A wolf in a sheep’s clothing? Active employers and public sector industrial conflict in Denmark

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1. Introduction

Industrial relations in Denmark are normally perceived as relatively consensual and the balance of power between employers and trade unions equal compared to most other European countries (Due et Madsen 2009; Dølvik 2007). Although relations between the social partners in the public sector in some regards are of a special nature in that the prime employer (the state) is both negotiator and legislator, major conflict are also rare here. And it is even rarer that the Government decide to end the deadlock of a collective bargaining round with legislative intervention.

The 2013 bargaining round was one of these rare occasions. An industrial conflict in a major public sector bargaining area came to an end by a legislative intervention after both negotiation and arbitration had failed and after an industrial conflict. The industrial conflict was a lockout without any prior strike or strike-warning. Not only in Denmark, but also everywhere else where collective bargaining takes place in the public sector, it happens extremely rarely that a Government lockout employees without a prior call for a strike – and in several countries it is not even legally possible for the public sector employers to do so. It is furthermore noteworthy, that this rare and extreme Government act took place in Denmark, the described general industrial relations considered.

The conflict was connected to a remarkable demand of the employers’ was a reduction of the sector-level collective agreement paragraph of working time to a few lines and winding-up of all existing local agreement on the use of working time for teachers in primary/secondary school (municipal employers’ demands) and in most post-15 education institutions (state employers’ demand). The aim of this was to strengthen the management prerogative and facilitate the implementation of a large scale reform of the primary/secondary schools. Only after failed arbitration, four weeks of lock-out parliamentarian intervention he employers’ demand was met.

This process has been described by some of the public sector trade unions as violating the self-governing principle in the Danish model of industrial relations. These trade unions have criticised the double role of Minister of Finance as chief negotiator and legislator and accused the Ministry of Finance and KL to have arranged the whole process in order to end it with an legislative intervention. Among trade unions, the events have caused concern for the coming public sector collective bargaining rounds. They ask themselves if lockouts without prior calls to strike will be used again – or if this was a one-of event which took place, because the education area has become high politics and because it included local level bargaining rights unseen in other parts of the public sector.

So how come that the public employers, which at several occasions have concluded path-breaching deals with trade unions and never have been seen as especially tough suddenly
used the hardest tool from the tool-box? Have they changed or have they for long been a wolf in a sheep’s closing, waiting to undress?

In the paper several dimensions of the 2013 collective bargaining process and outcome are addressed, which are: Firstly, the collective bargaining round is put into economic, political and historical context. Which historical, economic, political and organisational factors explain the public employers ‘actions. Secondly, do the 2013 collective bargaining round represent an extreme situation within the Danish IR-model or is it an outright break with it? Thirdly, the process will be put into international context. How widespread are lockouts in the public sector in Europe and what have driven the employers in the few other cases where a public employer has locked out employees without a prior call for strike? Fourthly, the future perspectives of industrial relations in the public sector will be discussed. Does the process indicates an important shift in power-relation and is a repetition likely – or was this a one-of action which means that everything will return to normal?

The methods used in the paper to answer these questions are XX semi-structured and (mostly) face-to-face interviews with public sector key bargaining persons representing the social partner organisations, as well as analyses written material such as the collective agreements, policy papers, debate papers, internal documents and e-mail correspondence form the same social partner organisations.

The first section will describe the basics of the Danish industrial relation system (IR-system) and especially the public sector part of it. An understanding of this is necessary to understand the conflict. The second section includes an analysis of the 2013 collective bargaining round at the general (cartel) level, which includes three main areas – state, region and municipality. The conflict prone processes at the education areas took part within the framework of two of these general negotiations. The third section includes the very different, but both very conflictual bargaining processes for the gymnasiums and for the primary schools. The fourth section analyses the later arbitration phase, the lockout and the legislative intervention. The final fifth section includes a discussion of the results and answers to the research questions.

2. The Danish IR-model

About 32 percent of the Danish workforce is employed in the public sector. This comparatively high share has remained relatively stable over the past 20 years despite increasing outsourcing (Ibsen et al. 2011). Research of the pre-crisis public sector has found New Public Management (NPM)-reforms to be introduced in Denmark, but these have been described as ‘moderate’ and as not having bypassed or side-lined trade unions (e.g. Ejersbo & Greve 2005; Ibsen et al. 2011).

