz de France or Electricité de France—to set an example for responsible wage bargaining and introduce new models of participation and industrial relations (Howell 1992). Soskice (1990:47) notes that the nationalized industry sector has dominated the economy and the wage-setting process, since the French government nationalised some of the most important companies in the economy in 1981-82 and "that (this coordination) works because of the great weight which the public sector has had in the crucial areas of French industry in the 1980s. It operated initially and formally with increasingly reluctant union support, while the Communist Party was part of the governmental coalition until 1984. From then, as unemployment rose, it was maintained informally and tacitly and tightened despite union opposition". This type of unilateral, state-led coordination became easier with the decline of unions. Only once, in 1983, did the government directly intervene with a wage stop.

Minimum wage setting plays a rather large role. Traxler et al (2001:115) note that in many sectors wages "simply echo the level of pay set by minimum wage legislation." Since the introduction of the Salaire Minimum Interprofessionnelle Garantie (SMIC) in 1970, minimum wage increases are indexed to prices and must reflect the growth of manual earnings, hence limiting the discretionary power of governments to lower the minimum wage. It can however grant an additional rise and often does. In the period 1970-99,

discretionary increases were implemented in every year except for 1986-8 and 1993-5 (Bazen 2000:132)." Extension, too, is used in a rather automatic fashion and not used as a discretionary instrument to influence union or employer behavior.

After 1945 and until 1968 collective bargaining was eliminated from the company level in France. The Grenelle agreement of 1968 paved the way for mandatory union representation in the firm. Up until the early 1980s industry bargaining remained predominant, though reforms to make its role more important failed. Collective agreements reflected minimum conditions defined by law (and sometimes fell behind as they failed to update in time) and outside large firms management was free to decide on pay above the sectoral norm. After 1982 additional enterprise bargaining almost automatically expanded as a result of legal obligations and financial incentives (Naboulet 2011:5), though the deeply divided trade unions were ill-prepared for the negotiating role thrust upon them by the reforms of 1982-83 (Howell 1992). Ferec and Loos (1988: 153-6) estimate that in a period of four years the coverage of enterprise agreements increased from 24 to 35 percent of employees in non-agricultural firms with 10 or more employees, rising to about 50% in the 2000s (Andolfatto 2004; MTES 2012). These agreements co-exist, and overlap, with industry agreements, the coverage of which has increased as well. The annual Acemo surveys (see Amossé 2004; Naboulet 2011) suggest that, averaged over the period 2005-8, about one-third of non-agricultural firms with 10 or more employees has some union representation. Union representation is still very much a large firm phenomenon.

In 1995, three of the five union confederations signed an agreement allowing representation and bargaining with the help of elected employee delegates in enterprises without union representation. Such non-union agreements can be invalidated by a majority vote of the unions. This was sanctioned by legislation in 1996. The mandating procedure was widely used; fully 70% of the working time agreements in 2001 were reached using the mandating procedure, and the smaller the firm, the more likely the use of mandating (Dufour 2001). Data for 2005-8 show that of the French enterprises with 200 and more employees, 81% negotiated an agreement with one or more union or works council, of enterprises between 10 and 49 employees only 8% does (Naboulet 2011).

Saglio (1995) characterizes the hierarchical organization of law and collective bargaining at different levels in France as strict. The 2004 law on social dialogue inverted the favourability principle and privileged standards negotiated at company level over those specified in sector agreements on a range of issues, with the exception of minimum wages and job classifications. Under certain conditions trade unions, if gaining a majority in works council elections, can invalidate the results of these local negotiations (Keune 2011). In 2017, enterprise agreements can also overturn sectoral norms on pay issues. The consequences of legislation, beginning with the 1983 law on a "workers right of expression" (Eyraud and Tchobanian 1985), followed by the reforms of 1996, 2004 and 2017, was that the autonomy of the firm from the wider industrial relations system was enhanced together with a relocation of employee representation from the trade union to non-union, firm-specific institutions like the works council or the employee delegate (Jobert and Saglio 2005).

Germany

Collective bargaining is mainly organised at the industry or sector level. In many sectors, sectoral bargaining is formally undertaken at the regional level, but directed by the national organizations on each side. So-called pilot agreements reached in key regions or districts of the engineering industry are taken as the model for the rest of the sector and exert influence on all other industries. "This creates a specific German form of 'pattern bargaining' with metal engineering union as pacesetter: other wage agreements are generally within a narrow margin of the engineering settlement" (Jacobi et al. 1998:216). "A review of bargaining rounds since 1974 through 1994 reveals that in 15 out of 21 bargaining rounds the export-oriented metalworking sector set the norm for wage increases (Iversen 1999:160), and this has remained the case. This corresponds with a rather high and constant level of coordination ('4'), based on pattern setting (type is '3'), whereas the level of bargaining is that of the industry ('3'). Occasionally, from 1967 till

1976, and from 1998 till 2002, the government, the fiscal and monetary authorities, together with the central organisations of unions and employers, have engaged in central talks and coordination efforts directed at a range of policies. These talks never resulted in a tripartite pact. The central organisations of unions and employers have no mandate to negotiate or sign agreements and their sectoral affiliates can conduct wage bargaining independently and without an obligation to coordinate their policies. The doctrine of 'collective bargaining autonomy' (*Tariffautonomie*) is strenuously defended by both unions and employer, and denies the government any direct role in wage negotiations.

Greece

National general collective agreements (EGSEE) were signed by the central organisations in most years, from 1961 to 1991, some reached after compulsory arbitration (Kritsantonis 1992:624, Table 17.3). The central agreement defined the minimum and could be the basis on which to bargain additional issues, including wage rises, at sectoral level. The law of 1990 lifted the ban on some issues to be negotiated and also lifted the ban on enterprise bargaining over wages. It installed a new arbitration regime, allowing one party to appeal the arbitration board (OMED) to impose a settlement. After 1990, the EGSEE became biennial. Since these central agreements are not binding, but allow additional negotiations and strike action at industry (and enterprise) level, the level of bargaining after 1990 is coded '4' (mixed) rather than '5'. In 1997 the only-ever signed tripartite pact occurred, followed by various failed attempts at central level coordination of wage, economic and social policies (Iannou 2000, 2010; Zamberloukou 2006). Generally, coordination is rather limited ('2') even under national bargaining involving interassociational agreements, given deep (party-political) divisions within the main union confederations and rivalries between affiliates or even regional districts. National bargaining abruptly ended in 2010 with the implementation of the joint EC-ECB-IMF Economic Adjustment Programme for Greece, after Greece asked for help in the spring of 2010. From 2012 onwards, there were only general agreements, renewed or prolonged annually, on non-wage issues (Eurwork). Only few industry agreements survived and the current situation is somewhere between industry and enterprise bargaining, limited in scope and coverage.

The 1990 law defined a strict hierarchy between bargaining levels on the basis of the favourability principle and there were no opening clauses allowing renegotiation. The edifice of collective bargaining, at three levels, has been characterised as centralized, unarticulated and shallow, with various levels of bargaining co-existing but each level having a low capacity of regulation (Koukiadis 2009). Enterprise bargaining outside the state sector was rare (Zamberloukou 2006). The Memorandum of Understanding with the EU/ECB/IMF and the 2011 law for implementation of the Medium-term Budgetary Strategy Framework 2012-2015 provides for the possibility of 'association of persons' representing a minimum of 60 percent of the company's staff to negotiate enterprise agreements, with the possibility to set wages at a lower level than provided in sector-level and occupational agreements.⁹ This established a bargaining circuit outside the control of unions and contested by them. Later the favourability rule was suspended altogether (Katsarounpas and Koukiadaki 2019:279). In fact, the national agreement, and most sector agreements, were rendered irrelevant for setting wages rates. Compulsory arbitration, on demand of one side, was also abolished.

Hungary

After 1989, the tripartite Interest Coordination Council ÉT "was also charged to negotiate guidelines for average, minimum and last but certainly not least, maximum wage increases, and on the scope of 'tax-exempt' wage increases. In other words, the government held onto central control, but shared responsibility for macro-economic wage setting with its old/new partners (...) Encouraged by the decelerating trend of wage increases, the government agreed to eliminate definitely the tax threat in case of excessive pay

increases and took the risk of relying exclusively on negotiated wage guidelines from 1993 onwards (Koltay 2003:54-5)." A national minimum wage was introduced in 1989. Central recommendations on minimum wage increases were issued every year, except in 1995, 2000, 2001 and 2002. The government is not obliged to follow this recommendation. Tripartite minimum wage negotiations served as an *ersatz* for wage negotiations based on the market position and bargaining power of employers and unions. The government did sometimes 'social deals', employers retaliated by not complying and even public sector employers got exemptions. Underpayment was widespread (Koltay 2003:58). From 2012, minimum wage recommendations are issued on a biennial basis. "In 1993 (...) the ÉT served once more as the institution in which a social pact on the adjustment programme was forged. Trade unions were able to get significant concessions from the government, including the elimination of wage controls, wage developments in the public sector, and the minimum wage. (...) "In retrospect, the 1993 pact proved to be the high point in Hungary's tripartite relations. (...) Tripartite negotiations in late 1994 and early 1995 revealed profound differences among the positions of trade unions, government and employers (...) In 1998, ÉT was dissolved and replaced by two newer bodies with far fewer formal rights. (Bohle and Greskovits 2010: 355-6). In 2002 the newly elected socialist government re-established the ÉT, with the intention to pave the way for a more efficient and trust-based social dialogue. Nonetheless, during 2003, the relationship between the government and social partners, especially the unions, deteriorated. In 2011, the Orbán government reformed the tripartite council into a body without decision rights. Borbély and Neumann (2019:303) observe that bargaining coordination is weak, with fragmented unions and weak integration, if any, across levels. The issuing of annual recommendations for minimum wage increases was meant to provide orientation for wage bargainers and served to some extent as an substitute for the lack of established wage scales.

"Despite union efforts, government encouragement, and international attention, the wave of collective agreements concluded in 1992 in anticipation of free collective bargaining never became a catalyst for widespread multi-level bargaining which remains sporadic and irregular" (Koltay, 2003: 58). Under socialism, sectoral bargaining had been eliminated, though unions remained organized by branch. With few exceptions, employers were not organized at this level. Whenever there was a sector of multi-employer agreement, it was defined narrowly and contained no wage clause or only a vague reference, and they were not binding nor did function as effective wage floors (Koltay, 2003: 59). Company agreements (found in large firms, mostly in the ex-public sector) are hardly more enforceable, but are more diffused, they are the continuation of what since 1968 existed as informal wage bargaining. Neumann (2000) found that two-thirds of the more than 1200 company agreements in force in 1998 included a wage settlement. He "contends that the system of wage determination in Hungary is extremely individualised and decentralized by Western European standards (p.114)" and sees this as a heritage of the past. Centralized collective bargaining was given up early and since 1968, there was much room for informal agreements (p. 115). Sectoral agreements cover only small proportion of workers (8-12%) and the job or wage classification systems in these agreements are not enforced. Company bargaining is limited to large firms (over 500 employees). Kézdi and Kónya (2011), using an establishment survey, affirm that sector bargaining in the private sector has become rare in Hungary by 2008.

The Labour Code of 1992 allowed derogation from the law by collective agreement, intended to encourage collective bargaining and give employers an incentive to formalize bargaining, but this seems hardly to have happened. Neumann (2002) claims that collective bargaining at the sectoral is least effective, but also that all bargaining is rather ineffective, referring to studies showing that the formal rules leave plant management a lot of manoeuvre in determining individual wages"- The Orbán government passed in 2012 a new Labour Code, with reintroduced the possibility of non-union agreements, already made possible in 1998 but in 2002 repealed by the socialist government. The new Labour Code provides that, if the employer is not bound by a collective agreement with the union(s), an agreement with the work council has the same status and may regulate all issues that can be subject to collective bargaining agreement with the union except remuneration. During and since the 2008 financial crisis, a wage freeze in the public sector was the government's main instrument to influence wage bargaining. Initially, high unemployment allowed to

continue this policy, but in 2016 it ended amidst recruitment problems (in health care) and an unprecedented series of public sector strikes (Borbély and Neumann 2019:297).

Ireland

"Before the 1960s, enterprise collective bargaining was the norm in Ireland in most of the private sector. The first attempt at a centralized agreement, the National Wage Recommendation 1964-66 led to trade union opposition against any voluntary or statutory incomes policy and decentralized bargaining followed until 1969. Subsequent pay agreements stipulated a national norm, but also allowed for local bargaining to obtain further increases. This combination of centralized and decentralized bargaining arguably produced the worst of both worlds. The 'National Understanding for Economic and Social Development' of 1978 seemed to mark a watershed, in that it explicitly recognized the connection between pay and employment levels (Grada and O'Rourke (1996:415)." "Between 1970 and 1980, a series of centralized framework pay agreements was negotiated (...) From 1974 to the end of the decade, two successive administrations sought to link pay agreements with public policy commitments (...). At first, pay agreements took the form of bipartite agreements between the peak federations of trade unions and employers negotiated through the informal and non-statutory Employer-Labour Conference. Developments in these National Pay Agreements (NPAs) from 1974 onwards laid the foundations for the National Undertakings (NUs) of 1979 and 1980. The NUs involved, in addition to the employer-labour agreement on pay, an agreement between government and the trade union federation covering such issues as tax, welfare and employment creation (Hardiman 1987: 153). Until 1976, the national awards included a price escalator (Addison 1981). Note that these agreements, understandings or undertakings had no binding force. From 1981 until 1987, there was no central agreement and collective bargaining was mostly conducted on a company-by-company, basis. With little success the government tried to use its position as the country's largest employer (around half of all union members in Ireland work in the public sector) to set the trend (Visser 2001). "Between 1987 and 2008, the Irish government entered eight social pacts with peak functional interest organisations representing labour, capital and farming and selected civil society interest groups (...). These eight social pacts took the form of published 'social partnership programmes' (...) The first three programmes, covering the period 1987 to 1996, were with the trade unions, the employers and organisations representing farmers. From 1996, the process was widened to include a range of social NGOs known as the 'community and voluntary pillar'. All eight pacts included agreement between employers, unions and government on the rate of wage increase in both the private and public sector for a three-year period (though shorter in the 2006 and 2008 pacts). The pacts linked the pay deal to other economic and social policies, and the range of such issues widened considerably over time. These included fiscal policy, tax, unemployment, monetary union, enterprise-level partnership, welfare, social exclusion, literacy, drugs, disability and many more." (O'Donnell et al. 2011:89). The wage targets set in the agreements of 1987 and 1990, like the agreements in the 1970s, were not binding, yet persuaded local bargainers to follow the norm. The 1994 and following accords included a peace clause for local bargaining, which was given more space. From 1997 they contained an 'inability to pay' clause, allowing firms in difficulty to apply for a delay in the application of pay increases.

Over 20 years of wage setting through cross-sector wage agreements came to an end in 2009 when the employers' confederation formally withdrew from the national agreement. This followed the failure of talks, initiated in the light of the crisis, over the implementation of the 21-month wage agreement concluded in 2008. "Social partnership did not survive the economic recession. At the end of 2009, the system of national tripartite agreements collapsed when the Irish government bypassed the unions and unilaterally introduced severe cuts to public sector services and public sector wages. (...) Since then, national collective bargaining has only taken place in the public sector, whereas in the semi-public and private sectors, bargaining has been decentralised to the company level (Maccarone et al. 2019:316)." The trade union and employers' confederations have in 2010 and again in 2012 concluded protocols to provide guidance to company-level negotiators (Eurwork). According to Roche (2017) unions have found a way to coordinate

wage bargaining outcomes after 2015, helped by the fact that many if not most negotiations in the private sector are conducted by officials of the same large union, SIPTU.

The general features of Irish industrial relations owe much to their origins in the United Kingdom before Ireland achieved independence in 1922. These features have been described as voluntarist, adversarial and non-participative, and based on the presumption that employment conditions will, for the most part, be regulated by voluntary collective bargaining (van Pronziesky 1997). The hierarchy of agreements is flexible and not defined in law, nor are union recognition and bargaining rights. Union representation is fairly widespread in the domestic sector and in public services, but resisted by the mainly American multi-national firms and some large Irish firms.

Israel

"In the 1950s and 1960s, before the establishment of a unified employers' association in the private sector, national agreements were signed between the *Histadrut* (labour) and a few associations representing employers in various industries. These agreements usually provided similar wage increases in all industries as part of the prevailing unified wage policy practiced by the *Histadrut* at that period. In 1967, a nationwide umbrella organization of employers' associations in the private sector was founded. This organization became the representative body of employers in negotiations over peak-level wage agreements that were signed with the *Histadrut* in subsequent years. The first peak-level wage-increase agreement between the *Histadrut* and the employers' association was signed in 1970, and additional agreements were signed in most years until 1987. Although agreements between the *Histadrut* and the employers' association continued to be signed between 1987 and 1995, they no longer included a unified wage increase in the entire private sector (Kristal and Cohen 2007:619-20). Post-1987 agreements enabled significant flexibility in wage increases for particular industries and occupations (Fisher 1996). At the same time that peak-level agreements were disappearing, wage-increase agreements between the *Histadrut* and the main public employers (e.g., the Centre for Local Government and Civil Service Commission) covering only the public sector were signed continuously between 1974 and 1998. "Until the mid-1980s "national trade union elites undertook to coordinate and limit worker demands on the basis of understandings or agreements with the state and organized employers (Shalev 1992:6)." Inherent in this corporatist regime was a system of centralized, economy-wide collective bargaining and a tacit trade-off of labour peace in return for full employment and government subsidies to private-sector employers in return for pay acquiescence. The adoption of more liberal trade and capital policies and trimming of employer subsidies as part of the 1985 "economic stabilization plan" as well as the economic collapse in the mid-1980s of the union's network of enterprises sealed the fate of Israel's corporatist industrial relations regime. As a result, since the mid-1980s, both local and national unions have gained greater control over their own destiny (Shalev 1992:334).

Italy

Until 1962, wages were set in national bargaining rounds for the entire economy. From 1962, it became possible to differentiate wage developments between and within sectors ('contrattazione articolata'; Giugni 1965) and the sector became the dominant level of bargaining, usually with agreements negotiated for three years. In some years, sectoral negotiations were initiated, and their content defined, through central negotiations, usually with the assistance of the government, for instance in 1975 (*scala mobile*), 1977-78 (national programming), 1983-84, 1989-90 and 1992 (reduction and abolishment of indexation), and 1993, 1998, 2009 (reform of the bargaining system). In 1975 the main union and employers' federation signed an agreement on widening the application of indexation (Lama-Agnelli agreement on the *scala mobile*), but it is unclear how that contributed to coordination. In July 1977, the unions reached a "programme agreement" with the main employers' association. This initiated a period of tripartite concertation (Molina 2005). "Al livello confederale gli accordi di gennaio-marzo 1977 con la Confindustria prima e con il governo poi, segnalano una chiara disponibilità del movimento italiano all'auto-moderazione, ancor prima che

questa venga teorizzata nel ‘documento dell’EUR’. Le concessioni alle controparti comprendono la modifica del calcolo della contingenza e nuove condizioni di utilizzazione della forza lavoro (Regini 1991:122-3).” This first pact affected new legislation on firm restructuring, vocational training and youth employment, as well as wage moderation in 1977-78. This was followed, until 1982, by “a long, discontinuous and fruitless negotiating effort at the central level between government, business and labour, intended to devise a hypothetical ‘anti-inflation pact’” (Negrelli and Santi 1990:164). With Confindustria’s (employers) disavowal of the 1975 agreement on the *scala mobile* in June 1982 (idem,166), the pressure on the unions increased and in 1983 they accepted some limitations in the method of indexation in a tripartite agreement (*Lodo Scotti*). A further reduction was conceded in another tripartite agreement in 1984 (*San Valentino Pact*), this time without the largest union confederation. “Despite the halt in concertation after 1984, throughout the late 1980s and early 1990s, bipartite negotiations kept dialogue between the social partners alive, and two agreements were signed on the cost of labour and the wage-bargaining system. Negotiations continued on these issues in 1990 and 1991, but the social partners failed to reach an agreement and explicitly requested mediation by the government (Regini and Colombo 2011:126). The bipartite agreements of 1989 and 1990 made small adjustments in the indexation system, negotiations over a bigger change in 1991 failed (Negrelli 2000: 93). The breakthrough came with the tripartite pact of July 1992 which ended wage indexation and froze enterprise-level wage bargaining until the end of 1993 (Negrelli 2000:91). A year later, in July 1993, another pact (*Ciampi pact*) was reached, this time over the reform and establishment of a coordinated two-level system of collective bargaining. For the first time, rules governing negotiation procedures, competences of different levels, duration and renewal of agreements, recourse to strike action, were explicitly defined. Further pacts followed in May 1995 over pensions, in September 1996 over employment creation and EPL, in December 1998 (*Christmas Pact*, mostly a symbolic renewal of the commitments of 1993), in July 2002 (*Pact for Italy*) over reform of EPL, and in July 2007 (*Pact for Welfare*) over reforms of the labour market and pensions. Some of these pacts (1984, 2002) were not signed by the largest union confederation, the 1995 pension pact was not signed by the main employers’ confederation (Regini and Colombi 2011). “The controversial reform of the collective bargaining system in 2009 (...) achieved with an interconfederal agreement (signed in January 2009) strongly backed by the government but not signed by the CGIL (largest union confederation) was followed by an interconfederal agreement on trade union representativeness and collective bargaining (...) signed by all three main trade unions (in June 2011). In November 2012 two of the three union confederations signed an agreement on productivity, including the possibility to derogate in enterprise negotiations from sectoral norms on working time and work organisation (Colombo and Regalia 2016: 270-3).” “The 2009 and 2012 agreements, not signed by the CGIL, were tripartite. The 2011 agreement, signed by the CGIL and intended to regulate coordinated decentralisation and a controlled use of opening clauses, was a bipartite agreement (Leonardi et al. 2018:192). Social pacts and central agreements in Italy are recommendations rather than binding documents, often they invited the government to undertake action and generally they leave space for continued industry and company bargaining. In this sense, they are different from the central agreements in Scandinavia, which were much more prescriptive and set a peace obligation to be honoured in lower-level negotiations. Hence, years with central agreements on wages are coded ‘4’ rather than ‘5’. Although the agreements of 1993, 2009 and 2011-12 were about wage setting procedures and not about wage norms, they nonetheless influenced the subsequent bargaining rounds, essentially making the renewal of sectoral agreements possible. The degree of coordination varies from extremely low in parts of the 1960s, 1970s and 1980s, to medium-level coordination based on social pacts and the influence of the peal level organisations over their affiliates (idem Kenworthy 2001).

In 1970, the Workers’ Statute mandated union recognition and worker representation in Italian enterprises and created strong employment protection rights. This sanctioned an additional layer of formal and informal bargaining within what since 1962 had become the dominant level of sectoral bargaining with agreements to be renewed every two or three years. The two-tiered bargaining structure was formalized and regulated in 1993 and re-affirmed in the central agreement of 1998 and 2009, the last signed by two of the three principal unions and with modifications (past rather than forecasted inflation will determine the room for

base wage increases, to be negotiated every three rather than two years). Workplace representatives ("Rappresentanze Sindacali Unitarie") in production units with more than 15 workers have a mandate to sign enterprise agreements within the confines set by the sector agreement. Two thirds of the RSU's members are elected by universal suffrage and one-third from the lists of the unions who have signed the national sector agreement. This peculiar way of combining an electoral and associational mandate is aimed at achieving coordination in the two-level (sector and enterprise) bargaining system that was institutionalized after the 1993 Pact. Bank of Italy data, released in 2009, indicate that, averaged for the years 2000 to 2008, around 54 percent of employees in manufacturing, excluding those in small firms with less than 15 employees, and 31 percent of the firms were covered by supplementary enterprise bargaining. This is approximately ten percentage points less than in the previous decade. In private services the coverage of enterprise agreements is lower and even in the very large firms only one in two firms engages in supplementary enterprise bargaining (Birindelli 2016). In some sectors, e.g. construction, the second tier is determined through regional rather than enterprise bargaining.

Under the rules of the 1993 agreement, enterprise bargaining can only improve the conditions set at the industry level. However, on many non-pay issues, it is not always clear what the standard is, or the standard is not enforced. Consequently, rather than to the existence and application of specific opening clauses in the agreements, the variation at the local level is linked to the implementation of sometimes rather vague framework rules set at the sector level which leave significant autonomy to management or, in larger firms, to local representatives. Formal opening clauses were first introduced in the chemicals sector agreement in 2006; they were not widely used and at the time fiercely criticised by the largest union in metal engineering. Until recently, these opening clauses did not apply to wages, but to working time and the use of flexible employment contracts. The possibility to derogate from legal norms (on working time or EPL) exists since 2001, though only in economically weak regions and only when tied to employment pacts. The tripartite national pact of 2009, signed by two of the three main union confederations, re-affirmed the hierarchical relationship between sector and company bargaining. However, together with a lengthening of the contract period from two to three years, the new agreement allows the suspension of sectoral wage rate increases in case of conditions critical to business. In 2010 Fiat, which has often acted as the trendsetting firm in metal-engineering, tested the pact by a round of concession bargaining including radical changes in working practices and dismissal protection in two of its plants, on threat of closure and relocation. Workers voted in favour in the ballots organized by the company and the two plants were removed from the sector agreement. Soon after Fiat withdrew from the entire sector agreement. In June 2011 a new central agreement, with the signature of all three union confederations, set new rules on enterprise bargaining. Enterprise agreements can introduce temporary and experimental modifications to rules set by industry agreements, in accordance with and within the limits established by the industry agreements and provided the majority of union delegates at the local level accept them. The new rules have been applied in a few industry agreements since. When in August 2011 the government introduced, under pressure of the ECB, a decree-law with the possibility of derogation, by collective agreements, from legally-established dismissal protection guarantees, the main employers' association tried to rescue the central agreement by promising not to use this possibility, prompting Fiat to leave.

Japan

Bargaining takes place at the enterprise level, with almost no sectoral bargaining in the private sector. "Coordination takes place through informal wage cartels in the main industries (...) coordinated wage bargaining focuses on the so-called Spring Offensive or Shunto. This is the annual bargaining round, traditionally in April, in which most company and industry settlements are announced. The most important settlements in the private sector are company settlements, negotiated formally between enterprise management and enterprise union. De facto, however, the key decisions are made by a small number of the largest companies grouped on an industry or multi-industry basis, after prolonged discussions between large companies across industries, and between business and the government. The institutional framework

for these interchanges benefits from the membership of many of the large companies in zaibatsu groupings, from the employer associations (though they are less important than in say Germany or Switzerland), and from a tradition of easy informal intercourse across companies and between the business sector and government. Of particular importance are the group of metal-using exporting industries, iron and steel, electrical appliances, shipbuilding, and automobiles. The close cooperation between the largest companies in these sectors leads to the large companies in one of these industries, traditionally the five iron and steel majors, starting the Spring Offensive by making identical offers in terms of percentage increases. These are nearly always accepted without question by the enterprise unions, and are immediately followed by similar offers from companies in the other industries. This rate of settlements then generalizes across the economy." This annual pattern of wage bargaining exists since 1955 (Sako 1997) but weakened in the later 1990s, when under conditions of deflations lost its function to coordinate union efforts to achieve improvements (Nakamura 2007).

Korea

In Korea wage bargaining takes place at company level and attempts of union reform, to place organization and bargaining at a sectoral level, have so far been thwarted by the largest companies and in-company groups. The arrival of a second, more oppositional union confederation in the 1990s has not changed the predominance of company bargaining. The main 'official' union confederation FKTU and the Korea Employers Federation (KEF) concluded two National Wage Agreements, in April 1993 and March 1994, and there was a tripartite agreement in 1998 in response to the Asian crisis of 1997. These agreements, while promising reform, did have little effect on actual wage bargaining, though especially the 1998 social pact served to liberalise the labour market and expand union rights to new groups of workers (Baccaro and Lin (2007). Another tripartite agreement was concluded in 2003, again with little practical effect (Kuruvilla and Liu (2010).

Latvia

Legislation on collective bargaining was adopted in 1991 and changed in 2002. The main features are pluralism, but the scope of bargaining is limited because many issues are prescribed by law. It is rare for employers' federations to be involved in collective bargaining and most bargaining in the private sector is taking place at enterprise level (Lulle and Ungure 2019:369-70; Kohl and Platzer 2004:180-81). There is a tripartite council, which was instituted in 1993, backed in a central agreement of 1996, renewed in 2004. However, there is little activity at this level and governments since 2002 have been reluctant to involve the social partners in policy decisions. Coordination depends on the state, which can mainly use its capacity to set the minimum wage, which was frozen from 2008 to 2012 (Gonser 2013). However, minimum wage levels are too low and enforcement is too weak to matter much for company bargaining, which happens only in the largest firms with the strongest union representation. Collective agreements tend to be shallow, not always enforced and often do not reflect the actual conditions. If there are different levels, a favourability principle applies.

Lithuania

Before 2017 company-level agreements could be signed by the works council, the new law specifies that only unions can sign valid collective agreements (Blažienė et al. 2019:382). As both council and union representation is very limited, bargaining is very restricted. Employers organisations are weak and reluctant to take up a bargaining role. Sectoral agreements in the private sector are rare and not regularly renewed where they exist, on a regional basis. There have been several tripartite agreements between the government, employers' organisations and employees' organisations on tripartite social dialogue, in 1995, 1999, 2005, 2009, and 2017, all on non-wage issues and the process of tripartite consultation. There are no signs of wage coordination, either by the government or the social partners. The minimum wage

was frozen during the 2008 crisis (Goser 2013, but given its low level and widespread non-enforcement it is unlikely that this affected private sector wage bargaining).

Luxembourg

Collective bargaining in Luxembourg is divided between sectoral and company bargaining, usually applying to different companies. Sector agreements exist in services, banking, construction and steel production whereas in most parts of manufacturing enterprise bargaining prevails, (Thomas et al 2019:409). Additional enterprise bargaining is limited and, where it happens, under control of the works councils. Unlike in France or Belgium there are no union workplace organisations or delegates. Opening clauses are rare. Cross-industry bargaining is exceptional, though sometimes tries in periods of acute crisis (1970s, early 1980s, 2009-10). Indexation and with it setting the minimum wage, possibly combined with budget decisions, is the government's main instrument to influence and coordinate bargaining in the private sector. In 1977, unions, employers and the government reached a tripartite agreement on wage moderation, following the government's decision to suspend indexation. Between 1981 and 1984, the government suspended and modified indexation without prior agreement (Tunsch 1998). In 2010, tripartite negotiations about measures to address the crisis and changing the wage indexation failed. The government intervened directly and suspended wage indexation between 2012 and 2014. In September 2014, the government reached an agreement with the unions on the reintroduction of a (reformed) system of automatic indexation.

Malta

Collective bargaining is framed by the voluntarist approach of its former colonial power, Britain. Bargaining in the private sector takes mainly place at company level, is based on single-channel (union) representation and the relationship between bargaining levels, in the rare case of multi-level bargaining, is undefined. The structure of unions is fragmented between general, industrial and occupational unions. The law restricts bargaining to where there are unions. Many agreements are quite detailed and contain enforcement and monitoring mechanisms. There is limited scope for tripartite cooperation and coordination. In 1990 Council for Economic Development (MCED) paved the way for a tripartite deal on incomes policy (Natali and Pochet 2010:302). In 2004 negotiations over a social pact failed (*idem.* 310). The national minimum wage had been set up by tripartite agreement in 1971 and was in 1990 reformed as part of the incomes policy agreement. In April 2017, the social partners signed a National Agreement on the Minimum Wage, the first revision of the minimum wage in 27 years.

Mexico

"The main feature of the IR systems in the three countries – Argentina, Brazil and Mexico – was that the law – not collective bargaining – played the major role in regulating relationships between the State, labour and capital. While collective bargaining and social dialogue were present, they tended to play a subsidiary role in regulating IR (with the partial exception of Argentina) – a model that, despite some change in the 1980s, still holds (Cardoso and Gindin 2009:1)." In Mexico, most bargaining occurs at the firm level (Cardoso and Gindin 2009:18). There are no noticeable coordination mechanism after the MW lost its relative value compared to manufacturing wages after 1980 (*idem.*)

Netherlands

Between 1945 and 1963, formally till 1968, the Netherlands ran a statutory wage policy. Collective agreements needed prior approval from the Board of Mediators who were bound by wage guidelines issued by the Minister. These annual guidelines were subject to central negotiations and intense consultation with the central organisations of unions and employers, which kept tight control over their affiliates (Windmuller 1969:297-8). From 1963, based on productivity growth, sectors could vary their wage growth rates and the

central organisations were handed the responsibility to approve collective agreements. This experiment with self-regulation ended in 1966 when the central organisations failed to reach agreement, the government imposed a wage freeze and handed the authority for approval of wage increases back to the Board of Mediators. This scenario was repeated in 1967 with the government writing in detail the entire wage settlement for 1967. Meanwhile large companies negotiated multi-annual agreements (with indexation) which did not fit at all the annual increases up for approval by the Board. The years 1968-69 were marked by conflict between the government and the unions over the new Wage Act of 1970, which abolished the Board, nominally re-introduced free collective bargaining but retained the government's right to intervene and impose a wage stop. The two main union confederations withdrew in protest from the Labour Foundation and Social Economic Council. In 1970 central negotiations were overshadowed by large conflicts in construction and ports, in 1971 the government imposed a wage pause and disallowed wage increases exceeding price indexation. "From 1971 nearly every year there was an attempt to reach a central agreement, usually with help of the government, but only once, end 1972, an agreement was reached. This lack of agreement was often reason for the government to intervene (Windmuller et al. 1987:223)." The government intervened in 1971, 1974, 1976, 1979, 1980, 1981 and 1982. The "Wassenaar agreement" of late 1982 was reached under a "shadow of hierarchy" and prevented another intervention. The unions conceded the abolishment of price indexation, introduced in 1967, the employers gave up their veto against working time reduction, and the government refrained from intervening in wage bargaining, a stance that was in 1987 formalized by amending the 1970 law and limiting the case for intervention to situations of danger to the nation (Visser and Hemerijck 1997). There have been no direct interventions in wage bargaining since and the authority of wage setting has moved back to the sectoral unions, coordinated through intra-associational guidance (type=3), especially on the side of unions, occasionally supported by central agreements or social pacts (type=4 or 5)

Late 1992, under heavy pressure of the government, the central organisations agreed a "Social-Economic Policy Orientation" for 1993, with included a voluntary 2 months wage freeze, in order to renegotiate contracts taking into account the new economic situation (international recession, EMS crisis, sharply rising unemployment, several big restructuring cases in industry). Continuing a policy of wage restraint, the central organisations reach a new accord, called "A New Direction", in December 1993, in which they agree on further decentralisation, among others by allocating more rights to workplace representatives, more space for individual bargaining and "custom made" solutions in deviation from standard norms (Visser 1998). In this agreement the unions accepted, for the first time, a differentiation in labour hours and labour time patterns within sectors and enterprises" (Van der Meer et al. 2000:269). This is supported by the possibility to derogate by collective agreement from the law. For example the new Working Time law of 1995 and the legislation on agency work contracts explicitly allows for setting different standards by collective agreement within broad limits of the law (Van der Meer et al 2005). The agreement is setting the pace for following years and renegotiated in December 1997 setting the agenda for the years till 2002. Meanwhile the main union organisations issues annual wage guidelines setting maximum wage increases in line with the producer price and productivity increases. These guidelines are observed without exception (De Beer 2013). In 2002, following the Dot.com crisis and a sharp political turn to the right, unions come under pressure and concede a lowering of wage demands in a central agreement for 2003 (the first such agreement with a concrete wage ceiling, previous central agreements since 1982 were figureless), End 2003 another agreement is reached, in which unions agree a temporary pay freeze in collective agreements signed in 2004 on condition that the government softens its austerity measures and cuts in early pension benefits, to be negotiated in 2004. Following large scale strikes and conflicts, a deal is reach late 2004, with the government taking back some of its proposed cuts (Visser and Van der Meer 2011). The last agreements, or pacts, of this type, tied to government support for financing temporary shorter working hours, occurred in 2009. The pacts of 2013 and 2017 were on non-wage issues, pensions mostly.

Union workplace representation is rather scarce and mostly merged with the works councils, elected by and answerable to all employees. These councils cannot legally negotiate a collective agreement but they sometimes sign a so-called covenant with management if there is no trade union. Until the 1980s additional

enterprise bargaining happened in large firms and in the ports when labour markets were tight, in the 1980s over working time issues and since the 1990s more generally additional enterprise bargaining has become more common, though still mostly in large firms. Dutch collective bargaining law does not specify favourability rules and this is a matter for bargainers to decide. Additional bargaining often takes the form of employees being able to choose within pre-defined packages for more hours or more pay, and various other elements in their remuneration package. These choice options have become more common in agreements and most agreements define minimum or default positions rather than standard norms. Opening clauses on wages, outside specified crisis situations, are uncommon.

New Zealand

"Sectorally, employer associations and unions usually bargained over wages, and the court imposed binding arbitration only when talks failed. The court ratified collective bargaining through industry-specific awards, which bound firms and workers who were not members of either the employer associations or unions in the affected industry. In principle, employers and unions could sign limited contracts approximating 'enterprise bargains.' Prior to the 1990s, the enterprise bargains affected about 25 percent of workers, in contrast to the 40 percent covered by industry awards, so that there was a significantly higher degree of decentralization than in Australia (...). The court's ability to enforce awards disappeared in the late 1960s, when wage pressures were greatest, labor markets tightest, and labor militancy high. In the tight labor markets of the 1960s some Federation of Labour unions had begun bargaining directly with employers and then allowing the court to ratify these private agreements (Schwartz (2000:79-80)." The period after 1968 was one of increased direct state intervention to bring wages under control (in 1968 and the all years from 1971 till 1984 (Williams 1993: 126). In the thirteen years from 1971 to July 1984 only eight month can be legitimately described as a period of free wage bargaining (Deeks and Rasmussen 2002:58). "The general direction of change between 1984 and 1990 was towards decentralization" (Deeks and Rasmussen 2002:59). The 1984 Industrial Relations Amendment Act made arbitration voluntary and thus encourages private sector unions and employers to settle without the intervention of the courts (idem 59-60). The 1987 Labour Relations Act encouraged but did not mandate enterprise bargaining. Collective bargaining was extended to the state sector. In 1990 the outgoing Labour government passed another amendment allowing larger firms to fully opt out from the award system, but it was too late, and the amendment was annulled (technically repealed) with the Employment Contracts Act of 1991.

With the ECA the new-elected national government of cut short Labour's attempts to decentralise the award system, removed the employer's duty to bargain with trade unions, gave equal weight to non-union agents and made individual employment contracts the primary base for employment. As result, the act "destroyed socially determined wages (...), eliminating unions in sectors where workers were least able to organize themselves, eliminating automatic transmission of wage increases through general wage orders and clauses on relative wages, and allowing employers to avoid collective bargaining entirely (Schwarz 2000:102)." When returning to government office in 2000, Labour corrected some of the most radical reforms of its predecessors and encouraged 'in good faith' bargaining, but this has not brought back multi-employer bargaining or disallowed non-union representation in bargaining.

Norway

"Norway has evolved from a system of largely voluntary restraint in the immediate postwar years to increasingly formal consultations involving the government, culminating between 1973 and 1977 in multilateral negotiations between the government and the main economic interest organisations (Flanagan et al. 1983:155)." "While settlements in the 1950s were generally at industry level, they became more coordinated and centralised during the 1960s (Dølvik and Stokland 1992:148)." There were central agreements, usually for two years, in 1963, 1964, 1966, 1968, 1970, 1972, 1976, 1978, 1980, 1988 and 1990. Government participated or intervened in 1973, 1975, 1976, 1978, 1988 (idem, Table 4.2). "In 1961, and again in 1974, the LO (unions) agreed to decentralised negotiations (Flanagan et al 1983:168)." Apart

from 1974 and the early 1980s, wage setting in Norway has been highly centralized during the last two decades. Most bargaining rounds have been dominated by a central agreement between the LO and the national employers' association, the NAF, with a peace obligation that covers subsequent industry-level and local bargaining. Two-year contracts are the rule, with renegotiations after one year. Even when the two-year contracts were negotiated at the industry level – 1974, 1982 and 1984 – the second year renegotiation was conducted at the national level between the peak associations. The role of government in wage settlements has varied greatly. Since 1966, a committee of experts drawn from the government and the two peak associations has provided background information and forecasts of the economic consequences of different wage settlements. In addition, the government has often used policy changes to influence bargaining outcomes. The wage agreement of 1970-71 was affected by government price controls. Tripartite bargaining, with the LO, NAF and the government negotiating comprehensive income agreements including tax and benefit concessions along with wages and salaries began in 1973 with a 'combined settlement' of wages and taxes, and another one in 1975, 1976 and 1977 (Addison 1981:236). The 1976 agreement removed escalator or indexation clauses (*idem*, 237). This period culminated in a wage freeze for 1978-79, when Parliament enacted a mandatory wage and price freeze until the end of 1979 after tripartite negotiations failed. In 1980-81, Parliament extended the LO-NAF agreement to all workers as part of a tripartite agreement. Under the conservative government (1982-1986) the state withdrew from tripartite negotiations and bargaining moved to the industry level. The 1986 negotiations ended in deadlock. In 1987 NAF and LO concluded an exceptional one-year 'no wage increase' agreement. In 1988, the main (two-year) agreement offered wage moderation on condition that no other groups would win excessive increases. In agreement with social partners, the government imposed a wage freeze for 1988, continued in 1989. In 1990 social partners agreed centrally on a limited across-the-board pay increase with some measures to help the low paid. Pay rounds for 1991, 1992 and 1993 stuck to the pattern of industry bargaining (Dølvik et al, 1997: 91-91; Dølvik and Stokke (1998:127). In 1993, after long preparations beginning in 1991, there was a tripartite agreement for five years, called "The Solidarity Alternative" about incomes policy, public spending and taxation, structural policies, including social security, employment policy and employment legislation, active labour market policies, and macroeconomic (monetary) policy. This pact was mostly about rule setting (Dølvik and Martin 2000). Under the new rules, agreements were negotiated in two-year cycles with negotiations occurring at different levels in each of the two years. "Main" bargaining rounds, which deal with a wide array of issues, are largely sectoral; but the bargaining is centrally coordinated by the central organisations, especially in case of conflict, and there is extensive, regularized pattern-setting led by metalworking. "Intermediate" rounds, which deal mainly with pay and are conducted at the peak level. With the exception of 2000, when a one-year agreement was struck, this alternation between industry/company and central bargaining (in which differences in local outcomes could be compensated) became the new norm, level of bargaining is therefore coded '4' and coordination also '4', based on pattern bargaining (type=2) assisted by central rules of conflict management. In November 1997, LO and NHO agreed to amend their Basic Agreement, first signed in 1935. Amongst other issues, the question of secondary industrial action and maintaining essential services is regulated in the agreement, together with issues like information and consultation in the workplace. The agreement was formally ratified in 1998. Similar agreements were accepted by the other union confederations, representing white-collar and professional workers.

Additional enterprise bargaining is fairly widespread, though probably not as much as in Denmark and Sweden, probably because unionization in the private sector is more limited (Dølvik et al 2015; Stokke et al 2013). Bargaining takes place under union control and was limited in years of wage freezes. Its role has been increased since the new rules set in the mid-1990s (Dølvik and Marin 2000; Dølvik et al 2015).

Poland

Post-Communist Poland inherited and after transition reinforced a highly decentralized, enterprise and workshop based system of wage bargaining. Unions, in particular Solidarity, were organised on a local

basis, with very little central guiding other than political. Sector agreements exist only in the state sector (which initially covered most of manufacturing) but are irrelevant for enterprise bargaining and many just repeat the provisions of the Labour Code. According to Kohl and Platzer (2004:193-4) the “lack of any dynamic to collective bargaining is mainly attributable to the weakness of employer associations”, but it would appear that unions, too, focused on maximizing their bargaining strength at the local level. In the early years, decentralisation, sanctioned by the labor code, combined with the renewed strength of the local unions and works councils, ensured that managers of what at that time were still state enterprises would find it exceptionally difficult to resist workers’ demands for ‘excessive’ wage hikes, back by a high strike incidence rate. In the Roundtable negotiations of 1989, Solidarity had obtained the concession that wages would be fully indexed. In 1990-92, in response to very high inflation rates, the government, as part of its shock therapy, responded with a prohibitive tax on (mostly public sector) firms awarding pay increases exceeding 30% of inflation, followed by a ceiling on wage increases. The abolition of that tax and the replacement of the government’s unilateral policies by a tripartite policy concertation process was the objective of the 1993 ‘State Enterprise in Transformation’ pact, though the government’s commitment was half-hearted and it amended significant portions of what it had agreed (Avdagic (2010:54-5). The 1994 Act, implementing the agreement, authorized the Tripartite Commission to determine the pay increase index, with the state budget law as a reference and allowing the government to overrule the Commission if it could not reach agreement. In most years, the government overruled the Commission’s (divided) decision, which is a non-binding reference point for local wage bargainers.

The history of tripartite policy coordination and social pacts “is mostly a story of failures” (Gardawski and Meardi, 2010: 388). Unions were deeply divided and if one confederation sided with the government, the other chose to oppose it, like in 2002-3 when the Socialist-led government proposed a Pact for Work and Development, which was rejected by Solidarity union (Gardawski and Meardi 2010:382). In March 2009 there was some agreement between unions and employers in the Tripartite Commission over an ‘anti-crisis’ package (help for poorer families, limitation of overtime), but this was not taken up by the government. In protest against government’s unilateral policies, the unions boycotted the Tripartite Commission in 2013, which in 2015 was replaced by the Social Dialogue Council RDS with more prerogatives, but without substantive tripartite consultations having taken place since (Czarzasty and Mrozowicki 2018). In 1994 to 1996, there were still sectoral agreements, with the government as employer or budget holder, over wage increases in the public sector, but none since. In essence, wage bargaining has since the mid-1990s proceeded at a decentralized, enterprise by enterprise basis in both the private and public sector, without much coordination by either unions, employers or governments. Research has shown that few firms took the Tripartite Commission’s or government inflation forecasts or index into account, with many wage increases above and below the norm. In 2008, the index was dropped altogether.

It is rare for collective bargaining in the private sector to agree on terms and conditions of employment that are more favourable than the minimum stipulated in the law. Actually, many agreements stipulate conditions below legal standards, although the proportion of agreements with sub-minimal norms appears to have decreased from about one-half to one-fifth of all agreements between 2005 and 2009, according to the state’s inspectorate. In 2002, the law was amended to allow for opening clauses in case of financial hardship. It was hoped that this would make collective bargaining more attractive for employers. The incidence of hardship clauses increased, but bargaining activity (numbers and coverage of agreements) decreased as well. Rather than renegotiating their commitments, firms facing financial difficulties tended to rescind their agreement (EIRO).

Portugal

Industrial relations in Portugal were shaped in the 1974 democratic revolution, which overturned the longest lasting authoritarian corporatist regime in Europe. Until the beginning of the 1980s, industrial relations were characterised by strong adversarial relations between employers and trade unions, the central role played by the state in labour regulation, through legislation and administrative intervention, and

the predominance of sectoral collective bargaining. With the privatization of public companies, enterprise bargaining in these companies ended. The emergence of social pacts was preceded by the creation, in 1984, of the Standing Committee for Social Concertation (CPCS). In July 1986 the first formal social pact - the Agreement on Incomes and Prices for 1987 (APR 87) - was signed (without the CGTP, the largest union confederation). The next social pact (APR 88) "was not signed by the main employers' confederation in industry (CIP) and opposed by the CGTP. The 1990 Economic and Social Agreement (AES 90) was signed by all the social partners, except the CGTP. In February 1992, the government, the UGT, the CAP, the CCP, as well as the CIP, signed a new incomes policy agreement (APR 1992). A short-term agreement, the ACSCP (*Acordo de Concertação Social de Curto Prazo*) was signed early 1996 and later that year a long-term agreement, the ACE (*Acordo de Concertação Estratégica*) covering 1996-1999. ACSCP included an incomes policy and the reduction of working time (down to 40 hours). ACE 1996 was a broad social pact, including general principles and goals in almost all policy areas. It was the last tripartite pact of this kind. There were single-issue pacts, for instance on the minimum wage (2006), reform of collective bargaining (2008), again on the minimum wage (2014), ending the freeze of 2011-13. The tripartite policy agreements of 2017 and 218 contained the advice to lower or end the representation threshold for extension decisions, the termination of expired agreements, and strengthening of mediation and arbitration procedures. These agreements may have contributed to coordination, though the absence of the signature of the largest union confederation limited the impact (Barreto and Naumann 1998; da Paz Campos Lima and Naumann. 2011; da Paz Campos Lima 2019).

The coexistence of different models of social policy regulation; a high level of juridification; the heterogeneous and sometimes contradictory character of labour standards; a pluralist and competitive model of relationship within and between trade unions and employer organizations produce "impediments for collective bargaining" Costa (2012:405). Dornelas (2010:113) mentions the reticence of employers to develop collective bargaining and aggressive competitive pluralism among trade unions as factors that reduce the capacity of collective bargaining to adapt to social and economic change, especially in matters of working time and work organization. Coordination between (national and sectoral) levels of bargaining, or across actors, is "very limited" and "not considered by the social partners as a key issue". Coordination in most years is therefore coded as weak ('2'), based on a mixture of government signals (extension decisions, minimum wage setting) and limited intra-associational guidance. The level of bargaining is coded 3 for all years without wage pacts (there are no bilateral agreements), and additional enterprise bargaining, until 2011, is absent. "The tension between an over-regulated and highly legalistic framework and voluntary collective bargaining may help explain why formal company bargaining is so rare in the private sector, and why industry bargaining has so little impact on working conditions and terms of employment in leading or even average enterprises" (Barreto (1992:471). Agreements do little but replicate the law, including minimum wages, and where they are not renewed speedily enough they sometimes fall behind legal minimum standards. Employers are free to set wages above the minimum and there is no articulate bargaining allowing the linkage of changes in work organization or working time to wage increases (Xavier 2006). According to a Ministry survey of 2007, union and council representation exists in a minority of larger firms, affecting at most one-third of the non-agricultural employees, and almost 80% of the workers in that survey responded that remuneration, working time and job classifications are decided by the employer without any form of trade union or employee representation. The legal reform of 2009 tried to change that and introduced the possibility that in firms of 500 and more staff, works councils negotiate enterprise agreements that supplement or override the standards set in sector agreements. In the Memorandum of Understanding with EC, ECB and IMF, signed in 2011, the threshold was lowered to 250, without a union veto. In the Labour Code of 2012, it was further lowered to 150, but subject to union approval. These reforms have not yet encouraged much bargaining activity at the enterprise level, in part because union and council representation is very weak in all but the large firms and employers have few incentives to negotiate (da Paz Campos Lima 2019).

Romania

Collective bargaining law in Romania was reformed in 2003, until then most pre-1989 provisions were maintained, with the addition of union representation and strike rights. Another major revision took place with the 2011 Social Dialogue law, which abolished national level bargaining (Trif and Paolucci 2019). After 2011, Romania entered a phase of “disorganized decentralization of collective bargaining” (idem, p.506). Before 2011, the five union confederations and their employers’ counterpart negotiated a single national collective agreement each year. This agreement stipulated minimum rights and obligations for the entire labour force (Trif 2016). These agreements exist since 1996. In addition and for the purpose of coordinating wage bargaining with government policies there were 'social agreements' or 'pacts'. The first was signed in 2001 by the government, eight of the twelve employers' confederations and all five nationally representative trade union confederations, followed by another one in 2002. Negotiations over the 2003 social agreement failed, but after half a year negotiations a 'social stability pact' for 2004 was concluded by the government, employers and some unions. That pact covered wage, budgetary and fiscal policy; a minimum wage increase (linked to inflation), labour relations, social assistance; and healthcare. A tripartite committee was set up with the task of monitoring the implementation of the pact. This was the latest one-year pact of its kind. In 2005, 2006 and 2007 there were no social pacts, though the general agreements (with *erga omnes* application) served as bottom line for wage negotiations. Early 2008, the government, unions and employers negotiated a multi-annual Tripartite Agreement on the Evolution of the Minimum Wage for 2008–2014. This agreement was suspended in 2010 during the economic and financial crisis. In 2011, the new Social Dialogue Act abolished the national cross-sector agreement, which had hitherto provided the point of reference for wage negotiations at lower levels (EIRO, Eurwork). The Social Dialogue Act forbids collective bargaining across sectors.

Until 2011, the national agreement was the starting point of additional bargaining at industry and company level, which was pervasive and took place under the control of unions. Since 2011, multi-employer bargaining has diminished but not altogether disappeared (idem, p. 514). The favourability principle does no longer apply. Coordination is limited and removed from the influence of peak federations of unions and employers.

Slovakia

The first years, until 1996 and continuing the experience in (former) Czechoslovakia unions and employers, agreed national agreements with non-binding recommendations for annual wage increases (Bohle and Greskovits 2010: 353). In 1997 and 1998, annual negotiations over the general agreements on wages (...) were suspended. Negotiations resumed in 1999 but, since 2001, no agreement has been reached. Tripartite consultation was weakened (Kahancová et al 2019: 534), however, “in February 2008, employers, employees and the government did eventually sign a Stability Pact linked to the introduction of the euro. In the pact, the government committed itself to reducing the public deficit. Unions and employers, in turn, have agreed on wage moderation (...).” (Bohle and Greskovits 2010: 350-1). Countering the weakening of sectoral bargaining and recognizing the growing importance of wage bargaining in industry as a trendsetter, the existing informal coordination across sectors was in 2013 augmented by the establishment of a formal bi-partite social dialogue arrangement for industry (Visser 2016). This was based on a bipartite agreement (Eurwork). Company bargaining is however un-coordinated and the overall effect may be modest (Coord=2, based on weak pattern bargaining). Sectoral agreements sets only minimum conditions (Kahancová et al. 2019: 539).

