



Industrial relations

**Collective agreements and
bargaining coverage in the EU:
A mapping of types, regulations and
first findings from the
European Company Survey 2019**

[European Company Survey 2019:
Workplace practices unlocking employee potential](#)

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This report presents the results of research conducted largely prior to the outbreak of COVID-19 in Europe in February 2020. For this reason, the results do not fully take account of the outbreak.

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Contents

List of contributors.....	1
Abstract.....	2
Introduction	3
Measuring collective wage bargaining coverage	4
Bargaining patterns and coverage in the EU.....	5
Collective wage bargaining and company size	7
Collective wage bargaining and sector	8
Types of collective wage agreements in the ECS	10
National regulations and types of collective agreements.....	2
Austria.....	2
Belgium	8
Bulgaria.....	14
Croatia	19
Cyprus.....	25
Czech Republic	30
Denmark	37
Estonia	42
Finland.....	47
France	55
Germany	67
Greece	70
Hungary	76
Ireland.....	82
Italy.....	87
Latvia	94
Lithuania	99
Luxembourg	107
Malta	116
Netherlands.....	120
Norway	124
Poland.....	129
Portugal	134
Romania.....	145
Slovakia.....	150
Slovenia.....	153
Spain	159
Sweden	168
United Kingdom.....	173
References	177

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Abstract

This paper presents a comprehensive compilation of national regulations on different types of collective (wage) agreements in the EU27, Norway and the United Kingdom, including their characteristics, such as the bargaining level, their potential groups of signatory parties, topical scope, possible extension, as well as how they relate (or are articulated with) other agreements in the same country. This mapping exercise (presented in the second part of the paper) served as a preparatory input for the fourth European Company Survey (ECS) 2019, which, for the first time, presented management respondents in more than 21,000 companies in the EU with a country specific list of national types and terms of collective wage agreements. The first part of this paper briefly presents the first findings of the ECS 2019 on the estimated wage bargaining coverage and bargaining patterns for private sector establishments in the EU, within which two thirds of workers are estimated to be covered by some form of collective wage agreement. The difference between countries in terms of coverage and patterns remains much larger than between sectors and company sizes.

Four groups of countries were identified based on their pattern of bargaining configurations: Those with decentralised, predominantly company based bargaining, those with a coexistence of company and sector level bargaining, but no predominance of neither, those with predominantly sector level bargaining, and those where articulated bargaining (between sector and company level) is the predominant form. The extent of sector level bargaining continues to be the most important driver for a large bargaining coverage and is particularly important for smaller and medium-sized enterprises, as they tend to be much less often covered by company level agreements.

Introduction

About two thirds of workers in the EU are covered by some form of collective wage agreement in the private sector and in establishments with more than ten employees. This is the key finding of the latest wave of the European Company Survey (ECS), which Eurofound carried out in 2019.

According to Eurofound's European Industrial Relations Dictionary '*Collective bargaining is the process of negotiation between unions and employers regarding the terms and conditions of employment of employees, and about the rights and responsibilities of trade unions. It is a process of rule making, leading to joint regulation.*'

Following decades of erosion and years during which collective bargaining systems of some European Member States have come under pressure (in the context of reforms made as a response to the financial and economic crisis after 2008)¹, there is now a notable shift of paradigm among (EU-level) policy makers, who are starting to rediscover the benefits of collectively (instead of individually) set conditions of work and employment. In particular multi-employer, sectoral approaches, combined with 'organised' decentralised ways of bargaining have been proven to be superior in their outcomes to other forms (notably to entirely decentralised forms)².

The renewed commitment of strengthening collective (wage) bargaining has also been most recently confirmed in the context of the EU initiative on fair minimum wages: as part of their second stage social partner consultation, the European Commission identified the declining trends in collective bargaining as an issue requiring policy attention, as it affects minimum wage dynamics and coverage and lists among the (potential) specific objectives of an EU minimum wage initiative that Member States could ensure that

'Well-functioning collective bargaining in wage-setting is in place as it can ensure that all workers, particularly the most vulnerable ones, are protected by adequate minimum wage floors, both in the systems where minimum wages are only determined by collective agreements and in those where they are set by law. Well-functioning collective bargaining implies that all types of employers and employees are duly represented and ensures that wage conditions are consistent with workers' and employers' needs and are responsive to changing economic circumstances. By shaping general wage developments, collective bargaining also influences developments in statutory minimum wages where they exist. The structure and functioning of collective bargaining thus play a key role for achieving fair minimum wages.'

(European Commission, 2020).

¹ Compare Eurofound (2020, forthcoming), Eurofound (2014), Eurofound (2015a).

² Compare Eurofound (2015b), OECD (2019), Vandekerckhove (2018a).

Measuring collective wage bargaining coverage

Measuring the extent of collective (wage) bargaining coverage is difficult, as many countries do not keep central registers of collective agreements. Available national data from such sources are therefore often partial (i.e. relating to a selected pool of major organisations) and due to different methodologies applied, they do not tend to be comparable across countries.

There are two EU-wide surveys which can be used to estimate collective bargaining coverage in a harmonised way: The Structure of Earnings Survey (SES) and the European Company Survey (ECS), both of which are addressed to company management and have a question on whether employees in a company or establishment are covered by any form of collective wage agreement. If there is more than one agreement, the SES focuses on the agreement with the widest within-company coverage, while ECS allows for multiple choices. One drawback of these statistics is that they both do not cover the smallest companies or establishments, and also certain sectors, or, as in the case of the SES, even countries are excluded. Another source is the ICTWSS data (Visser, 2019, also reported and soon to be updated by OECD), which compiles national-level statistics from both registers and surveys. Where available, the sectoral and size-related coverage of the data are higher, but, as national sources are different, cannot be fully harmonised across countries.

There are two main challenges with cross-country surveys in this context:

1. Collective bargaining is organised in different ways in the countries. Some have only company-level bargaining, some mainly sector-level bargaining and others anything in between. However, already this is a stark simplification, with other forms of agreements such as cross-sectoral, occupational, territorial or supplementary agreements existing in some, which may or may not be related to – ‘articulated’ – with each other.
2. Country specific terminology can easily confuse respondents, when the English source questionnaire contains one type of description for each country. For instance, in some countries the term ‘national level agreement’ is understood as being a sector related agreement, signed for a certain sector, but valid for the whole country. Respondents from other countries would understand the same expression as ‘cross-sectoral’ or ‘interconfederal’ agreement’, or collective agreement which regulates the statutory minimum wages.

In order to improve the way different kinds of collective agreements are understood by ECS survey respondents, while ensuring that cross-country comparisons of collective bargaining agreements different bargaining levels is possible, a new approach to the question on collective wage bargaining has been implemented in the 2019 wave. In contrast to previous waves, management respondents were presented this time with a list of the most appropriate country specific terms for each bargaining level.,

The input for this question was obtained from the Network of Eurofound correspondents in 2018. Next to identifying official terms (and commonly used expressions), they were asked to provide an overview of national regulations related to collective agreements, describe the different types of collective agreements including information on their signatory parties, potential thematic scope, whether wages were (usually) regulated in them, whether these agreements were extended to non-signatory parties or non-union members, their estimated prevalence and how these different agreement types may relate to each other, i.e. their ‘articulation’.

The results of this mapping exercise are the main and second part of this working paper and presented in the chapter on ‘national regulations and types of collective agreements by country’. This mapping provides the context to understanding, analysing and interpreting the ECS data on collective wage bargaining further.

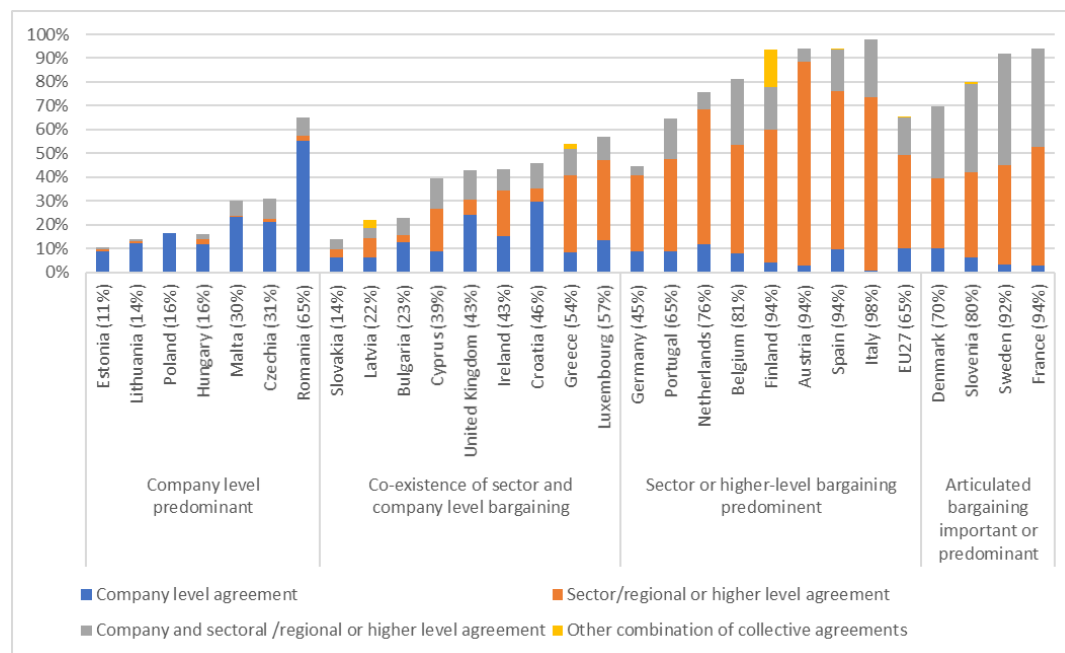
The first part provides an overview of the first findings of the data on collective wage bargaining.

This working paper is intended to provide in-depth background information on the data on collective wage bargaining data that was collected as part of the European Company Survey 2019 and is primarily aimed at researchers working with these data. It may, however, also be of interest for researchers and policy makers to obtain an in-depth view on differences in the national regulations on collective (wage) bargaining.

Bargaining patterns and coverage in the EU

According to the answers from more than 21,000 management respondents, two thirds of private sector employees in the EU27 (working in establishments with more than 10 employees) are estimated to be covered by some form of collective wage agreement. As multiple responses were allowed, the survey offers a new insight into the patterns of collective wage bargaining coverage (compare Figure 1 below).

Figure 1: Estimated collective bargaining coverage and configuration of agreements in the private sector, establishments with more than 10 employees,



48. [CA] Are the wages of any employees in this establishment set by any of the following types of collective agreements? Please tick all that apply. (Compare table 1 for the country specific collective bargaining agreements covered in this survey question).

Source: Own calculations, based on ECS 2019.

Decentralised company level bargaining with very limited other forms of higher-level bargaining agreements, is the predominant form of collective wage bargaining in Estonia, Lithuania, Poland, Malta, Czechia and Romania. Except for Romania³, collective wage bargaining coverage tends to be very low in these countries.

In a second group of countries, **company bargaining co-exists with sector bargaining**, partially but not strongly interlinked between the two levels, but none of the forms predominates the others. In some of these countries, bargaining coverage was also found to be very low (Slovakia, Latvia, Bulgaria), as all forms of collective agreements were very seldomly reported. Other countries in this group have a medium level of estimated bargaining coverage of around 40-50%, spread relatively evenly across company, sector or the combined/articulated types of bargaining agreements (Croatia, Cyprus, Ireland and the United Kingdom). In Greece and Luxembourg, which are also classified in this group, the share of sector-level bargaining is already larger, leading to a coverage of between 54 and 57%.

The third group of countries detected in the survey data has **predominantly sector or higher-level bargaining** in place. It also includes a certain amount of articulated bargaining (somewhat more in Belgium and Italy), where company level agreements are made in addition to the higher-level bargaining. These countries tend to have rather high bargaining coverage (with the lowest levels of 45% and 65% being found in Germany⁴ and Portugal).

In the fourth group of countries, the **articulation between sector and company level bargaining** is much more prevalent, and the predominant or at least very important form of bargaining. This form of organised decentralisation (Traxler, 1995), includes Denmark, Slovenia, Sweden and France. Bargaining coverage was found to be very high in this group.

Methodological note:

These findings must be interpreted with some caution:

1. The question asked whether the wages of 'any employees in this establishment' are set by a collective wage agreement. For the calculation, the assumption was made that a collective agreement relates to all employees in the establishment. This will somewhat overestimate the true extent, particularly in cases where occupational or other union specific agreements exist. However, the share of occupational agreements is (except for Finland), negligibly low within the countries where such agreements exist.
2. Survey responses depend on the knowledge of the respondent and how they understand the question. This bias is sought to be minimised by the set-up of the ECS, which seeks to interview senior level HR managers, for which a high level of familiarity with wage setting agreements can be assumed. The provision of country specific terms

³ In 2017, for a short period of time, government obliged companies to enter into collective bargaining, in the context of the shift of the payment of social security contributions from the employer to employees. While it was mandatory to enter into negotiations, it was not mandatory to conclude an agreement. In addition, the European Company survey found that around 20% of Romanian employees are covered by an agreement according to Article 153. These (company level) agreements are only applicable to the members of the signatory party, hence the actual bargaining coverage may be overestimated.

⁴ Note however, that it is a common practice in Germany that companies who are formally not bound by a collective wage agreement still align their pay rates with collective agreements. Compare for example Oberfichtner and Schnabel (2017) or Bellmann et al (2018) who estimate the coverage by "alignment" or orientation with collective agreements to add approximately an additional 30% of bargaining coverage for all establishment sizes.

(see table 1) was also aimed at ensuring that respondents understand the question in a similar way.

3. The fact that wages ‘are set’ by a collective wage agreement, does not necessarily imply that this agreement a) has been recently updated or b) that the employer could also over- or (less likely) – underpay the collectively agreed rate. Concerning a) the figures reported here might differ from those statistics which understand bargaining coverage as ‘updated’, flow of collective wage agreements. Concerning b) a possible source of misinterpretation are cases of a high wage drift, where companies overpay the collective agreement and managers would therefore not feel that wage of the employees ‘are set’ by a collective agreement. This source of bias is probably larger in sector-level bargaining contexts, as one can assume that company agreements are tailored to the company’s reality and therefore less room for wage-drift can be expected.

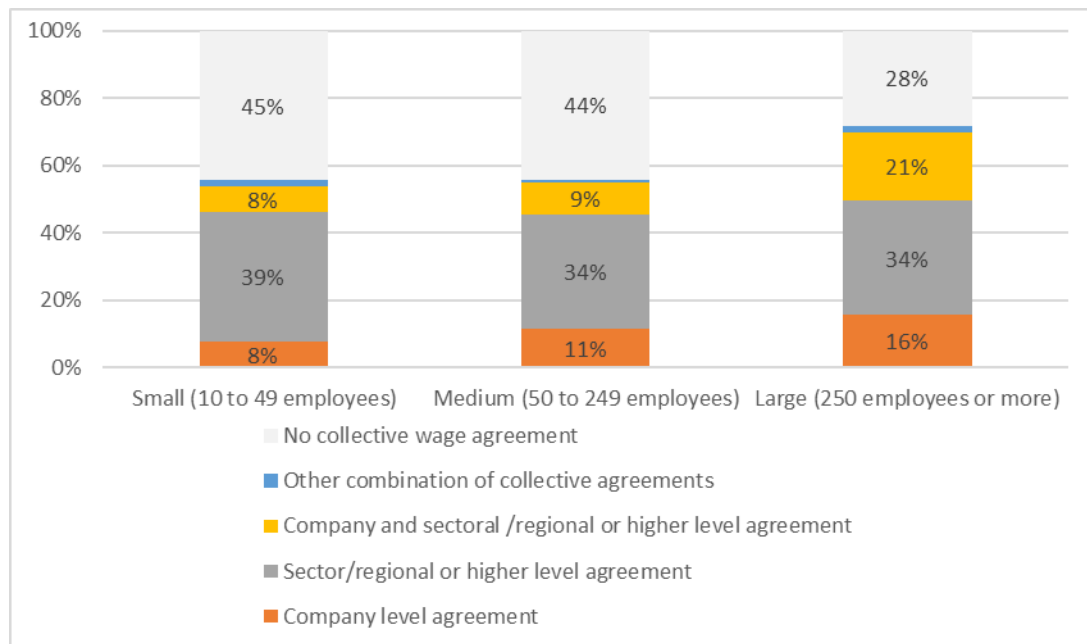
Collective wage bargaining and company size

Smaller and medium-sized companies are more likely not to be covered by any collective wage agreement than the larger companies with 250 or more employees. Among small and medium-sized companies in the private sector with more than ten employees around 44-45% of companies are not covered, while among the larger companies with more than 250 employees the share of non-covered enterprises stands at only 28%.

Larger companies are more frequently covered by a company level agreement (16%) or by a combination of a company and sectoral agreement (21%) than smaller and medium-sized companies (8 to 11% for company agreements and 8-9% for the combination). The difference between smaller and medium-sized companies in term of (non-)coverage and the type of agreement they are covered by is relatively small.

The figures point to the importance of sectoral wage bargaining for as most important collective wage bargaining coverage for small and medium-sized companies.

Figure 2: Companies covered by collective agreements and their size in the EU27



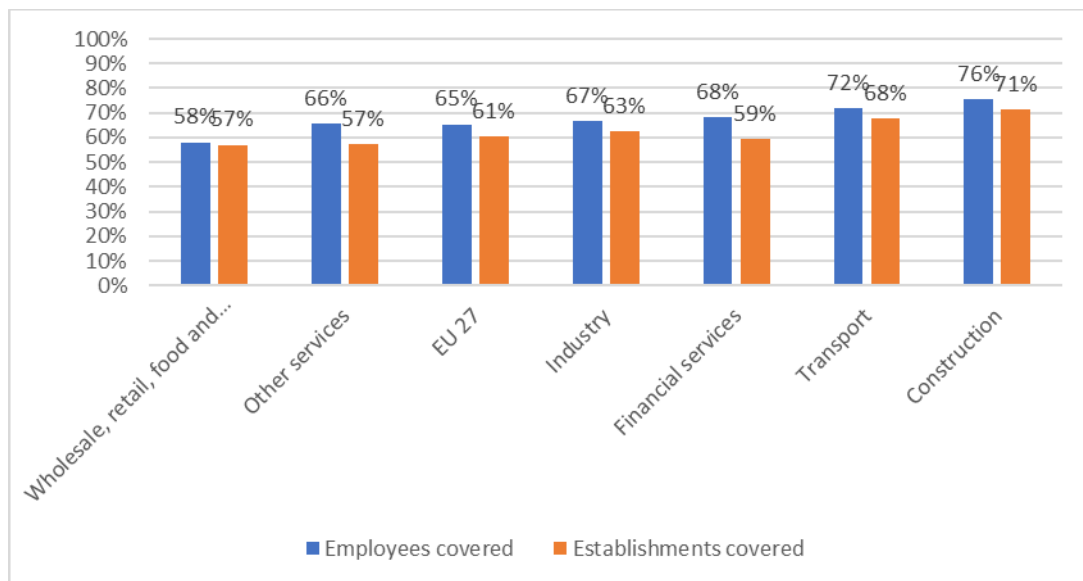
Note: Establishment weights, sample restricted to single-establishment companies (N=15,655).

Source: European Company Survey, 2019, Management questionnaire.

Collective wage bargaining and sector

There is also a certain degree of variation of collective wage bargaining coverage across sectors, even though the differences are much lower than between countries. The lowest coverage rates, both in terms of employees and establishments, were found in the commerce sector and 'other services sector, the highest in construction and transport (compare Figure 3).

