



Social dialogue in the public service in selected countries of the European Union

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Geneva

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discussion and obtain comments*

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Preface

Social dialogue, including collective bargaining, is one of the core enabling principles of the ILO's decent work agenda. It should form part and parcel of the regulation of labour relations in the public sector. Dialogue and bargaining can and should be key contributors to public sector efficiency, performance and equity. However, because competing interests can be involved, neither dialogue nor collective bargaining is conflict-free. If governments and public sector unions are to be encouraged to bring these dynamics into public sector work, where industrial peace carries a special premium in the public mind, then considerations of conflict management must be uppermost. This is more relevant than ever in times of fiscal consolidation and austerity measures.

The *Manual on Collective Bargaining and Dispute Resolution in the Public Service* (2011) sought to offer a compilation of good practices in dispute prevention and dispute resolution in public services. Its intention was to showcase an array of mechanisms, mostly interconnected, that governments and social partners around the world have developed to minimize and resolve disputes – and especially interest disputes in collective bargaining – in the public services. The manual has been received warmly among ILO constituents and beyond, and it has been translated into 10 languages so far.

The Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service, held in Geneva on 2-4 April 2014, concluded with a recommendation that the Office carry out research on the diversity of practices in social dialogue, in particular collective bargaining, in different countries. Such research should provide countries with knowledge to improve their own practices, enable improved responses to situations of crisis and to address obstacles in the ratification of Conventions Nos. 151 and 154.

Building upon this foundation and in celebration of the 40th anniversary of Convention No. 151, this paper, drafted by Professor Lorenzo Bordogna of the University of Milan, presents a compilation of practices in collective agreements in the public service in the European Union. This selection shows how the principles of Convention No. 151 have been implemented through legislation and/or collective bargaining. I trust that these pages will contribute to a constructive engagement of worker organizations and government employers in this regard.

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List of Acronyms

ARAN	Italian Agency for the Negotiating Representation of the Public Administration
BusinessEurope	Confederation of European Business
CEE	Central and Eastern Europe
CEEP	European Centre of Employers and Enterprises providing Public Services
CEMR	Council of European Municipalities and Regions
CESI	European Confederation of Independent Trade Unions
CGA	Central Government Administration
CGIL	Italian General Confederation of Labour
CISL	Italian Confederation of Trade Unions
EMU	European Monetary Union
ETUC	European Trade Union Confederation
ETUCE	European Trade Union Committee for Education
ETUI	European Trade Union Institute
EU	European Union
EUPAE	European Public Administration Employers
EUPAN	European Public Administration Network
EUROSTAT	Statistical Office of the European Union
HOSPEEM	European Hospital and Healthcare Employers' Association
HS	Hospital and Healthcare Sector
ILO	International Labour Organization
IUL	Italian Labour Union
LFS	Labour Force Survey
LGDK	Local Government Denmark
LRG	Local and Regional Governments
MEF	Italian Ministry for the Economy and Finance
NPM	New Public Management
OECD	Organization for Economic Cooperation and Development

RSU	Unitary Workplace Union Structure (Italy)
SDC	European Social Dialogue Committee
SNA	System of National Accounts
SSDC	European Sectoral Social Dialogue Committee
TFEU	Treaty on the Functioning of the European Union
TUNED	Trade Unions' National and European Administration Delegation
UEAPME	European Association of Craft, Small and Medium-Sized Enterprises

1. Introduction

The aim of this paper is to analyse the regulation and practice of social dialogue in the public service at the European Union (EU) level and within a group of EU countries, with a focus on the forms of social dialogue other than collective bargaining and their evolution after the onset of the 2008 economic crisis.

Social dialogue

Social dialogue is an important pillar in the institutional fabric, policy tradition and practical activity of both the International Labour Organization (ILO) and the EU.

According to the ILO, social dialogue comprises “all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. It can exist as a tripartite process, with the government as an official party to the dialogue or it may consist of bipartite relations only between labour and management (or trade unions and employers’ associations), with or without indirect government involvement. Social dialogue processes can be informal or institutionalised, and often it is a combination of the two. It can take place at the national, regional or at enterprise level. It can be inter-professional, sectoral or a combination of these” (ILO-ITC, 2012, p. 12; see also ILO, 2013c and ILO, 2018b).

This constitutes a very broad definition, both with regard to the more or less institutionalized processes and the procedures it covers – from simple exchange of information to collective bargaining leading to formal agreements – and from the point of view of the actors involved and the levels at which the dialogue can take place. Actors may include only the social partners or also the government, engaged in inter-professional or sectoral dialogue at the national, regional or enterprise level. Whatever its form, social dialogue “is essential to help design and implement national policies to achieve fair terms of employment and decent working conditions”, and plays “a critical role in achieving the ILO’s objective of advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equality, security and human dignity” (ILO, 2013b, p. 39). The importance of the role of social dialogue for “democracy and good governance” and “as a means to achieve social and economic progress” was most recently re-affirmed in the resolution on Social Dialogue adopted by the 107th Session of the International Labour Conference, which also includes a paragraph emphasising the role of “cross-border social dialogue in an increasingly complex globalized economy” (ILO, 2018c).

With particular regard to the public service, several ILO instruments define the general framework for labour relations and collective bargaining in the sector. These are the Labour Relations (Public Service) Convention, 1978 (No. 151) and the Collective Bargaining Convention, 1981 (No. 154), as well as their respective Recommendations, No. 159 and No. 163. More recently, one of the points of consensus adopted by the 2014 Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service underlined that “social dialogue is key to addressing several matters regarding public service”. Moreover, considering the role of collective bargaining in addressing the challenges facing the public service as well as the impact of the economic and financial crisis, the points of consensus added that “collective bargaining is a concrete form of social dialogue, as it sets out in agreement the rights and responsibilities of public employers and public workers”.

As for the EU, social dialogue, a crucial component of the European Social Model, is framed within a complex institutional architecture based on the EU Treaties. In its broadest meaning, it has its roots in Article 11 of the *Treaty on European Union (TEU)*,¹ which establishes the following:

¹ Consolidated version, 26 October 2012, “Official Journal of the European Union” C 326/13, Art. 151.

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1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society.
 3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent.

Through various steps, since the so-called Val Duchesse process was launched in 1985, social dialogue obtained full recognition with the 1997 Amsterdam reform, and is now defined in Articles 151-156 of the *Treaty on the Functioning of the European Union* (TFEU)². In particular, Article 151 recognises the promotion of dialogue between management and labour as a common objective of the EU and the Member States. Article 152 establishes that “the Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy. The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue”. Articles 154 and 155 also envisage, under certain conditions and through a specific procedure, the possibility of a legislative role for dialogue between management and labour at EU level in the social policy field.

On this legal basis, the EU architecture also presumes tripartite and bipartite types of dialogue at different levels – the cross-industry level, covering the entire economy, and the sectoral level, covering workers and employers in specific sectors of activity, with different committees. The main forum of tripartite concertation, at its highest level, is the Tripartite Social Summit for Growth and Employment (Article 152 of the TFEU), generally held twice a year, and coinciding with the European Council's meetings. The main forum for the cross-industry dialogue is the Social Dialogue Committee (SDC), while sectoral dialogue occurs through the Sectoral Social Dialogue Committees (SSDC). After the decision of the Commission in May 1998 (98/500/EC) to promote new SSDCs, defining precise provisions for their establishment and operation, the number of SSDCs has steadily increased (see also European Commission, 2015). At present (2018), there are 43 SSDCs, including those that cover central government administrations, local and regional government, and hospitals and the health sector. The dialogue may be autonomous, including all types of joint activities that follow the work programmes of the social partners, or treaty-based, that is consultation or negotiation of agreements in social policy fields based on the procedure established in Articles 153-155 of the TFEU.

In March 2015, thirty years after the beginning of the Val Duchesse process, the EU Commission promoted a high-level conference involving European social partners to launch “a new start for social dialogue”. In that conference, and in its follow-up one year later, the Commission stressed the importance of the link between social dialogue at EU level and at national level, as well as between tripartite and bipartite dialogue. It was underlined that “EU social dialogue cannot deliver without a well-functioning and effective social dialogue at national level”, and that at both levels “tripartite concertation, involving public authorities, needs to build upon a strong bipartite social dialogue” (European Commission, 2016a).

Social dialogue and collective bargaining in existing studies

In addressing the topic of this report, and examining the related literature, a problem arises regarding the relationship between collective bargaining and other forms of social dialogue. As seen in the definitions of both the ILO and the EU, collective bargaining appears as a special type of social dialogue, a particular form within a wider array of relationships. According to the ILO, “Convention No. 154 and Recommendation No. 163 acknowledge that information, consultation and negotiation are inter-linked and reinforce each other. While focusing on negotiations, both highlight the importance of a common information base for meaningful negotiations, and the role

² Consolidated version of 26 October 2012, “Official Journal of the European Union” C 326/47.

of consultation in deciding measures to encourage and promote collective bargaining” (ILO, 2011, p. 5). In an ideal hierarchy of intensity, information exchange comes as the less intense form of social dialogue relationship, followed by consultation and finally by collective bargaining, which leads to more or less formal collective agreements (see also ILO, 2013c; ILO, 2018a; Ishikawa, 2003, p. 3; Ratnam and Tomoda, 2005, p. 3). In other words, information and consultation are seen as conducive to collective bargaining: where there is collective bargaining, there are also the other, less intense forms of social dialogue, in a sequence.