The IR-model
The Danish public sector IR-model is characterized by relatively limited legislation, bipartite collective agreements at all levels with high coverage rates, (ad hoc) tripartite social dialogue, an extensive system for employee involvement, and relatively strong trade unions.

In model terms, the IR-model comes closer to the ‘model employer’ than the continental ‘sovereign employer’ (Bach & Bordogna 2011). In the latter, the employment relations are unilaterally determined by the government, and collective bargaining is absent or severely restricted. In the former, the public sector is based less on isolating the public sector from conventional processes of employment relations, such as collective bargaining, but concentrate on the state posing as an example to other employers.

The collective agreements
The collective agreements cover wages and all issues of working and employment conditions, and a developed codetermination system with codetermination committees on occupational as well as local level has been established. Social partners establish general wage scales and terms and conditions at the overall level (state, region or municipalities) which are then integrated into individual agreements for different occupations. However, wage reforms since the 1990s have introduced local-level wage bargaining. This allows for individual or group supplements at the administrative unit/workplace. Yet an important feature of the Danish public sector IR-model is a declining and limited number of civil servants with special statutory employment protection. Also civil servants are in general covered by collective bargaining, not unilateral regulation (Due & Madsen 2009).

Regarding coverage, collective bargain cover no less than 98 percent of the employees in the state sector. The remaining 2 percent covers employees who solely have individual contracts or whose pay and conditions are unilaterally regulated by legislation (Due & Madsen 2009: 360). No statistics exist for the regional and municipal sector, but the collective bargaining coverage is estimated to be at least as high as in the state sector.

These high percentages do not imply, however, that collective bargain is the sole important type of regulation of pay and conditions. Legislation plays a role, most importantly so when it comes to employment conditions (terms of notice etc.), holiday regulation, leave of absence due to childbirth and working environment issues. Moreover, in the higher parts of the job hierarchy individual agreements as supplement to the collective agreements are widespread.

Regarding the levels and scope of bargaining, all three main bargaining areas - state, regions (health) and municipalities – have a three tier structure, where the first two (highest) tiers are closely related (see table 1) (Hansen & Mailand 2013). The first tier is ‘cartel bargaining’, that normally takes place every second or third year. During these bargaining rounds the state, the regional and the municipal employers respectively bargain with bargaining cartels (coalitions) made up of representatives of trade unions. The second tier is organisational bargain-
ing, which takes place more or less simultaneously with the sector-level bargain. Here the individual trade unions bargain themselves on all occupation-specific parts of wages, pensions and working conditions within a decided economic frame. Moreover, development of various projects is often agreed at this level. In times of tight budgets, there can be very little to bargain on at this level. The local level is the third bargaining level. This has gained in importance due to the partial decentralisation mentioned above (Hansen 2012). As a general rule it is a trade union related shop-steward who bargain. Bargaining issues include wages, working time, training and policies for senior employees. This tier will not be analysed in the present paper.

Table 1

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The biannual collective bargaining rounds
Since the focus of the present paper is on a sector level bargaining round, it is worthwhile to describe the framework around it. Here only three of the most basic features will be described:

Firstly, there exists a hierarchy between the three main areas. Although they are formally independent of each other, de facto, the state area is the lead bargaining area for the other two. One of the most important effects of this hierarchy is that it is difficult of the social partners in the municipal and the regional sector to strike agreements that are more expensive or in content deviate more than marginally from the agreement in the state sector, unless the issue is something specific for the municipal or the regional sector.

Secondly, one of the bargaining partners, the Government (more precisely the minister of finance) has a double role as both negotiator and legislator. This has several consequences. One
of them is that if the government fails to get a bargaining demand through during a collective bargaining round, the double role provides them with the opportunities to attempt to get it through afterwards on the political arena (if the issue is not one which exclusively is dealt with on the collective bargaining arena, such as pay). But more relevant for the case in focus here, if the social partners fail to come to an agreement during the bargaining round, and the National Arbitrator cannot afterwards make the social partners agree, and a industrial conflict has not made one of the social partners give up, it is the Government who – if they have support from a majority in Parliament – write up legislative intervention. If the industrial conflict has been in the municipal or regional sector, this is less controversial, but if the state sector has been involved, the Government role as both bargaining part and legislator could be seen as problematic. It increases it power position and make the power-balances somewhat lopsided vis-en-vis the trade unions.