Figure 3: Collective wage bargaining coverage by sector in the EU27

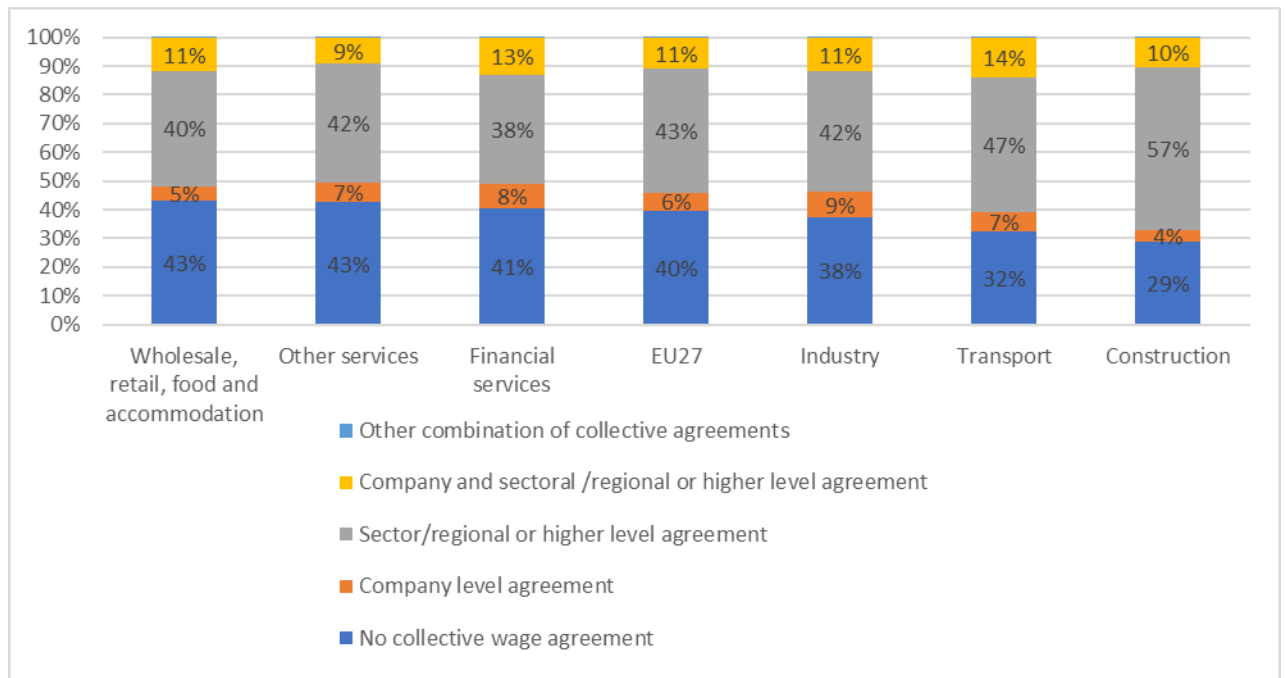


Note: Establishment and employee weights (N=21,172).

Source: European Company Survey, 2019, Management questionnaire.

The sectors mainly differ in terms of their prevalence of sector level bargaining, while the other forms of bargaining patterns do not differ much. In the commerce sector, about 43% of establishments were found to be adhering to a sector (or higher) level collective wage agreement (exclusively), while in construction 57% of establishments reported to adhere to a sectoral agreement (exclusively). The extent of articulated bargaining (where companies adhere to both company and higher-level agreements), as well as the share of company level agreements do not differ greatly between sectors.

Figure 4: Collective wage bargaining coverage by sector in the EU27



Note: Establishment weights (N=21,172).

Source: European Company Survey, 2019, Management questionnaire.

Types of collective wage agreements in the ECS

Based on the mapping carried it among the network of correspondents, the types of collective agreements listed in Table 1 were included into the survey. For some countries, further agreements were mentioned as being ‘not in the scope’ of the survey. These categories are either no genuine collective wage agreements, or they relate to higher level agreements, which usually set some frameworks, but not specific wage levels.

Table 1: Overview of country specific types of collective agreements in the ECS 2019

Country	1 A collective agreement negotiated at the national or cross-sectoral level	2 A collective agreement negotiated at the sectoral level	3 A collective agreement at the regional level	4 A collective agreement negotiated at the establishment or company level	5 A collective agreement negotiated on behalf of employees with a specific occupation	6 Another type of collective agreement	Clarification for respondent: this question does not refer to...
Austria		Branchenkollektivvertrag auf sektoraler oder Branchenebene	Landeskollektivvertrag	Firmenkollektivvertrag		Rahmenkollektivvertrag oder Zusatzkollektivvertrag	Betriebsvereinbarungen
Belgium	Intersectorale cao	Sector-cao		Ondernemings-cao			
Belgium	CCT intersectorielle	CCT sectorielle		CCT d'entreprise			
Bulgaria		Браншови/секторен колективен трудов договор	Колективен трудов договор по общини	Колективен трудов договор на фирмено ниво			

Country	1 A collective agreement negotiated at the national or cross-sectoral level	2 A collective agreement negotiated at the sectoral level	3 A collective agreement at the regional level	4 A collective agreement negotiated at the establishment or company level	5 A collective agreement negotiated on behalf of employees with a specific occupation	6 Another type of collective agreement	Clarification for respondent: this question does not refer to...
Croatia		Granskim kolektivnim ugovorom		Kolektivnim ugovorom razini poduzeća			
Cyprus		A collective agreement (Συλλογική Σύμβαση (Εργασίας)) negotiated at the sectoral level		A collective agreement (Συλλογική Σύμβαση (Εργασίας)) negotiated at the establishment or company level			Συμφωνία πλαίσιο
Czech Republic		Kolektivní smlouva vyššího stupně		Podniková kolektivní smlouva (PKS) nebo skupinová podniková kolektivní smlouva			
Denmark		Sektoroverenskomst - Centralt niveau / sektor niveau		Virksomhedsoverenskomst - Virksomhedsniveau / lokalt niveau			hovedaftale
Estonia		Sektoritasandi kollektiivleping (Näiteks üldtöökokkulepe või ühiste kavatsuste kokkulepe)		Ettevõtetasandi kollektiivleping			riiklik miinimumpalga/alampalga kokkulepe

Country	1 A collective agreement negotiated at the national or cross-sectoral level	2 A collective agreement negotiated at the sectoral level	3 A collective agreement at the regional level	4 A collective agreement negotiated at the establishment or company level	5 A collective agreement negotiated on behalf of employees with a specific occupation	6 Another type of collective agreement	Clarification for respondent: this question does not refer to...
Finland	Keskusjärjestösopimus	Toimialakohtainen työehtosopimus		Yrityskohtainen / talokohtainen työehtosopimus	Liittokohtainen työehtosopimus		Keskitetty työmarkkinaratkaisu / Keskitetty työmarkkinasopimus / Keskitetty tuloratkaisu / Keskitetty sopiminen
France		Convention collective nationale ou accord de branche ou interbranche	Convention collective territoriale	Accord de groupe, accord d'entreprise, accord inter-entreprises ou accord d'établissement	Accord professionnel	Accord atypique	Accord d'unité économique et sociale, Accord national interprofessionnel (ANI)
Germany		Branchentarifvertrag	Flächentarifvertrag	Haustarifvertrag oder Konzerntarifvertrag		Manteltarifvertrag*	Betriebsvereinbarungen
Greece		Κλαδική συλλογική σύμβαση εργασίας	Τοπική κλαδική ή τοπική ομοιοεπαγγελματική ή συλλογική σύμβαση εργασίας	Επιχειρησιακή συλλογική σύμβαση εργασίας ή Επιχειρησιακή Συλλογική Σύμβαση Εργασίας	Ομοιοεπαγγελματικές συλλογικές συμβάσεις εργασίας		Εθνική Γενική Συλλογική Σύμβαση Εργασίας (ΕΓΣΣΕ)
Hungary		Ágazati szintű kollektív szerződés		Egy-munkáltató vagy több munkáltató vagy vállalati kollektív szerződés		Üzemi megállapodás*	

Country	1 A collective agreement negotiated at the national or cross-sectoral level	2 A collective agreement negotiated at the sectoral level	3 A collective agreement at the regional level	4 A collective agreement negotiated at the establishment or company level	5 A collective agreement negotiated on behalf of employees with a specific occupation	6 Another type of collective agreement	Clarification for respondent: this question does not refer to...
Ireland		An Employment Regulation Order (ERO), a sectoral Registered Employment Agreement (REA) or a Sectoral Employment Order (SEO)		A collective agreement or a pay agreement or a Registered Employment Agreement (REA) at the company or group level			
Italy		Contratto collettivo nazionale	Contratto collettivo territoriale	Contratto collettivo - aziendale o per l'unità produttiva			Contratto collettivo o accordo interconfederale
Latvia		A collective agreement (Ģenerālvienošānās) negotiated at the sectoral level	A collective agreement (Ģenerālvienošānās) negotiated at the regional level	A collective agreement (Darba koplīgums) negotiated at the establishment or company level	A collective agreement (Darba koplīgums) negotiated for workers with a particular occupation	Sadarbības līgums*	
Latvia							
Lithuania		Šakinė kolektyvine sutartimi	Teritorinė kolektyvine sutartimi	Darbdavio kolektyvine sutartimi arba darbovietės kolektyvine sutartimi			Kolektyvinė sutartis - Nacionalinė (tarpšakinė)

Country	1 A collective agreement negotiated at the national or cross-sectoral level	2 A collective agreement negotiated at the sectoral level	3 A collective agreement at the regional level	4 A collective agreement negotiated at the establishment or company level	5 A collective agreement negotiated on behalf of employees with a specific occupation	6 Another type of collective agreement	Clarification for respondent: this question does not refer to...
Lithuania							Kolektyvinė sutartis - Nacionalinė (tarpšakinė)
Luxembourg		Convention collective de travail (CCT) sectorielle		Convention collective de travail (CCT) etablissement, entreprise ou groupe d'entreprises			Convention Interprofessionnel/ convention nationale
Luxembourg							Convention Interprofessionnel/ convention nationale
Malta		A Collective Agreement for employees in the Public Service		A Collective Agreement negotiated at the company level or a multi-employer collective agreement			
Netherlands		Een bedrijfstak-CAO		Een ondernemings-CAO			
Poland				Zakładowy układ zbiorowy pracy		Ponadzakładowy układ zbiorowy pracy	

Country	1 A collective agreement negotiated at the national or cross-sectoral level	2 A collective agreement negotiated at the sectoral level	3 A collective agreement at the regional level	4 A collective agreement negotiated at the establishment or company level	5 A collective agreement negotiated on behalf of employees with a specific occupation	6 Another type of collective agreement	Clarification for respondent: this question does not refer to...
Portugal		Contrato Coletivo Trabalho (CCT) - Sector	Contrato Coletivo Trabalho (CCT) - Região/área geográfica	Acordo de Empresa (AE) ou Acordo coletivo de Trabalho (ACT)			Acordo coletivo de empregador público e Acordo Coletivo de Carreiras Gerais (ACCG) e Acordo Coletivo Carreira Especial (ACCE)
Romania		Contract colectiv de muncă - Sector		Contract colectiv de muncă la nivel de unitate sau grup de unități		Acord colectiv de muncă (art. 153 – Legea Dialogului Social)	Acord colectiv funcționari publici
Slovakia		Kolektívna zmluva vyššieho stupňa (KZVS)		Podniková kolektívna zmluva (KZ)			
Slovenia		Kolektivna pogodba dejavnosti ali panožna kolektivna pogodba		Podjetniška kolektivna pogodba ali kolektivna pogodba na ravni podjetja	Poklicna kolektivna pogodba		Splošna kolektivna pogodba
Spain		Convenio colectivo sectorial a nivel estatal	Convenio colectivo sectorial de comunidad autónoma o provincial	Convenio colectivo de empresa O para un grupo de empresas O de centro de trabajo	Convenio colectivo de franja		Acuerdo Interconfederal para la Negociación Colectiva

Country	1 A collective agreement negotiated at the national or cross-sectoral level	2 A collective agreement negotiated at the sectoral level	3 A collective agreement at the regional level	4 A collective agreement negotiated at the establishment or company level	5 A collective agreement negotiated on behalf of employees with a specific occupation	6 Another type of collective agreement	Clarification for respondent: this question does not refer to...
Sweden		Centralt avtal, sektorsavtal eller branschavtal		Företagsavtal eller lokalt avtal		Hängavtal	
United Kingdom		National agreements (Industry agreements)		Company-level agreements, single-employer agreements, site-level agreements, establishment or workplace agreements, local agreements			

Note: *The German '*Manteltarifvertrag*', the Hungarian '*Üzemi megállapodás*' as well as the Latvian '*Sadarbības līgums*' (Cooperation agreement) were included into the survey (out of research interest), but have been excluded from the calculation of the collective wage bargaining coverage, as they do not include provisions on wages.

National regulations and types of collective agreements

This part compiles an overview of national regulations on collective agreements. It maps for each EU Member State (as well as Norway and the United Kingdom), the various types of collective agreements, how they can interrelate with each other and provides structured background information on their characteristics, including the signatory parties, their topical scope, possible extension and estimated prevalence. The information was compiled in 2017 and relates to this year.

Austria

National definition and regulation of collective agreements

Collective agreements are defined by the Labour Constitution Act ([Arbeitsverfassungsgesetz ArbVG](#)), which came into force on 1 July 1974. A collective agreement is defined in §2, section 1 of the Act, as a written agreement concluded between collective bodies of employers and collective bodies of employees which possess the capacity to conclude collective agreements. There have been no major changes recently.

Mapping of different types of collective agreements

In general, a distinction in Austria is made between collective agreements (*Kollektivverträge*) and works agreements (*Betriebsvereinbarungen*). A works agreement is defined in § 29 of the Labour Constitution Act (see above) as a written agreement concluded between the employer and the works council (or works council combined committee, company works council or group works council) on matters whose regulation is reserved by law or collective agreement to such agreements. Works agreements usually regulate social matters, e.g. starting and finishing times for daily working hours (flexitime) or length and scheduling of breaks, as well as the introduction of surveillance measures or technical equipment monitoring employee performance.

Several forms of collective agreements are differentiated; the terms, however, are not defined in the Labour Constitution Act, but have been long-established. The following forms are differentiated:

- General national agreements (*Generalkollektivvertrag*): they cover the whole private sector, but are very rare, e.g. on the reduction of the working week to 40 hours in 1969 or on the calculation of vacation pay in 1978); they are signed between the peak cross-sectoral social partner organisations (Austrian Trade Union Federation ÖGB and Federal Economic Chamber WKO); currently, there are five general collective agreements which have all been signed in the 1970s or earlier, and are thus of hardly any practical relevance.
- Sectoral collective agreements (*Branchenkollektivvertrag*): most common type of collective agreements, which sets working conditions and pay at the sectoral level and is signed between the sectoral social partner representatives
- Framework collective agreements (*Rahmenkollektivvertrag*): they cover several economic branches which have similarities; in such framework collective agreements, a general standard is negotiated which is the same for all branches (e.g. framework

collective agreement for white-collar employees of industrial sectors); they are often supplemented by

- supplementary (or add-on) collective agreements (*Zusatzkollektivvertrag*): through supplementary collective agreements, more specific regulations concerning singular economic branches can be made; details are negotiated which are only of importance for a specific (sub-)sector; they are applied in addition to the respective sectoral or framework collective agreements and rarely also for large companies
- regional/provincial collective agreements (*Landeskollektivvertrag*): they are valid only in a certain regional province/state; they are not a type of their own but can be either sectoral collective agreements to be applied in a certain provincial state or supplementary collective agreements⁵.

Company collective agreements (*Firmenkollektivvertrag*) are generally not foreseen in Austria, but few individual employers (mostly former state enterprises) have been invested with the capacity to conclude collective agreements. They are very seldom used, however⁶.

Articulation of collective agreements

Collective bargaining in Austria is focused on the industry level and collective agreements are with almost no exception concluded at the multi-employer sectoral level. The sectoral bargaining system is differentiated according to employee category (blue-collar and white-collar workers).

There is a clear division of responsibility between collective agreements concluded at sectoral level and works agreements concluded at company level (stipulated in the Labour Constitution Act, see above). Whereas the core area of fixing the rates of pay and the maximum working hours is essentially reserved to the parties to collective agreements, the regulatory competence of the parties to works agreements is almost invariably confined to 'social matters', such as the introduction of computerised personnel information systems, fixing the starting and finishing times for daily working hours, or the scheduling of breaks. The only pay-related matters that may fall within the regulatory scope of works agreements are pay entitlements for time spent attending works meetings (*Betriebsversammlungen*), profit-sharing schemes, occupational pension schemes and the like. This restriction is intended to ensure the precedence of the parties to collective agreements in the system of employment regulation as a whole. In the case of delegation clauses laid down in a collective agreement some negotiation capacities in terms of working time and – to a certain extent – also pay are delegated to the company level parties concerned, but solely within the framework set by the sectoral collective agreements.

In general, the so-called favourability principle (*Günstigkeitsklausel*) applies. This stipulates that derogations from the collective agreements are only valid if they are more favourable to the employees (i.e. only 'top-ups' are allowed). Thus, any form of derogation from collectively agreed issues such as wages is in principle prevented. The only exception is a variable form of payment, which is implemented in some branches, e.g. the metal industry.

No important changes have been implemented recently which have affected the articulation of collective agreements.

⁵ GPA-djp union's [website: https://www.gpa-djp.at/cms/A03/A03_2.1.a/1342540607159/kollektivvertrag/alles-ueber-den-kollektivvertrag/wieso-gibt-es-unterschiedliche-kollektivvertragsbezeichnungen](https://www.gpa-djp.at/cms/A03/A03_2.1.a/1342540607159/kollektivvertrag/alles-ueber-den-kollektivvertrag/wieso-gibt-es-unterschiedliche-kollektivvertragsbezeichnungen)

⁶ Betriebsräte [website](#)

Types of collective agreements

General national collective agreement

Generalkollektivvertrag	General national collective agreement
Actors – Signatory parties	
Only peak-level social partner organisations which have been invested with the capacity to conclude collective agreements. In theoretical terms, this refers to ÖGB and the Chamber of Labour (AK) on the employee side and the WKO and Federation of Austrian Industry (IV) on the employer side. In practice, the AK and IV waive their right to do so. So ÖGB and WKO conclude general collective agreements.	
Level where it can be found	
Cross-sectoral level	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
Restricted to the regulation of singular working conditions (there are five general collective agreements, all from the 1970s or earlier, on the following topics: 40-hour working week; vacation pay; concept of pay for continuation of pay in case of sickness absence; Good Friday as holiday for certain religious groups; working conditions of foreigners).	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
No, but virtually the whole private economy is covered through the peak-level social partner organisations (in a country with a very high collective bargaining rate of around 98%)	
Statistics on the prevalence of the collective agreement and trends over time.	
See above: Five agreements made, all in the 1970s and earlier Source: www.kollektivvertrag.at (search for General-KV)	
Other aspects	
See above – was used until the 1970s, but not since.	

Sectoral collective agreement

Branchenkollektivvertrag	Sectoral collective agreement
Actors – Signatory parties etc.	
Only peak-level social partner organisations which have been invested with the capacity to conclude collective agreements. In theoretical terms, this refers to ÖGB and the AK on the employee side and the WKO and IV on the employer side. In practice, the AK and IV waive their right to do so. At the sectoral level, the sectoral subunits of ÖGB and WKO conclude the collective agreements.	
Level where it can be found	
At the sectoral level; sectors defined/demarcated through membership of sectoral units and subunits of the WKO	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Extension order (<i>Satzungserklärung</i>): a collective agreement can be extended to include employment relationships of essentially the same nature which are not covered by an agreement; this is potentially feasible; however, in Austria there is virtually full collective bargaining coverage (around 98%), so that extension orders are not of high relevance in practical terms. The collective agreement in the health and social care sector (with a voluntary employer organisation, as opposed to mandatory membership of the WKO and its subunits) is the most prominent and relevant example of an agreement which has been extended by order.	
Statistics on the prevalence of the collective agreement and trends over time.	
Currently, there are four collective agreements which have been extended by order (source: Federal Ministry for Labour, Social Affairs and Consumer Protection's website).	