There are, however, two qualifications. First, the relationship between the various forms of social dialogue can be seen not as a sequence, where the highest form inevitably includes and presupposes the lower ones, but as a relationship of substitution, where collective bargaining in a way could ‘cannibalize’ the other forms of social dialogue, eroding their role and substituting for rather than fostering them. In other words, there could be a potential trade-off between these forms of social dialogue. This is something similar to what H. A. Clegg, in his classic study on trade-unionism under collective bargaining, hypothesized with regard to the relationship between collective bargaining (at least at the workplace level) and other forms of employee participation or industrial democracy. He argued that “so long as adequate arrangements are made for collective bargaining within the plant, collective bargaining may be regarded as a satisfactory form of industrial democracy” (Clegg, 1976, p. 97). Clegg’s hypothesis has been debated, and its validity should perhaps be considered also in light of the type of workplace representation system, whether it be a single or a dual channel system. This trade-off feature should be accounted for when selecting countries for analysis. If the hypothesis holds, one could expect to find better developed forms of social dialogue other than collective bargaining in contexts where the right to collective bargaining is absent as compared to contexts where it is recognized and practiced. Likewise, it could be expected that forms of social dialogue other than collective bargaining may be better developed in contexts where information/consultation/concertation rights are clearly differentiated from bargaining rights than in contexts where this distinction is absent or blurred. Finally, forms of social dialogue other than collective bargaining could be expected to be better developed in contexts where a dual channel workplace representation system exists rather than in contexts with a single channel system.

Second, while collective bargaining and its related procedures are clearly defined and formally regulated in the public service and frequently enshrined in legal provisions, other less intense forms of social dialogue are often more vaguely defined, if not entirely informal, at national level. This may also be a reason why it is easier to find studies on collective bargaining than on other forms of social dialogue. If the first qualification outlined above influences the selection of countries for analysis, suggesting to choose cases both with and without collective bargaining rights in the public service, the latter qualification explains why in the review of existing studies it is difficult to single out those specifically dedicated to forms of social dialogue other than collective bargaining. This is a problem that emerges again in the analysis of the evidence in this report, in terms of the difficulty in disentangling forms of social dialogue other than collective bargaining from collective bargaining experiences.

2. Social dialogue actors in the civil service: The government and the civil servants

Public sector, public administration and civil service

Convention No. 151, devoted to labour relations in the public service, has been ratified by 54 ILO member states. Eighteen of the 28 EU member states have ratified it, as have three countries that are candidates or potential candidates for EU membership.

Convention No. 151 adopts a very wide definition of public service, establishing in Article 1 that it applies “to all persons employed by public authorities”. The distinction between public sector, public administration and civil service, however, is not always unambiguous in the literature. The public sector is usually considered as the largest aggregate, including also public enterprises and public corporations or quasi-corporations, followed by public administration and finally by civil service, which usually refers to the central government or central public administration, often employing personnel with a special (public law) employment statute. The exact boundaries between these groups, as well as the definition of civil service/civil servant, vary between countries, depending on national political and administrative traditions (Bordogna, 2007a; Bordogna and Pedersini, 2013; Kerckhofs, 2017). In some countries, civil servants have a special public law/statute such as the *Beamte* in Germany (Keller, 2016) or the *Fonctionnaires publics titulaires* in France (Vincent, 2016). In both cases, these cover employees well beyond the central government. A Special legislation regarding civil servants, as distinct from other public employees also exists in Czech Republic and Romania (Kerckhofs, 2017, pp. 11-12). Even the distinction between private and public sector depends to some extent on the point of view adopted in the analysis.

The OECD (2008, p. 434) suggests three possible criteria for the definition of public service – employment status, the financing source, and the employer’s identity. Each criterion has strengths and weaknesses. The most suitable option for analysis in this paper would be to utilize the employment status of employees. In several countries, however, the entire aggregate of public sector employees, and in some cases even the civil service, has never been covered by a special employment status. This has been partially reinforced since the late 1980s under the pressures of new public management (NPM) reforms (Bach and Bordogna, 2011). Economists and public policy scholars often refer to comprehensive aggregates that include all activities financed with public money or carried out by organizations managed by personnel appointed by central or local governments (Rose, 1985). These can be suitable solutions for the analysis of the total wage bill or of public finances trends. From a labour relations point of view, however, they run the risk of either being too inclusive because they would cover, for instance, corporations partially or totally owned by the government but subject to the civil code and employing personnel with private contracts, or too restrictive because they would exclude, for instance, the employees of the UK National Health Service Trusts, which have changed their status and operate with independent financing arrangements (OECD, 2008, p. 434). In addition, classifications based on the functions of government (COFOG), which are utilized by the OECD, or based on economic activities, as employed in the Labour Force Survey (LFS) provided by Eurostat, are not entirely satisfactory for this analysis. They also include private for-profit or not-for-profit providers, especially in the education and health sectors, with a large proportion of employees on ordinary employment contracts, which makes it difficult to establish a precise identification of the boundaries of the public sector and of the size of public sector employment for comparative purposes.

Nevertheless, the data provided by the OECD and by the Eurostat-LFS are the only data that allow comparisons across countries and sectors. For this reason, they are often utilized in these types of studies although they can only serve as a proxy and not as an exact measurement of the public sector (see Bach and Bordogna, 2013 and 2016; Bechter and Brandl, 2013; Bordogna and Pedersini, 2013; Kerckhofs, 2017; Glassner and Keune, 2010; Vaughan-Whitehead, 2013).

The scale of the public sector

Table 1 and Figure 1 present the share of the public sector as a whole, and as three sub-sectors of total employment in the EU countries plus Norway in 2009 and 2015/2016, utilizing both OECD and Eurostat-LFS data.

The OECD data, in the first two columns, are based on the System of National Accounts (SNA) and refer to general government employment, which covers employment at all levels of government (central, state, local and social security funds) and includes core ministries, agencies, departments and non-profit institutions that are controlled by public authorities. The data represents the total number of persons employed directly by those institutions. As specified in the “Methodology and definitions” note (OECD, 2017, p. 90), “compared to the previous edition of *Government at a Glance*, data for this indicator are drawn from the SNA framework and refer to general government employment whereas before data were collected by the International Labour Organisation (ILO), referring to the public sector employment (i.e. general government plus public corporations)”. In some cases, the difference with previous data is substantial, as for instance in France, Greece, Netherlands, Poland, Slovakia, and also partly in Denmark, Germany, Estonia, Ireland and Norway.

Eurostat-LFS data, as captured in columns 3-10, cover three sections of the Statistical classification of economic activities of the European Community NACE Rev.2, specifically:

- Section O: Public Administration, Defence, Compulsory Social Security, which includes three subgroups of activities: 84.1 administration of the State and the economic and social policy of the community; 84.2 provision of services to the community as a whole (Foreign Affairs; Defence activities; Justice and Judicial activities; Public order and safety activities; Fire service activities); 84.3 Compulsory social security activities.
- Section P: Education, which includes subgroups with codes from 85.1 to 85.6, respectively: pre-primary education; primary education; secondary education; higher education; other education; educational support activities.
- Section Q: Human Health and Social Work Activities, which includes nine subgroups. Specifically, code 86 – hospital activities; medical and dental practice activities; other human health activities; code 87 – residential nursing care activities; residential care activities for mental retardation, mental health and substance abuse; residential care activities for the elderly and disabled; other residential care activities; code 88 – social work activities without accommodation for the elderly and disabled; other social work activities without accommodation.

Section O is likely the closest measure to approximate the scale of central government administrations, for which a specific SSDC has been constituted in 2010. In several countries, however, some activities included in Section O do not, or only partially, ‘belong’ to central government administrations, and are provided by the local and regional government sector for which another SSDC has formally operated since 2004 (Kerckhofs, 2017, p. 10, Table 3). In some cases, for instance France and Italy, personnel employed in education activities are included in Section O of the LFS statistics rather than in Section P. Moreover, many public service employees, even those classified as civil servants in some countries, work for public providers in Section P (public schools of any grade) and Section Q (the National Health Service in many countries), along with employees under ordinary employment contracts working for private providers. For these employees, other SSDCs operate, specifically: Education, which was constituted in 2010, and Hospitals and Healthcare, which was established in 2006.

Eurostat-LFS and OECD data show both similarities and differences. In terms of similarities, the Nordic countries, for example, with the partial exception of Finland, appear in the upper part of Figure 1, with the largest general government or public sector share. Another

similarity is the decreasing share of public sector employment in most countries after the onset of the 2008 economic crisis, although with some significant exceptions (Table 1). There are, however, also marked differences, especially in the lowest part of Figure 1, where, according to LFS data (including also P and Q sections, with many private providers), we find only CEE countries, presumably with a limited welfare state (Bulgaria, Czech Republic, Poland and Romania). Yet according to OECD data, the group with the leanest general government employment includes Germany, Italy, Luxembourg and the Netherlands.

Figure 1. Public sector employment share of total employment, 2015 or 2016

EUROSTAT LFS (NACE Rev.2), sections O+P+Q, 2016	Countries
Over 29%	Belgium, Denmark, France, Sweden, United Kingdom, Norway
25% - 29%	Germany, Ireland, Luxembourg, Malta, Netherlands, Finland
20% - 24%	Estonia, Greece, Spain, Croatia, Italy, Cyprus, Latvia, Lithuania, Austria, Hungary, Portugal, Slovenia, Slovakia
Below 20%	Bulgaria, Czech Republic, Poland, Romania
OECD, General Government, 2015	Countries
Over 26%	Denmark, Sweden, Norway
21% - 26%	Estonia, France, Lithuania, Hungary, Finland
15% - 20%	Belgium, Czech Republic, Ireland, Greece, Spain, Latvia, Austria, Portugal, Slovenia, Slovakia, United Kingdom
Below 15%	Germany, Italy, Luxembourg, Netherlands

Source:

EUROSTAT, *Labour Force Survey*, last update 14-9-2017, extracted on 7 December 2017

OECD. 2017. *Government at a glance 2017* (Paris, OECD), Figure 3.1

Table 1. Public sector employment as a share of total employment. OECD and LFS data (2009 and 2015 or 2016)