Slovenia

Collective bargaining started highly centralized with two general collective agreements, one for the private sector, concluded in 1990, and one for the public sector, in 1991. Both agreements could be supplemented at industry and/or enterprise level, based on a strict favourability rule (Stanojević and Poje 2019: 547).

Some industry agreements do not allow supplementary bargaining. After two years without a national agreement, and unilateral measure of the government to limit wage inflation, employers and unions returned to national bargaining in 1994. "As part of this agreement (of 1994), the unions accepted wage moderation in exchange for guarantees of solid job security and social protection, and the government's commitment to create (...) a tripartite peak-level institution where agreements over income and other socio-economic policies were to be regularly negotiated and monitored. The tripartite agreement provided a basis for a series of subsequent incomes policy agreements (Avdagic (2010:47-9). "After this first pact there followed two new and slightly widened annual pacts prior to the elections of 1996. (...) The 'hard core', common denominator of all these pacts was incomes policy – the support of all partners for systematic wage restraint. Each of these pacts broadened, from classic wage-tax/budget trade-offs to include the setting of the minimum wage, employment policy, social protection, and pensions (Stanojević and Krašovec (2011: 236)." From 1997 to 2003, there were no social pacts, but two general agreements, applying to the private sector, setting the MW increase, one in 1999 and one in 2001, each for two years. "In April 2003 the social partners adopted a new social pact, this time for a three-year period. This 'concluding' pre-EU social pact covered many new European contents/issues and compared to the earlier pacts, was the most extensive, most complex and also the most precisely structured (...) For the first time, a future tax reform was announced. But similar to earlier pacts, it also defined a general framework for pay determination: the growth of gross wages had to lag behind productivity by one percent per year. (...) (idem, 247)." After entry into the euro, pressure for EPL reform, and fighting inflation, increased, the ESS practically ceased operating. Yet, there was another social pact, for 2007-2009, which was primarily concerned with income policy (as a means of restricting inflation), much like the pacts of the 1990s. After a six year pause, the social partners in Slovenia signed a new tripartite agreement for 2015-16.. Two issues that were particularly controversial and excluded from the new social agreement: a new definition of the minimum wage and insolvency legislation. Employers withdrew from the 2015–16 social agreement at the end of 2015, when Parliament approved amendments to the law on the minimum wage. According to Stanojević and Poje (2019: 549), after entry in the EMU, national collective bargaining gradually lost the support of employers. There was also more pressure for concession bargaining, from 2013 it became possible to derogate from legal standards. From the 2003 agreement on there are more possibility to vary working hours through sectoral opening clauses and in 2009-10 there was significant use of hardship clauses.

Spain

The first two tripartite agreements (Moncloa pacts, 1977-78) after the return to a democratic system were negotiated directly at the government's seat with the new democratic political parties, the two main union confederations joined the agreements. The negotiation of social pacts in the early 1980s occurred against a backdrop of democratic transition, a deep economic crisis and the consolidation of unions and employers' organizations. (...) Fears of democratic reversal, especially after the failed coup d'état of February 1981, reinforced incentives for cooperation. After two central agreements (ABI 1979 and AMI 1980), the 1981 ANE, popularly known as the 'Pacto del miedo' ('Pact of Fear'), was tripartite and also signed by the communist federation CC.OO. The second important social pact in this period was the 1984 AES (*Acuerdo Económico y Social*). In between, there was a bilateral agreement (AI 1983). The 1984 pact was the last in a decade. There was a specific bilateral agreement in 1994, which 'corrected' the Collective Bargaining reform (abolishment of labour ordinances of the Franco era). In 1996 there was an agreement (Toledo pact) first between the political parties and then between the government and the unions over pension reform, without the signature of the employers' confederation. In 1997 the government initiated another round of negotiations, leading to two parallel bipartite agreements supported by the government, one on collective bargaining reforms (AINC, *Acuerdo Interconfederal sobre Negociación Colectiva*) and one on labour market reform (AIEE (*Acuerdo Interconfederal para la Estabilidad del Empleo*) (Molina and Rhodes 2011:217). Early 2011 the three actors failed to renew these expiring agreements-

The most important innovation in the 2000s was the return to an incomes policy agreement on a union-employer bipartite basis in December 2001, the first such agreement since 1984. The 'Acuerdo para la Negociación Colectiva' (ANC) established guidelines and set out criteria for lower-level bargaining, linked pay rises to inflation and productivity gains, and also included a general commitment to employment stability and quality. ANCs would be renewed every year until 2009 (Molina and Rhodes 2011:218). In May 2009 negotiations over a crisis-pact failed. In February 2010 a new round of tripartite negotiations over labour market reform started, on the back of the Agreement on Employment and Collective Bargaining for 2010, 2011 and 2012, which provided some guidelines for the development of social dialogue amongst social partners with a particular focus on the development of functional flexibility, followed by another one for 2013-14, 2015-17, and 2018-19. A tripartite reform pact was reached in February 2011, heavily contested within the unions and after the elections the new government took unilateral measures, promoting enterprise bargaining and setting aside, even reversing favourability rules. In 2014, the government returned to tripartite bargaining, ending a period of unilateral interventions. (Molina 2018). For the full period since 2002, with the exception of 2009, the level of bargaining is coded 4, based on a mixed of central and industry (and company) bargaining. Coordination is mainly procedural (=3, type is interassociational=4).

The relationship between agreements negotiated at different levels (national, provincial, enterprise) has been problematic, and the subject of many (failed) reforms. In part, this is a heritage of the Franco era, with law (ordinances) taking the place of agreements. The 1994 reform, which intended to replace this inflexible ordinances (for instance on working time and work organisation) by a system of negotiated agreements, did not really lead to the intended upsurge of enterprise bargaining over working time and work organisation. Perez-Dias and Rodrigues (1995: 180) classify the Spanish system of collective bargaining as unarticulated; the ordinances and later the provincial-based industry agreements did neither create incentives nor set a floor for enterprise bargaining (only in large firms, signed with the works councils). The reforms of 2011 and 2012 addressed two issues in particular (Meardi 2012). First, enterprise agreements were given priority over sector (provincial) agreements, including the possibility to reduce wages or set pay rates lower than in the sector agreement, subject to arbitration in case of disagreement. Second, the period of ultra-activity was reduced, from indefinite validity after expiration (unless the parties agreed about its renewal) to a maximum of two years or one year after expiration after which the terms of the old agreement lose their validity. Together these two changes boosted enterprise bargaining and, removing the in-built conflict with sector bargaining, allowed such bargaining to take place within the context of national and sectoral bargaining. The 2011 reforms also allowed firms in financial difficulties to suspend parts of their agreements. Despite two general strikes called by the unions, these changes have remained on the statute book (Fernández Rodrígues et al. 2019:572).

Onwards from 2002 industry and company bargaining in Spain takes place within a framework agreement concluded between the central organizations of employers and unions, basically linking wage increases to projected inflation until before 2009 and realized inflation since 2010. Industry agreements are often negotiated by province and not the basis for a further round of company bargaining, though the situation varies by industry, and the scope for enterprise bargaining has increased since 2011. Beneyto (2008) estimates that in one-third of Spanish companies there is union representation; these are the larger firms. Works councils can negotiate and legally sign agreements. In the framework of the national agreements, it was possible for firms to apply for the non-application of inflation-related wage increases based on their financial or economic situation.

Sweden

"The Swedish system of collective bargaining looks remarkably stable from 1956 through 1982 (...). Wages for private-sector blue-collar workers in Sweden were covered in centralized bargains between employers organized in the SAF and the LO (unions). Although the national bargains were legally only recommendations for subsequent industry-level negotiations, they were binding in the sense that

subsequent negotiations took place under industrial peace obligations. Although the government sometimes attempted to influence wage settlements by offering policy concessions, it never formally participated in the negotiations between the LO and the SAF (Lange et al. 1993:21-22)." In 1983, the metal-engineering sector withdrew from central negotiations and signed its own agreement. The central agreement, covering unions and employers outside the metal sector, lacked the customary peace clause. In 1984, there was only industry-level bargaining. Centralized bargaining was re-established in 1985 and 1986-87, but without an industrial peace obligation. Bargaining was fully decentralized to the industry level in 1988. In 1989, the metal sector remained outside the central agreement (Lange et al., 1993:23). "Government intervention in the 1985 pay negotiations marked the high point of a 'negotiated incomes policy': in return for a 5% norm for pay increases the government offered tax concessions favouring low-paid workers (...). This integration of wage negotiations and political decision-making challenged the principle of self-regulation (...) In 1986-7 (...) government action was less pronounced. Despite the failure of both decentralisation (as in 1988) and centralisation (as in 1989-90) to slow wage drift in these years of low unemployment, the government's role was relatively passive (...). (With rising inflation) the government called for a return to centralised bargaining (...). VF (engineering employers and SAF (peak employers organisation) refused. In 1990, SAF announced the dissolution of its bargaining unit, ostensibly to make it impossible to return to centralized wage negotiations. However, both central organisations and the government cooperated in the tripartite Rehnberg commission, "which persuaded unions and employers to accept a 2-year stabilisation agreement (1991-2) for the whole labour market. It prohibited local negotiations in 1991 and stipulated that any wage drift would be subtracted from 1992 increases. The stabilisation agreement of the Rehnberg commission was a recommendation (shared by the social partners); negotiations took place at industry level (Kjellberg 1998:86-90)." These recommendations also influenced industry-level pay bargaining in 1992-1993. Unions successfully resisted employers' pressure to move all wage bargaining to the local level in the metal engineering sector. The sector became or remained the dominant level, while the duration of sectoral agreements moved to three years in the bargaining rounds of 1995 and since. Certain sectors act as pacesetters, informally influencing the majority of the other sectors. The lead sectors are usually large export-oriented sectors, such as the metalworking industry and the paper industry. Negotiators in the public sector tend to base their demands and offers on settlements, which have been concluded in the private sector. In addition, under the so-called 'EU norm' formula devised by union economists, pay increases are matched to national and European inflation rates and kept within the range of pay increases in other European countries in order to preserve the competitiveness of the Swedish economy. Pay settlements at industry level typically provide for an increment to be decided through local negotiations. After a period of coordination based on informal centralization and unstable pattern bargaining, coordination became more robust, with the export sector as pace-setter, with the adoption of the 'Industry Agreement', even though occasionally, for instance in the 2008-9 recession service unions would challenge the leading role of manufacturing industry. In 1997 eight employers' associations in industry and a cartel of ten unions struck a 'Industry Agreement' in which they agreed to establish a private-law mediation institute, a permanent joint structure with impartial chairpersons for negotiations and a sectoral Economic Council with four independent academic economists (Elvander 1999). This arrangement was renegotiated, and strengthened in 2011 with more power for impartial mediators, stricter negotiation rules and stronger incentives to maintain the manufacturing industry's wage leadership role (Kjellberg 2019).

Additional enterprise bargaining is pervasive and conducted by union shop stewards. Its role has increased under the industry agreements in the past two decades, with more pay and hours issues left to be decided at enterprise level and industry agreements merely defining minimum or default conditions. The use of opening or hardship clauses is rare, but were exceptionally conceded by the unions in the 2009-10 crisis (Kjellberg 2019).

Switzerland

According to Soskice (1990: 41) coordination is channelled via the employer-organization-dominated arbitration system, through which company wage disputes are settled (in key industries), as well as via industry-wide bargaining. Traxler et al (2001:173) also attribute coordination to intra-associational pressures and peak associations issuing non-binding recommendations and stimulating the exchange of information rather than exerting authoritative power. One instrument is the annual survey of member firms by the Swiss employers' associations, asking members what wage increases they are willing to accept. For a long time, internal circulation of these data was the only coordinating mechanism. Since 1985-86, the peak employers' association ZSAO has formulated recommendations for lower level bargaining on this basis. On the union side, the main confederation, SGB, organizes an annual meeting in autumn to coordinate the bargaining of its affiliates. Again, this is not hierarchical coordination, since binding decisions are not taken (*ibid.*) In the mid-1990s there appeared more divisions within the employers' organisations, between those representing export and domestic industries, especially over the issues of extension, the opening of product and labour markets etc., and especially on the part of large businesses there was some disaffection with the existing model and pressure to further decentralize. In some major industries, wage bargaining became exclusively conducted at the enterprise level (Bonoli and Mach 2000; Kriesi 2006; Afonso 2009). In the metal engineering sector, the sector agreement never contained a wage norm. The scope for setting working time variably across sectors and firms increased in the mid-1990s. Negotiations at enterprise level are conducted by employee representatives (many though not all union representative) under a peace obligation.

United Kingdom

The dominant level of bargaining until the mid-1980s, in terms of coverage, was the sector, though in many sectors actual wages were negotiated at the enterprise or plant level (Clegg 1979). In the course of the 1980s, many industry agreements were not renewed and from the mid-1990s on multi-employer bargaining in the private sector has become rare (Edwards et al 1998). Throughout the 1960s and 1970s bargaining coordination has been problematic and been based on an alternation of voluntary and statutory incomes policies issued by the government. Direct interventions (ceilings, wage stops, etc.) occurred in 1966-69 and 1973 (Fallick and Elliott 1981). Under the "Social Contract" (1974-79) between the Labour Government and the Trade Union Congress, the TUC recommended that wage claims should be limited to guaranteeing purchasing power in exchange for several labour-friendly measures. The "social contract" was renegotiated in 1975 and 1976, but in 1978, negotiations broke down and the government imposed its own norms which were rejected by the public sector unions. With the election of the Conservative government in 1979, concertation with the union ended (Crouch 1990; Flanagan, Soskice and Ulman 1983; Regini 1984).

Additional enterprise bargaining is, or rather was until the end of sectoral agreements, pervasive and conducted by union representatives, though not necessarily under control of the national union (for some period in the 1960s and 1970s it was not). The relationship between bargaining levels is not defined by law.

United States

Wage bargaining occurs on a firm-by-firm-basis, in many industries controlled by the national union. For example in the automobile industry, wage bargaining is undertaken by the UAW (United Automobile Workers), which formulates the bargaining demands and used to select which of the 'big three' auto companies to bargain with first and then takes the agreement that emerges there as the standard for the other two. Union locals in the UAW are not allowed to sign wage agreements without approval by the union and must receive central authorization to strike. Once such authorization is received, strike funds are automatically forthcoming (Lange et al. 1994: 17-18). The peak federation AFL-CIO does not engage in collective bargaining or coordinate its affiliates. While dominated by enterprise bargaining, some multi-

employer bargaining did exist, for instance in coal mining, construction, hotels and transport. Unlike employers in all European countries, American (and Canadian) employers have never formed nationwide employers' association for the purpose of collective bargaining. Where they practiced multi-employer bargaining it was on a local basis (Flanagan 1993) and most ended in the 1980s. Flanagan cites data for the US showing that in 1980 14% of all agreements covering 1,000 or more workers in manufacturing and 65% in non-manufacturing (construction, retail, hotels, communication and services) were (local) multi-employer agreements; eight years later only 2% of all agreements of 500 and more workers in manufacturing and 37% in non-manufacturing resulted from multi-employer bargaining. He calls this "the most dramatic change in official bargaining structures" since the 1930s New Deal policies (Flanagan 1993:49). During the 1980s multi-employer bargaining ended, either because entire agreements were abandoned, for instance in the steel industry in 1986; or a growing number of firms withdrew from existing agreements, as happened in the intercity freight industry, aerospace manufacturing and in underground coal mining (Erickson 1992; Kochan et al. 1986:128-30; Katz and Kochan 1992:195- 97). Not reflected in these data is that informal, *de facto* multi-employer bargaining, based on effective union pressure, also declined as many pattern bargaining arrangements broke down. Before the mid-1980s coordination is coded '2', based on a weak form of pattern bargaining (type=2), after the mid-1980s coordination is coded '1' and no mechanism is identified (type=0). Like Kenworthy the year 1971, when the Nixon administration imposed a wage freeze, is coded '5' for level of coordination and '6' for type. The following years (1972-1973) there were attempts at national level coordination, without binding norms, with limited effect. An attempt by the Carter administration to revive these talks were fruitless.

Collective agreements define precise standards from which it is not possible to deviate upwards or downwards. The American variant of opening clauses are so-called two-tier employment contracts which offer sub-standard, 'lower-tier' wages and benefits to new entrants. These clauses were widely used in the early 1980s, later receded, but reappeared in the 2000s (Chaison 2008).

Variables – Governance and enforcement of agreements¹⁰

There are three variables in this group: **Peace** (existence of peace obligation in agreements), **CoR** (treatment of conflict of rights, during agreements), and **CoI** (treatment of conflict of interests, over new agreements or renewals). These three variables capture key aspects of bargaining control defined as the ability of the contracting parties to monitor and secure compliance with what they agree. Bargaining control involves "the establishment of obligatory standards" and "effective machinery to see that the standards are observed" (Clegg 1976:9) and is an important dimension of collective bargaining, in addition to bargaining coverage. In its 2015 survey of the "building blocks" of collective bargaining in member states, the OECD groups these variables under "enforcement of collective agreements"¹¹. Presumably, a higher degree of bargaining control increases the 'value' of collective agreements relative to legal standards and individual contracts. One reason, for instance, why in many countries legislation is 'copied into' collective agreements, is that grievances over enforcement can be handled through the union-assisted machinery established by the agreement. These variables also relate to the various union centralisation variables in the dataset (groups I and J).

In labour law and collective bargaining, a distinction is sometimes made between 'disputes of rights' and 'dispute of interests'. A rights dispute, or grievance, concerns the violation of an existing entitlement embodied in the law, a collective agreement, work rule, regulation, custom, or employment contract. An interest dispute originates from claims aimed at the modification of terms and conditions of employment and usually result from the breakdown of the bargaining process when the parties fail to reach agreement on the terms and conditions of employment that will apply in future. The 'right' and 'ability' for unions to call

¹⁰ The definition and name of these variables, and the data in the dataset, have been changed in comparison with ICTWSS 6.0 and earlier versions of the codebook.

¹¹ http://www.oecd.org/employment/emp/Enforcement_of_collective_agreements.pdf

and for workers to participate in a strike in these two types of disputes is treated differently in many (though not all) countries, hence the difference of the two variables ***CoR*** and ***Col***.

Rights disputes typically take the form of a claim by the worker or the union against the employer. ILO Recommendation 130, of 1967, advocates that workers have the right to have such grievances "examined pursuant to an appropriate procedure". ***CoR*** procedures which commit the union to redress grievances through a mediation or arbitration mechanism established for this purpose rather than to call a work stoppage or litigate in court, can be based on 'custom and practice' (for example, in Britain and Ireland), be required by law (as in Canada and the USA), or be part of a general or basic agreement between the central union and employers' organizations (as in Scandinavia). Usually, such rules are copied into the collective agreement and become part of the so-called "obligatory clauses" which define procedures and rights of the contracting parties, distinct from the normative clauses which define the standards and rights of workers.

Such obligations may be combined with an implicit or explicit peace clause, which prohibits the calling of, or participation in, a strike over issues settled by the agreement (a peace clause need not prohibit strikes on other issues, including solidarity or political strikes). ***Peace*** clauses may be obligatory, prescribed by law, or become accepted as a common practice agreed between the contracting parties, documented in the basic or main agreement between unions and employers (as is the case in Scandinavia, Finland or Switzerland), or be part of works council legislation (as is the case in Germany).

Finally, the ***Col*** is about the use of mediation and arbitration in case of conflict over recognition (first agreements) or the renewal and renegotiation of agreements. Unions and employers may customary seek mediation or arbitration before they call a strike or lockout in such situations, or they set up special boards or procedures for this purpose. Such procedures may also become obligatory, deeming strikes and lockouts unlawful that make not full use of them.

The three variables are defined as follows:

Peace obligation (Peace)

Do collective agreements imply a peace obligation or typically include a peace clause?

- 2 = strikes may not be called over the terms of the collective agreement while the agreement is in force (which implies a peace clause)
- 1 = there is no (implicit or explicit) legal obligation, but in practice most (private sector) collective agreements contain a peace clause
- 0 = no peace obligation or peace clause

Conflicts of Rights (CoR):

Do collective agreements typically include a mediation or arbitration procedure for handling grievances?

- 2 = yes, obligatory
- 1 = yes, voluntarily
- 0 = no or very rare

Conflicts of Interests (CoR)

Are arbitration or mediation procedures used in case of conflicts of interest (over new agreements or renewal and change of existing or expired collective agreements)?

- 2 = yes, obligatory

- 1 = yes, voluntarily and frequently
 0 = no or very rare

Data and sources

The main source is the national law or statute, or in some countries the general, basic or main agreement between unions and employers, or in some cases the main agreement between unions and employers in manufacturing industries (as in Sweden or Switzerland). In some case, without either law or agreement laying down the rules on these matters, the relevant source is the case law and how judges rule on the permissibility of strikes. The issue of peace clauses and procedures for mediation/arbitration of industrial disputes figures in some of the other databases, in particular CBR-LRI (items 38 and 39), the European Foundation's database (various variables), the OECD questionnaire of 2015 and the IRlex database of the ILO. Traxler and Kittel (2000) present data for 18 OECD member countries from 1970 to 1990 on "governability" of collective agreements (low or high, '0' or '1'), defined as legal enforceability of collective agreements and the presence of a peace obligation. Limited variation over time occurs in all these databases, except in the data of Traxler and Kittel, where the scores are constant for all years from 1970 to 1990.

The coding in these databases is summarized in Table 4 below. For the comparison, it is important to note that in each data collection the questions asked are different. The questions for items 38 and 39 are unfortunately not specified on the CBR-LRI website, but from the answers it transpires that item 38 is about the legal enforceability of agreements, which may or may not include an explicit peace clause. The score '1' (meaning "not enforceable, no peace clause") should therefore correspond with code '0' on **Peace** in ICTWSS. Item 39 is about compulsory mediation and/or arbitration in case of disputes of interests. Here, the score '1' can correspond with code '0' or '1' on **Col** in ICTWSS. Scores between '0' and '1' in CBR-LRI leave some room for ambiguity.

Traxler and Kittel (2000:1167) operationalize bargaining governability as the legal enforceability of the collective agreement and presence of a peace obligation regarding issues settled in the agreement, with code '1' for "legal enforceability of collective agreements in combination with a general peace obligation including legal enforceability", and '0' "for systems lacking the peace obligation". Score '1' on bargaining governability should therefore be consistent with code '1' or '2' on **Peace** in ICTWSS.

In the European Foundation's Database (EFDB) there are two question that touch on the 'peace' variable. The first question is, whether industrial action can be carried out

- 1 = "at any time of the duration of the collective agreement"
- 2 = "must not be carried out during the existence of a valid collective agreement"
- 3 = "can only be carried out during the (re-)negotiation phase of a collective agreement"
- 4 = "must not be carried out during the (re-)negotiation phase of a collective agreement"

Codes (2) and (3) imply a peace obligation when the collective agreement is in force even when the bargainers do not formalise this in their agreement with an explicit peace clause. Code (1) implies the absence of such an obligation (although bargainers may still agree on a peace clause), and code (4) appears to correspond with some kind of compulsory arbitration in lieu of open conflict in case of disagreement over renegotiating a collective agreement, but does not say anything about the permissibility of strikes during the existence of collective agreements.

The second question in EFDB asks whether there is "a legal obligation for collective bargaining agreements in the private sector to include a peace clause". The answers are:

- 1 "yes";

2 “no”

3 “no legal obligation, but in practice collective agreements often include peace clauses”.

It would appear that the answer (1) on the first and second question in the EFDB exclude each other, but it is quite possible, and actually happens, to select code 2 or 3 (or even 4) on the first question and answer ‘no’ on the second.

The OECD questionnaire treats the issue at two different levels, for sector agreements (in countries where they exist) and for firm-level agreements. It asks whether at these levels (where it applies), collective agreements “typically include a peace clause”, “typically include a mediation/arbitration procedure”, and whether that procedure “is compulsory”. Although this is not explicitly mentioned, it seems that all three questions refer to rights conflicts, i.e. the enforcement of agreements, and not to interest conflicts. As to the first question, it is possible (and actually happens) to answer “no” (agreements do not typically include peace clauses) where agreements are nonetheless enforceable, in fact, negotiators may not bother about such clauses, because the agreement is enforceable. This may cause ambiguity where the issue of interest is not the presence of the peace clause but the enforceability of contracts.

Finally, the OECD website states that “the focus is on collective bargaining practices in the private sector. Unless otherwise stated, the information refers to the entire economy (but the actual application and use of certain instruments may differ across sectors). In the case of institutional differences across sectors, the answers focus on what is applicable in the agreement that prevails for the manufacturing sector (in case of differences within the manufacturing sector, for the metal workers).” The same limitation also applies to the ICTWSS database, on this and all other collective bargaining variables in-group B. Rules and practices in the public sector, especially regarding the treatment of industrial disputes, may be quite different.

The data in the ILO Legal Database on Industrial Relations (IRLex); refers to about the same years as the OECD questionnaire and should therefore be more easily comparable. This database has been developed in recent years and currently covers about half of the countries in ICTWSS. Section 7 of IRlex, “Labour disputes and their resolution”, reports the limitations on striking and provisions for mediation or arbitration as defined in the law referring to collective agreements. Like LRI, IRlex is about ‘law on the books’, though other sources of law such as precedential judicial decisions and collective agreements with statutory effect are occasionally also referred to. IRlex is extracted from the ILO Database of National Labour, Social Security and Related Human Rights Legislation (NATlex), which is the primary source for identifying national legislation and used for those countries not covered by IRlex. Additional data, with a historical dimension missing in IRlex and a broader assessment of custom and practice in industrial relations and judicial decisions can be found in Blanpain, R., ed. various years.

Table 2 compares the data in the different database, and the main changes over time, as well as the ICTWSS coding. The major inconsistencies are highlighted. Often they can be attributed to a narrow or formal (legal) interpretation of the issue. For instance, it is true that there is no formal requirement for peace clauses in Belgian collective agreements and formal peace obligations are rare. Yes, if challenged in courts, judges deem in nearly all cases collective agreements to observe a peace obligation (IRlex; Blanpain and Engels 1987), in spite of protests by some unions. Similarly, there is no peace obligation in the German law on collective bargaining, but the works councils that are charged with monitoring the implementation of these agreements cannot legally strike and are subject to peace obligations. Many more such examples are possible and that may not always be picked up in questionnaires when the answer reflects the formal letter of the law.

Table 4. Comparison of data collections on the Dispute Regulation variables

	Legisl.	CBR-LRI		OECD			T&K	EFDB		IRLEX			ICTWSS		
		peace	med Col	pc	CoR	obl	Govn	peace oblig	peace clause	peace	CoR	Col	Peace	CoR	Col

										law	comp*	comp*	2	2	2
Australia	1904	0	0	Y	Y	Y	1						2	2	2
Austria	1945	0	0,67	N	Y	Y	1	N	Y				2	1	1
Belgium	1968	1	0,75	N	Y	Y	0	N	Y	implicit	vol	vol	1	1	1
Bulgaria	1992	0	1					N	N	no	no	vol	0	0	1
Canada	1944	0	0	Y	Y	Y	1						2	2	2
Chile	1976	0,5	0	N	Y	N							0	1	2
Colombia	..	1	0	N	Y	Y							0	1	2
Costa Rica	..	1	0	Y	Y	Y							1	1	2
Croatia	1991	1	1										0	..	0
	1995		0					?	Y				1	..	2
Cyprus	..	0	0,5					N	N				0	1	1
Czech Rep.	1991	0	0	N	N	N		Y	N				2	0	2
Denmark	1899	0	0	Y	Y	Y	1	Y	Y				1	2	2
Estonia	1991	1	0	Y	N			?	Y				1	0	2
Finland	1970	0	1	Y	Y	N	1	N	Y				1	1	0
France	1950	1	0				0						0	0	2
	1982	1	1	N	N	..	0	N	N	no	no	vol	0	0	1
Germany	1949	0	0,75	N	N		1	Y	Y				2	0	0
Greece	1955	0	0										2	2	1
	1990	0	0										2	2	2
	2011	0	?	Y	Y	Y		N	N				2	2	1
Hungary	1989	0	0										2	0	2
	2010	0	0	N	N	..		Y	N	law	vol	comp	2	1	2
Iceland	1938a	0	0,5										2	0	1
	1996	0	0	N	N								2	0	2
Ireland	1946	1	0										0	1	1
	1990	1	0,5										0	1	1
	1994	1	0,5										1	1	1
	2009	1	0,5	N	Y	Y		N	N	no	vol	vol	0	1	1
Israel	1969	0	0,5	Y	Y	Y							2	1	1
Italy	1970	0,75?	1				0						0	0	0
	1993	0,75	1	Y	Y	Y		N	?	no	no	no	1**	0	0
Japan	1946	1	1	..	..	..	0			implicit	vol	no	1	1	0
Korea	1963	1	..										0	..	..
	1987	1	..										0	..	..
	1997	1	0	..	..	..				implicit	comp	comp	1	2	2
Latvia	1990	0	0	Y	Y	Y		Y	N	law	vol	comp	2	1	2
Lithuania	1992	1	0					Y	?				0	0	1
	2004	0	0					Y	?				2	0	1
	2017	..	..	Y	N								2	0	2
Luxembourg	1965	0	0	Y	Y	Y		Y	Y				2	1	2
Malta	1948	1	0?					N	?				0	1	1
Mexico	..	1	0,25	N	N								0	0	0
Netherlands	..	0	1	Y	Y	N	1	N	N				2	1	0
Norway	1935	0,33	0	Y	N	..	1	Y	Y	agrmt	comp	comp	1	2	2
New Zealand	1894	0	0				1						2	2	2
	1974	0	0,5				1						2	2	1
	1987	1	0,5				1						1	2	1
	1991	0	0,5		Y	Y							2	2	1
Poland	1982	0	0										2	0	2
	1991	0	0	..	N	N		Y	?	..	no	comp	2	0	2
Portugal	1974	0	0										2	0	2
	1977	1	1										0	0	0
	2003	0	1	N	N	N		N	N				0	0	0
Romania	1991	0	0?										1	0	1
	2011	..	..							law	comp	comp	2	2	2
Slovak Rep.	1993	0	0?					Y	?	law	no	vol	2	0	1
Slovenia	1991	0,5	0,67										0	0	2
	2010	0,5	0,67	N	Y	N		N	N				0	1	1
Spain	1977	0	1	Y	Y	Y		Y	N	law	comp	vol	2	2	1
Sweden	1938a	0,25?	0?				1						1	1	0
	1976	0,25?	0?				1						1	2	0
	1998	0,25?	0?	Y	Y	Y		Y	Y				1	2	1
Switzerland	1938	0,5	0	Y	Y	N	1						1	1	2
Turkey	1962	0	0										2		
	1983	1	0	Y	Y	Y							1	2	2
United Kingdom	1970	1	1				0						0	1	0

	1972-3	0	1				0						2	1	0
	1974	1	1	..	..	..	0	N	N	np	vol	no	0	1	0
United States	1937	(Y)	(Y)	..	..	..	0			law	comp	comp	2	2	2
Argentina	1962	0	0							law	comp	comp	2	2	2
Brazil	1964	1	0										2	2	2
	1989	0.33	0.25							no	vol	vol	0	1	1
China	1986	?	?							?	vol	vol	..	1	1
India	1947	0.5?	0.67							implicit	vol	vol..	1	1	1
Indonesia	1957	1	1										..	..	..
	2004	1	1							no	no	comp	0	1	2
Russian Fed.	1992	1	0										0	..	2
South Africa	1956	0	0.25?										2	..	2
	1996	0	0.25							law***	vol	vol	2	1	1

* under the Fair Work Act, if the agreement cannot be reached and is then promulgated as a modern award, such conflicts must be solved through arbitration.

** By virtue of the 1993 social pact which excludes the renegotiation of issues defined in the central agreement at lower level and thus implicitly establishes that such issues must be solved through conciliation within the ambit of the agreement.

*** if channelled through the bargaining councils, allowing extension of the agreement

Section C – Social Pacts

Section C of the ICTWSS Database deals with Social Facts and Agreements. In its present version, it contains 29 variables (var. 28-56). Cutting down on redundant information and variables that can be computed, the proposal is to reduce the number of variables to 16. This section elaborates on the variables directly related to the negotiation of central agreements and social facts.

The variables in this section relate directly to the ‘macro’ variables in section B of the database regarding the organisation of collective bargaining and wage setting, especially the variable CENT (centralisation), COORD (coordination), TYPE (type or mechanism of coordination), and GOVINT (government intervention in wage setting).

Variables – Social Facts

The two core variables in this section are:

1. **Social facts**, defined as “publicly announced formal policy contracts between the government and social partners over income, labour market or welfare policies that identify explicitly policy issues and targets, means to achieve them, and tasks and responsibilities of the signatories” (Avdagic, Rhodes and Visser, 2011: 11).
2. **Central (cross-industry or interprofessional) agreements**, covering the entire economy or the entire private sector, negotiated by central organisations or coalitions of unions and employers’ associations, and publicly announced, registered or documented.

These definitions exclude:

1. tacit understandings or non-written agreements that are not publicly announced, registered or documented;
2. agreements and facts on policy issues outside the domain of economics, labour, welfare and social policies (e.g., dealing exclusively or primarily with environmental or health issues);
3. agreements and facts at the sub-national (local, regional) level or dealing with one branch of the economy only (e.g., agriculture, banking, steel and cars).

The difference between facts and agreements is marked by the role of the government as a formal (signing) party to the agreement. In addition to the variables ‘SPA_negot’ (Has a pact or agreement been proposed and did negotiations actually take place?) and ‘SPA_signed’ (Has a pact or agreement been signed and ratified?), there is a third variable ‘SPA_comp’ (the old variable _structure) with information on the composition of signatory parties. We identify the following possibilities:

- 0 = No pact or agreement (**SPA_Sign=0**)
- 1 = Tripartite agreement: signed by the government and all (mainstream) union confederations and employers’ peak associations
- 2 = Tripartite agreement, without one or more major union confederation(s)
- 3 = Tripartite agreement, without one or more major employers’ peak association(s).
- 4 = Tripartite (minority) agreement, without one or more major union confederation(s) and without one or more major employers’ peak association(s).
- 5 = Bipartite agreement, signed by all major (mainstream) union confederations and employers’ peak associations
- 6 = Bipartite agreement, without one or more major union confederation(s)
- 7 = Bipartite agreement, without one or more major employers’ peak association(s)

8 = Bipartite (minority) agreement, without one or more major union confederations and without one or more major employers' peak federations.

Based on these distinctions, we can identify 1-4 as social pacts (tripartite) and 4-8 as agreements (bipartite). Moreover, it is possible to distinguish between fully supported *majority* pacts or agreements (1 and 5), *minority* pacts or agreements (4 and 8) or those that have *partial* support on the side of labour (2 and 6) or capital (3 and 7). These distinctions may be relevant for analysing the impact and duration of pacts and agreements.

As to the distinction between pacts and agreements, the line is drawn with the formal signature of the government. Many agreements are reached only under pressure of the government, with direct participation of the government, and with promises of various kind, yet they do not qualify as tripartite agreements or social pacts when the agreement is signed only by the social partners. A case in point are the Belgian central agreements. Since 1981 all agreements, 11 in total, were negotiated under threat of the government (that it would impose a wage order or freeze if no agreement was reached), within very strictly defined limits and most agreements were reached only after the government promised extra measures on working time, early retirement, unemployment relief etc) (Den Broeck 1989; Beaupain 1989; Van Ruysseveld and Visser 1996; Villroкс and Van Leemput 1998; Eurwork). Yet these agreements are negotiated and signed in the bipartite National Labour Council (with an independent chair), and finally ratified (or not) by the social partners. Hence, they are not social pacts. The fact that these agreements are typically declared generally applicable by crown order does not change this. The 8 Irish social pacts (called partnership programs) between 1987 and 2006 were truly tripartite. Each of them was negotiated in the tripartite National Economic and Social Council, with direct participation of the Prime Minister's office and co-signed by the government (O'Donnell et al 2011). In Finland, all 19 central agreements since 1968 qualify as tripartite "income policy agreements". They are classic income policy deals swapping wage moderation for tax and other policy concessions to unions and employers (Kauppinen 2010). These agreements are first negotiated between the social partners, but with promises of the government, which are then formally annexed to the agreement with the government's signature. Central agreements are recommendations to their member unions or associations. If a union or employers' association rejects the result, negotiations for that union or association move to sectoral level. If many unions (or employers) reject the agreement, employers (or unions) will back out and the central agreement fails. Usually the government steps in and 'convinces' or 'bribes' a sufficient number of unions (and employers) to back the agreement. When a union (or sectoral employer association) accepts the terms of the central agreement, it must accept the result as binding and transpose its clauses in the sectoral agreement (Kuusisto 2010; Lilja 1998). In the Netherlands some tripartite pacts consist of two agreements, one signed between the social partners and mainly concerned with wages, and another between them, or one of them, and the government (Visser and Van der Meer 2011). The 2017 social pact or tripartite Medium-Term Concertation Agreement included a bipartite agreement between trade unions and employers' confederations committing their members to suspend temporarily (for 18 months) resort to unilateral request to terminate agreements and a government decree to drop the threshold condition based on employer association representativeness in its decisions to extend collective agreements (De Paz Campos Lima 2019: 486).

The nature of social pacts and agreements can further be analysed by investigating their content. The database codes 10 different issues, three related to wages, one related to the budget or taxes, and 6 specific policy issues: working time (including work-family issues); employment or job creation (including activation); employment protection legislation; social insurance (including unemployment, sickness and disability); pensions (old age and pre-retirement); and training. Additionally two 'promotional' issues are coded, one related to union and employee representation rights; and one related to concertation or arrangements that guarantee social partner involvement in public policy choice and design (for instance through creating or upgrading a tripartite council for social and economic policy. Examples are the pacts marking the transition to democracy in Chile (1990), the end of Apartheid in South Africa (1990, 1994),

democratization in Korea (1997) and various pacts in Central and Eastern Europe following the end of Communism.

On the basis of coding pacts by content, it is possible to distinguish between wage and non-wage, and between narrow (single-issue) and broad (multiple-issue) pacts and agreements (see: Avdagic et al 2011:62). In addition, the three wage variables distinguish between pacts and agreements that establish a norm or ceiling for wage increases (**wage_max**), those that set a norm for the level or increase of the minimum wage, applied nationally or in industry and enterprise bargaining (**wage_min**), and those that change or create rules pertaining to wage negotiations (**wage_proc**), for instance mediation procedures, peace obligations during or between valid agreements, or multi-level bargaining. A case in point is the Italian 'Ciampi' pact of 1993, which created the rule that the second tier of enterprise bargaining could only deal with matters "different from and not overlapping with" issues settled in the first tier of sectoral bargaining (Regalia and Regini 1998:484).

SPA_signed refers to the year in which the social pact or agreement is signed and ratified. Where the negotiators fail to obtain the approval of their members after they have signed the agreement, this is registered as failure; there is no agreement or pact. Agreements and pacts that change the rules usually do so for an indeterminate time in the future, although they may be revisited or recalled at a later time. Agreements and pacts that set a norm for maximum or minimum wage norm typically apply for one or more years, and this need not be the same year in which the agreement or pact was signed. For this purpose and only when the agreement or pact establishes a maximum or minimum wage norm (**wage_max** and/or **wage_min=1**), a special variable (**SPA_applies**) registers the year or years in which the (wage norm of) the pact or agreement applies. This usually varies between 3 years (most Irish pacts since 1987), 2 years (Belgian agreements or Finnish pacts), or 1 year (Swedish central agreements before 1983) and in many cases starts the year after the pact or agreement has signed.

SPA_negot: A social pact or central agreement is (publicly) being proposed by one of the parties and negotiations do take place in specified year

0 = No

1 = Yes

(Only 'yes' when negotiations have actually taken place; just a proposal by one of the parties is not enough)

SPA_Sign A social pact or central agreement is signed in specified year

0 = no

1 = yes (refers to the year in which the pact or agreement is signed, which needs not be the year in which the pact or agreement is applied)

(If more than one pact or agreement is signed in a given year, only one—the most important one in terms of content—is entered).

SPA_Comp The composition of the signing parties of the pact is as follows:

0 = No pact or agreement (**SPA_Sign=0**)

1 = Tripartite agreement: signed by the government and all (mainstream) union confederations and employers' peak associations

2 = Tripartite agreement, without one or more major union confederation(s)

3 = Tripartite agreement, without one or more major employers peak association(s).

4 = Tripartite (minority) agreement, without one or more major union confederation(s) and without one or more major employers' peak association(s).

5 = Bipartite agreement, signed by all major (mainstream) union confederations and employers' peak associations

6 = Bipartite agreement, without one or more major union confederation(s)

7 = Bipartite agreement, without one or more major employers' peak association(s)

8 = Bipartite (minority) agreement, without one or more major union confederations and without one or more major employers' peak federations.

(Refers to the pact or agreement coded in SPA_Sign in case of more than one pact or agreement)

Wage_Proc: Pact or agreement sets rules for wage setting (e.g., articulation of bargaining levels, indexation, opening clauses, conflict mediation, renewal of agreements, etc.)

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Wage_Min: Pact or agreement sets a substantive norm regarding the minimum level or change of wages

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Wage_Max: Pact or agreement sets a substantive norm or ceiling regarding maximum level or change of wages

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

SPA_applies: Maximum wage clause in social pact or central agreement applies in specified year

0 = No

1 = Yes

(only when social pact or agreement contains wage a clause on maximum and/or minimum wage increases, i.e. if **Wage_Max** and/or **Wage_Min = 1**)

Tax_Budget: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding taxation and/or budget decisions

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Work_Hrs: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding working hours

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Empl_Pol: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding employment policies (job creation, subsidies, etc.)

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Empl_Leg: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding employment protection legislation (employment law)

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Soc_Sec: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding social security (unemployment, sickness, disability, family or children allowances)

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Pensions: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding (old age and/or pre-retirement) pensions

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Training: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding vocational training

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Union_rights: Pact or agreement contains, and/or is predicated on, concessions (or promises) regarding union representation or union recognition, including employee representation, works councils, bargaining rights, etc.

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Concert: Pact or agreement sets up or changes the nation-wide council for social dialogue or 'concertation'.

0 = No

1 = Yes (to be registered in year in which pact or agreement is signed)

Sources and references

There are no central or national registers of social pacts or central agreements and the data has to be reconstructed from various international and national overviews and studies. The most important sources are listed below.

On social pacts:

- Avdagic, S., M. Rhodes, and J. Visser, eds. 2011. *Social Pacts in Europe: Emergence, Evolution and Institutionalisation*, Oxford University Press.
- Fajertag, G., and Ph. Poche, eds. 1997. *Social Pacts in Europe*, eds. Brussels: European Trade Union Institute (ETUI) / Observatoire Social Européen (OSE).
- Fajertag, G., and Ph. Poche, eds. 2000. *Social Pacts in Europe. New Dynamics*, eds. Brussels: ETUI/OSE
- Fraile, L. ed. 2010. *Blunting Neoliberalism. Tripartism and economic reforms in the developing world*. Geneva: ILO and Palgrave-McMillan
- Hassel, A. 2006. *Wage-Setting, Social Pacts and the Euro*. Amsterdam: Amsterdam University Press.
- Koukiadaki, A., I Távora and M. Martínez Lucio, eds. 2016. *Joint Regulation and Labour Market Policy in Europe during the Crisis*. Brussels: ETUI.
- Pochet, Ph., M. Keune, and D. Natali, ed. 2010. *After the Euro and Enlargement: Social Pacts in the EU*. Brussels: ETUI

On industrial relations, wage setting and central agreements:

- Auer, P. ed. 2001. *Changing Labour Markets in Europe. The role of institutions and policies*. Geneva: ILO
- Baglioni, G., and C.J. Crouch, eds. 1990. *European Industrial Relations. The challenge of flexibility*. London: Sage.
- Bispinck, R., and W. Lecher, eds. *Tarifpolitik und Tarifsysteme in Europa*. Cologne: Bund Verlag.
- Calmfors, L. ed. 1990. *Wage Formation and Macroeconomic Policy in the Nordic Countries*. Stockholm and Oxford: SNS/Oxford University Press
- Cardoso, A.M. 2004. 'Industrial relations, social dialogue and employment in Argentina, Brasil and Mexico', ILO Employment and Strategy Papers, No. 7. Geneva: ILO.
- Cardoso, A.M., and J. Gindin. 2009. 'Industrial Relations and Collective Bargaining. Argentina, Brazil and Mexico compared'. Geneva: ILO Industrial and Employment Relations Department, working paper no. 5.
- Fallick, J.L., and R.F. Elliott, eds. 1981. *Incomes Policies, Inflation and Relative Pay*. London: Allen & Unwin.
- Flanagan R.J., D.W. Soskice, and L. Ulman. 1983. *Unions, Economic Stabilisation and Incomes Policies: European experience*. Washington, DC: The Brookings Institution
- Ferner, A., and R. Hyman, eds. 1992. *Industrial Relations in the New Europe*, Oxford: Blackwell
- Ferner, A., and R. Hyman, eds. 1998. *Changing Industrial Relations in Europe*, Oxford: Blackwell
- Kenworthy, L. 2001. *Wage-Setting Coordination Scores*. Mimeo.
- <https://lanekenworthy.files.wordpress.com/2014/07/wagecoordinationscores-discussionanddocumentation.pdf>
- Kohl, H., and H.-W. Platzer. 2004. *Industrial Relations in Central and Eastern Europe. Transformation and Integration*. Brussels: ETUI
- Lange, P., M. Wallerstein, and Miriam Golden. 1993. 'The End of Corporatism? Wage Setting in the Nordic and Germanic Countries.', in: S. Jacoby, ed. 1995. *The Workers of Nations. Industrial relations in a global economy*. New York: Oxford University Press, pp. 76-100.
- Leonardi, S., and R. Pedersini, eds. 2018. 'Multi-Employer Bargaining Under Pressure. Decentralisation trends in five European countries'. Brussels: ETUI.
- Locke, R., Th. Kochan and M. Piore, eds. 1995. *Employment Relations in a Changing World Economy*. Cambridge Mass. The MIT Press.

- Moerel, H., ed. 1994. Labour Relations in Transition. Nijmegen: ITS.
- Müller, Th., K. Vandaele, and J. Waddington, eds. 2019. 'Collective Bargaining in Europe: Towards an endgame'. 4 vols. Brussels: ETUI
- Scharpf, F.W. and V.A. Schmidt, eds. Work and Welfare in the Open Economy. 2 vols. Oxford: Oxford University Press.
- Traxler, F., S. Blaschke, and B. Kittel. 2001. National Labor Relations in Internationalized Markets: A comparative study of institutions, change, and performance. Oxford, Oxford University Press.
- Van Ruysseveldt, J.J., and J. Visser, eds. Industrial Relations in Europe. Traditions and transitions. London: Sage.

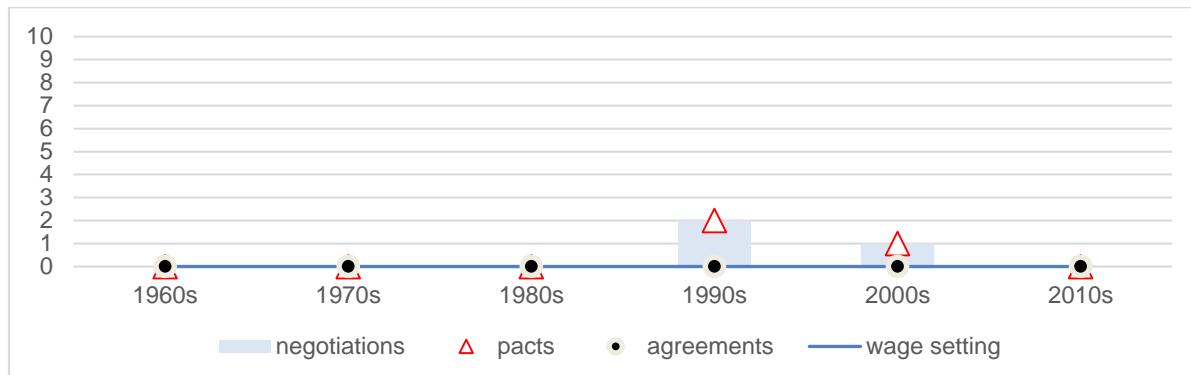
Further sources:

- EIRR (European Industrial Relations Review). Monthly data. 1990-2000.
- EIRO (European Industrial Relations Observatory). 1997-2003 Annual reviews. <http://www.eiro.eurofound.ie/1997/review/eiroar03.htm>
- EURwork (European Observatory of Working Life), 2000-2019. Country updates. <https://www.eurofound.europa.eu/observatories/eurwork/country-updates>

Country notes

There is no evidence of any social pact or central agreement on either wage or non-wage issues in Brazil, Canada, China, Colombia, Costa Rica, India, Indonesia, New Zealand, Switzerland, and the United States of America. For the other countries, the data and sources are as follows.

Argentina

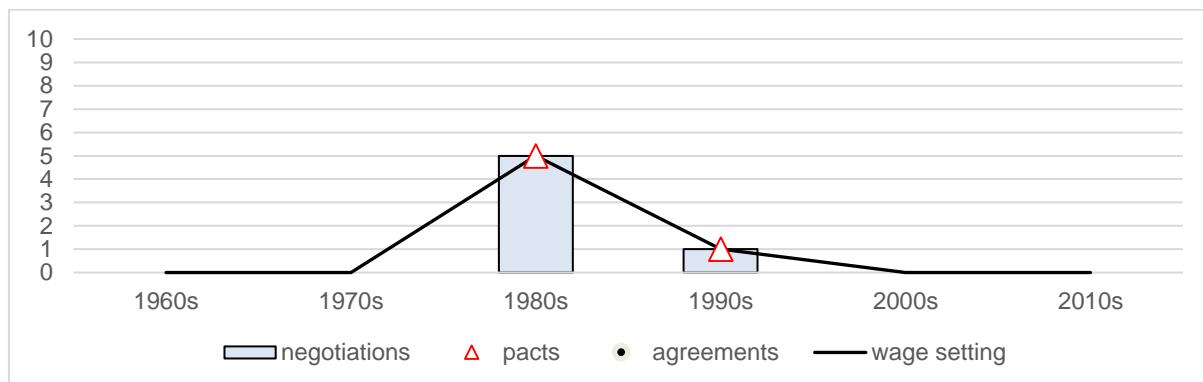


The first attempt at social dialogue in Argentina occurred in 1994, under the Agreement for the Employment, the Productivity and the Social Equity (*Acuerdo Marco para el Empleo, la Productividad y la Equidad Social*) – an initiative during the Menem presidency to tackle issues such as employment creation, the unions' right to information, the resolution of individual conflicts, safety and health at work, professional training, the revision of bankruptcy legislation and the reform of labour relations (Margheritis, 1999). In 1997, the CGT subscribed another tripartite agreement – the Coincidences Agenda (*Acta de Coincidencias*) – aiming at a consensual reform of the labour code to create new, more flexible, labour market regulations. The dialogue failed to result in a change to the labour law or in employment creation, and was discontinued in the same year (Cardoso and Gindin 2009:46).

The crisis of December 2001 brought social dialogue back to the fore, with attempts of the Ministry to revive social dialogue (*Diálogo Argentino* 2002), which led to some decentralized initiatives, but no central agreements or pacts at the federal level (Etchemendy and Collier 2007).

- Etchemendy, S. and R. Collier. 2007. 'Down but Not Out: Union Resurgence and Segmented Neocorporatism in Argentina (2003–2007)', *Politics and Society*, 35: 363-401.
- Margheritis, A. 1999. *Ajuste y reforma en Argentina (1989-1995)*. Buenos Aires: NuevoHacer.

Australia



"Economic outcomes were strongly influenced throughout the past decade by an Accord on wages and prices, signed by the Australian Labour Party (ALP) and the Australian Confederation of Trade Unions (ACTU) just before the federal election of March 1983. The original Accord envisaged the Labour government's support for full wage indexation in return for the union movement pledging to make 'no extra claims' for wage increases. Although the Accord has been modified a number of times since 1983, the terms of the agreement have been honoured by the unions. (...) Following a severe economic crisis in 1985-86 (...), ACTU agreed to abandon its demands for full wage indexation. This ushered in a new era in which a 'two-tier' wages system was introduced by the Australian Industrial Relations Commission in the National Wage Decision of March 1987. (...) In the National Wage Case Decision of October 1991, the Commission further refashioned the principles governing wage policy to encourage enterprise bargaining. (...). Currently Australia appears to be in transition from an industrial relations system that was one of the more centralized of the market economies to one of a dualistic character. While the majority of unions and employers remain in the more highly regulated era of arbitrated awards, an increasing minority are moving toward a more decentralized bargaining approach at the enterprise level." (Lansbury and Niland 1995:62-65).