Framework collective agreement

Rahmenkollektivvertrag	Framework collective agreement
Actors – Signatory parties etc.	
See above (under sectoral collective agreements), e.g. industry framework agreement: negotiator on the WKO's side is the federal branch 'Industry'.	
Level where it can be found	
Framework collective agreements cover several economic branches which have similarities. In such framework collective agreements, a general standard is negotiated which is the same for all branches (e.g. framework collective agreement for white-collar employees of industrial sectors); they are often supplemented by supplementary collective agreements (see below).	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	
See above (under sectoral collective agreements)	
Statistics on the prevalence of the collective agreement and trends over time.	
See above. The above-mentioned collective agreement for the private social and health care sector is a framework collective agreement.	

Supplementary collective agreement

Zusatzkollektivvertrag	Supplementary collective agreement
Actors – Signatory parties	
See above (under sectoral collective agreement).	
Level where it can be found	
in every sector.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything – but in practice mostly wages and working time issues.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	
See above (under sectoral collective agreement). I find no information that it would be not possible; however, extension would be highly exceptional, as it is the framework collective agreement which would be extended, and these supplementary agreements focus on very specific conditions of a (sub-)sector which are negotiated between the relevant partners and are not really meant to be extended.	
Statistics on the prevalence of the collective agreement and trends over time.	
None	

Company collective agreement

Firmenkollektivvertrag	Company collective agreement
Actors – Signatory parties	
Individual employers may conclude collective agreements only by way of exception in the case of legal persons governed by public law, major associations (such as political parties), or specifically identified employers such as Telekom Austria. It is mostly former state enterprises which have been invested with this capacity.	
Level where it can be found	
See above (legal persons governed by public law, major associations such as political parties, or specifically identified employers such as Telekom Austria).	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	
Not applicable	
Statistics on the prevalence of the collective agreement and trends over time.	
No, only anecdotal evidence: Austrian Broadcasting Company (ORF), Chamber of Labour (AK), Public Employment Service (AMS) dem Österreichischen Rundfunk/ORF, der Bundesarbeitskammer/BAK oder der Bundesorganisation des Arbeitsmarktservices/AMS), Telekom Austria... They have been invested via special law with the capacity to conclude collective agreements.	

Regional/provincial collective agreement

Landeskollektivvertrag	Regional/provincial collective agreement Please note: A Landeskollektivvertrag is not a type of its own but can either be a sectoral collective agreement or a supplementary collective agreement.
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Belgium

A recent background paper on collective bargaining in Belgium is Vandekerckhove (2018b).

National definition and regulation of collective agreements

The main law regarding collective agreements is the [Law of 5 December 1968](#) Chapter 2 article 5 defines them as: an agreement that has been settled between one or more employers' associations, one or more employee organizations or one or more employers. Whereby individual or collective arrangements between employers and employees within enterprises or an industry are being set. Within the arrangement(s) the rights and duties of the contracting parties are regulated.

Mapping of different types of collective agreements

In Belgium the term collective agreement is used for all the different levels within the private sector. There are however different levels on which the collective agreement can be agreed upon and signed, either the intersectoral (national level), sector level (signed in joint committees) or company level. In text they are often defined as such (intersectoral collective agreement, sectoral collective agreement or company collective agreement). The public sector has a separate system that does not make use of collective agreements (apart from some rare exceptions).

Although the mainstream thinking and reasoning on collective bargaining in Belgium is subdivided in 'intersectoral', sectoral and company, an important divide concerns blue-collar workers and white-collar workers. Although Belgium is in a process of harmonising these employment statutes, especially in traditional industrial sectors bargaining is still organised in a split way between blue-collars and white-collars. This is still also the case on the sector level. Sectors like the metal industry, construction, transport still have separate sectoral joint committees.

Collective bargaining and especially wage bargaining is structured in a very organised manner. Every two years there is a process of 'social programming' which starts with a discussion at the intersectoral, national level and that is dominated by the wage norm law which sets out an upper margin for wage growth. In a second step, this 'advice' or 'strict norm' (depending on the outcome of the negotiations) is taken-up in the bargaining at sectoral level⁷. This sector level is strongly organised by legally-recognised joint committees (paritaire comités/commissions paritaires). Members are designated by the law, the presidency is taken up by an official mediator of the Ministry of Labour. All workers and their companies are designated the moment they apply for a social security number at such a joint committee. The agreements of these bodies can be made legally binding and can be extended to cover all workers of a sector. In theory, every company in the private sector knows under which jurisdiction of '*paritair comité*' they are.

⁷ This has changed, since the Law of 19 March 2017, the wage norm is a strict norm.

Articulation of collective agreements

The system of collective agreements is interlinked between the three bargaining levels. First there is the overarching national level with centralised cross-sectoral agreements covering the entire economy, additionally there is the intermediate sector level, finally company-level agreements exist as a complement or substitute for sector-level bargaining. By the favourability principle, lower-level agreements can only improve (from the employee's perspective) what has been negotiated at a higher level (in theory⁸).

At the sector-level collective agreements are concluded within the joint committees or joint subcommittees by all the organisations that are represented by them. There are approximately 100 joint committees and 65 joint subcommittees deciding on pay levels, classification schemes, working time arrangements, training, etc. The sectoral collective agreement applies to all the employers and employees covered by the joint committees or subcommittees concerned, when declared legally binding, which is the common practice. For many non-wage items the sectoral level is the highest level of negotiation. In order to prevent conflicts between collective agreements concluded at different levels, but covering the same industry, the legislator has established a hierarchy of collective agreements. Article 51 of the Law of 68 establishes a hierarchy between collective agreements concluded within the National Labour Council, a joint committee, a joint subcommittee and outside a joint body, as follows: "The sources of obligations arising out of the employment relationship between employers and employees shall be as follows, in descending order of precedence:

1. the law in its peremptory provisions;
2. collective agreements declared to be generally binding, in the following order:
 - a) agreements concluded in the National Labour Council;
 - b) agreements concluded in a joint committee
 - c) agreements concluded in a joint subcommittee;
3. collective agreements which have not been declared to be generally binding, where the employer is a signatory thereof or is affiliated to an organization signatory to such an agreement, in the following order:
 - a) agreements concluded in the National Labour Council;
 - b) agreements concluded in a joint committee;
 - c) agreements concluded in a joint subcommittee;
 - d) agreements concluded outside a joint body;
4. an individual agreement in writing;
5. collective agreements concluded in a joint body, but not declared generally binding, where the employer, although not a signatory thereof or not affiliated to an organisation signatory thereto, falls within the jurisdiction of the joint body in which the agreement was concluded;
6. work rules;
7. the supplementary provisions of the law;
8. a verbal individual agreement;
9. custom.

By virtue of Article 51, certain provisions of a collective agreement may therefore be declared null and void on the basis that they are contrary to provisions contained in a hierarchically superior collective agreement. Consequently, the outcome of collective bargaining which has

⁸ Often all legal requirements regarding labour are covered by 'social bureaus', HR service providers, certainly in smaller companies, which rely on them. When a company doesn't know what to comply with, their social bureau will advise them. Finally, not all companies are classified correctly, often for historical reasons. This is being corrected but may go unnoticed.

taken place in a body which has the largest sphere of influence prevails over the others. To enforce this hierarchy, Article 10 of the 1968 Act provides that the provisions of a collective agreement which conflict with a peremptory provision of another collective agreement concluded within a hierarchically superior body are null and void.

However, in this hierarchy one can also read that collective agreements concluded in a joint body, but not extended/declared generally binding by Royal Decree, are in the ranking situated below the individual agreement in writing. Article 26 of the law stipulated in relation to this matter that the normative issues related to the individual employment relationship (i.e. wage, working, time, ...) in such a non-extended sector or national agreement are in principle binding (supplementary binding), if not stated otherwise in the individual contract of the employee. As a consequence of this legal exception possibility, it is common practice in the Belgian system to ask for a legal general binding of the collective agreement by Royal Decree, to avoid this kind of derogation.

In addition, by virtue of the 1968 Act, all employers who are members of an employers' organisation that has concluded a collective agreement at national or sectoral level, or who have themselves concluded a collective agreement, are bound by such agreement. The essence of Belgian law on collective agreements is that as soon as an employer is bound by a collective agreement, the employer's entire workforce becomes bound. In other words, a collective agreement binds the employees merely by virtue of the fact that they work for an employer who is bound by an agreement. Consequently, workers who do not belong to a signatory organization (i.e. a trade union party to a collective agreement), but who are employed by an employer member of a signatory organisation, are bound by the agreement. This corresponds with the notion that a trade union negotiates on behalf of all the workers of a particular economic sector. Derogation of higher-level collective agreements is only possible when it is explicitly done and is only possible in the case the agreements has not been made generally binding by a Royal Decree. As the practice of legal extension is pervasive, (wage) standards at company level can in principle only be higher than those set at sectoral level. Company-level standards can only undercut sectoral-defined minimum or absolute standards when this possibility is explicitly foreseen in the sectoral agreement, for example in an opening clause allowing them to do so. However, whatever room the sectoral agreement provides for company deviations, in all cases the interprofessional minimum wage, which is strictly speaking not statutory, but defined by an intersectoral collective bargaining agreement for the private sector, must be respected. These kinds of opening clauses refer for example to not adopting the sector pay scales and job classification, when already a particular company agreement exist on this matter. The same goes when a sector system of occupational extra pension benefits is set-up and the company has already its own system. However, this kind of practice remains exceptional, bound to particular introductions of new advantages.

Types of collective agreements

Intersectoral collective agreement

Intersectorale cao / CCT intersectorielle	Intersectoral CA
Actors – Signatory parties etc	
Intersectoral collective agreements can only be signed within the National Labour Council which is formed by an equal amount of representatives from both the employee and employers' organisations that have been appointed by the King for 4 years. They are almost exclusively leaders or prominent figures from the three recognized trade unions (ABVV-FGTB, ACLVB-CGSLB, ACV-CSC) and the main employers' organisations.	
Level where it can be found	
Across all private sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything. The National Labour Council lists 27 themes (unexhaustive) that are the subject of national agreements: http://www.cnt-nar.be/Cao-thema.htm .	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
<p>Virtually automatic. Collective agreements that are concluded at the national level can be declared binding to all and acquire an "imperative" nature.</p> <p>Once the collective agreement has been extended, the provisions of the agreement become binding without any possibility of deviation on all employers and the employees in their service. Two consequences flow from the extension to non-parties:</p> <ul style="list-style-type: none"> • collective agreements declared generally binding will bind all employers and workers falling within the jurisdiction of the joint body, in case of intersectoral agreements this means all employers and employees within the private sector. • if an employer does not comply with the normative provisions of a collective agreement, he commits a criminal offense. 	
Statistics on the prevalence of the collective agreement and trends over time.	
The amount of registered national CA's varies each year with no clear trend. In 2015 a total of 14 national CA's were registered which was significantly more than was the case in previous years.	

Sectoral collective agreement

Sector-CAO [sectoraal akkoord / sectorale cao] / CCT sectorielle	
Actors – Signatory parties etc.	
On the employee side only the three national unions (ACV-CSC, ACLVB-CGSLB, ABVV-FGTB) are allowed to represent employees in any joint committee. On the employers' side the actors can be more diverse and differ per joint committee. Most often representatives of the employers' associations will conduct the negotiations, in some smaller joint committees it is possible that company CEO's take up this role.	
Level where it can be found	
Within all private sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
The sectoral joint committees can regulate virtually every topic, however they can only improve (from an employee point of view) upon national collective agreements. Article 51 of the law of 5 December 1968 defines a hierarchy of the different types of agreements, whereby intersectoral CA's take precedence over sector CA's which in turn take precedence over company collective agreements. With regards to pay increases, the sectoral levels receive a wage norm after the Interprofessional Agreement (IPA) on the national level has been concluded. The wage norm is an upper limit for pay increases for the coming two years. Negotiators within the joint committees are able to negotiate an increase in their sector equal or less than the wage norm.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Pervasive. The extension procedure for the sectoral collective agreements is similar to that of national collective agreements. When these agreements are concluded, they can be declared binding 'erga omnes' and acquire an 'imperative' nature. Once a collective agreement has been extended, the provisions of the agreement become binding without any possibility of deviation on all employers and the employees in their service, provided they fall within the territorial and professional scope of the agreement. collective agreements declared generally binding within a JC will bind all employees and employers within the JC. As is the case with national collective agreements, if an employer does not comply with the normative provisions of a collective agreement he commits a criminal offense.	
Statistics on the prevalence of the collective agreement and trends over time.	
The Federal Public Service Employment, Labour and Social Dialogue publishes sectoral CA's on its site since 1999. In their 2015-2016 report they state 2015 has had a peak in the amount of sector CA's with more than 1,400 concluded that year. These CA's were concluded across the 170 JC's.	

Company collective agreement

Bedrijfs-CAO, Ondernemings-CAO [bedrijfsakkoord] / CCT d'entreprise	Company collective agreement
Actors – Signatory parties etc.	
On the company level employees are represented by one or several of the three national trade unions, the CA can be concluded by at least one of them. On the employers' side either one or more employer and/or one or more employers' associations can be seated. The union delegates may be negotiating the company's agreement, but the sector secretary from the union (not an employee of the company) should sign it.	
Level where it can be found	
Across all private sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Company CA's can regulate the full scope of topics that can be addressed by CA's. Similar as is the case with sector CA's, if national or sectoral CA's exist, the company CA's can only improve them from the point of view of the employee.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
When the company agreement is signed it applies to the entire target audience it is intended for, regardless of trade union membership.	
Statistics on the prevalence of the collective agreement and trends over time.	
Approximately 4,000-5,000 company CA's are being signed each year. 35% of all employees work in a company/enterprise with a company wage agreement.	

Bulgaria

National definition and regulation of collective agreements

[Labour Code – 4 chapter ‘Collective Labour Agreement’ art. 50-60.](#) Regulations are in force since 1992. The collective agreement subject is the following: ‘The collective agreement governs labour and social security issues of employees who are not governed by mandatory provisions of the law.’ Some addition from 2001 is included: The collective labour agreement may not contain clauses which are less favourable to employees than those established by the law or in another collective labour agreement with which the employer is bound. The Labour Code regulates also the levels of collective agreement (branch and sector, municipality, company), obligations to negotiate and to provide information, signing and registration procedure, entry into force and duration, continuation, amendment, effects on the employees, actions for failure to fulfil obligations and declaration of invalidity. There were no major changes for the last five years.

Mapping of different types of collective agreements

In Bulgaria we use one general term for Collective (Labour) Agreements having company, branch/sector or municipal coverage. In general, the collective agreement cannot include anything against the general labour law, as indicated above.

Articulation of collective agreements

There is no comparative information or legislation prescribing how the levels are linked to each other. One of the possible practices could be that if a company is within a sector with a collective agreement, the company agreement will use most or all the provisions agreed for the sector, trying to upgrade at least some of them. However, there are companies with very detailed and comprehensive CLAs. In sectors J, K, L, M, N, O and S there are no sectoral CLAs, but the company level is presented (NICA). The social partners provide some analyses and [guidelines](#) for CLAs which could be useful in practice⁹.

⁹ <https://www.eurofound.europa.eu/observatories/eurwork/comparative-information/national-contributions/bulgaria/bulgaria-working-life-country-profile>

Types of collective agreements

Collective labour agreement at enterprises

Колективен трудов договор в предприятия	Collective Labour Agreement at enterprises
Actors - Signatory parties	
Labour Code (art.51a): CLA at company level could be signed between the employer and trade union.	
Where can this form of collective agreement in principle be found?	
In principle in all sectors, all company types (public, private)	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
<p>Virtually everything according to the Labour code: The labour relationships, such as employee and employer relationships, the remuneration of the labour force, social security contributions of workers and employees as defined in the Social security Act, and in the Health Insurance Act.</p> <p>The concluded CLA in an enterprise may not contain terms that are less favourable than the arrangements in the Branch or Sector CLA with which the employer is bound.</p>	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
CLA at company level cannot be extended (see Branch/Sector CLA table below.)	
Statistics on the prevalence of the collective agreement and trends over time.	
<p>The relative share of the employees covered by CLA's at enterprise level as of 31.12.2-16, compared to those employed in the country, is 2.5%, decreasing compared to the previous periods, but is higher from the base year 2011. For the period 2009-31.12.2016 3 292 enterprises have CLA's. By company size CLA's are distributed as follows: micro - 111, 4.0%, small - 1439, 51.4, medium - 863, 30.9%, large - 384, 3.7% (NICA Annual report CLA 2017).</p>	
Are there any other aspects worth mentioning in relation to this type of agreement?	
The content of CLA's at company level is not publicly available. At company level, only one CLA could be in force.	

Collective labour agreement at branch/sector level

Колективен трудов договор на отраслово и браншово ниво	Collective Labour Agreement at branch/sector level				
Actors - Signatory parties					
Labour code (art. 51b): Collective labour contract by sector and branch is concluded between the relevant representative organizations of the employees and the employers.					
Where can this form of collective agreement in principle be found?					
In principle in all sectors, could refer to one or more economic activities.					
Do these collective agreements usually include agreements on wage levels and/or increases?					
Rarely at sectoral level.					
Which other topics are usually regulated within this type of agreement?					
Virtually everything					
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,					
No					
Extension to non-signatory parties					
This option is potentially feasible, fixed by the Labour Code. Labour Code art. 51B (4): Extended Branch/Sector CLA: When CLA at sectoral or branch level is concluded between all representative organizations of the employees and the employers, at their common request the Minister of Labour and Social Policy may extend the application of the contract or individual clauses thereof to all enterprises in the sector or industry. Example: Sectoral (Branch) Collective Agreement for Industry "Exploration, Mining and Processing of Mineral Raw Materials" is extended and covers: all enterprises from economic activities under NACE.BG-2008: B 05; B 06; B 07; B 08; B 09; C 19.2; C, 20.51; C, 23.52; C, 23.62; C 23.7; F 42; F, 43.13; H, 49.41; M 72					
Statistics on the prevalence of the collective agreement and trends over time.					
<p>CLA's were signed in 29 branches/sectors (2009-2016). 203,036 employees are covered by Branch/Sector CLA/s in 2016. The highest number of CLAs at "Branch/Sector" level are in sector C - Manufacturing (12 CTIs) and sector R - Culture, sport and Entertainment (5 CTCs). In other economic activities there are one or two CTAs. NICA data analysis shows that out of all 19 economic activities (NACE 2008, A21) in which there is a CLA at enterprise level, there are no CLA in 7 sectors/branches level, respectively:</p> <ol style="list-style-type: none"> 1. Section K "Financial and insurance activities"; 3. Section L "Real estate activities"; 4. Sector N 'Administrative and ancillary activities'; 6. Sector O "Government"; 7. Sector S "Other activities". <p>Active CLA by level at the end of each year between 2011-2016 r.</p> <table border="1"> <thead> <tr> <th>Level</th> <th>Sector/Branch</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Level	Sector/Branch		
Level	Sector/Branch				

31.12.2011	21
31.12.2012	25
31.12.2013	24
31.12.2014	23
31.12.2015	22
31.12.2016	22

Source: NICA CLA report 2017

Collective labour agreement by municipalities

Колективен трудов договор по общини	Collective Labour Agreement by municipalities														
Actors - Signatory parties															
<p>Labour code (Art. 51c.) Collective labour agreements by municipalities for activities financed by the municipal budget shall be concluded between the representative organisations of the employees and representative organisation of employers.</p> <p>However, the CLA's at the level of the municipality are concluded between the representative organizations of the employees and the mayor of the municipality – as an employer.</p>															
Where can this form of collective agreement in principle be found?															
<p>For activities, funded by municipal budgets such as education, health care, social services, property management, culture, sport, cleanliness, etc. The specific type of collective bargaining is that in one municipality multiple collective agreements can be concluded, but only one can apply to each separate activity.</p>															
Do these collective agreements usually include agreements on wage levels and/or increases?															
Yes															
Which other topics are usually regulated within this type of agreement?															
Virtually everything															
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,															
No															
Extension to non-signatory parties															
No															
Statistics on the prevalence of the collective agreement and trends over time.															
<p>Active CLA by level at the end of each year between 2011-2016.</p> <table border="1"> <thead> <tr> <th>Level</th> <th>Municipality</th> </tr> </thead> <tbody> <tr> <td>31.12.2011</td> <td>138</td> </tr> <tr> <td>31.12.2012</td> <td>152</td> </tr> <tr> <td>31.12.2013</td> <td>158</td> </tr> <tr> <td>31.12.2014</td> <td>158</td> </tr> <tr> <td>31.12.2015</td> <td>168</td> </tr> <tr> <td>31.12.2016</td> <td>153</td> </tr> </tbody> </table> <p>On average, for the period 2011-2016, the largest share of the CLA at municipal level is in education activity with 40.3%, followed by almost the same share in health care - 38. The other three municipal activities, where the CLA at municipal level is active, are culture, social services and others, with share at about of 7%. Source: NICA CLA report 2017</p>		Level	Municipality	31.12.2011	138	31.12.2012	152	31.12.2013	158	31.12.2014	158	31.12.2015	168	31.12.2016	153
Level	Municipality														
31.12.2011	138														
31.12.2012	152														
31.12.2013	158														
31.12.2014	158														
31.12.2015	168														
31.12.2016	153														

Croatia

National definition and regulation of collective agreements

[The Labour Act](#) (OG 93/14) in Article 192, stipulates

(1) A collective agreement shall regulate the rights and obligations of the parties to the agreement. It may also contain legal rules governing the conclusion, contents and termination of employment, social security issues, and other issues arising from or related to employment.