GEO/TIME	OECD Gen Gov 2009	OECD Gen Gov 2015	LFS O+P+Q 2009	LFS O+P+Q 2016	LFS – O 2009	LFS - O 2016	LFS - P 2009	LFS – P 2016	LFS - Q 2009	LFS – Q 2016
EU-28			24,56	25,42	7,27	6,94	7,26	7,60	10,02	10,87
EU-27			24,61	25,45	7,28	6,94	7,28	7,60	10,05	10,90
EU-15			26,03	26,89	7,46	6,94	7,39	7,83	11,19	12,13
Belgium	18,8	18,4	31,80	32,94	9,51	8,66	8,94	9,43	13,35	14,85
Bulgaria	n.a.	n.a.	18,15	18,32	7,26	7,38	5,88	5,72	5,01	5,22
Czech Rep	13,5	16,2	19,02	19,90	6,52	6,46	5,89	6,51	6,60	6,93
Denmark	29,4	29,1	32,72	31,81	6,38	5,44	7,91	8,96	18,43	17,41
Germany	11,3	10,4	25,32	26,50	7,30	7,12	6,19	6,54	11,82	12,85
Estonia	23,7	23,0	21,90	20,66	6,31	6,29	10,11	8,49	5,48	5,88
Ireland	15,8	15,0	24,97	25,38	5,50	5,10	7,58	7,61	11,89	12,67
Greece	17,6	18,0	20,91	23,21	8,40	9,14	7,32	8,13	5,18	5,94
Spain	14,8	15,7	20,50	22,08	7,27	6,92	6,15	6,93	7,08	8,23
France	21,9	21,4	29,70	31,19	10,18	9,17	6,80	7,51	12,72	14,52
Croatia	n.a.	n.a.	18,09	20,91	6,65	6,59	5,46	7,51	5,98	6,82
Italy	14,3	13,6	20,54	20,50	6,28	5,62	6,97	6,83	7,28	8,05
Cyprus	n.a.	n.a.	18,98	21,56	7,74	8,34	6,87	7,80	4,37	5,43
Latvia	21,7	20,1	22,03	21,71	7,82	7,05	8,84	8,94	5,37	5,72
Lithuania	24,8	22,8	23,08	22,61	6,11	6,22	10,48	9,80	6,49	6,58
Luxembourg	12,1	12,4	30,17	27,79	11,45	9,79	8,47	7,48	10,24	10,52
Hungary	19,6	21,9	22,59	24,34	7,81	10,31	8,28	7,53	6,50	6,50
Malta	n.a.	n.a.	25,02	27,34	8,74	7,95	8,49	10,02	7,79	9,38
Netherlands	13,8	12,8	29,70	27,99	6,68	5,81	6,91	6,67	16,11	15,51
Austria	16,5	16,9	22,80	23,81	6,86	6,54	6,31	6,87	9,63	10,40
Poland	n.a.	n.a.	19,79	19,97	6,50	6,73	7,76	7,30	5,54	5,94
Portugal	15,0	15,2	21,34	24,68	6,98	6,54	7,59	8,59	6,77	9,55
Romania	n.a.	n.a.	14,40	14,25	5,56	5,30	4,38	4,20	4,46	4,75
Slovenia	15,9	17,4	19,49	22,42	6,36	6,09	7,55	9,02	5,58	7,30
Slovakia	18,9	19,4	20,67	23,20	7,54	8,95	6,84	7,06	6,29	7,19
Finland	25,0	24,9	27,40	28,56	4,77	4,61	6,72	7,14	15,90	16,81
Sweden	29,4	28,6	32,27	33,37	5,91	6,62	10,73	11,51	15,64	15,23
UK	19,6	16,4	30,08	29,74	6,87	6,11	10,18	10,53	13,03	13,09
Norway	29,3	30,0	34,97	35,59	5,96	6,50	8,18	8,59	20,83	20,50

Source:

OECD. 2017. *Government at a glance 2017* (Paris, OECD), Figure 3.1

EUROSTAT, *Labour Force Survey*, last update 14-9-2017, extracted on 7 December 2017; age: from 15 to 64 years.

Before analysing cases of social dialogue practices at national level, the following section examines social dialogue at EU level in general, and with particular attention to the sectors pertinent to this study. Social dialogue at EU level is not only important, often influencing national level experiences, but is also more institutionalized than in many Member States.

3. Forms of social dialogue in the civil service: Institutions and mechanisms at EU level

This section first highlights the broader framework of social dialogue institutions and mechanisms at EU level, considering tripartite concertation and cross-industry dialogue, with the most recent developments and issues. Attention is then given to forms and activities of social dialogue in three SSDCs closely connected to the civil service, specifically: central government administrations, hospital and health sector, and regional and local government sector.

Social dialogue at EU level: EU Commission's initiatives, tripartite concertation and cross-industry dialogue

The recognized European Social Partners are the same for both tripartite concertation and cross-industry dialogue at EU level, while there can be some variation with regard to the institutional actors. On the workers' side, there is the European Trade Union Confederation (ETUC), while on the employers' side the actors include BusinessEurope, the European Association of Craft, Small and Medium-sized Enterprises (UEAPME), and the European Centre of Employers and Enterprises providing Public Services (CEEP).

- ETUC, created in 1973, comprises 89 national trade union confederations in 39 countries and 10 European trade union federations.
- BusinessEurope is the confederation of European businesses representing enterprises of all sizes with 39 members in 34 countries, including all the EU countries and six European non-EU countries.³
- UEAPME is the employers' umbrella organisation representing the interests of European crafts, trades and small- and medium-sized enterprises, incorporating 67 member organisations from 34 countries consisting of national cross-sectoral small and medium enterprise (SME) federations, European branch federations and other associate members. It represents about 12 million enterprises, which employ around 55 million people across Europe.⁴
- CEEP represents employers and enterprises providing services of general interest since 1961, with member organisations regardless of legal ownership status in fields such as healthcare, education, housing, energy, waste management, transport, water, environment, and communications.⁵

Governments' and employers' responses to the 2008 economic crisis affected both working conditions and social dialogue institutions and practices of many EU Member States, and not only in the public sector (Ghellab, 2009; Ghellab and Papadakis, 2011; Guardiancich and Molina, 2017; Hyman, 2010 and 2015; Papadakis and Ghellab, 2014; Rychly, 2009; Schulten, 2009; Watt, 2008). At the same time, however, the evidence shows that in several cases a tradition of strong social partnership helped national economies successfully address the challenges arising from this context.

At EU level, social dialogue deteriorated during the deepest years of the crisis (2009-2012). The measures tightening the rules of the European Monetary Union's (EMU) institutional architecture were often approved under the emergency of an economic crisis that in several

³ See BusinessEurope. 2018. "History of the organization: Winning the peace", 5 Jul. Available at: <https://www.besbusiness.eu/history-organisation>.

⁴ See <http://www.ueapme.com>.

⁵ See CEEP. n/d. "What is CEEP?" Available at: http://www.ceep.eu/our_organisation/.

countries turned into a dramatic sovereign debt crisis. The role of social dialogue in reforming these rules and in their subsequent implementation and operation has been limited.

In response to this situation, in 2015 the new European Commission initiated a re-launching of social dialogue, including its role in the cycle of economic policy coordination of the ‘European Semester’, introduced in 2010/2011, and more generally in the new EU economic governance framework, as a prerequisite for the functioning of Europe’s social market economy. The involvement of social partners in all the stages of the European Semester – Annual Growth Survey, National Reform Programmes, Country Specific Recommendations, macroeconomic imbalances procedures – had often been discussed at the Tripartite Social Summits (TSS) in previous years. It was also the theme of a joint declaration of the European social partners at the October 2013 TSS (European Commission, 2015, p. 116).

A high-level conference was held in March 2015 to kick-off “a new start for social dialogue” and a renewed partnership between social partners and EU institutions. The Commission and the social partners agreed on: a) the need for a more substantial involvement of the social partners in the European Semester; b) a stronger emphasis on capacity building of national social partners; c) a strengthened involvement of social partners in EU policy and law-making; and, d) a clearer relation between social partners’ agreements and the Better Regulation agenda, that is, the agenda to improve the quality of EU legislation (see also Garben and Govaere, 2018).

This initiative was welcomed and supported by a long declaration of the EU cross-industry social partners (26-27 January 2016), whereby the need for a stronger link between social dialogue and the Council’s decision and the European Semester process was underlined. In accordance with this declaration, the conclusions adopted by the Council of the EU Ministers of economic and social affairs of mid-June 2016 called on Member States to take the necessary steps, *inter alia*, to “promote the building and strengthening of the capacities of the social partners”, and to “ensure the timely and meaningful involvement of the national social partners, ...including throughout the European Semester, in order to contribute to the successful implementation of Country Specific Recommendations” (EC 2016c).

Two weeks later, on 27 June 2016, a quadripartite joint statement between the Council Presidency, the European Commission and the European social partners (ETUC, BusinessEurope, CEEP, UEAPME) was adopted, underlining the fundamental role of European social dialogue as a significant component of EU employment and social policy-making (European Commission, 2016c). In this statement, the signatory parties, among other issues, agreed to focus their efforts, in their respective role, to enhance the (biannual) Tripartite Social Summit on Growth and Employment and the Macroeconomic Dialogue, and to improve capacity-building and implementation outcomes both at cross-industry and sectoral European level. The Commission, in particular, agreed to involve social partners in policy and law-making at EU level, also in initiatives not falling under the scope of Articles 153 and 154 of the TFEU, but with significant employment and social implications, as well as to enhance the involvement of EU-level social partners in economic governance and the European Semester.

Finally, following a public consultation on the European Pillar of Social Rights, on 26 April 2017 the Commission published a *Reflection Paper on the Social Dimension of Europe*, which, *inter alia*, recognised social partners’ right to be involved in the design and implementation of employment and social policies, and supported their stronger involvement in policy and law-making, while taking into account the diversity of national systems. At the Social Summit held in Gothenburg on 17 November 2017, the European Parliament, Council and Commission solemnly proclaimed the European Pillar of Social Rights. The document presented 20 principles articulated in three chapters: “Equal opportunities and access to the labour market”; “Fair working conditions”, including the principle that “social partners should be consulted in the design and implementation of economic, employment and social policies according to national practices”; and “Social protection and inclusion” (EP/EC 2017).

