



Collective Bargaining for Teachers

In order to guarantee that teachers have a collective voice, governments must:

- + **Ratify ILO Conventions 87 and 98, on top of Conventions 151 and 154;**
- + **Ensure that teachers, in both the public and private education sector, have the fundamental right to form unions and to negotiate working conditions and quality of education;**
- + **Ensure that collective bargaining is institutionalised**
- + **Respect collective agreements in full, also in times of economic crises**

1. Recognize that a free trade union movement is a pillar of democracy

Trade union rights are human rights and are protected as such by human rights treaties. The Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights, as well as regional treaties such as the European Union Charter of Fundamental Rights and Freedoms, and other agreements cover freedom of assembly and of association, workers' rights to collective bargaining, and workers' rights to information and consultation. By committing themselves to ensure that trade union rights can be exercised, States recognize that a free and vibrant trade union movement is a pillar of democracy and an indicator of a nation's progressive development¹. By respecting freedom to form unions and bargain collectively to the workers they employ as public servants, States implement the fundamental labour standards they committed to respect through their membership to the International Labour Organisation.

Trade union rights and civil liberties are interdependent and a truly free and independent trade union movement can only develop in a climate free from violence, pressure and threats of any kind against the leaders and members of such organizations.

Providing institutional, transparent and democratic channels for negotiation to teacher unions nurtures a serene education context. Emerging issues have a forum to be addressed constructively in a legal and regulated bi- or tripartite

¹ *EI Trade Union Rights Manual, 2013, <http://download.ei-ie.org/docs/IRISDocuments/Human%20and%20Trade%20Union%20Rights/Trade%20Union%20Rights/2008-00250-01-E.pdf>*





framework. Teacher unions voice not only the teachers' and education workers' concerns, but also address challenges for all education stakeholders, including students, other workers, parents and civil society organisations. Implementation of agreements reached through negotiation and consensus becomes the responsibility of all signatory partners, thereby ensuring, ownership, social cohesion and peace.

2. Ensure that collective bargaining or consultation mechanisms in the public sector are strengthened

Freedom to associate and form trade unions should apply to all teachers and education workers in all territories. These rights are guaranteed by ILO fundamental conventions 98 and 87 and by Conventions 151 and 154. Convention 98 offers more favourable provisions to teachers since Article 4 includes the concepts of voluntary negotiation and the independence of the negotiating parties. Collective bargaining should be recognized for teaching personnel in educational institutions, as well as those performing technical, managerial and other ancillary functions in the education sector.

EI has noted a general degradation of public service labour relations and social dialogue mechanisms. The ILO General Survey concerning labour relations and collective bargaining in the public service² noted a generalization, in the public sector, of contracts governed by the rules of private sector labour law, including short-term or temporary contracts renewed repeatedly, and the frequent use of service contracts in the education sector. The ILO survey expressed concern regarding the tendency to favour individual employment rights to the detriment of collective rights. These forms of employment weaken the ability of workers to exercise their trade union rights and dissuade them from joining trade unions. In 2013, EI conducted a study of trends in collective bargaining since 2008 and it is clear that, in countries most affected by the economic crisis, many governments have imposed substantive restrictions on collective bargaining rights, in some cases, through the use of executive decree law, leading to:

- a) outright revocation of existing collective agreements;
- b) imposed wage settlements or wage freezes rather than using existing conciliation and arbitration mechanisms;
- c) legislation to prohibit strike action and impose mandatory negotiations;
- d) adoption of new government powers to suspend or modify collective agreements in part or in their entirety, without any negotiation previously with the unions nor refer the matter to any conciliation or arbitration board or tripartite body;
- e) new legislation to prohibit collective bargaining for the public sector, including for teachers.

EI also requests intergovernmental institutions such as International Monetary Fund, World Bank, European Union, etc. to take into consideration the

² *Collective bargaining in the public service: a way forward*, ILO, 2013
http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_205518.pdf





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obligation of States concerning ILO Conventions and the need for effective consultations with workers' organisations for achieving policy coherence when economic packages are negotiated.

3. Ensure that collective bargaining covers the large areas of negotiation, ranging from conditions of service to education policy and governance

Teacher unions are instrumental to ensure far-reaching structural and pedagogical education reforms. The parties to collective bargaining are entirely free to determine, within the limits of law and public order, the content of their agreements. In the education sector, social dialogue and collective bargaining can assist effectively in enhancing pedagogic practice, improving learning outcomes, education sector planning, recruitment and retraining strategies, but also address issues such as corruption, inequity, child labour elimination and violence. Change requires knowledge, motivation, consultation and buy-in from teachers and staff through their representative organisations. Social dialogue and collective bargaining, far from being contrary to general interest, is in fact an instrument that can lead to more effective and efficient services and to decent working conditions that respect the dignity of all education stakeholders. Social dialogue and collective bargaining holds advantages, not only for workers, as a means of ensuring decent working conditions, motivation, social recognition and respect, but also for the core principles of public governance and quality of services provided to the public.



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