(2) The legal rules contained in a collective agreement shall be directly applicable and binding on all persons who are subject to the collective agreement, in accordance with the provisions of this Act.

(3) A collective agreement may contain rules related to the composition and methods of work of the bodies authorised for amicable collective labour dispute resolution.

[The Act on Representativeness of Employers' Associations and Trade Unions](#) (OG 93/14, 26/15) in Article 25 defines Parties to collective agreement:

(1) Parties to a collective agreement may be, on the employer side, one or more employers or their organizations and, on the trade union side, one or more trade unions which have the representative status in accordance with this Act.

(2) Parties to a collective agreement ...may be, on the employer side, the Croatian Government and, on the trade union side, the unions which are represented in the negotiating committee.

Mapping of different types of collective agreements

There are collective agreements for sectoral, industry and company (organisation) level. Sectoral collective agreements in Croatia are only those negotiated by all representative social partners at that level. According to data of the Ministry of Labour and the Pension System on the 1 October 2016 there were five agreements of this kind in force and all of them concerned the public sector covering welfare services, primary education, secondary education, cultural institutions financed from the state budget as well as health and health insurance sector. In the private sector, as a rule, sectoral agreements are concluded only by some representative social partners and not all of them. On the 1st of October 2016 there were five such valid agreements covering construction, catering and tourism, travel agencies, seafarers on board ships in the international shipping trade as well as private healthcare. Furthermore, there are CAs for a definite or an indefinite period. A collective agreement concluded for a definite period lasts not more than five years. According to the assessment, there are considerably more collective agreements of fixed duration than the collective agreements of indefinite duration. Collective agreements can cover the whole country or more than one of Croatia's 21 counties (including the capital Zagreb), but also can cover employees in just a single county. It should be recalled that collective agreements, as an instrument of protection of employees, provide more favourable terms for employees than provisions of the Labour Act. The Labour Act only lays down the minimum standard of protection of employees that can be improved (i.e. protection can be increased) by the conclusion of collective agreement or contract of employment. There is a provision of the Labour Act, which provides for the possibility of stipulation of less favourable terms in collective agreements than the legal ones. Less favourable provisions can be contained in a collective agreement only in the cases allowed by the Labour Act. In all the other cases, the more favourable provision should be applied.

Articulation of collective agreements

The articulation is not specifically regulated and it derives mostly from common practice. It is not specifying that certain topics or issues can only be addressed by collective agreements at different levels. However, probably the most important matter of collective bargaining – level of basic wage – in about half the valid collective agreements has not been strictly and fully defined by the collective agreement. That leaves substantial space for employer to autonomously determine the wage level of workers. The trend of insufficiently concrete and strict regulation of the basic wage is especially present in collective agreements signed at the branch level, which account for the largest share of the total collective bargaining coverage. In most cases, the favourability principle is used, if some right is regulated differently in collective agreements of different level, a decision on which provision is to be applied does not depend on the level of collective agreement but on the content of the provision. This means that the conclusion of company-level collective agreement which would lower the level of rights agreed on the branch level is moot, since such provision cannot be legally implemented. Lower CAs can complement or enlarge the scope of provisions contained in the higher-level CA. Agreements do not have the ability to repeal aspects of other agreements and the principles, like the prior in tempus rule, are not applied. There is no a predefined link between the signatory parties of collective agreements at different levels. In 2014, the new Labour Act has been accepted, but there were no important changes in comparison with the previous Act regarding the way collective agreements are articulated.

Types of collective agreements

Branch (sectoral) collective agreement

Granski kolektivni ugovor	Branch (sectoral) collective agreement
Actors – Signatory parties	
<p>Yes, the Act on Representativeness of Employers' Associations and Trade Unions (OG 93/14, 26/15) regulates the criteria and procedures to decide on representativeness of employers' associations and higher level trade unions for their participation in tripartite bodies at the national level. It also defines criteria and procedures for the representativeness of trade unions for collective bargaining and the entitlements of representative associations/trade unions.</p> <p>Trade unions can be deemed representative in three primary ways:</p> <ol style="list-style-type: none"> 1. If there is only one trade union at the level for which collective bargaining is being conducted, that trade union is automatically granted representativeness status. Its only obligation is to submit the information on that fact to the competent ministry to record the fact of representativeness in the register. 2. If there are two or more trade unions at the level for which collective bargaining is being conducted, they have a possibility to conclude an agreement by which they will determine which trade unions are representative for collective bargaining. Such agreement too needs to be registered with the competent ministry. 3. If there are two or more trade unions at the level for which collective bargaining is being conducted but they fail to agree on who of them is representative for collective bargaining, then every trade union may initiate a procedure to determine representativeness of trade unions for collective bargaining before the independent commission, whose composition and work is regulated by this Act. In that procedure, the representativeness status is granted to all those trade unions, which have a share of at least 20 percent in the total number of unionized workers at the level for which collective bargaining is conducted. 	

<p>Exception from these general rules is the determination of the composition of the trade union bargaining committee for bargaining for the conclusion of basic collective agreement for public services. The Act on Representativeness of Employers' Associations and Trade Unions in the Article 13 defines employers' negotiating committees for collective bargaining in the civil and public service. The Article 14 stipulates trade unions' negotiating committees in collective bargaining in civil and public services.</p>
<p>Level where it can be found</p>
<p>Branch (sectoral) collective agreement are not common in Croatia, but, for example, they exist in the construction sector and tourism sector. There are also sectoral CAs in the public and state sector for public servants and employees; for state servants and employees; for the sector of health protection and care, etc.</p>
<p>Do these collective agreements usually include agreements on wage levels and/or increases?</p>
<p>Usually no, but CA for the construction sector has a part dedicated to remuneration, like pay increases, pay scales and variable parts of pay.</p>
<p>Which other topics are usually regulated within this type of agreement?</p>
<p>In Croatia, virtually everything is being included in CAs, from working conditions, various monetary supplements and professional promotion. While CAs cover many things they often do not cover wages and wage scale. Some sporadic content analyses of collective agreements have shown them to be generally extensive and with a tendency to recapitulate benefits and standards already regulated by the Labour Act or the Occupational Safety and Health Act. Surprisingly, many collective agreements do not define wages. The following issues are usually not defined by CAs: flexibility of working time; family leave, aspect relating to health and well-being at work; teleworking; aspects regulating employee representation; pensions; sickness benefits because they are regulated by the various Acts. Bagic (2015) Analysis of the impact of collective agreements on the wage system in the Republic of Croatia, Zagreb: Ministry of Labour and Pension System.)</p>
<p>Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,</p>
<p>No.</p>
<p>Extension to non-signatory parties</p>
<p>Extension of the application of a collective agreement is defined by Article 203 of the Labour Act:</p> <p>(1) The Minister may, at the proposal of all parties to a collective agreement, extend the application of a collective agreement concluded with an employer's association or a higher-level employers' association, to an employer who is not a member of the employer's association or higher-level employers' association that is a signatory of this collective agreement.</p> <p>(2) The decision referred to in paragraph 1 of this Article shall be rendered by the Minister, if there is a public interest for extension of a collective agreement and if the collective agreement was concluded by trade unions which have the highest number of members and an employer's association which has the highest number of workers, at the level for which it is extended.</p> <p>(3) Based on the information on a number and structure of employers to which a collective agreement will be extended, based on the information on a number of workers employed</p>

with them and the level of workers' material rights, and following consultations with representatives of the employers to which the collective agreement will be extended, the Minister shall determine whether there is a public interest referred to in paragraph 2 of this Article.

(4) In the decision referred to in paragraph 2 of this Article, the Minister shall specify the area of application of a collective agreement whose application is extended.

(5) The extended application of a collective agreement referred to in paragraph 4 of this Article shall cease after the expiration of a cancellation period of a collective agreement to be cancelled, or the expiration of the deadline for which the collective agreement was concluded, in which case the legal rules of this collective agreement shall not be applied under Article 199 of this Act.

(6) The Minister may revoke a decision on extension of a collective agreement, and if the application of a collective agreement has been extended, and there have been changes, amendments or renewals after its extension, for which a proposal for extension has not been submitted within thirty days following the submission of the change, amendment or renewal to the competent body, the Minister shall render a decision on revoking the decision on extension of a collective agreement that has been changed, amended or renewed.

(7) A decision to extend the application of a collective agreement and the collective agreement to be extended or a decision on revoking the extended application of a collective agreement shall be published in the Official Gazette.

(8) When an employer has to apply two or more extended collective agreements and in the event of any dispute on application of a collective agreement, the collective agreement applied in business activities where the employer is classified according to the official statistical classification shall be applied.

Statistics on the prevalence of the collective agreement and trends over time.

There are no systematic data or quantitative or qualitative figures on this type of agreement. Bagic (2015) provides insights for employment in civil construction and tourism and hospitality, which are two important sectors with applicable branch collective agreements extended by a minister's decision to all employees in these sectors. These sectors together have around 110,000 workers, with a share of around 10.5% in the total number of employees.

Bagic, D. (2015), Analysis of the impact of collective agreements on the wage system in the Republic of Croatia, Zagreb: Ministry of Labour and Pension System.

Other aspects

There is a great difference in the level of coverage by collective agreements depending on the type of employer and predominant ownership. The greatest collective bargaining coverage is in the public sector, made of the state and local administration and public services (public education, health care, culture, etc.), in which approximately 88 percent of the employed are covered by collective agreements. In public companies, which are in majority ownership by the Government or local and regional self-administrations, the collective bargaining coverage is around 75 percent. The coverage in the private companies is considerably lower, amounting to only about 36 percent. Nevertheless, there are considerable differences within the private sector in terms of collective bargaining coverage with regard to the sector of the activity and the size of the company.

Company agreement

Kolektivni ugovor HT dd. (Example of a company level agreement.)	CA HT dd. (company) Kolektivnim ugovorom HT (Hrvatske telekomunikacije) dd. Employees in this establishment are covered by the following collective wage agreement and they are entitled to other rights stipulated in the Agreement.
Actors – Signatory parties	
Yes, The Act on Representativeness of Employers’ Associations and Trade Unions (OG 93/14, 26/15) defines who is representative. In this case, the contract sides are Hrvatski sindikat telekomunikacija – HST (Croatian Trade Union in Telecommunication) and Republički sindikat radnika Hrvatske RSRH (Republic Trade Union of Workers in Croatia) as representative bodies of employees and the management board of the company, HT dd as employer.	
Level where it can be found	
Such company collective agreements are usual and very similar in the various private companies and in many sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes, but not always.	
Which other topics are usually regulated within this type of agreement?	
Virtually everything, as previously mentioned for sectoral CAs. Nothing has been explicitly exempt from collective agreements by law.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	
Company’s collective agreements are not extended to non-signatory parties, but they cover also the employees that are not trade union members.	
Statistics on the prevalence of the collective agreement and trends over time.	
<p>An analysis of the type and number of agreements, the dynamics of collective bargaining and the coverage by collective agreements shows that the private sector is not a homogenous whole in terms of the role of collective bargaining in regulating the level, structure and trends in wages.</p> <p>The importance and role of collective bargaining in regulating wages and other rights of employees significantly depends on three key factors: the development of branch level collective bargaining, type of activity and the size of enterprise. Solely in-house collective agreements apply to about 41% of employees whose rights are regulated by collective agreements, whereas to further 9 percent both in-house and branch agreements apply. However, the extent of collective bargaining and the level of coverage significantly differ</p>	

from one sector to another. Above-average coverage by collective agreements, except for sectors for which there exists an extended branch agreement, is found in mining and extraction (69%), finance and insurance (56%) and manufacturing (44%) (Bagic, 2015).

Bagic, D. (2015), *Analysis of the impact of collective agreements on the wage system in the Republic of Croatia*, Zagreb: Ministry of Labour and Pension System.

Other aspects

According to other characteristics of collective bargaining, one can also conclude that there is no single pattern of collective bargaining in the private sector. Given the level at which bargaining takes place (sector or enterprise), there are also significant differences with regard to the type of agreement by duration, duration of a bargaining cycle, up-to-datedness of agreements etc.

Cyprus

National definition and regulation of collective agreements

In Cyprus there is no national definition and/or regulation of collective agreements. Collective bargaining is conducted, and collective agreements are concluded following procedures as described by the Industrial Relations Code. The Industrial relations Code, signed in 1977 by the most representative employers' organisations and trade unions, does not constitute a legal document. It is merely a 'gentlemen's' agreement and therefore does not produce legal obligations. The Industrial Relations Code refers to collective agreements, however, does not contain any definition.

Article 26.2 of the Cyprus Constitution provides in fact that 'a law may regulate the obligatory application of collective labour agreements by employers and employees, providing sufficient protection of the rights of any person of obligatory fulfilment by employers and workers with adequate protection of the rights of any person, independently of whether the person has been represented or not at the conclusion of such agreement'. As a result of the fact that the law makers have never proceeded to the institution of such a legislation, collective agreements remain legally unregulated and according to legal scholars present merely a 'moral' appeal to its signatory parties to adhere to them.

The voluntary application of collective agreements has worked satisfactory for many years and decades. However, in the last years, as trade unions representatives complain, there is an increasing number of employers who disengage from or do not apply or partly apply multi-employer collective agreements signed by their representative organisation. Therefore, trade unions are lately placing emphasis on their demands towards the government to introduce legislation for the regulation of collective of agreements.

Mapping of different types of collective agreements

In Cyprus there are two types of agreements:

- a) Framework Agreements and
- b) Collective Agreements.

Framework Agreements are negotiated and concluded by national confederal structures of social partners, often on the initiative of the government or governmental agencies. They don't deal concretely with wage related issues. That means that a framework may set a range for future wage increases, however the concrete rate by which wages are to be increased is negotiated at the level of the respective collective bargaining and agreement (e.g. the broader public sector which is covered by various collective agreements). The framework agreements deal usually with issues of national or inter-sectoral coverage, such as weekly working hours or health safety issues. These kind of agreements occur rarely.

Collective Agreement (or sometimes Collective Labour Agreements) is the only term used for agreements in the private sector and the broader public sector. In this context the broader public sector includes the state-owned enterprise, local administration, organisations and services of the government operating on private law and the hourly-paid employees of the government (blue collar employees, but not employees who have the status of 'public employee'. For the latter a different procedural collective bargaining regime applies.

Collective agreements can be found at any level and there is no conceptual differentiation between the agreements concluded at different level. All collective agreements cover virtually everything and only the identification of the negotiating and signatory parties of the collective agreement and what kind of employees are covered provide information over the level of application.

According to reports of interviewed social partners' representatives the ranking by means of frequency of occurrence is as follows:

1. Company level (the great majority of collective agreements are negotiated and concluded at company level)
2. Multi-employers' collective agreements occurring in some branches
3. Collective agreements for certain types of employees or certain professions (few in number)
4. Collective agreements at establishment level (occur rarely; the author of this report has identified just two collective agreements at this level)

As far as 'public employees' are concerned, the outcome of collective bargaining is not characterised as collective agreement. Collective bargaining takes place in the Joint Staff Committee and its Permanent Sub-Committee. Negotiation starts at the level of the Joint Sub-Committee and in the event of disagreement issues are then taken to the Joint Staff Committee. The government is represented in the committees by high ranking official of the Ministry of Finance and the Public Administration and Personnel Department. The employees are represented by high ranking officials of their trade union, the Pancyprian Public Servants' Trade Union. Agreements are recorded in minutes and are counter signed by the negotiating parties. The minutes are formulated as recommendations and then submitted to the Council of Ministers for review and approval. Certain procedures are in place for the resolution of conflicts in the Joint Staff Committee as well as in the event of disapproval by the Council of Ministers.

Articulation of collective agreements

Labour relations and particularly collective bargaining in Cyprus is based on volunteerism. There is no legislation regulating collective agreements. The Industrial Relations Code (IRC), which has merely the status of a 'gentlemen's' agreement, does not contain any reference to articulation. IRC deals with procedural issues towards conducting collective negotiations, concluding and renewing collective agreements. Even if it contained any reference to articulation, this would not have any legal effect.

All collective agreements cover virtually everything and are applied independently of any other collective agreement. There is no hierarchy between collective agreements concluded on different levels. Sectoral or branch collective agreements concluded between sector related social partners have to be considered no better than multi-employer collective agreements, as, in the absence of extension mechanisms they may co-exist with several, sometimes hundreds of sector related single-employer agreements.

Types of collective agreements

Framework Agreement

Συμφωνία Πλαίσιο	Framework Agreement
Actors – Signatory parties	
There are no formal, pre-defined set of actors who can negotiate and sign this of agreements. However, these kind of agreements are normally negotiated and signed by national (confederal) structures of social partners.	
Level where it can be found	
National, cross-sectoral, broad public sector.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
<p>Framework agreements deal normally with working conditions and issues of cross-sectoral importance: health and safety issues (e.g. framework agreement for work-related stress), working time (e.g. framework agreement for 38-hours working week).</p> <p>Framework agreements may also deal with the setting of maximum rates of wage increases in sectors governed by multiple collective agreements. For example, in January 2017 the government reached a framework agreement with the two peak cross-sectoral trade unions PEO and SEK covering the local administration employees, employees of the state-owned enterprises and hourly-paid employees (or blue collar employees) of the government. The agreement provided for 2017 and 2018 a maximum rate of wage increases in line with the nominal growth rate of GDP. That means that wage increases should not exceed the growth rate of nominal GDP; the actual wages increase rate of employees in the Cyprus Telecommunication Authority or in a particular municipality shall be negotiated and concluded at the respective level.</p>	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Framework agreements are initiated and concluded on ad-hoc basis. There is no legislation or any other special agreement regulating the accomplishment of such agreements.	
Extension to non-signatory parties	
In Cyprus there are no extension mechanisms in place.	
Statistics on the prevalence of the collective agreement and trends over time.	
There are no such data available for Cyprus. Anyway, this kind of agreements occur rarely.	
Other aspects	
As collective agreements in Cyprus do not have any legal status, also framework agreements present merely a 'moral' obligation of the signatories to adhere to the content of the agreement.	