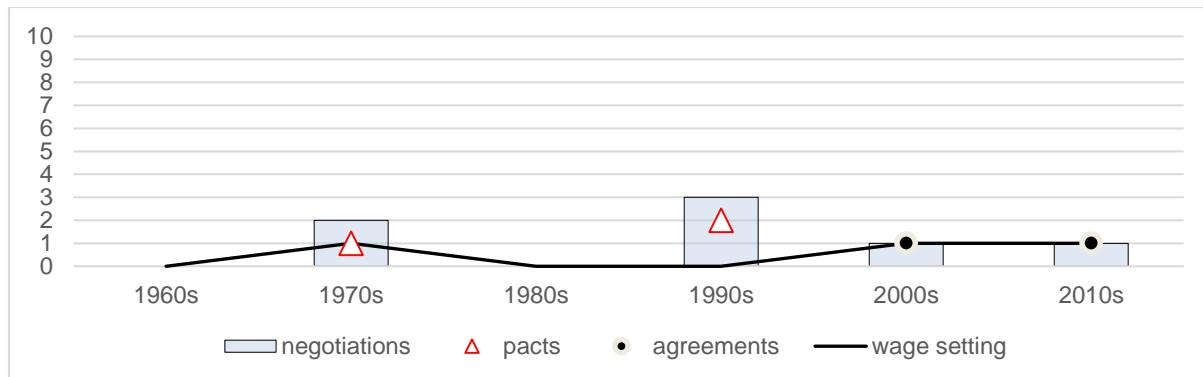
The Accord committed the unions to wage restraint and the government to fiscal and monetary policy to stimulate employment. Since 1983 and until 1992 there have been six versions of the Accord (Accord Mark 1- 6). "In essence, the union movement has bartered with the government over an improved social wage regime and reduced taxation in return for wage moderation. The Accord has been singularly successful in averting a wage explosion following the lifting of the wage freeze (of 1982). Similarly, the Accord was the vehicle whereby wage indexation was abandoned without the political and industrial dislocation which accompanied the demise of indexation in 1981. Remarkably, the Accord has been the instrument of real wage reduction (in the order of 10 to 14 per cent) without major strikes. The latest version of the Accord was agreed in February 1990 (Plowman (1990))."

"Over time, however, the Accord began to fall from favour (...) In the end, the Industrial Relations Court (the body responsible for making decisions on wage increases under the centralised arbitration system) was left isolated as the sole defender of the system (...). Although the Accord was formally renewed on seven occasions during the term of the Hawke-Keating government, it ceased to be a major factor in economic policy after 1989 (Quiggin 2001:100-1)".

- Lansbury, R., and J. Niland. 1995. 'Managed decentralisation? Recent trends in Australian industrial relations and human resource policies'. In Locke et al, *Employment Relations* .., pp. 59-90.

- Plowman D. 1991. Australian Wage Policy 1983-1990. *New Zealand Journal of Industrial Relations*, vol 16
- Quiggin J. 2001. 'Social Democracy and Market Reforms in Australia and New Zealand'. In *Social Democracy in Liberal Times. The Left and economic policy since 1980*, ed. A Glynn, pp. 80-109. Oxford: Oxford University Press.

Austria



"Unlike the Nordic countries, there are no peak-level wage negotiations in Austria (...). The Austrian case thus represents a system with regular peak-level discussions regarding the appropriate range of wage settlements but without a formal peak-level agreement (Lange et al., 1995: 89)." "For a long period, coordination across sectors was mainly performed by the Parity Commission and was based on the sectoral bargaining parties' obligation to apply jointly for the Commission's approval before renegotiating agreements. Coordination was aimed at influencing the timing of bargaining rounds; no attempt was made to prescribe their agenda or outcome (Traxler 1998: 256-57)."

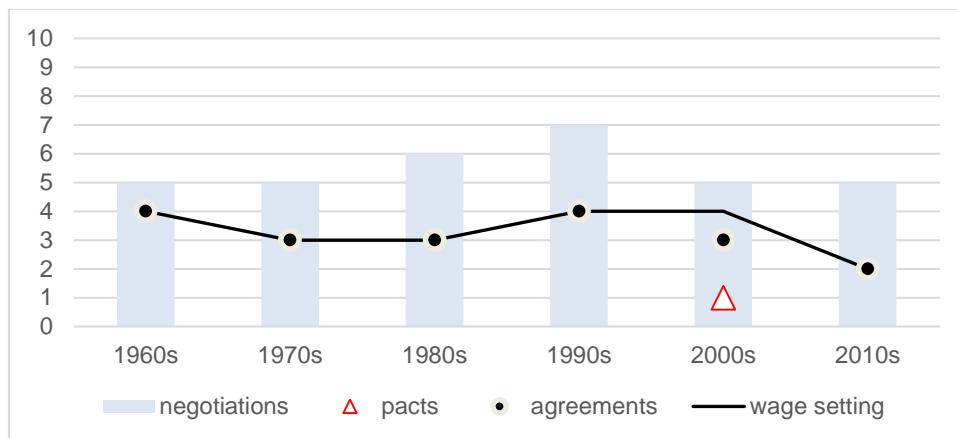
The only wage pact was in 1973, This 'interim agreement or adjustment pact was a classic tax-wage deal. "Although there was a second attempt to achieve a combined wage-tax bargain in 1974-75, the ÖGB refused in this instance to connect problems of taxation with wage increases (Flanagan et al., 1983:62)." Following the EMS crisis and short before entry in the European Union, "for the first time in forty years, the government decided after initial negotiations in November 1994 to go ahead with its austerity plan without asking the prior consent of the social partners. (...) After much protest from the unions, (...) the second austerity package of September 1995 was negotiated with the social partners but was also far more severe than the first one (Hemerijck et al. 2000:204)." The austerity package included a cut in family assistance, a cap on health expenditure and stricter regulation of unemployment benefits, as well as a raise in the threshold for early retirement and disability pensions. In 1997, a pension reform was agreed in principle. This reform aimed at cutting pension benefits, but the unions managed to water down the government's plan (*ibid*)."

In July 2007, the central union and employers' federations ÖGB and WKÖ agreed to establish a cross-sectoral minimum wage of €1,500 across all sectors of the national economy through sectoral collective agreements, at the latest by 1 January 2009. In January 2017, the federal government called upon the social partners to negotiate an agreement on a cross-sectoral national minimum wage and create new rules for working time flexibility. Agreement was reached in June 2017 on a monthly national minimum wage of €1,500. This will be implemented via sectoral collective agreements by 2020 in all sectors where the minimum wage is currently lower, affecting about 300,000 workers. On working-time flexibility, no agreement was reached (EIRO, Eurwork).

- Hemerijck A., B. Unger, and J. Visser. 2000. 'How Small Countries Negotiate Change: Twenty-Five years of policy adjustment in Austria, the Netherlands, and Belgium'. In Scharpf and Smidt, eds. *Work and Welfare ...*, pp. 175-263.

- Traxler, F. 1998. 'Austria: Still the Country of Corporatism?' In Ferner and Hyman, ed. *Changing Industrial Relations* .., pp. 239-61. Oxford: Blackwell.

Belgium



"Between 1960 and 1975, Belgian industrial relations were marked by so-called *Social Program Accords*. Without direct government involvement, employers and workers concluded multi-industry agreements which established terms and conditions of employment at the national level for two or three years. (...) (Van Ruyseveldt and Visser 1996 214)." "Le terme de *programmation social* apparut précisément pour la première fois dans cet accord de 1960, le premier d'une série de sept accords interprofessionnel dont le dernier fut conclu en 1975. (Beaupain 1989: 241). These national agreements first established norms, often minimal, for changes in wages and other benefits, which guided sectoral and enterprise negotiations. The government was not a formal partner in these negotiations, but it was expected to legislate in accordance with their outcomes (Blanpain 1971). The first agreement ran till 1963, in 1964 there was no agreement, in 1965 started a series of biennial agreements. The 1971 agreement was about pensions, hours of work and trade union education. The biennial agreements of 1973 and 1975 established the national minimum wage and pension provisions for early retirement.

"With few exceptions, since 1975 all efforts to reach compromise via direct talks at the summit between business and labour have failed. And the same goes for the countless, long-drawn-out tripartite talks (...) called mainly at the initiative of successive incoming cabinets (Spineux 1990: 49)." "Depuis lors, les interlocuteurs sociaux ont tenté à trois reprises de conclure un accord et les trois tentatives se sont soldées par un échec, le premier étant intervenu à la fin de l'année 1978. (...) Parallèlement, le gouvernement (...) allait de plus en plus intervenir dans les domaines traditionnellement réservés des partenaires sociaux. En 1976, déjà, des mesures visant à la modération des revenus avaient été votées (...), pour 1976, une limitation de l'indexation (...). L'intervention suivante se produisit suite à l'échec de la Conférence Nationale du Travail convoquée par le Gouvernement à la fin de l'année 1980. N'ayant obtenu l'assentiment ni du patronat, ni des syndicats, le Gouvernement fit voter une loi qui prévoyait la modération des revenus jusqu'au 31 décembre 1982 mais également que le blocage ne serait pas d'application pour les travailleurs du secteur privé si une convention collective interprofessionnelle ayant un effet équivalent était conclue. On voit là renversées les fonctions traditionnelles de l'État et d'organismes défenseurs d'intérêts privés: le Parlement jouait le rôle d'une groupe de pression sur les interlocuteurs sociaux. Un accord interprofessionnel jugé préférable par les interlocuteurs sociaux fut finalement conclu le 13 février 1981, valable jusqu'au 31 décembre 1982 (Beaupain 1989: 240)." "Dit akkoord was eigenlijk een drieledig akkoord, gesloten onder druk van de regering en het Parlement, aangezien de herstelwetten van 10 februari 1981 een systeem van afremming der lonen inhielden, die zou gelden indien geen akkoord tot stand zou komen. (...) Vanaf 1982 treedt de overheid, bij gebrek aan akkoord met de sociale partners, eenzijdig op in de loonvorming (Den Broeck 1989, 64)" "Faute d'avoir obtenu que les interlocuteurs sociaux

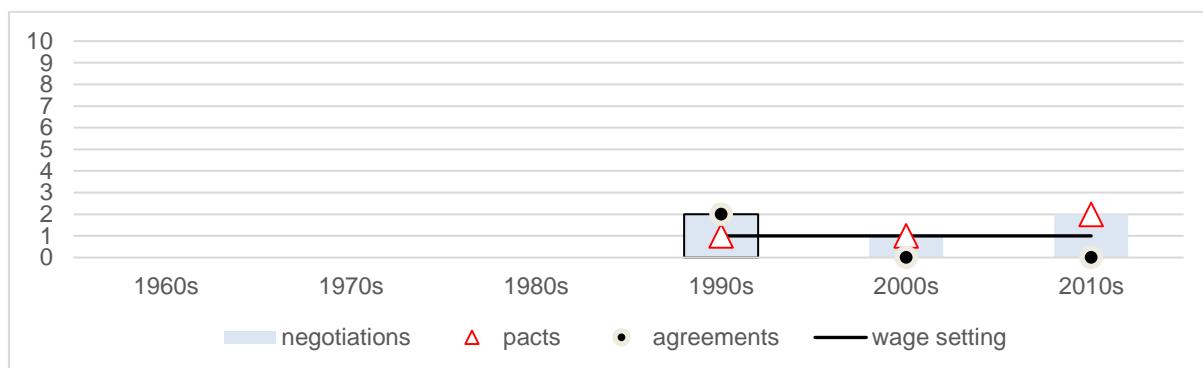
concluent un accord interprofessionnel dans le cadre qu'il avait fixé d'abord en 1982, puis en 1984, le gouvernement a pratiquement imposé par deux fois la négociation dans les domaines tels que la réduction de la durée du travail et l'embauche au niveau des commissions paritaires et, à défaut d'accord sectoriel, au niveau des entreprises (Beaupain 1989: 240)." "From 1986 the tradition of 2-year central agreements was resumed. In contrast to the agreements of 1960-76, the five 'new-style' central agreements (...) were relatively limited in content, and their impact was largely symbolic (Vilroxx and Van Leemput 1998:337)." In the EMS crisis and "alarmed by sharply rising unemployment, the government proposed a 'Global Pact' early in 1993 (...) infuriated by the proposal to trim the cost-of-living index, the socialist federation FGTB (...) walked out (Hemerijck et al. 2000:242)." "The same scenario—government-proposed tripartite negotiations (...), failed negotiations and measures imposed by the government—was repeated during the negotiations for a 'Multi-annual Plan for Employment', proposed in Autumn 1995, and again with the failed negotiations of a 'Future Contract for Employment' offered by the same government in early 1996 (Arcq 1997:100-1)." The government imposed a wage freeze in 1994-5. Since 1996, the new Competitiveness law stipulates that the maximum margin available for wage cost rises over each two-year period is determined by development in France, Germany and the Netherlands.

In 1996, negotiations for 1997-98, based on the new rules, failed and the government imposed a ceiling. In 1998, there was an agreement for 1999-2000, with government concessions in social security and unemployment relief. The agreement for 2001-02 contained provisions on training, working time, older workers, reductions in employers' social security contributions and harmonisation of blue- and white-collar status. The agreement for 2003-04 was reached with government concessions on social security, job creation, training and early retirement. In January 2005, unions and employers reached an agreement for 2005-6, but this agreement was rejected by FGTB's members and imposed, almost unchanged, by the government. Around the same time, the government proposed a social pact—*Contrat de solidarité entre les générations*—with changes in the pre-retirement regime, but negotiations failed. The central agreement for 2007-08, reached in January 2007, included a time credit for older workers, allowing early retirement at 58, wage moderation, tax concessions, changes in social security contributions and working time flexibility. The agreement for 2009-10 was rescued by the government with extra crisis measures, subsidised short-time working and tax relief for employers, and can formally be called a social pact. The agreement for 2011-12 was rejected by two of the three union confederations and imposed by the government. For 2013-14, the talks collapsed almost before they began, after the government had issued a wage freeze. The draft agreement for 2015-16 was imposed, with a temporary suspension of indexation when the FGTB withdrew from the negotiations. Early 2017, the social partners reached for the first time since 2010 a new central agreement (for 2017-2018). (Van Guys et al 2018; EIRR; EIRO). For 2019-2020, a partial agreement was reached as the norm for minimum wage increases was rejected by FGTB (Eurwork).

- Arq, E. 1997. 'Collective Labour Relations and Social Pacts in Belgium', pp. 97-102, in Fajertag and Pochet, *Social Pacts in Europe*.
- Beaupain T. 1989. 'La négociation collective: niveaux et contenus', pp. 231-252, in *50 jaar arbeidsverhoudingen*, Belgische Vereniging voor Arbeidsverhoudingen. Brugge: De Keure
- Blanpain, R. 1971. 'Recent trends in collective bargaining in Belgium', *International Labour Review* 104(1/2): 111-129.
- Den Broeck, G. 1989. 'De overheid en het sociaal overleg', pp. 49-70, in *50 jaar arbeidsverhoudingen*, Belgische Vereniging voor Arbeidsverhoudingen. Brugge: De Keure.
- Hemerijck A., B. Unger, and J. Visser. 2000. 'How Small Countries Negotiate Change: Twenty-Five years of policy adjustment in Austria, the Netherlands, and Belgium', pp. 175-263, in Scharpf and Smidt, eds. *Work and Welfare*.
- Spineux, A. 1990. 'Trade Unions in Belgium: The difficulties of a major renovation', pp.42-70 in Baglioni and Crouch, eds. *European Industrial Relation*.

- Van Guys, G., D. Van Herreweghe, and S. Vandekerckhove. 2018. 'Opposites attract? Decentralisation tendencies in the most organised collective bargaining system in Europe. Belgium in the period 2012-2016', pp. 67-104 in Leonardi and Pedersini, eds. *Multi-Employer Bargaining under Pressure*.
- van Ruyseveldt, J., and J. Visser (1996). 'Weak Corporatism Going Different Ways? Industrial relations in the Netherlands and Belgium', pp. 205-64, in Van Ruyseveldt and Visser, eds. *Industrial Relations ..*
- Vilrookx J., and J. Van Leemput. 1998. 'Belgium: The great transformation', 315-47, in Ferner and Hyman, eds., *Industrial Relations in a Changing Europe*.

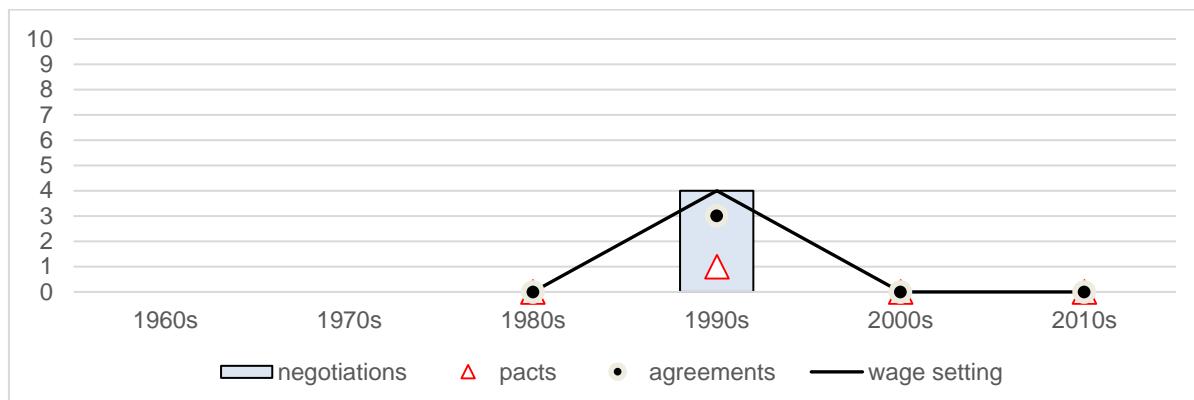
Bulgaria



"In November 1993, KNSB and BSK (the central organisations of unions and employers) signed a Framework Collective Bargaining Agreement for 1994. This bipartite stated that national collective bargaining would have a framework character, setting rules, while the real bargaining would take place at industry and enterprise levels (Kirov 2019:83)." "In 1997 (...) the social partners signed a 'Charter for Social Cooperation' to stabilize the economic situation (Kirov 2003:78)". "Social cooperation was formalised in the Pact for Economic and Social Development until 2009, signed by the government and the social partners in 2006. The Pact laid down a range of social and economic policy matters on fiscal policy, tax and social security legislation; active labour market policies and development of human resources, education; modernisation and streamlining of public administration (Kirov 2019:84: EIRO). In April 2010, (...), the social partners agreed on 60 measures to combat the crisis. (...) The most important of these provisions included raising the minimum wage (...), (increasing) the state budget aimed at preserving employment in companies experiencing difficulties; and asserting the right of the Minister of Labour and Social Policy to extend industry-level collective agreements to all companies in the respective industry or sector and encouraging bipartite negotiations (Kirov 2019:84).

- Kirov, V. 2003. 'Bulgaria: A Still Underdeveloped Country of Industrial Relations', pp. 77-104, in Y Ghellab and D. Vaughan-Whitehead, eds. *Sectoral Social Dialogue in Future EU Member States: The weakest link*. Budapest: ILO.
- Kirov, V. 2019. 'Bulgaria: Collective bargaining eroding, but still existing', pp. 77-92, in Müller, Vandaele and Waddington, eds., *Collective Bargaining in Europe*.

Chile

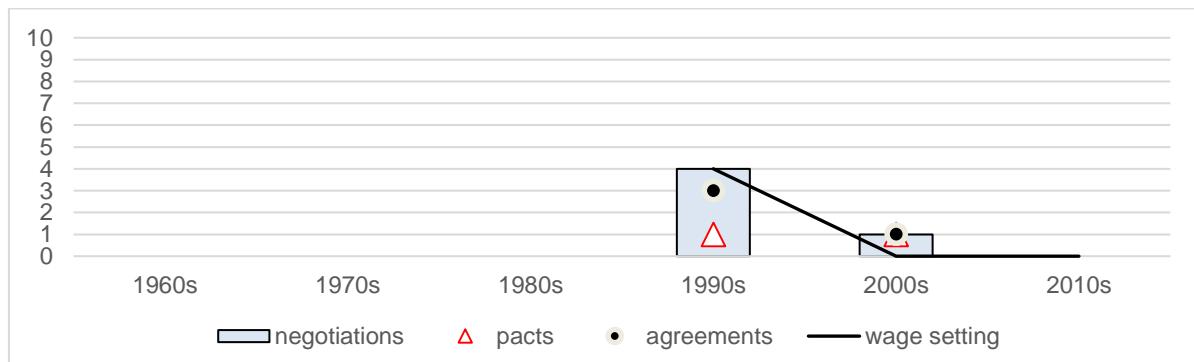


"Tripartism began in Chile with a social pact, the 1990 Framework Accord, right at the onset of the first post-Pinochet democratic administration. (...) It also included more specific agreements to raise the minimum wage and minimum pensions and to finance increased social spending with a moderate tax reform. (...) There was no consensus on labour law reform and employers decided to discontinue the annual tripartite setting of the minimum wage in 1993. Afterwards there was a sector agreement to reform education and some failed attempts at social dialogue (Falabella and Fraile 2010:129)."

"The signing of the National Tripartite Framework Agreement in May 1990 was (...) an unprecedented event in Chilean experience. Its principal value was to send a signal that the trade unions, employers' organizations and the Government were ready to agree the broad lines of economic and social development, as well as the will of the parties to regard them as a framework within which they were prepared to work (Campero 2001). "Three agreements were signed in the years following (1991, 1992 and 1993), which had more practical impact than the first. The main subject was the minimum wage, especially the restoration of the linkage with average wages, and other specific issues. The agreements did not address any other major theme (*idem*, 21)."

- Campero G. 2001. 'Trade union responses to globalization: Chile'. ILO International Institute for Labour Studies, DP/126/2001.
- Falabella, G., and L. Fraile. 2010. 'Tripartism and economic reforms in Chile and Uruguay', pp. 128-175, in Fraile, ed. *Blunting Neoliberalism*.

Croatia

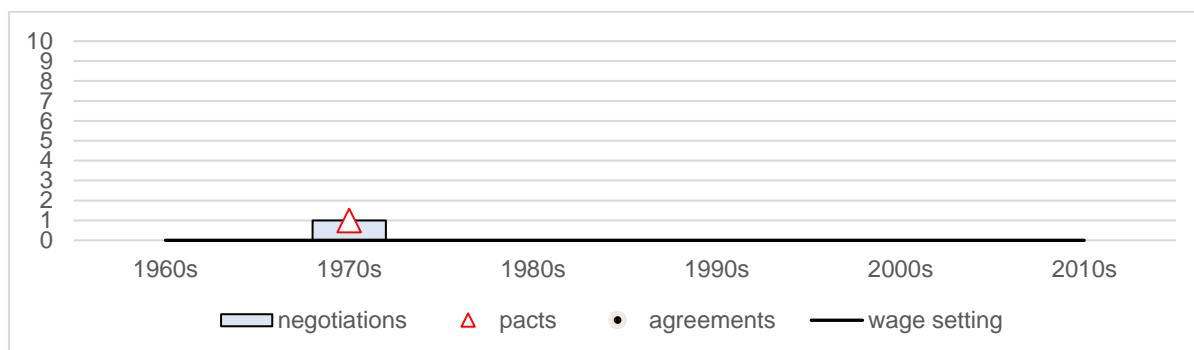


"In September 1991 the democratically elected government and the three trade unions signed the first agreement, which can be considered the framework collective agreement (at the time the majority of the economy was still state owned, privatisation started in 1994 and the government acted as employer). (...) The first general national collective agreement for employees in the private and state-owned companies

was signed in July 1992. It defined the rules for harmonising wage developments in accordance with inflation (...). In October 1992 a similar agreement was signed for public and state employees (these agreements set the conditions for industry-level bargaining). (...) In the early phase of the transition therefore a centralised and coordinated system of collective bargaining was established, similar to the one in Slovenia (...). From the mid-1990s, however, a more decentralised and un-coordinated system emerged (Bagić 2019:94-95)." In 2000, the social partners signed a tripartite agreement about the Social and Economic Council (EIRO, Eurwork).

- Bagić, D. 2019. 'Croatia: Stability amidst heterogeneous collective bargaining patterns', pp. 93-108, in Müller, Vandaele and Waddington., eds, *Collective Bargaining in Europe ..*, vol. 1.

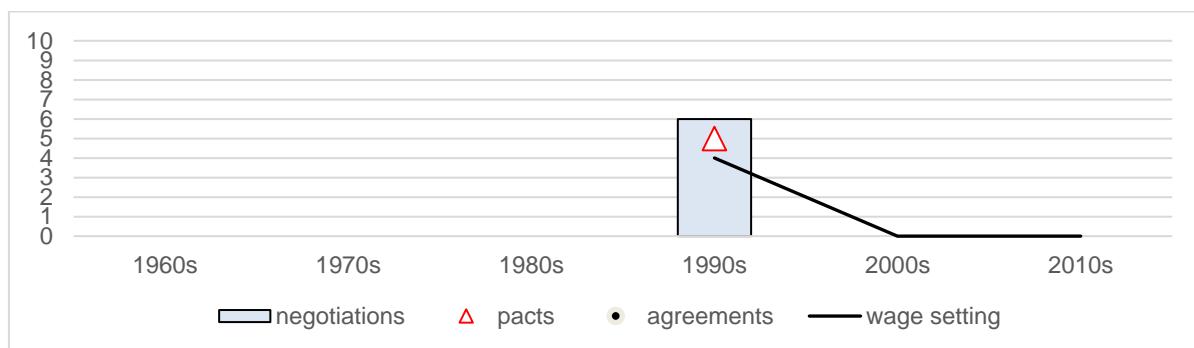
Cyprus



The tripartite agreement of April 1977 established the Industrial Relations Code, with procedures for collective bargaining and dispute settlement, and created a tripartite Labour Advisory Board (LAB) within the Ministry of Labour. There were no changes and no tripartite agreements in preparing Cyprus for joining the Euro or during the international pressure during the banking crisis or when Cyprus negotiated the MoU with the Troika of EC, ECB and IMF (2013-16).

- Ioannou, G., and S. Sonan. 2019. 'Cyprus: A divided island – diverging collective bargaining patterns, weakened yet still standing', pp. 109-130, in Müller, Vandaele and Waddington., eds, *Collective Bargaining in Europe ..*, vol. 1.
- Natali, D. and Ph. Pochet. 2010. 'The Recent Evolution of Social Dialogue in Cyprus and Malta: Any scope for social pacts?', pp. 281-310, in Pochet, Keune and Natali, eds., *After the Euro and Enlargement*.

Czech Republic

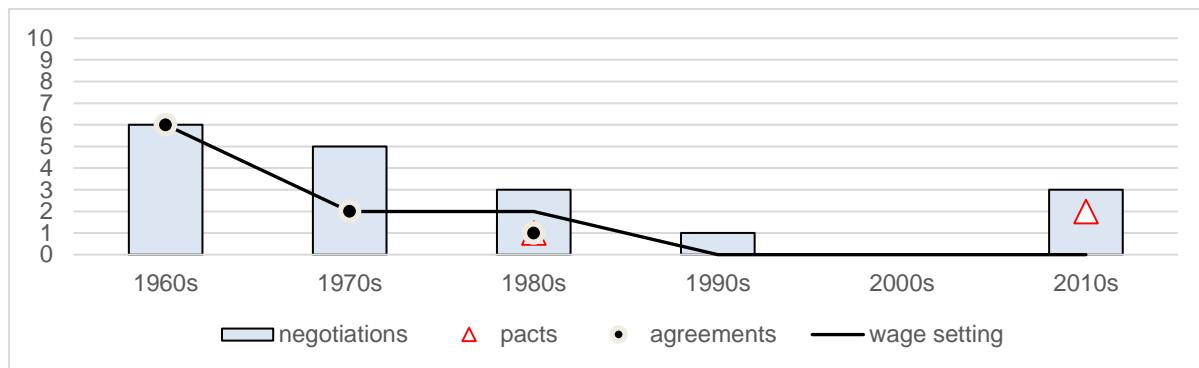


In the early 1990s, a series of general accords between the government and the social partners, which included broad guidelines for pay, were negotiated in the tripartite Council of Economic and Social Agreement RHSD. The RHSD itself was the result of a tripartite agreement in late 1990 (Buriánek et al

1994). The first of these general agreements, for 1991, covered wages, labour market policies, unemployment insurance and social protection. The second agreement, for 1992, dealt with the same issues and established an expert group. It relaxed the wage norm, allowing wages to increase not only with inflation but also with company profits, and relaxing tax-based wage regulation for private firms. The 1993 and 1994 agreements were signed after the break-up of Czechoslovakia. The government was not keen on these agreements and although the subject matter remained the same, the obligations were watered down. The 1994 Agreement also included a statement that social partners will support the extension of higher-level collective agreements. Wage controls were finally abandoned in 1995, when inflation no longer presented a significant threat, and there was no general agreement. Under pressure of austerity, the Klaus government did try to negotiate a social pact in 1998, but the unions refused. With the return of the social democrats in government, tripartite concertation resumed, but there were no general agreements (Kohl and Platzer 2004: 269-270). In October 2019 the government, employers and trade unions reached an 'informal agreement' over changes in the Labour Code, but the status of that agreement remains unclear (Eurwork).

- Buriánek, J., I. Mazálková, and P. Kuchar. 1994. 'Czech Republic', pp. 89-99 in Moerel, *Labour Relations in Transition*.
- Kohl, H., and H.-W. Platzer. 2004. *Industrial Relations in Central and Eastern Europe. Transformation and Integration*. Brussels: ETUI

Denmark

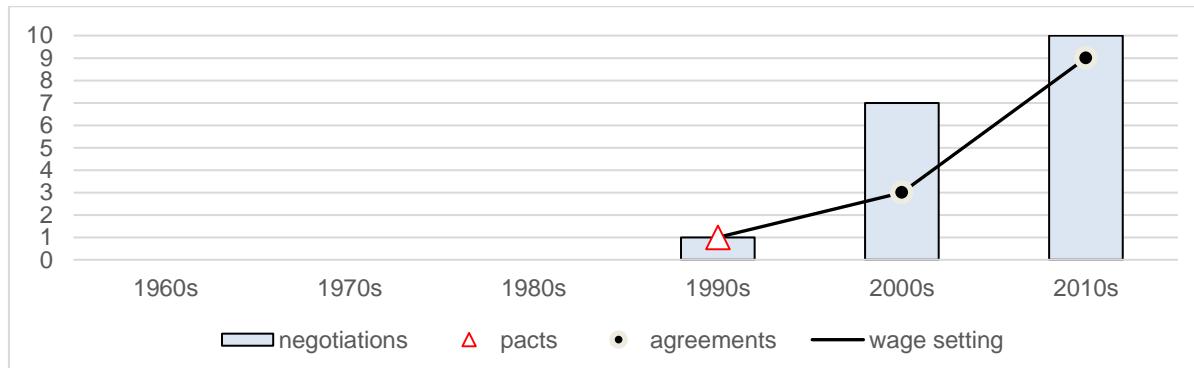


"Before the 1970s, collective bargaining in Denmark normally resulted in voluntary biennial agreements. Only exceptionally did deadlock require parliamentary intervention in negotiations between the major actors, as in the 1956 and 1963 bargaining rounds (...). In 1973 the first signs of change appeared. The breakdown of bargaining led to a major conflict (...) before the parties finally reached agreement (...) The next three bargaining rounds (1975, 1977, 1979) all ended without agreement. (...) The desire to avoid the deadlocks and political interventions of the 1970s led to decentralised bargaining in 1981, but in 1983 there was a return to centralisation due to lack of industry-level agreement. In 1985, Parliament had to break the deadlock again. (...) In 1987, a major breakthrough was achieved. A four-year contract (with a provision for a possible adjustment after two years if prices should rise more than expected) was agreed in decentralised negotiations. This helped confirm the move to single-industry bargaining (Scheuer 1992:186-8). "Between 1975 and 1980, industry-level wage increases were determined by Parliament. In 1981, the pattern changed and bargaining took place largely at the industry level. The LO (unions) and the peak association representing Danish employers, the DA, imposed settlements in a few smaller industries where the two sides could not come to an agreement. In 1982, however, a return to centralization occurred as the government imposed a general wage freeze (applying in 1983). In 1983-84 some industries settled separately, but most were referred by the LO and DA to the State Mediator, whose proposal was accepted in a centralized ballot. In 1985-86, Parliament prolonged all contracts when peak-level negotiations reached an impasse. Since 1987, these fluctuations have ceased and wages in Denmark have been set

exclusively in industry-level bargaining (Lange, Wallerstein, and Golden 1995:90)." Jointly with the government, LO and DA signed in 1987 a 'declaration of intent' (*hensigts-erklæringen*), in which they undertook to keep wage increases below the level of Denmark's main trading partners (Mailand 2002:85; Meinertz 1996: 81). Lind (2000:139) calls this declaration, published on December 8 1987, 'some sort of a tripartite social pact'. Early 1998, negotiations over the renewal of the triennial collective agreements of 1995 ended in deadlock. The Government took swift action and imposed a deal (EIRR, July 1998, pp. 31-33). During this conflict the LO withdrew from the 1987 declaration and proposed a broader 'social contract', but no negotiations followed (Mailand 2002: 85)." Tripartite negotiation over the 'third reform of labour market policy" (activation policies) did take place and produced a draft agreement in September 1998, but the deal was rejected by the main union of low-skilled workers. In 2016, the government initiated tripartite talks and reached a detailed agreement with unions and employers on the employment and integration of refugees, a year later it signed two agreements on continuous vocational training (Eurwork).

- Lind,J. 2000. 'Recent Issues on the Social Pact in Denmark', pp. 135-160 in Fajertag and Pochet, eds. *Social Pacts in Europe*.
- Mailand, M. 2002. 'Denmark in the 1990s: Status Quo or a more self-confident state?' pp. 83-96, in Berger and Compston, eds. *Policy Concertation and Social Partnership*.
- Meinertz, I. 1996. 'Dänemark', pp. 80-104 in Bispinck and Lecher, eds. *Tarifpolitik und Tarifsysteme*.
- Scheuer, S. 1992. 'Denmark: Return to decentralisation', pp. 168-197 in Ferner and Hyman, ed. *Industrial Relations in the New Europe*.

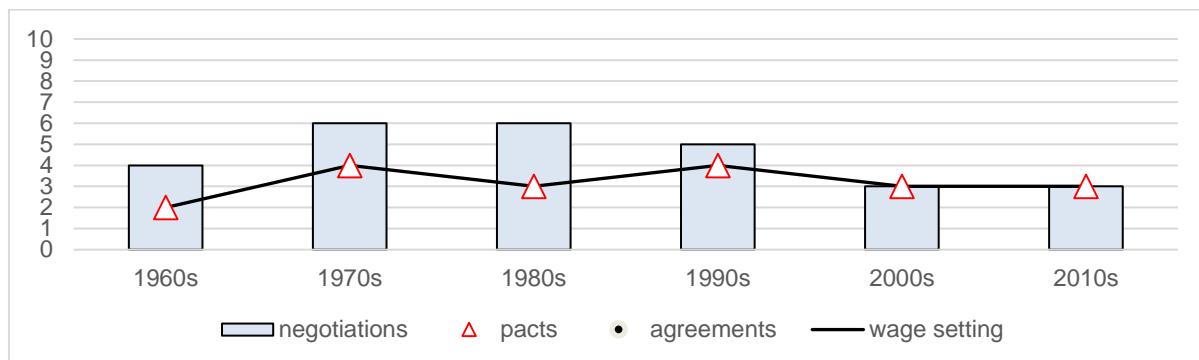
Estonia



Based on the Wage Act, which came into force in 1994, the national minimum wage in Estonia is determined annually by government decree after the central organisations of trade unions and employers have reached consensus about its level for the next year. Over the years, the minimum wage negotiations have often been rather intense. The national minimum wage was first agreed in 1992 in a tripartite agreement. Since 2002, minimum wages have been subject to bipartite agreement as a result of negotiations between EAKL and ETTK. Based on the agreement, the government brings the new minimum wage level into effect by issuing a wage bill. In 2001 EAKL and ETTK signed a bipartite agreement on the principles for establishing the minimum wage in the period up until 2008, with some annual adjustments (Kohl and Platzer 2004:236). During the 2008-9 crisis, the government set (froze) the MW unilaterally. In 2011 MW setting through bilateral central agreements resumed (Eurwork).

- Kohl, H., and H.-W. Platzer. 2004. Industrial Relations in Central and Eastern Europe. Transformation and Integration. Brussels: ETUI

Finland



"Government control of incomes development was relaxed in 1956, but instead of the hoped-for transition to a centralized Scandinavian model, the system shifted to one of intensive and conflictual bargaining (Crouch 1993:212). "Though various governments attempted to obtain 'stabilisation agreements' in 1963 and again in 1966, their efforts were rejected by the central labour market organisations (Addison 1981:221)." "In 1968, the government launched its incomes-policy initiatives. While these were designed to induce cooperation and were, as the 1970s developed, accompanied by the familiar multiplication of mechanisms for tripartite cooperation, there was much recourse to statutory intervention (*idem*, 240)." "Since 1968, wage bargaining in Finland has been characterized by tripartite negotiations (...) Wage settlements have been regularly linked to changes in tax and social policies. In most years since 1968, SAK and STK (central organisations of unions and employers) have negotiated a central agreement. (...) In 1973, 1977, 1980, 1983 and 1988-89, the SAK and STK failed to agree. In those years industry-level bargaining proceeded without centrally negotiated guidelines. The government has rarely used its powers to impose wage settlements on the unions and employers in spite of the government's regular participation in tripartite bargaining. Exceptions occurred in 1968-70 and 1978. In 1968-70, the government enacted emergency legislation giving it the power to regulate wages and prices. In 1978, the government requested the SAK to defer a previously agreed upon wage increase (Lange, Wallerstein, and Golden 1995:91).

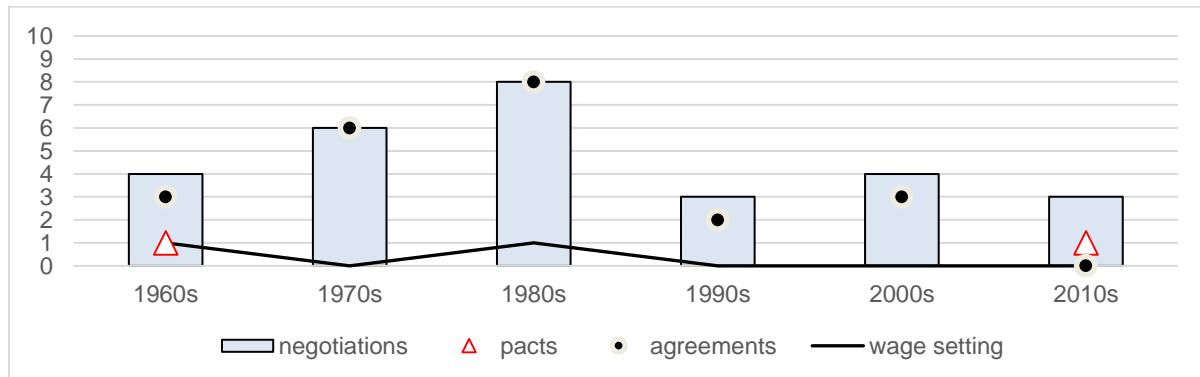
Kauppinen (2000: 161) recalls that central agreements in Finland are tripartite "income policy agreements", classic income policy deals swapping wage moderation for tax and other policy concessions to unions and employers. These agreements are first negotiated between the social partners, with promises of the government, which are then annexed to the agreement. Central agreements are recommendations for their member unions. If a union rejects the result, negotiations for that union move to sectoral level. If many unions reject the agreement, employers back out and the central agreement fails. Usually the government steps in and 'convinces' or 'bribes' a sufficient number of unions (and employers) to back the agreement. When a union (or sectoral employer association) accepts the terms of the central agreement, it must accept the result as binding and transpose its clauses in the sectoral agreement. Agreements are legally binding; differences of interpretation (of the terms of any signed agreement) must be taken to Labour Court and cannot cause legal strikes. The prohibition of striking once the agreement is in force "creates important incentives for employers to take part in multi-employer bargaining (Lilja 1998:179)". Central agreements are "supplemented by the government's 'social packages', including economic, social and labour market policy measures. Up until the late 1980s, the latter measures mainly took the form of improving workers' rights and building the welfare state. Thereafter (...) the emphasis has been on increasing the flexibility of the terms and conditions of employment and on decreasing taxes in return for a centralised wage agreement (Kuusisto 2010:226)."

During the deep economic recession of 1990-1991, the government negotiated a social pact with reforms in fiscal policy, education and social policy. "After the devaluation (in 1991), a comprehensive social pact for 1992-1993 was adopted (including a wage standstill). (...) In 1993, in spite of the demands made by the trade unions, employers did not agree to start talks for a comprehensive agreement. For 1995, no

comprehensive social pact was adopted, but for the second time, the talks had to run at union level (Kauppinen 2000:166-8)." The comprehensive social pacts for 1996-97 and 1998-99 were reached under pressure of the government and in preparation of Finland joining the EMU. The 1998-99 agreement contained an EMU buffer fund based on 'extra' social security contributions (Kauppinen 1997: 51; Kauppinen 2000: 168-9). The agreement for 2000, with negotiations starting a year earlier, failed due to the optout of sectoral unions in paper, chemicals, electricity and technicians – in general, the higher earning sector. On 17 November 2000, the central organisations approved a new centralised incomes policy agreement for 2001-2002, with an indexation clause, time-off shop stewards, a 'job rotation' sabbatical leave scheme, tax cuts, additional unemployment benefits, provisions for on-the-job training, occupational health and safety, and EPL reforms. In 2002, a new biennial centralised incomes policy agreement was reached with provisions for tax cuts, employment programmes for redundant workers, a fund for adult education and childcare leave. The national incomes policy agreement of November 2004 ran for 30 months until 30 September 2007 and included a mandate for the sectoral social partners to develop ways in which workplace-level bargaining can be increased. Other issues, next to wages and taxes, are working time and EPL rules over the use of subcontracting, continued vocational training, unemployment insurance and workplace trade union representation. In April 2007, the employers in technology Industries wanted industry and enterprise bargaining, and negotiations over a new central incomes policy agreement failed. In 2011, after an absence of four years, the government promoted a new biennial central agreement with various budget and social security concessions and a framework for subsequent sector and company negotiations. Following difficult negotiations, a further two-year cross-sector wage agreement was concluded in 2013. The tripartite Competitiveness Pact of June 2016 aims to improve the competitiveness of industry through lowered unit labour costs and a wage freeze for 2017 and a 24-hour increase in annual working hours. Meanwhile, the Confederation of Finnish Industries (EK) changed its internal rules in November 2015 to stop its participation in negotiating central wage agreements and instead assumes just a supportive and coordinating role in sectoral-level collective bargaining. The decision will affect collective bargaining from 2017 onwards and end the system of central-level collective bargaining that has dominated the Finnish labour market for half a century (Eurwork).

- Addison JT. 1981. Incomes Policy: The recent European experience. Pp. 187-245 in Fallick and Elliott, eds., *Incomes Policies, Inflation, and Relative Pay*.
- Kauppinen, T. 1997. 'The Impact of EMU on Industrial Relations in Finland'. Pp. 50-61 in T. Kauppinen, ed. *The Impact of EMU on Industrial Relations in EMU*. Helsinki: Finnish Labour Relations Association, publication no. 9
- Kauppinen T. 2000. 'Social Facts in Finland', in: G Fajertag, and Ph. Pochet, eds. *Social Facts in Europe - New Dynamics*, Brussels: ETUI / Osservatoire Social Européen, pp. 161-87.
- Kuusisto, A. 2010. 'Finland – Four decades of incomes policy agreements coming to an end?' Pp. 223-245 in Pochet, Keune and Natali, eds., *After the Euro and Enlargement*.
- Lilja K. 1998.' Finland: Continuity and modest moves towards company-level corporatism'. Pp. 171-189 in Ferner and Hyman, eds. *Changing Industrial Relations in Europe*.

France

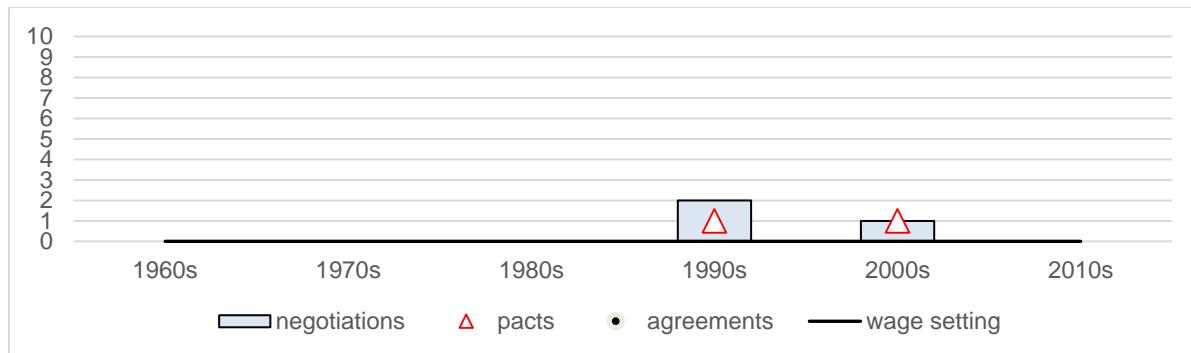


"There has been a long-standing tradition of national interprofessional agreements (ANI) signed by the social partners (...). To come into effect, most ANI need to be transposed into legislation. (...) (Since 2007), the law requires the government to hold dialogue on certain reforms before introducing the bill before parliament, except in urgent circumstances (Vincent 2019:229)." Starting with the 1947 pension agreement for (white-collar) employees and the 1958 agreement setting up to a general unemployment fund, the list contains the only tripartite Grenelle agreement of May 1968, with government concessions on collective bargaining, minimum wages and union representation, and several agreements over EPL (1969, 1974, 1986, 1990), monthly pay for production workers (1977), maternity leave (1970), vocational training (1970, 1983, 1985, 1990), early retirement (1972), working time flexibility (1981, 1989), unemployment insurance (1979, 1987), and workplace consultation (1988), most without the main union confederation CGT (Férec and Loos 1988:150-1; Goetschy and Rozenblatt 1992: 434-5). Early 1995 a joint declaration signed by all social partners "ushered in a series of talks at central level on the fight against unemployment, the integration of young people in the labour market, the organization of working time, vocational training and the articulation of bargaining levels in non-union firms. Five intersectoral agreements were reached in 1995, of which two with CGT support (Goetschy 1998:380)." In 2000, a new agreement over unemployment insurance was reached, signed by two of the five union confederations. In 2003, the central organizations (without the CGT) reached agreement on France's supplementary pensions, renewing an earlier agreement of 2001. "Social dialogue has hardly existed without either government intervention or an acute social crisis" (Rehfeld and Vincent 2018:151). This happened in 1997, 2009 and 2014. Ahead of the EU's Luxembourg Employment Summit, the newly elected socialist government organised a "Conference on pay, jobs and working time" in October 1997. The employers withdrew in 1998 when the government went ahead with its plan to legislate the 35 hours working week. "The onset of the 2008 crisis had the effect of reactivating a policy of tripartite concertation abandoned since the failure of the tripartite summit in 1998 (idem, 160)." The "Social Conference" of July 2012 led to a central agreement (ANI) on competitiveness and job security signed in January 2013, supported by 3 of the 5 union confederations and allowing derogation from sectoral norms in enterprise negotiations. In 2014, the government proposed another "Pact of Responsibility and Trust", initially signed by 3 of the 5 union confederations, but when one more union confederation withdrew its support the pact lost its majority. "The failure of concertation recurred in 2015, when negotiations on the 'modernisation of social dialogue' were declared unsuccessful (Rehfeld and Vincent 2018:160)." All five union confederations withdrew and the government was forced to move on its own.

- Férec,G. and J. Loos. 1988. *Négociation collective. Quel enjeux?* Paris: Commissariat Général du Plan
- Goetschy, J. 1998. 'The Limits of Reform'. Pp. 315-347, in Ferner and Hyman, eds. *Changing Industrial Relations*.
- Goetschy, J. and P. Rozenblatt. 1992. 'France: The industrial relations system at a turning point?' Pp. 404-444 in Ferner and Hyman, ed. *Industrial Relations in the New Europe*.

- Rehfeld, U., and C. Vincent. 2018. 'The Decentralisation of Collective Bargaining in France: An escalating process'. Pp. 151-184 in Leonardi and Pedersini, eds. *Multi-employer Bargaining Under Pressure*.
- Vincent, C. 2019. 'The Rush towards Prioritising the Enterprise Level'. Pp. 217-238 in Müller, Vandaele and Waddington, eds., *Collective Bargaining in Europe*, vol. 1

Germany

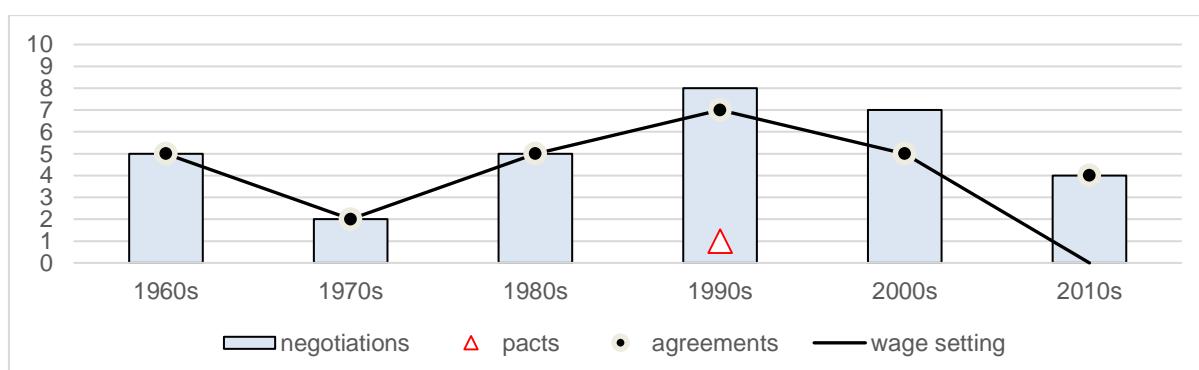


In matters of collective bargaining and wage setting, the central organisations (DGB for the unions, BDA for the employers) have no mandate to negotiate or sign agreements (Hassel 2003a:108-9). The doctrine of 'collective bargaining autonomy' (*Tariffautonomie*) is strenuously defended by both unions and employers' associations, and denies the government a role in wage negotiations. "From 1967 through 1976, however, the DGB, BDA, the government and the Bundesbank participated in annual talks, dubbed 'Concerted Action'. The talks never produced a formal wage agreement (Lange, Wallerstein, and Golden 1995:92)." Although initially instrumental in overcoming the 1967 recession, "Concerted Action did not lead to a stable and viable corporatist institution in the Federal Republic (...). From the beginning, it was not conceived as a decision-making body but as a forum for discussion (Scharpf 1987:119). After 1972, the government "no longer seemed to know what to do with the institution. Nonetheless, it dragged along for several more years" until unions pulled the plug in 1977 (idem, p.122). The discussion about the first social pact ('Alliance for Jobs') began in Germany in Autumn 1995 with a proposal from IG Metall, Germany's largest industrial union. Talks with the government and employers, at the Chancellor's office, started in January 1996 but ended without any result in April 1996 (Bispinck 1997). Following the election of the Social Democrat-Green coalition government in September 1998, representatives of the government, trade unions and employers' associations met for talks on an 'Alliance for Jobs, Training and Competitiveness'. In a joint public statement, issued in December 1998, the three parties claimed that their Alliance "is thus designed as a durable arrangement" with a "regular exchange of views and mediation of different interests" (Leaman 2002: 149). There were working parties on working time, part-time work, unemployment insurance, active labour market policies, training, and limited agreements on youth unemployment, training and part-time employment of older workers, but the overall result did not meet the expectations of an effective employment pact (Wiesenthal and Clasen 2003:316-7). In January 2002, following a conflict over wage policy (trade unions insisting that this was an issue for industry bargaining, while employers wanted a central wage guideline for moderation), the pact disintegrated (Hassel 2003b). Following the general elections in September 2002 and the government's 'Agenda 2010' reform plan, the unions broke off relations. In 2004 the government, unions and employers signed a limited pact on apprenticeships (*Ausbildungspakt*), when the government agreed to shelve controversial legislation to impose a levy on firms that do not hire enough trainees. Employers agreed to create new opportunities for apprentices and less qualified young people (EIRO, Eurwork).

- Bispinck, R. 1997. 'The Chequered History of the Alliance of Jobs', Pp. 63-76 in G. Fajertag and Ph. Pochet, eds, *Social Pacts in Europe*.

- Hassel A. 2003a. 'Organisation: Struktur und Entwicklung'. Pp. 102-121 in W. Schroeder and B. Weßels, eds. *Die Gewerkschaften in Politik und Gesellschaft der Bundesrepublik Deutschland*. Wiesbaden: Westdeutscher Verlag.
- Hassel, A.. 2003b. 'The Politics of Social Pacts'. *British Journal of Industrial Relations*, 41(3):707-26
- Wiesenthal, H., and R. Clasen. 2003. 'Gewerkschaften in Politik und Gesellschaft: Von der Gestaltungsmacht zum Traditionswächter'. Pp. 296-322 in W. Schroeder and B. Weßels, eds. *Die Gewerkschaften in Politik und Gesellschaft der Bundesrepublik Deutschland*. Wiesbaden: Westdeutscher Verlag.
- Scharpf, F.W. 1987. *Crisis and Choice in European Social Democracy*. Ithaca NY: Cornell University Press.