Thirdly, if the social partners fail to strike an agreement, it is legal for both trade unions and the public employers to initiate an industrial conflict – a strike or a lockout. This is contrary to the situation in several other European countries, where it either is illegal for both the social partners to do so, or it is illegal for the employers to do so. The latest industrial conflicts prior to 2013 in the public sector in connection to the collective bargaining rounds took place in 1985, 1995, 1999 and 2008.

3. 2011 and 2013 bargaining round: The general agreements

The conflict prone barraging processes in the education areas (second tier) were linked to the general agreements agreed during cartel bargaining (first tier), the general agreements of the two latest bargaining rounds will be analysed here.

2011 bargaining round
The results of the public sector collective bargaining round in 2011 - that took place when the job reductions were expected, but most of them still not implemented - were very meagre from a trade union perspective – and to some extent also from an employer’ perspective. The process was not very dramatic. The trade unions had prior to the round lowered the expectations of their members, which most likely facilitated the process.

In relation to wages, the outcome was a wage-freeze for 2011 and very limited wage-increases in 2012 in all three main sectors - the state, the regional and the municipal. To some extent this was expected due to the economic context and the so-called ‘regulation-mechanism’ that ties public sector wage to the wage-development in the private sector, although with some delay. The existence of this mechanism implied that public sector employees ‘owed’ the public employers money when the negotiations started. In a rare situation, as the one in 2008-11, where the economic conditions go from very favourable to very unfavourable
within a very short period, the ‘regulation-mechanism’ will work as a hidden austerity measure.

Apart from the agreement on wages (which also implied that no national-level financial resources were allocated for local wage-setting) the result included, inter alia, flexibilisation of the central codetermination committees’ agendas, increased job security for shop stewards, and – in the agreement for the municipalities - a security fund for some employees made redundant.

The trade unions only managed to get very few of their demands through in the bargaining process. Most trade unions had expected some kind of compensation in the form of job, employment or income security or other benefits in exchange for the wage restraint. But all the trade unions’ demands on job security (e.g. prolonged terms of notice, redundancy payments) were rejected. However, in the municipal sector the employer part, KL, proposed in the very end of the negotiation process a ‘security fund’ to finance further training for workers made redundant as a kind of compensation for all the rejected demands. The fund was financed by some unused pension funds and could therefore be seen as free of expense for the employers. Importantly, it was only in the municipal sector that that an agreement on this issue was included. Nevertheless, it can be argued that the trade unions succeeded in blocking the employers’ aims regarding, e.g., longer working hours and a movement from collective to individual bargaining at the local level.

The 2013 bargaining round
The 2013 bargaining round at the cartel level was again not dramatic either. In the state sector, the employers had three main demands. The first was the winding up of the regulation-mechanism. Arguing that the mechanism disconnected wage-development in the public sector from productivity development, the employers made this one of their three core demands. The trade unions, most of which for years also had wanted the regulation mechanism had gradually started to embrace it, as they saw it as shield to something worth than near wages-freeze, namely wage-reductions and not only in real wages, but also in nominal wages. The second main demand of the employers was a winding-up of some the remaining civil servants special benefits. However, the state employers gave up on this demand. Moreover, they also gave up on the termination of the regulation mechanism – this time. The third main demand the state employers (KL had a similar demand in the municipal sector) ‘ was a winding-up of all existing local agreement on working time for teachers in post 15-education (gymnasiums). This issue will be analysed in the next section.