Apart from the Commission's initiatives to relaunch social dialogue and promote the social dimension in Europe with the declaration and joint statement of January and June 2016, the EU social partners (BusinessEurope, CEEP, UEAPME and ETUC) presented their autonomous joint work programme 2015-17 with eight priorities. Some of these priorities led to joint declarations and, in some cases, negotiations. In particular, three declarations were issued in mid-March 2016 regarding the refugee crisis, the digitalisation of the economy and industrial policy, along with a joint statement at the end of May 2016 regarding apprenticeships. Moreover, negotiations started on two topics. The first was on the strengthening of the regulatory framework of the work-life balance, which failed in September 2016 at the end of the consultation period due to the European employers' associations (BusinessEurope, CEEP, UEAPME) refusal to enter into substantial negotiations (Degryse, 2017). The second was on active ageing and an intergenerational approach to human resources within companies, which was part of the social partners' working programme 2015-17, and was agreed upon in March 2017 after nine months of negotiations. Being an autonomous agreement, it does not have to be transposed into a directive, but the national affiliates to the European social partners are committed to promoting and implementing its provisions, in accordance with their own traditions (Degryse, 2017). Within their previous autonomous work programme 2012-14, the European social partners negotiated and adopted (April 2013) a Framework of Actions on Youth Employment, on which a Final evaluation report was issued in September 2017.

With regard to the role of social dialogue in EU economic governance, despite some steps towards a sort of "socialization" of the European Semester (Zeitlin and Vanhercke, 2015) and a few improvements highlighted by the European Commission (2016b), two documents by the ETUC at the end of 2017 underlined a still unsatisfactory situation. First, an October 2017 document (ETUC, 2017a) based on a survey of 23 national ETUC affiliates, affirms that "the involvement of trade unions at the milestones of the semester cycle at national level... is still largely unsatisfactory". In 2017, consultations did not take place in five of the countries (United Kingdom, Italy, Spain, Hungary and Romania) and were carried out poorly in four others (Ireland, Germany, Latvia and Estonia). Consultations occurred in the other nine reporting countries (Belarus, Belgium, Bulgaria, Croatia, Denmark, Lithuania, Portugal, Poland and Slovenia), but the quality of the dialogue was in need of improvement. ETUC members reported that the level of involvement satisfied them in only five countries (France, Netherlands, Slovakia, Sweden and Finland). Referring to the above-mentioned quadripartite statement of 27 June 2016, the ETUC document underlines that "social dialogue should be better used to design and implement policies", and calls on the Commission and the Council "to issue specific recommendations to Member States that do not properly involve trade unions at the milestones of the EU Semester".

Second, a similar request was underlined again in a letter sent by the ETUC General Secretary to the President of the European Council and the Prime Ministers and Heads of State just before the European Council in mid-December 2017. The letter emphasised the need "to implement in practice" the principles of the European Pillar of Social Rights, and stressed that this should be done through the inclusion of "social dimension in the European economic governance and the European Semester, as well as in the new Multiannual Financial Framework and in the reform of the European Monetary Union" (ETUC, 2017b).

Social dialogue at EU level: Sectoral dialogue

While the initiative to re-launch the European Social Dialogue “has not yet delivered tangible results” at cross-industry level, the developments at sectoral level have in general been less negative, if not even in “striking contrast” with cross-industry dialogue trends (Degryse, 2017, p. 116).

The number of SSDCs has grown, albeit somewhat discontinuously, from 36 in 2007, the year before the onset of the crisis, to 43 in 2013. As for joint texts, after a peak of 55 in 2007 and a marked decline in the following years, there has been an up-turn in 2012-13 with 47 joint texts each year, followed by a lower but stable number of around 36-38 texts in the following three years. These include both “external texts” – common positions addressed to public authorities with the aim of adjusting or influencing European policies – and “internal texts” – reciprocal commitments between the social partners themselves in the form of rules, objectives, and guidelines (Degryse, 2017, pp. 119-121). The share of the latter type of texts sharply decreased between 2010 and 2014, but has grown to more than 60 per cent in 2016, while most frequently addressed matters regarded questions related to health and safety at work, social dialogue, working conditions, and training. A subject of growing importance in recent years in several SSDCs has been the social impact of the digitalization of the economy. It was addressed in 2014 in the transport sector with the arrival of Uber in European cities, in 2015 in the tourist sector with the arrival of AirBnb, in the local and regional administration sector with the digitalization of public services, and in 2016 in the insurance sector, the chemicals industry and the metal sector.

In the three SSDCs relevant for public service activities, significant achievements have been realized in recent years, including an agreement in central administrations in December 2015 for which social partners requested implementation through EU legislation, although to date unsuccessfully. Given the main focus of this report, in the following sections greater attention will be given to social dialogue in central government administrations, while less consideration will be accorded to hospitals and healthcare and the local and regional government social dialogue processes. In all these SSDCs, the most representative workers’ organization is the European Public Service Union (EPSU), while in the education sector, social dialogue is undertaken by the European Trade Union Committee for Education (ETUCE).

Sectoral social dialogue at EU level: Central government administrations

The European SSDC for central government administrations (CGA) was set up in December 2010 after a test-phase of 2-3 years by the Trade Unions’ National and European Administration Delegation (TUNED) and the European Public Administration Employers (EUPAE). TUNED is a joint organisation resulting from a cooperation agreement between the EPSU and the European Confederation of Independent Trade Unions (CESI), signed in February 2005 and updated in May 2010. EPSU is a member of ETUC and represents 8 million public service workers across Europe, and not all are employed in CGAs. Founded in 1990, CESI is a confederation of 38 trade union organisations from 21 European countries and four European trade union organisations, with more than 5 million individual members. The TUNED delegation to the SSDC CGA meetings is coordinated by EPSU, the most representative European trade union organization in the sector, in close cooperation with CESI. Decisions of the SSDC must be approved by the relevant decision-making bodies of both EPSU and CESI, and on the recommendation of TUNED (Kerckhofs, 2017, pp. 5-6).

EUPAE springs from the more informal European Union Public Administration Network (EUPAN), a network of Directors General responsible for public administration in the EU Member States, and was established as a non-profit organisation in December 2010 with the purpose of representing CGAs in EU level social dialogue. Initially, EUPAE was created by the governments of Belgium, Czech Republic, France, Italy and Luxembourg. According to EUPAE statutes (Article 7), unanimity is required for any common position, and new members are required to sign a declaration of adherence and endorse the statutes (Kerckhofs, 2017, p. 5). In

2017, EUPAE had 11 Member States – Belgium, France, Spain, Greece, Italy, Lithuania, Luxembourg, Romania, Czech Republic, UK, Slovakia – and six observers – Germany, Austria, Hungary, Malta, Portugal and Slovenia. According to Eurofound (Kerckhofs, 2017), the EPSU-led TUNED represents a large majority of unionised workers and civil servants in 27 of the 28 EU Member States, while its counterpart the EUPAE represents employers with 88 per cent of the total EU workforce of 9.3 million in CGAs (Kerckhofs, 2017).

According to the EU Commission, social dialogue in the CGA sector covers civil servants and employees in government ministries, agencies, services that are financed or run by the central government and EU institutions. This would amount to more than 9.7 million people working in public administration at the local, regional or central level (Duran et al., 2014). The exact definition of which activities are included in CGAs differs from country to country (Kerckhofs, 2017, p. 12). For instance, employees in public education in countries like France and Italy (more than one million persons in each case) are included in CGAs (Section O in Eurostat-LFS statistics), while in other countries they are included in the education sector (Section P in LFS statistics). In Italy and France, the employees have representatives that are not affiliated to trade unions, and in UK, trade unions cover only the civilian staff in the army (Kerckhofs, 2017, p. 25). Moreover, certain CGA activities in some countries are not covered by social dialogue, either because social dialogue structures do not exist (like in Czech Republic for police employees), or because social dialogue is not foreseen (Bulgaria, Cyprus, Czech Republic, Malta for judicial services; Cyprus, Lithuania, Latvia, Portugal and Spain for defence; Greece for diplomatic corps, doctors in the public health system and parliamentary employees). Considering these qualifications, according to Eurofound estimates (Kerckhofs, 2017, Table 4 and pp. 11-12)⁶, the number of employees covered by the SSDC CGA is 9.3 million. That amount is notably higher than the six million indicated on the website of the SSDC CGA⁷; however, it is not clear whether this number includes the more than 2 million French and Italian public employees of the education sector.

Table 2. Some agreed products of SSDC CGA, 2011-17

2011	Joint statement on the effects of the crisis
2011	Joint opinion on the EU Commission green paper on restructuring and anticipation of change
2012	Response to the EC Communication 'Towards a quality framework on traineeship'
2012	Framework agreement for a quality service in CGA
2013	Statement on 'Towards well-being at work' in CGA, as part of a new EU occupational safety and health strategy
2014	Joint policy guidelines on 'Strengthening human resources by anticipating and managing change'
2014	Recommendations on 'Closing the gender pay gap'
2014	Joint response in second stage consultation on 'Preventing undeclared work'
2015	Recommendations on 'Quality central government services for people in vulnerable situations'
2015	Recommendations for a quality service in CGA, within a project aimed at promoting the dissemination and implementation of the Framework Agreement on the same subject adopted by the SSDC CGA in December 2012
2015	Framework agreement on 'Information and consultation rights for CGA'
2017	Statement summarising an 18-month-long project (with three project meetings in Vilnius, Madrid and Berlin) on the prevention of psycho-social risks
2017	Project submitted to the Commission dealing with digitalisation and improving work-life balance, with the aim to develop a balanced approach towards digitalisation that benefits both the organisation and the employees

⁶ Eurofound estimates (Kerckhofs, 2017, Table 4, and pp. 11-12) are based on replies from CGA employers to the Eurofound questionnaire. In countries like Italy and France, the number of CGAs includes employees in education (more than one million in each country).

⁷ Available at: <http://ec.europa.eu/social/main.jsp?catId=480&intPageId=1821&langId=en>.

Source:

for the 2011-15 period, European Commission, SSDC CGA web page (<http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1821>); for 2017, EU COMMISSION – European Social Dialogue – e-newsletter September 2017, Issue No. 6.

This partial list testifies to the activity of social dialogue in CGAs within a difficult economic context that has been particularly challenging for public administration and the public sector in general, although with wide variations across countries (Bach and Bordogna, 2013 and 2016; Vaughan-Whitehead, 2013). Of particular importance are the December 2012 Framework agreement for a quality service in CGAs and the General Framework Agreement for Informing and Consulting Civil Servants and Employees of Central Government Administrations, signed by TUNED and EUPAE on 21 December 2015.