Greece

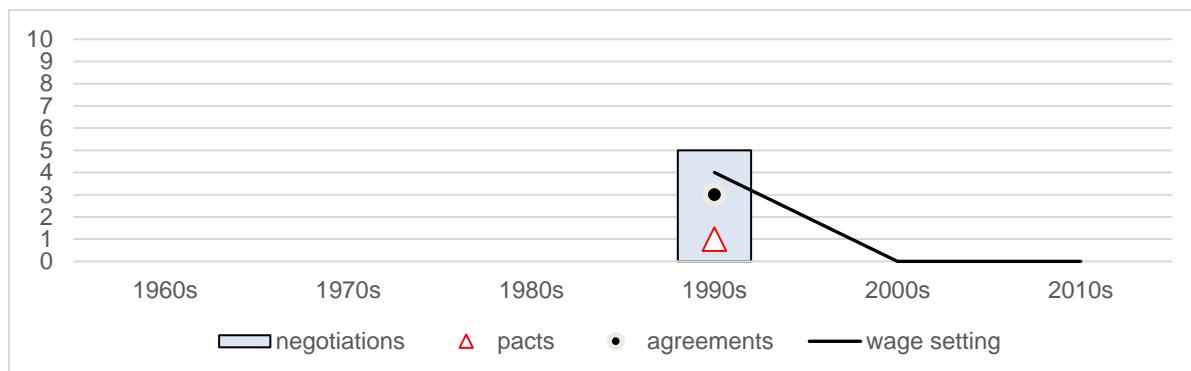


National general collective agreements (EGSEE) were signed by the central organisations in most years, from 1961 to 1991, some reached after compulsory arbitration and with an interruption during the Colonel's dictatorship, 1967-74 (Kritsantonis 1992:624, Table 17.3). The EGSEE defined the minimum wage and working conditions for the entire (formal) labour force, with additional industry and occupational bargaining in some sectors. The law of 1990 lifted the ban on some issues to be negotiated and allowed enterprise bargaining. It removed compulsory arbitration based on government orders and allowed one party to appeal the arbitration board (OMED) to impose a settlement (Kouzis 1993). After 1990, the EGSEE became biennial. In November 1997 the government signed a tripartite 'Confidence Pact', mainly about social security reform, just before the Luxembourg Employment Summit, but as unions were unprepared, the results were disappointing and the government returned to unilateral measures (Iannou 2000: 224). Iannou (2010) documents a string of failed attempts at negotiating a social pact, mostly rejected by the internally divided unions in a climate of 'mutual suspicion' (Zambarlookou 2006: 221) in the early 2000s. In 2009, the IMF proposed a Social Pact on labour market reform, but this fell on deaf ears (Iannou 2012). From the 2010, there were no more national general collective agreements on wages. With the implementation of the joint EC-ECB-IMF Economic Adjustment Programme for Greece, after Greece asked for help in the Spring of 2010, the minimum wage was set (and lowered) by government fiat, arbitration awards non longer applied and the wage clauses in the EGSEE no longer applied or were frozen (Koukiadaki and Kokkinou 2016). From 2012, the GSEE continued to be negotiated for non-wage issues only (Katsaroumpas and Koukiadaki 2019:272)

- Ioannou C.A. 1998. EMU and Hellenic Industrial Relations. In *The Impact of EMU on Industrial relations in European Union*, ed. T Kauppinen. Helsinki: Finnish Industrial Relations Association, publ. no. 9.
- Iannou, C.A. 2000. 'Social Pacts in Hellenic Industrial Relations. Odysseys or Sisyphus'. Pp. 219-236 in Pochet and Fajertag, eds. *Social Pacts in Europe*.

- Iannou, C.A. 2010. "Odysseus or Sisyphus" Revisited: Failed attempts to conclude social-liberal pacts in Greece'. Pp. 83-108 in Pochet, Keune and Natali, eds. *After the Euro and Enlargement*.
- Iannou, C.A. 2012. 'Recasting Greek Industrial Relations: Internal devaluation in light of the economic crisis and European integration'. *International Journal of Comparative Labour Law and Industrial Relations*. 28(2): 199-222.
- Katsaroumpas, I., and A. Koukiadaki. 2019. 'Greece: "Contesting" collective bargaining'. Pp. 267-294 in Müller, Vandaele and Waddington, eds. *Collective Bargaining in Europe*, vol. 2.
- Koukiadaki, A. and C. Kokkinou. 2016. 'The Greek System of Industrial Bargaining in (the) Crisis'. Pp. 135-203 in Koukiadaki, Távora and Martínez Lucio, eds. *Joint Regulation* ..
- Kousis, J. 1993. 'Griechenland'. Pp. 132-151 in Bispinck and Lecher, eds., *Tarifpolitik und Tarifsysteme*
- Kritsantonis N. 1992. 'Greece: From state authoritarianism to modernization'. Pp. 298-322 In Ferner and Hyman, eds. *Industrial Relations in the New Europe*
- Zambarloukou S. 2006. Collective Bargaining and Social Pacts: Greece in comparative perspective. *European Journal of Industrial Relations* 12:211-29.

Hungary



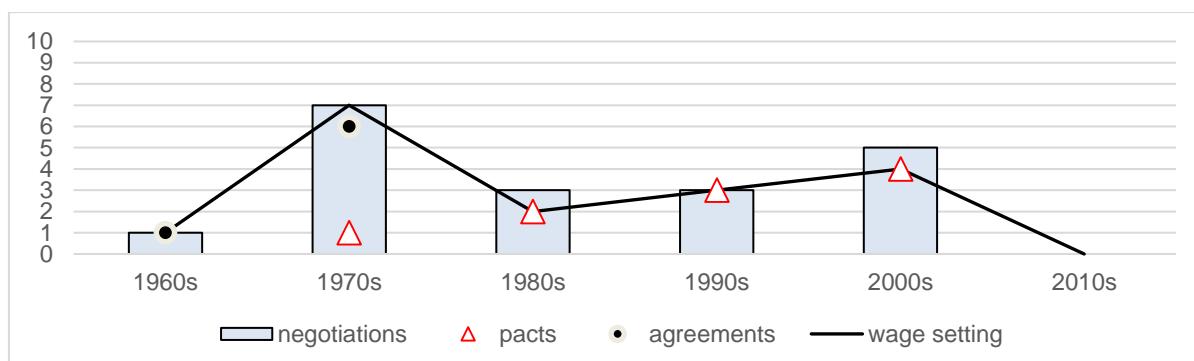
The National Interest Coordination Council "was also charged to negotiate guidelines for average, minimum and last but certainly not least, maximum wage increases, and on the scope of 'tax-exempt' wage increases. In other words, the government held onto central control, but shared responsibility for macro-economic wage setting with its old/new partners (...) Encouraged by the decelerating trend of wage increases, the government agreed to eliminate definitely the tax threat in case of excessive pay increases and took the risk of relying exclusively on negotiated wage guidelines from 1993 onwards (Koltay 2003:54-5)." The national minimum wage was introduced in 1989. Central recommendations on minimum wage increases were issued every year, except in 1995, 2000, 2001 and 2002. The government is not obliged to follow these recommendations. Tripartite minimum wage negotiations served as an ersatz for wage negotiations based on the market position and bargaining power of employers and unions. The government did sometimes 'social deals', employers retaliated by not complying and even public sector employers got exemptions. Underpayment was widespread (Koltay 2003:58). From 2012, minimum wage recommendations are issued on a biennial basis.

"In 1993 (...) the ÉT (Tripartite Council) served once more as the institution in which a social pact on the adjustment programme was forged. Trade unions were able to get significant concessions from the government, including the elimination of wage controls, wage developments in the public sector, and the minimum wage. (...) "In retrospect, the 1993 pact proved to be the high point in Hungary's tripartite relations. (...) Tripartite negotiations in late 1994 and early 1995 revealed profound differences among the positions of trade unions, government and employers (...) In 1998 ÉT was dissolved and replaced by two newer bodies with far fewer formal rights. (Bohle and Greskovits 2010: 355-6). In 2002 the newly elected

socialist government re-established the ÉT, with the intention to pave the way for a more efficient and trust-based social dialogue. None the less, during 2003, the relationship between the government and social partners, especially the unions, deteriorated. There have been no pacts or central agreements since.

- Bohle, D., and B. Greskovits. 2010. 'Slovakia and Hungary. Successful and failed Euro entry without social pacts'. Pp. 345-370, in Pochet, Keune and Natali, eds. *After the Euro and Enlargement*
- Koltay J. 2003. 'The wage setting system in Hungary', Geneva. International Labour Office, InFocus report

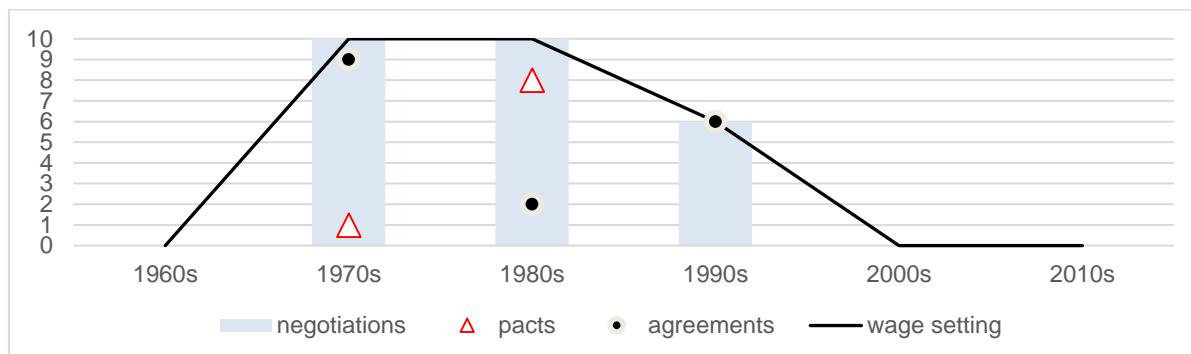
Ireland



"Before the 1960s, old-fashioned collective bargaining was the norm in Ireland. The first attempt at a centralized agreement, the National Wage Recommendation 1964-66 led to trade union suspicion of incomes policy, and decentralized bargaining followed until 1969. Subsequent pay agreements stipulated a national norm, but also allowed for local bargaining to obtain further increases. (...) The 'National Understanding for Economic and Social Development' of 1978 seemed to mark a watershed, in that it explicitly recognized the connection between pay and employment levels (Grada and O'Rourke 1996:415)." "Between 1970 and 1980, a series of centralized framework pay agreements was negotiated (...) From 1974 to the end of the decade, two successive administrations sought to link pay agreements with public policy commitments (...). At first, pay agreements took the form of bipartite agreements between the peak federations of trade unions and employers negotiated through the informal and non-statutory Employer-Labour Conference. Developments in these National Pay Agreements (NPAs) from 1974 onwards laid the foundations for the National Undertakings (NUs) of 1979 and 1980. The NUs involved, in addition to the employer-labour agreement on pay, an agreement between government and the trade union federation covering such issues as tax, welfare and employment creation (Hardiman 1988: 153). From 1981 until 1987, collective bargaining was mostly conducted on a company-by-company, and a group-by-group basis. "Between 1987 and 2008, the Irish government entered eight social pacts with peak functional interest organisations representing labour, capital and farming and selected civil society interest groups (...). All eight pacts included agreement between employers, unions and government on the rate of wage increase in both the private and public sector for a three-year period (though shorter in the 2006 and 2008 pacts). The pacts linked the pay deal to other economic and social policies, and the range of such issues widened considerably over time. These included fiscal policy, tax, unemployment, monetary union, enterprise-level partnership, welfare, social exclusion, literacy, drugs, disability and many more (O'Donnell, Adshead and Thomas 2011: 89)". "Social partnership did not survive the economic recession. At the end of 2009, the system of national tripartite agreements collapsed when the Irish government bypassed the unions and unilaterally introduced severe cuts to public sector services and public sector wages. (...) Since then, national collective bargaining has only taken place in the public sector, whereas in the semi-public and private sectors, bargaining has been decentralised to the company level (Maccarone, Erne and Regan (2019:316).")."

- Hardiman, N. 1988. Pay, Politics and Economic Performance in Ireland. Oxford: Oxford University Press.
- Maccarone, V., R. Erne and A. Regan. 2019. 'Ireland: Life after social partnership'. Pp. 315-336 in Müller, Vandaele and Waddington, eds., Collective Bargaining in Europe.
- O'Donnell, R., M. Adshead and D. Thomas, (2011) 'Ireland: Two Trajectories of Institutionalisation' in S.Avdagic, M. Rhodes and J. Visser (eds) Social Pacts in Europe: Emergence, Evolution and Institutionalisation, Oxford University Press, pp. 89-117.
- Grada, C. O., and K. O'Rourke. 1996. 'Irish Economic Growth, 1945-88.' Pp. 388-426 in N. Crafts and G. Toniolo, eds. Economic Growth in Europe since 1945, New York: Cambridge University Press.

Israel



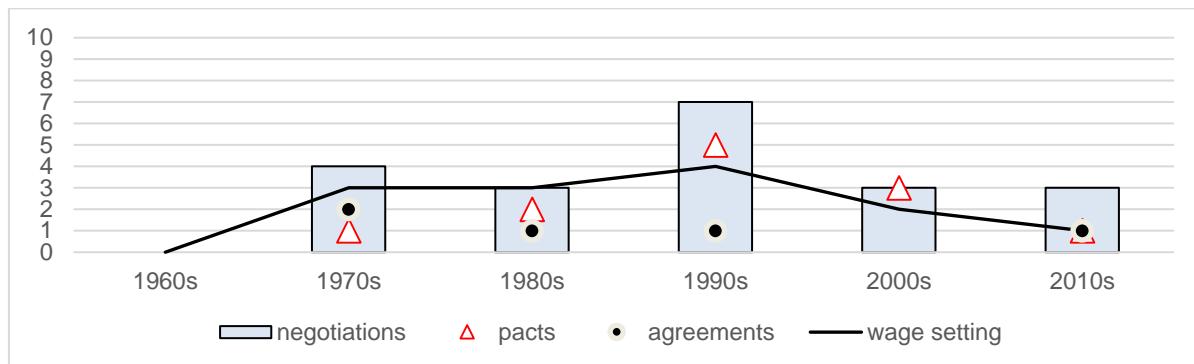
"In the 1950s and 1960s, before the establishment of a unified employers' association in the private sector, national agreements were signed between the *Histadrut* (labour) and a few associations representing employers in various industries. These agreements usually provided similar wage increases in all industries as part of the prevailing unified wage policy practiced by the *Histadrut* at that period. In 1967, a nationwide umbrella organization of employers' associations in the private sector was founded. This organization became the representative body of employers in negotiations over peak-level wage agreements that were signed with the *Histadrut* in subsequent years. The first peak-level wage-increase agreement between the *Histadrut* and the employers' association was signed in 1970, and additional agreements were signed in most years until 1987. Although agreements between the *Histadrut* and the employers' association continued to be signed between 1987 and 1995, they no longer included a unified wage increase in the entire private sector (Kristal and Cohen 2007:619-20).

"Until the mid-1980s "national trade union elites undertook to coordinate and limit worker demands on the basis of understandings or agreements with the state and organized employers (Shalev 1992:6)." Inherent in this corporatist regime was a system of centralized, economy-wide collective bargaining and a tacit trade-off of labour peace in return for full employment and government subsidies to private-sector employers in return for pay acquiescence. The adoption of more liberal trade and capital policies and trimming of employer subsidies as part of the 1985 "economic stabilization plan" as well as the economic collapse in the mid-1980s of the union's network of enterprises sealed the fate of Israel's corporatist industrial relations regime. As a result, since the mid-1980s, both local and national unions have gained greater control over their own destiny (Shalev 1992:334). Post-1987 agreements enabled significant flexibility in wage increases for particular industries and occupations (Mundlak 2007).

- Kristal, T., and Y. Cohen. 2007. 'Decentralization of Collective Agreements and Rising Wage Inequality in Israel', *Industrial Relations*. 46 (3): 613-35.
- Mundlak, G. 2007. *Fading Corporatism: Israel's labour law and industrial relations in transition*. Ithaca NY.: Cornell University Press.

- Shalev, M. 1992. *Labour and the Political Economy in Israel*. Oxford: Oxford University Press

Italy

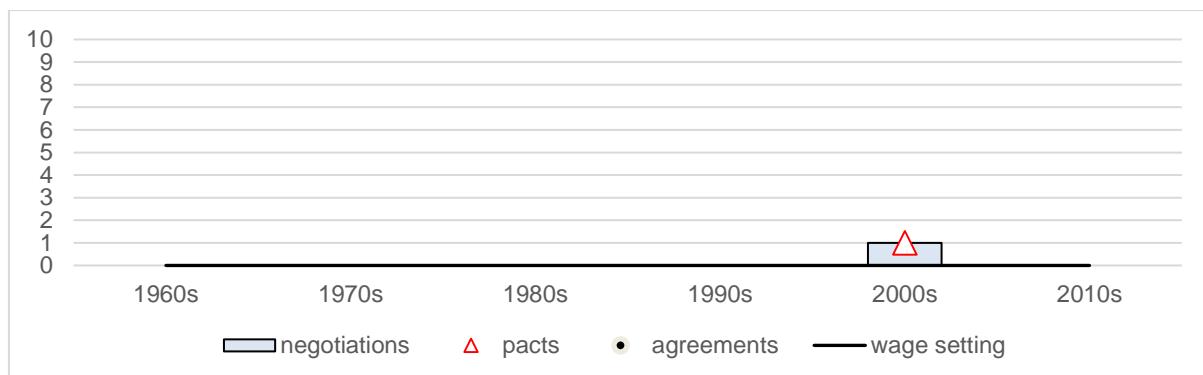


In 1975 Lama (for the unions) and Agnelli (for the employers) signed a central agreement on indexation (*scala mobile*). Early 1977 the unions reached a ‘program agreement’ with the main employers’ association. “Al livello confederale gli accordi di gennaio-marzo 1977 con la Confindustria prima e con governo poi, segnalano una chiara disponibilità del movimento italiano all’auto-moderazione (...). Le concessioni alle controparti comprendono la modifica del calcolo della contingenza e nuove condizioni di utilizzazione della forza lavoro (...). (Regini 1991:122-3). The agreements of 1977-78 were followed by “a long, discontinuous and fruitless negotiating effort at the central level between government, business and labour, intended to devise a hypothetical ‘anti-inflation pact’” (Negrelli and Santi 1990:164). With Confindustria’s (employers) disavowal of the 1975 agreement on the *scala mobile* in June 1982 (idem, 166), pressure on the unions increased and in 1983 they accepted some limitations in the method of indexation (*Lodo Scotti*). A further reduction was conceded in another tripartite agreement in 1984 (*San Valentino Pact*), this time without the largest union confederation CGIL. “Despite the halt in concertation after 1984, throughout the late 1980s and early 1990s, bipartite negotiations kept dialogue between the social partners alive, and two agreements were signed (...). Negotiations continued (...) in 1990 and 1991, but the social partners failed to reach an agreement and explicitly requested mediation by the government (Regini and Colombo 2011:126).” The bipartite agreements of 1989 and 1990 made small adjustments in the indexation system, negotiations over a bigger change in 1991 failed (Negrelli 2000: 93). The breakthrough came with the tripartite pact of July 1992 which ended wage indexation and froze enterprise-level wage bargaining until the end of 1993 (idem, 91). In July 1993, a major pact (the *Ciampi pact*) was reached over the reform and establishment of a coordinated two-level system of collective bargaining. Further pacts followed in 1995 (pensions), 1996 (employment creation and EPL), 1998 (*Christmas Pact*, mostly a renewal of the commitments of 1993), 2002 (*Pact for Italy*, EPL reform), and 2007 (*Pact for Welfare*, labour market reform, bargaining system and pensions). Some of these pacts (1984, 2002) were not signed by the CGIL, the 1995 pension pact was not signed by Confindustria (Regini and Colombo 2011). “The controversial reform of the collective bargaining system in 2009 (...) achieved with an interconfederal agreement (signed in January 2009) strongly backed by the government but not signed by the CGIL was followed by an interconfederal agreement on trade union representativeness and collective bargaining (...) signed by all the three main trade unions (in June 2011). In November 2012 two of the three union confederations signed an agreement on productivity, including the possibility to derogate in enterprise negotiations from sectoral norms on working time and work organisation (Colombo and Regalia 2016: 270-3).”

- Colombo, S., and I. Regalia. 2016. ‘The Reform and Impact of Joint Regulation and Labour Market Policy During the Current Crisis: Italy’, Pp. 257-320, in: Koukiadaki, Távora and Martínez Lucio, eds. *Joint Regulation ..*

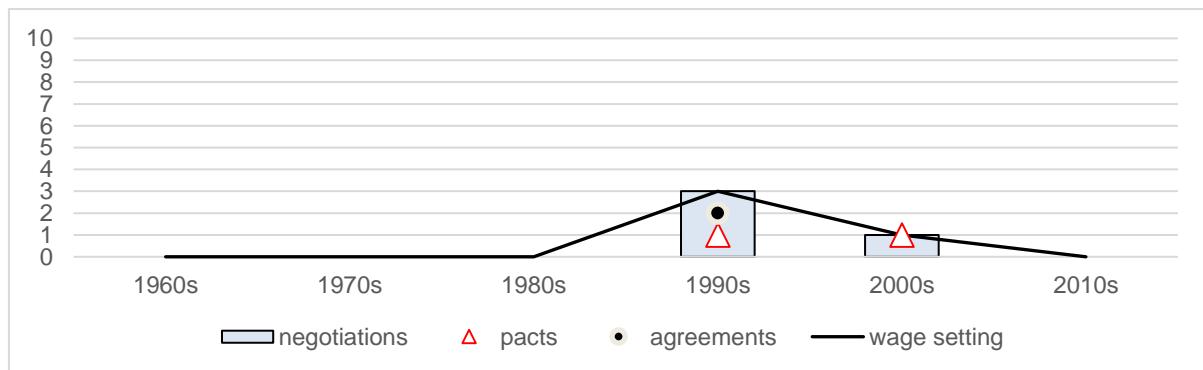
- Negrelli, S. 2000. 'Social Pacts in Italy and Europe'. Pp. 85-112, in Pochet and Fajertag, eds., *Social Pacts in Europe*
- Negrelli, S., and E. Santi. 1990. 'Industrial Relations in Italy'. Pp. 199-242, in Baglioni and Crouch, eds. *European Industrial Relations*.
- Regini, M. 1991. *Confini Mobili. La costruzione dell'economia fra politica e società*. Bologna: Il Mulino
- Regini, M., and S. Colombo 2011. 'Italy: The rise and decline of social pacts'. Pp. 118-146, in Avdagic, Rhodes and Visser, eds. *Social Pacts in Europe*.

Japan



On March 23, 2009 the Japanese Government, the Japan Business Federation (Nippon Keidanren), the Japan Chamber of Commerce and Industry, the National Federation of Small Business Associations, and the Japan Trade Union Confederation signed a Tripartite Agreement for the Realization of Employment Stability and Job Creation, the first of its kind in Japan. The agreement dealt with five issues: maintenance of employment levels, strengthening of the social security safety net, vocational training, job creation, and concertation (press release Japanese government, Japanese Institute for Labour).

Korea

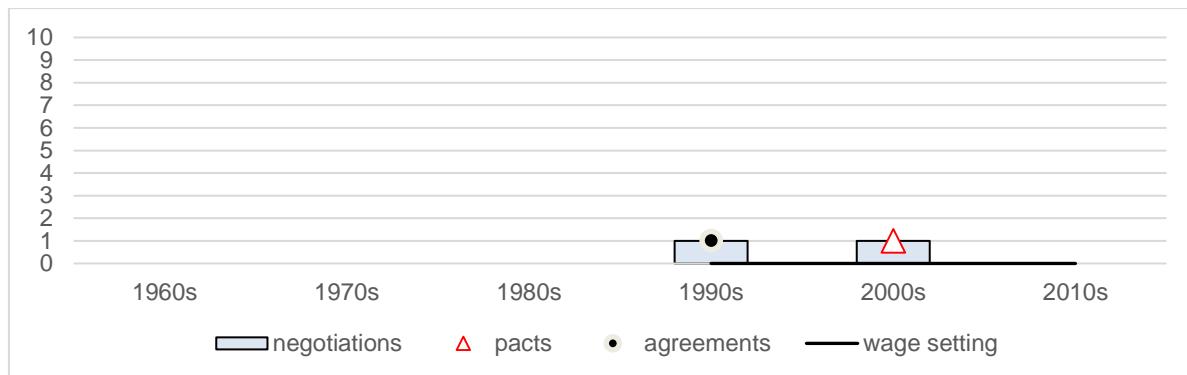


The main 'official' union confederation FKTU and the Korea Employers Federation (KEF) concluded two National Wage Agreements in April 1993 and March 1994. The first Korean social pact was a response to the Asian crisis of 1997. "Under the auspices of a newly-established tripartite institution, the Korea Tripartite Commission, a wide-ranging agreement was reached in early February 1998. It contained three key elements. First, it (...) committed managers to share some of their decision-making power with unions. Second, it increased labour market flexibility, by allowing employers to engage in economic layoffs and introducing contingent employment for selected occupations. Third, it increased trade union rights for selected categories (teachers, government officials and the unemployed) (Baccaro and Lin (2007).)" However, the KCTU, the second main union confederations and involved for the first time, was unable to

sell the agreement to its members, the government restarted negotiations in June 1998 and created a permanent Tripartite Commission, without the KCTU and with reluctant participation of employers. The second Social Pact (for Job Creation) was reached in 2003, also with the KCTU, had little practical effect (Kuruvilla and Liu (2010)).

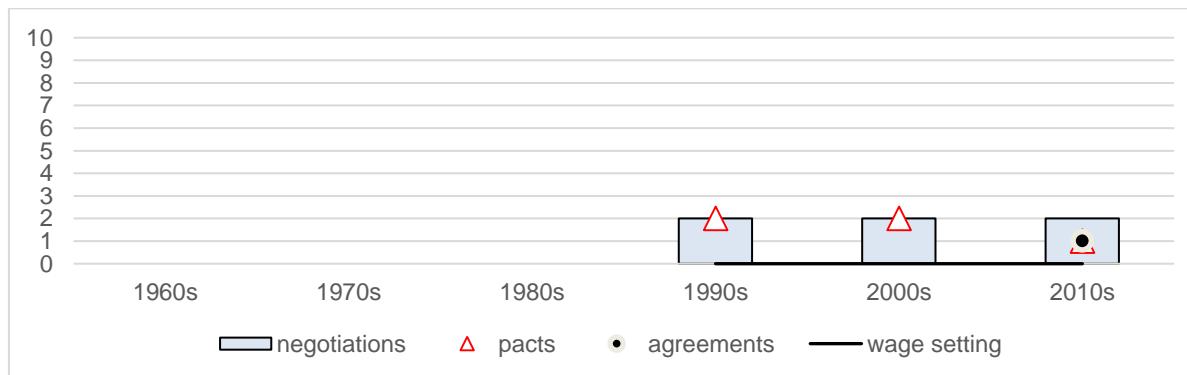
- Baccaro, L. and S.H. Lin. 2007. 'Social Pacts as Coalitions of the Weak and Moderate: Ireland, Italy and South Korea'. *European Journal of Industrial Relations*, 13(1): 27-46.
- Kuruvilla, S., and M. Liu. 2010. 'Tripartism and Economic Reforms in Singapore and the Republic of Korea'. Pp. 85-127, in Fraile, ed. *Blunting Neoliberalism*.

Latvia



In 1996, the main union and employers' confederations, LBAS and LDDK, reached a general agreement on the principles of social partnership. In October 2004 LBAS, LDDK and the government signed a tripartite agreement on the renewal of tripartite dialogue, which many observers have attributed to the persistence of the trade unions. Since 2002, there has been practically no tripartite cooperation in the budget preparation process, and the situation has not changed since the 2004 agreement (EIRO, Eurwork).

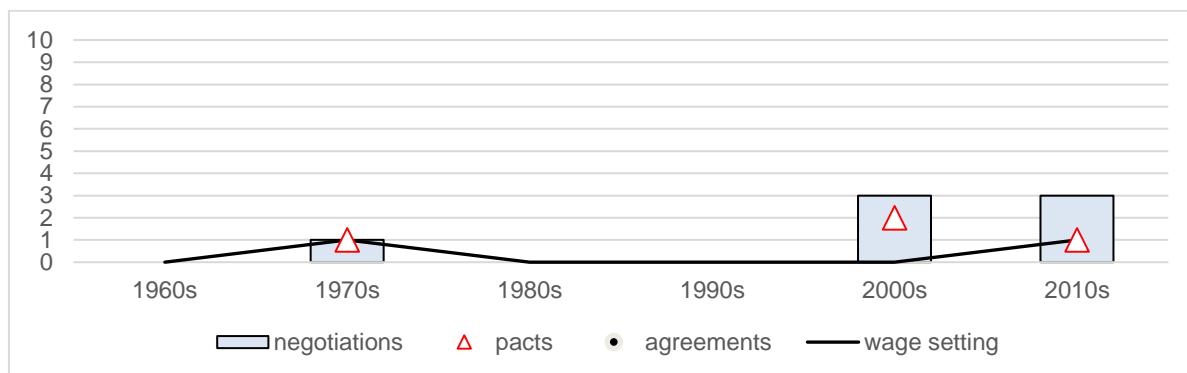
Lithuania



There were three tripartite agreement between the government, employers' organisations and employees' organisations on tripartite social dialogue, the first one in 1995 and establishing the Tripartite Council (LRTT), a second one in 1999 and the third in 2005, changing the procedures and composition of the council. In October 2009, there was a tripartite agreement concerns on social policy measures during the recession until the end of 2010; several trade unions abstained from signing the agreement. In October 2017, there was a new tripartite agreement, this time signed by all confederation, on policies sustaining growth, dealing with issues of taxation, skill development and education. December 2017, unions and employers agreed to set up a Bipartite Social Partner Commission for Competence Building. The commission aims to identify the competencies needed by social partners in order to participate more

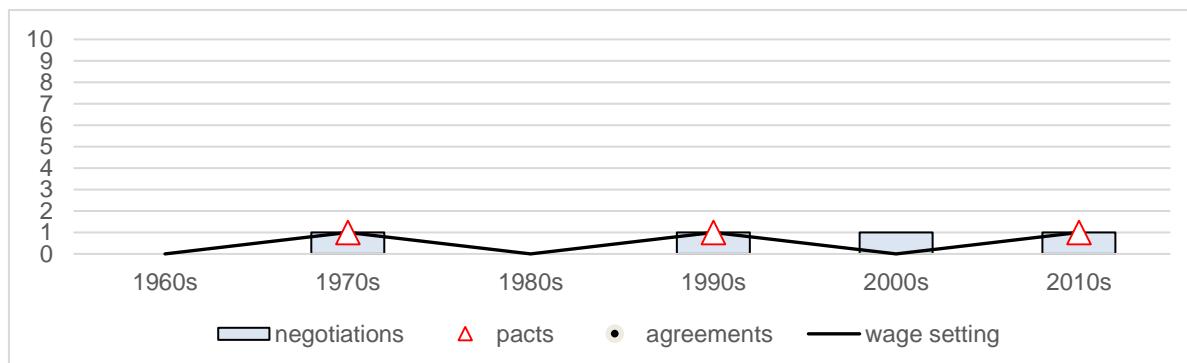
effectively in the various forms of social dialogue. It was agreed that the commission would be bipartite, consisting of 12 trade union representatives and 12 employer organisation representatives (EIRO, Eurwork).

Luxembourg



In 1977, unions, employers and the government reached a tripartite agreement on wage moderation, following the government's decision to suspend indexation. In June 2001, tripartite discussions led to an agreement on the partial disability pension, in addition to the existing full disability pension scheme. On 28 April 2006, the parties in the Tripartite Commission reached agreement on merging worker and employee status, to be implemented from January 1st 2009. In 2010, tripartite negotiations about measures to address the crisis and changing the wage indexation failed. The government intervened directly and suspended wage indexation between 2012 and 2014. In September 2014, the government reached an agreement with the unions on the reintroduction of a (reformed) system of automatic indexation. Later in the year, on 15 December, the government concluded a second agreement, this time with employers, about the increase in state funding towards vocational training (EIRO, Eurworks).

Malta

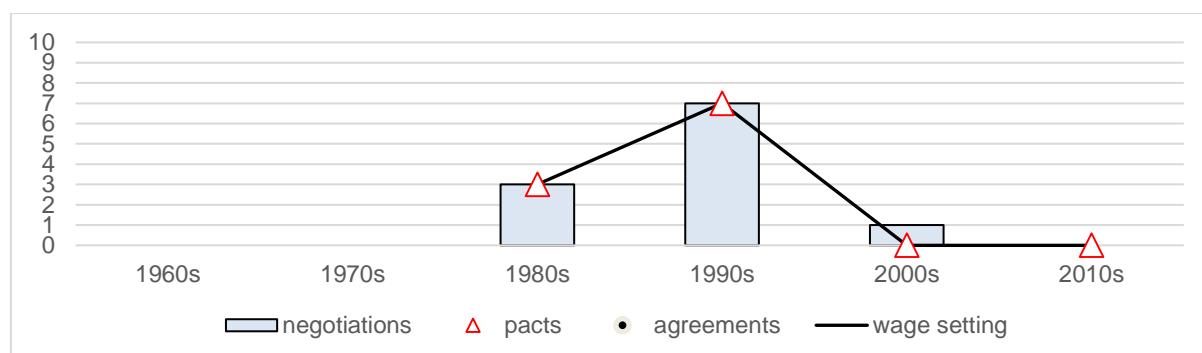


In 1990 Council for Economic Development (MCED) paved the way for a tripartite deal on incomes policy (Natali and Pochet 2010:302). In 2004, trade unions and employers' organisations started discussions over a social pact, based on a draft proposal from the chair of the tripartite council. However, negotiations almost immediately failed when the main trade union abandoned the talks. In January 2005 the unions submitted their own proposals, but they were rejected by employers and "the social partners proved unable to achieve a consensus. The social pact was therefore not signed (...)" (Natali and Pochet 2010:310-1)." In April 2017, the social partners signed a National Agreement on the Minimum Wage, the first revision of the minimum wage in 27 years. Minimum wage earners are now entitled to increases in their wages on completion of the first and second year of work with the same employer. The national minimum wage had been set up

by tripartite agreement in 1971, and reformed in 1990 as part of the incomes policy agreement signed in that year(Eurwork).

- Natali, D. and Ph. Pochet. 2010. 'The Recent Evolution of Social Dialogue in Cyprus and Malta: Any scope for social pacts?', pp. 281-310, in Pochet, Keune and Natali, eds., *After the Euro and Enlargement*.

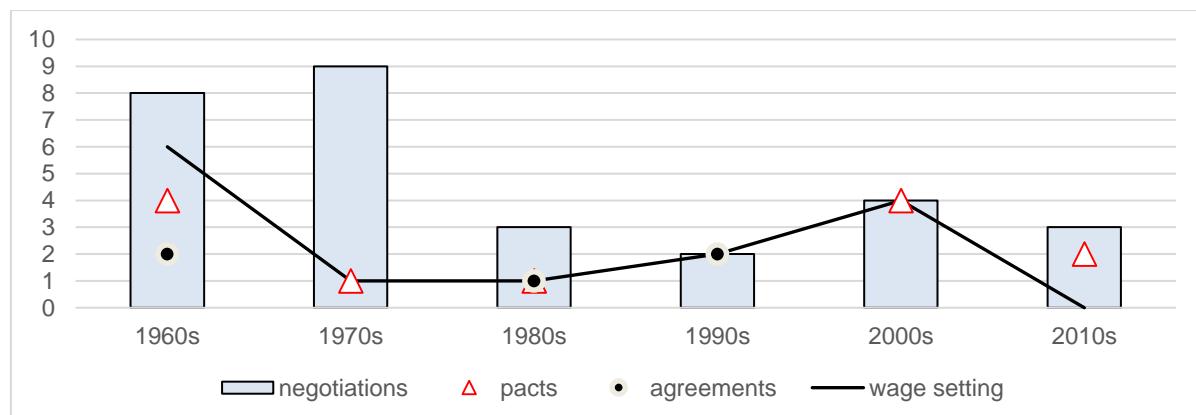
Mexico



Because of the very nature of the corporatist structure of the State, Mexico has a long tradition of social dialogue. As extensively analysed in Cardoso (2004), however, the social pacts and action procedures of the 1980s and the 1990s were designed to grant the state authorities legitimacy in implementing unilaterally formulated social and economic policies. Since 1987, a series of socio-economic pacts convened State, labour and capital, and enacted distributive, growth and employment policies, some of which also tried (and failed) to reform the IR system. For example, the first tripartite Economic Solidarity Pact (*Pacto de Solidaridad Económica*), designed to control inflation, failed as one of the major unions refused to join and called a major strike instead. Intended to be only temporary, the PSE was renewed and broadened in 1988, and in each of the years to follow until the mid-1990s.

Apart from these wage, growth and productivity pacts, in 1995, the Mexican Employers' Confederation (*Confederación Patronal de la República Mexicana*) negotiated an accord, called Nueva Cultura Laboral, with one of the major unions confederations aiming to reform the corporatist union structure, improve a series of workers' social benefits and promote social dialogue. The pact failed to result in any institutional change that would modernize cooperation or dialogue between the IR partners. A similar effort, initiated by the government in 2001-2002, also failed (Cardoso and Gindin 2009).

The Netherlands



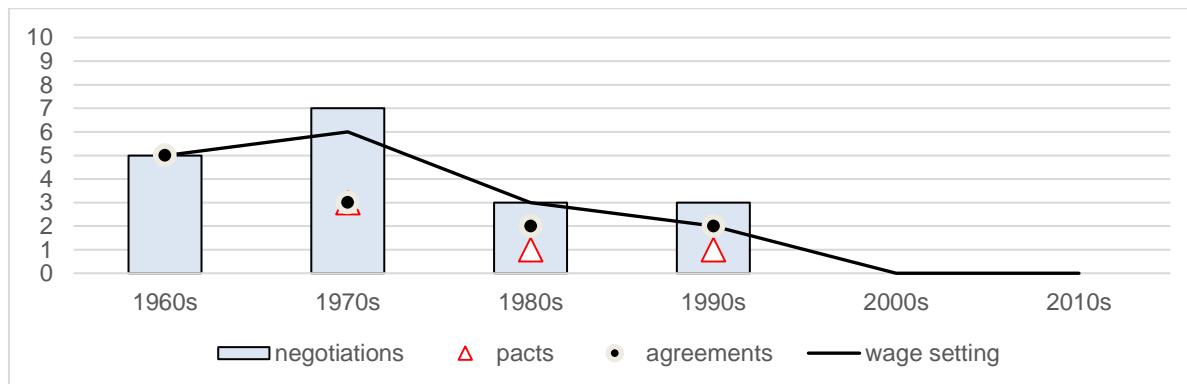
Between 1945 and 1963, the Netherlands ran a statutory wage policy. Collective agreements needed prior approval from a Board of State Mediators who were bound by wage guidelines issued by the Minister. These annual guidelines were subject to national negotiations between the central union and employers' organisations in the bipartite Foundation of Labour, usually with direct participation of the government. In 1961 the tripartite 'Old-Wassenaar agreement' was an attempt to combine national restraint with sectoral bargaining reflecting differing productivity developments (Windmuller 1967:361). After 1962, the administrative control over collective agreements was transferred from the Board to the central organisations of employers and unions united in the Labour Foundation, though the government remained involved. The agreements for 1963 and 1964, the latter very generous, were bipartite, the agreement for 1965 reached only after intervention and with participation of the government. The Labour Foundation failed to agree on a 1966 wage round, and the Board, reinstalled in its supervisory role, disapproved the wage increases reached in many industry agreements. The national bargain for 1967 was virtually dictated by the government (idem, 366-7). The next years were marked by conflict over the new Wage Act of 1970, which abolished the Board but retained the Minister's authority to invalidate (clauses in) collective agreements. The unions boycotted consultations with the government in the Social Economic Council and there was no central wage bargaining in 1968, 1969 and 1970. Only when the government promised that it would never use its mandate under the law did unions retake their seats in the Council and return to the negotiation table (Windmuller et al. 1987: 224-226). "From 1971 year after year there was an attempt to reach a social contract, later labelled as central accords, over the development of labour conditions. With the exception of 1972, during this period (until 1982) never was an agreement reached. This lack of agreement was often reason for the government to intervene with wage measures (Windmuller et al. 1987:223)." The government intervened in 1971, 1974, 1976, 1979, 1980, 1981 and 1982. The 1972 agreement, applying to 1973, was negotiated with direct participation of the government, with promises on public spending and social security. (...). End 1973 a central agreement was reached for 1974 over wage moderation and wage indexation, but rejected by the members of the employers' association as too generous. Negotiations over 1975 began (as always) in the fall of the previous year, but reached no conclusion. Central negotiations for 1976 were mostly about employment, social security and wages, and failed. Negotiations for 1977 started in September 1976, but failed when employers called for the end of automatic indexation of wages to prices. 1977 was a year mostly without a government and, without the possibility of tax concessions, the employers backed out of the negotiations for 1978. Austerity measures by the new government, plus restrictions in the minimum wage, pensions and social benefits announced in 1978, meant that unions were blocking an agreement for 1979. Negotiations in 1978 and 1979 happened de facto at sectoral level. The negotiations for 1980 were mostly between the government and the unions, but in December 1979 the final deal foundered because of internal opposition in the largest union federation. There were no negotiations for 1981, when a wage freeze applied; attempts to reach a central agreement for 1982 over wages, social security, and public spending failed and was followed by another government wage measure (Windmuller et al. 1987:225-253).

With the *Wassenaar*' agreement of November 1982 the central employers' and union organisations sealed a deal which staved off further government intervention and agreed a set of guidelines for industry-level bargaining: wage moderation by phasing out indexation and non-payment of the indexation due in 1983 and 1984, with some of the money used for a cost-neutral introduction of shorter working hours (38 hours). The agreement was the basis for a de facto *Tarifautonomie*: since 1982, there have been no more wage measures imposed by the government (Visser and Hemerijck 1997). The 1989 'Multi-annual Joint Policy Framework' was initiated by the government, covered many policy issues signed by all three parties, but in 1990 employers, anxious that the government use it as a pretext to intervene in wage bargaining, withdrew from the framework. The 1993 *New Course* agreement was mostly about wage moderation and new rules for coordinated decentralisation. The *Flexibility and Security* Agreement of 1996 was about EPL for temporary and work agency employees. The tripartite *Mini-Pact* of 2002 was about wage moderation and job subsidies in the Dot.com recession. The *Demi-Pact* of 2003 was an intermediate step, dealing with wage moderation and part of a larger reform pact that was not reached until October 2004. The 2004

Museum Square pact dealt mostly with disability pensions and early retirement. The 2009 *Crisis Pact* was an attempt to mitigate the consequences of the 2008 recession by means of wage moderation, short-time working, public investment and stabilisation of pensions (Visser and van der Meer 2011). The years 2009–11 were marked by negotiations over pension reform. After a series of demanding negotiations, a pre-agreement was reached in 2010, but the final agreement met with resistance in the largest union confederation FNV (leading to the dissolution of the FNV, re-founded in 2015). In September 2012 a central agreement between employers and unions failed, but in April 2013 an augmented tripartite Social Pact (*Mondriaan pact*) was agreed dealing with various (mainly EPL and social security) issues except wages. In 2017, finally, the social partners and the government reached and ratified a new pension pact (Hemerijck and Van der Meer 2018).

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- Windmuller, J.P. 1969. *Labor Relations in the Netherlands*. Ithaca: Cornell University Press.
- Windmuller, J.P., C. de Galan, and A.F. van Zweeden. 1987. *Arbeidsverhoudingen in Nederland*. Utrecht: Het Spectrum.

Norway

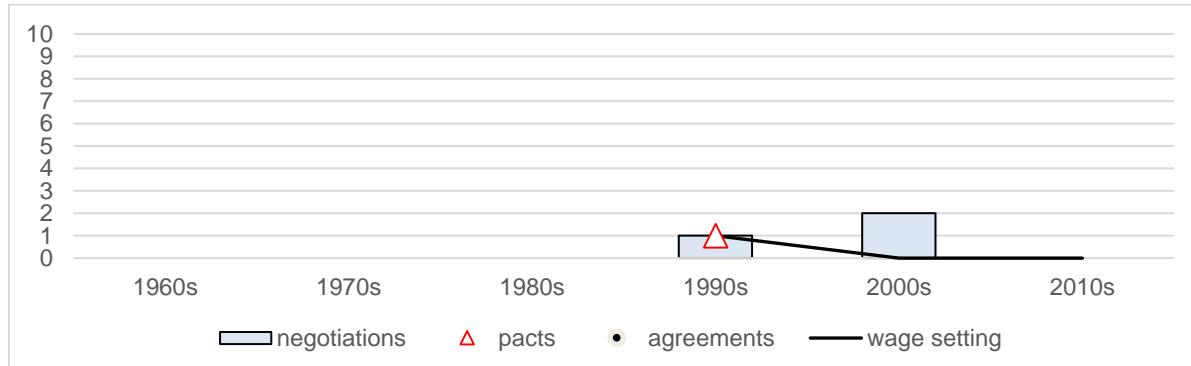


"Norway has evolved from a system of largely voluntary restraint in the immediate post-war years to increasingly formal consultations involving the government, culminating between 1973 and 1977 in multilateral negotiations between the government and the main economic interest organisations (Flanagan et al. 1983:155)." "While settlements in the 1950s were generally at industry level, they became more coordinated and centralised during the 1960s (Dølvik and Stokland 1992:148)." There were central agreements, usually for two years, in 1963, 1964, 1966, 1968, 1970, 1972, 1976, 1978, 1980, 1988 and 1990. Government participated or intervened in 1973, 1975, 1976, 1978, 1988 (idem, Table 4.2). "In 1961, and again in 1974, the LO (unions) agreed to decentralised negotiations (Flanagan et al. 1983:168)." "Apart from 1974 and the early 1980s, wage setting in Norway has been highly centralized during the last two decades. Most bargaining rounds have been dominated by a central agreement between the LO and the national employers' association, the NAF, with a peace obligation that covers subsequent industry-level and local bargaining. Two-year contracts are the rule, with renegotiations after one year (...). The role of government in wage settlements has varied greatly. (...) The wage agreement of 1970-71 was affected by government price controls. Tripartite bargaining (...) began in 1973 and continued in 1975-77. In 1978-79, Parliament enacted a mandatory wage and price freeze when tripartite negotiations failed. In 1980-81,

Parliament extended the LO-NAF agreement to all workers as part of a tripartite agreement. In 1983, the government promised job creation programs if wage guidelines were followed. In 1988-89, the LO-NAF agreement was made contingent upon government action to prohibit drift and extend the contract to the entire labour market (Lange et al. 1995:93-94). "In agreement with social partners, the government imposed a wage freeze for 1988, continued in 1989. In 1990 social partners agreed centrally on a limited across-the-board pay increase with some measures to help the low paid. Pay rounds for 1991, 1992 and 1993 stuck to pattern of industry bargaining (Dølvik et al, 1997: 91-92)."; In 1993 government and social partners reached a tripartite agreement ('*The Solidarity Alternative*') for five years about incomes policy, public spending and taxation, social security, employment policies, EPL, and macroeconomic (monetary) policy. This pact was mostly about rule setting (Dølvik and Martin 2000). In 1997, LO and NHO amended their Basic Agreement, first signed in 1935. Amongst other issues, it addressed the question of secondary industrial action, maintaining essential services and information and consultation in the workplace. The agreement was ratified in 1998 and the model for agreements with the 'minority' union confederations representing white-collar and professional workers (EIRO).

- Dølvik J.E., and Stokland, D. 1992. Norway: The "Norwegian Model" in transition. In *Industrial Relations in the New Europe*, ed. A Ferner, and R. Hyman, pp. 143-68. Oxford: Blackwell
- Dølvik, J.E., and A. Martin. 2000. 'A Spanner in the Works and Oil on Troubled Waters: The divergent fates of social pacts in Sweden and Norway', in: G Fajertag, and Ph. Pochet, eds. *Social Pacts in Europe - New Dynamics*, Brussels: ETUI / Osservatoire Social Européen, pp. 279-320.
- Dølvik, J.E., M. Bråten, F. Longva, and A. Steen. 1997. 'Norwegian Labour Market Institutions and Regulations', in: J.E. Dølvik and A. Steen, eds. *Making Solidarity Work? The Norwegian labour market model in transition*, Oslo: Scandinavian University Press.

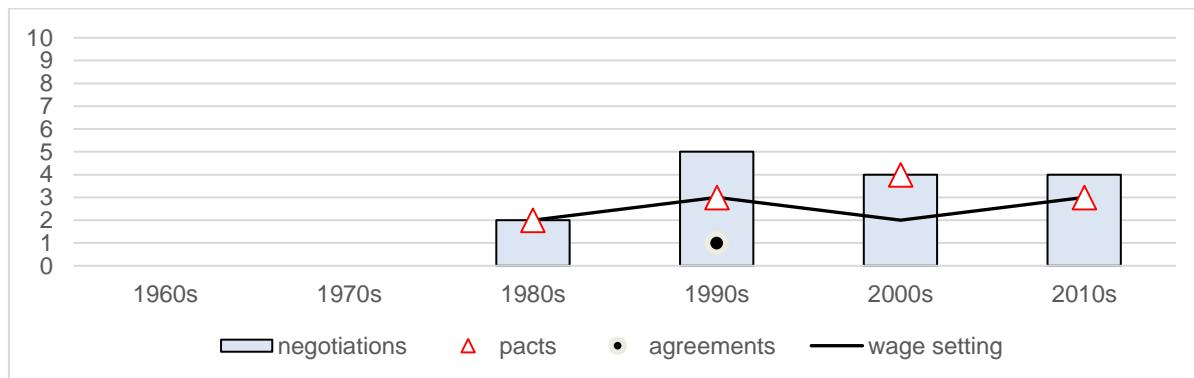
Poland



The history of social pacts in Poland as "mostly a story of failures" (Gardawski and Meardi 2010: 388). The tripartite pact of 1993 on *State Enterprises in Transformation* was a "broad-based compromise between the government and social partners that affected several policy areas .. (but) .. did not reflect the government's genuine commitment to strengthen tripartite deliberations in the policy-making process. (...) While the new government implemented some important provisions of the pact (...) it also amended significant portions of it (Avdagic (2010:54-5)." In 2002-3, the government proposed a *Pact for Work and Development* but the final agreement failed when the Solidarity union rejected the deal (Gardawski and Meardi 2010:382). In March 2009 there was some agreement between unions and employers in the Tripartite Commission over an 'anti-crisis' package (help for poorer families, limitation of overtime), only partly taken up by the government. Later, in protest against government's unilateral policies, the unions boycotted the Tripartite Commission in 2013. In 2015 in an attempt to relaunch social dialogue, the Social Dialogue Council RDS. replaced the TK. No substantive tripartite consultations have taken place in the RDS, however, and the government appears increasingly reluctant to consult the social partners (Czarzasty and Mrozowicki 2018; Eurowork).

- Avdagic, S. 2010. 'Tripartism and Economic Reforms in Slovenia and Poland'. Pp. 39-84 in Fraile, ed. *Blunting Neoliberalism*.
- Gardawski, J. and G. Meardi (2010) 'Keep Trying? Polish failures and half-successes in social pacting'. Pp. 371-394 in Pochet, Keune, and Natali, eds. *After the Euro and Enlargement*.
- Czarzasty, J., and A. Mrozowicki, 2018. 'So-called Crisis, So-called Dialogue. The evolution of social concertation in the context of economic slowdown and recovery in Poland', paper, MZES Workshop Mannheim, 4-6 September 2018.

