



ILO Global Dialogue Forum on collective bargaining in the public service

El action points

Recall the fundamental rights of teachers in both the public and private education sector to freedom of association and collective bargaining. The CEACR 2013 General Survey report notes specifically that the right to collective bargaining should be recognized for public sector teachers, whether or not they are considered in the category of civil servants under national legislation, and for all teaching personnel, including those performing technical and managerial functions in the education sector.

Recall that the ILO/UNESCO Recommendation concerning the Status of Teachers clearly requires that salaries and working conditions of teachers should be negotiated by their organisations, through statutory or voluntary machinery (paras 82 and 83) and, that this position has been supported in the subsequent recommendation on Higher Education, and in the recommendations of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART).

Workers' Group Draft Points of Consensus/Action Points

Question 1: How can collective bargaining contribute to addressing challenges facing the public service, including the impact of the economic and financial crisis?

1.1. The GDF reaffirms that collective bargaining contributes to just and equitable working conditions, gender equality and non-discrimination, harmonious relations at the workplace, the fight against corruption and social peace and underpins the delivery of quality public services.

1.2. The GDF reaffirms the view of the CEACR that social dialogue is essential in normal times and becomes even more so in times of crisis.

1.3 The GDF welcomes the trend towards a global increase in bipartite consultation and collective bargaining in the public service, and recalls that the 2013 General Survey report observed that Conventions 151 and 154 can be ratified, regardless of the size of the country or the numbers employed in the public service, or the extent of the informal economy.

1.4. The GDF reaffirms the principles of free, voluntary and good faith negotiations and also reaffirms the view of the CEACR that parties should be free to determine, within the limits of national legislation and of good public order, the content of agreements. The GDF confirms that “measures taken unilaterally by the authorities to restrict the range of subjects that may be negotiable are often incompatible with the Convention.”

1.5. The GDF reaffirms the position of the CEACR, which reiterates that collective agreements in force must be respected and that any economic stabilisation measures should only come into effect upon the expiry of their term. The GDF also affirms that limitations on the content of future collective agreements, particularly in relation to wages, are only admissible on condition that they have been negotiated with workers' organizations in the framework of national legislation and existing collective bargaining structures and that:

- (i) They are applied as an exceptional measure;
- (ii) They are limited to the extent necessary;
- (iii) They do not exceed a reasonable period; and
- (iv) They are accompanied by safeguards to protect effectively the standard of living of the workers concerned, in particular those who are likely to be the most affected.

1.6. The GDF reaffirms important recommendations of the CEACR, directed at EU, IMF and World Bank, concerning the need for effective consultations with workers' organisations and the need to fully take into account the obligations of States concerning respect for ILO Conventions.

Question 2: How can the independence and impartiality of the public service- as well as the protection of corruption control officers- be strengthened, notably through collective bargaining?

2.1. The GDF affirms that governance, the rule of law and quality public services advance all three pillars of sustainable development and the post-2015 development agenda through effective, accountable and transparent institutions, strengthening the rule of law at all levels and the provision of public services for all. Collective bargaining and dispute settlement mechanisms in the public sector strengthen a culture of peace and negotiation, instead of conflict, impunity and corruption.

2.2 The GDF affirms that workers of public finance control bodies should be protected to ensure the impartiality and independence of such services to fight corruption, so as to safeguard fair competition and public procurement, including through provisions in their collective agreement.

2.3. The GDF affirms that the promotion of equality and inclusive policies in collective bargaining in public services strengthens equality of treatment and the independence and impartiality of the public service.

Question 3: What action is necessary to enhance workforce development, career progression, employment conditions, efficiency and performance through social dialogue?

3.1 The GDF confirms that short-term, precarious and temporary contracts are inefficient, costly and have a negative impact on the quality of public service delivery.

3.2 The GDF expresses concern at the wide-spread use in the public service, of contracts governed by the general rules of private sector labour law, including short-term or temporary contracts renewed repeatedly, and the use of service contracts. The GDF reiterates the opinion of the CEACR that some of these modalities effectively deny workers access to freedom of association and collective bargaining rights, or can prevent workers from joining trade unions. The GDF endorses the CEACR's recommendation that the member States concerned examine the impact of these forms of employment on the exercise of trade union rights (Para 560) with a view to restricting or eliminating this practice.