Collective Agreement / Collective Labour Agreement

<p>Συλλογική Σύμβαση / Συλλογική Σύμβαση Εργασίας' Συλλογική Σύμβαση' (collective agreement) occurs more frequently. Nevertheless, both terms are used synonymously.</p>	<p>Collective Agreement/Collective Labour Agreement</p>
<p>Actors – Signatory parties</p>	
<p>There is no formal, pre-defined set of actors who can negotiate and sign this kind of agreements. However, these kinds of agreements are normally negotiated and signed by social partners at any level (except of national confederal structures).</p>	
<p>Level where it can be found</p>	
<p>This form of collective agreement can be found throughout the whole economy and at all levels (sectoral, company, establishment or covering certain categories of employees in company/ies or certain professions).</p> <p>In Cyprus there are no exact figures available, as to how many agreements are concluded in every category of collective agreements. By number of collective agreements concluded, the company-level agreements rank first, then the occupational and at last the sectoral or multi-employer agreements. By number of employees covered by a collective agreement, the company-level agreements rank again first, then the multi-employer and finally the occupational collective agreements.</p> <p>Company-level collective agreements can be found throughout the whole economy, except in the accommodation industry and in construction, as these sectors' labour relations are governed by the country's two most important multi-employer collective agreements. Another multi-employer agreement is in place in the metal industry, which, however, is not covering a significant number of employees anymore. Occupational collective agreements can be found mainly in transport (e.g. drivers of buses, drivers of petroleum trucks), as well as in the public health scheme (e.g. nurses and doctors).</p>	
<p>Do these collective agreements usually include agreements on wage levels and/or increases?</p>	
<p>Yes</p>	
<p>Which other topics are usually regulated within this type of agreement?</p>	
<p>Virtually everything.</p>	
<p>Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,</p>	
<p>No. There is no legislation regulating collective agreements in Cyprus.</p>	
<p>Extension to non-signatory parties</p>	
<p>There are no extension mechanisms in place in Cyprus. However, some collective agreements may include clauses extending the application to non-trade union members, with the precondition that the company is covered by a collective agreement.</p>	
<p>Statistics on the prevalence of the collective agreement and trends over time.</p>	
<p>There no such data available for Cyprus. This kind of collective agreements can be found at any level except of the national level. They can also be found in certain industries covering</p>	

certain type of employees (e.g. white-collar employees) or covering certain professions (e.g. seamen, port workers. According to reports of interviewed social partners' representatives the ranking by frequency of occurrence is as follows:

1. Company level (the great majority of collective agreements are negotiated and concluded at company level)
2. Multi-employers' collective agreements occurring in some branches
3. Collective agreements for certain types of employees or certain professions (few in number)
4. Collective agreements at establishment level (occur rarely; the author of this report has identified just two collective agreements at this level)

Other aspects

As explained above (under National definition) collective agreements present merely a 'moral' obligation of the signatories to adhere to the content of the agreement. Trade unions representatives complain, that in the last years an increasing number of employers is observed who disengage from or do not apply or partly apply multi-employer collective agreements signed by their representative organisation. Therefore, trade unions are lately placing emphasis on their demands towards the government to introduce legislation for the regulation of collective of agreements.

Czech Republic

National definition and regulation of collective agreements

The negotiation of collective agreements in the Czech Republic is regulated by Act 262/2006 Coll., the Labour Code, in the Collective Agreement chapter from paragraph 22 onwards and, particularly, by Act No. 2/1991 Coll., the Collective Bargaining Act, as amended. The latter Act defines the rules and options concerning collective bargaining and the conclusion of collective agreements. Since coming into force, the Act has been subjected to very few changes, which has contributed significantly to the stability of collective bargaining in general. Since 1991, all HLCAs concluded (negotiated at the sectoral level) have had to be registered and archived by the Ministry of Labour and Social Affairs (MoLSA) and the ministry is responsible for their publication in the so-called Collection of Laws. This obligation has been in place since the coming into force of the Collective Bargaining Act. This Act identifies two levels with respect to the resolution of disputes over the conclusion of CAs and the fulfilment of the obligations set out there in 1) proceedings with a mediator and 2) proceedings with an arbitrator.

No tripartite mechanism has been established for the solving of collective bargaining disputes arising at any of the national, sectoral or workplace levels. Disputes may be referred to a civil regional court, but only if they have previously been addressed by an arbitrator (no specialised labour courts exist in the Czech Republic). The Collective Bargaining Act stipulates that the parties to collective agreements are obliged to initiate negotiations related to the conclusion of a new agreement at least 60 days prior to the termination of the existing agreement.

A modification was adopted in the Labour Code (Article 24) in 2008 with respect to the conclusion of company-level collective agreements, i.e. that in the event of disagreement between trade unions operating within a single company, the trade union with the highest membership should conclude the collective agreement. However, this modification was subsequently cancelled via a decision of the Constitutional Court - ref. Pl. ÚS 82/06 of 12 March 2008 which stated that it is prohibited to accord preferential treatment to any one trade union operating within a company either with respect to the employees it represents or the number of members. The employer and the trade unions operating within the company, therefore, must decide with whom the employer shall conclude the collective agreement.

There has been no change in legislation covering collective bargaining or the conclusion of collective agreements in the last 5 years. No social pacts have been concluded over the last 15 years either at the national or sectoral levels. No social pacts nor the influence thereof on collective bargaining exist.

Mapping of different types of collective agreements

Czech law distinguishes between two types of collective agreements, namely: company-level collective agreements (CLCA), concluded between the relevant trade union body and an employer, and higher-level collective agreements (HLCA), concluded in some sectors of the national economy for a greater number of employees by the relevant higher-level trade union body and an organisation of employers. The most prevalent level of collective bargaining in the Czech Republic is the company level.

These two terms are used for both public and private sector collective agreements. HLCAs are concluded at the sectoral level, although some HLCAs are broader in scope, i.e. they cover several sectors, whereas CLCAs apply to and are concluded exclusively at the company / plant level or, rarely, for a group of companies with one owner (holding company). They are based on concluded HLCAs (provided an HLCA has been concluded in the relevant sector) but are more specific, more detailed and, therefore, more extensive than HLCAs. No other terms /

names are used with respect to company-level collective agreements with a predominantly occupational focus and scope. Regional agreements are not concluded.

In December 2016, an HLCA (in Czech: kolektivní dohoda vyššího stupně) was concluded for the first time between the Government of the Czech Republic and the four relevant trade unions representing civil servants under the Civil Service Act No. 234/2014 Coll. The collective agreement covers employees in a service and legal relationship with a PUBLIC AUTHORITY. While the current employment relationship is considered a private legal relationship, the service relationship is considered a public legal relationship.

Thus, in paragraph 143 of the Civil Service Act, the Czech word '*dohoda*' (agreement) was used instead of '*smlouva*' (contract) to make it clear that it concerns an agreement concluded for employees in a service relationship, with respect to which the procedure for the conclusion of collective agreements is governed by Section 8 of the Collective Bargaining Act.

Articulation of collective agreements – skloubení, koordinace CA

The relationship between HLCAs and CLCAs is covered at the general level by regulation 262/2006 Coll. the Labour Code, in para. 27 as follows (quote): '*The provisions of company-level collective agreements which cover the labour legislation relations of employees to a lesser extent than do higher-level collective agreements shall not be taken into account*'. Higher-level collective agreements usually set out minimum standards for collective bargaining at the company level. As a rule, HLCAs concluded within a particular sector provide a general framework for CB at the company level, i.e. the obligations set out in CLCAs must not be of a lesser scope than those established in HLCAs.

Articulation with respect to collective bargaining and the conclusion of the CAs is not legally regulated; it is based on common practice, consultancy, information support and the know-how of the ČMKOS, ASO ČR, KUK trade union confederations and individual trade unions. The same applies to employers and employers' associations.

A certain degree of coordination exists between the ČMKOS and the ASO ČR concerning, particularly, the exchange of opinions and consultation on joint approaches, especially with respect to preparation for the plenary session of the RHSD ČR (Council for Economic and Social Agreement of the Czech Republic). Otherwise the two confederations are autonomous and cooperation between them cannot be described as intensive.

Every year at the beginning of autumn, the ČMKOS confederation hosts informal meetings of representatives of its 29 member trade unions at which contemporary issues and approaches are discussed as well as experience gained from collective bargaining. The confederation also has an internal confidential strategy concerning CB, which is updated annually. No horizontal coordination exists between sectoral trade unions. Vertical coordination: each year the trade unions are provided with an analytical document for the ČMKOS assembly (one of a number of sources for the current CAR) including recommendations for the following year. In the case particularly of those trade unions which conclude HLCAs, efforts are made to coordinate the conclusion of CLCAs and to assist local organisations based in companies with the bargaining process. Each year, methodology is provided concerning the conclusion of CAs as an instrument aimed at CA conclusion coordination.

No specific (defined) themes designed only for resolution through CAs exist. The clear exclusivity of solutions determined by means of the conclusion of CAs is ensured if there is a trade union organisation in the company/sector and a CA has been concluded; in such cases, defined topics can only be addressed in the CA and not via internal regulations.

Paragraph 27 of the Labour Code stipulates a clear hierarchy concerning high-level collective agreements and company-level collective agreements, i.e. the favoured principle of high-level

collective agreements taking precedence over company-level collective agreements is applied. The Labour code, as a rule, prioritises the superior legal force of HLCAs and stipulates, with the potential sanction of the rendering of CLCAs invalid, that company-level collective agreements must not define employees' rights and duties to a lesser degree than higher-level collective agreements.

This applies to all the topics discussed in connection with collective agreements. CLCAs, therefore, as lower-level collective agreements may not include worse terms and conditions than those of higher-level collective agreements.

CLCAs may complement or enlarge the scope of provisions contained in the HLCA, but must not limit or curtail them, neither may they repeal any aspects. As a rule, HLCAs concluded within a particular sector provide a general framework for CB at the company level, conditions set out in CLCAs must not be at an inferior level to those in HLCAs. The prior in tempus rule is not applied in the Czech Republic (concluded CAs are replaced by new CAs directly upon expiry – there is no overlap); where necessary, changes to valid collective agreements are implemented by means of amendments. Signatories at both the sectoral and corporate levels are independent of each other. There were no changes relating to the way in which CAs are articulated have been introduced over the last 5 years.

Types of collective agreements

Higher-level collective agreement (HLCA)

Kolektivní smlouva vyššího stupně	Higher-level collective agreement (HLCA)
<p>The term 'higher-level collective agreement' must always be included on the title page of the agreement.</p> <p>Note: In practice, the following variations of terms for HLCAs are in use:</p> <ul style="list-style-type: none"> • Higher-level collective agreement concluded for the period 201X - 201Y between XX and YY OR • Higher-level collective agreement for 201X concluded between XX and YY OR • Amendment no. X to the higher-level collective agreement for the period 201X to 201Y concluded between XX and YY 	
Actors – Signatory parties	
<p>The set of pre-defined actors is generally covered by para. 23 of the Labour Code as follows: A collective agreement is a higher-level agreement if it is concluded between an organization (association) or organizations (associations) of employers and the competent trade union organization or trade union organizations, usually represented by the chairman of the basic trade union organisation and the company's HR representative.</p> <p>The procedure for the conclusion of a collective agreement, including settlement of disputes between the contracting parties, is subject to Act 2/1991 Coll., on collective bargaining. HLCAs are concluded for greater number of employers who are members of an employers' association or confederation; however, their number is not stipulated in legislation. This may mean in practice the conclusion of CAs for whole economic sectors or fields of activity. Only one HLCA may apply per individual employer.</p>	
Level where it can be found	
This higher form of collective agreement applies to individual sectors of the economy and is negotiated by representatives of the relevant employers' association (organisation) and	

the relevant trade union, which represents / covers employees in one specific sector or several sectors (in this case involving cross-sectoral HLCAs).

More specifically, HLCAs are traditionally concluded in the following sectors:

- energy and chemical,
- glass, ceramics and porcelain
- timber industry, forestry and water management
- road transport and road management, urban transport and auto repairs
- banking and insurance
- construction
- agriculture and the food industry
- mining, geology and the petroleum industry
- aviation industry (engineering part)
- commerce and tourism
- paper industry
- textile-clothing-leather industry
- electronics industry

Newly, from the beginning of 2017, HLCAs was concluded for selected employees in the following sectors: education, state administration, health and social services and civilian army personnel subject to the Civil Service Act.

Over the last 5 years, according to the MoLSA register, around 23 - 24 HLCAs (of which 18 - 19 HLCAs involving ČMKOS) have been concluded in the above-mentioned sectors; a slight decrease is evident in terms of the total number of such agreements, and the number of employees covered by HLCAs is declining on a continuous basis.

Do these collective agreements usually include agreements on wage levels and/or increases?

Yes, HLCAs contain wage agreements; sometimes they consist of general references to the salary scale system and minimum salary scales, as well as specific percentage increases in remuneration.

In 2016, year-on-year increases in the average nominal wage were agreed in only 3 HCLAs. Increases in scale (basic) wages were agreed in 8 HCLAs, and increases corresponding to the inflation rate were agreed in 7 HCLAs. The remaining HCLAs did not refer to remuneration issues.

Which other topics are usually regulated within this type of agreement?

HLCAs typically include provisions concerning:

working time, work breaks, amount of holiday entitlement, bonuses, overtime pay and severance pay. They also include the rights and obligations of both social partners, the areas of employee welfare / social benefits, health and safety at work, the relationship between employers and basic trade union organisations within given sectors (information, cooperation, the right to negotiate matters already agreed, the conditions for the functioning of basic trade union organisations in companies) and final provisions.

The scope of the text and the detail with respect to the structure of concluded HCLAs vary extensively - from 6 to 25 A4 pages.

No elements or topics are expressly excluded by legislation from collective agreements.

Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,

No topical areas are excluded from collective bargaining discussions or from the final text of concluded HLCAs.

Is this type of agreement also extended to non-signatory parties?

The extension of a binding higher-level collective agreement to another employer (non-signatory party) is possible under the conditions of Act No. 2/1991 Coll. on collective bargaining. The Ministry of Labour and Social Affairs of the Czech Republic (*Ministerstvo práce a sociálních věcí České republiky*, MPSV ČR) possesses the relevant powers to ensure agreements are extended, based on a proposal made by both contractual parties to the agreement, provided that the conditions determined by law are met. There are no voluntary mechanisms of extension.

Such an extension is possible (on the basis of the will and the written request of both parties) provided that the prevailing activities in the sector are as set out in the Sectoral Classification of Economic Activities and Conditions Code and on condition that the HCLA was concluded either by an employers' organisation whose members employ the largest number of employees in the sector or a higher-level trade union that represents the highest number of employees.

From a total number of 18 higher-level collective agreements conducted in 2014, 4 were extended to cover an additional 3,760 employers with approximately 221,285 employees (in 2013, from a total of 19 higher-level collective agreements, five were extended to cover an additional 3,919 employers with approximately 232,000 employees – last available data from ČMKOS). The data are for ČMKOS members only.

In 2017, 6 concluded HLCAs with extended validity have been registered at the MoLSA to date, of which 5 HLCAs concerned the ČMKOS trade union confederation.

Statistics on the prevalence of the collective agreement and trends over time.

The development in number of concluded HLCAs: from 19 in 2012 to 18 HLCAs in 2016 within 12 trade unions. The number of employers covered: 7,933 in 2012 followed by an decrease to 7,156 in 2013 but for last three years 2014-2016 ČMKOS is not able to collect these data.

Note: This data concerns only ČMKOS. It does not represent a comprehensive overview of the scope of collective bargaining at the sectoral level in the Czech Republic.

Source: ČMKOS, Report on the progress of collective bargaining at a higher (sectoral) level and company level in 2012-2016.

Company-level collective agreement (CLCA)

Podniková smlouva	kolektivní	Company-level collective agreement (CLCA)
<p>The title of the agreement must contain either ‘Collective Agreement’ or ‘Company-level Collective Agreement’.</p> <p>Note: In practice, the following variants concerning the terms used for CLCAs are as follows:</p> <ul style="list-style-type: none"> • (Company-level) collective agreement XY and ZZ or only Collective Agreement XY and ZZ • Company-level collective agreement between XY and ZZ • Company-level collective agreement concluded between XY and ZZ • Company-level collective agreement of XY for 201X (including a listing of trade union signatories); 		
Actors – Signatory parties		
<p>The predefined group of partners is generally defined in para. 23 of the Labour Code as follows: ‘<i>Company-level collective agreements are concluded between one or more employers or more employers and one or more trade union organisations operating at the employer’s place of business</i>’.</p> <p>Collective bargaining is not influenced by peak-level trade unions; they merely provide legal and/or information support.</p>		
Level where it can be found		
<p>Company-level collective agreements are concluded between one or more trade union organisations and the employer - most often concerning one company only. However, this does not mean that they always exclusively concern agreements with jurisdiction over the whole of the employer entity – legislation also allows for the conclusion of agreements concerning individual organisational units (e.g. locally separated plants/branches) in addition to the company-level collective agreement.</p> <p>The conclusion of such so-called ‘plant’ collective agreements usually concerns larger companies, companies with ‘segmented’ organisational structures or those with locally separated plants/branches.</p> <p>Such agreements are always equivalent to company-level collective agreements.</p> <p>It is possible to conclude so-called ‘group’ collective agreements, i.e. for several plants or subsidiaries belonging to the same company. This allows for the establishment of the same working conditions for the employees of those plants included in groups of companies, e.g. holdings. The ‘group’ collective agreement, however, is not mentioned as a distinctive type of agreement in legislation.</p>		
Do these collective agreements usually include agreements on wage levels and/or increases?		
<p>Yes, the proportion of CLCAs containing provisions on wage developments over recent years has amounted to between 60% and 66% (2016).</p> <p>In 2016, the most widespread forms of agreement concerning wage developments consisted of:</p> <ul style="list-style-type: none"> • agreements to increase remuneration scales (in 31.6% of CLCAs), • increases in the average nominal wage (25.6% of CLCAs), • the preservation of real wages (12% of CLCAs) and • increases in total wage costs (8% of CLCAs). 		

Which other topics are usually regulated within this type of agreement?
In addition to salary arrangements and pay scales, CLCAs include agreements and annexes which set out: bonuses and rewards, tables of working hours, the company remuneration system, arrangements concerning meals and expenses reimbursement, rules covering the use of the Social Fund, the principles covering the provision of rewards for important life and work anniversaries, lists of plants and workplaces within the company and the means by which the activities of the basic trade unions in the company are financed, etc. The overall scope of CLCAs including the annexes varies considerably and depends mainly on the size of the company, e.g. from 10 to 144 A4 pages (in the case of Czech Railways).
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
No, Czech legislation excludes no areas from collective bargaining and the conclusion of CLCAs.
Extension to non-signatory parties
No, the option of extension to other parties / entities does not exist.
Statistics on the prevalence of the collective agreement and trends over time.
The number of CLCAs concluded decreased in the period 2012 to 2016 from 4,655 to 3,849. The number of trade unions involved decreased from 22 in 2012 to 20 in 2016. The numbers of employees covered by CLCAs decreased slightly in this period from 1.351,127 to 1.291,339. ČMKOS does not monitor the number of companies with CLCAs. Note: This data applies to ČMKOS only. It does not purport to provide a comprehensive overview of the scope of collective bargaining at the company level. The data concerns only those trade unions that participate in the ČMKOS survey, <u>the number of which is decreasing steadily.</u> Source: ČMKOS, Report on the progress of collective bargaining at a higher (sectoral) level and company level in 2012-2016.