Portugal

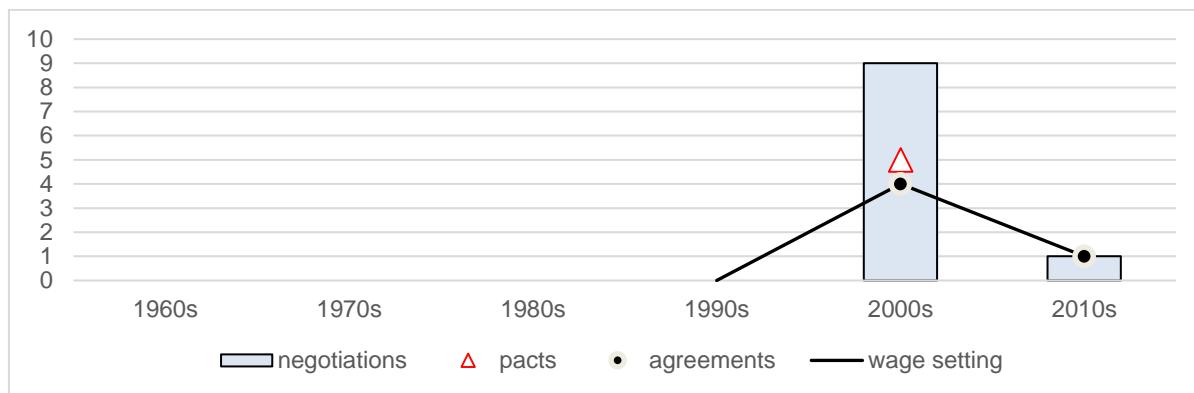


"Industrial relations in Portugal were shaped in the 1974 democratic revolution, which overturned the longest lasting authoritarian corporatist regime in Europe (...). Until the beginning of the 1980s, industrial relations were characterised by strong adversarial relations between employers and trade unions, by the central role played by the state in labour regulation (...) and by the predominance of collective bargaining at branch level (da Paz Campos Lima and Naumann 2011:147). The emergence of social pacts was preceded by the creation, in 1984, of the Standing Committee for Social Concertation, which was the outcome of an informal social pact between the government, the Confederation of Portuguese Industry CIP and the General Workers' Union UGT. Previous attempts at social dialogue at the national level had failed. In July 1986 the first formal social pact, the Agreement on Incomes and Prices (APR 87), was signed, without the largest union confederation CGTP. The next pact (APR 88) was not signed by the industrial employers' confederation CIP and strongly opposed by the CGTP. (...) The 1990 Economic and Social Agreement was signed by all social partners except the CGTP, and included a commitment to negotiate two 'single issue' agreements on vocational training and health and safety, both signed in 1991, also by the CGTP. In February 1992, all parties except the CGTP signed a new incomes policy agreement. Early 1996 the same parties reached a short-term agreement, later that year followed by a broad social pact for 1996-1999, including general principles and goals in almost all policy areas. The two tripartite agreements on vocational training and health and safety were renewed in 2001. There was an additional agreement on the reform of social protection, not signed by the CIP. In 2006-2007 the (newly elected Socialist) government proposed two pacts on social protection and one each on the statutory minimum wage and vocational training. In 2006, the government and all social partners signed a Framework Agreement on the evolution of the minimum wage for 2007–2011. In 2007, the PS government and the social partners, with the exception of CGTP, signed an agreement on the reform of vocational training. In 2008, the PS government and the social partners, again with the exception of CGTP, signed an agreement on the reform of labour relations, employment policy and social protection, including the revision of the 2003 Labour Code (da Pax Lima and Nauman 2011:153-163; Dornelas 2010). In 2014, the new tripartite agreement committed the government to raising the minimum and take measures for job promotion. The tripartite Medium-Term Concertation Agreement of 2017 included a bipartite agreement between the union and employers' confederations to temporarily suspend unilateral requests to terminate agreements and a government decree removing the quantitative criteria for the extension of collective agreements (de Paz Campos Lima 2019: 486)." The tripartite agreement of May 2018 envisages reinforcing mediation and

arbitration procedures, without disallowing the unilateral termination of agreements. Neither agreement was signed by the CGTP (*idem*, 492)."

- da Paz Campos Lima, M., and R. Naumann. 2011. Portugal: From Broad Strategic Pacts to Policy-Specific Agreements. In S Avdagic, M. Rhodes, and J. Visser, eds. *Social Pacts in Europe. Emergence, Evolution and Institutionalization*. Oxford: Oxford University Press, pp. 147-173.
- De Paz Campos Lima, M. 2019. 'Portugal: Reforms and the turn to neoliberal austerity'. Pp. 483-504, in Müller, Vandaele and Waddington, eds., *Collective Bargaining in Europe*.
- Dornelas, A. 2010. 'Social Pacts in Portugal: Still uneven?'. Pp. 109-136, In Pochet, Keune, and Natali, eds. *After the Euro and Enlargement*

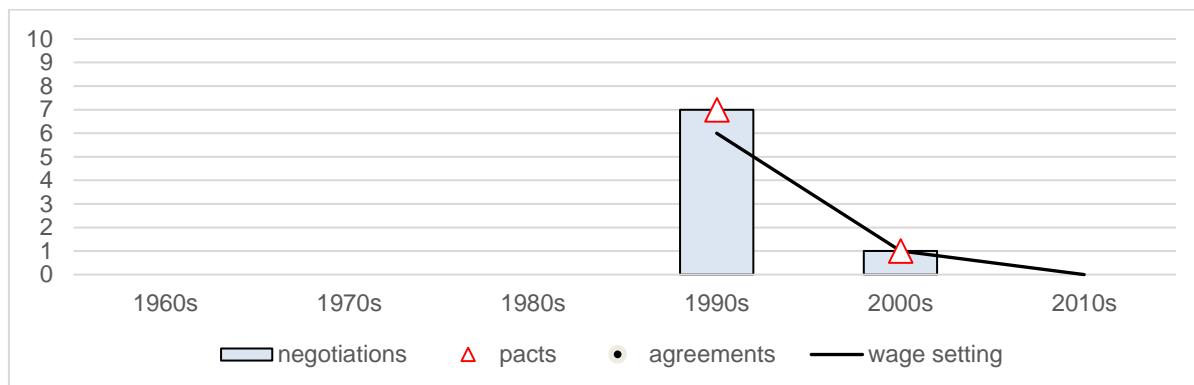
Romania



The first 'social agreement' was signed in 2001 by the government, eight of the twelve employers' confederations and all five nationally representative trade union confederations. The 2002 social agreement was concluded by the government, seven employers' organisations and three union confederations while a separate deal was concluded with the other two representative union confederations. Negotiations over the 2003 social agreement ended in failure. In October 2003, the government proposed a 'social stability pact' for 2004. The social partners remained divided on the minimum wage (decided unilaterally by the government) and the introduction of a wage guarantee fund. In April 2004, after more than six months of negotiations, a 'social stability pact' for 2004 was concluded by the government, employers and some of the unions. The pact covers wage, budgetary and fiscal policy; minimum wage increases linked to inflation, labour relations, social assistance; and healthcare. A tripartite monitoring committee has been set up at the national level, with the task of monitoring and assessing the implementation of the pact. This was the latest one-year pact of its kind. In 2005, 2006 and 2007 there were no social pacts, though the general agreements in these years, with *erga omnes* application, served as bottom line for wage negotiations. These agreements stipulated minimum rights and obligations for the entire labour force (Trif 2016: 406)." Early 2008, the government, unions and employers negotiated a multi-annual Tripartite Agreement on the Evolution of the Minimum Wage for 2008–2014. This agreement was suspended in 2010 during the economic and financial crisis and not renewed. In 2011, the new Social Dialogue Act defined the sector as the highest level for collective bargaining (Chivu et al 2013:6)

- Trif, A. 2016. 'Social Dialogue during the Economic Crisis: The survival of collective bargaining in the manufacturing sector in Romania'. Pp. 395-440, in Koukiadaki, Távora and Martínez Lucio, eds. *Joint Regulation ..*
- Chivu, L., R. Dimitriu, and T. Ticlea. 2013. *The impact of legislative reforms on industrial relations in Romania*. Budapest: ILO regional office.

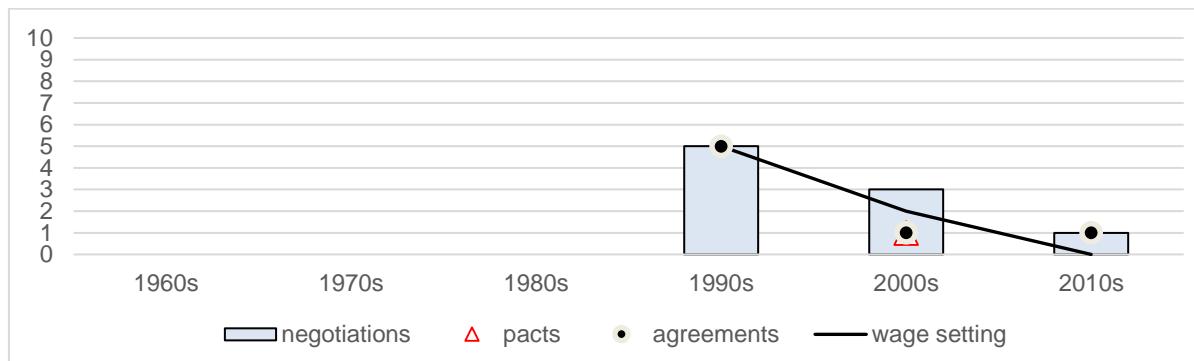
Russian Federation



April 1992 some union representatives and the government signed a general agreement on reform towards a 'socially oriented market economy'. There was no agreement over minimum wage setting, as demanded by the unions. A new general agreement was signed in March 1993, with commitments towards raising the MW closer to the subsistence level, but the government reneged on the agreement once it was signed. The Tripartite Committee resumed its activities in 1994. Its main function was to negotiate the general agreement (annual until 1995, biennial since 1996). These general agreements "tend to be declaratory and very general" and they are negotiated after, not before, the budget is fixed. For the unions the issue in these agreements is to commit the government to a realistic minimum wage and level of social assistance. The last general agreement, for 2002-4, was signed in 2001 (Ashwin and Clark (2002: 139-142).

- Ashwin, S., and S. Clarke. 2002. Russian Trade Unions and Industrial Relations in Transition. Basingstoke: Palgrave.

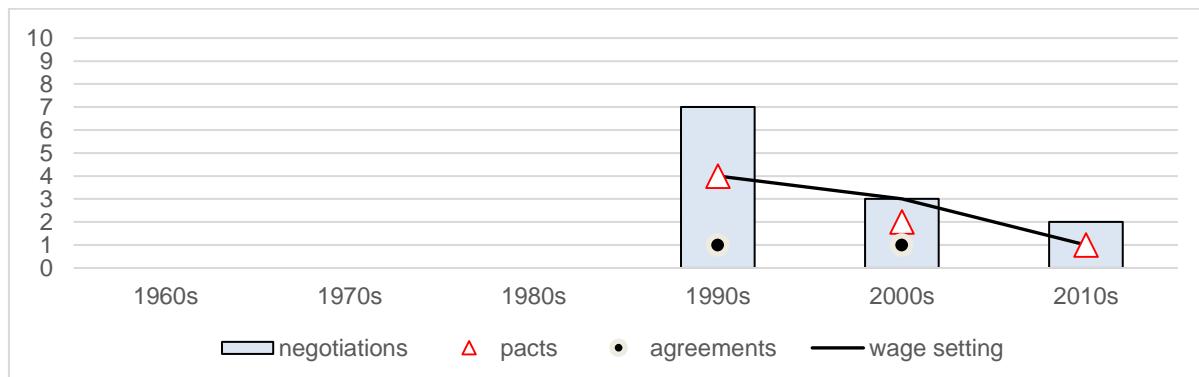
Slovakia



"The tripartite councils in both countries (Czechia and Slovakia) negotiated minimum wages, and made recommendations for annual wage increases (Bohle and Greskovits 2010: 353). In 1997 and 1998 annual negotiations over the general agreements on wages (...) were suspended. Negotiations resumed in 1999 but since 2001 no agreement was reached (Kahancová 2003). "In February 2008, employers, employees and the government did eventually sign a Stability Pact linked to the introduction of the euro. In the pact the government committed itself to reducing the public deficit. Unions and employers, in turn, have agreed on wage moderation" (...) the Slovak pact came almost as an 'afterthought' once the heavy work was done (Bohle and Greskovits 2010: 350-1)." Countering the weakening of sectoral bargaining and recognizing the growing importance of wage bargaining in industry as a trend-setter, the existing informal coordination across sectors was in 2013 augmented by the establishment of a formal bi-partite social dialogue arrangement for industry (Visser 2016). This was based on a bipartite agreement (Eurwork).

- Bohle, D., and B. Greskovits. 2010. 'Slovakia and Hungary. Successful and failed Euro entry without social pacts'. Pp. 345-370, in Pochet, Keune and Natali, eds. *After the Euro and Enlargement*
- Kahancová, M. 2003. 'Industrial relations in Slovakia', Amsterdam: AIAS Working Paper 2003/06
- Visser, Jelle. 2016. 'What Happened to Collective Bargaining during the Great Recession?' *IZA Journal of Labor Policy*, vol. 5, no 9.

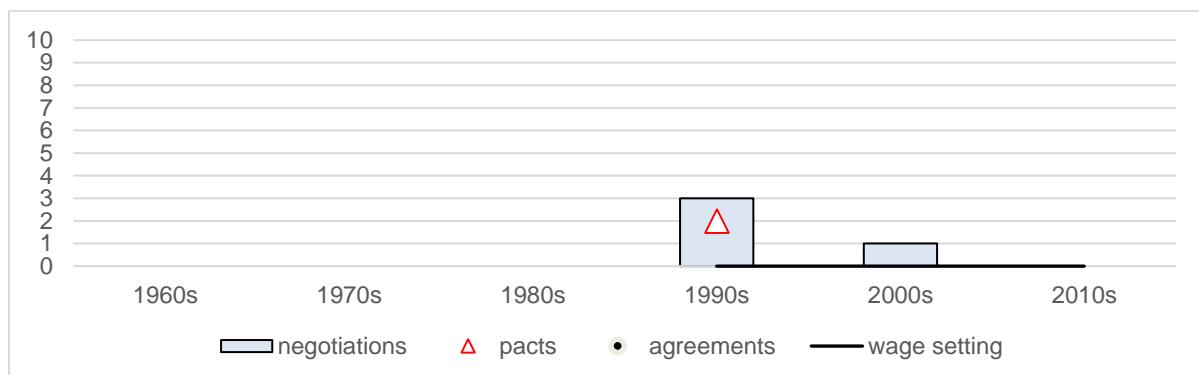
Slovenia



"In July 1992 the government proposed that a comprehensive tripartite agreement be negotiated, with the aim of achieving economic stabilisation and social stability. ... (While) disagreement (...) delayed signing a comprehensive social pact (Social Agreement) until 1995, the government and the social partners did manage to reach agreement on pay policy in industry and trade in 1994. (...). The tripartite agreement provided a basis for a series of subsequent incomes policy agreements. (...) (Avdagic (2010:47)." "In the first tripartite pact – an annual agreement on incomes policy from 1994 - the unions (and employers) were awarded an Economic and Social Council (ESS) and direct access to the policy-making process in exchange for their support. After this first pact there followed two new and slightly widened annual pacts prior to the elections of 1996. (...) The 'hard core' common denominator of all these pacts was incomes policy – the support of all partners for systematic wage restraint. Each of these pacts broadened, from classic wage-tax/budget trade-offs to include the setting of the minimum wage, employment policy, social protection, and pensions (Stanojević and Krašovec 2011: 236)." From 1997 to 2003 there were no social pacts, but two general agreements, applying to the private sector, about the minimum wage increase, in 1999 and 2001, each for two years. "in April 2003 the social partners adopted a new social pact, this time for a three-year period. This 'concluding' pre-EU social pact covered many new European contents/issues (...) similar to earlier pacts, it also defined a general framework for pay determination: the growth of gross wages had to lag behind productivity by one percent per year. (...) The second part of the pact concerned aims and measures supporting employment growth, social security, pensions and health insurance (...) Finally, in part three, the agreement emphasised the legal security of employment and elaborated more clearly than the previous pacts the relevant provisions affecting employment security (idem, 247-8)." In 2007, the unions "joined the government's new pact forming 'round' a year before the elections and agreed to a new, broad-based social pact but soon after began openly questioning the effects of the newly signed incomes' policies agreements (idem, 249)." The social pact 2007-2009, while addressing many topics (public finances, social dialogue, the tax system, economic, employment and labour market policies, health and safety at work) was primarily concerned with wage restraint. In 2010, the government attempted to negotiate pension reform with the unions, without success. After six years without agreement, in February 2015, a new tripartite agreement for 2015-16 was signed, excluding the two issues (minimum wages and insolvency legislation) that were particularly controversial during negotiations. When in November 2015 Parliament approved amendments to the law on the minimum wage, employers withdrew from the 2015-16 agreement Stanojević and Krašovec 2018).

- Avdagic, S. 2010. 'Tripartism and Economic Reforms in Slovenia and Poland'. Pp. 39-84 in Fraile, ed. *Blunting Neoliberalism*.
- Stanojević M. 2010. Social Pacts in Slovenia In *The Evolution od Social Pacts in the EMU Era*, ed. P Pochet, M. Keune, and D. Natali. Brussels: P.I.E.-ETUI
- ----, and A. Krašovec. 2011. Slovenia: Social Pacts and Political Exchange. In S. Avdagic, M. Rhodes and J. Visser, eds. *Social Pacts in Europe: Emergence, Evolution and Institutionalisation*, Oxford University Press, pp. 232-256.
- Stanojević, M., and A. Krašovec. 2018. 'Slovenia: the crisis and the changing nature of political exchanges', paper, MZES Workshop Mannheim, 4-6 September 2018.

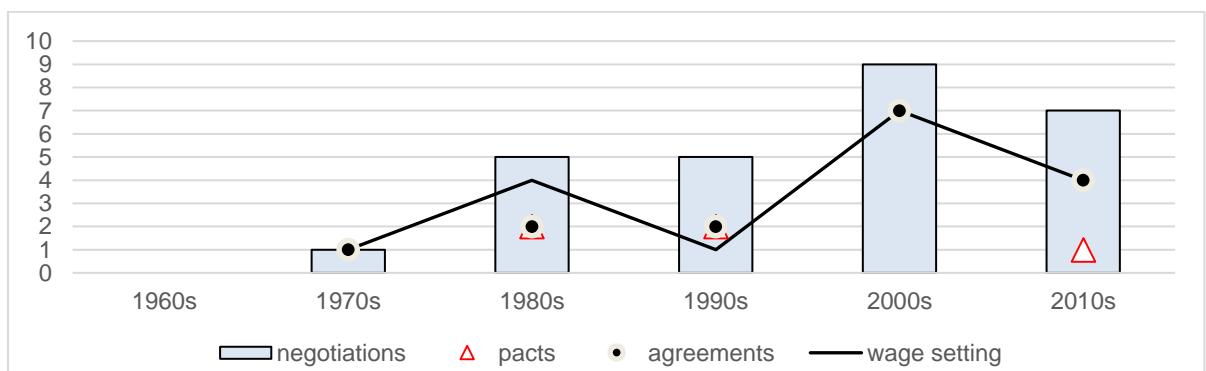
South Africa



"A key moment in the transition was the *Laboria Minute*, a tripartite agreement negotiated in 1990 that no changes would be made in the labour market without the acquiescence of business and labour Webster and Sikwebu (2010: 177).“ In 1995, there was a compromise agreement on basic labour rights (within NEDLAC) that has, since, constantly been challenged. On macroeconomic policy, economic development and wages, “the social partners missed an opportunity, both in 1996/97 and in 2003, to negotiate a broad social pact, a package deal with trade-offs across different economic and social policy issues that would have reflected consensus on a growth strategy (Webster and Sikwebu 2010: 206).”

- Webster, E., and D. Sikwebu 2010-'Tripartism and Economic Reforms in South Africa and Zimbabwe'. Pp. 176-223 in Fraile, ed., *Blunting Neoliberalism*.

Spain



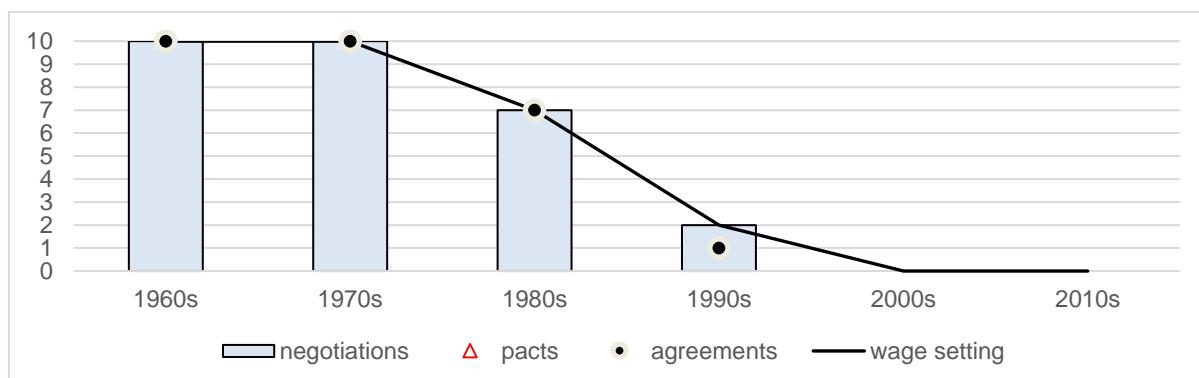
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"The negotiation of social pacts in the early 1980s occurred against a backdrop of democratic transition, a deep economic crisis and the consolidation of unions and employers' organizations. (...) Fears of democratic reversal, especially after the failed coup d'état of February 1981, reinforced incentives for cooperation (Molina and Rhodes 2011:177)." After the bipartite agreements of 1979 and 2000, the 1981

employment pact, popularly known as the '*Pacto del miedo*' ('Pact of Fear'), was tripartite and also signed by the (communist) CC.OO. The second important social pact of the period was the 1984 *Acuerdo Económico y Social*. In between, there was a bilateral agreement for 1983. "The 1984 pact would be the last for over a decade (idem, 181). In 1994, the government initiated talks on another pact, but this came to nothing. There was a specific bilateral agreement in 1994, which 'corrected' the Collective Bargaining reform (abolishment of labour ordinances of the Franco era). In 1996 there was an agreement (Toledo pact) first between the political parties and then between the government and the unions over pension reform, without the signature of the central employers' confederation (Pérez 2000). In 1997, the government initiated another round of negotiations, leading to two parallel bipartite agreements supported by the government, one on collective bargaining reforms and one on labour market reform, each for five years. In March 2001, following the failure to reach agreement on replacing the expiring agreements of 1997, the government unilaterally reformed the labour market. Perhaps the most important innovation in this period was the return in December 2001 to an incomes policy agreement ('*Acuerdo para la Negociación Colectiva*' or ANC), the first since 1984. The ANC established guidelines for lower-level bargaining, linked pay rises to inflation and productivity gains, and would be renewed every year until 2009 (Molina and Rhodes 2011:218). In 2010, however, a modified ANC was signed for two years, with more scope for opting out from inflation-related wage increases. This agreement was renewed in 2012. In May 2009, negotiations with the government over a Crisis Pact failed. A new round of tripartite negotiations over labour market policies in 2010 also failed. The government tried again and, in February 2011, a comprehensive pact was signed but this pact, which including austerity measures and a rise in the pensionable age, caused a backlash against the official unions, and the change of government nullified the pact. In July 2014 social partners and the government declared their intention to return to tripartite negotiations, ending a period of government unilateralism, but the attempt to reach agreement over training reform failed. In December 2014 a tripartite agreement was reached over employment activation (Molina 2018). In 2015, the social partners continued their series of bipartite agreements, the third since 2010. This agreement was renewed in 2018, after negotiations in 2017 had broken down (Eurwork).

- Molina O. 2005. 'Political Exchange and Bargaining Reform in Italy and Spain'. *European Journal of Industrial Relations* 11:351-70.
- ----, and M. Rhodes. 2011. 'Spain: From Tripartite to Bipartite Pacts', Pp. 174-202, in Avdagic, Rhodes and Visser, eds. *Social Pacts in Europe*.
- Pérez, S.A. 2000. 'Social Pacts in Spain'. Pp. 343-364, in Fajertag and Pochet, eds. *Social Pacts in Europe*.
- Molina, O. 2018. 'The Decline of Policy Concertation in Spain: The crumbling pillars of legitimacy', paper, MZES Workshop Mannheim, 4-6 September 2018.

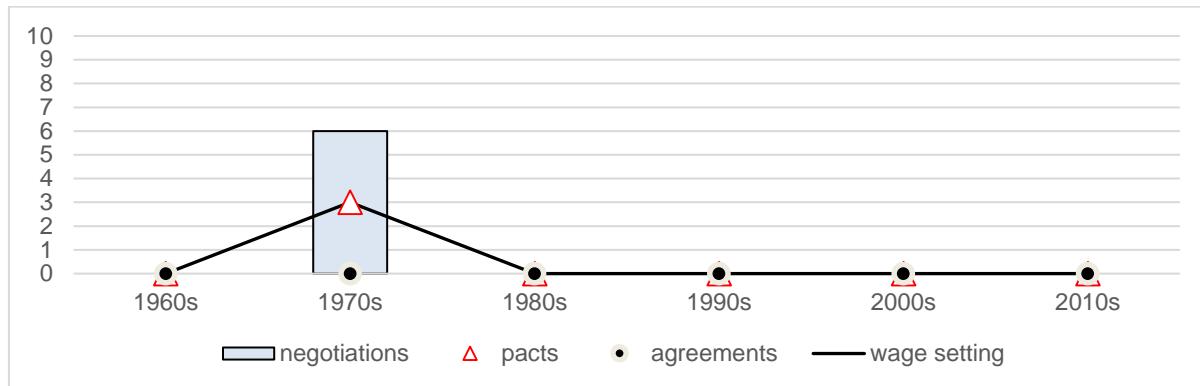
Sweden



"The Swedish system of collective bargaining looks remarkably stable from 1956 through 1982 (...). Wages for private-sector blue-collar workers in Sweden were covered in centralized bargains between employers organized in the SAF and the LO (unions). Although the national bargains were legally only recommendations for subsequent industry-level negotiations, they were binding in the sense that subsequent negotiations took place under industrial peace obligations. Although the government sometimes attempted to influence wage settlements by offering policy concessions, it never formally participated in the negotiations between the LO and the SAF (Lange et al 1995:94)." "The most durable feature of the post-1982 collective bargaining system in Sweden is its chronic instability (idem, 95)", at least until the Industry agreement of 1997 (Elvander 1997: Kjellberg 1998). In 1983, the metal-engineering sector withdrew from the central negotiations and signed their own agreement. The central agreement, covering unions and employers outside the metal sector, lacked the customary peace clause. In 1984, there was only industry-level bargaining. Centralized bargaining was re-established in 1985 and 1986-87, but without an industrial peace obligation. Bargaining was fully decentralized to the industry level in 1988. In 1989 the metal sector remained outside the central agreement. In 1990, bargaining occurred at industry level. The SAF closed its bargaining unit and terminated the services of the entire negotiating staff, ruling out the return to centralized negotiations (Pestoff 2006:69). Yet, the organization cooperated with the unions and the government in setting up the tripartite Rehnberg commission, with "a mandate to persuade unions and employers to accept a 2-year stabilisation agreement (1991-2) for the whole labour market. (...) It prohibited local negotiations in 1991 and stipulated that any wage drift would be subtracted from 1992 increases (Kjellberg 1998:89-90). The recommendation was shared and endorsed by the social partners, but negotiations took place at industry level, as they have since. In 1997 eight employers' associations in industry and a cartel of ten unions agreed to establish a private-law mediation institute, a permanent joint structure with impartial chairpersons for negotiations and a sectoral Economic Council with four independent academic economists (Elvander 1997). On 23 October 1998, SAF and the three main trade union confederations jointly issued a short press release announcing that they had started "exploratory talks" with the government on setting up lasting and stable preconditions for growth and employment - a "pact for growth. Shortly before Christmas 1998, talks broke down. In 2009, the employers in Engineering Employers' Federation gave notice to the 1997 agreement, but it was renewed in 2011 with more power for impartial mediators, stricter negotiation rules and stronger incentives to maintain the manufacturing industry's wage leadership role (Kjellberg 2019).

- Elvander N. 1999. *The Industrial Agreement: An Analysis of Its Ideas and Performance*. Sandviken: ALMEGAs Förlag
- Kjellberg, A. 1998. 'Sweden: Restoring the model'. Pp. 74-117, in Ferner and Hyman, ed. *Changing Industrial Relations ..*, pp. 239-61. Oxford: Blackwell.
- Kjellberg, A. 2019. 'Sweden: Collective bargaining under the industry norm', Pp.583-604, in Müller, Vandaele and Waddington, eds., *Collective Bargaining in Europe*.
- Pestoff, V.A. 2006. 'Globalisation and Swedish Business Interest Organisations in the Twenty-First Century'. Pp. 68-92, in W. Streeck, J.R. Grote, V. Schneider, and J. Visser, eds. *Governing Interests. Business associations facing internationalization*. London: Routledge.

United Kingdom



"In 1973, the Labour party (in opposition) signed a "social contract" with the Trade Unions Congress (TUC). The contract signalled that the Labour party was ready to adopt a policy of partnership, and abandon statutory incomes policy, once in office. After winning the elections of 1974, the newly elected (minority) Labour government honoured the agreement and the social contract with the unions became the cornerstone of its efforts to reduce inflation. In 1974, the TUC recommended that wage claims should be limited to guaranteeing purchasing power in exchange for several labour-friendly measures. The "social contract" was renegotiated in 1975 and 1976, but in 1978 negotiations broke down and with the return of the Conservative government in 1979, concertation with the union ended abruptly (Baccaro and Simoni 2008; Crouch 1990; Flanagan, Soskice and Ulman 1983; Regini 1984).

- Baccaro, L., and M. Simoni. 2008. 'Policy Concertation in Europe. Understanding government choice'. *Comparative Political Studies*. 41(10): 1323-48.
- Crouch, C.J. 1990. 'United Kingdom: Rejection of compromise', In Baglioni and Crouch, eds. *European Industrial Relations*.
- Regini M. 1984. 'The Conditions for Political Exchange: How Concertation Emerged and Collapsed in Italy and Great Britain'. Pp. 124-142, in J.H. Goldthorpe, ed. *Order and Conflict in Contemporary Capitalism. Studies in the Political Economy of Western European Nations*. Oxford: Clarendon Press.

Variables – Bipartite and tripartite councils

The variables Tripartite and Bipartite (Social-Economic or Labour) Councils document the presence of nation-wide institutions founded for the purpose of social dialogue between the government and the central organisations of trade unions and employers (*tripartite*) or between unions and employers' organisations (*bipartite*). 'Social Dialogue', in the definition of the ILO, includes all types of negotiation, consultation, and information exchange between and among governments, employers and unions on issues related to economic and social policy (ILO 2014). In well-functioning social dialogue institutions the participants jointly observe the information provided to them by experts, and communicate to each other their expectations, intentions and capabilities, thus facilitating negotiations and improving the quality of decision-making (Visser 2001).

TC: existence of a tripartite council for the purpose of negotiation, consultation or information exchange over social and economic policies.

2 = tripartite council with representation from the trade unions, employers' associations, and independent experts or government (-appointed) representatives;

1 = council with various societal interest representatives, including unions and employers;

0 = no permanent council.

BC: existence of a bipartite council of central or major union and employers organizations for the purposes of wage setting, economic forecasting and/or conflict settlement.

1 = yes

0 = no

For coding purposes, four decision rules apply:

4. Social dialogue, as defined here, refers to *social and economic issues*. Councils or social dialogue institutions dedicated to other policy areas (environment, health, agriculture, security, culture, science, etc.) are not considered; however social and economic councils that include representatives from these domains are increasingly common and considered in the database, with a special code.
5. Only those councils are considered that have representation from employers *and* employees, usually selected by and represented through their organisations. This excludes councils that represent only one party or organize the relationship of one party with the government, i.e. Business Councils, Labour Councils, Liaison Committees.
6. Only *national* councils are considered and only those that cover *various policy areas* related to economic and social affairs. Excluded are regional or local councils, and such institutions that deal with only policy area or technical issue (e.g., joint health, safety or training councils; mediation and arbitration boards, committees within a single government department to advice on administrative decisions or proposals for legislation, as exist in, for instance, Germany, India, Japan or Switzerland).
7. Coding decisions reflect the situation in the *private* or *market* sector. This is especially relevant in the case of bipartite councils which, established and maintained by employers' and trade union organisations under private law, often do not represent public sector (local and central government) interests and organisations. Councils specifically created for social dialogue in the public sector are not considered.

For distinguishing between bipartite and tripartite councils the following rule applies. In tripartite councils there is a 'third' (or even 'fourth' party), whereas in bipartite councils there are two parties (capital and labour) without the representation of a 'third' party, i.e. the government (i.e., Cabinet ministers or government appointed experts, or members representing other sectoral interests). Bipartite institutions may be chaired by an independent person and they may co-opt experts for advice. However, where such institutions are chaired and coordinated by Cabinet Ministers, or where the government appoints experts and members which constitute a 'third party', the institution is no longer bipartite. Tripartite councils may include a 'fourth sector', like environmental and civil society organisations.

Finally, the variable RC, for 'routine consultation', has been dropped. Consulting various sources and especially examining the reports of the European Foundation on the involvement of the social partners in consultation over reform policies, as part of the so-called 'European Semester' process, the variation across different policy areas (EPL, training, social insurance, etc.) is so large, and varying over the years, that it is impossible, or at least very hazardous, to combine this in one score.

Sources and references

The International Association of Economic and Social Councils and Similar Institutions (AICESIS) maintains, jointly with the International Labour Organisation (ILO), a membership database, presently containing 75 institutions, with a brief descriptions of their purpose and organisation (<http://www.aicesis.org/members/list/>). This list covers most countries in the database, but omits bipartite

institutions. The AICESIS list includes sub- and supra-national councils and institutions. A second source is CESlink, which is the voluntary on-line cooperation network of economic and social councils in the EU (<https://www.eesc.europa.eu/ceslink/en/documents>). The Country Profiles, and reports on social dialogue, of the European Foundation for the Improvement of Living and Working Conditions have provided another source (<https://www.eurofound.europa.eu/country>).

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- Visser, J. 2001. 'Industrial Relations and Social Dialogue', in: P. Auer, ed. *Changing Labour Markets in Europe. The role of institutions and policies*. Geneva: International Labour Office, pp.184-242.

Country notes

Argentina

No councils at national level, only in particular regions or cities, like Buenos Aires.

Australia

None

Austria

Paritätische Kommission für Preis- und Lohnfragen (PK) / Parity Commission, founded in 1957, first as an informal, voluntary and temporary body, from 1963 as a permanent institution, with subcommittees for wages, prices, an advisory council for economic and social issues, and, since 1992, a subcommittee for international affairs. One of its functions is to determine the sequencing of annual wage negotiations. "Coordination across sectors was mainly performed by the Parity Commission and was based on the sectoral bargaining parties' obligation to apply jointly for the Commission's approval before renegotiating agreements (Traxler 1998: 256-57):" The subcommittee for Economic and Social Affairs (*Beirat für Wirtschafts- und Sozialfragen*, BWS) was established in 1963 as a bipartite council, with co-opted experts.

Belgium

Conseil Central de l'Économie / Centrale Raad voor het bedrijfsleven (CCE/CRB), 1948, bipartite with co-opted independent experts; and *Conseil National du Travail / Nationale Arbeidsraad* (CNT/NAR), 1952,

bipartite with independent chair. The CNT/NAR has been the seat for negotiating the biennial central wage agreements, usually with participation of the government. The CCE/CRB issues the 'wage norm', based on wage cost developments in France, Germany and the Netherlands, for these negotiations. Tripartite social dialogue is organised 'ad hoc', mostly through so-called special 'conferences'. Following the federal reform of 1980, the regions have established their own (subnational) tripartite Social Economic Councils.

Brazil

Conselho de Desenvolvimento Econômico e Social (CDES) / Economic and Social Development Council, tripartite, advisory. The CDES was established in 2003 and has 90 members from different segments of Brazilian society; in addition to employers and unions, academics, social movement representatives, and 11 State ministers.

Bulgaria

National Council for Tripartite Cooperation (NCTC), originally called National Council for Social Partnership, established by agreement in late 1992, and operating since 1993, tripartite, advisory. An additional forum for social dialogue, the Economic and Social Council (ESC), was legalised in 2001 for dialogue with civil society organisations, and operates since 2003.

Canada

None at national (federal) level

Chile

None

China

China Economic and Social Council (CESC), founded in 2001, tripartite, advisory, with a wide circle of participants including experts and researchers.

Colombia

None

Costa Rica

Consejo Superior de Trabajo (CST) / High Council of Labour, tripartite, advisory, established in 2010, related to Labour Ministry, with the aim to contribute to the economic and productive development of the country, consolidate social dialogue, and propose and promote national policies.

Croatia

Gospodarsko-Socijalno Vijeće / Economic and Social Council, tripartite, advisory, part of the law since 1994, but operating from 2000, following the tripartite Agreement on the Establishment of the Economic and Social Council of 2000; interrupted in 2010-11 when the trade unions temporarily left the council.

Cyprus

Labour Advisory Board (LAB), tripartite, advisory, within the Ministry of Labour, established by the tripartite agreement of April 1977 on the Industrial Relations Code (<http://www.mlsi.gov.cy/mlsi/dlr/>).

Czech Republic

Rada hospodářské a sociální dohody ČR (RHDS ČR) / Council of Economic and Social Agreement of the Czech Republic, tripartite, advisory. The RHDS is the continuation of a similar council in Czechoslovakia, which resulted from “a voluntary tripartite national agreement (...) signed between the government and the most representative trade unions and newly formed employers’ associations in 1990. (...) Following the separation of the Czech Republic and Slovakia (...) and (...) the parliamentary elections of 1992 (...) the Council basically ceased to function. (...). In the Czech Republic, a new Council was established in 1995 (Casale 2000, 134-5). Council activities were interrupted from 1994 till the end of 1997, when new rules for negotiation and consultation were adopted.

Denmark

None

Estonia

Social and Economic Council, tripartite, advisory, established with representation from civil society organisations in 1999, discontinued after 2005.

Finland

Talousneuvosto / Economic Council, established in 1966, tripartite body with unions and employers, chaired by the Prime Minister, and facilitating co-operation between the Government, the Bank of Finland, unions and employers.

France

Conseil Économique, Social et Environnemental (CESE) / Economic, Social and Environmental Council, 2008, tripartite and advisory, with representation of civil society and environmental organisations. CESE is the continuation of the *Conseil Économique* (1946-59), based in the constitution, and the *Conseil Économique et Social* (1960-2008). The CESE and its predecessors included members beyond the social partners.

Germany

No general, nation-wide bipartite or tripartite institutions (there are some in specific policy areas, e.g. labour market or training boards). At two periods there were however regular tripartite meetings, with various working parties, organized by the Economic Ministry (*Konzertierte Aktion*, 1967-76) or the Chancellor’s office (*Alliance for Jobs, Training and Competitiveness*, 1998-2001).

Greece

Economic and Social Committee (OKE), tripartite, advisory, with civil society organisations, established by law in 1994.

Hungary

Nemzeti Gazdasági és Tásadalmi Tanács (NGTT)/ *National Economic and Social Council*, tripartite, advisory, with representation from Civil Society, religious and scientific communities. In 2011, the NGTT, with restricted consultation rights, replaced the Interest Coordination Council (OÉT), which goes back to the Interest Conciliation Council established in 1988, and was re-established in 1990, as a tripartite body for tripartite consultation and negotiations, for instance about the minimum wage. From 1999 till 2002 work in the OÉT was suspended.

Iceland

None

India

None

Indonesia

None

Ireland

National Economic and Social Council (NESC), tripartite, advisory with membership of Civil Society organisations and NGOs, coordinated from the Prime Minister's Office, and the seat for negotiating the social partnership programs and wage agreements between 1987 and 2010. The NESC was founded in 1973, replacing the National Industrial Economic Council of 1963. In 1996 membership of the NESC widened to include social NGOs and, in 2011, to include an environmental pillar. During the period of social partnership, alongside the NESC two additional bodies were created: the *National Economic and Social Forum* (NESF), to deal with issues of social inclusion, poverty and unemployment, and the *National Centre for Partnership and Performance* (NCPP), to monitor and promote partnership at enterprise and organisational level. In 2010, NESF and NCPP were closed down and integrated into the NESC.

Israel

Israeli Economic and Social Committee, tripartite, advisory, with participation of NGO's, 2000s.

Italy

Consiglio Nazionale di Economia e Lavoro (CNEL) / National Council for Economics and Labour, tripartite, advisory, founded in 1957 as part of the constitution, includes civil society organisations.

Japan

None

Korea

Economic, Social and Labour Commission (ESLC), advisory, tripartite, reconstituted in 2017, with wider range of stakeholders including young people and irregular workers. Continuation of the National Economic and Social Council, established in 1990, but defunct after 1992, re-established, with broader remit in January 1998 as the Korean Tripartite Commission, renamed 'Economic and Social Development Commission' in January 2007, with a broader membership including academics and representatives from civil society organizations.

Latvia

National Tripartite Cooperation Council (NTCC), tripartite, advisory, in operation since 1998 as the result of a tripartite agreement reached in 1996. The initial Tripartite Council of Employers, State and Trade Unions, founded in 1993, did function until 1995. Initially hosted by the Labour and Welfare Ministry, the NTCC was later coordinated and presided by the Prime Minister. Its activities were interrupted from 2001-3 and revived on the basis of another tripartite agreement in 2004.

Lithuania

Tripartite Council of the Republic of Lithuania (TCRT), tripartite, advisory, established in 1995 by tripartite agreement. Work in the TCRT was interrupted in 1997 and 1998, and from 2001 to 2004. A new tripartite agreement in 2005 revived the TCRT. End 2019, social partners at the TCRL agreed to establish a Bipartite Social-Partner Commission for Competence Building.

Luxembourg

Conseil Économique et Social (CES) / Economic and Social Council, tripartite, advisory, established in 1966 to replace the *Conseil de l'Economie nationale* (1945) and the *Conférence nationale du Travail* (1944). In December 1977, in response to the employment crisis, the *Comité de Coordination Tripartite* / Tripartite Co-ordination Committee was established, with the task to organize tripartite meetings (*conférences tripartites*) whenever a worsening of the economic and social situation calls for general measures at the national level (such as extending the required periods of notice for dismissal, imposing temporary restrictions on the thresholds for applying indexation, temporary unemployment relief through shorter working hours, etc.). The greatest success to date, was the 1979 conference which produced a tripartite agreement for the steel sector, which helped avoid the dismissal of several thousand steel workers.

Malta

Malta Council for Economic and Social Development (MCESD), continuation of the *Malta Council for Economic Development* (MCED), tripartite, advisory, established in 1988. In 1990 the MCED was the home for negotiating Malta's one and only tripartite agreement on incomes policy. The MCED was renamed MCESD in 2001 and expanded with the membership of civil society organisations.

Mexico

None at national (federal) level; Social and Economic Development Councils exist at subnational level, for instance for Mexico City.

The Netherlands

Stichting van de Arbeid (StAR), Labour Foundation, bipartite, founded in 1945, rotating chair between unions and employers, and the seat for negotiating the main wage agreements and social pacts. The StAR issues numerous recommendations to wage negotiators on various issues, like part-time and flexible work, the position of women, ethnic minorities, people with disabilities, home working, etc., and consults on a regular basis with the Cabinet about the economy and budget. *Sociaal-Economische Raad* (SER), Social-Economic Council, tripartite, advisory, established in 1950. The SER is the main body advising on social and economic legislation and was in the 1960s and 1970s involved in wage setting through its influential 'third party' group of government-appointed professors in economics.

New Zealand

Future of Work Forum, tripartite, with representatives from the Council of Trade Unions, BusinessNZ and the government, to be established in 2019 according to government plans .

Norway

Kontaktutvalget (CC) / Contact Committee, established in 1962, tripartite and coordinated from the prime minister's office, as a preparatory forum for discussion on wage and price developments and on

maintaining reasonable inter-sectoral incomes parity. The committee is assisted by a technical expert committee.

Poland

Rada Dialogu Społecznego (RSD) / Social Dialogue Council, tripartite, advisory, established in 2015 as a replacement for the *Tripartite Commission on Socio-Economic Issues* (TK). The Tripartite Commission was established in 1994 as the outcome of the 1993 Pact on State Enterprises and had the signatories of that pact as its members (unions, employers and government). The most important competence of the TK was to agree annual wage increases, binding for the state sector, non-binding for the market sector. Decisions had to be taken unanimously. Only in 1996 did the TK reach agreement, in other years the government decided and its influence in an increasingly divided TK increased. Between 1997 and 2001 the TK functioned poorly, until it was revived in 2002, lifting the unanimity requirement and tasked with providing advice on the annual minimum wage increases, with the government retaining the final decision. The unions boycotted the Tripartite Commission in 2013 and 2014. In 2015 the TK was replaced by the RSD, with a limited advisory task.

Portugal

Coselho Económico e Social (CES) / Economic and Social Council, tripartite, advisory, with membership from civil society organisations, established by law in 1991. Next to the CES and functioning independently and with a more restricted membership (if social partner organisations) there is the Standing Committee for Social Concertation (CPCS), with the function to negotiate agreements. The CPCS was founded in 1984 as the result of an 'informal social pact' between the government, the Confederation of Portuguese Industry and the General Workers' Union, one of the two union confederations. The CPCS has been the seat of negotiations over numerous social pacts.

Romania

Consiliul Economic și Social (CES) / Economic and Social Council, tripartite, advisory, established by law in 1997, changed in 2011 to include civil society organisations.

Russia

None, between 1992 and 2002 a Tripartite Commission existed as part of a tripartite general agreement on reform towards a 'socially oriented market economy'. There was no agreement over minimum wage setting, as asked by the unions. In 1993, the activities of the TC were suspended, but they were resumed a year later and the TK negotiated general MW agreements until 2002.

Slovakia

Economic and Social Council (HSR), tripartite, advisory, established in 2007 as the continuation of *Economic and Social Concertation Council* (RHSD, 1993-2004) and *Economic and Social Partnership Council* (2004-2007, RHSP). In the early years, the RHSD issued recommendations which, when unanimous, were pretty binding for the government, and it was the seat for negotiating the general agreements. From 1993 to 2000 several general agreements were concluded, but since then none. In 2004, the RHSD was abolished and replaced by a mere consultation or advisory body, the Economic and Social Partnership Council (RHSP). Following another change in government and union pressure, tripartite social dialogue was again reformed in 2007, with the creation of the Economic and Social Council (HSR SR). In principle, both under the old and new laws the government must consult with the social partners when deciding MW changes, but since 2001 they never reached agreement. In 2013, the Industry Bipartite

Council was established by social partners in industry and construction, among others, to better prepare for tripartite consultations at the HSR.

Slovenia

Economic and Social Council (ESS), tripartite and advisory, with direct access to the policy-making process in exchange for their support for wage restraint (Stanojević and Krašovec. 2011).

South Africa

National Economic Development and Labour Council (NEDLAC), tripartite, advisory, established in 1994, with a fourth constituency made up of civil society organisations. “Central to South Africa’s democratic transition was the mobilizing power of trade unions and the relationship that they were developing with employers. A key moment in the transition was the *Laboria Minute*, a tripartite agreement negotiated in 1990 that no changes would be made in the labour market without the acquiescence of business and labour (Fraile 2010: 177).” Following the *Laboria Minute*, a tripartite agreement negotiated in 1990, unions took up participation in the *National Manpower Commission*, founded in 1980, replaced by the *National Economic Forum* (NEF), tripartite body established in response to labour’s demand for an end to unilateral restructuring of the economy. In 1994, NEDLAC replaced the NEF, with expanded membership and rights.

Spain

Consejo Económico y Social (CES) / Economic and Social Council, tripartite (unions, employers, and government appointed representatives, from different sectors or professional qualifications), advisory, established by law in 1991

Sweden

There are no institutions for tripartite social dialogue across policy areas. The 1997 Industry Agreement between several employers’ associations in manufacturing and a cartel of ten unions established a private-law mediation institute, a permanent joint structure with impartial chairpersons for negotiations and a sectoral Economic Council with four independent academic economists. Elvander (1997) characterize this as a joint, bipartite institution for the purpose of coordination of wage bargaining, highlighting the primacy of the engineering export sector as pattern setter. In 2009, the employers gave notice to the 1997 agreement, but it was renewed in 2011 with more power for impartial mediators, stricter negotiation rules and stronger incentives to maintain the manufacturing industry’s wage leadership role.

Switzerland

None

Turkey

None, the Constitution mentions an Economic and Social Council, but this was never implemented.

United Kingdom

None, since in 1993 the *National Economic Development Council* (NEDC, 1962-1992) was abolished. “The first experiments in social partnership was the establishment by the Conservative Macmillan government of the National Economic Development Council (NEDC, or ‘Neddy’) in 1962 (...). Neddy was an explicitly tripartite body, with representatives from employers, trade unions, and the state. Its task was to set targets for production, and establish guidelines to influence pay awards (Berger and Compston 2002:57).” “The most obvious symbol of the rejection of social partnership in Britain during the 1980s and 1990s was the

abolition of the NEDC in 1992 (...) Throughout the 1980s the NEDC had steadily been downgraded, and was increasingly treated with contempt by Conservative ministers (...)." (idem, 65).

United States

None

Section D – Works Councils

Section D of the ICTWSS Database deals with works councils and employee representation in the enterprise and consists of five variables: (1) the existence and voluntary or mandatory status of works councils, (2) the structure of representation and cooperation with unions (single or dual channel representation), (3) the rights of works councils or similar workplace representation (information, consultation and co-determination), (4) the right and practice of trade unions to appoint or elect union workplace representatives (shop stewards), and (5) the (legal and actual) involvement of works councils in wage negotiations.

The importance of this section has two reasons. Firstly, decentralisation of collective bargaining presupposes an interlocutor or actor at enterprise level. How this actor is organised in relationships with management and the (external) trade union can be important for the development of decentralised bargaining, especially in a multi-level bargaining context. Secondly, the variables in this section, especially the variable "WC_rights" relating to information, consultation and co-determination rights, are relevant for judging the development and quality of social dialogue at enterprise level.

As the foundation for the conceptual design of this group of variables use has been made of the seminal study and collection of case studies in *Works councils: Consultation, representation, and cooperation in industrial relations*, edited by Joel Rogers and Wolfgang Streeck, Chicago and London: University of Chicago Press and National Bureau of Economic Research, Chicago/Washington, 1995.

A works council is defined as the institutionalised body for representative communication between a single employer and the employees in a single plant, enterprise or workplace (Rogers and Streeck 1995:6). The variable "WC" measures the presence or absence of such bodies, and registers whether their presence is mandatory or voluntary for firms of a particular size. A generally binding national (central or basic) agreement is treated as equivalent to mandatory law. The required minimum firm size for works councils varies across countries from 5 to 100 employees, and the resources and rights of works councils generally increase with firm size. As a rule, when works councils are mandatory or established under a basic agreement they are common in 100+ firms.

WC: status of works council

2 = existence and rights of works council within firms or establishments confronting management are mandated by law or established through basic general agreement between unions and employers;

1 = works councils are voluntary (where they are mandated by law, there are no legal sanctions for non-observance);

0 = works council does not exist or is most exceptional.

Works councils can be organised in different ways, both in their relation with the union(s) and with management. The first basic distinction is between "employee (only) councils" and "joint (worker and management) councils".

WC_type: type of works council

2 = works councils is composed of employees (*employee-only council*)

1 = works councils is composed of employees and employer (or employer representative), or chaired by (or on behalf of) employers (*joint council*)

0 = works council does not exist or is most exceptional.

Works councils can be organised in different ways in relation to the union or unions. The key distinction is between “single channel” (union and council are basically the same, and members on the councils are elected or appointed by the union) and “dual channel” representation (unions and council have different rights and tasks, and council members are elected from and by employees, possibly on lists provided by the unions). These two models may also exist together, one for unionised firms and the other for non-union firms (“split model”). These distinctions are captured in the variable “WC_struct”.

WC_struct: structure of works council representation

3 = single-channel works councils, union-based representation, elected by union members or established by the union

2 = dual-channel works councils, formally separated from union, elected by union and non-union members

1 = split-channel works councils, employee elected works councils exist where there is no union representation

0 = works council does not exist or is most exceptional.

Representative communication between employers and employees may originate from either side and be limited to information exchange, entail consultation, or involve negotiated co-decision or co-determination. “Where council rights pertain only to *information*, managerial discretion is largely left intact, except that management cannot avoid giving information. By contrast, *consultation* rights involve obligations for management to inform the works council before a decision is taken, to wait for a considered response or counterproposal, and to take it into consideration when finally deciding. While this still leaves the decision to management, it may delay it. Finally, under *co-determination*, decisions can be taken by management only if they are agreed to beforehand by the council, in the sense that the council can veto them, usually until the matter is resolved by an outside arbitration board” (Rogers and Streeck 1995:8-9). WC_rights puts this in a simple scale of increasing rights:

WC_rights: rights of works councils or union workplace delegates

3 = economic and social rights, including codetermination on some issues (e.g., mergers, take-overs, restructuring, etc.)

2 = economic and social rights, consultation (advice, with possibility of judicial redress)

1 = information and consultation rights (without judicial redress)

0 = works council or similar (union or non-union) based institutions of employee representation confronting management do not exist or are exceptional.

These rights can also be assigned to the works council or directly to the union, without the intermediation of a works council, where the union has recognized workplace representation rights under collective bargaining. This, for instance, happens in Australia under the 2009 Fair Work Act, which requires all enterprise agreements to include a provision for consultation between management and employees. The

(additional) variable “UWrep” measures the presence in and rights of unions in the workplace, independently from the works council, and has the same coding as the “WC” variable:

UWrep: Union workplace representation

2 = Union workplace representation and rights for union representatives (delegates, shop stewards), separate from works councils, are mandatory or guaranteed under a basic general agreement between unions and employers;

1 = Union workplace representation and rights for union representatives (delegates, shop stewards), separate from works councils, are guaranteed where unions are recognized and have negotiated a collective agreement.

0 = Union workplace representation and rights for union representatives (delegates, shop stewards), separate from works councils, are exceptional

Finally, the involvement of works councils in enterprise-level collective bargaining over wages and working hours may take different forms. Typically, under the “dual system”, with separate functions for unions and councils, works councils cannot call or support strikes and are barred from collective bargaining over wages, but some bargaining tasks may be assigned to the councils in sectoral agreements when there is no union interlocutor at enterprise level. When “Joint councils” are involved in collective bargaining, the independence of the workers side may be compromised. The variable “WC_negot” measures several (formal and actual) gradations of involvement.