The 2012 Agreement is a statement of values, not just a list of principles, encouraging their implementation at national level and their adoption as a guide of action and work for the Committee. Among the values and commitments engaging both employers and employees – respect of the rule of law, equity, integrity, efficiency, communication and transparency – one regards the quality of life at work, whose meaning includes the commitment of employers to competence development, notably through training, good working conditions, sufficient and gender neutral remuneration, social protection, work-life balance, combating all forms of discrimination and precarious work, respect and facilitation of trade union freedom and the resulting rights. Reaching an agreement between the social partners on these principles has been quite remarkable in times of austerity policies, with particularly negative effects on public services and public service employees.

The second text was welcomed by EPSU as a landmark agreement in the sector, whose employees were previously excluded from the EU information and consultation legal framework and deprived of these rights by many national governments. It came to fill a legal vacuum at EU level by providing minimum requirements for employers to inform and consult trade unions on matters such as restructuring and the consequences for working conditions, health and safety, working time and work-life balance policies, remuneration guidelines, training, gender equality, and social protection.

The developments regarding this important product of social dialogue also show weaknesses in the SSDC. To become effective, the Agreement has to be transposed by the Commission into a directive for adoption by the Council. The social partners TUNED and EUPAE called upon the Commission to conduct this transposition as soon as possible, and again made a joint request in February 2016, as envisaged by Article 155.2 of the TFEU. Two years after the signing of the Agreement, this had not yet occurred.

The issue was discussed at the 19 October 2017 meeting of the EPSU Standing Committee for central government and EU administration, where the decision was reached to launch a campaign to draw attention to the situation, which was supported a week later by a statement from the ETUC Executive Committee. Similar concerns were expressed by TUNED and EUPAE at the 20 October 2017 meeting of the cross-sector Social Dialogue Committee. On that occasion, when asked about the legal assessment of the Agreement that had been pending since 15 November 2016, the Commission stated that no new elements were available and that the Agreement was still being evaluated. TUNED and EUPAE representativeness should strengthen their argument in favour of the transposition of their Agreement into a directive.

Sectoral social dialogue at EU level: Hospitals and healthcare

The European Sectoral Social Dialogue Committee for hospitals and healthcare (SSDC HS) established in 2006 between EPSU on the workers' side and the European Hospital and Healthcare Employers Association (HOSPEEM) on the employers' side. According to the EU Commission, social dialogue in this sector covers hospitals and human health activities defined

by NACE Rev.2 code 86⁸, irrespective of the legal ownership status of the provider, and applicable to employees with either public or private employment contracts. The total amount of employees in hospitals is more than 13 million. The domain of this SSDC does not cover the entire set of activities of Section Q of Eurostat-LFS statistics (Human Health and Social Work Activities), which includes also code 87 NACE Rev.2, mostly residential nursing care activities, and code 88, social work activities (see Table 1 above). Including the United Kingdom, the entire Section Q would include almost 24 million people employed in 2016 in the EU 28 Member States.

Strengthening the capacity of hospital and healthcare social dialogue structures across all EU countries, along with the promotion of exchange of knowledge and experience between social partners' organisations, are currently among the key areas of activity of this SSDC.

Table 3. Some agreed products of SSD HS, 2008-16

2008	Code of conduct on ethical cross-border recruitment and retention in the European hospital sector
2009	Framework agreement on prevention from sharp injuries in the hospital and health care sector
2010	Multi-sectoral guidelines to tackle third-party violence and harassment related to work
2010	Framework of Actions on Recruitment and Retention
2011	Joint statement and contribution to the EU green paper on reviewing the Directive on the Recognition of Professional Qualifications
2012	Joint report on the use and implementation of the Code of Conduct on Ethical Cross-Border Recruitment and Retention in the Hospital Sector
2012	Joint statement on the Action Plan for the Health Workforce in Europe
2013	Joint report on the follow-up and implementation of the 2010 multi-sectoral guidelines to tackle work-related third-party violence and harassment
2013	Guidelines and examples of good practice to address the challenges of an ageing workforce
2014	Joint statement on the new EU occupational safety and health policy framework
2015	Joint project on psycho-social risks, stress and musculoskeletal disorders
2015	Joint follow-up report on the use and implementation of the HOSPEEM-EPSU Framework of Actions on Recruitment and Retention
2016	Joint declaration on Continuing Professional Development and Life-Long-Learning for all health workers in the EU

Source:

<http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1838>;
EPSU, *Report of Activities, January- December 2015*, Brussels

The 2013 text on the ageing workforce provides guidelines and examples of good practices for social partners and stakeholders at national and sub-national levels with regard to age management policies such as flexible working arrangements, talent management and training, health and safety at work, and workforce and retirement planning (European Commission, 2015, p. 122).

The 2013 joint report that follows the 2010 multi-sectoral guidelines on tackling third-party violence and harassment outlines achievements and further steps. It includes facts and trends in relation to third-party violence, as well as examples of projects implementing the guidelines at national and European levels and the results of a questionnaire carried out in the local and regional governments, and in the health and social services sectors (European Commission, 2015, pp. 126-127).

⁸ Available at: <http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1838>. See also Traxler, 2009.

Sectoral social dialogue at EU level: Local and regional governments

The European Sectoral Social Dialogue Committee for local and regional governments (SSDC LRG) was established in 2004 between EPSU and the Council of European Municipalities and Regions (CEMR). It covers mainly the activities defined by NACE Rev.2 codes 84.11, 84.13, 84.24, and 84.25 for over 17 million employees in public services. The SSDC in this sector represents around 150,000 local and regional authorities (European Commission, n/d). CEMR is the oldest and broadest European association of local and regional governments, bringing together the national associations of local and regional governments from 42 European countries with representation of all levels of territories (CEMR, 2014).

The main challenges confronting this SSDC include monitoring technological developments and their impact on the workforce and employers (especially digitalisation), climate change, energy transition, migration and its impact on municipalities and citizens, recruiting young workers and retaining older workers in local public services, and life-long learning.

The key areas of focus for the Committee include the economic crisis and its impact, migration guidelines, the implementation of the joint framework on restructuring for local and regional government, information and consultation rights, health and safety at work, follow-up guidelines on third-party violence, and gender equality. The agreed products of SSDC LRG (since 2008) are included in Table 4.

Table 4. Some agreed products of SSDC LRG, 2008-2015

2008	CEMR/EPSU joint response to the Consultation of the European social partners on sectoral social dialogue
2009	CEMR-EP/EPSU Joint Message to the Spring European Council
2010	Joint statement to the European Council on the economic crisis
2010	EPSU-CEMR Joint statement to the European Council
2011	The European Commission Guide on Socially Responsible Public Procurement (Joint statement)
2011	Municipal and regional employers and trade unions deeply concerned about the effects of the crisis (Joint Statement)
2012	Joint Social Partner Response to the European Commission's Green Paper COM (2012) 7 final "Restructuring and anticipation of change: what lessons from recent experience?"
2012	Joint Letter to MEP Tarabella on Review of Procurement Directives
2012	Framework of Action for LRG
2013	Necessity and nature of a new EU OSH policy framework (Joint Response)
2013	Local and Regional Government: Supporting the European Framework of Action on Youth Employment
2014	Joint Guidelines Migration and Strengthening Migration and Anti-Discrimination in Local Government
2015	Joint statement in support of the Commission initiative to relaunch Social Dialogue
2015	Joint seminar on digitalisation of local government services as part of the joint project on "New forms of service delivery for municipalities, the contribution of social dialogue and good practice for well-being at work"
2015	Joint statement on digitalisation

Source: SSDC LRG web page, <http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1843>.

4. Forms of social dialogue in the civil service: Institutions and mechanisms at national level

The austerity policies adopted by many European governments following the 2008 economic crisis under the stricter rules of the new EU economic governance have particularly affected the public sector (Bach and Bordogna, 2016 and 2013; Bach and Pedersini, 2013; Bordogna and Pedersini, 2013; Glassner and Keune, 2010; Vaughan-Whitehead, 2013). Despite some cross-national variation and depending on the financial vulnerability of each country, working conditions, employment levels, wage dynamics and pension benefits of public employees were particularly targeted by austerity policies, as were employment relations institutions and practices in the sector.

While social dialogue structures, actors and procedures are clearly defined at EU level, greater variation exists at national level, especially in the public sector. Public service social dialogue institutions and practices are deeply rooted in country-specific legal, normative and, at times, constitutional traditions, which makes cross-national comparisons difficult (Bordogna, 2007a; Bordogna and Pedersini, 2013). Despite a stronger legal framework than in private sector employment relations, with regard to forms of social dialogue other than collective bargaining the situation is less definite. The institutions are not always formally defined, procedures and practices can be occasional, and the results uncertain – to distinguish between the two is not an easy task.

With these qualifications in mind, and recalling the previous analysis on the scale of government employment, in this section we examine the experiences of one country from southern Europe (Italy), one Nordic country (Denmark), and two countries from Central and Eastern Europe (Czech Republic and Slovakia).⁹

Italy

Italy has a rather lean public sector in terms of employment share compared to many other EU countries according to both OECD and Eurostat data (Table 1). It also has a rather strong and legally defined employment relations system in the public sector, with a trade union density of around 50 per cent, which is notably higher than in the private sector. Among trade unions, the dominant role is played by the union federations affiliated with the three largest trade union confederations in the country – CGIL, CISL, UIL. As compared to the private sector, there is a stronger presence of independent unions both among managerial and non-managerial staff, which together make up 25-30 per cent of total union membership, and even more in some subsectors. Most of the independent unions have very few members or votes, with few admitted to sectoral national level negotiations due to rules on trade union representativeness introduced by legislation in 1997 (Bordogna, 2016)¹⁰. In general, the number and strength of independent unions are relatively higher among medical doctors and managerial staff. Several specific unions for managerial staff exist in central government, as with other sub-sectors, although in a strict sense they cannot be considered civil servants' single representatives (as managers no longer have a civil servant statute, see *infra*).

⁹ With these selected countries, almost all of the groups outlined in Figure 1 (both OECD and LFS data) are represented, as well as almost all of the clusters singled out in Bordogna and Pedersini (2013), European Commission (2014), and ILO (2015).