Denmark

National definition and regulation of collective agreements

The right to conclude collective agreements is originally laid down in the so-called September Compromise from 1899 between the Danish Confederation of Trade Unions (LO) and Confederation of Danish Employers (DA) and covering the private sector. It was only replaced in 1960 by the General Agreement (*Hovedaftalen*) between LO and DA. This original main agreement, that has been copied by other sectors over the years, have since undergone small changes and amendments. Despite changes and amendments, the basic rules and rights of the General Agreement has not been changed significantly since 1899.

The General Agreement is a collective agreement that

1. states the workers' right to organise in unions,
2. recognise the managerial prerogative,
3. states the duty to respect the peace obligation once a collective agreement has been concluded and is in force
4. recognise the workers' right to strike and the employers to lock-out when collective bargaining takes place, and
5. the workers' right to take industrial action towards an employer that do not want to sign a collective agreement.

Disputes about the interpretation or breaches of the collective agreement in force are treated in the collective conflict resolution system, which includes out-of-court resolution mechanisms, the Industrial Arbitration Tribunals and the Labour Court.

The Danish collective agreement system is based on voluntarism and mutual recognition.

Mapping of different types of collective agreements

In Denmark, the main types of collective agreements agreed between an employer association and a union are the sector agreements, agreed between the sector or central organisations, followed by company agreements in an organised sequence and agreed between the employer and the employee representative, who is also the union representative at workplace. The relationship between the central and the company level is in this case called 'centralised decentralisation'¹⁰.

In the public sector, the central level agreements are followed by organisation agreements that are concluded with the different unions in the public sector. The central level is the most important and the pool left for bargaining with the organisations are mostly small.

Articulation of collective agreements

In the pace-setting manufacturing industry sector, the concluded sectoral agreement (The Industrial Agreement) is followed by local negotiations about wage and working time in a coordinated system, which is labelled 'centralised decentralisation'. This system is related to the so-called 'minimum-wage' systems, where there is an interrelation between agreements at central and local level. The opposite is called the 'normal-wage' system, where all topics are concluded at central level. The latter cover around 15% of all agreements, the minimum-wage system cover the rest.

¹⁰ Furthermore, agreements can be concluded for groups of employees with the same education and/or occupation, but this is not very common.

In the Industrial Agreement there is furthermore a possibility of deviation from the sectoral agreement. In §8 it is agreed that the parties at company level under the Industrial Agreement can conclude local agreements regarding four topics, of which working time is the most important, providing that both parties agree.

Types of collective agreements

General agreement

Hovedaftale	General Agreement
Actors – Signatory parties	
Only confederations – i.e. peak-level trade unions and employer organisations	
Level where it can be found	
This type of agreement is regulating the main rules for collective bargaining at the Danish labour market in all sectors. It could be compared with a ‘constitution’. The General Agreement between LO and DA, dating back to 1899, is often referred to as the ‘The Danish Labour Market Constitution’.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No – wage is negotiated at sector level, which is the level directly under this level.	
Which other topics are usually regulated within this type of agreement?	
A ‘hovedaftale’ – a general agreement – set the rules for the relations on the labour market. It does not contain any of the proposed subjects	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No. Fundamental rights regarding the relations on the labour market are included in this agreement. Legislation on the regulation of the Danish labour market is very limited. There is no statutory minimum wage in DK.	
Extension to non-signatory parties	
In Denmark, collective agreements, including this type, are not extended to non-signatory parties	
Statistics on the prevalence of the collective agreement and trends over time.	
There are no available statistical data about the number of companies or employees covered. A straightforward estimation of the coverage of employees could be that 84% of all 2.6 million employees are covered by this type of agreement, which is 2.2 million. That is, the coverage of collective agreement in DK is 84%, and together the general agreements cover them all.	
There are general agreements in the state sector between the Ministry and the different central organisations. At local and regional level there are also general agreements between the peak organisations. There is one general agreement in the financial services sector. And then there is the ‘one and only’, i.e. the original general agreement between LO and DA stemming from 1899, which was to be pace-setting for the rest of the labour market over the decades. LO and the peak-organisation of employer organisations in agriculture, SALA, concluded a general agreement in 1963. This was cancelled in 2012, when SALA was dissolved.	

Sector or branch agreement

Sektoroverenskomst	Sector or branch agreement
Actors – Signatory parties	
Sector organisations – employer associations and trade unions at sectoral/central level. The sector agreement in manufacturing industry – the Industrial Agreement – is pace-setting.	
Level where it can be found	
This type of agreement is found within all sectors, private as well as public sectors. It is the dominating agreement level in Denmark	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Sector agreements cover all the above mentioned topics – or everything concerning pay and working conditions (working time), employee representation, work environment and the social (family/work) aspects.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Fundamental rights as the right to organise is also laid down in legislation – as it is laid down in the General Agreement. Legislation about the main issues of labour market regulation is very limited in Denmark. Work environment and occupational health and safety is mostly laid down in legislation. A few ‘soft topics’ as the psycho-social work environment is also regulated by collective agreement.	
Extension to non-signatory parties	
No. In Denmark, there are no extension mechanisms concerning collective agreements. The sector agreements, however, have a spill-over effect on other parts of the labour market not covered by collective agreements. They function as landmarks/indicators.	
Statistics on the prevalence of the collective agreement and trends over time.	
Sectoral agreements cover around 84% of the labour market (DA: Arbejdsmarkedsrapport (Labour Market Report), table 5.1 – latest edition is from 2014)	
Other aspects	
It is the dominating type of collective agreement regarding regulation of the employment relations in Denmark	

Company agreement

Virksomhedsoverenskomst	Company agreement
Actors – Signatory parties	
<p>A company agreement is characterised by the fact that the employer is not a member of an employer association, but has concluded a single-employer agreement with the local union(s).</p> <p>Employers or managers and the elected employee representative – the shop steward – are negotiating company agreements at company level (shop floor). The shop steward also represents the local union. One type of this agreement is also called an ‘adoption agreement’ or in Danish: a ‘tiltrædelsesoverenskomst’.</p>	
Level where it can be found	
<p>This form of agreement is found in all sectors and among large companies (e.g. Novo) as well as SMEs. It can be a company specific agreement that is negotiated in depth with the unions – as in the case of Novo – or it can be an adoption agreement, i.e. the relevant sector agreement in force, with a few local adjustments – as in the case of many SMEs</p>	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
As in ‘virtually everything’.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
See above.	
Extension to non-signatory parties	
Not possible	
Statistics on the prevalence of the collective agreement and trends over time.	
There are no official available data on this issue. The unions probably know how many company agreements they have signed.	
Other aspects	
<p>This type of company agreement differs from a so-called ‘local agreement’ (da: lokal aftale) that is, however, also concluded at company or group level. Local agreements is in particular found within the pace-setting manufacturing industry sector. It is characterised as being ‘a company specific agreement within the framework of a sector/central agreement’ following a coordinated procedure - in Denmark called a ‘centralised decentralisation’ process.</p>	

Organisational agreement

Organisationsoverenskomst	Organisational Agreement
Actors – Signatory parties	
Trade unions and employer organisations	
Level where it can be found	
Within the public sector	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes. However, in many cases the sectoral agreement is the setting the bar. In the public sector, only a small part of the wage is negotiated with the organisations. Besides, wage setting in the agreements in the public sector follows a certain pattern so that increases in the public sector can never exceed increases in the private sector. Again it is the Industrial Agreement that is pace-setting.	
Which other topics are usually regulated within this type of agreement?	
In principle ‘virtually everything’. In practice, most of the subjects mentioned here are settled at sector/central level.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
As mentioned, legislation on the regulation of the Danish labour market is limited. Furthermore, if there are collective agreements in the area covered by legislation, the agreements overrule legislation (provided they are more ‘profitable’ for the employees). This is the case about EU-directives that has been transferred into law in Denmark. The law only covers where there is no collective agreement – which means around 16% of the labour market.	
Extension to non-signatory parties	
No.	
Statistics on the prevalence of the collective agreement and trends over time.	
No data are available on this issue. It could be estimated though, that organisational agreements cover the collective labour market to the same degree as sectoral agreements and company agreements. They are practically overlapping each other.	

Estonia

National definition and regulation of collective agreements

In Estonia, collective agreements are defined and regulated in the Collective Agreements Act (*Kollektiivlepingute seadus*, [in English](#), [in Estonian](#)), passed by the Parliament in 1993. The Act determines the legal bases for concluding a collective agreement and performance of collective agreements, e.g. giving definition of the agreement, defining the parties, describing the scope and content, terms and conditions for concluding and ending and agreement, monitoring and supervision over the processes of concluding and the performance of agreements.

The Act has gone through only some changes, for example as of March 2012 the regulation regarding the expiry of the collective agreement was changed. Previously if the collective agreement reached its expiry date, the parties were no longer obliged to comply with the conditions set in the agreement. Now, however, unless either party notifies the other party in writing at least three months before the expiry that it does not want to extend the agreement, the collective agreement will be deemed valid for an indefinite period of time and the parties are required to comply with the terms and conditions of the agreement until a new agreement is concluded or the last one cancelled. However, the definition of a collective agreement has not changed since 1993.

According to the Act, *A collective agreement is a voluntary agreement between employees or an association or a federation of employees and an employer or an association or a federation of employers, and also state authorities or local governments, which regulates employment relationships between employers and employees.*

Mapping of different types of collective agreements

We must emphasize that although we bring out some different names for collective agreements below, in everyday language these are not actually widespread and could raise question 'what is it?' if mentioned to an ordinary person. Overall all collective agreements in Estonia are called collective agreements (*kollektiivleping*). There are, as mentioned below, basically three possible distinctions, BUT these are very specific sector-based distinctions and may not be familiar to ordinary people and employees. The most usual distinctions actually are: national level minimum wage agreement (*riiklik miinimumpalga/alampalga kokkulepe*), sectoral level collective agreement (*sektoritasandi kollektiivleping*) and company level collective agreement (*ettevõttesandi kollektiivleping*). The term wage agreement (*palgalepe*) is also used. The legislation refers only to 'collective agreements'.

There are not many different terms or concepts used regarding collective agreements in Estonia. Collective agreements, or similar agreements, are not very common in Estonia (according to the latest working life survey (2015), only 3.9% of companies had such an agreement covering altogether 18.6% of employees (however, 27.6% of employees did not know whether an agreement exists)). Overall, the term 'collective agreement' (*kollektiivleping*) is widespread and mostly used in Estonia.

Three specific distinctions could be made in Estonia (but the first two are very specific and not widespread and may not be well understood by people):

1. In the transport sector a term *üldtöökokkulepe* (in English something like 'general works agreement') is used, however, it is also referred to as *kollektiivleping* (collective agreement), since basically it is just an extended collective agreement (sectoral-level collective agreement) which is for some reason named as *üldtöökokkulepe* by the signatory parties; it is well understood if it just called collective agreement.

2. The Ministry of Culture and the Estonian Employees' Unions' Confederation have concluded agreements of common interests (*ühiste kavatsuste kokkulepe*) in which the minimum wage level of cultural workers working in public sector have been agreed. This is also basically a wage agreement or collective agreement and the term 'ühiste kavatsuste kokkulepe' may not be understood by people, rather the cultural workers know that they have a 'wage agreement' (*palgalepe*).

3. At national level the national minimum wage is negotiated between the national level social partners and this agreement is called the '(national) minimum wage agreement' (*riiklik alampalga/minimumpalga kokkulepe*) – this is known generally by people.

Articulation of collective agreements

National level collective agreement (minimum wage agreement) applies to all employees; sectoral level agreements are independent (two sectoral level agreements) and agreements (only two in Estonia) apply to all employees working in these sectors, company level agreement apply to employees of the company.

ACTORS: Regarding company level agreements, there is a dual channel of employee representation - employees can be represented by a trade union and/or employee trustee. In case of both the trade union and the employees' trustee being present in the company, the trade union has the prerogative to collective bargaining.

Favourability Principle: Overall, it is expected that lower-level collective agreements cannot contain worse conditions than in higher level agreements. i.e. the national minimum wage agreement sets the absolute minimum level for wage, thus the minimum wage level in sectoral-level agreement must be the same or higher and the same applies to the company level agreements in relation to the national level agreement as well as sectoral-level. The same applies to all other working conditions. According to the collective agreements Act (§4), in case there are different collective agreements, provisions that are more favourable to employee apply.

Topics/Issues: In case of extended collective agreements, only the conditions of pay, working time and vacation can be agreed on (other conditions can be agreed on, but only these conditions can be extended to non-signatory parties). Such agreements have been concluded only in transport and health care sectors. Agreements can be extended only in case these are concluded by the association or federation of employers' and workers' union or federation, or employers' and workers' confederation (i.e. multi-employer agreements).

Regulation: There have not been any changes regarding the articulation.

As there is one national level wage agreement, and two sectoral level agreements, most of the agreements are company-level and thus the articulation in practice is rather simple in Estonia.

National minimum wage agreement

(riiklik) alampalga kokkulepe / (riiklik) miinimumpalga kokkulepe / töötasu alammäära kokkulepe	National minimum wage agreement
Actors – Signatory parties	
National level social partners – Estonian Trade Unions Confederation and Estonian Employers Confederation	
Level where it can be found	
National level	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
<p>Usually only pay is regulated with this agreement, although according to the collective agreements act, those are the areas that can be regulated by a collective agreement (though usually only pay is regulated in the national level agreement):</p> <ol style="list-style-type: none"> 1. the wage conditions; 2. the working conditions; 3. the working and rest time conditions; 4. the conditions for the amendment and termination of an employment contract, and the bases for refusing to perform work; 5. the conditions and the procedure for lay-off of employees and the guarantees in the event of lay-off; 6. the conditions for occupational health and safety; 7. the conditions for vocational training, in-service training and re-training, and assistance to the unemployed; 8. any guarantees and compensation which the parties consider necessary; 9. the procedure for monitoring the performance of the collective agreement and providing necessary information; 10. the procedure for the amendment and extension of the collective agreement, and for the entry into a new collective agreement; 11. additional liability for the non-performance of the collective agreement; 12. the procedure for submitting demands of employees and employers in the event of a collective labour dispute; 13. any terms which regulate other relations between the parties to the collective agreement. 	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights.	
No	
Extension to non-signatory parties	
Yes, to all employers	
Statistics on the prevalence of the collective agreement and trends over time.	
The agreement has been concluded since the beginning of 1990s, usually annually. In 2015, the first two-year agreement was concluded. It covers all employees.	

Sectoral level collective agreement

Sektoritasandi kollektiivleping	Sectoral level collective agreement
Actors – Signatory parties	
<p>This is an extended collective agreement, which can be concluded only by the association or federation of employers’ and workers’ union or federation, or employers’ and workers’ confederation (i.e. multi-employer agreements). This is for years only concluded only in transport and health care sectors. In transport sector, the agreement is named <i>üldtöökokkulepe</i> but the name may not be widely used.</p>	
Level where it can be found	
<p>As it is in principle an extended collective agreement, it can be found in every sector, however, extended collective agreements are rare in Estonia and are only concluded in transport and health care sectors. In transport sector, the agreement is for unknown reason called ‘<i>üldtöökokkulepe</i>’ by the signatory parties. However, it is also referred to as collective agreement, especially that they define in the agreement that this is a collective agreement.</p>	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
<p>In addition to the conditions of pay, working time and rest time, which are extended to the entire sector (which are the only things that can be extended to the entire sector according to law), the agreements include includes a conditions on how to calculate the working tenure and describes the relationship between trade unions and employers in transport sector (those are applied only to the members of signatory parties).</p>	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
No	
Extension to non-signatory parties	
<p>Yes. The extension of collective agreements is exceptional in Estonia, mostly due to the lack of employers’ and employees’ associations, representativeness criteria and control mechanism.</p>	
Statistics on the prevalence of the collective agreement and trends over time.	
<p>According to the collective agreements database under the Ministry of Social Affairs 8 such agreements have been concluded since 2000 in transport sector. According to the same database, around 17,500 employees are covered by these agreements (there are two separate agreements – road passenger transport and road freight transport). In health care, according to the same database, since 2002 7 agreements have been concluded. Currently around 25,000 employees are covered.</p>	
Other aspects	
<p>The term <i>üldtöökokkulepe</i> is very sector-specific used only in transport sector, while the term collective agreement is more widely used.</p>	

Company level collective agreement

Ettevõtetasandi kollektiivleping	Company level collective agreement
Actors – Signatory parties	
It can be concluded by any level of trade union and employer association or employer, it can also be concluded by an elected employee representative (in case there is no trade union in the company).	
Level where it can be found	
In principle these could be found in every company.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
According to collective agreements act, those are the areas that can be regulated by a collective agreement (though usually only pay is regulated in the national level agreement). See extensive list above, points 1-13.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
A collective agreement can be extended to non-signatory parties only in case these are multi-employer agreements, thus ordinary company level agreements concluded between a trade union and employer cannot be extended.	
Statistics on the prevalence of the collective agreement and trends over time.	
According to the collective agreements database, there are currently 629 collective agreements in place. However, there probably is out-dated information in the database and there probably are not all agreements in the database, so there is no information on the actual number. According to the latest data (Work Life Survey 2015, statistics Estonia) 3.9% of companies have a collective agreement, which cover around 18.6% of employees.	

Finland

National definition and regulation of collective agreements

The [Collective Agreements Act 436/1946](#) ([Työehtosopimuslaki 436/1946](#)) defines 'collective agreement' as follows:

'A collective agreement within the meaning of this Act is any agreement concluded by one or more employers or registered associations of employers and one or more registered associations of employees, concerning the conditions to be complied with in contracts of employment or in employment generally. For the purposes of this Act, "association of employers" means any association whose specific objects include that of safeguarding the employers' interests in the matter of employment; and "association of employees" means any association whose specific objects include that of safeguarding the employees' interests in the matter of employment.'

There has been no change to the Act since 2001. Other provisions relevant for the regulation of collective agreements are found in the [Employment Contracts Act 55/2001](#) ([Työsopimuslaki 55/2001](#)) and the [Act on Confirmation of the General Applicability of Collective Agreements 56/2001](#) ([Laki työehtosopimuksen yleissitovuuden vahvistamisesta 56/2001](#)).

Mapping of different types of collective agreements

In Finland, what is commonly understood as 'collective agreement' are sectoral, or more specifically 'union-specific' collective agreements (*liittokohtainen työehtosopimus*). Some of these agreements only apply to specific occupational groups, generally if the signatory trade union only organises a specific occupational group. Also company-level collective agreements (*yrittäjäkohtainen/talokohtainen työehtosopimus*) exist, in which the company-level agreement applies to the company in question instead of a potential broader sectoral agreement applying to other companies in the sector.

Traditionally, sectoral or union-specific collective bargaining rounds have in Finland been preceded by inter-confederal agreements, which set the framework and limits for sectoral agreements regarding wages, working conditions, and to some extent social policy. These have been called centralised labour market agreements (*keskitetty työmarkkinaratkaisu*) if negotiated bilaterally between trade union and employer organisation confederations, and national income policy agreements (*tulopoliittinen kokonaisratkaisu*) if the state has been involved in the negotiations (for instance promising tax reliefs if desired solutions are reached). In addition, inter-confederal agreements (*keskusjärjestösopimus*) have been made on some specific labour market issues, such as protection against dismissal. In some small sectors without sectoral collective agreements, these have effectively served as a framework for employment contracts. However, as of May 2016, the main employer confederation, the Confederation of Finnish Industries (EK), has through a change of internal rules [prohibited itself from participating in inter-confederal bargaining](#), and in February 2017 it unilaterally announced the termination of most of the inter-confederal agreements. It would therefore seem that centralised labour market agreements or national income policy agreements will no longer be negotiated in the future.