3.3. The GDF expresses concern that young workers have been particularly hit by the economic and financial crisis and that therefore young workers need special attention, including through youth employment programmes, training and career progression mechanisms.

Question 4: Recommendations for future action by the International Labour Organization and its members regarding collective bargaining in the public service

Governments

4.1 The GDF recommends that governments of those countries, which have not yet done so, should ratify Conventions 151 and 154 within the shortest possible timeframe.

4.2 The GDF recommends that governments, which have not yet done so, should establish a mechanism in which public employers are represented to review the functioning of the current collective bargaining or consultation mechanisms in the public service with a view to strengthening their provisions, in particular by setting up a public service collective bargaining council.

4.3 The GDF recommends that governments of those countries which have established public service negotiating councils and other national social dialogue mechanisms should review their functioning with a view to ensuring that these mechanisms are working effectively, meeting regularly, are sufficiently resourced and that parties have the necessary economic and social data to inform the negotiations available to them;

4.4 The GDF recommends that those governments, which are currently subject to an examination by ILO supervisory mechanisms concerning the right to freedom of association and collective bargaining in the public service, fully implement the recommendations of those bodies, in consultation with the social partners, and where necessary, avail themselves of ILO technical assistance.

4.5 The GDF recommends that governments, in consultation with workers' and employers' organizations ensure a fair, equitable and transparent tax collection system which will provide adequate government revenues and underpin efficient public service delivery.

Workers' organizations

4.6 The GDF recommends that workers' organizations strengthen existing negotiators' training programmes, focusing on ILO Convention 87 and 98 and Convention 151 and 154.

4.7 The GDF recommends that workers' organizations carry out knowledge-sharing exchange programmes and disseminate among their members examples of good practice in social dialogue in the public service, including on equality clauses, anti-discrimination policies.

4.8 The GDF recommends that workers' organizations strengthen existing coordination mechanisms, such as joint platforms or forums, with a view to facilitating collective bargaining across the public service.

ILO

4.9 The GDF recommends that the ILO reform process integrates public sector employers in its structures, so that SECTOR activities will be strengthened.

4.10 The GDF foresees the need for a public sector specific approach in decent work country programmes – especially in countries at risk (under lending programmes of IMF/World Bank), with a focus on collective bargaining.

4.11 The GDF recommends that the ILO adopt a 4-year integrated action programme on the promotion of collective bargaining in the public service, which builds on existing initiatives, with a strong cooperation between relevant ILO departments such as SECTOR, STANDARDS and SOCIAL DIALOGUE.

4.12 The GDF further recommends that while the proposed programme may encompass all major sectors with a public service component, including education, health, media, postal services and transport, it should have a strong focus on sector specific activities. The programme could have the following modalities of action:

- a) Promotional campaign for the ratification of Conventions 151 and 154 through the production of publicity materials (posters, background notes and leaflets); and a prominent and active information hub on the ILO website; exchange of information through an electronic newsletter;
- b) Research and consultations on essential services
- c) Identify and disseminate best practices on equality and anti-discrimination clauses in collective bargaining agreements in the public sector
- d) Sub-regional tri and bi-partite training programmes (regions to be determined, but including the Arab region and Asia Pacific);
- e) Specific national action plans, with a view to establishing or strengthening:
 - partnership agreements for quality public services, including public-public partnerships
 - bipartite mechanisms to address the incidence of precarious forms of employment in the public service;
 - national negotiating bodies and disputes resolution machinery;
 - In-built monitoring mechanisms.

f) Bi-partite study or exchange programmes to review bargaining systems and related issues;

g) Training programmes for law enforcement services regarding freedom of association;

h) Training programmes on Conventions 151 and 154 for international financial institutions involved in country assessment missions related to economic stabilization schemes, leading to agreement on a model standard compliance mechanism for the country memorandum of understanding.

4.13 The GDF further recommends establishing a small working group to include the participation of interested global unions, employers and governments, to assist in the initial design, implementation and monitoring of this 4-year action programme to promote collective bargaining in the public service.

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