

Enforcement of collective agreement

The detailed description of the building blocks of collective bargaining mainly relies on information provided by the responses to the policy questionnaires that were sent to Labour Ministries, employer organisations and trade unions in 2016. The information reported in the questionnaires represents the situation in **December 2015**.

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).

All OECD and accession countries have filled in the questionnaire. Canada has sent detailed answers for the Federal level and the four biggest provinces (Alberta, British Columbia, Ontario and Québec). The information collected via the policy questionnaires has been complemented and cross-checked with existing data sources (in particular using data from ICTWSS, Eurofound, European Commission, ILO and various individual- and firm-level surveys and administrative data) and the relevant research literature.

The detailed description of the building blocks of collective bargaining could not have been prepared without the tireless co-operation of the Labour and Employment Ministry staff in OECD and accession countries as well as of the staff of many national employer associations and unions in completing the policy questionnaires on collective bargaining that underpin the analysis. The work has also benefitted from helpful discussions and suggestions from the participants at two OECD experts meetings on collective bargaining. The views expressed here cannot be attributed to any of the people, organisations and governments that helped the Secretariat during the research and drafting process.

	Sector-level agreements			Firm-level agreements		
	Do agreements typically include a peace clause ?	Mediation		Do agreements typically include a peace clause ?	Mediation	
		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?
OECD countries						
Australia	-	-	-	Yes	Yes	Yes
Austria	No	Yes	Yes	-	-	-
Belgium	No	Yes	Yes	-	-	-
Canada	-	-	-	Yes, common.	Yes in British Columbia, Ontario and Québec; no in Alberta.	Yes in British Columbia and Ontario; no in Alberta and Québec.
Chile	-	-	-	Not allowed.	Yes	No
Czech Republic	No	No	No	Not allowed.	No	No
Denmark	Yes	Yes	Yes	-	-	-
Estonia	Yes	No	-	Yes, common.	..	-
Finland	Yes	Yes	No	If established in sectoral CA.	If established in sectoral CA.	No
France	No	No, but a CA can state that.	-	Not allowed.	No	-
Germany	Yes	No	-
Greece	Yes	Yes	Yes	Yes, but not common.	Yes	Yes

	Sector-level agreements			Firm-level agreements		
	Do agreements typically include a peace clause ?	Mediation		Do agreements typically include a peace clause ?	Mediation	
		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?
Hungary	No	No	No	Strike illegal if directed against a currently valid CA.	Yes	Yes
Iceland	Yes	No	-	Yes, common.	No	-
Ireland	No	Yes	Yes	Yes, common.	Yes	Yes
Israel	Yes	Yes	Yes	Yes	Yes	Yes
Italy	Yes	Yes	Yes	Yes, common.	Yes	Yes
Japan	-	-	-	No strike possible against agreement except if new negotiation under way.	..	-
Korea	-	-	-	-	-	-
Latvia	Yes	Yes	Yes	-	-	-
Luxembourg	Yes	Yes, but rare.	Yes	Yes, common and compulsory.	No	-
Mexico	No	No	-	Not allowed.	No	-
Netherlands	Yes	Yes	No	No, but potentially allowed.	..	-

	Sector-level agreements			Firm-level agreements		
	Do agreements typically include a peace clause ?	Mediation		Do agreements typically include a peace clause ?	Mediation	
		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?
New Zealand	..	-	-	Peace clause is not applicable; lockouts are illegal if they occur while a CA is in force, unless employees believe on reasonable grounds action is justified on grounds of health and safety.	Yes	Yes, they are required by law to include a plain language explanation of the services available for the resolution of employment relationship problems. Additional mediation procedures (which may be compulsory) can be included.
Norway	Yes	No	-	Yes, common.	No	-
Poland	-	-	-	..	No	No
Portugal	No (but some agreements do).	No	No	Yes, but not common.	Yes, but not common.	No
Slovak Republic	-	-	-	-	-	-
Slovenia	No	Yes	No	-	-	-
Spain	Yes	Yes	Yes	Yes, common.	Yes	Yes
Sweden	Yes	Yes	Yes	Yes, common.	..	-
Switzerland	Yes	Yes	No	Yes, common.	-	-
Turkey	-	-	-	Yes, common.	Yes	Yes

	Sector-level agreements			Firm-level agreements		
	Do agreements typically include a peace clause ?	Mediation		Do agreements typically include a peace clause ?	Mediation	
		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?		Do agreements typically include a mediation/arbitration procedure?	Is it compulsory?
United Kingdom	-	-	-	-	Mediation services are provided by the Advisory, Conciliation and Arbitration Service.	-
United States	-	-	-	Yes, common.	Yes	Yes
OECD Accession countries						
Colombia	-	-	-	No	Yes	Yes
Costa Rica	-	-	-	Yes, common.	Yes	No
Lithuania	Yes	No	No	No	No	No

..: Information not available; -: Not applicable; CA: Collective Agreement.

Firm-level agreement: company-level collective agreements between an employer and a trade union or between an employer and an employee body, elected and/or mandated by the company's staff.

Peace clause: clause which states that unions which have signed the agreement, and their members, cannot lawfully strike on issues regulated in the agreement.

Source: OECD Policy Questionnaires.

Disclaimer: Information for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT
PARIS, SEPTEMBER 2017