An important distinction made in the Finnish system of collective agreements is the division into generally applicable collective agreements (*yleissitova työehtosopimus*) and normally applicable collective agreements (*normaalisitova työehtosopimus*). Generally applicable collective agreements apply to all employers and employees in a sector. Normally applicable collective agreements only apply to employers organised in the signatory employer

organisation, and their employees. A collective agreement is considered generally applicable when more than half of the employees in the sector work for employers who are signatories of the agreement. The general or normal applicability of the agreements is established by an independent Commission confirming the general applicability of collective agreements (*Työehtosopimuksen yleissitovuuden vahvistamislautakunta*). The Commission operates in connection with the Ministry of Social Affairs and Health.

Articulation of collective agreements

The interrelation between central-level agreements and sectoral agreements is not regulated through legislation, but through the agreements themselves only. There is no topic or issue that is expressly confined to a specific level of collective bargaining, but central-level agreements remain general and do not go into details of for instance working time arrangements. Sectoral collective agreements may contain worse conditions than agreed in centralised agreements, on all potential topics, but may usually not for instance exceed a centrally agreed maximum wage raise. Sectoral agreements may furthermore allow for flexibility and deviations at the local level.

One type of agreement cannot as such repel aspects of other agreements. Centralised agreements are negotiated first and define the limits within which sectoral agreements may be negotiated, and potentially where and to what extent deviation from the central framework is allowed. However, centralised agreements do not automatically bind member organisations of the peak-level organisations, and member organisations may opt out of the centralised agreement. Thus, lower-level agreements could complement/enlarge or reduce higher-level agreements, or ignore them. However, generally member organisations do seek to comply with the framework of the centralised agreements. There is a predefined link between the signatory parties of collective agreements at different levels. Normally, a central-level agreement only applies to member organisations of the central organisations.

As noted above, as of May 2016, the main employer confederation, the Confederation of Finnish Industries (EK), has through a change of internal rules [prohibited itself from participating in inter-confederal bargaining](#), and in February 2017 it unilaterally announced the termination of most of the inter-confederal agreements. It would therefore seem that centralised labour market agreements or national income policy agreements will no longer be negotiated in the future. Thus the last central-level agreement would have been the Competitiveness Pact, signed by the peak-level social partners in February-March 2016. In 2017, and presumably in the years to come, only sectoral collective agreements will be signed.

Types of collective agreements

Centralised labour market agreement

Keskitetty työmarkkinaratkaisu / Keskitetty työmarkkinasopimus / Keskitetty tulo ratkaisu / Keskitetty sopiminen	Centralised labour market agreement
Actors – Signatory parties	
Only peak-level trade unions and employer organisations	
Level where it can be found	
There is no national regulation on this form of collective agreement. This type of agreement are generally applied to all member organisations of the peak-level trade unions and employer organisations, i.e. usually across all or most economic sectors and company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes (at a general level).	
Which other topics are usually regulated within this type of agreement?	
The following is a non-exhaustive list of things that are usually regulated within this type of agreement. The regulation is usually <u>at a very general level</u> , setting a framework within which sectoral agreements will be negotiated in a more specific way. Pay increases; duration of working time; Flexibility of working time; training days; entitlements, including family leaves, other days of leave beyond the statutory; aspect relating to health and well-being at work; pensions; sickness benefits; work organisation; unemployment benefits. No topical areas are explicitly exempt from collective agreements by law.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Yes, the agreement concerns all member organisations of the peak-level organisations (virtually automatic).	
Statistics on the prevalence of the collective agreement and trends over time.	
<p>Since the number of peak-level actors is limited, there is usually only one centralised labour market agreement valid at the time. Agreements have traditionally been made approximately every two to three years, sometimes in a bipartite setting between peak-level employer and employee organisations, at other times in a tripartite setting with involvement of the government (see table on Income policy agreement below). Usually all peak-level organisations are involved, which implies that most employees in the country are covered. For instance, in 2014 the total coverage of sectoral collective agreements in the country was 89.3%. These sectoral collective agreements were negotiated within the framework of the Employment and Growth Agreement, the centralised labour market agreement of 2013.</p> <p>Ahtiainen, L. (2016). Työehtosopimusten kattavuus vuonna 2014 (pdf, in Finnish). [Coverage of collective agreements in 2014.] Publications of the Ministry of Employment and the Economy, 11/2016.</p>	
Other aspects	

Each centralised labour market agreement has generally been given a specific name, such as 'Competitiveness Pact' (*Kilpailukyky sopimus*) in 2016, 'Employment and Growth Agreement' (*Työllisyys- ja kasvusopimus*) in 2013, and 'Framework Agreement' (*Raamisopimus*) in 2011.

National income policy agreement

Tulopoliittinen kokonaisratkaisu	National income policy agreement
Actors – Signatory parties	
Peak-level trade unions, peak-level employer organisations, and the government	
Level where it can be found	
There is no national regulation on this form of collective agreement. This types of agreements have generally applied to all member organisations of the peak-level trade unions and employer organisations, i.e. usually across all or most economic sectors and company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
The following is a non-exhaustive list of things that are usually regulated within this type of agreement. The regulation is usually <u>at a very general level</u> , setting a framework within which sectoral agreements will be negotiated in a more specific way. Pay increases; duration of working time; Flexibility of working time; training days; entitlements, including family leaves, other days of leave beyond the statutory; aspect relating to health and well-being at work; pensions; sickness benefits; work organisation; unemployment benefits. No topical areas are explicitly exempt from collective agreements by law.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
No	
Extension to non-signatory parties	
Yes, the agreement concerns all member organisations of the peak-level organisations (virtually automatic).	
Statistics on the prevalence of the collective agreement and trends over time.	
Since the number of peak-level actors is limited, there is usually only one centralised labour market agreement valid at the time. Agreements have traditionally been made approximately every two to three years, sometimes in a bipartite setting between peak-level employer and employee organisations, at other times in a tripartite setting with involvement of the government (see table on centralised labour market agreements above). Usually all peak-level organisations are involved, which implies that most employees in the country are covered. For instance, in 2014 the total coverage of sectoral collective agreements in the country was 89.3%. These sectoral collective agreements were	

<p>negotiated within the framework of the Employment and Growth Agreement, the centralised labour market agreement of 2013.</p> <p>Ahtiainen, L. (2016). Työehtosopimusten kattavuus vuonna 2014 (pdf, in Finnish). [Coverage of collective agreements in 2014.] Publications of the Ministry of Employment and the Economy, 11/2016.</p>
Other aspects
<p>Each centralised labour market agreement has generally been given a specific name, such as 'Competitiveness Pact' (<i>Kilpailukyky sopimus</i>) in 2016, 'Employment and Growth Agreement' (<i>Työllisyys- ja kasvusopimus</i>) in 2013, and 'Framework Agreement' (<i>Raamisopimus</i>) in 2011.</p>

Inter-confederal agreement

Keskusjärjestösopimus	Inter-confederal agreement
Actors – Signatory parties	
Peak-level trade unions and employer organisations	
Level where it can be found	
No answer	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
<p>Each agreement regulates a specific area. The main topics covered are as follows:</p> <p>Protection against dismissal; employee representation and the position of the representatives; holiday wages; information exchange; payment of trade union member fees; joint recommendations on for instance substance abuse, gender effects, internships, work-related stress</p> <p>No topical area is explicitly exempt from these agreements by law.</p>	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Yes, the agreement concerns most member organisations of the peak-level organisations (pervasive). Generally the agreement is defined to apply to all member organisations of the signatories, unless a member organisation specifically withdraws.	
Statistics on the prevalence of the collective agreement and trends over time.	
<p>There have been approximately 30 agreements, the oldest of which date back to the 1970s. However, 22 of the agreements have been unilaterally terminated by the Confederation of Finnish Industries (EK) in 2017. The agreements are estimated to have covered most of EK's member companies (16,000-17,000) and their staff (approximately 900,000), but this has not been confirmed. All agreements can be found in Finnish in the Finlex database.</p>	
Other aspects	

These agreements are not generally considered collective agreements. However, they have been used in a similar way in certain sectors where there are no sectoral collective agreements.

(Sectoral/union-specific) collective agreement

(Liittokohtainen) työehtosopimus	(Sectoral/union-specific) collective agreement
Actors – Signatory parties	
As per definition and regulation, several employers or one or several employer organisations with one or several trade unions	
Level where it can be found	
This form of collective agreement is found, in principle and in practice, in all sectors and company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
No	
Extension to non-signatory parties	
Yes, the practice is pervasive. An important distinction made among this type of collective agreements is the division into generally applicable collective agreements (<i>yleissitova työehtosopimus</i>) and normally applicable collective agreements (<i>normaalisitova työehtosopimus</i>). Generally applicable collective agreements apply to all employers and employees in a sector. Normally applicable collective agreements only apply to employers organised in the signatory employer organisation, and their employees. A collective agreement is considered generally applicable when more than half of the employees in the sector work for employers who are signatories of the agreement. The general or normal applicability of the agreements is established by an independent Commission confirming the general applicability of collective agreements (<i>Työehtosopimuksen yleissitovuuden vahvistamislautakunta</i>). The Commission operates in connection with the Ministry of Social Affairs and Health.	
Statistics on the prevalence of the collective agreement and trends over time.	
There are approximately 200 agreements of this type. In 2014, the total coverage of sectoral collective agreements in the country was 89.3%. In 2008, the equivalent figure was 87.5%. In the private sector, the coverage was 75.5% in 2014 (1,175,285 employees) and 73.9% in 2008 (1,251,565 employees).	

Ahtiainen, L. (2016). Työehtosopimusten kattavuus vuonna 2014 (pdf, in Finnish) . [Coverage of collective agreements in 2014.] Publications of the Ministry of Employment and the Economy, 11/2016.
Other aspects
This is the type of agreement usually understood as ‘collective agreement’. Please note that despite its name, the agreement may not be either sectoral or union-specific. Some unions negotiate several collective agreements, and there are virtually always several collective agreements within one sector, yet this is the designation of the type of agreement in the national language(s).

Company-level collective agreement

Yrityskohtainen/talokohtainen työehtosopimus	Company-level collective agreement
Actors – Signatory parties	
As per regulation, one or several employers or employer organisations with one or several trade unions	
Level where it can be found	
This form of collective agreement can in principle be found in all sectors and company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
An employer organisation may negotiate and sign the agreement on behalf of a company. The agreement is thus ‘extended’ to the non-signatory company. In other regards, such extension is not possible.	
Statistics on the prevalence of the collective agreement and trends over time.	
These agreements are often not publicly registered and available. We do therefore unfortunately not have figures on them.	

Occupational collective agreement

Liittokohtainen/toimialakohtainen työehtosopimus	(Sectoral/union-specific) collective agreement
Actors – Signatory parties	
As per definition and regulation, one or several employers or employer organisations with one or several trade unions	
Level where it can be found	
This form of collective agreement can in principle be found in all sectors and company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Yes, the practice is pervasive. An important distinction made among this type of collective agreements is the division into generally applicable collective agreements (<i>yleissitova työehtosopimus</i>) and normally applicable collective agreements (<i>normaalisitova työehtosopimus</i>). Generally applicable collective agreements apply to all employers and employees in a sector. Normally applicable collective agreements only apply to employers organised in the signatory employer organisation, and their employees. A collective agreement is considered generally applicable when more than half of the employees in the sector work for employers who are signatories of the agreement. The general or normal applicability of the agreements is established by an independent Commission confirming the general applicability of collective agreements (<i>Työehtosopimuksen yleissitovuuden vahvistamislautakunta</i>). The Commission operates in connection with the Ministry of Social Affairs and Health.	
Statistics on the prevalence of the collective agreement and trends over time.	
Unfortunately not, as this type of agreement is merely a subtype of sectoral/union-specific collective agreements (see above) and is not monitored separately.	
Other aspects	
As noted above, this type of agreement is merely a subtype of sectoral/union-specific collective agreements (see above) that happens to apply to one specific occupational category only. The union may only organise this occupational category, or it may negotiate agreements specifically for this occupational category. However, conceptually there is no difference between other types of sectoral/union-specific agreements.	

France

National definition and regulation of collective agreements

Collective agreements are defined in the Labour Code. The [article L2231-1](#) stipulates that a collective agreement is an '*agreement concluded between*:

- *on the one hand, one or more representative trade union organisations within the scope of the collective agreement;*
- *on the other hand, one or more employers' organisations, or any other association of employers, or one or more employers individually*'.¹¹

The definition has been adapted in the framework of the reform of representativeness by the article 8 of the law of 20 August 2008 ([Loi n°2008-789 du 20 août 2008 - art. 8](#)).

The regulation of collective bargaining has been deeply changing in the past 5 years, with the aim to increase the decentralisation of collective bargaining.

- The law on employment securities of 14 June 2013 ([Loi n° 2013-504 du 14 juin 2013 relative à la sécurisation de l'emploi](#)), that implemented the landmark agreement on labour market reform signed by the social partners on 11 January 2013 (EurWork, [Landmark agreement paves the way for labour market reform](#), 2 April 2013), has increased the trend of decentralisation with the possibility to conclude collective agreement on job security (*accord de maintien de l'emploi*) on company-level that could derogate, *in pejus*, from sectoral-level agreements.
- The [Law no. 2016-1088](#) (loi 'Travail') that was adopted by the French parliament on 21 July 2016, includes important provisions on working time as they establish the precedence of company-level agreements over agreements at branch level. The decrees on the reform of working hours were published in the Official Journal on 19 November so that the new provisions could take effect on 1 January 2017. The principle is to grant precedence to company-level agreements – concluded between the employer and one or more representative trade unions that have received a majority of employees' votes in workplace elections – over industry-level agreements for most of the provisions relating to working hours (see EurWork, [France: New rules on working time enter into force](#), 25 January 2017).
- Finally, the most important change occurred with the labour law reform of September 2017. The Ordinance 2017-1385 ([Ordonnance du 22 septembre 2017 relative au renforcement de la négociation collective](#)), gives companies' agreements a central place in the system of collective bargaining. The reform concerns the interactions between sectoral and company-level agreements. Sectoral agreements become residual. Indeed, on the one hand specific topics are listed, on which sectoral agreements continue to prevail (e.g. minimum wages); on the other hand, an even more limited list is presented, of topics on which sectoral agreements have the opportunity to decide whether or not they prevail over company agreements. Sectoral agreements apply for all other matters only in the absence of companies' agreements. It means that for a large number of matters, company-level agreements

¹¹ Article L2231-1 La convention ou l'accord est conclu entre d'une part, une ou plusieurs organisations syndicales de salariés représentatives dans le champ d'application de la convention ou de l'accord;

d'autre part, une ou plusieurs organisations syndicales d'employeurs, ou toute autre association d'employeurs, ou un ou plusieurs employeurs pris individuellement.

will now prevail. Furthermore, the conclusion of company-level agreements are facilitated.

However, all the changes have no lead to modify the definition of collective agreement settled by the law on representativeness reform of 2008 figuring at [article L2231-1](#) of the Labour Code.

Mapping of different types of collective agreements

There are numerous kinds of collective agreements in France. The peak level agreement is concluded by the social partners representatives on national level. They can conclude 'National interprofessional Agreement' (Accord national interprofessionnel – ANI) that apply to their affiliates. In general, the content of an ANI is implemented through a law so that its provisions apply to all employees and all employers within the country.

The second level of collective bargaining is the sectoral-level where social partners negotiate National collective agreement (*convention collective nationale* - CCN) that will cover all aspect of the employment relation or professional agreements (*accord professionnel*) that will focus on a particular issue (reduction of working time, equal treatment, health insurance, professional training...). They also conclude addendum ('*avenant*') to their National collective agreement. Sometimes, social partners may also conclude collective agreement covering numerous branches (convention collective multi-branches) or only one territory, as for example in the metal industry, where there is no National collective agreement (excepted for engineers and managers) but only territorial agreements (mainly on a departmental or regional level). It is a pervasive practice that social partners asked the ministry of Labour to extend their collective agreement to all employers and all employees within their branch.

The third level of collective agreements is on company-level. The agreement can be concluded on company level (*accord d'entreprise*) but also on the group-level (*accord de groupe*) or the establishment (*accord d'établissement*). Such agreements exist also on the level of the social and economic unit (*Unité économique et sociale* – UES) that covers several companies (often separate companies belonging to the same owner) or on site level (*accord de site*) covering several companies located at the same place. In principle, such agreements cover the whole workforce, but in some companies, separate agreements may exist to cover some qualification (technicians, managers and engineers, or pilots, drivers...).

Articulation of collective agreements

The issue of articulation of collective agreements, between the sectoral-level (branch) and company-level, has been deeply changed by the recent labour law reform so that the following description is the new state of regulation that will apply from 1 January 2018.

The decentralisation of sectoral bargaining started from the early 1980s ('Auroux laws'), but the principle of favourability that forbids company agreements from providing less favourable provisions than higher-level agreements was maintained. This principle has been diluted through more recent reforms in 2004, 2008 and 2013. Since 2013 regulation, company agreements may under certain conditions negotiate temporary agreements that provide for lower pay rates in exchange for employment security.

Furthermore, with the labour law reform of 2016, the decentralisation of collective bargaining went a step further, as the law gives company-level agreements precedence over those at sectoral level or the law itself if the latter so provides. This reform has increased overtime payment adjustment through company-level agreement. These adjustments may be less favourable to the rate provided by the Labour code. This reversal is already provided for, since 1 January 2017, in connection with the legislation on working time (see EurWork, [France: New](#)

[rules on working time enter into force](#), 25 January 2017). It thereby establishes a decentralisation of collective bargaining.

The decentralisation movement has been considerably accelerated by the latest labour law reform of September 2017. The Ordinance 2017-1385 ([Ordonnance du 22 septembre 2017 relative au renforcement de la négociation collective](#)), gives companies' agreements a central place in the system of collective bargaining. The reform concerns the interactions between sectoral and company-level agreements. Sectoral agreements become residual. Indeed, on the one hand specific topics are listed, on which sectoral agreements continue to prevail (e.g. minimum wages); on the other hand, an even more limited list is presented, of topics on which sectoral agreements have the opportunity to decide whether or not they prevail over company agreements. Sectoral agreements apply for all other matters only in the absence of companies' agreements. It means that for many matters, company-level agreements will now prevail. It means also that company-level agreements may contain worse conditions than higher level collective agreements on many issues.

Furthermore, provisions of some company-level agreements aiming to maintain employment or to develop employment that may introduce working time or wages flexibilities, apply to all employees even if their employment contract includes different provisions. There is a primacy of the company-level agreement on the employment contract that could lead to increase working time without any financial compensation.

Types of collective agreements

National interprofessional agreement

Accord national interprofessionnel	National interprofessional agreement
Actors – Signatory parties	
<p>Only representative peak level organisations. In terms of national cross-sectoral representativeness, the second round of elections in 2017 has resulted in granting the status to all five unions that had been considered representative previously : the General Confederation of Labour (<i>Confédération générale du travail</i>, CGT); the French Democratic Federation of Labour (<i>Confédération française démocratique du travail</i>, CFTD); the General Confederation of Labour – Force ouvrière (<i>Confédération générale du travail – Force Ouvrière</i>, CGT-FO); the French Christian Workers' Confederation (<i>Confédération française des travailleurs chrétiens</i>, CFTC); and the French Confederation of Professional and Managerial Staff – General Confederation of Professional and Managerial Staff (<i>Confédération française de l'encadrement – confédération générale des cadres</i>, CFE-CGC).</p> <p>For the first time, in April 2017, support for employer organisations was measured at national and interprofessional level. This determines which organisations will be representative for the next four years. The decisive criterion for assessing the representativeness of an employer organisation is whether it crosses the 8% threshold of either the number of companies belonging to all the employer organisations, or the number of employees employed by the same organisation at national / interprofessional level. According to the results at the national and interprofessional level the three employer organisations considering as representative are as follow: Movement of French Enterprises (Medef); Confederation of Small and Medium-sized employers (CPME) and Union of local businesses (U2P).</p>	
Level where it can be found	
Such agreements cover the whole private sector.	