With the state employers’ giving up on two of their three main demands – and with the third to be bargained on at organisation bargain level - the general agreement in the state sector included very limited wage-increases and few other changes. Since the bargaining in the municipal sector as described takes place in an the ‘shadow of the state’ – a shadow which is se-
cured through informal coordination between the state and the municipal employers and the timing of the negotiations in the two areas – only limited space was left for the municipal negotiators. A number of controversial demands from the employers, KL, could not be agreed upon. This was the case with their wish to reduce the number of shop stewards, change special rules for employees older than 60 and flexibilisation of working time rules. Similarly, a number of the trade unions’ demands were rejected, includes demands on extension of paternity leave and more employment security.

Hence, the result of the both the state and the municipal sectors bargaining were agreements with few changes and not so much drama.

4. 2013 bargaining round: Different teachers, different bargaining processes

Contrary to the cartel bargaining, the organisational bargaining in the education areas turned out to be very dramatic. As mentioned, the public employers’ aim was a winding-up of all existing local agreement on working time for teachers in primary school (up to the age of 15) (municipal employers’ demands) and in most post-15 education institutions (state employers’ demand) in order to strengthen the management prerogative – and in the case of the primary school - as well as a way to facilitate and finance the implementation of a large scale reform of the primary schools. The aim of the employers was not to make the teachers work longer, but to spend more time in the classroom with the pupils. This was a long standing wish of the employers. The wish, among other things, was rooted in 1) the PISA-studies, which showed mediocre performance of Danish students despite of relatively high spending; 2) studies showing that Danish teachers were spending relatively few hours in the classroom, and 3) believe in a positive correlation between hours in the classroom and the quality of the education. The Danish Union of Teachers (DLF) argued contrary, that reduced hours to preparation would reduce the quality of education, and that Local Government Denmark (KL) and the Government applied an outdated teaching concept when they concluded that Danish teachers in the municipal sector only were only teaching 16 hours per week in average. The real figure was according to DLF 25 hours per week (REFERENCE).

In the primary school, steps towards a more flexible and decentralised and less bureaucratic working time regulation had been agreed upon during the 2008 collective bargaining round. KL recognised this as a step in the right direction, but found it insufficient. In relation to the gymnasiums, an agreement was close with the Gymnasium Teachers Union (GL) during the

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1 By removing the preparation factor per teaching hour (which required a removal of the bargaining right of the trade unions on the use of working time) the teachers could be forced to teach more hours (as prescribed in the proposal for the School reform) and prepare themselves for fewer hours. The working week should still be 37 hours.
2011 bargain round, but failed in the last minute, coursing strong frustration in the Ministry of Finance.

To reach their goals, the Government and KL wanted full management prerogative on teaching. The new working time regulation regime should then feed into a larger scale school reform with more flexible and class-based teaching and longer school week.

The public employers were well prepared. Already in late 2011 they established a joint working group to prepare the negotiations. One of the controversial issues during the bargaining round was, if it in the working group was agreed not to compromise, because the processes could be conclude with a legislative intervention meeting the employers’ main demands. This has been denied by both the Government and KL, who nevertheless refused public access to the documents of the working group.

*The post-15 education institutions – the state bargaining area*

The gymnasia area bargaining process was planned to end in early February - and so it did. After long standstill in the negotiations, GL accepted to give up on their bargaining right on working time and a phasing out of the special senior conditions, which was also one of the employers’ demands. In returned they received a substantial wage increase and a (limited) fixed framework (‘fense’) to secure planning and avoid to big teaching workload. In justifying the decision to strike an agreement, GL’s general secretary explained that GL would have lost their bargaining right in any case, because the Ministry of Finance would have been willing to initiate an industrial conflict on the issue, that GL could not have won. By accepting ‘the unacceptable’ during the bargaining phase, GL got a substantial economic compensation.

The explanations sound reasonable, but there were a couple of problems. The bargaining committee of GL had not approved the decision of the chairman (who was also the chief negotiator) to make the deal with the employers he did, whereas the chairman was of the opinion that they have not stopped him, when he prior to the final negotiations had informed them, that this was what he intended to do (Mailand 2013). Because GL in the final phase was part of the Danish Confederation of Professional Associations’ (Akademikerne) bargaining process, only a very small GL delegation was physically present at the last bargaining meeting. Furthermore, telephone communication failed – intended or unintended – during the last meeting which contributed to a situation, there the bargaining committee was informed only through the mass media the morning after the agreement had been settled during the night.