WC_negot: involvement of works councils (or similar structures) in wage negotiations

4 = works councils (or mandated representatives) formally negotiate (plant-level) collective agreements, alongside or instead of trade unions.

3 = works councils (or mandated representatives) formally negotiate (plant-level) collective agreements, if no union is present (and/or subject to ballot)

2 = works councils is formally (by law or agreement) barred from negotiating (plant-level) agreements, but informally negotiate over workplace-related working conditions or ‘employment pacts’, including pay

1 = works councils is formally (by law or agreement) barred from negotiating (plant-level) agreements and involvement of works councils in negotiating (plant-level) agreements is rare.

0 = does not apply; works councils or similar (union or non-union) based institutions of employee representation confronting management do not exist or are exceptional.

Data and sources

There are four major sources for this part of the database. In addition to the Rogers/Streeck volume, with detailed (historical) case studies for Germany, France, Italy, Spain, the Netherlands, Sweden, Poland and Canada, these are: the *Labour Rights Index* (LRI) of the Cambridge Business Research group (Adam et al 2015); the detailed country studies in *Employee representatives in an enlarged Europe* (EREE), published by the European Commission, DG for Employment, Social Affairs and Equal Opportunities, 2008, 2 volumes; the *Worker Participation database* and website, updated to 2016, of the European Trade Union Institute (ETUI), and the new IRLEX database of the International Labour Organisation. Additionally, national sources have been consulted and cited (where countries are missing, ILO’s NATLEX database has been consulted).

- Joel Rogers/ Wolfgang Streeck, eds. Works councils: Consultation, representation, and cooperation in industrial relations, Chicago and London: University of Chicago Press.

- LRI: Adams, Z., L, Bishop, and S. Deakin. 2016. CBR Labour Regulation Index (Dataset of 117 countries). Cambridge: Centre for Business Research
- EREE: Employee representatives in an enlarged Europe (EREE), European Commission, DG for Employment, Social Affairs and Equal Opportunities, 2008, 2 volumes
- ETUI: <http://www.worker-participation.eu/National-Industrial-Relations/Countries/>
- IRLEX: <https://www.ilo.org/dyn/irlex/en/f?p=14100:1::NO::>

Variable 31 in the LRI database is most closely aligned with the WC_rights variable in ICTWSS, but unfortunately mixes its scores with the mandatory or voluntary character of the council and is biased in favour of employment (dismissal) protection, ranking strong protection as co-determination (which in the ICTWSS database is more focused on strategic issues of company policy, work organisation, manning and job design. Variable 31—"codetermination and information/consultation of workers"—is coded as follows:

- 1 = works councils or enterprise committees have legal powers of co-decision making.
- 0.67 = works councils or enterprise committees must be provided by law under certain conditions but do not have the power of co-decision making.
- 0.5 = works councils or enterprise committees may be required by law unless the employer can point to alternative or pre-existing alternative arrangements.
- 0.33 = the law provides for information and consultation of workers or worker representatives on certain matters but there is no obligation to maintain a works council or enterprise committee as a standing body.
- 0 = otherwise.

(There is scope for further gradations between 0 and 1 to reflect changes in the strength of the law).

Country notes

The following country notes begin with the coding and text of the LRI (although, unfortunately text and coding do not always correspond). I also cite, as much as possible verbatim, the other aforementioned sources, when necessary also national sources.

Argentina

LRI: 1970 0.33

No provision is made for works councils, but Act 14250 (1953) refers to the establishment of joint committees, see also Act 23552 (1988), Law 25013 (1998), Law 25520 (2000) and Decree 1135/2004, Art. 20 referring to rights to information on economic and workplace matters.

IRLEX: Union workplace representation regulated by Law 23551 on Trade Union Associations, 23 March 1988, amended 2009 (Art. 41). No provisions for non-union workplace representation. Fully channelled through the trade union. Information rights related to collective bargaining and channelled through the union.

Australia

LRI: 1970:0; 1984: 0.33; 1996:0.1; 2009: 0.33

The 1984 Termination, Change and Redundancy case made it possible for federal awards to include provisions relating to information and consultation over collective redundancies. The Workplace Relations

Act 1996 reduced this to a limited right for the Australian Industrial Relations Commission to intervene in cases where more than 15 employees were made redundant. The Fair Work Act of 2009 imposes a more extensive information and consultation regime.

Attempt to emulate the European experience of employee consultation under the Accord (1985-1992) between the Labour government and the unions failed and was resisted by employers. Around 1990 there were joint consultation committees in 14% of workplaces (covering 30% of employees), but these included informal forms of employee involvement organized by the employer. "Consultation and employee involvement at the workplace level has remained sporadic (Lansbury and Niland 1995: 87)." Union representation in the workplace was tied to collective bargaining. Under arbitration, unions were however rather remote from the workplace (Clegg 1976).

IRLEX: No works council, but provision for consultation in enterprise agreements under the 2009 Fair Work Act. "An enterprise agreement must include a (consultation) term that: (a) requires the employer or employers to which the agreement applies to consult the employees to whom the agreement applies about major workplace changes that are likely to have a significant effect on the employees; and allow for the representation of those employees for the purposes of that consultation. If an enterprise agreement does not include a consultation term, the model consultation term is taken to be a term of the agreement."

- Clegg, H.A. 1976. Trade Unionism under collective bargaining. A theory based on comparisons of six countries. Oxford: Blackwell.
- Lansbury, R.D., and J. Niland. 1995. 'Managed Decentralization? Recent trends in Australian industrial relations and human resource policies', in R. Locke, T. Kochan and M. Piore (Eds.), Employment Relations in a Changing World Economy. Cambridge Mass.: The MIT Press, pp. 59-90.

Austria

LRI: 1970: 1.0

Austrian works councils have extensive participation and co-determination rights (currently under the Labour Constitution Act 1975).

EREE: A works council (*Betriebsrat*) is mandated (5 or more workers, on request), dual channel (elected by all regular staff), information, consultation and codetermination rights (veto on dismissals, employee transfers, and mergers must be negotiated), formally barred from wage negotiations, but practically involved at least since 1997 opening clauses. (Works council in larger firms were always involved in negotiating performance or achievement wages)

ETUI: it is very rare for there to be another separate trade union structure in the workplace. Works councils are the basic unit for union work. (...) In some cases the works council has a right of veto. The employer cannot act without the works council's agreement. Capacity to veto major decisions, not stop but delay or modify them (like in Germany or the Netherlands). (...) Works councils are not primarily involved in negotiations on pay, which are at industry level. However, in some cases works councils negotiate additional improvements as well as dealing with grading structures, profit-sharing systems, and works pensions. In addition some industry-level agreements also give works councils the opportunity to agree variations in the general increase, within tightly defined limits.

Belgium

LRI: 1970: 0.67

There is a dual channel system of representation in establishments of 100 workers or more, with works councils being consulted over a range of economic and organizational matters, and trade unions overseeing agreements and dealing with dispute resolution. Powers of works councils derive from laws

beginning in 1948 and trade union functions are set out in a series of collective agreements after 1971. In establishments of fewer than 50 workers, the trade union assumes the works council's role.

IRLEX: 1948 act, provides that a works council (*ondernemingsraad, conseil d'entreprise*) is established in all enterprises usually employing on average at least 50 workers. The status of trade union delegates is regulated in Collective Agreement No. 5 of 1971. (...) A trade union delegation is to be established in an enterprise following a request from one or more workers' organizations that are signatories to the Collective Agreement, to the employer. The organization then has the right to nominate candidates for the appointment or election to the union delegation in the enterprise.

EREE: works councils are mandatory with additional union workplace representation for bargaining and grievances (agreement of 24-5-1971, binds only members of employers' associations). The employee members of works council are elected on union lists, but council is chaired by the employer. Dual system, councils are separated from wage negotiation, mostly information and limited consultation rights (no codetermination). These rights were strengthened in 1973, as result of national agreement in 1972, declared binding. In 1995 further expanded by law – employer must make and discuss 'social plan' annexed to financial statement. Works council can hire an auditor. Codetermination only on annual holidays and discipline matters (is collective bargaining issue).

ETUI: The employer must consult (inform) the works council on cases of mergers, closures, business transfers, large scale redundancies, training plans and the introduction of new technology, as well as any other major developments likely to have an impact on employment. Overall, in terms of the different roles of the two bodies, the trade union delegation is the body which makes the demands and negotiates; the works council is the body which receives information and is consulted.

Brazil

LRI: 1970: 0

Art. 11 of the Constitution refers to the election of a representative of the workforce to further direct negotiations with the employer in enterprises of more than 200 employees, but there is no legislation supporting this principle and works councils are generally opposed by trade unions

IRLEX: 1943 consolidated labour law allows setting up of voluntary council. The joint commissions for consultation and collaboration in the workplace are voluntarily established bodies that may be created through a collective agreement or convention concluded by the social partners. No provisions for rights, depends on collective agreement. Union have exclusive rights to collective bargaining.

Union workplace representation in Brazil is very limited; same in Mexico, less than in Argentina (Cardoso and Gindin 2009). In the push for reform since 1988 (from presidents Cardoso to Lula) aiming to limit the influence of the judiciary, increase the freedom of association, decentralize collective bargaining, and reform corporate governance, there is nothing on employee or union workplace representation, or on information and consultation rights (Mello e Silva 2014).

- Cardoso, A., and J. Gindin. 2009. Industrial relations and collective bargaining: Argentina, Brazil and Mexico compared. Geneva: ILO, working paper Industrial and Employment Relations Department.
- Mello e Silva, L. 2014. 'The State, Unions, and Work Reorganization: Lessons from Today's Brazil', *Latin American Perspectives*, 41(5):, 22-41.

Bulgaria

LRI: 1990: 0; 2001: 0.33

There were no information and consultation rights before 2001. Since 2001, Art.7 LC allows employees to elect representatives. Since 2004, Art. 130a provides a right to information and consultation in cases of collective redundancy and in July 2006, a broader opportunity to elect representatives for the purposes of information and consultation was introduced but it is not obligatory.

IRLEX: 1986 law, amended 2006. In enterprises, including enterprises providing temporary work, with 50 or more employees, as well as separate organizational and economic divisions of enterprises with 20 or more employees, the General Assembly (*Obshto Sabranie*, OS) elects from among its members representatives of the employees for implementation of information and consultation. Under 2006 law, these rights of the OS can be transferred to the union.

Dimitrova 1994: union and collective bargaining rights are based on the 1991 Constitution and the 1992 Labour Code, implemented 1-1-1993, which regulated functioning and rights of the trade unions.

EREE: Until 2001 only unions recognized. Unions have mandated representation rights (from minimum of 3 staff). A General assembly (OS) by all employees can be established, to which law assigns functions of information and limited consultation rights. The OS (unlike the union), cannot represent employees in court. No consultation or codetermination rights. Bargaining rights are held by the union.

ETUI: There is no universal structure for employee representation in the workplace in Bulgaria. In many cases the local union is the key body, although the law also provides for the election of other representatives. Employees are also able to elect additional representatives for information and consultation but they can also choose to pass these rights to the existing union organisation or existing employee representatives.

- Dimitrova, D. 1994. 'Bulgaria', in: H. Moerel (ed.) *Labour Relations in Transition*. Mijmegen: ITS, pp. 35-42.

Canada

LRI: 1970: 0; 1978:0.33

There are no works councils in Canada. There is federal law on information and consultation over collective redundancies from 1978 (Canadian Labour Code; Ontario Labour Standards Act).

No works council, union representation only in workplaces where unions are recognized as part of collective bargaining (Thompson 1989). The pattern of workplace relations is very similar to the USA. "However, there are a small number of cases where employee representatives have gained the right to participate in decisions to hire, fire (for just cause), and to be consulted on choice of technology, new investments, and plant closure" (Meltz and Verma 1995: 108). "For over two decades, governments in various jurisdictions in Canada have been experimenting with mandatory joint worker-management committees. For the most part, these committees have been 'limited purpose', with worker representatives mandated to participate on committees with management in an advisory capacity on a specific issue or topic (...) ,In most instances these committees are confined to organized work sites (...) By far the most comprehensive experience (...) is in the area of occupational health and safety. (...) While these mandated *joint health and safety committees* (JHSCs) are a far cry from European-type comprehensive works councils, they nevertheless constitute a significant development in North American industrial relations by taking the giant step of legislating worker participation outside of and beyond the framework of traditional collective bargaining." (Bernard 1995: 351) Bernard documents labour law changes in various provinces, beginning 1972 and continuing throughout the 1970s and 1980s.

- Bernard, E. 1995, 'Canada: Joint Committees on Occupational Health and Safety', in: J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press, pp. 351-374.

- Meltz, N., and A. Verma. 1995. 'Developments in Industrial Relations and Human Resource Practices in Canada: An update from the 1980s', in: R. Locke, T. Kochan and M. Piore, eds., *Employment Relations in a Changing World Economy*. Cambridge Mass.: The MIT Press, pp. 91-130.
- Thompson, M. 1989. 'Canada', in: Bamber, G., and R.D. Lansbury, eds. *International and Comparative Industrial Relations*, Sydney: Allen and Unwin, pp. 80-96

Chile

LRI: 1970: 0

There is no law requiring the establishment of works councils.

NATLEX: 2005 LC, book 3 deals with enterprise unions, rights of union meetings and union delegates. There is the possibility to establish voluntary employer-employee councils / health and safety committees.

Decree-law 198 of December 1973 established enterprise unions as the only lawful organisation of a trade union. Union (con)federations were outlawed and only enterprise level representation was lawful. This legislation was somewhat relaxed in 1979, allowing more union activities, but not bargaining across firms. Under the Alwyn government and following the tripartite pact of 1990, trade unions regained right to sectoral bargaining, but only when enterprise unions allowed them. This was formalized in Law 19069 of July 1991, which sanctioned limited meeting and representation (but no general information or consultation rights) in the enterprise (Fallabelle and Fraile 2010; O'Connell 1999).

- O'Connell, L. 1999. 'Collective Bargaining Systems in 6 Latin American Countries: Degrees of autonomy and decentralisation. Argentina, Brazil, Chile, Mexico, Peru, and Uruguay', Washington D.C.: Inter-American Development Bank.
- Falabella, G., and L. Fraile. 2010. 'Tripartism and Economic Reform in Uruguay and Chile', in: L. Fraile, ed., *Blunting Neoliberalism. Tripartism and economic reform in the developing world*. Geneva: ILO, pp. 128-175.

China

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Colombia

LRI: 1970: 0

No legal provisions.

NATLEX: none

Costa Rica

LRI: 1970:0

Occupational health councils are provided for but there are no works councils or any equivalent bodies.

NATLEX: laws and amendments of 1943, 1984 and 1993. Unclear what current status of unions in the enterprise is. Recurrent complaints at ILO and ITUC about violation of rights, and use of 'yellow unions' (*asociaciones solidaristas*) by employers as a means to crowd out the official unions.

Croatia

LRI: 1991: 0, 1992: 0.33; 1995: 1

LBRE 1989: no workers council or representatives. LL 1992, Art. 24: limited role of representatives in respect of redundancy consultation only. LL 1995, Art. 146: provides for co-decision making powers of the Employees' Council in a number of areas and the EC must be consulted on a large number of issues throughout the Act. Information, consultation and decision-making powers of the Employee Council are maintained in part XVII of the LL 2009.

EREE: Mandated employee councils (*radničko vijeće*), elected by employees, with information and consultation rights; limited codetermination rights only for dismissal protection for older (+60) and disabled workers. EC is legally banned from wage negotiations.

ETUI: Workplace representation in Croatia is provided both through trade unions and works councils, although if no works council has been set up the union representative can take on almost all its duties and responsibilities. This happens reasonably frequently. Unions are free to operate at the workplace. In companies with at least 20 employees, the employees have the right to be represented through a works council. In practice, the trade unions, which have the right to nominate candidates, are key in initiating the process of setting up a works council. If no works council has been set up, its rights and duties are taken on by a union representative working at the company. A study in 2007 found that "taking over the function of works council by a trade union is common". (Note: this is not possible in Germany, Austria or Netherlands). This suggests an either (employee council) or (union) system, rather than a dual system where the two functions are separated. Hence: a split council/union system, although it is possible, though unlikely, that both exist alongside each other in the same workplace.

IRLEX: The works council can also reach agreements with the employer, which are then legally binding. However, these agreements cannot cover pay, working time or other issues normally covered by collective agreements, unless this is specifically permitted by the signatories of the collective agreement.

Cyprus

LRI: 1970: 0.33; 2005: 0.5

Aside from a law implementing the European Works Councils directive there is no provision for codetermination. Rights to information and consultation over collective redundancies are set out in Law 78(1) 2005, based on ILO Convention No. 135 of 1971 (this convention mainly defines the rights of representatives and protects them against employers reprisals).

EREE: single channel system (union based), agreement between management and unions is mandated from 2005 (transposition of EU law) in 100+ companies. Only information rights.

ETUI: Workplace representation in Cyprus is through the union structure. Apart from the area of health and safety, where a committee should be elected by all employees in workplaces where more than 10 are employed, there is no other body representing employees. In line with the rest of the Cyprus industrial relations system, workplace representation is not closely regulated by legislation. However, the industrial relations code makes specific reference to consultation stating that the employer should "engage in joint consultation" in any case where the union or the employees believe that "a decision ... may adversely affect them or may have a repercussion on their relations with their employer". Legislation introduced in 2005 to implement the EU directive on information and consultation has strengthened the legal framework for workplace representation.

Czechoslovakia/Czech Republic

LRI: 1990: 0.5

Employees have the right to be informed and consulted, either through a trade union, a works council (employees' council) or a statutory health and safety representative body (Art. 276 LC, continuing earlier provisions; the content of information and consultation duties is set out in Art. 278-280).

EREE: 2000 law, effective from 2001: only a works council (*závodní rada*) where unions do not exist (no double representation, split system). This split system, also called the “Czech solution”, has been used as a model for other countries in Central and Eastern Europe as a way to adjust to EU law (Kohl and Platzer 2004). This solution was maintained in the 2006 LC amendment, but ruled unconstitutional in 2008. Information and consultation rights. Only the trade unions have a right to be involved in collective bargaining, no codetermination.

ETUI: 1991 law: rights of union representation in the enterprise under collective bargaining. No councils. The main structure for representing employees at the workplace is the local trade union grouping, which only needs three individuals to set it up. This was the only structure available until 2001, but since then it has been possible to set up a works council or representatives concerned with health and safety. Under the revised labour code, which was passed in 2006 and came into effect at the start of 2007, works councils or health and safety representatives could only be established if there was no trade union in the company, and they had to be dissolved if a trade union organisation was subsequently set up and signed a collective agreement. However, in March 2008 the constitutional court ruled that this legislation was unconstitutional. It is now possible for a company to have both a union and a works council. Very few new works council exist, however. In practice works councils are rare. In most cases, there is either a union or nothing.

Both the local union and the works council have the right, as representatives of the employees, to information on the following issues: the economic and financial position of the company and its probable development; the company's activities and their impact on the environment; and planned changes in the company's structure, status and business activities. In addition to the information rights, both unions and works councils must be consulted about: the probable economic development of the company; structural changes, such as rationalisation; measures affecting employment, particularly collective redundancies; the number of employees and likely future employment developments; the transfer of the company to another owner.

- Kohl, H., and H.-W. Platzer. 2004. Industrial Relations in Central and Eastern Europe. Transformation and Integration. Brussels: ETUI.

Denmark

LRI: 1970: 0.67

Cooperation committees in firms employing 35 or more employees are set up under provisions of collective agreements. They have information and consultation rights but not a veto right.

Due et al 1994: workplace representation based on unions (single-channel), established and guaranteed under the basic agreements (starting in 1899, several times renewed and amended). Cooperation committees (*samarbejdsutvalg*) were introduced in 1947 (chaired by employer), revised and expanded in 1964, 1970, 1986, and 2006. The 1970 agreement introduced consultation rights (consultation prior to decisions). No codetermination.

ETUI: workplace representation has its basis in a binding national agreement. The unions are central to workplace representation in Denmark. Local union representatives take up employees' concerns with management and are often also members of the main information and consultation body – the cooperation committee. In practice the cooperation committee has information and consultation rights. It is also the forum through which the two sides attempt to reach agreement on a range of issues. But it does not have the effective veto powers which works councils in some other countries possess.

EREE: 2006 agreement transposed EU directive (in a sense generally binding, by means of an extension order and including firms and workers not covered by basic DA/LO agreement).

- Due, J., J.S. Madsen, C.S. Jensen, and L.K. Petersen. 1994. *The Survival of the Danish Model*. Copenhagen: DJØF Publishing

Estonia

LRI: 1991:0.67

The Soviet-era Labour Code conferred rights to information and joint decision making on workers' councils. Under the Employees' Representatives Act 1993, workers' representatives had the right to information and consultation, including, from 2003, the right to suspend collective dismissals under certain circumstances (Art. 89(5) ECA 1992 as amended). ECA 2008, Arts. 90 and 101, sets out information and consultation requirements in respect of collective redundancies modelled on EU Directive 98/59.

EREE: No works council but system of trustees and general meeting where there is no union. From 2007 based on Employees Representatives Act of 2006, transposing the EU directive on information and consultation. Split system. Only information rights, no consultation or codetermination.

ETUI: Employee representation at the workplace is primarily through the unions or does not take place at all. However, legislation, which came into effect in 2007, allows for the election of employee representatives both where there is a union and where there is not. If there is no union, these representatives can be involved in collective bargaining. Under the new legislation, employees' representatives can be elected, if either the union or 10% of the employees want this. These employee representatives have a range of rights, particularly in the area of information and consultation. They can also be involved in collective bargaining if there is no union. If union representatives are present, they too enjoy a number of the same information and consultation rights as the elected employee representatives.

Finland

LRI: 1970: 0, 1978: 1

The Cooperation within Undertakings Act 1978 provides a framework giving union representatives information and consultation rights and in companies with 30+ employees (20+ since 2007) and co-decision making rights in relation to certain matters. There is no general obligation on the employer to reach agreement in the cooperation negotiations, but agreements must be reached in certain fields.

Ebbinghaus and Visser 2000: Union workplace representation goes back to the 1944 basic agreement, recited in the 1946 Collective Agreements Act, and allows for shop steward presence at all workplaces (w/o threshold); The 1969 central agreement on union representation included consultation rights; 1979 Cooperation in Undertakings Act formalized rights to information and consultation in firms of 30+ employees, in 2007 reduced to 20+.

EREE: Strong information and consultation rights. No codetermination.

ETUI: Employee representation at the workplace is primarily provided by the union representatives, or elected representative if there are no union representatives, rather than through statutory structures. Legislation gives union representatives the right to be involved in so-called "cooperation negotiations" in companies with 20 or more employees. The legislation makes clear that there is no requirement for agreement to be reached on these issues and that the employer has fulfilled his or her obligations when the issue has been discussed in a spirit of cooperation based on information provided in good time.

- Ebbinghaus, B., and J. Visser. 2000. *The societies of Europe. Trade unions in Western Europe since 1945*. London: Plaggrave-Macmillan.

France

LRI 1970: 0.50; 1982: 0.67

French law has provided for workplace representatives since 1936 and enterprise committees since 1945, with the law strengthened in 1966, 1982 (Auroux laws) and 2002 (law on social modernisation, 2002). It is

generally accepted that enterprise committees in France do not have the extensive codetermination rights of German works councils.

Union workplace representation is mandatory since the 1968 Grenelle Agreement and the follow-up law in the same year. Works councils (*comité d'entreprise*) are mandatory since 1945 (Works council Act 1945). Poorly enforced before 1968. Chaired by head of company (When the employer is failing, and at the request of at least half of the committee members, the council may be convened by the labour inspector). The 1982 law expanded economic consultation rights, especially in larger firms (Tchobanian 1995).

IRLEX: 1945 law. A works council shall be constituted in all enterprises employing at least fifty employees. 1982 amendments: works council has a right to be informed and consulted on matters concerning work organisation, management and general state of the company, and in particular on measures that will affect the number or structure of the workforce, working time, conditions of employment and work and vocational training; the council also has the right to be consulted on the strategy of the enterprise, and on the consequences of their activity, employment, evolution of their profession, work organisation, use of sub-contractors, temporary workers and work contracts as well as interns.

EREE: No codetermination.

ETUI: The works council has the right to be informed and/or consulted on a range of issues and it runs the company's social facilities like canteens. There is a general requirement that the employer must consult the works council in advance if measures are planned which significantly affect: the size and structure of the workforce; working time; and working conditions, including training. Specific issues on which the works council must be consulted include: proposals to reduce the workforce; important structural changes, such as mergers; research and development policy; large scale redundancies; new technology; working conditions and working time; training; and health and safety. Council can also negotiate collective agreements in certain unusual circumstances. In addition, as a result of the June 2013 legislation, the works councils must be consulted annually on the strategic direction of the company and its consequences for the company's activities, employment, need for skills and use of sub-contractors and temporary workers.

The fact that the company is obliged to consult the works council does not mean that it must agree before any planned changes go ahead. There must simply be an opportunity for the works council's view to be heard. This means that the process of consultation is normally procedurally very precise and formal, but in practice may change nothing.

- Tchobanian, R. 1995. 'France: From Conflict to Social Dialogue?', in J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press pp. 115-152.

Germany

LRI: 1970: 1

§ 56 BetrVG 1952 provided in some cases a decision making power, but less than under the 1972 law; BetrVG 1972 extended works councils' powers (but note that it is an exhaustive list; e.g., there is no competence in cases of dismissals).

Dual system, based on the 1949 Collective Bargaining Law and Works Constitution Act of 1952, amended in 1972 and 1989. The 1972 amendment strengthened the codetermination rights (especially relating to staff planning, job design, health and safety, and training) of the works council (*Betriebsrat*) with the possibility to hold up decisions and withhold consent on overtime. The works council cannot call a strike, but in case of conflict it may appeal an internal conciliation board. The 1989 amendment added technology issues to co-determination list. The 1972 reform strengthened the position of the unions in the council, but did not compromise the dual system, the formal independence of the council and their exclusive jurisdiction

over interest representation at the plant level. They remain formally independent of unions and have their own constituency, even if most elected council members are union members (Müller-Jentsch 1995).

EREE: No changes due to EU law. Codetermination rights. Formally barred from wage negotiations, practically involved in negotiating under opening clauses in sectoral agreements since. No separate union representation. Enforcement of the collective agreement is task of works council.

ETUI: The law provides the works council with two main types of rights: participation rights, where the works council must be informed and consulted about specific issues and can also make proposals to the employer; and so-called co-determination rights, where decisions cannot be taken against the wishes of the works council

- Müller-Jentsch, W. 1995. 'Germany: From Collective Voice to Co-Management', in J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press pp. 53-78.

Greece

LRI: 1970: 0; 1988: 0.33; 1990: 0.5

The Trade Union Democracy Act 1982 gave extensive information rights to the trade unions and in 1990 this was extended to negotiation. Law 1767/1988 Art 1 s.1: workers in enterprises with 50 or more employees have the right to elect and form workers councils to represent them in dealing with the enterprise. Art. 12: the function of the councils is participatory and consultative but they cannot prejudice the operation of trade unions.

The 1955 Collective Bargaining Act recognized only sectoral bargaining. No union recognition at workplace level. This changed after return to democracy in 1975. The 1982 Trade Union Democracy Act regulated in great detail the organization and rights of enterprise unions, possible (but not mandatory) in 20+ firms (most firms are smaller and shipping is excluded). The 1988 law established works council in 50+ firms, but is resisted by unions (Kritsantonis 1992).

EREE: works council has powers of information and consultation. Under the 1982 law the same rights already applied to the enterprise trade union. The law sets out the information and consultation rights of the works council more exactly. The works council should be kept informed of the overall economic position of the business, including its annual report and accounts. It has rights to advance information on: changes in the legal form of the business; any transfer or major change of production capacity; the introduction of new technology; changes in the structure of the workforce including increases or decreases; the planning of any overtime; and yearly health and safety investment plans. Unions or councils must be consulted on these issues, but there are no sanctions, other than strikes by the unions.

ETUI: The local 'primary level' unions are the most important form of employee representation in Greece. Works councils can exist alongside the primary level unions, under legislation passed in 1988, but their position is clearly less powerful than that of the unions and they have not been widely set up, other than in larger companies. Only a few companies have works councils, and if there is no union, there will not be a works council. Negotiations are conducted by the local union, not by the council. During the crisis yet another body representing workers, the so-called "associations of persons", emerged, but this falls outside the scheme for information and consultation and is an alternative ("company") union rather than a works council. Hence it does not change the non-existing negotiating competence of the councils, even where it created an alternative for the unions.

Note: it has been possible to set up associations of persons since 1982, but before 2011 they could only have a temporary existence – normally six months; they could only be set up in small companies (fewer than 40 employees) where it was believed that unions hardly existed, and they could not sign collective agreements. However, under Law 4024/2011 there is no limit on how long they operate and they can sign

collective agreements for companies of any size, provided there is no union in the company and 60% of the workforce belongs to the association of persons. Those representing the associations of persons have no permanent mandate and no protection against mistreatment by the employer. In the period 2011 to 2013, they were used to promote increasingly decentralised bargaining and pay cuts.

- Kritsantonis, N. 1992. 'Greece: From state authoritarianism to modernisation', in A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*. Oxford: Blackwell, 601-628.

Hungary

LRI: 1990: 0.75, 2001: 1; 2012: 0.67

The Act on Works councils of 1957 set out certain rights of codetermination. LC 1992 set out information and consultation rights including veto rights in relation to major workplace changes. LC 2012 refers to consultation but not to a veto power.

German-style dual system was created in 1992 and was initially met with much scepticism from the unions. "The unions were sensitive to the loss of their previously well-developed participation rights and could no longer exercise some of the co-determination rights they had previously possessed, which had included personnel matters. (...) Comparison with other countries with a dual system in Western Europe and transition countries such as Slovenia, the rights of Hungarian works councils are very limited. There is also an overlap with core union tasks ..." (Kohl and Platzer 2004:147, 151).

IRLEX: Mandatory works councils. The works council is to be established in enterprises employing at least 50 workers. In both unionized and non-unionized workplace

EREE: workplace representation rights were established in 1992 LC. Dual system with additional local union representation. Councils have Information and consultation rights, plus a role in monitoring collective agreements, like in Germany, no codetermination. Councils are barred from striking.

ETUI: Works councils, drawing heavily on the experience in Germany, were first introduced in 1992. However, they had fewer powers than in Germany – joint decision-making (codetermination) was limited to the use of company social funds. In addition, to take account of the existing Hungarian situation, local workplace unions were left with some rights in the area of information and consultation. The right-wing government elected in 1998 swung the balance away from the unions towards the works councils, giving them the possibility to negotiate enterprise agreements. However, the socialist government elected in 2002 changed the situation again, removing the right of works councils to negotiate and increasing the consultation rights of local trade unions (with elements of codetermination). The situation changed again with the labour code, which came into effect in 2012, removing rights from the unions, although in some areas the position of the works councils has also been weakened.

- Kohl, H., and H.-W. Platzer. 2004. Industrial Relations in Central and Eastern Europe. Transformation and Integration. Brussels: ETUI.

Iceland

LRI: 1970: 0, 2006: 0.33

Act No. 46/1980 requires health and safety committees. Act No. 61/1999: information and consultation rights for representatives in European Companies with 1,000 more employees. Act No.151/2006: establishes information and consultation rights for union/workers' representatives at enterprises with 50 or more employees. Art 5: representatives must be consulted with a view to reaching an agreement on certain matters.

EREE: union workplace representation is guaranteed under the Basic Agreement of 1938 and Act 80/1938 (Trade Union and Industrial Disputes Act). Until recent, one-level bargaining, but recently some

decentralisation. Single channel representation, developed under collective bargaining, no special law on works council until transposition of EU law in 2006. Only information rights. No clear requirement that councils must be established. Their functions can be assumed by unions.

India

LRI: 1970:0

Industrial Disputes Act 1947, s. 3 provides that the government may by special order introduce regulations for works committees, but this has not been done.

IRLEX: "In the case of any industrial establishment in which one hundred or more workmen are employed or have been employed on any day in the preceding twelve months, the appropriate Government may by general or special order require the employer to constitute in the prescribed manner a Works Committee consisting of representatives of employers and workmen engaged in the establishment (...). It shall be the duty of the Works Committee to promote measures for securing and preserving amity and good relations between the employer and workmen and, to that end, to comment upon matters of their common interest or concern and endeavour to compose any material difference of opinion in respect of such matters"

Industrial Disputes Act, 1947 (No. 14 of 1947). (s. 3)

Indonesia

LRI: 1970:0; 2003: 0.33

Art. 106, ML 2003: duty to establish a bipartite cooperation institution, with a role in negotiating over dismissals and labour disputes.

IRLEX Every enterprise employing 50 workers or more is under an obligation to establish a bipartite cooperation institute. The bipartite cooperation institute (...) shall function as a forum for communication, consultation and deliberation on labour issues at an enterprise. (Law No. 13/2003 concerning Manpower, Art. 106)

"A bipartite cooperation institution, hereinafter shall be referred to as a Bipartite Institution, is a communication and consultation forum on matters pertaining to industrial relations in a company whose membership consists of employers and trade unions which have been registered with government agencies responsible for manpower affairs or workers' representatives. The establishment of the Bipartite Institution shall have the purpose to create harmonious, dynamic and fair industrial relations in the company. Bipartite institutions shall have the function as a forum for communication and consultation between the employer and representatives of the trade unions and/or representatives of the workers in order to develop industrial relations for the sustainability of the life, growth, and development of the company, including the workers' welfare. To implement its function as meant in Article 3, Bipartite Institutions shall have the following tasks: a. Conducting periodic meetings and/or at any time as necessary; b. Communicating the employer's policy and workers' aspiration in order to prevent the industrial relation problem in the company; c. Conveying the suggestion, consideration, and opinion to the employer, workers and/or trade union in order to determine and implement the company's policy." Regulation of the Minister for Manpower and Transmigration, No. PER.32/XII/2008 Regarding Procedures for the Establishment and Membership of Bipartite Cooperation Institutes. (Art. 1-4).

Ireland

LRI: 1970:0; 1996: 0.33; 2006: 0.5

There is no statutory system for permanent employee representation. Information and consultation rights operate in relation to matters covered by EU Directives on collective redundancies and transfers (1996

legislation). Under the Employees (Provision of Information and Consultation) Act 2006, companies with (from 2008) more than 50 employees come under certain consultation and information duties.

Union representation in the workplace is part of collective bargaining, but no general recognition and limited in small firms and in US MNCs. No provisions for works councils or on information/consultation rights before the transposition of EU law in 2006. Under the various Social Partnership programs (1987-2009) there was a government sponsored initiative, the National Centre for Partnership and Performance, that helped to set up consultation forums in firms—voluntarily and limited (NCP/ESRI 2004).

IRLEX: Employees (Provision of Information and Consultation) Act 2006. Provides for the (non-mandatory) establishment of consultation procedures in the firm (transposition of EU law), threshold of 50 employees. Basically channelled through unions (some provisions for non-union workplaces).

EREE: Mainly information rights, little consultation (other than through collective bargaining), no codetermination. Mostly joint councils.

ETUI: The EU directive on information and consultation (2002/14/EC), which gives employee representatives the right to be informed and consulted across a wider range of issues than is currently the case, has the potential to produce further changes to employee representation in Ireland. Companies with at least 50 employees have been covered by the legislation since March 2008 and larger companies were covered earlier. As yet there is no indication of a significant change. The 2009 National Workplace Survey indicates that the proportion of employees in workplaces with formal partnership arrangements, at 16%, has not changed since a similar National Workplace Survey was carried out in 2003. It is also important to note that this legislation, passed in 2006, does not require all companies covered by it to establish employee bodies for information and consultation. The process only begins if 10% of employees, with a lower limit of 15 and an upper limit of 100, ask for information and consultation rights, or the employer takes the initiative.

- NCPP/ESRI. 2004. *The Changing Workplace. A survey of employee's views and experiences*. Dublin: National Centre for Partnership and Performance and Economic and Social Research Institute.

Israel

LRI: 1970: 0.5

Non-legislative measures: Histadrut enterprises introduced Joint Productivity Councils in the 1940s. They would be involved in decision making and decide all issues except working conditions and wages. There were also workers' committees but both JPCs' and works councils' influence fell short of co-determination. Such committees were only available in Histadrut enterprises, which initially meant wide coverage but not so much since the mid-1990s. (Note: Histadrut coverages decreased from 70-80 percent before the 1990s to around 30 percent in the 2000s).

Italy

LRI: 1970: 0.67

The 1970 Workers' Statute provided for the formation of plant-level representative bodies with union involvement. These structures have information and consultation rights, which have been periodically strengthened but have consistently fallen short of codetermination.

Before 1970: Internal commissions (*commissione interne*), refounded in 1947, were voluntary and sometimes supported by collective bargaining, often management dominated. The 1970 Workers Statute created recognized right to union workplace rep (15+) and created a single channel (in some sense mixed) factory council (*consigli di fabbrica*) or works council (*Rappresentanze Sindacali Unitarie* RSU or *Rappresentanze Sindacali Aziendali* RSA) with weak consultation rights. Collective bargaining remains the

most important channel. "To sum up, as a representative institution at the workplace, Italian councils are ambiguously denominated, receive their rights and resources from a law that was designed for another kind of representation, and were long considered by the unions as union organisations without, however, any formal regulation of their structures and functions. (...) Insofar they represent both workers and unions, Italian councils are a borderline case, providing something more than single-channel and something less than dual-channel representation" (Regalia 1995: 221, 237). For instance, unlike Germany, no clear demarcation of negotiation role (some regulation in 1993 central agreement), and no peace obligation.

EREE: EU law transposed in 2007, strengthening some information rights. No codetermination.

IRLEX: While this legislation (of 2007) sets out the general framework for information and consultation procedures, these are to be implemented in collective agreements, applies to all businesses of 50 and more employees.

ETUI: The legislative basis for workplace representation is the 1970 Workers' Statute which provides for trade union representation at company level. However, although the law gives trade union representatives certain rights and protections, it does not provide detailed rules on how they should be chosen. The key function of the RSUs is to negotiate with the employers at workplace level. RSUs are intended to act as the workplace representatives of the trade unions and the agreements, which set them up, give them the power to negotiate binding agreements for their workplace as part of the bargaining structure.

- Regalia, I. 1995. 'The Costs and Benefits of Informality', in J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press pp. 217-242.

Japan

LRI: 1970: 0.5

Although there is no statutory underpinning for works councils as such, employee consultative committees are very widely used in practice and are considered and may make agreements having the effect of collective agreements if there is no majority representative union. There are laws governing health and safety committees and use of discretionary labour, LUA, Art. 38(4).

Japanese trade unions are constituted as enterprise unions with a presence in the workplace and employee rights are expressed through the unions (Fujimora 2012). However, it is not uncommon that separate institutions are created for employee voice, consultation and cooperation with management (Nakamura and Nitta 1995).

IRLEX: A "labour-management committee is a committee...comprising an employer and representatives of employees at an establishment...instituted with the aim of examining and deliberating on wages, working hours and other matters concerning working conditions at the establishment and of stating its opinions regarding the said matters to the employer". The resolution by a four-fifth majority of the members of this committee on matters stipulated in Art. 38-4 para 1 is one of the prerequisites for an employer to introduce the discretionary work scheme for workers engaging in the work of planning, drafting, researching and analysing matters regarding business operations (Labour Standards Act, Act No. 49 of 7 April 1947). The labour management committee is a body created by statute, that social partners may establish voluntarily. Consultation over work organisation is its main task. Sometimes involved in negotiations—part of enterprise union.

- Fujimora, H. 2012. 'Japan's Labor Unions: Past, present, future'. *Japan Labour Review*. 9(1): 6-24.
- Nakamura, K., and M. Nitta. 1995. 'Developments in Industrial Relations and Human Resource Practices in Japan', in R. Locke, T. Kochan and M. Piore, eds., *Employment Relations in a Changing World Economy*, Cambridge Mass.: The MIT Press, pp. 325-358.

Korea

LRI: 1970: 1

Labour Union Act, 1963 amendment: introduction of Labour Management Councils (LMCs) with the right to represent at collective bargaining sessions. The latter right was abolished in 1973. Labour Management Council Act 1987, Art. 4(1): employers with 50 or more employees are obliged to set up intra-office consultation committees. Art. 6(1): the employer must consult about extensive issues. 2007 amendment to Act on the Promotion of Worker Participation, Art 4: in undertakings with 30 or more employees, a Labour Management Council (LMC) shall be established. Art 22: matters to be discussed are listed but there is no enforcement mechanism to ensure that the LMCs are properly established and consulted as envisioned. Similar provisions in force from 1997.

Like in Japan, Japanese trade unions are constituted as enterprise unions with a presence in the workplace and employee rights are expressed through the unions (Jeong 2007). In addition, the state has legislated on joint labour management councils. "Korea is the only non-European OECD country that has legislated a works council statute, last revised in 1997 through the Act on the Promotion of Worker Participation and Cooperation (...) Works councils ('labour-management councils') must be established in businesses or workplace with 30 or more (initially 50 or more) employees, they are designed to maintain labour peace and to resolve actual or potential disputes at workplace level in a non-adversarial setting. (...). The councils are composed of an equal number of employees and employer representatives (...). There is a long list of matters subject to consultation within the works council, from productivity concerns to recruitment, health and safety, and the introduction of new technologies. Certain items require the agreement of labour representatives, such as the establishment of a basic capacity company training scheme or the administration of company welfare activities. The law distinguishes these matters from the collective bargaining, but in unionised companies it is difficult to distinguish between works council and trade union activities. In addition, in certain non-unionised companies, the works council will engage in consultations (de facto not much different from bargaining) over wage rates." (OECD 2000: 48)

IRLEX: Promotion of Worker Participation and Cooperation Act (Act No. 5312) of 1997. Labour Management Councils are created by statute, and must be established in any enterprise meeting that meets the requirements (=30+). Union based, information and consultation tasks (no codetermination). The term "Labour-Management Council" means a consultative body formed to promote the welfare of workers and seek the sound development of the business through the participation and cooperation of workers and employers. A Council shall be composed of equal numbers of members representing the employer and members representing the workers, and members representing workers shall be elected by the workers, and if there is a trade union composed of a majority of workers, the representative of the trade union and persons appointed by the trade union shall be workers' members.

- OECD. 2000. Pushing Ahead with Reform in Korea. Paris.

Latvia

LRI: 1990: 0.5; 2002: 0.75

Under the LLLC, Art. 112, employee representatives had certain codetermination rights, in relation to determining work targets. From 2002 a works council system was introduced aimed primarily at non-union workplaces, providing codetermination rights on a range of collective and individual labour law issues.

IRLEX: 2001 LC The election of employee representatives for information sharing and consultation purposes is a right that may be voluntarily applied in any workplace with 5 or more employees. No specific provisions for non-unionised workplaces. Right of information and to hold meetings.

EREE: 2001 LC establishes a basis for union workplace representation as part of collective bargaining. Split system (works council where there is no union). Union representatives have more rights. Employer is

not required by law to establish an employee representative system, leaves the initiative to the trade union. Information rights. Consultation is defined as dialogue, no redress. No codetermination.

ETUI: Section 10 of the Labour Law states that employee representatives are either trade union members or officials, or authorized (elected) employee representatives (may be elected if an undertaking employs five or more employees). Information and non-enforceable consultation rights.

Lithuania

LRI: 1990: 0.33; 2004: 0.50; 2008: 0.67

The CL provided for a system of union representation at the workplace. In 2004, works councils became mandatory in workplaces with 20 or more employees, but without co-decision powers. In 2008, rights to information and consultation were strengthened.

EREE: The 2003 LC sets up a single-channel worker representation system in the enterprise. Exclusive representation rights are vested in the trade union. However, the general assembly of employees may withdraw this when there is no enterprise trade union. Given the weakness of trade unions this results in a split system. The employer is not required to take action. Information rights and non-enforceable consultation rights. No codetermination.

ETUI: Until 2003 workplace representation in Lithuania was provided solely through company-level trade unions. But the new Labour Code, which came into effect on 1 January 2003, provides for the setting up of elected works councils where there are no unions, either a functioning union at the workplace – the first option, or an appropriate industry union to which the workforce has transferred its representation rights – the next option. Workplace employee representatives, whether in a local union organisation or in a works council, generally have the same rights. The right to organise strike action, which previously had been limited to unions, was extended to works councils in 2005, which can thus claim a role in bargaining.

Luxembourg

LRI: 1970: 0; 1974: 1

Act No.35 1974: Art.1: a joint (equal employee and employer representation) works committee to be established in certain enterprises with 150 or more employees. Art 7: joint decision-making powers. Art. 8: information rights. See LC 2013, Art. L. 421-1 et seq.

EREE: Based on 1974 Act, in 1979 amended with more consultation rights. Employee representatives (*délégués du personnel*, DP) in (15+) firms, Joint committees (*Comités Mixtes*) in larger (150+) firms with more consultation rights and some codetermination rights.

ETUI: Unlike some other European countries, including neighbouring Belgium, there is no legally backed trade union presence at the workplace. Joint company committees, with employer. The employee members are elected.

Malta

LRI: 1970: 0; 2006: 0.33

Prior to 2006 there was no legal provision for workers' councils or committees. EIRA 2002 states that 'employee representative' means union representative. Since 2006, where the workers are not represented by a union, they may elect their own representatives, who enjoy consultation and information rights in line with those of trade unions. Since 2008, these information and consultation rights have applied in companies of 50 or more employees and before that (from 2006) to larger companies only.

EREE: No statutory provisions for workplace representation (voluntary system, like UK, subsumed under collective bargaining). In 1970s failed attempt to introduce worker participation (in one-tier company

governance system, like in the UK under Labour government. EU law transposed in 2006, with some information and consultation rights in 150+ enterprises, later decreased to 50+. No practical significance—unions do not press. (The only actual existing works council in Malta is in Air Malta and is established by collective agreement).

ETUI: also provisions for workplaces without recognized unions. However, despite the potential for non-unionised structures for information and consultation to emerge through this legislation, the reality of employee workplace representation in Malta at present is that it either takes place through the union or it does not take place at all.

Mexico

LRI: 1970: 0

No provision for works councils.

Limited union workplace representation rights (Cardoso and Gindin 2009).

- Cardoso, A., and J. Gindin. 2009. Industrial relations and collective bargaining: Argentina, Brazil and Mexico compared. Geneva: ILO, working paper Industrial and Employment Relations Department.

Netherlands

LRI: 1970:0; 1979: 1

Laws on works councils were first introduced in the 1950s. In 1979, there was a strengthening of the Works Constitution Act, with the employer no longer member or chair of the works council.

Since 1950 three different works councils (*ondernemingsraad*). “The mandatory works council of 1950 was designed as a channel of communication between employer and employees and was embedded in a paternalist view of labour management relations. The law of 1971 gave the works role a dual role: representation of employee interests was added to the task of contributing to the optimal functioning of the firms. The reform of 1979, finally, removed the employer from the council’s. Advisory and co-determination rights were broadened, and a larger array of legal instruments was placed in the council’s hands.” (Visser 1995:79). The 1950 council had only information rights (and there were no sanctions for firms refusing to establish a council). The 1971 council had enforceable consultation rights. The 1979 council had co-decision rights in training, staff assessment, pensions, pay schedules, health and safety provisions, and the power to delay, and change, staffing decisions, mergers and other major strategic decisions and could, in case of dispute, go to court.

ETUI: 1950 mandatory council (without enforcement, chaired by employer), limited information rights, expanded with enforceable consultation rights in 1971. In 1979 works council (50+) becomes employee-only body (employer removed from chair—separate sessions for consultation), expansion with codetermination rights. 1981: works council (with limited rights) in small firms (+35). No direct union representation in the firm.

EREE extensive information, consultation and codetermination rights, possible to sue employer

- Visser, J. 1995. ‘The Netherlands: From Paternalism to Representation’, in J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press pp. 79-114.

New Zealand

LRI: 1970:0; 2000: 0.33; 2002: 0.5

There is no provision in New Zealand for works councils or similar bodies. Consultation or information rights existed in some awards (1970-90) and collective employment contracts (1991-2000). 2000: obligation to consult employees (or their union representative) in a range of matters. HSE Act 2002: OSH Committees to be established in the workplace and given reasonable opportunities to improve health and safety. 2004: increased consultation duties.

Deeks/Rasmussen 2002, ch 10: In late 1960s voluntary initiatives in industrial democracy (in 12,5% of all companies in 1972), includes EI, no formal structures or rights. Since late 1980s, issue has disappeared from agenda. Neither Labour nor unions have promoted works council. Unions have generally shop stewards in workplace where they are recognized and negotiate collective agreements.

- Deeks; J., and E. Rasmussen. 2002. *Employment Relations in New Zealand*. Auckland: Prentice Hall.

Norway

LRI 1970: 0.67

The 1966 Basic (Co-operation) Agreement between NAF and LO established workers' councils.

The Working Environment Act (WEA) of 1977 extended participation through activities of the Work Environment Committees and safety delegates. Art. 12(1) of the Basic Agreement requires works councils in enterprises with 100 or more employees (they are optional in smaller enterprises). Under Art 12(8) WEA, management must address matters on which the works council gives its opinion and inform the council of its decision.

Union recognition and workplace representation is based on the 1935 Basic Agreement between the main union and employers' association, which was several times renewed and expanded. The 1966 (Cooperation) Agreement created a single-channel works council (*bedriftstutvalg*). Part A of the agreement deals with shop stewards, part B with works councils (bipartite joint councils, dealing with financial and economic affairs), with information and, since 1977, backed by the Work Environment Act, consultation rights (Dølvik and Stokland 1992).

IRLEX: employers have an obligation to share information and consult with employees on certain issues. Chapter 8 of the Working Environment Act implements EU Directive 2002/14/EC establishing a general framework for informing and consulting employees. Section 8-1(1) provides that in undertakings that regularly employ at least 50 employees, the employer shall provide information concerning issues of importance for the employees' working conditions and discuss such issues with the employees' elected representatives. Section 8-2(4) of the Working Environment Act also provides that information and consultation procedures set out in the provisions of Chapter 8 may be deviated from by collective agreements. This is often the case in unionised companies where provisions on consultation and information in the Basic Agreements between trade unions and employers take precedence over the provisions in the WEA.

EREE: Information and consultation rights, no codetermination. Shop stewards can negotiate agreements, works councils cannot.

- Dølvik, J.-E., and D. Stokland 1992. 'Norway: The 'Norwegian Model' in transition', in: A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*. Oxford: Blackwell, 143-167.

Poland.

LRI: 1990: 0; 2001: 0.33

LC 2001 introduced a concept of worker representation for the purposes of information and consultation and subsequent laws established employee representative bodies with varying degrees of trade union

involvement, some of which were the subject of constitutional challenges. The information and consultation requirements are broadly in line with EU law but do not go beyond it.

Several ‘works council’ movements – 1956, 1970s, 1980 and second half of the 1980s. Sometimes substituting for (illegal) unions and attempt to decentralize decision making, against party-controlled central planning. Later, after 1989, seen in competition with unions as many councils opposed shock therapy supported by Solidarity union. In the end, enterprise unions became dominant (Federowicz and Lewis 1995).

IRLEX: This Act (of 2006) shall establish the framework for informing and consulting employees as well as rules governing election of members of works councils [*rady pracowników*]. The provisions of this Act shall apply to employers conducting activities business employing at least 50 employees

EREE: Transposition of EU law created split system. Where unions exist, the works council is but an extension of the union or unions. Without union representation, or when unions fail to reach agreement, the employer must be notified and works council must be elected from employees. Before and since 2006, unions have the right to set up a works council, no strict legal regulation on procedure. Union workplace representation is voluntary and part of collective bargaining. Information and (non-enforceable) consultation rights, no remedy when employer ignores consultation (is merely defined as exchange of views in the 2006 act). No codetermination.

ETUI: Under the 1991 Trade Union Act, unions are required to “represent rights and collective interests of all employees regardless of their trade union membership”. However, in addition to representation through the local union, legislation introduced in 2006 provided for the establishment of works councils in companies with more than 50 employees (initially 100 for a transitional period until March 2008). This legislation was introduced to implement the EU directive on providing a national framework for information and consultation (2002/14/EC) and the powers of these works councils are limited to receiving information on economic issues and being consulted on employment and work organisation issues – entirely in line with the directive. Workplace unions, or some other representative body, should be consulted in the case of large-scale redundancies and ideally, the employer should reach agreement with them. However, if agreement cannot be reached, the employer should take account “where possible” of the union’s proposals. Workplace representation in Poland is primarily through the workplace trade union organisations. The Polish legislation implementing the directive specifically provides that where there is an existing agreement providing a comparable level of information and consultation, there is no need to set up a works council, but in other cases it potentially creates a new representative structure in Poland. New legislation was passed on 22 May 2009, which came into force on 8 July 2009. Under it works councils were in future to be elected by the whole workforce.

- Federowicz, M, and A. Lewis. 1995. ‘Poland: Councils under Communism and Neoliberalism’, in J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press pp. 283-312.

Portugal

LRI; 1970: 0.33; 1976: 0.75

Constitution of 1976, Art. 55: right to establish workers’ committees. Art. 56: confers such committees the right to adequate information to conduct their activities. Law No. 46/79 enacted to realise the constitutional rights. Art. 19 also required employers to regularly meet with those committees. Art. 24 restricts employers taking action in certain areas without adequate consultation of the Committee.

