

Use of erga omnes clauses

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.

	Legal application of a sector level agreement in the absence of administrative extensions	Legal application of a firm-level agreement
OECD countries		
Australia	-	All workers (which the agreement is expressed to cover).
Austria	<i>Erga omnes</i>	All workers
Belgium	<i>Erga omnes</i>	All workers
Canada	In Alberta: <i>erga omnes</i> .	All workers
Chile	Double affiliation principle (but there can be an agreement with the union to cover all workers).	UMs + workers who opt in.
Czech Republic	<i>Erga omnes</i> de facto, but not clearly stated by law or agreements.	All workers
Denmark	<i>Erga omnes</i>	All workers
Estonia	Only to members of signing organisations but in practice to all workers of signing firms.	All workers
Finland	<i>Erga omnes</i>	All workers (unless otherwise defined in the contract).
France	<i>Erga omnes</i>	All workers
Germany	Double affiliation principle (only to members of signing organisations).	UMs
Greece	Double affiliation	All workers
Hungary	<i>Erga omnes</i>	All workers
Iceland	General effect (all workers and all firms)	All workers
Ireland	<i>Erga omnes</i>	All workers
Israel	<i>Erga omnes</i>	All workers
Italy	Only members of signing organisations but de facto general effect (all workers and all firms).	All workers
Japan	Double affiliation principle (only to members of signing organisations).	Usually only to UMs but if >3/4 workers covered, then all covered.
Korea	Double affiliation principle (but if >50% covered, then all covered).	Only UMs
Latvia	<i>Erga omnes</i>	All workers
Luxembourg	<i>Erga omnes</i>	All workers
Mexico	<i>Erga omnes</i>	All workers
Netherlands	Only to members of signing organisations but in practice to all workers of signing firms.	The employer has to offer the agreement to all workers.
New Zealand	-	All UMs + TU and employers can agree that terms and conditions may be passed to other employees + non-UMs may pay a bargaining fee to the TU where their work is covered by the CA and it is agreed to by the employer and TU, and agreed to in secret ballot between UMs and non-UMs.
Norway	An employer is not bound by a CA merely through affiliation to a signing organisation. The CA must also explicitly be invoked in the firm.	Formally only UM but de facto to all.
Poland	-	All workers
Portugal	Double affiliation principle	UMs + workers who opt in.
Slovak Republic	<i>Erga omnes</i>	All workers

	Legal application of a sector level agreement in the absence of administrative extensions	Legal application of a firm-level agreement
Slovenia	Only to members of signing organisations but in practice to all workers of signing firms.	All workers
Spain	General effect (all workers and all firms)	All workers
Sweden	Double affiliation principle	An employer bound by a CA must apply the agreement to all workers doing the work that is covered by the agreement. However, a non-member cannot base a right to a certain condition on the basis of the CA.
Switzerland	Double affiliation principle (only to members of signing organisations) but workers can opt in.	UMs + workers who sign in.
Turkey	-	Only UMs
United Kingdom	-	All workers
United States	-	All workers
OECD Accession countries		
Colombia	-	Only UMs
Costa Rica	-	All workers
Lithuania	Only to members of signing organisations but in practice to all workers of signing firms.	All workers

..: Information not available; -: Not applicable; CA: Collective Agreement; TU: Trade Union; UM: Union Member.

Erga omnes: literally in Latin, "towards everybody". In labour law it refers to the extension of agreements for all workers, not only for members of signatories unions. For cases where agreements are extended to workers in non-signatories firms, please, refer to "extensions".

Double affiliation: agreements cover only workers who are member of a signatory union working in a firm member of a signatory employer association.

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.

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