A small majority in GLs board voted for an acceptance of the agreement the following day. However, having signed a bargaining agreement with Akademikerne, GL could only escape the agreement if a qualified majority of the members in all organisations, Akademikerne had bargained for, voted no in the following membership referendum. But in late March it was clear
that although 85 percent of GL’s members had voted no, the overall result was a solid ‘yes’ among the member-organisations of Akademikerne.

**Pre-15 primary schools – the municipal bargaining area**

Until the agreement between Ministry of Finance and Akademikerne/GL was signed, not much was happening at the bargaining table in the parallel negotiations between DLF and KL. These negotiations had to be concluded before March 1, 2013, if an arbitration process should be avoided. KL was prior to this date reluctant to present any written proposals about how they imagined working time regulation was to take place in practice if full management prerogative was applied. Then, shortly after the agreement was signed on February 9, DLF was offered a similar deal. However, DLF made it clear, that they needed a compromise, and not only a compensation as the offer to GL included. At the same time, a very different/better deal was to DLF than the one GL had agreed to, was not a very realistic scenario, firstly, because the hierarchy in the bargaining model as described includes that the state sector sets the trend and only small variations for this is allowed, and secondly, because the number of teachers in the primary school is so much higher than in the gymnasiums. A better deal for the former would therefore end up being expensive for KL.

During the latter half of February, a few bargaining meetings between DLF and KL were held, and DLF proposed during these a number of models which - to some extent - met KL’s wish for enhanced management room for manoeuvre. However, they still included two features which were unacceptable for KL. First, and most importantly, they all included some form of teaching maximum or teaching preparation factor. Secondly, they all included the special conditions for the senior employees.

With the bargaining partners’ still far from each other and with a perception of KL that no movements had taken place and dissatisfaction with the latest reactions from DLF to KL’s proposals, KL decided unilaterally to declare a breakdown in the bargaining process on February the 27th. DLF wanted to continue the bargaining process to the last minutes and found that the effort and number of bargaining meetings had been very limited. Still, KL refused to make another attempt. Hence, the attempt to strike an agreement should then continue under the leadership of the national arbitrator.

Summing up, in the negotiations with DLF KL acted much like the Ministry of Finance did in relation to GL: They established a very narrow room for agreement, which had to include full management prerogative and a winding up of the special senior conditions. In this room, there were hardly any opportunities for compromises on the content, only opportunities for compensation.

**5. Lockout and government intervention**
The rules of the National Arbitrator prescribe that she have one month [four weeks?] to find a solution, which the negotiators can accept. If they can, the proposal will afterwards be send to be accepted among the social partner organisations involved. If she fails to convince the social partners within the deadline, she can still postpone industrial action for two times fourteen days.

Since DLF also was in failed to strike an agreement for a number smaller post-15 educations within the state area on the same issue, two separate but similar arbitration processes were taking place: One with KL and one with Ministry of Finance. In none of these processes the arbitrator succeeded in getting the parties even close to an agreement.

The public employers had asked for a ‘normalisation’ of the teachers working time, in to illustrate and facilitate their management prerogative aim. In the end of the bargaining, after having failed to convince the employers’ to accept working time regulation from a number of other collective agreements (+ maximum hours for teaching/preparation factor and special senior rights), DLF suggested to use the legal framework for the civil servants, which was both an occupational group more fitting to the teacher situation than the previous suggestions and an agreement with a more limited regulation framework – as the employers wanted. However, again, the teachers’ suggestion included a preparation factor and the special senior rights and was therefore unacceptable for the employers.

After an odd and fruitless final act with verbal fighting in front of the television cameras and a new model being suggested after the arbitrator had given up, the lockout was unavoidable. The arbitrator had not used her right to postpone the conflict, since she found the parties to be too far from each other. No compromise was within sight.

Hence, the lockout was put in to force from the 2nd of April. 56.000 teachers in primary school and 17.000 teachers from the vocational schools in the state area were covered by the lockout.