Under the new Trade Union Law in 1976, which ended monopoly unions, trade unions are allowed to form enterprise union organisations. This law and the Portuguese constitution provides for a dual system – union workplace representation next to workers’ committees (*comissões de trabalhadores*, CT)

independent from the unions. The CT is mandatory (+50 firms), but not enforced, and often resisted by unions (Barreto 1992).

EREE: The 1997 constitutional reform conferred rights of information and consultation on union representatives and worker committees. No codetermination.

ETUI: In theory, workplace representation in Portugal runs through two channels: trade union delegates, representing trade unionists who may come together in trade union committees and in works councils representing the whole workforce. CTs normally only exist where there is a strong union presence and the unions have effectively taken over many of their functions. Typically, in such cases, the CT will be dominated by the largest union in the company, which will use the works councils' information and consultation rights as an indirect method of being informed and consulted. By law, works councils can be set up in any organisation at the request of the employees, although in practice they exist only in bigger organisations. The role of the CT is purely advisory and consultative. It does not have the decision-making or veto powers, which exist elsewhere in Europe. In most cases works council will not be involved in collective bargaining, where the unions normally have the sole right to represent the employees. However, changes to the labour code in 2009 permitted the CT to negotiate with the employer where the company employs at least 500 employees, provided this has been expressly permitted by the union. In 2012, the threshold was lowered to 150.

- Barreto, J. 1992. 'Portugal: Industrial Relations Under Democracy', in: A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*. Oxford: Blackwell, 445-481.

Romania

LRI: 1990: 0.67; 1991: 0.33; 2006: 0.67

LC 1972 Art. 9(3) refers to a right to participate in management through workers' councils with extensive consultation rights but no right of veto. From Law 54/1991 trade unions alone had employee representation rights. These were strengthened with effect from 2006.

IRLEX: Law of 2006 states that employers and employees must consult each other (social dialogue). Where employers do have an obligation to consult or inform employees, this is to be done either through the trade union representative or, where no trade union exists, with the duly elected employees' representative.

EREE: Works councils, as existing before 1989, were abolished as from 1990. The Labour Code of 1991 regulated the rights of unions and union representation in the workplace, and conferred all rights of consultation and social dialogue to the unions. The union's information and consultation rights have been strengthened by legislation implementing the 2002 EU directive on a general framework for information and consultation at national level. This was passed in December 2006 and came into force on 1 January 2007 and states that the employer should inform and consult about the recent and probable future development of the business, the current situation and likely changes in employment, and issues likely to lead to substantial changes to work organisation or contractual relations. Under the 2006 LC, there is a right to elect employee representatives in workplace where there are no trade unions. This creates, in effect, a split system. Union or employee delegates have information and consultation rights (no codetermination rights). Employee delegates can be involved in collective bargaining where there are no unions. Under §229(1) of the 2006 LC, a works council (*comitetului de întreprindere*) may operate in 50+ firms. If requested, the employer must organize works council election.

ETUI: Union organisations at the workplace are the main body for employee representation. Although by law employee representatives can be elected where there are 20 employees and no union is present, in practice this is very rare. Legislation implementing the EU directive on a general framework for information and consultation, which was passed in December 2006, is unlikely to change the situation. However, the changes introduced by the Social Dialogue Act in 2011 have made trade union operations more difficult

as a union can now only be set up by at least 15 individuals in the same company. In the past, it was 15 individuals in the same industry or occupation.

Russia

LRI: 1992: 0.67; 2002: 0.33

Works councils had codetermination powers in respect of social issues, working conditions and certain dismissals under the CL of the Soviet Union. Under the 1992 LC they have more limited information and consultation rights, reduced in 2002 LC.

"While the new LC (of 1992) reduces the legal rights of the trade union to approve management decisions, reduces employment security and provides scope for unscrupulous employers to extend working hours, it retains intact the bulk of the soviet protective labour legislation (Ashwin and Clark 2002:114). The main changes were the introduction of decentralised bargaining and the abolishment of the joint worker-management councils (council of the worker collective, STK) in 1992 (had been newly constituted under Perestroika, and defined in the Labour Code of 1988, which amended the CL of 1972). The 1996 trade union law defined unions as enterprise unions. No information or consultation rights defined in the 1992 or 2002 Labour Code. The unions have a right to access the work place and carry out inspections, but have no right to be informed or consulted over major management policies, in particular privatisation. Under the 2002 LC, employers must provide facilities to enterprise union delegate to carry out their task to monitor the enforcement of labour laws and collective agreements.

- Ashwin, S., and S. Clarke. 2002. *Russian Trade Unions and Industrial Relations in Transition*, Basingstoke and New York: Palgrave.

Slovakia

LRI: 1993: 0.5; 2003: 0.67; 2007: 0.5; 2011: 0.67; 2013: 0.5

Art.37 of the Constitution is interpreted broadly to imply a right to direct or indirect participation in the running of the enterprise through a right to express an opinion on working conditions, working time, scope of work, and organisation. The 1965 Labour Code (Art: 18(3) of Czechoslovakia) provided for participation rights for all workers, primarily through trade unions, in the form of discussions. Until 2002, the only worker representative bodies were trade unions. Since 2002, the works councils, worker trustees and other representative bodies have limited rights in workplaces without a trade union. Since 2003, employees have voice rights over information relating to the economic situation of the business. There is joint-decision making on working time, and limited negotiation and information rights otherwise. Co-determination rights (on working time) operate only in the absence of a collective agreement. From 2007, the trade unions were again given a privileged position limiting rights to information and consultation for other worker representatives. The 2011 Amendment again weakens the trade union role in the company in favour of other employees' representatives and extends co-determination and negotiation rights to employee representatives. From 2013, works councils' rights where there is a trade union are again limited to information and consultation: LC 2013, Article 229(7).

EREE: Until 2002 union monopoly on workers rep in firms, 2002 law (implemented from 2003) allowed works council (*zamestnaneckáj rady*) also in firms where there are unions (different from Poland). Union delegates and councils have information and consultation rights. With 2006 LC this becomes split system. No bargaining rights (situation in 2011-12 is reversed). No codetermination.

IRLEX: LC 2002 With the view of securing just and satisfactory working conditions, employees shall participate in decision-making of the employer concerning their economic and social interests, either directly or by means of competent trade union body, the works council or the works trustees. Employees' representatives shall mutually cooperate.

ETUI: Recent years have produced major changes in legislation favouring works councils over workplace trade union organisations. Both can now exist in the same workplace and powers are divided between them, although the precise balance between the two has varied as a result of the changes recent governments have made. Until 2002 local trade union bodies were the only organisations legally entitled to represent employees at the workplace. This had been the situation from the creation of a separate Slovak Republic in 1993, and in practice for more than 30 years before that. However, legislation in April 2002 allowed for the introduction of works councils but only in companies without trade union representatives. Just over a year later in July 2003 this legislation was itself amended to allow works councils to be established at all workplaces, including those with unions, taking responsibility for information and consultation away from the unions and giving it to the works councils, where they exist. A revised version of the Labour Code, which came into force in September 2007, subsequently reduced the powers of works councils, giving some of their responsibilities back to the local unions. In 2011, the pendulum swung again with works councils being given the right to negotiate agreements in companies with no unions. However, this change has been reversed and since January 2013 only unions have had the right to negotiate agreements on pay and conditions.

Slovenia

LRI: 1991: 0.67; 1993: 1

Prior to 1993: general right to participate in management. From 1993: specific works council law.

Before 1990, the (Yugoslavian) model of Workers Self-Management applied, with workers' councils having co-determination rights and little distinction between management and workers. The councils had veto rights over the appointment of labour directors. "A great diversity of forms of company organisation and management of the labour process emerged in Slovenia during the process of the transition (...). The right of free organisation for employee representatives is anchored in the 1991 Constitution of the Republic of Slovenia. (...) This provided the basis for the 1993 law on participation (...) a dual system of employee representation at workplace level (...) was introduced through the 1993 law (...). The strategic decision to introduce works councils was based on the view that a general form of representation for all employees ought to be established at a decentralised level and should be independent of their trade union membership (...):" (Kohl and Platzer 2004:153-5).

EREE: Works council (*svet delavcev*) based on a dual system established by law in 1993. Information and consultation rights (codetermination not on economic issues). Barred from collective bargaining

ETUI: Employees at the workplace are represented both through their local union structures and, in workplaces with more than 20 employees, a works council. In practice works council members are frequently trade union activists, although the extent of trade union involvement varies from industry to industry. The works council legislation dates originally from 1993 and draws heavily on the experiences in Germany and neighbouring Austria. Figures from 2004 suggest that around two-thirds of larger companies have works councils.

- Kohl, H., and H.-W. Platzer. 2004. Industrial Relations in Central and Eastern Europe. Transformation and Integration. Brussels: ETUI.

South Africa

LRI: 1970: 0; 1995: 0.67

The LRA 1995 provides for workplace forums to be established in workplaces with over 100 workers. The LRA 1956 referred to the establishment of workers' forums but these provisions did not provide for effective worker participation and were not used in practice (Du Toit, *Labour Relations Law*, 1995).

IRLEX: "Workplace Forums must seek to promote the interests of all employees in the workplace, whether or not they are trade union members; and must seek to enhance efficiency in the workplace; The WF is entitled to be consulted by the employer, with a view to reaching consensus, and is entitled to participate in joint decision-making. The employer is also obliged to disclose information to the workplace forum (Labour Relations Act, 1995). A workplace forum is a workers'-only body created by legislation. Is union based (single channel), although there are also provisions for non-union workplaces. Information, consultation and limited codetermination (not on econ issues) rights. The provisions are not however, mandatory, as the social partners have the right to establish workplace forums voluntarily. Workplace forums cannot call strikes and are barred from wage bargaining.

The experience with Workplace Forums is mixed and consultation is not always effective (Steadman 2004).

- Steadman, F. 2004. 'Workplace Forums in South Africa: A Critical Analysis', *Industrial Labour Journal*, 25: 1170-1202.

Spain

LRI: 1970: 0; 1971: 0.67

Law 2/1971: establishment of mandatory works councils. Decree 2380/1973: extension of information and consultation requirements. Workers' Statute 1980, Art. 61: employee representative bodies have right to receive information, express views on relevant matters, and supervise compliance with legislation. There is no provision for joint decision-making.

In 1947, when unions were outlawed and strikes prohibited, the law on *jurados de empresa* created the first form of legally based works councils. After 1958, as part of the economic liberalisation program, these councils took a role in collective bargaining, with agreements still subject to state approval. "From the legal reintroduction of collective bargaining in 1958, at a time when unions were banned, works councils have been entitled to negotiate collective agreements at the enterprise level. They have retained this right (...)." (Escobar 1995:164). Works councils, renamed *comités de empresa*, now employee-only and elected bodies, became mandatory in 50+ firms in 1971, later lowered to 10+, and played an important role in the transition to democracy (1975-1981). In 1975 works council elections became the rallying point for the still illegal unions. "At the beginning of the transition, union workplace organisations were not legally recognized, putting many functions in the hands of the works councils, including firm-level negotiations and the organization of strikes. The bargaining role of unions inside firms was not recognized until the (...) Workers' Statute of 1980." (Escobar 1995:155).

IRLEX: 1980 Workers' Statute. The works council is the professional representative body of all the workers in the company or workplace established for the defence of their interests, and shall be formed in every workplace with a census of fifty or more workers.

EREE: works council have information and consultation rights (limited codetermination rights, mainly on EPL).

ETUI: Elected works councils are the main channel of workplace representation for employees in Spain, although the law also gives a specific role to the unions at the workplace and in larger workplaces the trade union delegate may be the key figure. The works councils themselves are dominated by the unions and, as well as information and consultation rights, they also bargain on pay and conditions at company level. The tasks of the works council cover information and consultation, the provision of limited protection for individual employees, the monitoring of the application of certain labour regulations, and the control of social facilities at the workplace. However, they have no powers to prevent management acting as it wishes in the final instance. Unlike works councils in some other European states, works councils in Spain are also involved in collective bargaining. Works councils can negotiate binding collective agreements covering pay and conditions in their company, or in parts of their company. The composition of the works councils is also crucial in determining who has the right to reach collective agreements at industry level.

- Escobar, M. 1995. 'Spain: Works Councils or Unions?', in J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press pp. 153-188.

Sweden

LRI: 1970: 0; 1977: 0.33

The Swedish model of codetermination, under the Codetermination of Working Life Act 1976, is based on the employer's duty to negotiate and consult with the trade union on changes in the activities of the enterprise and on major changes affecting the company and labour management issues.

Union workplace representation is guaranteed in the Basic Agreement between the main union and employers' confederation (1908, 1938 etc.). This is the basis for a single-channel system of employee representation. "In Sweden there are no workplace-based arrangements for the representation of employees independent of trade unions. There is no second channel providing voice for employees .. (...). Those workplace arrangements in Sweden that resemble works councils should rather be labelled informal joint councils." (Brulin 1995:189-190). A Joint Council Cooperation Agreement for the purpose of cooperation in the enterprise was concluded in 1946, but came increasingly under critique of the trade unions in the 1960s, who pressed for co-determination. The Workplace Union Representation Act of 1974 and Codetermination Act of 1976 expanded representation, information, consultation and co-decision rights.

EREE: information, consultation and codetermination rights.

ETUI: Workplace representation for employees in Sweden is through the local union at the workplace. There is no other channel. Legislation requires the employer to inform and negotiate with the unions at the workplace before making major changes, and many of the practical arrangements for doing so, which elsewhere in Europe are fixed by law, are left in Sweden to local negotiations. The Co-determination at Work Act (MBL) sets out a number of more general requirements. Where "significant changes" in employer's activities or employees' working or employment conditions are planned, there is a duty on the employer to take the initiative and enter negotiations with the union, with whom he or she bargains before any decisions are taken.

- Brulin, G. 1995. 'Sweden: Joint Councils under Strong Unionism', in J. Rogers, and W. Streeck, eds. *Works councils: Consultation, representation, and cooperation in industrial relations*, Chicago and London: University of Chicago Press pp. 189-216.

Switzerland

LRI: 1990:0; 1993: 0.33

From 1993 the Federal Statute on the Participation Rights of employees provides for information and consultation rights and for an enterprise committee in enterprises above a certain size.

"In Switzerland there is a dual system of employee interest representation. The works committee (Betriebskommision) at company level is elected by all employees and is formally independent from the unions, as in Germany, but its powers are more limited than in the German case (.). Until recently there was no legal regulation of the system; in 1976, there were proposals for legislation to make works committees obligatory, but these were defeated in a referendum and the question was allowed to drop. Only with the discussion over Swiss participation in the European Economic Area was the matter revived, and though EEA membership was rejected a Co-operation Act (*Mitwirkungsgesetz*) was approved in 1994 (Fluder and Hotz-Hart 1998: 278)."

EREE: Under the 1994 Act employees in principle have a right to information and consultation. In enterprises with at least 50 employees, there is also a right to employee representation. If 100 employees

ask and a majority of voters so elect, works council must be formed. This is independent of the trade union. As a rule, however, at least some of the employee representatives are members of a trade union and/or advised by trade unions. Works councils are not mandatory, the initiative for forming an employee representative body must be taken by the employees. The rights and, therefore, the influence of employee representative bodies are less than in most other European countries. Mostly information rights and limited consultation rights. In collective agreements, company representative bodies can be granted competences for wage negotiations

- Fluder, R., and B. Hotz-Hart. 1998. 'Switzerland: Still as Smooth as Clockwork?', in: A. Ferner and R. Hyman, eds., *Changing Industrial Relations in Europe*. Oxford: Blackwell, 262-282.

Turkey

LRI: 1970: 0.50

There is no general provision for works councils but specific laws provide for worker representation for the purposes of paid leave and health and safety issues (Law 1475, Art. 76; Annual Paid Leave Act 1972; Regulation of Occupational Health and Safety Committees 2004, Art. 5).

EREE: No works council. Only union representation. Attempts to legislate on employee workplace representation where there are no unions failed. Unions have very limited workplace representation rights, and various thresholds for union representation exist. The 1983 law consign limited information rights to union representation (mostly about employment developments and contracts), basically related to administration and enforcement of CAs where they exist.

United Kingdom

LRI: 1970:0; 1976:0.33; 2000: 0.50; 2013: 0.33

There is no legal requirement for works councils or similar standing bodies in the UK. From 1976 information and consultation requirements were introduced for collective redundancies (Employment Protection Act 1975) and from 1981 for business transfers. Information and consultation obligations were extended from 1999 for transnational companies required to have European Works councils (SI 1999/3233, implementing Directive 94/45/EC) and from 2004 for other companies above a certain size threshold (SI 2004/3426, implementing Directive 2002/14/EC). However, in both cases, particularly the latter, considerable flexibility was accorded to employers in meeting these obligations, and the bodies concerned do not have co-decision making powers. From 2013 the content of the obligation to inform and consult over collective redundancies was reduced (Enterprise and Regulatory Reform Act 2013).

EREE: No formal system of workplace representation. All workers are represented through unions. Where are no unions, there is no representation. Legislation of 1999 introduced recognition procedure, based on ballot. Consultation of Employees Regulations 2004, effective in 2005, implement EU law of 2002 (2002/14/EC), mainly providing procedure to reach agreement with employer and set up election scheme. Works councils are voluntary and ad hoc. Most minimal transposition of EU law possible. Information rights where union is recognized, some fallback options when unions is not recognized.

IRLEX: Giving effect to the EU Directive on Information and Consultation (Council Directive 2002/14/EC), the ICE Regulations allow employees in a workplace to request the conclusion of an agreement with the employer to entitle them to information and consultation procedures. If the request is submitted in accordance with the Regulations, the employer is obliged to comply with the request. No sanction when no agreement is reached. So the system remains voluntary.

ETUI: There is no formal legal mechanism providing for on-going workplace representation in the UK. In contrast to some EU countries there is no structure of works councils elected by all employees, and there

is also no legislation or system of legally binding collective agreements which give wide ranging powers to local union organisations to represent all employees.

United States

LRI: 1970: 0

The law does not provide for either codetermination or information and consultation of employee representatives.

IRLEX: No provision found in legislation.

There are no works councils. Union workplace representation exists where the union is recognized as a result of the collective agreement. "Through the collective bargaining process, trade union and management negotiate the complex set of rules governing the deployment of labour, promotions, and layoffs, and in case of dispute, well-defined and formalized arbitration procedures ensure that these are equally applied to all workers. In nonunionized firms, even this limited notion of industrial democracy is rarely institutionalized. (Weinberg and Kochan 1995:3)."

- Weinberg, M, and T. Kochan, 'The Limits of Diffusion: Recent developments in industrial relations and human resource practices', in: R. Locke, T. Kochan and M. Piore, eds., *Employment Relations in a Changing World Economy*. Cambridge Mass.: The MIT Press, 1-32.

Section E – Employers organisations

In the literature on industrial relations, collective bargaining and wage setting, much less attention has been given to, and much less is known about, the organization of employers compared to workers and unions. “Unlike most unions, whose periodic reports contain membership information in some detail, employers’ associations at industry level are reluctant to release more than summary information. Consequently intra- and inter-country comparisons of relative association strength are at best crude estimates (Windmuller 1984:22)”. This statement of nearly forty years ago by the lead author of one of the very few comparative studies on employer organisation is still true.

Assessing the extent of employer organization is relevant for evaluating the organization, development and coordination of collective bargaining. Employer organization in a particular industry, occupation, region or country, is the precondition for durable multi-employer bargaining. Economy-wide organisation of employers has been the basis for central bargaining and coordination in many countries (Iversen, Pontusson and Soskice 2000). This does not exhaust the definition and task of employer organisations, however. Many engage in assisting firms in dealing with trade unions, assisting or representing firms in dispute settlement, advising on HRM issues, lobbying legislators, or administrating or advising governments on issues related to training, social insurance, minimum wage setting and collective bargaining.

Employers have engaged in business organisations and coalitions of various kinds, but not all of these count as employer organisations. Windmuller (1984:2) distinguishes between ‘economic’ associations organisations, which deal with matters of trade regulation, tax policy, product standardisation, cartel arrangements, and export promotion, and ‘social’ organisations, which take responsibility for all aspects of the employment relationship, including relations with trade unions, human resource management policies, and the legislative, administrative and adjudicatory role of the state and its agencies in matters of labour and employment. With the passing of time, many organisations have combined or mixed the two tasks. Such mixed organisations developed at peak level, for example, in Britain (1965), the Netherlands (1968), Australia (1977), Norway (1989); Denmark (1991), Finland (1993), Ireland (1993), Sweden (2001), New Zealand (2001), and Japan (2002). In Southern and in Eastern and Central Europe, and in France and Belgium most employers’ organisations have combined social and economic functions from the start. This makes organisation with ‘mixed’ functions the most prominent type today, with the main exceptions of distinct ‘trade’ and ‘employer’ organization at the peak level, found in Germany, Switzerland and Korea.

Based on the distinction (Behrens and Traxler 2004) between employer organisations (E), which specialise in representing only interests related to the labour market and industrial relations; trade associations (T), which represent only the product market interests of their members; and 'mixed' associations (M), which combine the representation of labour market interests and product market interests, the ICTWSS data base presents data on the presence, organization and membership of the first and third type.

Variables¹²

The first step has been to identify all peak associations, their domains (industry, services, small or large firms, special ownership types such as cooperatives, or non-profit, and specific sectors, like agriculture, banking, transport, etc.), their function or task description (trade, employment, mixed), and years of existence (foundation and cessation year, for instance due to a merger or take-over by another association, etc.).¹³ Combining the membership lists of the key international organisations, like the *International Organisation of Employers*, which is the voice of business in social and employment policy debates in the

¹² The variable **Sector** has been dropped.

¹³ For a similar procedure, applied to creating the database for trade union organisation, see Ebbinghaus and Visser (2000).

ILO, the UN and the G20 (<https://www.ioe-emp.org>), the *Business and Industry Advisory Committee to the OECD* (<http://biac.org>), *BusinessEurope*, the main organization representing 35 national federations in the European Union (<https://www.businesseurope.eu>), and *SMEUnited*, which does the same for crafts and small and medium-sized enterprises (<https://smeunited.eu>), 98 employers' organisations have been identified. An additional 45 organisations have been identified based on their membership in national social and economic councils and the country profiles in the EURWORKS database of the European Foundation for the Improvement of Living and Working Conditions, bringing the total up to 143 employers' peak associations, excluding organisations dealing only with trade issues, lobby groups based on personal (invited) membership, like Business Roundtables, and organization that target only one specific sector, for example in agriculture, banking, transport, etc. This total of 143 organisations, or just under 3 per country, compares with 173 peak associations of trade unions (data for 2019). Table 5 presents the data for 2019.

The next step is to estimate the membership of these associations. As a rule, they have, directly or via their industry federations, companies as their members. As in the case of trade unions, we could calculate the density rate of employers as the share of member firms in the total. However, unlike trade unions, these members are not individuals but companies and for the resources and influence of employers' organisations it matters whether their member firms are large or small.¹⁴ For example, the two peak employers' associations in the Netherlands organised 205,000 of the 330,000 non-agricultural firms with one or more employees in the Netherlands that, according to the Central Statistical Office, existed in 2000, which gives a density rate of 62 per cent. The main employers' federation, with 80,000 member firms, organised all firms with 500 and more employees, 90 per cent of the 100+ firms, and 50 per cent of the firms with 20-100 employees. The SME federation, with 125,000 firms, organised 40 per cent of all firms with 50 or less employees. Considering their share in employment, the combined density level rises to 82-83 per cent (Visser and Wilts 2006:31).¹⁵ The employer density rate based on employment shares is "usually more indicative of association representativeness and relative strength than the mere number of member firms Windmuller (1984:22)". This makes it also better comparable with union density and bargaining coverage rates, which are similarly defined as also the relative share in the total number of employed wage and salaried workers.

NECFs: Number of Employers' Confederations (Peak Associations)

(1-∞) = number of employer peak associations (sectoral organisations (agriculture etc.) and organisations in the government sector are excluded).

ED: Employers' organisation density, as a proportion of employees in employment

(%) = workers and salaried employees in firms organised in employers' organisations as a proportion of all wage and salary earners in employment (WSEE).

EDpriv: Employers' organisation density in the private sector, as a proportion of employees in private sector employment

(%) = workers and salaried employees in private sector firms organised in employers' organisations as a proportion of all wage and salary earners employed in the private sector (WSEE_private).

Note: **ED** is calculated as the weighted sum of **EDpriv** and employment in the government sector, assuming a 100% employment density in the government sector, based on state agencies and, in many

¹⁴ Note that many employer organisations calculate the dues or contributions of member firms on the basis of their payroll.

¹⁵ Given the very high rate of organisation of (especially larger) farmers, estimated at 90%, adding agriculture does not change the picture.,

countries, associations of local and regional government. Employment in the government sector is taken as the sum of employment in public administration, education and, varying per country, health and social services. Publicly-owned firms in energy, transport and communication (Post, Telecom, railways, etc.) are treated as private sector firms, and they are usually member of the main (private sector) employer organisations.

Table 5. Employer organisations in the OECD, 2019

	all	General			SMEs/crafts	Ownership	one sector
		Cross-industry	Industry	Services			
		(1)	(2)	(3)	(4)	(5)	(6)
ARG	2	1	1				..
AUS	2	2					1
AUT	1	1	1				1
BEL	4	1			2	1	1
BLG	5	3			1	1	..
BRA	2		1	1			..
CAN	3	1	1		2		..
CHE	2	2			1		1
CHL	1	1					
CHN	1	1					
COL	1	1					
CRI	1	1					
CYP	2	2					
CZE	3		1	1	1		
DEU	2	2			2		..
DNK	2	1			1		2
ESP	2	1			1		..
EST	2	1			1		..
FIN	2	1			1		1
FRA	4	1			2	1	2
GBR	2	1			1		..
GRC	4		1	2	1		..
HRV	2	1			1		..
HUN	7	2		1	2	2	2
IDN	1	1					..
IND	3	2				1	..
IRL	2	1			1		..
ISL	1	1					..
ISR	2	1	1				..
ITA	11	1		3	4	3	4
JAP	2	1	1				..
KOR	1	1					..
LTU	3	2			1		1
LUX	3		1	1	1		2
LVA	2	1			1		..
MEX	1	1					..
MLT	3	2			1		..
NLD	2	1			1		1
NOR	5	1		1	1	2	2
NZL	1	1					..
POL	4	3			2		1
PRT	4		1	2	1		1

ROU	6	5			1		1
RUS	1		1				..
SKL	4	2	1		1		..
SLN	6	2	1	1	2		..
SWE	5	1			2	2	..
TUR	4	1	1		2		..
USA	2		1		1		..
ZAF	5	4			1		..

Note: in all columns without trade associations and without personalized, membership-by-invitation organisations (Business Roundtables), and without public sector organisations (central and local government). The total, in column 1 is an addition of columns 2-6 and does not include the (incomplete) number of sectoral and agricultural organisations in column 7. For calculating aggregate density rates, the membership of sectoral organisations, where known, is added.

Data and sources

There are very few comparative studies of employer organisations. The study of Windmuller and Galenson (1984), for the International Industrial Relations Research Association, contains case studies on Australia, France, Germany, Israel, Italy, Japan, the Netherlands, Sweden, the UK and the US, and allows an assessment of the degree of employer organization in these countries in the 1970s, but with the partial exceptions of the chapters on Italy and Sweden, data on membership and density rates is scarce. Windmuller (1984:22) summarizes that, especially thanks to the membership of large firms, the ratio of organisation for peak employers' associations in these countries is "high to very high (...) especially in terms of employees represented. The major exception is the United States for which a meaningful overall figure is not available, though it would probably be fairly low. Israel and Australia are also likely to be below average. But on the whole employers are relatively at least as well organised as unions and in several countries are probably even better organised." Crouch (1993), in his comparative study of industrial relations in Western Europe, gives a qualitative assessment of 'the extent of employer organisation' (comprehensive, extensive or limited) in industry and services over a period of four decades. Continuing from the 'Organisation of Business Interest' project (Schmitter and Streeck 1981; van Waarden (1995); Visser (1999) and Traxler (2000, 2006) give a quantitative assessment for several organisations and countries. For the European Commission, the Institute des Sciences du Travail of the Université Catholique de Louvain produced a set of reports on the situation of the social partners in the new member states of the European Union, describing the situation around 2000 and summarised in the Commission's industrial Relation in Europe report of 2004. The IRE reports of various years have been used as a source (EC, various years), especially for the new EU member states in Central and Eastern Europe, in addition to the overview work of Kohl and Platzer (2004). For other EU member states the two collections of comparative case studies edited by Ferner and Hyman (1992, 1998) have constituted an important source.

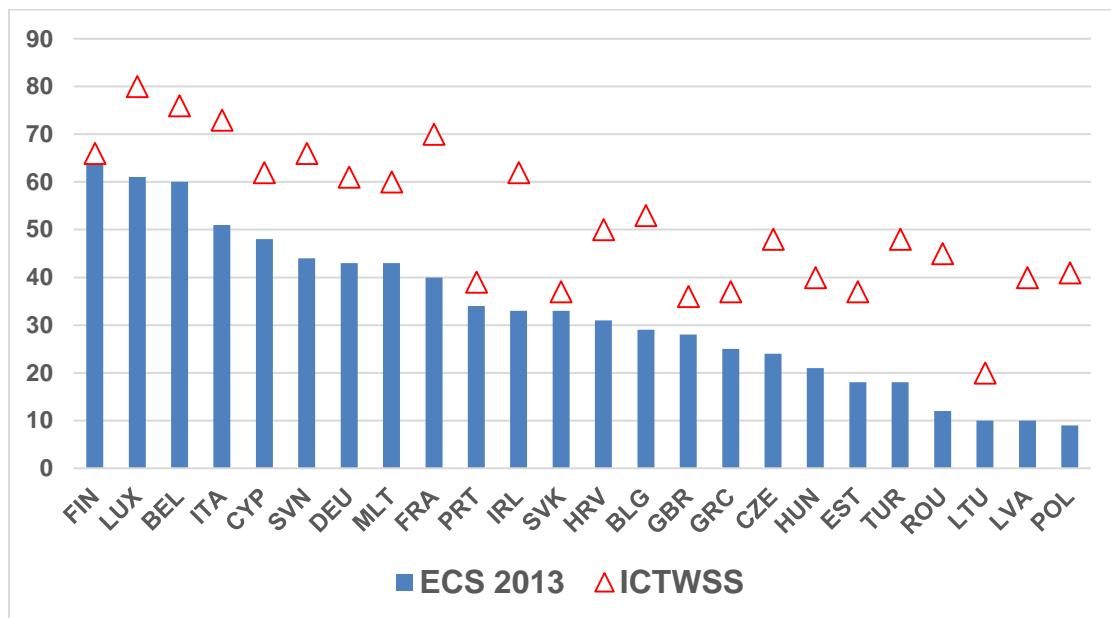
The European Foundation for the Improvement of Living and Working Conditions has undertaken two studies on employer organisations, the first in 2004 and second in 2019, published on its website (Behrens and Traxler 2004; Carley 2010).¹⁶ Both reports are based on reports of national correspondent; the questionnaires for the 2010 are still available on the website and have been used for assembling data. In its country profiles, also based on correspondent's reports, the EURWORK website of the European Foundation provides more recent data (2012, 2019). Finally, the only available comparative survey is the European Company Survey of 2013, which asked management representatives in establishments with 10 or more employees, except agriculture, household services: "Is your company a member of any employers' organisation which participates in collective bargaining?" It is not always clear what is meant by "participate in collective bargaining" (conduct negotiations and sign multi-employer agreements; assist and advice company negotiators; present statistics and data for negotiators?) and the question tends to exclude the

¹⁶ <https://www.eurofound.europa.eu/publications/report/2004/employers-organisations-in-europe>; <https://www.eurofound.europa.eu/publications/report/2010/>

many employers' organisations that do not engage in collective bargaining but represent firms in legal matters (litigation), lobby governments and influence employment legislation, or conduct campaigns to prevent and influence union organisation. The result is that the ECS density rates are significantly lower than the rates calculated from (self-reported) administrative data, in many countries, especially where there is limited multi-employer bargaining, by a large margin (Figure 1).

Figure 1. Density rates employer organisation (private sector, 2013)

Percentage of employees working in a company member of an employer organisation



- Behrens, M., and F. Traxler. 2004. Employers' Organisations in Europe. Dublin: European Foundation for the Improvement of Living and Working Conditions. <https://www.eurofound.europa.eu/publications/report/2004/employers-organisations-in-europe>
- Carley, M. 2010. Developments in Social Partner Organisations – Employers' Organisations. Dublin: European Foundation for the Improvement of Living and Working Conditions. <https://www.eurofound.europa.eu/publications/report/2010/>
- Crouch, C.J. 1993. *Industrial Relations and European State Traditions*. Oxford: Clarendon Press.
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- Ferner, A., and R. Hyman, eds. 1992. *Industrial Relations in the New Europe*, Oxford: Blackwell
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- Hartog, J and J. Theeuwes, eds., *Labour Market Contracts and Institutions. A cross-national comparison*. Amsterdam, North-Holland.
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- Schmitter, P.C., and W. Streeck, 1981. The Organisation of Business Interests. Berlin: Wissenschaftszentrum. Diskussion paper IIM/LMP 81-13..

- Streeck, W., J.R. Grote, V. Schneider, and J. Visser, eds. *Governing Interests. Business associations facing internationalisation*. London: Routledge
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- Traxler, F., 2006. 'Economic Internationalisation and the Organisation Dilemma of Employer Associations: A comparison of 20 OECD countries', pp. 93-114, in: W. Streeck et al., eds. *Governing Interests..*
- Van Waarden, F. 1995. 'The Organisational Power of Employers' Associations: Cphesion, comprehensiveness, and organisational development', pp. 45-97 in: C. Crouch and F. Traxler, eds. *Organised Industrial relations in Europe: What future?* Aldershot: Avebury
- Visser, J. 1999. 'Societal Support for Social Dialogue. Europe's Trade Unions and Employers' Associations', pp. 85-114 in: G. Huemer, M. Mesch, and F. Traxler, eds., *The Role of Employer Associations and Labour Unions in the EMU*. Aldershot: Avebury.
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- Visser, J., and A. Wilts. 2006. 'Reaching Out and Fitting In. Dutch business associations at home (and) in Europe', pp. 21-48 in: W. Streeck et al., eds. *Governing Interests...*
- Windmuller, J.P., and A. Gladstone, eds. *Employers Associations and Industrial Relations. A comparative study*. Oxford: Clarendon Press.

Country notes

Argentina

Abrv	Name	Found	End	domain	type
CAC	Cámara Argentina de Comercio y Servicios			all	M
UIA	Unión Industrial Argentina			ind	M

No membership data available.

Australia

Abrv	Name	Found	End	domain	type
ACCI	Australian Chamber of Commerce and Industry	1992		all	M
ACC	Australian Chamber of Commerce	1901	1992	serv	M
CAI	Confederation of Australian Industry	1977	1992	ind	M
ACMA	Associated Chambers of Manufacturers of Australia	1901	1977	ind	T
ACEF	Australian Council of Employers Federations	1901	1977	ind	E
AIG	Australia Industry Group	1983		all	M

Descriptions of employer organisation in Australia in the 1960s and 1970s highlight the fact that they are divided and weak (Duffy 1984). "In contrast to Australian unions, Australian employers are disunited, and in fact have become increasingly so in recent years" (Mitschell and Scherer 1993:93). The merger of 1977 and the creation of the Confederation of Confederation of Australian Industry (CAI), did not overcome the rift between primary goods producers and manufacturers (Plowman 1989). CAI continued to be challenged by the Business Council of Australia (CEOs of 50 largest firms) and many firms and sectors (farmers, metal) have left the CAI. Employer organisation was relatively strong in the primary sector (farmers, mining), and in parts of manufacturing (especially in metal), but weak in services (Schwartz 2000). The estimates for 1986 and 1997 are based on Traxler (2006), who shows that the formation of the ACCI, and employer organisation in the services, doubles the membership and brings density in the private sector close to 50 percent. Total membership is higher in 2017, with the two organisations recognised by the Fair

Work Commission, AI and ACCI claiming a combined membership represent firms with 3 million employees and a density rate of 37 percent.

- Duffy, N.F. 1984. 'Employers Associations in Australia', pp. 115-148 in: Windmuller and Gladstone, eds. *Employers Associations* ..
- Mitchell, R., and P. Scherer. 1993. 'Australia: The search for fair employment contracts through tribunals'. Pp. 77-114, in: Hartog, and Theeuwes, eds., *Labour Market Contracts*...
- Plowman, D. 1989. *Holding the Line: Compulsory arbitration and national employer coordination in Australia*. Cambridge: Cambridge UP.
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Austria

Abrv	Name	Found	End	domain	type
WKÖ	Economic Chamber of Austria (Wirtschaftskammer Österreich)	1946		all	M

Austrian employers are organised in the Economic Chamber (WKÖ, previously Bundeswirtschaftskammer BWK). Covering all firms in the private and publicly owned sector, the WKÖ represents employers in collective bargaining with the unions (There is a separate Chamber for agriculture). BWK comes close to a monopoly and nearly all collective agreements are signed, on behalf of employers, by the BWK. It is a 'mixed' organization in that it both represents employer and trade interests (Traxler 1998). There is a separate organization, the Industrierverein (IV), which represents firms, with 80-90 percent of all employment, in the industrial sector and represents business interests abroad, via membership in BusinessEurope and BIAC. (Faulhaber 1980)

- Faulhaber, T. 1980. Die Vereinigung österreichischer Industrieller. Vienna: Signum
- Traxler, F. 1998. 'Austria: Still the country of corporatism', pp. 239-261 in Ferner and Hyman, eds. *Changing Industrial Relations in Europe*.

Belgium

Abrv	Name	Found	End	domain	type
FEB/VBO	Fédération des Entreprises de Belgique / Verbond van Belgische Ondernemingen)	1973		all	M
FIB/VBN	Fédération des Industriels Belges / Verbond der Belgische Nijverheid	1946	1973	ind	M
VBNIO	Verbond der Belgische Niet-Industriele Ondernemingen	1953	1973	serv	M
UCM	Union des classes moyennes	1970		sme/reg	M
UNIZO	Unie van Zelfstandige Ondernemers	1970		sme/reg	M
NBMB	Nationale Christelijke Middenstandsbond	1935	1970	sme	M
UNISOC	Union des entreprises à profit social / Unie van socialprofitondernemingen	1994		non-profit	M

In the first decades after 1945, employer organisation is extensive in industry, but limited in services (Crouch 1993). As a result of the 'social programming' central agreements (1960-75), which require implementation at industry level, employer organization expands throughout the economy (De Koster and Van Holm 1989). The main organisation (VBO/FBE) had 30,000 member companies in 1985, which is 60-70% of firms with 5 or more employees and about half of all firms. This translates in an employment share of about (75 percent Idem, p.27). There is also a very high degree of organization in the small firm and in the farm sector. The data for 1990-2014 are based in VBO/FBE membership (showing a stable share of 70-72 percent of private sector employment (including the small firm sector), to which 3-4 percentage points are added, representing the non-profit and social sector of the economy (Behrens and Traxler 2004, Carley 2010 and EF questionnaire, EC 2004; EURWORK 2019, Van Ruysseveldt and Visser 1996; Traxler 2000; 2006).

- De Koster, A., and J. Van Holm. 1989. 'Werkgeversorganisaties in Belgie'. Pp. 19-48, in: BVA, 50 jaar arbeidsverhoudingen. Brugge: De Keure.
- van Ruysseveldt, J., and J. Visser (1996). 'Weak Corporatism Going Different Ways? Industrial relations in the Netherlands and Belgium', pp. 205-64, in J. Van Ruysseveldt and J. Visser, eds. *Industrial Relations in Europe. Traditions and transitions*. London: Sage.

Bulgaria

Abrv	Name	Found	End	domain	type
AOBG	Association for the Organisation of the Bulgarian Employers	1995		all	*
BCCI	Bulgarian Chamber of Commerce and Industry (Българска търговско промишлена палата)	1990		all	M
BIA	Bulgarian Industrial Association (Българска стопанска камара)	1990		all	M
BICA	Bulgarian Industrial Capital Association (Асоциация на индустриалния капитал)	1990		publ. owned	M
CEIBG	Confed of Employers and Industrialists (Конфедерация на работодателите и индустрислците)	2006		large	M
BIBA	Bulgarian International Business Association (Българска асоциация на международния бизнес)	1992	2006	MNCs	M
EABG	Employers' Association in Bulgaria (Асоциация на работодателите в България)	2000	2006	large	M
UPEE	Union for Private Economic Enterprise (Съюз за стопанска инициатива)	1989		sme	M
UPBE	Union of Private Bulg. Entrepreneurs 'Vazrazhdane'	2005	2013	sme	M

There are currently five major, officially recognized central organisations of employers. Four of these, BIA, BICA, BCCI and CEIBG, cooperate in the AOBG, which operates as a collective member in the International Organisation of Employers. The combined employment share of the firms organised in these five organizations is 1,2 million compared with almost 1,4 million in 2007 (EIRO Questionnaire, Eurwork). This includes members in the publicly owned sector. The EC (2011) estimated the density rate in 2008 at 55%, this is consistent with the density rate (54,3%) based on the reported membership of 2007. The density rate in 2016 has decreased to 51%.

Brazil

Abrv	Name	Found	End	domain	type
CNI	The Brazilian National Confederation of Industry	..	..	ind+	M
CNT	National Confederation of Transport	..	..	transp+	M

No membership data available.

Canada

Abrv	Name	Found	End	domain	type
CEC	Canadian Employers' Council	1925		all	E
CMA	Canadian Manufacturers' Association	1877		ind	M
CFIB	Canadian Federation of Independent Businesses	1971		sme	M

"The organization of employers varies among regions. No national organization participates directly in labour relations, although several present management viewpoints to government or the public" (Thompson 1989:87). "Central management organisations exist in Canada, but their major role is to lobby the various levels of government or participate in various tripartite or labour-management boards (...). There are also sectoral management associations in most industries. Some of these negotiate with the trade unions in their sector (...) Recently a few sectoral organisations have joined with trade unions to examine employment and training issues." (Meltz and Verma 2005:99). The role of the peak associations, the CEC and, for small businesses, the CFIB is fairly limited and their membership unknown (Traxler

2006:101). Of greater relevance is the Canadian Manufacturer's Association, and some sectoral organisations, for instance in construction. The density rate for 1990 is calculated based on the membership data of the CMA and the construction federation (Van Waarden 1996:89-91). The density rates of 2018 are estimates based on the number of firms joining these two organisations (about half the number of 1990, reflecting the decline of the manufacturing sector, and about 75% SMEs).

- Meltz, N., and A. Verma. 1995. 'Developments in Industrial Relations and Human Resource Practices in Canada: An update from the 1980s', pp. 91-130 in: R. Locke, T. Kochan and M. Piore, eds., *Employment Relations in a Changing World Economy*. Cambridge Mass.: The MIT Press.
- Thompson, M. 1989. 'Canada', pp. 80-96, in: Bamber, G., and R.D. Lansbury, eds. *International and Comparative Industrial Relations*, Sydney: Unwin Hyman.

Switzerland

Abrv	Name	Found	End	domain	type
SVA/UPS	Schweizerische Arbeitgeberverband / Union Patronale Suisse, prev. ZSAO	1908		all	E
Economiesuisse	Economiesuisse	2000		all	T
Vorort	Schweizerische Handels- und Industrieverein Vorort	1870	2000	ind	T
SDES	Society for the Promotion of the Swiss Economy	1942	2000	serv	T
USAM/SGB	Union Suisse des Arts et Métiers / Schweizerischer Gewerbeverband	1879		sme	M

In Switzerland, double membership of firms, in an employers' and a trade association, has continued in spite of attempts, in 2000, to merge both peak associations (Kriesi 2006). These organisation cover most of the private sector, though some parts of services, retail and distribution, have remained on the outside. For small firm and crafts there is a separate employer organisation, with significant membership in domestic services and political influence (Afonso 2012: Fluder and Hotz-Har). Van Waarden estimated that in 1990 one-third of total employment was in the domain of the SGB. In 1987, the SVA private sector density rate was 39%, decreasing to 36% in 1990 and rising to 37% in 1997 (Traxler 2000, 2006). The USAM/SGB share rose from 13-16% in this period, bringing the overall employer density rate again above 50 percent in the private sector. Membership figures reported by the organisations in 2017 suggest a significant rise in employer density to 58 percent in the private sector, partly supported by the transfer of former, highly organised state companies (Post Office, railways, etc.) into the private sector.

- Afonso, A. 2012. 'Employer Strategies, Cross-class Coalitions and the Free Movement of Labour in the Enlarged European Union', *Socio-Economic Review* 10(4): 705-730.
- Fluder, R., and B. Hotz-Hart. 1998. 'Switzerland: Still as Smooth as Clockwork?', pp. 262-282 in: Ferner and Hyman, eds., *Changing Industrial Relations in Europe*.
- Kriesi, H. 2006. 'Institutional Filters and Path Dependency: The impact of Europeanisation on Swiss business associations', pp. 49-67 in: W. Streeck et al., eds. *Governing Interests...*

Chile

Abrv	Name	Found	End	domain	type
CPC	Confederación de la Producción y del Comercio	1935		all	M

- Falabella, G., and L. Fraile. 2010. 'Tripartism and Economic Reform in Uruguay and Chile', in: L. Fraile, ed., *Blunting Neoliberalism. Tripartism and economic reform in the developing world*. Geneva: ILO, pp. 128-175.

China

Abrv	Name	Found	End	domain	type
CEC/CEDA	China Enterprise Confederation/China Enterprise Directors Association	1988		all	M

CEC	China Enterprise Confederation	1979	1988	all	M
CEDA	China Enterprise Directors Association	1983	1988	all	P

No membership data available.

Colombia

Abrv	Name	Found	End	domain	type
ANDI	Asociación Nacional de Empresarios de Colombia	1944		all	M

No membership data available.

Costa Rica

Abrv	Name	Found	End	domain	type
UCCAEP	Unión Costarricense de Cámaras y Asociaciones de la Empresa Privada	1974		all	M

No membership data available.

Cyprus

Abrv	Name	Found	End	domain	type
KEBE	Ch. of Commerce and Industry (Κυπριακό Εμπορικό και Βιομηχανικό Επιμελητήριο)	1927		all, sme	M
OEB	Employers' and Industrialists' Federation (Ομοσπονδία Εργοδοτών και Βιομηχάνων)	1960		all	M

There are two main employer organisations, one (KEBE) based on the chamber system and also covering small firms. From the scarce available data it appears that up to 10,000 firms, with an employment share of 60-65, are affiliated (EC 2004; EC 2011) with a slight decreasing trend. The 2018 data are self-reported (websites).

Czech Republic

Abrv	Name	Found	End	domain	type
KZPS	Confederation of Employers and Entrepreneurs Associations CR (Konfederace zaměstnavatelských a podnikatelských svazů ČR)	1990		ind+, sme	M
SP ČR	Confederation of Industry of the Czech Republic (Svaz průmyslu a dopravy ČR)	1995		ind+	M
SO ČR	Czech Confederation of Commerce and Tourism (Svaz obchodu a cestovního ruchu ČR)	2008		serv	M

There are three main employers' confederations, one general, including SMEs, one anchored in industry, and one in tourism and commerce. Annual data (2007-2018) are based on the EIRO Questionnaire of 2010 and Eurwork 2019 (2008 and 2010 interpolated), recalculated for the private sector (taking out public administration and education). The estimate for 2002 is reported in Kohl and Platzer (2004).

Germany

Abrv	Name	Found	End	domain	type
BDA	German Confederation of Employers Associations (Bundesvereinigung der Deutschen Arbeitgeberverbände)	1950		all	E
ZDH	German Confederation of Skilled Crafts (Zentralverband des Deutschen Handwerks)	1950		craft	M

The BDA is the umbrella organisation of employers' associations throughout the economy, including agriculture and crafts. In its founding year, the BDA claimed the membership of 60 per cent of all firms in its domain (Bunn 1984:173). Sometimes criticised for being dominated by large firms, the BDA had to accept, but mostly cooperates with, a second organisation for crafts and micro-firms, the ZDH. Although the BDA does not publish official membership data, estimates from 1960 till reunification in 1990 are that

up to 70 percent of all firms, employing 80 percent or more of all employees, were organised by the BDA family. Bunn (1984:190) adds that 'no one on the staff is precisely sure (or particularly concerned) about the exact figures. Bispinck (1993) and Pacqué (1993) report similar figures for the former West German states, until 1990. Schroeder and Silva (2003: 254) write that the membership expansion of employers' association continued in the 1960s and 1970s but halted in the 1980s, amidst tensions over decentralisation. They suggest that, with 77 percent the highest density rate was reached in 1984, decreasing to 68 percent in 1994 and 63 percent in 2000 (idem, p. 261). Jacobi et al (1992:237) calculate 73 per cent in 1990 for West Germany. A DIW-survey in winter 1993-94 for East Germany found that just 36 percent of all employers in manufacturing, representing 74 percent of the employees, joined an employer organisation (Schnabel 1995:70). Outside industry, organisation rates are lower. Based on data from the prominent metal-engineering federation, Hassel (1999) suggest a contraction of membership, related to decreasing bargaining coverage, also in the West, in particular because more newly established do no longer. Employers' federations have responded by creating a new type of membership, allowing an 'opt out' from the sectoral agreement (Behrens 2013). This appears to have stabilised membership (and allowed bargaining coverage to decrease further) since 2000. During the past 15 years, the BDA claims to have stabilised even expanded its membership in new sectors, however not enough to stop the slowly decreasing density rate in the private sector. The government sector corresponds with roughly 14 per cent, the 'third sector', including large parts of health and social services, with 12 per cent) and remaining highly organised (Ellguth and Kohout 2001; Keller 2013).

- Behrens, M. 2013. 'Arbeitgeberverbände – auf dem Weg in den Dualismus?', *WSI-Mitteilungen*, 66/7: 473-481
- Bispinck, R. 1993. 'Deutschland', pp. 48-79, in R. Bispinck and W. Lecher, eds., *Tarifpolitik und Tarifsysteme in Europa*. Cologne: Bund Verlag.
- Bunn, R.F. 1984. 'Employers Associations in the Federal Republic of Germany', pp. 169-201 in: Windmuller and Gladstone, eds. *Employers Associations* ..
- Ellguth, P., and S. Kohout (2001) 'Der Staat als Arbeitgeber: Wie unterscheiden sich die Arbeitsbedingungen zwischen öffentlichem Sektor und der Privatwirtschaft?' *Industrielle Beziehungen* 18(1-2); 11-38.
- Hassel, Anke. 1999. The Erosion of the German System of Industrial Relations. *British Journal of Industrial Relations* 37(2):484-505.
- Jacobi, O., B. Keller, and W. Müller-Jentsch. 1992. 'Germany: Codetermining the future', pp. 218-269 in Ferner and Hyman, eds, *Industrial Relations in the New Europe*.
- Keller, B. 2013. Die Arbeitgeber des öffentlichen Sektors: Institutionelle Stabilität und sozio-ökonomischer Wandel', *WSI-Mitteilungen*, 66/7: 500-509.
- Schnabel, C. 1995. Entwicklungstendenzen der Arbeitsbeziehungen in der Bundesrepublik Deutschland seit Beginn der achtziger Jahre. Eine Analyse unter besonderer Berücksichtigung der Arbeitgeberseite', pp.53-74, in M. Mesch, ed. *Sozialpartnerschaft und Arbeitsbeziehungen in Europa*. Vienna: Manzsche Verlags- und Universitätsbuchhandlung.
- Schroeder, W., and S.J. Silva 2003. 'Gewerkschaften und Arbeitgeberverbände', pp. 244-270, in W. Schroeder and B. Weßels, eds. *Die Gewerkschaften in Politik und Gesellschaft der Bundesrepublik Deutschland*. Wiesbaden: Westdeutscher Verlag.

Denmark

Abv	Name	Found	End	domain	type
DA	Confederation of Danish Employers (Dansk Arbejdsgiverforening)	1912	*	all	E
DI	Confederation of Danish Industries (Dansk Industri)	1991		ind	M
SMV	Organisationen for små og mellemstore virksomheder – SMVdenmark	1897		sme	M

The main employer organisation DA is since 1991 part of the Industry confederation DI but also operates independently as partner of the unions and internationally. DA originated in industry but has in later years also expanded in services. In banking and insurance, and in agriculture there are separate organisations. DA's affiliates organised small and large firms, though a separate organisation for SME exists as well. DA's membership in 1948 equalled a density rate of 21% in the private sector (calculated from Galenson 1952, Table 3), which corresponds with the employment share of industry at the time and indicates that DA organised nearly all firms in industry. Besides agriculture and the banking sector with their own organisations, employer organisation outside industry was limited (Crouch 1993). Due et al (1954:163) present 5-yearly membership data for the DA from 1946 till 1993. Adding the (estimated) membership of the associations in agriculture and banking, this allows a full series of private sector density rates. The data show that in the 1980s DA recruited more firms in services and membership increased, in spite of decreasing industrial employment. Figures for the 1990s are from Traxler (2006). For membership outside DA: Scheuer 1992 (Table 5.11) and Visser 2001. The data for 2000 and 2010 are from Nergaard 2016. The figure for 2018 is an estimate. With a stable membership of firms since 2012 – between 24 and 25 thousand firms – the private sector density rate has probably remained unchanged. The density rates for the entire economy, including the public and community sector, are based on a 100% employer density rate in government and community services, organised in state and local government employer federations and agencies (Visser 2001).