¹⁰ The rules regulating trade unions' representativeness have not changed since their introduction by Legislative Decree No. 396/1997. They are based on membership data and on the results of the election of the workplace representation bodies (RSU), introduced by the same legislation. Only unions above a 5 per cent threshold (as an average of membership data and RSU votes) can participate in sectoral negotiations at national level.

At workplace level, a single channel representation system exists. Since 1997, in any administrative unit with more than 15 employees there are legally-based workplace representation bodies (RSU), which combine bargaining and information, consultation and participation functions. RSU elections, with universal suffrage and secret ballot, have been regularly held approximately every three years since 1997, with a participation rate higher than 75 per cent on average, although slightly declining in the last ballots.

Following a major reform in 1993, the employment relationship of a large majority of public employees has been “privatized” – moved from the public law statute to ordinary employment contracts – and “contractualised” – regulated through collective agreements negotiated by representative trade unions with the Agency for the Negotiating Representation of Public Administrations (ARAN). ARAN, created by the same reform, is the public agency for compulsory representation of all Italian public administrations in national level negotiations. Since the 1993 reform, the employment relationship of about 80 per cent of public employees has been “privatised” and “contractualised” under the jurisdiction of ARAN, meaning that most public employees are no longer defined as ‘civil servants’. The following public employees are excluded from this regime: police corps and armed forces (currently about 500 thousand employees), fire fighters since 2005 (about 30 thousand), magistrates (10.5 thousand), public university teachers and researchers (about 50 thousand), higher level diplomatic and prefect personnel, prison personnel and, until 1998, high level state managers (Ministero dell’Economia e delle Finanze-MEF, 2016; Bordogna, 2016). Forms of collective agreements exist, however, for police corps, armed forces and fire fighters. These agreements are directly regulated by the Ministry of Public Function as these personnel are still under a public law statute.

The institutions and mechanisms of collective bargaining at both national and decentralized levels are regulated by legislation since the 1993 reform, with amendments in 1997-98, 2009 (Brunetta reform) and 2017 (Madia reform). Consultation processes involving the three largest trade union confederations occurred in preparation for the first two reforms, while social dialogue played almost no role or was limited to information to these trade union confederations in the case of the Brunetta reform, but was partly revived in the Madia reform. The legislation defines in detail the bargaining structure, essentially articulated at two levels of negotiations (nation-wide sectoral level and decentralised single-employer level), the relevant actors at each level of bargaining, the negotiable matters and relative procedures. This system is much more legally defined than in the private sector.

Public employees whose employment conditions are determined through collective agreements under the ARAN jurisdiction, totalling about 2.7 million in 2015, are distinguished in four main sub-sectors or bargaining units (*comparti*) for non-managerial and four for managerial staff (Table 2). These include: Central Functions (mainly ministries, government agencies, compulsory social security)¹¹; Local Functions (regions, provinces, municipalities); Health sector (the national health system); Education and Research (public schools, non-teaching personnel of public universities, public research centres). In addition, there are separate bargaining units for the personnel of the Presidency of the Council of Ministers, including one for managerial and one for non-managerial staff. At national level, the bargaining agent on the employers’ side in each bargaining unit is ARAN, while on the workers’ side, the bargaining agents are the representative trade unions in the relevant sub-sector.

¹¹ According to a Eurofound report on representativeness in CGAs (Kerckhofs 2017, Table 4), Italy has 2,051,540 employees. This number, however, includes police corps and armed forces and about 1.1 million employees in education.

**Table 5. Bargaining units at national level for non-managerial and managerial staff, 2015
(personnel with fixed term and work-trainee contract included)**

Nation-wide bargaining units (<i>comparti</i>)	Non-managerial staff	Managers	Total
Central Functions	239,994	6,694	246,688
Local Functions *	467,397	15,117	482,514
Health sector **	543,426	134,259	677,685
Education and Research ***	1,191,694	7,805	1,199,499
Presidency Council of Ministers	1,898	270	2,168
TOTAL	244,409	164,145	2,742,813

* Excluding personnel of the 5 regions with special autonomy

** Managerial staff includes both medical doctors and administrative managers

*** Managerial staff are the school-heads (about 7.5 thousand in total)

Source: ARAN

In spring 2010, following the approval of the Brunetta reform, the entire bargaining machinery at national level, as well as the wages and salaries increase of non-contractualized personnel, were frozen due to the 2008 economic crisis, first for a three-year bargaining round (2010-2012), and then annually until July 2015. In July 2015, a sentence of the Constitutional Court declared illegitimate any further extension of the bargaining and wage freeze. The bargaining machinery was slow to begin following the sentence. At the end of November 2016, a political concertation agreement was reached between the government and the three largest trade union confederations, which laid down the broad guidelines for contract renewals in the entire public sector for the 2016-18 bargaining round. At the end of December 2017, ARAN and the representative trade unions signed the national collective agreement for the 2016-18 period for the approximately 240,000 non-managerial staff of Central Functions. Representative trade unions in the sector are the organizations affiliated to the three largest Italian confederations, plus four other independent organizations (three of which refused to sign). In January 2018, the agreement involving police corps and armed forces was reached with the Ministry of Public Function. The nation-wide collective agreements for the remaining *comparti* are expected to follow.

Since the 1993 reform, the legislation regulates forms of social dialogue other than collective bargaining for the entire public sector under the label “trade union participation”. In general, the role of these forms reached its peak in the 1998-2007 period, to some extent affecting the relationships between managerial powers and trade union prerogatives at decentralized single-employer level. Article 6 of the Legislative Decree No. 80/1998 (later Article 9 of Legislative Decree No. 165/2001) delegated to national collective agreements the regulation of forms of trade union participation with regard to managerial decisions affecting the employment relationship¹². Accordingly, the 1998-2001 national collective agreement for central government ministries specified that participation included information, concertation and consultation, with the possibility to also create joint committees at decentralized level without bargaining powers and with equal representation for the parties to facilitate an orderly governance of issues of mutual concern (like restructuring processes). The 1998-2001 national collective agreement also indicated the list of matters amenable to each form of participation and the relative procedures¹³. For instance, the list included: the definition of work-loads, the periodic assessment of productivity of the organizational units, the implications of general restructuring processes, the

¹² The legislation does not regulate forms of direct employee participation, outside the mediation of collective organisations. Forms of direct employee involvement are certainly rare in the public sector, especially in central government. Limited exceptions might be found in the health sector.

¹³ Similar provisions were included in national collective agreements in the same period for the local government, health, and school sectors. These provisions are in line with ILO Recommendations 1952 (No. 94), 1960 (No. 113) and 1967 (No. 129).

general criteria for the organization of work, the introduction of new technologies affecting the organization of work, training programs for personnel, and measures regarding health and safety at the workplace. On a subgroup of these matters, upon written request of workers' representatives (trade unions and RSU), the possibility was envisaged to move from information to concertation, to be concluded with a signed document reporting the position of the parties. This possibility was widely utilized at decentralized level between 1998-2005, especially in the local government sub-sector. Although not formally allowed, a shift often occurred from concertation to negotiation, with some exceptions, *de facto* "invading" managerial prerogatives on organizational and HR matters and determining a significant wage drift in the period (Bordogna, 2007b; Dell'Aringa-Della Rocca, 2007; Ricciardi, 2004; Talamo, 2007; Vignocchi, 2007).

In light of these unexpected or undesired effects, the 2009 Brunetta reform, which was adopted with only scant information given to the largest trade union confederations, reduced trade union prerogatives with regard to both collective bargaining and participation rights, and strengthened managerial powers. The reform confirmed the delegation to national collective agreements of the regulation of the forms of trade union participation, but within the limits of the renewed Article 5 of Legislative Decree No. 165/2001, which states that the decisions and measures regarding the organization of administrative units, the organization of work and the management of human resources fall exclusively to the prerogatives of managers. Only information is allowed if envisaged by national collective agreements, thereby excluding concertation and negotiation. The years following the Brunetta reform saw the suspension of the bargaining machinery at national level, as well as a significant limitation of bargaining activity and union-management relations at decentralized, single employer level. There is not much evidence on social dialogue practices other than collective bargaining at decentralized level, as such it is difficult to appreciate the effects of the Brunetta redefinition of these forms of workers' and trade union participation, although it is likely that they deteriorated as well.

The 2017 Madia reform re-introduced the possibility of forms of participation beyond simple information. Accordingly, the 2016-18 national collective agreement for Central Functions envisages three forms of participation (other than collective bargaining): information, joint exam (the previous "concertation"), and joint committees involving, on equal basis, representatives of the employer and members of representative trade unions. The same national collective agreement creates a new "joint committee for innovation" for the examination of projects of organizational innovation, improvement of services, promotion of legality, organizational well-being, and work-life balance, among other things. Only practice in the years to come will demonstrate the effectiveness of these institutions and mechanisms of social dialogue other than collective bargaining.

In summary, both collective bargaining rights and other forms of social dialogue institutions and mechanisms in the public sector in Italy are clearly regulated by legislation (since the 1993 reform), and have been widely practiced afterwards, at least until a prolonged period of deterioration between 2010 and 2015/2016. From this point of view, Clegg's hypothesis about a trade-off between collective bargaining and other forms of participation at workplace level is apparently disproved, as both seem to follow a common trend. The Italian example, with the oscillating amendments that followed the 1993 reform, demonstrates the difficulty of finding a balance between the institutions and mechanisms of collective bargaining and other forms of social dialogue.

Denmark

Denmark has one of the largest public sectors in the EU, with an employment share of about 30 per cent (Table 1), and has been rather stable over the last two decades despite privatization, outsourcing processes, and the 2008 crisis (Ibsen et al., 2011; Mailand and Hansen, 2016). Unlike Italy, the social dialogue system in the public sector is not clearly defined in law and is predominantly voluntaristic. Legislation is relevant with regard to certain features of employment conditions, such as terms of notice, holiday regulation, parental leave, working environment issues. In general, however, collective bargaining and a well institutionalized employee

involvement system at both national and workplace levels play the dominant regulatory role in Danish public sector employment relations (Mailand and Hansen, 2016). Social dialogue, within a wider framework of a “negotiated economy” and “corporatist” structure of policy-making, has a long tradition in the country (Nielsen and Pedersen, 1988).