During an industrial conflict – at least in Denmark – it is the employee side that have to bear the direct economic burden. This is also the case during a lockout. DLFs strike fund would have lasted for approximately 10 weeks, but by initiating a loan system with a right to tax-reduction, the trade union was able to be in conflict for much longer.

Nevertheless, already during the first week of the lockout, the chairman of DLF called the Government to end the conflict with a legislative intervention. This for a union leader unusual step was taken because he expected the lockout to be ended with a Government intervention in any case – and one which would lean towards the employers’ demands. With a fast intervention, DLF could safe some of it strike fund and their members would have to take fewer
loans. As the days went by, DLF’s demand for the Government to intervene got support from more and more unions.

However, the support for DLF had been limited during the whole processes. The bargaining cartel in the municipal sector had postponed the signing of the general agreement in the municipal areas there had been trade union protest about ‘lack of respect for the collective bargaining model’, and a number of manifestations were held – the last one included 40,000 dissatisfied trade unionist, parents and other citizens. But one of the two trade unions relevant for a ‘strike of sympathy’ – the Trade Union of Pedagogical Staff (BUPL) – rejected such an initiative from the other relevant trade union, FOA. And this was the only attempt taken to initiate a strike (Mailand 2013y).

This lack of support from other trade unions was partly due to a wish to conclude own agreements ‘without’ trouble. However, it also reflects a division of the trade union movement on the issue. Some – especially private sector unions – found that the very special working time regulation in the primary schools and the special senior conditions was not a case to fight for. Moreover - spontaneously or asked for by their political contacts in the Social democratic party - a number of trade union leaders announced late in the process that there had been no violation of the Danish model of collective bargaining.

Neither DLF, nor KL and the Ministry of finance, changed their positions during the lockout. After three and half week, two of the three parties in the Government found that it was time to intervene, if the lockout should not have too big consequences for the final examinations of both the primary school and the vocational educations. The Government had well in advances secured its backing from the opposition. Hence, after a speedy two-day processes in Parliament, the legislative intervention came into force on the 25th of May, and the pupils and student could return to school.

The main features of the intervention were:

- Full management prerogative on working time regulation (but still a 37 hours working week)
- Working time ‘fense’: working time have normally to be placed during normal working hours on weekdays. Overtime pay will be paid in connection to some activities placed outside normal working hours
- Annual norm: The total working time of teachers is still calculated annually, and not monthly, as DLF wanted.
- The special senior conditions are faced out gradually.
- Wage-compensation: The teachers will be compensated with nearly 300 million Danish crowns (40 million euro) in total. The compensation was calculated as the value of the special senior conditions.
• Projects on cooperation, trust and better working environment for 20 million Danish crowns (2.7 million euro).

• Further education: 1 billion Danish crowns (130 million euro) for further education of teachers. However, these were already included in the Government proposal for the Primary Scholl reform. Hence, they cannot be included as part of the compensation to the teachers.

In sum, the intervention met the employers’ main demands, and the compensation was mainly related to wage. Calculated per teacher it was substantially lower than what the gymnasium teachers got. DLF complained about the calculation of the compensation, which they found too low. Moreover, they found the working time ‘fense’ inadequate. KL was in general satisfied with the intervention, but would have liked an even more limited working time ‘fense’.

6. Discussion, conclusion and comparative perspective

In the introduction four research questions were raised. The first research question asked which historical, economic, political and organisational factors that can explain the government actions.

The unusual action cannot be explained by a single causal factor, as already the question indicates. It is a combination of structural factors as well as cyclical factors and specific circumstances that together created a window of opportunity, the public employers would not let pass, although they have to pay a prize for it (teachers not supporting the implementation of the school reform being one of this, risk of losing voters another). Some of these explanatory factors are interconnected.

**Historical factors:** These can also be labelled background factors. First and foremost, as mentioned above, the wish to get rid of the trade unions right to bargaining on the use of working time was a long standing wish from KL. But, on the other hand, the agreement from 2008 was prised by KL when signed and positively evaluated in 2011. For Ministry of Finance the humiliating fail to change the gymnasium teachers’ working time in 2011 gave them a reason to prepare well and tighten up for the next bargaining round.