- Due, J., J.S. Madsen. C.S. Jensen, and L.K. Petersen. 1994. *The Survival of the Danish Model*. Copenhagen: DJØF Publishing.
- Galenson, W. 1952. 'Scandinavia', pp. 104-172, in W. Galenson, ed. *Comparative Labour Movements*. New York: Prentice-Hall.
- Nergaard, K. 2016. *Organisasjonsgrader, tariffavtaledekkning og arbeidskonflikter 2014*, Oslo: FAFO report.
- Scheuer, S. 1992. 'Denmark: Return to decentralisation', pp. 168-197 in Ferner and Hyman, ed. *Industrial Relations in the New Europe*.
- Visser, J. 2001. 'Industrial Relations and Social Dialogue', pp. 184-343, in: P. Auer, ed. *Changing Labour Markets in Europe...*

Spain

Abrv	Name	Found	End	domain	type
CEOE	Spanish Conf. of Empl. Organ. (Confederación Española de Organizaciones Empresariales)	1977		all	M
CEPYME	Spanish Conf of SMEs (Confederación Española de la Pequeña y Mediana Empresa)	1977		sme	M

With the end of the Franco regime, employers organised in a brief period of time in one large umbrella organisation at the end of 1977. The decade of social pact and central agreements that followed reinforced the role of central organisations, in this case the CEOE, which became the dominant and widely representative confederation of employers (Pérez Díaz 1993:220). CEPYME, the confederation for SMEs, developed in close cooperation, integrated into the CEOE. According to Martínez Lucio (1992: 496) the CEOE has 'a near monopoly of representation' and could even at the time of its creation claim a 60% coverage. In few years density rose to 75%. Traxler (2000, 2006 reports 75% for the mid-1980s, slowly decreasing to 74% in 1992 and 72% in 1996. Roughly 1 million employees are in state sector in 1990 (calculated from Jimeno and Toharia 1993, T.2). The private sector density rate remains stable at 72% in 2002 and 2010 (Behrens and Traxler 2002; Carley 2010), including the public sector it rises to 75%. Based on the reported membership of the CEOE, close to 12 million in 2018, it would appear that density has risen slightly since 2010.

- Jimeno, J.F., and L. Toharia. 1993. 'Spanish Labour Markets: Institutions and Outcomes', pp. 299-322 in: Hartog and Theeuwes, eds., *Labour Market Contracts* ..

- Martínez Lucio, M. 1992. 'Spain: Constructing actors and institutions', pp. 482-523 in: Ferner and Hyman, ed. *Industrial Relations in the New Europe*.
- Pérez Días, V. 1993. The Return of Civil Society. Boston Mass.: Harvard University Press.

Estonia

Abrv	Name	Found	End	domain	type
ETTK	Estonian Employers' Confederation (Eesti Tööandjate Keskliit)	1997		all	M
CFEEA	Central Federation of Estonian Employers' Association	1991	1997		E
CFIE	Central Federation of Industry and Employers	1991	1997		M
EVEA	Estonian Association of SMEs	1992			M

The main and dominant employer organization is ETTK, born from a merger in 1997 of organization founded in 1991. There is also a separate association of SMEs. The density rates are calculated on the basis of ETTK membership, available for 2002 (Kohl and PLatzer 2004), 2008 (EF Questionnaire; Carley 2010) and 2018 (self-reported, website data).

Finland

Abrv	Name	Found	End	domain	type
EK	Confederation of Finnish Industries (Elinkeinoelämän keskusliitto)	2005		all	M
PT	Employers' Confederation of Service Industries (Palvelutyönantajat)	1945	2005	serv	M
TT	The Conf. of Finnish Industry and Employers (Teollisuuden ja Työnantajain Keskusliitto)	1993	2005	ind	M
STK	Employers' association in Industry (Suomen Työnantajain Keskuksilaitos)	1907	1993	ind	E
TKL	Business association in Industry		1993	ind	T
SY	Federation of Finish Enterprises (Suomen Yrittäjät)	1996		sme	M

The main central organisation of employers, EK, originated in 2005 from the merger of a confederation in services (PT) and one in industry (TT), itself the result of an employer association (STK) and a trade association, in 1993. The Federation of small businesses (SY) does not participate in collective bargaining, but is quite active in presenting its views on labour issues. The estimate for 1985 is extrapolated from the 1989 data, based on a 2 percentage point increase observed by Traxler (2006). The figure for 1989 is based on a report by the Ministry of Employment and contains all organisations (Lilja 1992). The figure for 1995 is based on data for the STK/TT and PTK in Lilja 1998, Traxler 2000, 2006, and Visser 1999 (including services). 2002 is based on Behrend and Traxler 2004. The data for 2008 and 2014 are based on Ahtianinen 2016. 2012, 2017 and 2018 are from: EURWorks, with additional from peak associations (SMEs and agriculture included).

- Ahtianinen, M. 2016. 'Coverage of collective agreements in 2014'. Helsinki: Ministry of Economic Affairs and Employment.
- Lilja K. 1998.' Finland: Continuity and modest moves towards company-level corporatism'. Pp. 171-189 in Ferner and Hyman, eds. *Changing Industrial Relations in Europe*.

France

Abrv	Name	Found	End	domain	type
MEDEF	Mouvement des entreprises de France, prev. Conseil National du Patronat Français CNPF	1945		all	M
CPME	Confédération des Petites et Moyennes Entreprises	1944		sme	M
U2P	Union des entreprises de proximité	2016		mini	M
CMA	Chambres de Métiers et de l'Artisanat	1925		craft	T
UPA	Union professionnelle artisanale	1975	2016	craft	M
UNAPL	National Union of Liberal Professions	2009	2016	prof	M
UDES	Union des employeurs de l'économie sociale et solidaire	2014		social econ	M

According to Bunel and Saglio (1984:233), the CNPF (in 1998 renamed MEDEF) “brings together nearly three-quarters of French enterprises”. Since they also note that the CNPF is dominated by large firms, or at least perceived as such, this means that the employer density rate, in terms of employment, is upwards of 75 percent. This refers to the situation in the early 1980s. Public sector companies are included, though they often fall under a different bargaining regime (*idem*, 234). There are separate organisation for SMEs, crafts, professions and, recently, the third sector of not-for profit enterprises. The statistics cover the main organisations (MEDEF, CNPF) only, reported in Freyssinet 1993, Goetschy and Rojot (1987), Goetschy and Rozenblatt (1992), Goetschy (1998) and Traxler (2006). France did not participate in the Eurofound studies of 2002 and 2010. The 2008 and 2016 data are directly obtained from the MEDEF.

- Bunel, J., and J. Saglio. 1984. ‘Employers Associations in France’, pp. 232-263 in: Windmuller and Gladstone, eds. Employers Associations ..
- Freyssinet, J. 1993. ‘France: Towards flexibility’, pp. 267-297, in: Hartog and Theeuwes, eds., Labour Market Contracts..
- Goetschy, J. 1998. ‘The Limits of Reform’. Pp. 315-347, in Ferner and Hyman, eds. Changing Industrial Relations.
- Goetschy, J. and J. Rojot. 1987. ‘France’, 142-164, in: G. Bamber and R. Lansbury, eds. International and Comparative Industrial Relations. Sydney: Unwin Hyman.
- Goetschy, J. and P. Rozenblatt. 1992. ‘France: The industrial relations system at a turning point?’ Pp. 404-444 in in Ferner and Hyman, ed. Industrial Relations in the New Europe.

United Kingdom

Abrv	Name	Found	End	domain	type
CBI	Confederation of British Industry	1965		all	M
BEC	British Employers' Confederation	1919	1965	ind+	E
FBI	Federation of British Industry	1915	1965	ind	T
NUM	National Union of Manufacturers	1916	1965	ind	M
FSB	Federation of Small Businesses, prev. National Federation of the Self-Employed NFSE	1974		sme, indep	M

In Britain, of the thousand or so employers’ federations at the end of the 1960s, most were local and only the 50 largest, affiliated with the CBI, were considered relevant (Clegg 1979:95; Grant and Marsh 1977). Based on the submission to the Donovan Commission in 1966, Clegg estimates that employment organisations, while covering only a minority of firms, included the largest firms and between 50 and 60 per cent of private sector employment (*idem*, 97). According to Armstrong (1984: 48) at the time the overwhelming majority was in industry, large industrial companies, above 200 employees, contributing over half of the CBI’s income from subscription. Crouch 1993 characterizes employers’ organization in Britain as extensive in industry, and expanding in the 1960s due to government’s attempts at incomes policy, but weakening in the 1980s. The 1977/78 survey of the Social Science Research Council (Brown 1981) showed that membership in manufacturing had been stable since the 1960s despite a sharp decline in multi-employer bargaining, with employer organisation increasingly engaging in advice and assistance with local bargaining and dispute management). Edwards et al (1992:18) note that the dominance of large firms is more pronounced in Britain than on the European continent and that, “small firms, by contrast, have lacked the organised voice of their counterparts in certain other countries”. The FSB emerged in 1991, founded by and continuing from the National Federation of the Self-Employed, founded in 1974. They also note, that in recent times various large (multinational) firms have withdrawn from their organisations or become ‘non-confirming’ members, not participating in multi-employer bargaining where it still exists. These firms often still directly affiliate with the CBI, which develops more and more into a lobbying organisation (Edwards et al 1998: 19). The CBI stabilises with a density rate of about 54 percent between 1988 and 1994 (Traxler 2000, 2006). In many sectors (membership in employers’ associations) fails to reach 50 per cent of eligible companies (Edwards et al 1992:21; Edwards et al 1998:19). The

surveys of the European Foundation in 2002 and 2010 (Behrens and Traxler 2004; Carley 2010) give a lower density rate for the CBI: 42 per cent in 2002 and between 30 and 40 per cent in 2010. In 2018, according to its own reporting, the CBI organises firms and sectors accounting for one-third of the private sector workforce.

- Armstrong, E.G.A. 1984. 'Employers Associations in Great Britain', pp. 44-78, in: Windmuller and Gladstone, eds. *Employers Associations* ..
- Brown, W. ed. *The Changing Contours of British Industrial Relations*. Oxford: Basil Blackwell.
- Clegg, H.A. 1979. *The Changing System of Industrial Relations in Great Britain*. Oxford: Blackwell.
- Edwards, P., M. Hall, R. Hyman, P. Marginson, K. Sisson, J. Waddington, and D. Winchester. 1992. 'Great Britain: Still Muddling Through', pp. 1-68 in: Ferner and Hyman, eds. *Industrial Relations in the New Europe*.
- Edwards, P., M. Hall, R. Hyman, P. Marginson, K. Sisson, J. Waddington, and D. Winchester. 1992. 'Great Britain: From partial collectivism to neo-liberalism to where?', pp. 1-54 in: Ferner and Hyman, eds. *Changing industrial Relations in Europe*
- Grant, W., and D. Marsh. 1977. *The Confederation of British Industry*. London: Hodder and Stoughton.

Greece

Abrv	Name	Found	End	domain	type
SEV	Hellenic Federation of Enterprises (Σύνδεσμος Επιχειρήσεων και Βιομηχανίας)	1907		ind+	M
GSEVEE	Hellenic Confederation of Professionals, Craftsmen and Merchants (Γενική Συνομοσπονδία Επαγγελματιών Βιοτεχνών Εμπόρων Ελλάδας)	1918		craft, prof.	M
ESEE	National Conf of Hellenic Commerce (Εθνική Συνομοσπονδία Ελληνικού Εμπορίου)	1994		serv,sme	M
SETE	Association of Greek Tourism Enterprises	1991		tourism	M

The main central organizations of employers, with a dominant position in industry, is SEV. In addition there is a confederation for professionals and crafts, one for small businesses with a focus in commerce, and a federation for businesses in tourism. For 2008 and 2018 it is possible to estimate the combined density rates of these organisations, based on Eurofound's questionnaire (Carley 2010) and Eurwork 2019, with additions self-reported data from the organisations.

Croatia

Abrv	Name	Found	End	domain	type
HUP	Croatian Employers Association (Hrvatska Udruga poslodavaca)	1993		all	M
CCIE	Confederation of Croatian industry and entrepreneurs	1991		sme	M

There is one main central employer organisation (HUP, organising throughout the economy. The chamber (CCIE) with compulsory membership for registered crafts also organises small businesses and professionals. Membership of both organisations is reported in the special Eurofound survey on Croatia of 2014: <https://www.eurofound.europa.eu/publications/report/2014/croatia-representativeness-of-the-european-social-partner-organisations-in-the-cross-industry-social>. The density rates for the private sector is calculated without employees in public administration and education.

Hungary

Abrv	Name	Found	End	domain	type
MGYOSZ	Confederation of Hungarian Employers and Industrialists (Munkaadók és Gyáriparosok Országos Szövetsége)	1998		all	M
GYOSZ	Federation of Industrialists (orig. 1902, suspended 1948)	1990	1998	ind	M

MAOSZ	Hungarian Employers' Federation, prev. Hungarian Chamber of Commerce	1988	1998	ind	E
VOSZ	National Association of Entrepreneurs and Employers (Vállalkozók és Munkáltatók Országos Szövetsége)	1988		all	M
KISOSZ	National Federation of Traders and Caterers (Kereskedők és Vendéglátók Országos Érdekképviseleti Szövetsége)	1990		serv/sme	M
IPOSZ	National Federation of Craftsmen Boards (Ipartestületek Országos Szövetsége)	1990		crafts/sme	M
ÁFEOSZ	National Federation of Consumer Cooperatives (Általános Fogyasztási Szövetkezetek Országos Szövetsége)	1990		service coops	M
OKISZ	Hungarian Industrial Association (Magyar Iparszövetség)	1990		product coops	M
STRATOS Z	National Association of Strategic and Public Utility Companies (Stratégiai és Közszolgáltató Társaságok Országos Szövetsége)	1994		public owned	M

Originally, after the transition to democracy, some 9 employer organisations were involved in Hungary's national social dialogue between government, unions and employers (Kohl and Platzer 2004:276). Currently, there number is seven, with partly overlapping membership domains. Eurofound's questionnaire of 2008 observes that "In the absence of survey results, the estimates regarding the membership of employer organisations are rather uncertain. The only source seems to be the self-reporting of figures by organisations; however, adding up each organisation's reported figures results in an upward biased estimation due to frequent multiple membership and overlaps between different confederations. Moreover, in several peak organisations, members may be regional or subsectoral organisations with an unknown membership size and include members with different organisational status." Adding up the numbers claimed by the different organisations in 2007-8 results in a density rate above 100%. Kohl and Platzer indicate for 2002 a more plausible employer density rate of 40% in the private sector. The same rate is mentioned in the reports of the European Commission (2006, 2012). This is consistent with a total membership of about 1,1 million.

Indonesia

Abrv	Name	Found	End	domain	type
APINDO	The Employers' Association of Indonesia, prev. PUSPI	1952		all	M
KADIN	Indonesian Chamber of Commerce and Industry	1968		all	T

No membership data available.

India

CIE	Council of Indian Employers	..			E
EFI	Employers' Federation of India	1933		all	E
AIOE	All India Organisation of Employers	1932		all	E
SCOPE	Standing Conference of Public Enterprises	..		public owned	M

No membership data available.

Ireland

Abrv	Name	Found	End	domain	type
IBEC	Irish Business and Employers' Confederation	1993		all	M
FIE	Federation pf Irish Employers, prev. Federated Union of Irish Employers FUE	1941	1993	all	E
CIL	Confederation of Irish Industries	1932	1993	ind	T
ISME	Irish Small and Medium Enterprises Association	1994		sme	M
SFA	Small Firms Association*			sme	*

* integrated in IBEC

IBEC is the main employers confederation, present throughout the private sector and representing both large and small firm, the latter also through its Small Firms Association. IBEC was (re-)founded by the merger of the employers' (FIE(FUE) and business wings of employer organisations going back to the 1930s and 1940s. O'Brien (1986:57) writes that the FUE had 3,300 members employing about 250,000 persons in all sectors of the economy in the mid-1970s. The public sector (civil service, education and part of the education) employs about 120,000 persons, regulated through arbitration boards based on 100% coverage (Cox and Hughes 1986). The private sector employer density rate is estimated at 39.5, the rate for the total economy, including the public sector, at 49.1. Until 1987, when a new era of central bargaining begins, there are few changes. Traxler (2000, 2006) reports that the FUE/IBEC density rate had decreased to 36% in 1986 before rising to 38% in 1992 and 39% in 1997—although in this period a group of SMEs disaffiliated and formed a separate federation (ISME). Visser (2001: 194) reports that IBEC firms employ 300,000 persons, and a private sector density rate of 38.5 in 1995. Between 1995 and 2008 the number of firms organised by IBEC affiliates more than doubled from 3,500 to 7,500, and together with a strong expansion of employment the employer density rate rose to 59% in 2008. Behrens and Traxler (2004) report that in 2002 IBEC organises 60% of all employees in its (more narrowly defined) domain (probably 50% of the entire private sector). With over 1 million employees in IBEC member firms (IBEC Website), the employer density rate has further increased to 64.6% in the private sector, and above 70% overall. I

- O'Brien, J.F. 1986. 'The Role of Employer Organisations in Ireland', pp. 57-64 in: B. Hillary, ed., *Industrial Relations in Ireland. Contemporary issues and developments*, Dublin: University College Dublin, Dept. of Industrial Relations.
- Cox, B., and J. Hughes. 1986. 'Industrial Relations in the Public Sector', pp. 79-93 in: B. Hillary, ed., *Industrial Relations in Ireland. Contemporary issues and developments*, Dublin: University College Dublin, Dept. of Industrial Relations.
- Visser, J. 2001. 'Industrial Relations and Social Dialogue', pp. 184-343, in: P. Auer, ed. *Changing Labour Markets in Europe*.

Iceland

Abrv	Name	Found	End	domain	type
SA	Confederation of Icelandic Employers (Samtök Atvinnulífsins)	..		all	M

Iceland's central organisation of employers (SA) reports the membership of about 2000 firms employing 70% of Iceland's labour market, unchanged since 2008. This is probably taken as a minimum, as some sectors (banking, agriculture) are outside SA, but no further data is available.

Israel

Abrv	Name	Found	End	domain	type
FIEO	Federation of Israel Employers' Organisations, prev Coordinating Bureau CBEA	1967		all	E
MAI	Manufacturers' Association of Israel	1921	*	ind	M

* in FIEO after 1967.

Employers and employer organisations are divided in three groups, private employers, a (until the 1990s) large state-owned sector, and government employment (including insurance, finance, part of agriculture). The difference from other countries was the large state-owned sector owned by the main union Histadrut (Mundlak 2007). It was only in 1967 that employers were able to create a "loosely-organised central federation. It was grudgingly accepted by the Histadrut (the central union organization) as a bargaining partner representing all the country's private employers" (Shirom 1984:294). Organisation was promoted by an automatic check-off system for employers, voted by parliament in 1976 (idem, 301). State-owned companies had their own representation. But in both the private and state sector representation and bargaining coverage was nearly complete. Shirom cites employer employer rates varying from 70-95%. Together with the sharp decline in bargaining coverage and union density rates, employer density in the

private sector more or less halved, to 38% in 2000, according to the only study available for the post-corporatist period (Cohen et al. 2005).

- Cohen, Y., Y Haberfeld, G. Mundlk. And I. Saporta 2005. 'Employers' Membership in Employers' Associations. Facts and attitudes'. Ministry of Commerce, Industry, and Labour. Dept. of Planning, Development and Research.
- Mundlak, G. 2007. *Fading Corporatism: Israel's labour law and industrial relations in transition*. Ithaca NY.: Cornell University Press.
- Shirom, A. 1984. 'Employers Associations in Israel', pp. 294-317 in: Windmuller and Gladstone, eds. *Employers Associations* ..

Italy

Abrv	Name	Found	End	domain	type
Confindustria	General Confederation of Italian Industry (Confederazione Generale dell'Industria Italiana)	1919		ind+	M
Intersind	Intersind	1958	1993	state-owned	M
ASAP	energy and oil sector	1960	1993	energy	M
Confcommercio	General Italian Confederation of Commerce and Tourism (Confederazione Generale Italiana del Commercio e del Turismo)	1945		service	M
Confesercenti	Italian Confederation of Commerce, Tourism and Service Activities (Confederazione italiana esercenti attività commerciali, turistiche e dei servizi)	1971		sme, serv	M
CNA	National Confederation for the Craft Sector and Small and Medium Enterprise (Confederazione Nazionale dell'Artigianato e della Piccola e Media Impresa)	1946		craft	M
Confapi	Italian Confederation of Small and Medium-sized Industry (Confederazione italiana della piccola e media industria)	1947		sme,indus	M
Confartigianato	General Italian Confederation of Artisans (Confederazione Generale Italiana dell'Artigianato)	1946		craft	M
CLAAI	Confederation of Italian Free Crafts Associations (Confederazione delle Libere Associazioni Artigiane Italiane)	1954		sme, craft	M
AGCI	General Association of Italian Cooperatives (Associazione Generale Cooperative Italiane)	1952		ccop	M
Confcooperative	Confederation of Italian Cooperatives (Confederazione Cooperative Italiane)	1950		coop	M
Legacoop	National League of Cooperatives and Mutuals (Lega nazionale delle Cooperative e mutue)	1886		coop	M
UNCI	National Union of Italian Cooperatives (Unione Nazionale Cooperative Italiane)	1971		coop	M

The dominant employer organisation is Confindustria which represents practically all industrial employers—private and public—in the industry. Between 1957 and 1963, under the Ministry of Public Enterprise, state-owned firms in manufacturing, energy and utilities were organised separately. In the 1970s, Confindustria expanded in the services sector, in particular transport and communication. However, a separate organisation in commercial existed and a separate organisation in the tourism sector was founded. There are several, politically divided, employer organisations representing SMEs, crafts and (consumer and producer) cooperatives. The agricultural sector is highly organised, helped by a special health insurance system run by unions and farmers' organisations. In 1985, both farmers organisations and trade unions claim more members than there are farmers and farm workers in the sector (Treu et al 1993). Treu and Martinelli (1984:270) write that "Confindustria represented practically all industrial employers—private and public—until 1957 when the state-controlled enterprises were compelled to withdraw. Until 1993, when state-controlled firms returned to Confindustria, two separate organisations organised the state-controlled sector (including finance), representing between 4 and 6 percent of all employees. However, even together with the two associations for state controlled firms, the membership data of Confindustria, as presented by Treu and Martinelli (1984:271) and Treu et al (1993) indicate that Confindustria's density rate in the industrial sector was rather close to 50 percent (see also Traxler 2000). This is consistent with the density rate of Confindustria-affiliated employer association in the two most industrialised Northern regions, Piedmont and Lombardy (Treu and Marinelli 1984:272). To the 3 million

employees working in employers associations affiliated with Confindustria, we can add 520,000 in the associations for state-owned firms, 1 million in organisation representing transport, trade and distribution, 300,000 in separate associations for banks and insurance, 900,000 in the SME organisations, 500 in craft organisations and tourism, 400,000 in organisations representing cooperatives, and 900,000 in agriculture. This would bring the total to 7.5 million employees and a private sector density rate of 67 per cent. The estimates for 1990-2017 are based on Traxler (2000; 2006) for Confindustria, Regalia and Regini (1998) for Confapi, and the two Eurofound studies and related questionnaires with data for the other organisations (Behrens and Traxler 2004; Carley 2010), and self-reported data for 2017. On average, over the whole period, in terms of employment Confindustria's affiliates organise about half of the total (36-38 percent), with a decrease after 2012 with the exit of FIAT (Pedersini 2019:340).

- Pedersini, R. 2019. 'Italy: Institutionalisation and Resilience in a Changing Economic and Political Environment', pp. 337-359, in T. Müller, K. Vandaele, and J. Waddington, eds., *Collective Bargaining in Europe: Towards an Endgame*, Vol. 2, Brussels: ETUI.
- Regalia, I., and M. Regini. 1998. 'Italy: The Dual Character of Industrial Relations', pp. 459-497, in Ferner and Hyman, eds., *Changing Industrial Relations in Europe*
- Treu, T., and A. Martinelli 1984. 'Employers Associations in Italy', pp. 264-293, in: Windmuller and Gladstone, eds. *Employers Associations* ..
- Treu, T., G. Geroldo, and M. Maiello. 1993. 'Italy: Labour Relations', pp. 323-350, in: Hartog and Theeuwes, eds., *Labour Market Contracts* ..

Japan

Abrv	Name	Found	End	domain	type
Keidanren	Japan Business Federation (Japan Shadan Hojin Nippon Keizai Dantai Rengokai)	2002		all	M
Keidenren	Federation of Economic Organisations	1946	2002	all	T
Nikkeiren	Japan Federation of Employers' Associations	1948	2002	all	E

Levine (1984:318) writes that despite Japanese industrial relations being decentralised, "Japanese employers have for years banded together in formally organised associations in order to develop common labour policies and collective bargaining positions". Until their merger in 2002, the employers and trade associations organised nearly the same firms throughout industry and commerce, predominated by the larger firms. There was an association for SMEs, promoted by the government, but this association seems to have been inactive in industrial relations, which was left to the main associations (idem, 326). In 1980, the affiliated firms of Nikkeiren accounted for about 10.5 million employees. Employer organisation is believed to have increased throughout the 1970s. Compared to 1980, the number of industry federations and companies adhering to Nikkeiren increased with a small percentage, probably also increasing its relative share in employment by a small margin (Sasajima 1993:158). Traxler (2006) indicates that within its domain (industry and commerce) the density rate of Nikkeinren increased with 1 percentage point during the 1990s. The employer density rates of 1970, 1980, 1988 and 1998 are estimates, recalculated for the entire private sector and based on the absolute and relative membership data mentioned in the aforementioned sources.

- Levine, S.B.. 1984. 'Employers Associations in Japan', pp. 318-356 in: Windmuller and Gladstone, eds. *Employers Associations* ..
- Sasajima, Y. 1993. 'The Japanese Labour Market: Its Institutions and Performance', pp. 151-184 in: Hartog and Theeuwes, eds., *Labour Market Contracts* ..

Korea

Abrv	Name	Found	End	domain	type
KEF	Korea Enterprises Federation, prev. Korea Employers' Federation	1970		all	E

KBIZ	Korean Federation of Small and Medium-sized Business, prev. KFSB	1962		sme	M
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No membership data available.

Lithuania

Abrv	Name	Found	End	domain	type
LPK	Lithuanian Confederation of Industrialists (Lietuvos pramoninkų konfederacija)	1993		ind+	M
ALI	Association of Lithuanian Industries	1989	1993	ind	M
LVDK	Lithuanian Business Employers' Confederation (Lietuvos verslo darbdavių konfederacija)	1999		all	M
NCE	National Confederation of Businessmen (Nacionalinė verslininkų konfederacija)	1993	1999		T
LCEE	Lithuanian Entrepreneurs Employers' Conf. (Lietuvos verslininkų darbdavių konfederacija)	1993	1999		E
ALCCIC	Association of Lithuanian Chambers of Commerce, Industry and Crafts	2000		sme	M

There are three major central organisations of employers, one organising throughout the economy, one with its major focus is industry, and one for SMEs. There are also three minor (sectoral) one, rather more focusing on trade and investment than on social and employment issues. Since 2006 the Department of Statistics collects data, suggesting a rather stable (private sector) density rate of around 20% (with slowly growing membership) until 2014 and a decrease to between 2015 and 2017. For 2002, Kohl and Platzer (2004).

Luxembourg

Abrv	Name	Found	End	domain	type
FEDIL	Fédération des Industriels Luxembourgeois	1917		ind+	M
UEL	Union of Luxembourg Companies (Union des Entreprises Luxembourgeoises)	2000		all	E
CCL	Confédération du Commerce Luxembourgeois	1909		serv	M
FA	Fédération des artisans	1905		crafts	M

UEL, CCL and FA (and the organisation for farmers) cooperate in the FEDIL, which "covers virtually every manufacturing enterprise, regardless of size, and a growing number of firms from the service sector" (Tunsch 1998:350). There are separate sectoral organisations in banking and in the hotels and restaurants trade. Since 1990, the employer density rate is invariably estimated at 80 percent (Tunsch 1992, 1998; EC 2004; EC 2012; Carley 2010; Eurworks).

- Tunsch, G. 1992. 'Luxembourg: An island of stability', pp. 393-403 in: Ferner and Hyman, eds., *Industrial Relations in the New Europe*.
- Tunsch, G. 1992, 'Luxembourg: A small success story', pp. 348-356 in: Ferner and Hyman, eds., *Changing Industrial Relations in Europe*.

Latvia

Abrv	Name	Found	End	domain	type
LDDK	Latvian Confederation of Employers (Latvijas Darba Devēju Konfederācija)	1993		all	M
BUL	Latvian Business Union (Latvijas Biznesa Savienība)	2000		sme	M

The main central organization of employers is LDDK, which covers small and large firms throughout the economy. Since 2000, there is also a special employer organization for SMEs. LDDK firms employed 44% of all employees in the private sector in 2018, up from 33% in 2008 (Eurwork 2019; EF questionnaire 2008; Carley 2010). According to Kohl and Platzer (2004: 242-3), the overwhelming majority of private sector firms were small, employing less than 10 persons. With LDDK organizing about 30% of these firms, the density rate is estimates also at about 30%.

Mexico

Abrv	Name	Found	End	domain	type
COPARMEX	Confederación Patronal de la República Mexicana	1929		all	M

The employer density rate is based on self-reported data from the main employer organisation COPARMEX.

Malta

Abrv	Name	Found	End	domain	type
MEA	Malta Employers' Association	1965		all	E
AE	Association of Employers	1958	1965	ind	E
MEC	Malta Employers' Confederation	1960	1965	MNCs	E
MCCEI	Malta Chamber of Commerce, Enterprise and Industry	2008		all	M
COC	Malta Chamber of Commerce and Enterprise	1848	2008	all	M
FOI	Malta Federation of Industry		2008	ind	E
GRTU	Malta Chamber of Small and Medium Enterprises			sme	M

The landscape of employers organisations in Malta is quite diverse and the rate of organisation is believed to be high, but there are no membership data. The European Company Survey finds a density rate of 43%, but that is probably too low firms with 10 or more employees 43% identifies an employer organisation. The European Commission estimated 60% in 2010.

Netherlands

Abrv	Name	Found	End	domain	type
VNO-NCW	Confederation of Netherlands Industry and Employers (Verbond van Nederl. Ondernemingen – Nederl. Christelijk Werkgeversverbond)	1997		all	M
VNO	Federation of Netherlands Enterprises (Verbond van Nederlandse Ondernemingen)	1968	1997	all	M
VNW	Union of Netherlands Employers (Vereniging van Nederlandse Werkgevers)	1899	1968	ind	T
CSWV	Central Social Federation of Employers (Centraal Sociaal Werkgevers Verbond)	1920	1968	ind+	E
NCW	Netherlands Christian Employers Federation (Nederlands Christelijk Werkgeversverbond)	1970	1997	all	E
VPCW	Federation of Protestant Christian Employers in the Netherlands (Verbond van Protestant Christelijke Werkgevers in Nederland)	1916	1970	all	E
NKWF	Netherlands Catholic Employers Federation (Nederlands Katholiek Werkgevers Verbond)	1923	1970	all	E
MKB-Nederland	Dutch Federation of Small and Medium-sized Enterprises (Midden en Klein Bedrijf-Nederland)	1995		sme	M
NCOV	Netherlands (Protestant) Christian Federation of Entrepreneurs (Nederlands Christelijk Ondernemers Verbond)	..	1995	sme	M
KNOV	Royal Netherlands Federation of Entrepreneurs (Koninklijk Nederlands Ondernemers Verbond)	1977	1995	sme	M
KNMB / KVO	Royal Netherlands Federation of SMEs (Koninklijk Verbond van Ondernemers in het Klein- en Middenbedrijf)	..	1977	sme	M
NKOV	Netherlands Catholic Federation of Entrepreneurs (Nederlandse Katholieke Ondernemers Verbond)	..	1977	sme	M

The Netherlands used to have a rather segmented landscape of employer organisation—divided between economic and social interests, large and small firms, and by religion. After several mergers all that remains are two main ‘mixed’ umbrella organisations—a general one, combining small and large firms, including the main multinationals (VNO-NCW), and one organising only the small firm sector (MKB-Nederland). (There is a third one, specifically for agriculture). A survey for the Social Economic Council (“Overzicht van vrije ondernemersorganisaties in Nederland”, The Hague 1966), cited by Windmuller (1967:243) shows that in 1966 80-90% of all employers in industry, 80% of farmers, and 35-40% of small businesses and

shopkeepers were organised. The employment share of these organisations, without double counting, can be estimated at 70-75 percent in the private sector. In the 1970s the main employers' federations expanded in services, recruiting most larger (+200) and about half of all medium-sized firms (50-200). From various sources (van Voorden 1987; Windmuller et al 1987; Van Waarden 1995; Traxler 2000, 2006; Visser and Wilts 2006), the two survey of the European Foundation (Behrens and Traxler 2004; Carley 2010) and recent website data, it appears that this has not changed since the 1980s and that the two organisations have maintained their position, with a density rate above 80%.

- Van Voorden, W.. 1984. 'Employers Associations in the Netherlands', pp. 202-231, in: Windmuller and Gladstone, eds. *Employers Associations* ..
- Visser, J., and A. Wilts. 2006. 'Reaching Out and Fitting In. Dutch business associations at home (and) in Europe', pp. 21-48 in: W. Streeck et al., eds. *Governing Interests...*
- Windmuller, J.P. 1969. *Labor Relations in the Netherlands*. Ithaca: Cornell University Press.
- Windmuller, J.P., C. de Galan, and A.F. van Zweeden. 1987. *Arbeidsverhoudingen in Nederland*. Utrecht: Het Spectrum.

Norway

Abrv	Name	Found	End	domain	type
NHO	Confederation of Norwegian Enterprise (Næringslivets Hovedorganisasjon)	1989		ind	M
NAF	Norges Arbeidsgiverforening	1900	1989	ind	E
NHF	Norway's Federation for crafts	..	1989	craft	M
NI	Norges Industriforening	..	1989	ind	T
Virke	Virke, prev. Handels- og Servicenæringerens Hovedorganisasjon HSH	1990		serv	E
HBL	Håndverksbedriftenes Landsforening, prev. NHO Håndverk	1993		craft	M
Specter	Arbeidsforeningen Spekter, prev. HAFO	1993		publ owned	E
SamFo	Samvirkeforetakenes Forhandlingsorganisasjon	1993		coop	M

NHO, which emerged from a merger of three organisations in industry, is the principal employers' association and partner in the basic agreement with the main union confederation. It continued from the NAF. NHO organised small and large firms, including the oil and energy sector, but firms in private services, banking and insurance, publicly owned firms, coops, and agriculture have their own associations, with separate umbrella federations. NAF's organisation rate in 1948 was 16% of private sector employment (calculated from Galenson 1952, Table 3), which suggests comprehensive but not complete organisation of the industrial sector at the time. Dølvik and Stokland (1992:148) report data for NHO, HSH, banks, publicly owned firms, local and central government. This suggests that NAF/NHO's employment share had almost doubled to 31.5 in 1990. However, in the 1980s industrial employment decreases and NHO's density rate falls between 1986 and 1997 (Traxler 2006). Employer organisation in services increases, however. Overall, including transport, commerce, banking, agriculture, public owned firms and coops, two thirds of private sector employment is organised (Dølvik and Stokland 1992:148), about 70% of manufacturing and 55% of private services (Dølvik and Stokke 1998: 123). Between 1985 and 2000 NHO's density rate, and the total rate, are slowly decreasing, mostly due to the decline in manufacturing employment. Annual data for 2004-2014 from Statistics Norway (Nergaard 2016), recalculated without state employees, show that after 2000 employer density rates stabilised and even increased slightly.

- Dølvik, J.-E., and D. Stokland 1992. 'Norway: The 'Norwegian Model' in transition', pp. 143-167 in: Ferner and Hyman, eds., *Industrial Relations in the New Europe*.
- Dølvik, J.-E., and T.A. Stokke 1998. 'Norway: The revival of centralised coordination', pp. 118-145 in: Ferner and Hyman, eds., *Changing Industrial Relations in Europe*.
- Galenson, W. 1952. 'Scandinavia', pp. 104-172, in W. Galenson, ed. *Comparative Labour Movements*. New York: Prentice-Hall.

- Nergaard, K. 2016. Organisasjonsgrader, tariffavtaledekkning og arbeidskonflikter 2014, Oslo: FAFO report.

New Zealand

Abrv	Name	Found	End	domain	type
BusinessNZ	BusinessNewZealand	2001		all	M
NZEF	New Zealand Employers' Federation	1902	2001		E
NZMF	New Zealand Manufacturer's Federation		2001		T

According to Williams (1993:124): the NZEF "has never been able to develop a single employer position in issues, and has often found itself contradicted in the public arena by the action of some of its larger and sectoral members". Boston (1984), too, highlights division regarding the arbitration system. Yet, the "fragmented Employers Federation covered 10,000 employers and 80 per cent of the private sector working force." (Schwartz 2000: 79). This was around 1980 and continuing in the 1980s, the NZEF supported the arbitration system. Deeks and Rasmussen (2002: 273) suggest that there was a decline in employer organization in the late 1980s, a smaller role of arbitration, and a fairly limited role in collective bargaining. "The fact that employer unions were largely concerned with co-ordination of award negotiations may explain the drop-off in their numbers after 1987" and during 1990s there was 'little rationale for the continuation of employer unions, except in the few industries where multi-employer contracts continued to exist.' (ibid.). They suggest that many employer federations went out of business. The future for employer organization after the Employment Contracts Act of 1991 looked bleak. In political lobbying for the ECA the NZEF was overtaken by, then followed the lead of the Business Roundtable, which took a more radical position in bringing down the arbitration system (Hince 1993). In the 2000s, with the formation of BusinessNZ, the influence of the Roundtable waned. Before 1991 NZEF was a lawyers organization in a placid environment (annual wage rounds, following the trend set by metal trade or by drivers; and defending employers in dismissal cases in court). After 1991, a new role had to be found in a much more competitive environment and they had to work much harder to justify membership (Carroll and Tremewan 1993). In 2009, BusinessNZ claimed membership of 76,000 companies, representing 80% of private sector employment (<https://teara.govt.nz/>).

- Carroll, P., and P. Tremewan. 1993. 'Organising employers: The effects of the Act on the Auckland Employers' Federation', pp. 185-196 in: R. Harbridge, ed. *Employment Contracts: New Zealand Experiences*. Wellington: Victoria University Press
- Deeks, J., and E. Rasmussen. 2002. *Employment Relations in New Zealand*. Auckland: Prentice Hall.
- Hince, K. 1993. 'The Making of the Employment Contracts Act', pp. 13-31 in R. Harbridge, ed. *Employment Contracts: New Zealand Experiences*. Wellington: Victoria University Press.
- Schwartz, H. 'Internationalisation and Two Liberal Welfare States: Australia and New Zealand', pp. 69-130 in: F.W. Scharpf and V.A. Schmidt, eds. *Welfare and Work in the Open Economy*, 2 vols., Oxford University Press, vol. 2.
- Williams, A. 1993. 'New Zealand: From legal regulation to legal deregulation: 1968-1992'. Pp. 115-150, in: Hartog, and Theeuwes, eds., *Labour Market Contracts*.

Poland

Abrv	Name	Found	End	domain	type
KPP/PRP	Confederation of Polish Employers (Konfederacja Pracodawców Polskich)	1990		all	M
KP Lewiatan	Confederation of Employers 'Lewiatan' (Konfederacja Pracodawców 'Lewiatan')	2004		all	M
KIG	Polish Chamber of Commerce (Krajowa Izba Gospodarcza)	1989	2004	all	T
BCC	Business Centre Club	1991		ind	M
PKPP	Polish Confederation of Private Employers 'Lewiatan'	1999		all, sme	M

There are five main central organisation of employers (A sixth one organises farmers and farming companies), with partially overlapping domains. The main one is PRP, the confederation of Polish employers, which claims a strongly rising membership between 2012 and 2019, from 4 to 5 million employees in affiliated sectors and firms, more than a doubling since 2002 (Kohl and PLatzer 2004:260). The combined membership in the other organisations increased from an estimated 775,000 in 2002 to over 1 million in 2009, according to Eurofound's questionnaire (Carley 2009) and a slightly lower figure in 2019 (website data).

Portugal

Abrv	Name	Found	End	domain	type
CIP	Confederation of Portuguese Business (Confederação Empresarial de Portugal, founded as Confederação de Indústria Portuguesa, in 1993 widening ro services	1974		ind+	M
CCP	Confederation of Trade and Services of Portugal (Confederação do Comércio e Serviços de Portugal)	1974		sme, serv	M
CTP	Confederation of Portuguese Tourism (Confederação do Turismo Português)	1996		tourism	M
AIP	Associação Industrial Portuguesa*	1996		sme, crafts	M

* integrated in CIP

At the end of the Salazar regime, two main employer organisations developed, CIP in industry and CCP in commerce, later extended to all services. (There is a third one, CAP. in agriculture.) In the mid 1990s two more organisations developed, AIP for small businesses and crafts in industry, and CTP for small firms in tourism. CIP renamed itself and opened also toward services. This divided landscape is associated with a rather low overall level of organisation. In 1974, CIP organised 30,000 firms, without those publicly owned, and a total 820,000 employees; 112,000 firms joined the (Pinto 1990:253-4). Immediately after 1974, large parts of the energy, banking and manufacturing sector became nationalised. Initially, the density rate of CIP was 41% (calculated over total private sector employment), with CCP and CAP, the density rate could well have been over 50%. According to Barreto (1992:461) in the 1970s and early 1980s, employers and employers organisations were struggling for survival. Nonetheless, CIP claimed to have increased its number of member firms to 35000 or 75% of the total, with a density rate of 60% in industry, excluding firms with less than 10 employees and including associations that do not affiliate with CIP (Cardoso et al 1990). Barreto (1992:461) and Barreto and Naumann (1998:407) estimates that the employer organisation density rate in the late 1980s and early 1990s may even have been lower than 30%. Traxler (2000, 2006) gives 34% for the CIP in 1992 and 1996 in its (increased industry domain, after privatisations), which is lower than the rate in the mid-1970s. Behrens and Traxler report an unchanged rate in 2002. Together with services and agriculture, this would suggest a private sector density rate between 40 and 45%, but without reliable figures from the organisations themselves these are questimates. For 2010, 2012 and 2014 the share of (private sector) workers employed by organised firms is based on the annual survey (Quadros de Pessoal). On this basis the density rate in 2010 and 2012 is estimated at 38%, and in 2014 at 39.2% (Naumann 2018:100).

- Barreto, J. 1992. 'Portugal: Industrial Relations Under Democracy', pp. 445-481, in: A. Ferner and R. Hyman, eds., *Industrial Relations in the New Europe*. Oxford: Blackwell.
- Barreto, J., and R. Naumann. 1998. 'Industrial Relations under Democracy', pp. 395-425, in Ferner and Hyman, eds. *Changing Industrial Relations in Europe*.
- Cardoso, J.L, J. Brito, F. Mendes, and M. Rodrigues. 1990. *Empresários e Gestores da Indústria em Portugal*. Lisbon: Dom Quixote.
- Naumann, R. 2018. 'Reregulating the Extension of Collective Agreements in Portugal. A case study', pp. 93-118, in: S. Hayter and J. Visser, eds. *Collective Agreements: Extending labour protection*. Geneva: ILO

- Pinto, M. 1990. 'Trade Union Action and Industrial Relations in Portugal', pp.243-264 in: G. Baglioni and C.J. Crouch, eds., *European Industrial Relations. The challenge of flexibility*. London: Sage.

Romania

Abrv	Name	Found	End	domain	type
CNIPMMR	National Council of Private Small and Medium Enterprises (Consiliul Național al Întreprinderilor Private Mici și Mijlocii din România)	1990		sme, coops	M
CNPR	National Confederation of Romanian Employers (Confederatia Națională a Patronatului Român)	1992		all	M
CONPIROM	Employer Confederation of Romanian Industry (Confederatia Patronală din Industria României CONPIROM)	1992		all	M
PNR	Romanian National Employers (Patronatul Național Român)	1990		all	M
UGIR	General Union of Romanian Industrialists (Uniunea Generală a Industriașilor din România)	1992		all	M
CP CONCORDIA	CONCORDIA Employers' Confederation (Confederatia Patronală CONCORDIA)	2007		all	M
UNPR	National Union of Romanian Employers (Uniunea Națională a Patronatului Român)	1991	2011	all	M
CoNPR	National Council of Romanian Employers (Consiliul Național al Patronilor din România)	1992	2011	all	M
UGIR 1903	General Union of Romanian Industrialists 1903 (Uniunea Generală a Industriașilor din România 1903)	1994	2011	all	M
VITAL	Confederatia VITAL	1996	2005		M
PR	Romanian Employers (Patronatul Român)	1996	2011	all, sme	M
UNPCPR	National Union of Employers with Private Capital in Romania (Uniunea Națională a Patronatelor cu Capital Privat din România)	2001	2011	all	M
CPISC	Employers' Confederation for Industry, Services and Commerce (Confederatia Patronala a Industriei, Serviciilor și a Comerțului)	2003	2011	all	M

The number of central employers organisations grew from 7 in 1992 to 12 in 2003. Six were nationally recognised under the 2011 Social Dialogue law, requiring that each represents firms with at least 10% of all employees in their domain, and 7% of private sector workers. On that basis, and the numbers provided by the organisations (Eurwork 2019; Trif and Paolucci 2019; Stoiciu 2016), the private sector density rate is probably in the range of 42-48%, down from 60% before 2011 (Trif and Mocanu 2006).

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Russia

Abrv	Name	Found	End	domain	type
RSPP	Russian Union of Industrialists and Entrepreneurs			ind+	M

No membership data available.

Slovakia

Abrv	Name	Found	End	domain	type
AZZZ SR	Federation of Employers' Associations (Asociácia zamestnávateľských zväzov a združení Slovenskej republiky)	1991		all	M
RUZ SR	National Union of Employers (Republiková únia zamestnávateľov Slovenskej republiky)	2004		all	M
APZ	Asociacia priemyselnych zväzov (Association of Industrial Unions)	2016		ind	M
SZZ	Slovak Craft Industry Federation	1992		crafts	M

Until the founding of RUZ SR, there was only one main central employer organisation AZZZ SR, organising most larger (often state-owned) firms, with a separate organisation (SZZ) for the rising SME sector, along with privatisation (Kohl and Platzer 2004). The initial high organisation rate owes to the still limited privatisation and development of small businesses. Sources: EC 2004; EIRO 2005; Eurworks 2012, 2019.

Slovenia

Abrv	Name	Found	End	domain	type
ZDS	Slovenian Employers' Association (Združenje delodajalcev Slovenije)	1994		all	E
ZDODS	Slovenian Employers' Association of Crafts (Združenje delodajalcev obrtnih dejavnosti Slovenije)	1994		crafts	E
DOS		2000		all	M
GZS	Chamber of Commerce and Industry of Slovenia (Gospodarska zbornica Slovenije)	1990		all	M
TZS	Slovenian Chamber of Commerce (Trgovinska zbornica Slovenije)	2006		serv	M
OZS	Chamber of Craft and Small Businesses of Slovenia (Obrtno-podjetniška zbornica Slovenije)	1990		sme	M

There are six peak level organisations of employers, three chambers (GZS, TZS and OZS), and three 'voluntary' organisations. Until 2006, through compulsory membership in the chambers, the density rate was 100%. In line with the provisions of the Law on Collective Agreements, of March 2006, the OZS will lose its function as employer organisation, which will remain only residual for small firms and no longer be involved as signatory of collective agreements. The membership of the chambers is no longer compulsory. According to the EF questionnaire of 2008, member companies of employer organisations in Slovenia employ 80%–90% of private sector employees, decreasing to 67% in 2010 (EF questionnaire, Carley 2010). Based on the membership of the main organisation (50-55%), the combined density rate in the private sector is estimated around 65%.

Sweden

Abrv	Name	Found	End	domain	type
SN	Confederation of Swedish Enterprise (Svenskt Näringsliv)	2001		all	M
SAF	Swedish Employers' Confederation (Svenska Arbetsgivareföreningen)	1902	2001	Ind+	E
IF	Federation of Swedish Industries (Industriförbundet)	1910	2001	Ind+	T
Sinf	Swedish Industry Association (Svensk Industriförening)	1941		ind+	M
SAO	Small Businesses Federation (Småföretagarna)	1986		sme	M
Arbetsgivaralliansen	Swedish Employers' Alliance (Arbetsgivaralliansen)	1971		non-profit	E
Idea	Arbetsgivarförbundet för ideella organisationer, prev.KFO	1993		coop/volunt	E

Sweden's employers are densely organised in associations affiliated with the umbrella organisation SN which is a mixed organisation combining employer and trade interests. Its predecessor, SAF, originated in industry, later, during a long period of central bargaining (1957-1982) expanding into services. There are some smaller federations in specific sectors (banking and insurance, agriculture), for small of publicly-owned firms and in the third sector, including churches, and the 30 percent or so in the public sector are covered by employers' associations of their own. Galenson (1952, Table 3) calculated that in 1948 27% of Sweden's labour force was in organised firms, which is much below the union density rate at the time (46%), but consistent with the employment share of industry. At that time and still in 1960 in the private sector it were mostly industrial firms that adhered to the SAF and its affiliates. Skogh (1984) presents membership and density data for SAF (48.4%), banks and other sectors (2.6%), coops (4.6%) and publicly owned firms (3.3%), adding up to 59 per cent. At that time and especially during the 1970s the SAF had expanded its membership beyond industry. The estimates for 1960 and 1970 track the employment shares of industry and assume complete organization by the SAF and its small rival Sind. The data for 1990 are from Nilsson (1993, Table 3) and include all organisations. Kjellberg 2019 presents aggregate annual data from 1995-2019, from Statistics Sweden, for the private sector and the entire economy.

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- Kjellberg, A. 2019. Kollektivavtalens täckningsgrad samt organisationsgraden hos arbetsgivarförbund och fackförbund. Studies in Social Policy, Industrial Relations, Working Life and Mobility. Research Reports, 1, Department of Sociology, Lund University. [https://portal.research.lu.se/portal/sv/publications/kollektivavtalens-tackningsgrad-samt-organisationsgraden-hos-arbetsgivarfoerbund-och-fackfoerbund\(d49b2d75-db7d-44c2-91b8-23f7e625a1aa\).html](https://portal.research.lu.se/portal/sv/publications/kollektivavtalens-tackningsgrad-samt-organisationsgraden-hos-arbetsgivarfoerbund-och-fackfoerbund(d49b2d75-db7d-44c2-91b8-23f7e625a1aa).html)
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- Skogh, G. 1984. 'Employers Associations in Sweden', pp. 149-168, in: Windmuller and Gladstone, eds. Employers Associations.

Turkey

Abrv	Name	Found	End	domain	type
TISK	Turkish Confederation of Employer Associations (Türkiye İşveren Sendikaları Konfederasyonu)	1962		ind	E
TÜSIAD	Turkish Industry and Business Association	1971		all	M
<u>TÜRKONFED</u>	Turkish Enterprise and Business Confederation	1974		sme	
<u>TESK</u>	Turkish Confederation of Artisans and Crafts (Türkiye Esnaf ve Sanatkâları Konfederasyonu)	1984		sme	

The employer density rates (private sector and total economy) of 2018 are based on the self-reported membership figures of the main central organisation, TISK.

United States

Abrv	Name	Found	End	domain	type
NAM	National Association of Manufacturers	1894		ind	M
NAPEO	National Association of Professional Employers' Organizations			sme	E

"American employers have not formed nationwide associations for the purpose of collective bargaining (...)" (Flanagan 1993:43). Multi-employer bargaining, where it occurred, often took place on a smaller, regional or local place and did not always involve formal employer associations. The BLS registered in July 1976 654 multi-employer agreements covering just over 3 million workers, 600,000 in manufacturing, and 2,400,000 in construction, transport, retail, and hotels and restaurants (Derber 1984:83). This equals a 4.6% bargaining coverage rate in the private sector. The extent of employer organization is larger, since many of these organisations do no negotiate with unions and sign contracts. Derber identifies employers' association in construction, trucking, shipping and waterfront, bituminous coal mining, railroads, hotels and restaurants, and clothing. Adding up the employment shares of these sectors and assuming full-scope employer organization in each of them, would amount to a private sector employer density rate of 16.2% in 1980, falling to 13% in 2018. The combined membership of the NAM and NAPEO in 2018, according to their websites, is 16.5 million, which would result in a private sector density rate of 13.2%.

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South Africa

Abrv	Name	Found	End	domain	type
BUSA	Business Unity South Africa	2003		all	M

NEASA	National Employers' Association of South Africa	1996		all	E
COFESA	Confederation of Employers of South Africa	1989		all	E
FREO	Full Range Employers' Organisation	1996		all	E
EOM	Employers' Organisation of Mzansi	1996		all	E

The only data available is based on membership of associations representing employers in the bargaining councils that exist in both industry and services (Godfroy 2018).

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- NATlex ILO Database of National Labour, Social Security and Related Human Rights Legislation, <https://www.ilo.org/dyn/natlex/>
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