All public sector workforces are employed in three levels of government: central government or state sector, regional government and local government/municipalities. About 60 per cent (more than 400,000) of them are concentrated in the latter sector. The distribution of responsibility for public services between the three levels of government has been reshuffled by the 2007 Structural Reform, which replaced the 14 counties with five regions and amalgamated the 273 municipalities into 98. The municipalities have independent power of taxation, and the reform gave them responsibility for more policy areas, although health services fall under the responsibility of the regions, and higher education, including universities, falls within the state sector.

The right of collective bargaining on wages and working conditions was formally recognized in 1969 for state, regional and municipal employees. Civil servants (“crown servants”), with special statutory employment protections and restrictions on the right to strike, are also generally covered by collective bargaining, and not unilateral regulation (Mailand and Hansen, 2016, p. 222). Their number has been declining over the last decades to around 15 per cent of total public employment (Ibsen et al., 2011, p. 2297), with approximately the same in central government (Kerckhofs, 2017, Table 4). With regard to the bargaining structure, a two-tier system exists in all three bargaining areas. At the highest level, state, regional and municipal employers – respectively represented by the Ministry of Finance/Agency of Modernization, Danish Regions/Regional Pay Council, and Local Government Denmark (LGDK) – negotiate with coalitions of trade unions (cartels) an overall economic framework and, within this framework, with individual unions on occupation-specific aspects of wages, pensions, and working conditions. At the lowest decentralized level, continuous negotiations take place between individual employers and shop stewards or local branch union officials on matters like wages, working time, training programs, and measures for senior employees. Individual bargaining may also occur for managers. Although the bargaining agents on the employers’ side in sector level negotiations are independent from each other, the Ministry of Finance and the state sector play a *de facto* leading role (Mailand and Hansen, 2016, pp. 223 and 226-227).

Union density is traditionally very high in Denmark, especially in the public sector, although it has been declining slightly in recent years, partially as a result of the economic crisis. For instance, in 2011, in the sub-sectors of public administration, education and health the density rate was 89 per cent, 80 per cent and 83 per cent, respectively, down from 91 per cent, 86 per cent and 92 per cent in 1996. Professional unions prevail in state and regional sectors, organizing one or more occupations, while in the municipal sectors, professional unions co-exist with general unions organizing unskilled and semi-skilled workers (Mailand and Hansen, 2016, pp. 227-228).

At workplace level, a dual channel system of representation exists. Union representatives (shop stewards or Tillidsrepræsentant), elected by union members, exist in almost all public sector administrative units with five or more employees. Their rights and duties are set out in national agreements for central, regional and local government. Moreover, there is a dense network of cooperation committees, named codetermination committees in the public sector (*MED-udvalg*; Eurofound, 2017; Knudsen, 2006), the Danish equivalent of works-councils. These are joint bodies with equal numbers of worker and management representatives, which are excluded from bargaining over pay and other issues and are regulated by separate agreements for central, regional and local government. In the public sector, codetermination committees also incorporate health and safety committees (since 2012, work environment committees), with their legally based representatives elected by all employees, as cooperation between employers and employees is mandatory in the field of occupational health and safety (ETUI, 2016; Eurofound, 2017; Fulton, 2015; Viemose and Limborg, 2015). The employers’ commitment to the codetermination system is widespread, although, according to union reports, is probably stronger in state and regional sectors than in the municipal sector (Hansen and Mailand, 2015).

Public sector social dialogue is characterized by relatively limited legislation, bipartite collective bargaining at all levels with high coverage rates, very high union density, and an extensive system of employee involvement beyond workplace level (Mailand and Hansen, 2016, p. 221). Within this framework, practices of social dialogue other than collective bargaining are widespread, pervasive and well institutionalized, although generally not legally defined. At workplace level, although with some variations in the municipal sector, they are facilitated by the dual channel system of employee representation, and co-exist with intense collective bargaining practices. Compared to Italy, where a single channel system exists at workplace level, combined (in the 1998-2007 period) with an unclear demarcation between information/consultation and collective bargaining rights, promoted the shift from, or the absorption of, forms of social dialogue other than collective bargaining into bargaining practices.

The strength of social dialogue practices other than collective bargaining seems to have survived a major conflict with teachers' unions over working time regulation in 2013, as a result of a reform that required a longer and more varied school day. Working time was traditionally regulated through an agreement between employers (municipalities) and trade unions, but during the 2013 conflict, under a centre-left government, the employers abandoned this agreement and locked out teaching staff for 25 days (Høgedahl and Ibsen, 2017). Since then, working time has been regulated by law while the organization of work remains a unique prerogative of the school head. The collaboration has been strained, but social dialogue has shown capacity to survive (Hansen and Mailand, 2015). The actual role of social dialogue in the implementation of the so-called "trust reform" of 2012 is aimed at reducing control over employees and managers and at containing (NPM-inspired) reporting and measurement practices in favour of more time on core tasks (Vallentin and Thygesen, 2017).

A final point regards the interaction between social dialogue practices, with the central role of traditional social partners, and the increasing practices of service users' involvement, especially in sectors like schools and hospitals. In general, in Denmark (as in other countries) the two domains of union- management relations and service users' involvement do not communicate. The latter practices and processes are less institutionalized than the former, they take place in different *fora* and arenas and do not interfere in traditional social dialogue practices, even less so in collective bargaining. Forms of users' involvement, however, have recently been encouraged either by legislation such as the 2013 school reform, which formally provided the school boards with extended powers, or by the employers' organizations and local managers, as a way to improve the quality and cost effectiveness of services. Interest on the part of trade unions to become a core actor in promoting users' involvement is uneven. It is higher in the school sector, where these trends occur in connection with democratization pressures, than in the hospitals sector, where they are often linked to NPM-inspired policies. Nonetheless, if users' involvement continues to grow in depth and scope, on dealing with issues such as recruitment processes or the length and organisation of school days or extended visiting hours, trade unions' interest could grow as well. This growing interest is due to either the attempt to exploit a new platform for exercising influence on management decisions, or the fact that users' involvement is moving closer to trade unions' traditional core business. Whatever the reason, recent case studies on this topic have shown that, especially in the school sector, room exists for the development of multipartite, consultation-oriented *fora* with the participation of both traditional social partners and service users (Hansen and Mailand, 2015, pp. 34-35).

Czech Republic and Slovakia

The size of the public sector in both Czech Republic and Slovakia features in the low-middle part of Figure 1, closer to Italy than to Denmark. The employment share of total employment is approximately 16 per cent and 19 per cent, respectively, according to OECD general government data, and around 20 per cent and 23 per cent according to Eurostat-LFS data (sections O+P+Q). Both countries, despite the adoption of austerity policies following the 2008 crisis, which were oriented toward cost-efficiency priorities, have recorded an increase in public sector employment between 2009 and 2015, although at a different pace depending on the source of data. The percentage of employees in the public administration, defense and compulsory social security

sector is approximately the same, or even higher in Slovakia, than the percentage in the education and health sectors, denoting a still relatively under-developed welfare state in comparison with most EU15 countries (Table 1)¹⁴. The overall trade union membership and density declined sharply and steadily in the initial years following the end of state socialism. In the years 2010-2013, union density in the entire economy – excluding retired workers, independent workers, students and unemployed – was about 12 percent in Slovakia and 13-14 per cent in Czech Republic (Kahanková and Martišková, 2016, pp. 289-290; Veverkova, 2015, p. 11). Union density in the public sector is unknown. However, Filadelfi (2017, p. 11) reports that in Slovakia, there is a notably “higher share of employees working in public sector organizations with trade unions” than in the private sector, and Kahanková and Martišková (2016, p. 290) underline that, despite declining membership and union fragmentation, the public sector “remains well organized”, with “regulation through collective bargaining more important than in the private sector”.

In both Czech Republic and Slovakia, the formation of the public sector evolved in connection with the double process of transition to a democratic system and a market economy after the fall of state socialism in 1989. This process affected the development of public service employment relations and social dialogue practices in both countries, with several common features, as well as also important differences. Common efforts to decrease centralization and politicization of public administration and to delegate power and responsibility to newly established local government authorities dominated the period between the end of the old regime and access to the EU, with more extensive transformations in Slovakia than in Czech Republic (Kahanková and Martišková, 2016). Education was decentralized in both countries, earlier and to a greater extent in Slovakia, with the creation of self-governing school bodies that improved participatory democracy and gave some operational autonomy in employment relations. Healthcare reform, to some extent inspired by NPM principles, took place in both countries, although earlier and bolder in Czech Republic, with wide-scale privatization of public hospitals and decentralization of the remaining public hospitals, whose ownership was transferred to counties and municipalities, while corporatization under public ownership rather than privatization occurred in Slovakia.

The period following the 2008 economic crisis saw in both countries reforms more oriented to cost-efficiency priorities under austerity policies than to democratic and participatory principles. In Czech Republic, however, an important legislation on employment conditions in civil service was adopted in 2014, leading to a greater role for social dialogue and collective bargaining in the public sector, which was previously subject to the government’s unilateral regulation, while a reorganization of public administration occurred in Slovakia in 2012. In both countries, there is a distinct regulation for civil (or state) service and public servants, which broadly corresponds to distinct conditions for state administration – higher-level civil servants in central government and specialized institutions – and employees in local government/territorial administrations, education and healthcare (Kahanková and Martišková, 2016, pp. 280-81). In Czech Republic, many public hospitals had already undergone privatization processes in the 1990s. For these workers, the role of civil and public service regulations remained marginal,

¹⁴ According to a Eurofound study (Kerckhofs 2017, Table 4) on social partners’ representativeness in CGAs, Czech Republic has 77,970 employees, 90 per cent of which are civil servants. This number is lower than the LFS data for Section O (public administration, defense, compulsory social security), which are respectively 311,100 and 324,200 in 2015 and 2016. However, the Eurofound data are based on figures provided by the contact persons for employers, and in the case of Czech Republic, refer only to civil servants in the scope of the Civil Service Act (as explained in the footnote of Table 4). The Civil Service Act covers civil servants in the state administration in different fields of public services – tax, social security, central administration, administration of the state, public procurement, staff in the ministries (Education, Army, Justice, Health) – but does not apply to security forces (army, justice or police) as they have their own legal acts. Therefore, the employees in these CGA activities are not included in Table 4 of the Eurofound study. By contrast, the number of CGA employees reported for Slovakia (407,523) is notably higher than in the LFS data on public administration, defense, compulsory social security (respectively 216,100 and 221,200 in 2015 and 2016).

while the general Labour Code increased its importance, allowing greater room for enterprise level collective bargaining over wages and working conditions. In Slovakia, where the healthcare sector underwent a process of corporatization under public ownership, hospital employees lost their public servant status after 2006, remained excluded from public service legislation, and developed their own employment relations system. Education remained part of the public service employment system in both countries.