**Economic factors:** The crisis has put public budget under pressure, and the current Centre-Left government has followed an austerity path – allow a mild one. This has influenced their own and KL’s approach to the school reform and the collective bargaining in the education areas. Moreover, the crisis has generally weakened the trade unions, including their feeling for strike actions and other protest, and therefore facilitated tougher employer approaches during collective bargaining rounds.
Political factors: Contrary to what most would expect, recent Danish history shows that it takes a Social-democratic government to introduce substantial welfare and labour market reforms against the will of the trade union movement (REFERENCE). A Right or Centre-Right government would most likely have to face a much stronger opposition from the trade unions then the present Government experienced.

Moreover, the Government and nearly the whole opposition agreed on the aim of the School reform and the public employers working time demands, which naturally facilitated the process for the public employers. Furthermore, opinion polls showed that the Danish population - which from early on had been ‘worked on’ by both the public employers and DLF through the media – was of a similar opinion (although they found the public employers not sufficiently willing to make compromises).

Finally, education politics have moved from low to high politics in recent years. A school reform would not 10 or 15 years ago had been a reform of such a high priority by a Danish government.

Organisational factors: Nor directly connected to this process, but facilitating it, an analysis of stakeholders carried through by KL in 2011 showed a widespread wish that KL would act tougher in employer issues (Mailand 2012a). Following the analysis, but not only connected to this, a number of key persons with relation to collective bargaining were replaced. Simultaneously, the agency in the Ministry of Finance responsible for bargaining was merged with another agency. Also here, a number of key bargaining responsible persons were replaced during 2012 (Mailand 2012b).

Another relevant organisational factor is the fragmented trade union structure in the public sector and the lack of solidarity between the trade unions, which was clearly put on show during the process.

The second research question asked if the process represents an extreme situation within the Danish public sector IR-model or an outright break with it. The answer is, that it certainly was an extreme situation, but although the acting of the public employers seems tough, lockouts - and lockouts without a prior call for strike - are technically and legally possible within the framework of the bargaining model. What can be criticised, though, is 1) the mixing up of the collective bargaining process with a major political reform, 2) inclusion of revenue from the bargaining round in the political reform, and 3) the interference from a number of ministers other than the Minister of finance in the bargaining process. An outright break with the model have only taken place if there has been an agreement between KL and the Ministry of Finance to end the process with an legislative intervention, but both public employers deny this as described.
However, although rules might have been followed, this does not imply that the 2013 round could not be used as argument for changing the model and especially the double role of the Minister of Finance. Such a debate took place during and shortly after the events, but they soon faded out, and there does not seem to be support and pressure for basic changes in the IR-model. DLF, though, have raised the case in ILO as a violation of the ILO-agreement that prescribes the government not to use unnecessary force [TJECK].

The third research question was comparative and asked how widespread lockouts are in the public sector in Europe – and what have been driven the employers in these cases. At this preliminary stage of the paper, this question will be unanswered. What is known by now is that lockout is not possible at all - or not possible in the public sector - in a number of European countries, including Italy, Holland and Portugal. Moreover, there is for sure no other case as the Danish 2013 found recently in Europe. However, the precise picture of where such actions are possible and where they are not has still to be painted, together with an investigation of one or a few US cases that might come close to the Danish one.

The fourth research question asked if the process indicates an important shift in power-relation and is there a repetition likely – or if it was a one-of action and everything will return to normal. As already argued, structural as well as cyclical (business cycle related) changes in power-relations between public employers and trade unions in the public sector was one of the explanations for the events. But the 2013 process itself will also change the power-relations to the favour of the employers. This is so, because the trade unions do now not know when the employers will act like this again. Have they done it one time, they can do it again. However, most observers and actors – including the trade unions – find it unlikely, that it will happen during the next bargaining round, which will take place in 2015. The timing of the next general election and the lack of employer ‘preparation’ of a special group or issue lead to this conclusion. Still, it could happen again later, although the public employers’ are keen to emphasise the unlikeliness of this and the unusual conditions during the 2013 bargaining round. Therefore, although the 2013 events did not kill the Danish IR-model, it will never be the same again.

References


Mailand, M. (2013): Når man går foran -


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