In general, there is more room for collective bargaining on remuneration matters in Slovakia than in Czech Republic. In Slovakia, multi-employer and sectoral bargaining is well established and is relevant for employment regulation across all subsectors due to the existence of well-established sector level employer and trade union organizations and an earlier adoption of a distinct regulation in the civil and public services. A two-level bargaining structure exists in central and local government and in education, where the majority of employees, besides establishment-level agreements, are covered by higher-level agreements for the civil or public service, while the healthcare sector maintains its own bargaining structure following corporatization (Kahanková and Martišková, 2016, pp. 287-88). In contrast, in Czech Republic the direct government regulation of wages prevails and bargaining is limited to individual benefits and non-wage working conditions at establishment level, while the development of higher-level bargaining is hindered by the absence of employers' associations at the sectoral and multi-sectoral levels. The scope of multi-employer bargaining in central government could, however, increase after the 2014 Civil Service Act, replacing government regulation of wages. After the 2008 economic crisis, various processes of union fragmentation and formation of new unions took place in both countries, especially in the education and health sectors, leading in 2016 to a shift of union agendas from bargaining to strikes and protests in support of wage claims.

Within this framework, room for social dialogue practices other than collective bargaining dedicated to civil service or central government seems rather limited. In Czech Republic, the Council of Economic and Social Agreement serves as a tripartite social dialogue forum at central, national level, with strictly consultative functions. The matters covered by this tripartite body regard fundamental areas of social and economic development, but also include public sector wages and salaries and public administration (Veverkova, 2015, pp. 6-7). Consultations occur before important legislative and regulatory measures such as Decree No. 564/2006 on the remuneration of employees in government and public services or the 2014 Civil Service Act. The 2006 Decree allowed tripartite consultations before the government made a decision on wage levels. After the 2014 reform, however, these consultations were replaced by collective bargaining. Collective agreements usually set principles for cooperation between contractual partners. At establishment level, works councils may exist without bargaining powers and legal personality, acting mainly as mediator between employers and employees, in order to ease the flow of information within the companies and at workplace level. Works councils, however, are still rare (Veverkova, 2015, p. 11).

A tripartite social dialogue system at national level also exists in Slovakia. It started in the 1990s in the form of voluntary practices between the government, employers and trade unions, and was institutionalized by Act No. 103/2007 Collection of Laws on Tripartite Consultations at National Level and on Amendments and Supplements to Certain Laws (the "Tripartite Act"), which established the Economic and Social Council of the Slovak Republic. The Council serves as the negotiation platform and consultancy body of the government and social partners (Filadelfi, 2017, pp. 6-7). As in Czech Republic, the dialogue deals with fundamental issues of social and economic development, but also covers matters regarding employment relations in public administration and the broader public sector. For instance, in 2016 dialogue took place concerning a new draft of the 2014 Civil Service Act, as well as discussions and negotiations related to the so-called "nursery act" to improve work-life balance. In 2014, the Fico Government also established the Solidarity and Development Council of the Slovak Republic (Sitarova, 2015). Compared to the Economic and Social Council, it is a wider platform for social dialogue between the government, traditional social partners and civil society organizations (like churches and professional bodies and associations).

5. Conclusions

The ILO's report on *Social dialogue and tripartism*, which was discussed in the recurrent discussion on the strategic objective of social dialogue and tripartism in the 107th International Labour Conference in 2018, states as follows:

The promotion of inclusive, productive and sound industrial relations in the private and public sectors is key to achieving decent work. Bipartite social dialogue remains the most appropriate method for promoting such relations, through the negotiation of collective agreements by employers and their organizations with the workers' organizations, and through cooperation and consultation between managers and workers' representatives at the workplace, including for the efficient prevention and resolution of conflicts. These processes have changed significantly in recent years.

Social dialogue is an important pillar in the institutional fabric, policy tradition and practical activity of both the ILO and EU, with a pivotal position in the current vocabulary and broader political discourse of both institutions. It is a somewhat elusive notion, however, in traditional employment relations/industrial relations literature. The label is seldom or never utilized by the classic authors of this field of study – from the Webbs, Commons and the American institutionalists, to Dunlop, the authors of the Oxford School (Flanders, Clegg, also Fox) and Hyman. The scope of this expression can be narrower or wider than industrial relations, depending on how one defines the content of industrial relations and of the industrial relations field (Kaufman, 2004, pp. 560-564). Moreover, the relationship between collective bargaining and forms of social dialogue other than collective bargaining is also somewhat indeterminate.

It is uncertain whether collective bargaining inevitably presupposes and fosters less intense forms of social dialogue, or substitutes and excludes them (as Clegg suggested for industrial democracy at plant level). A third possibility would be that they are independent of each other: collective bargaining and forms of social dialogue other than collective bargaining have different institutions and channels and follow different paths. Finally, while at EU level there is a clearer definition of what social dialogue is, including its institutions, actors and procedures, and including the distinction between cross-sector and sectoral social dialogue, which allows the identification of rules and practices in central public administration and other public sector domains, at national level there is much greater variation, and often vagueness. Apart from their 'theoretical' implications, the above considerations help understand why the empirical analysis of forms of social dialogue other than collective bargaining in public services is complicated, even for simply mapping the field, especially at national level.

At EU level, the picture is rather clear with regard to the rules, procedures, and actors of social dialogue as well as the products, despite some uncertainty concerning their eventual transposition into EU directives. There are four main sectoral social dialogue committees in the public services: one for central government administrations (SSDC CGA), one for hospitals and healthcare (SSDC HS), one for local and regional governments (SSDC LRG), and one for education (not considered in this report). In all the cases considered in this report, the actors are clearly identified both on the workers' and the employers' side. EPSU, or the EPSU-led coalition TUNED (EPSU+CESI), is the main or exclusive actor for employees in each of the three sectors, while EUPAE, HOSPEEM and CEMR are the employers' representative organizations in SSD CGA, SSD HS and SSD LRG, respectively. The SSD CGA committee covers civil servants, public servants and employees under ordinary contract, without distinctions. This is also the case for the other two committees. With regard to workers' representation at EU level, civil servants do not have a representative organization of their own that is distinct from that of other public employees, although this may occur at national level, like in Germany with the German Civil Service Union for *Beamte*, which is affiliated to CESI at EU level.

With regard to SSD CGA products, of particular importance are the December 2012 Framework agreement for a quality service in CGAs and the December 2015 Framework agreement on information and consultation rights of workers and civil servants on matters of direct concern to them. Beside their content, these agreements are remarkable for having been

reached in times of austerity policies and difficult conditions for public services and public service employees. The December 2015 Agreement, however, demonstrates the difficulties SSD may encounter, given that two years after its signing, the Agreement has not yet been transposed by the European Commission into a directive for adoption by the European Council, despite pressure from social partners.

At national level, the situation is more varied, and at times vague, with differences linked to country specific institutional, legal and cultural traditions. The very definition of what is social dialogue, and social dialogue other than collective bargaining, with the connected procedures, actors and outcomes, is uncertain. This makes it difficult to investigate the topic, and even more difficult to draw comparisons.

The three hypotheses roughly outlined above, which perhaps stretch Clegg's work too much, are apparently neither confirmed nor disproved by our analysis. Denmark is a case where collective bargaining is well established and practiced in central public administration and public services in general. Forms of social dialogue other than collective bargaining are also widely practiced, supported by a dual channel workplace representation system with very active agreement-based cooperation committees that cover a broader range of issues than in the private sector (Knudsen, 2006, p. 5).

In Italy, since 1993 there have been well established and clearly defined, legally-based collective bargaining rights, although national level negotiations were frozen after 2010 for several years due to austerity policies. The bargaining structure is articulated on two levels, sectoral national and single employer level, with the second, decentralized level being practiced almost universally before the 2010 bargaining freeze. Italy also has a legally-based single channel workplace representation system in any administrative unit with more than 15 employees. Following the above-mentioned hypotheses, one could expect that bargaining practices will "incorporate" or "cannibalize" forms of social dialogue other than collective bargaining. The picture, however, is somehow more complicated. The workplace representation system is based on one single body (the RSU), but with both collective bargaining and participation functions. From the late 1990s to 2008, all national sector-level collective agreements include clauses regulating various forms of social dialogue other than collective bargaining (information, concertation, consultation), attributed to, and widely exercised by, the same workplace representation body, which is also responsible for plant level collective bargaining. Italy is therefore a case in which collective bargaining and forms of social dialogue other than collective bargaining co-exist and are widely practiced, although the single channel workplace representation systems to some extent include features of a dual channel system. Likewise, both Czech Republic and Slovakia partly confirm and partly disprove the above-mentioned hypotheses.

In the future, more in-depth research is needed, with dedicated field-work in addition to desk analysis. This should include not only a general overview based on official documents and declarations, but in-depth national case studies focusing on social dialogue institutions and practices as a complex, interdependent system, involving both tripartite and bipartite processes at national level, as well as institutions and dynamics at decentralized, company level. Such a wider and deeper research programme could help understand how social dialogue, both as distinct from and in cooperation with collective bargaining, can contribute to "translating economic development into social progress, and social progress into economic development", as suggested in the recent ILC resolution on social dialogue (ILO, 2018c, 6A, sub-paragraph 6, *Enhanced research and training*).

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