Do these collective agreements usually include agreements on wage levels and/or increases?
No
Which other topics are usually regulated within this type of agreement?
<p>Virtually everything related to the employment relation: unemployment insurance (Eurwork, France: Social partners agree changes to unemployment insurance scheme, 19 June 2017); compulsory supplementary pension schemes (EurWork, France: Agreement signed to protect compulsory supplementary pension schemes, 16 February 2016); vocational training (EurWork, Social partners agree vocational training reforms, 9 March 2014)</p> <p>The legislation contains public order measures that can't be changed by any kind of collective bargaining, as for example the national minimum wage or trade unions' rights. According to article L2251-1 of the Labour code, 'an agreement may contain stipulations more favourable to employees than the legal provisions in force', but 'they can't derogate from provisions which are of a public order'.</p>
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
<p>Not expressly, but a National Interprofessional Agreement have to respect the Constitutions, Fundamental rights and the legislation. Social partners may agree on provisions that will need to change the legislation. Therefore, the legislator has to propose a draft bill to the parliament to change the legislation before the concerned provision of the National Interprofessional Agreement can enter into force.</p>
Extension to non-signatory parties
Yes this practice is pervasive. In some case, the content of the ANI is implemented by law.
Statistics on the prevalence of the collective agreement and trends over time.
<p>Each year the number of ANI concluded on interprofessional level figures in the Annual Assessment of Collective Bargaining (Bilan annuel de la négociation collective). For the last three years, the number of ANI concluded on national level are 1 in 2016, 5 in 2015 and 2 in 2014.</p>
Other aspects
<p>Interprofessional agreements exist also on territorial level, i.e. on the unemployment scheme in the island of Mayotte, on Sunday and evening work in the touristic area of Vallée Village (a commercial mail located in the Parisian region). Including the agreement concluded on national level described above, the number of interprofessional agreements reached 29 in 2016, 52 in 2015 and 28 in 2014. Since 2010, this number fluctuates between 30 and 50 per year.</p>

Branch-level agreement

Accord de branche	Branch-level agreement
Actors – Signatory parties	
<p>Only representative organisations on branch-level, according to the second round of workplace elections published in 2017. To be deemed representative and, as a result to be able to conclude agreements, trade unions have to reach the thresholds fixed by law: at least 8% of the vote in workplace elections within a sector or branch.</p> <p>For the first time, in April 2017, support for employer organisations was measured at the level of professional branches. This determines which organisations will be representative for the next four years in each branch. The decisive criterion for assessing the representativeness of an employer organisation is whether it crosses the 8% threshold of either the number of companies belonging to all the employer organisations, or the number of employees employed by the same organisation at professional level.</p>	
Level where it can be found	
<p>The concept of ‘accord de branche’ covers several kind of branch level agreements (LC, art. L2232-5):</p> <ul style="list-style-type: none"> • Convention collective nationale (CCN)/national collective agreement: there provisions will cover the whole aspect of the employment relation; • Accord professionnel (professional agreement), accord de branche (branch-level agreement), avenant à la convention collective nationale (addendum to the National collective agreement): these agreements mainly cover a specific issue, as professional training or wages. • Accord multibranches (multi-branche-level agreements): these agreement mainly focus on a specific issue that is common to several branches, so that social partners negotiate a single agreement for several branches. <p>All these branch-level agreement exist in all sectors of the private sector. They can be concluded on national, regional or local level.</p>	
Do these collective agreements usually include agreements on wage levels and/or increases?	
<p>In principle, the pay scales is fixed by a Sectoral collective agreement, mainly concluded on national level, and the wages by an addendum (<i>avenant</i>) to the Sectoral collective agreement.</p>	
Which other topics are usually regulated within this type of agreement?	
<p>Virtually everything related to the employment relation: unemployment insurance (Eurwork, France: Social partners agree changes to unemployment insurance scheme, 19 June 2017); compulsory supplementary pension schemes (EurWork, France: Agreement signed to protect compulsory supplementary pension schemes, 16 February 2016); vocational training (EurWork, Social partners agree vocational training reforms, 9 March 2014)</p>	
<p>Virtually everything related to the employment relation and working conditions (LC, article 2232-5-1). By law (LC, article 2253-1), there are 13 topics that can be regulated by branch-level agreement that will prevail on company-level agreements, excepted if the company-level agreement offers ‘guarantees at least equivalent’ (which is a new and unclear concept). Among the 13 topics are especially : minimum wages; pay scales; pooling of paritarism funds; pooling of vocational training funds; supplementary social protection schemes; some aspects of working time ; some provisions about the use of short-term</p>	

employment contract; the use of the ‘construction’ permanent employment contract (a permanent employment contract that ends automatically when a construction site ends); gender equality; renewal of a trial period; transfer of employment contract in case of transfer of undertaking.

There is a second block of topics ([LC, article L2253-2](#)) where company-level concluded after the branch-level agreement can’t derogate to the branch-level agreement, if the later expressly forbid any derogation. However, the company-level agreement may forecast different provisions only if they offer ‘guarantees at least equivalent’. The topics are as follow: 1/ Prevention of exposure to occupational risk factors; 2/ Inclusion and maintain in employment of disabled workers; 3/ The number of employees from which union delegates can be appointed, their number and the valuation of their union career; 4/ Bonuses for dangerous or unhealthy work.

The third block ([LC, article L2253-3](#)) mentions that for all other topics that are not mentioned in the two first blocks, company-level agreements may derogate to the provisions of branch-level agreements. But these provisions still apply on company-level if there is no company-level agreement.

The legislation contains public order measures that can’t be changed by any kind of collective bargaining, as for example the national minimum wage or trade unions’ rights. According to article L2251-1 of the Labour code, ‘an agreement may contain stipulations more favourable to employees than the legal provisions in force’, but ‘they can’t derogate from provisions which are of a public order’.

Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,

Not expressly, but branch-level agreements have to respect the Constitutions, Fundamental rights and the legislation (that can however forecasts that branch-level agreements may derogate from legislation).

Extension to non-signatory parties

It is a pervasive practice to extend such agreements.

Statistics on the prevalence of the collective agreement and trends over time.

According to the Annual Assessment of Collective Bargaining ([Bilan annuel de la négociation collective](#)), 532 National collective agreements (Convention collective nationale) were recorded on March 2017. About 1.5 million of companies are covered by such agreements employing about 15.3 million of employees. Over the years, between 64% and 75% of branch level agreement have a national scope, the remain a regional or local scope. About 10% of branch-collective agreement are concluded on local level and 19% on regional level. About 400 to 600 territorial agreements are concluded each on wage issues.

Group-level agreement

Accord de groupe	Group-level agreement
Actors – Signatory parties	
Only representative organisations in the scope of the agreement, according to the results of workplace elections that are held every 4 years on company-level. To be deemed representative and, as a result to be able to conclude agreements, trade unions have to	

reach the thresholds fixed by law: at least 10% of the vote in workplace elections within the scope of the agreement.
Level where it can be found
In large companies (as for example: EurWork, France: First company-level agreement on digital transformation signed at Orange , 13 January 2017; EurWork, Agreement to improve working life at La Poste , 19 March 2013)
Do these collective agreements usually include agreements on wage levels and/or increases?
Yes, even if it not usual. In some groups, wages are fixed through group-level agreements. But this level is more used to fix additional financial scheme as financial participation (<i>intéressement, participation</i>), financial saving scheme (<i>plan d'épargne d'entreprise</i>), some bonus, time saving accounts...
Which other topics are usually regulated within this type of agreement?
Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country, but mainly general topics applying to all employees within the group (vocational training, quality of life, reorganisation, financial participation, unions' rights, aspect relating to health and well-being at work; teleworking; aspects regulating employee representation; pensions; sickness benefits...).
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
Not expressly, but group-level agreements have to respect the Constitutions, Fundamental rights and the legislation (that can however forecasts that branch-level agreements may derogate from legislation). By law (LC, article 2253-1), there are 13 topics that can be regulated by branch-level agreement that will prevail on group-level agreements, excepted if the group-level agreement offers 'guarantees at least equivalent' (which is a new and unclear concept). Among the 13 topics are especially: minimum wages; pay scales; pooling of paritarism funds; pooling of vocational training funds; supplementary social protection schemes; some aspects of working time; some provisions about the use of short-term employment contract; the use of the 'construction' permanent employment contract (a permanent employment contract that ends automatically when a construction site ends); gender equality ; renewal of a trial period ; transfer of employment contract in case of transfer of undertaking. There is a second block of topics (LC, article L2253-2) where group-level concluded after the branch-level agreement can't derogate to the branch-level agreement, if the later expressly forbid any derogation. However, the group-level agreement may forecast different provisions only if they offer 'guarantees at least equivalent'. The topics are as follow: <ol style="list-style-type: none"> 1. Prevention of exposure to occupational risk factors; 2. Inclusion and maintain in employment of disabled workers; 3. The number of employees from which union delegates can be appointed, their number and the valuation of their union career; 4. Bonuses for dangerous or unhealthy work. The third block (LC, article L2253-3) mentions that for all other topics that are not mentioned in the two first blocks, group-level agreements may derogate to the provisions

of branch-level agreements. But these provisions still apply on group-level if there is no group-level agreement.
Extension to non-signatory parties
No.
Statistics on the prevalence of the collective agreement and trends over time.
No statistic on group level agreements.
Other aspects
Group-level agreements were created by the law of 4 May 2004 even if social partners have started to negotiate such agreements in the 80'. The law of 8 August 2016 has changed the legal framework of group-level agreements that can now be concluded to accomplish one of the company-level compulsory negotiation, and derogate from a branch-level agreement. Provisions of a group-level agreement, if the social partners decide so, may prevail to the provisions of the company- or establishment level agreements within the group.

Companies-level agreement

Accord inter-entreprises	Companies-level agreement
Actors – Signatory parties	
Only representative organisations in the scope of the agreement, according to the workplace elections held every four years. To be deemed representative and, as a result to be able to conclude agreements, trade unions have to reach the thresholds fixed by law: at least 10% of the vote in workplace elections within the scope of the agreement.	
Level where it can be found	
On local level (municipality, site, commercial mail).	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country, but it is currently used to regulate Sunday work and evening work in the framework of the recent law of 6 August 2015 that set up 'International touristic areas' where collective agreement can be concluded to allow Sunday work and the related compensation for employees.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Not expressly, but multi-companies agreements have to respect the Constitutions, Fundamental rights and the legislation (that can however forecasts that branch-level agreements may derogate from legislation). See below for 'company-level' agreements	

Extension to non-signatory parties
Potentially feasible, but the aim is to cover the whole company within the same place through a unanimous agreement so that extending is not needed.
Statistics on the prevalence of the collective agreement and trends over time.
No data.

Company-level agreement

Accord d'entreprise/ accord d'établissement	Company-level agreement
Actors – Signatory parties	
Only representative organisations in the scope of the agreement, according to the round of workplace elections held every 4 years on company-level. To be deemed representative and, as a result to be able to conclude agreements, trade unions have to reach the thresholds fixed by law: at least 10% of the vote in workplace elections within the scope of the agreement.	
Level where it can be found	
Only in the private sector and mainly on companies with over 50 employees which is the threshold for unions to appoint a shop steward able to negotiate collective agreements with the employer (however, company-level agreements can also be concluded when there is no shop steward, with employees representatives or by referendum).	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
<p>By law (LC, article 2253-1), there are 13 topics that can be regulated by branch-level agreement that will prevail on company-level agreements, excepted if the company-level agreement offers 'guarantees at least equivalent' (which is a new and unclear concept). Among the 13 topics are especially: minimum wages; pay scales; pooling of paritarism funds; pooling of vocational training funds; supplementary social protection schemes; some aspects of working time; some provisions about the use of short-term employment contract; the use of the <i>construction</i> permanent employment contract (a permanent employment contract that ends automatically when a construction site ends); gender equality ; renewal of a trial period ; transfer of employment contract in case of transfer of undertaking.</p> <p>There is a second block of topics (LC, article L2253-2) where company-level concluded after the branch-level agreement can't derogate to the branch-level agreement, if the later expressly forbid any derogation. However, the company-level agreement may forecast different provisions only if they offer 'guarantees at least equivalent'. The topics are as follow:</p> <ol style="list-style-type: none"> 1. Prevention of exposure to occupational risk factors; 2. Inclusion and maintain in employment of disabled workers; 3. The number of employees from which union delegates can be appointed, their number and the valuation of their union career; 	

4. Bonuses for dangerous or unhealthy work.
The third block (LC, article L2253-3) mentions that for all other topics that are not mentioned in the two first blocks, company-level agreements may derogate to the provisions of branch-level agreements. But these provisions still apply on company-level if there is no company-level agreement.
Not expressly, but company-level agreements have to respect the Constitutions, Fundamental rights and the legislation (that can however forecasts that company-level agreements may derogate from legislation).
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
See above about the topic usually negotiated on this level.
Extension to non-signatory parties
No.
Statistics on the prevalence of the collective agreement and trends over time.
According to the Annual Assessment of Collective bargaining (Bilan annuel de la négociation collective) published by the Ministry of Labour, about 71,028 company-level agreement have been signed in 2016 including 42,231 signed with a trade union, elected employees' representatives or a staff delegate appointed by a trade union for the purpose of the collective bargaining. The number of agreements concluded with elected employees' representatives have increased in 2016 (+28.2%). 15,431 were adopted through a referendum (manly agreements on financial participation) and 13,366 recorded as company-level agreement were in fact unilateral decision of the employer.
Other aspects
According to the Annual Assessment of Collective bargaining (Bilan annuel de la négociation collective) published by the Ministry of Labour, the main topics regulated in 2016 were: pay and bonuses (in 35% of the whole number of company-level agreement concluded with at least one trade union representative); working time (24%); financial participation (24%) ; employment issues (10%); gender equality (10%); supplementary health or pension insurance (8%), unionism and information and consultation rights (9%) ; working conditions (3%), vocational training (1%); and classification (1%).

Economic and social units' agreement

Accord d'Unité économique et sociale	Economic and social units' agreement
Actors – Signatory parties	
Only representative organisations in the scope of the agreement, according to the workplace elections held every 4 years in the different companies forming an Economic and social unit. To be deemed representative and, as a result to be able to conclude agreements, trade unions have to reach the thresholds fixed by law: at least 10% of the vote in workplace elections within the scope of the agreement.	
Level where it can be found	

Such agreement applies to employees of private sectors' companies that have no legal link between them but are belonging to the same owner. They can be found on national, regional or local level.
Do these collective agreements usually include agreements on wage levels and/or increases?
No
Which other topics are usually regulated within this type of agreement?
Virtually everything – i.e. the full scope of topics that can be addressed by company-level agreements (see above).
Same than company-level agreements (see above).
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
Same than company-level agreements (see above).
Extension to non-signatory parties
No
Statistics on the prevalence of the collective agreement and trends over time.
No data.

Atypical agreements

Accord atypique	Atypical agreements
Actors – Signatory parties	
The normal channel of collective bargaining is to negotiate with trade unions. However, in some companies, employers may conclude an agreement with the elected employees representative or the work council, that do not have in principle a power of negotiation. However, such agreement exist. By law, for some issues as financial participation, but also by practice, for different issues generally dealt with trade union. By case law, such agreement are considering as an unilateral commitment of the employer.	
Level where it can be found	
Such agreement applies to employees of private sectors' companies, mainly in SMEs where trade unions are not implemented.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
Same than company-level agreements (see above).	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Same than company-level agreements (see above).	

Extension to non-signatory parties
No
Statistics on the prevalence of the collective agreement and trends over time.
No data.
Other aspects
Such agreement cannot reduce the employees' rights provided by the law or collective agreements concluded with trade unions.

Germany

National definition and regulation of collective agreements

The source is the Collective Agreements Act from 1949 (Tarifvertragsgesetz, [TVG](#)). The TVG is framed by the Basic Law (Grundgesetz, [GG](#)) from the same year which stipulates the right to form associations to safeguard and improve working and economic conditions.

The TVG spells out which associations may conclude treaties of legally binding nature.

Art 1 of the TVG states the following (my translation, an official English translation is not available):

The collective agreement sets out the rights and duties of the collective bargaining parties and contains legal standards which may regulate the content, the settling and the termination of an employment relation as well as open questions regarding operational and works constitutional matters.

Note that the German wording is 'betriebliche und betriebsverfassungsrechtliche Fragen'. Betriebsverfassungsrechtlich refers to the Works Constitution Act (Betriebsverfassungsgesetz, BetrVG), the word '*betrieblich*' is difficult to catch in meaning and not easy to translate. It implies that the agreements may deal with issues touching on the internal operation of the establishment.

Under the Art. 77 Works Constitution Act (Betriebsverfassungsgesetz, [BetrVG](#)), the works council and the employer of an establishment may negotiate and conclude a works agreement (*Betriebsvereinbarung*). Remuneration or other matters typically dealt with in collective agreements are not allowed to be addressed. Works agreements typically deal with working time, health and safety, leave (see below for more information). The works agreement is binding for the establishment.

A different legal status applies to collective agreements and work agreements. The term collective agreement (*Tarifvertrag*) only applies to agreements concluded by trade unions.

Mapping of different types of collective agreements

German legislation knows two types of agreement: The collective agreement concluded by employer organisations and trade unions and the works agreement concluded by the works council and the employer at establishment level. As regards collective agreements the main distinction is between collective agreements covering numerous employers and those covering just one. The terms Flächen- or Branchentarifverträge (regional or sectoral agreements) both describe the former, the term Haustarifvertrag the latter. We suggest to also consider 'extended agreements' (allgemeinverbindlich erklärte Tarifverträge) which are the only ones which actually cover all establishments. Agreements concluded by the works council and the single employer at establishment level are covered by the Works Constitution. Civil servants are not covered by the TVG. They may join a trade union, but the trade union is not allowed to bargain on their behalf. Civil servants receive an alimentation, not a salary. The level and rise of the alimentation is unilaterally determined by the public employer after consulting the trade unions.

Workers working in establishments and organisations of the Catholic and Protestant Church are not covered by labour law and the TVG but by Church law and the works guidelines (my translation, Arbeitsvertragsrichtlinien) set up by the individual employers of the [Protestant](#) and the [Catholic church](#) (links give the AVR of Diakonie and Caritas, there are no sectoral AVR). Under Church law collective bargaining and industrial action for reaching an agreement is not allowed. The AVR for individual organisations are set up by a bipartite AVR commission comprising an equal number of representatives from the employer side and from the worker

side. The public sector collective agreement reached by the Association of Municipal Employers VKA and the United Services Union ver.di (and other trade unions) is taken for reference. The AVR play a major role in the care sector. The AVR Caritas covers 24,500 establishments and 620,000 Workers.

Articulation of collective agreements

Under law a hierarchy of levels between collective agreements is the exception from the rule and can only be set in place at company-level.

An amendment to the TVG introduced in 2015 (Act on Collective Agreement Unity, [Tarifeinheitsgesetz](#)) stipulates that in case of concurrence between various collective agreements applicable to the same group of workers and in case the competing trade unions do not solve their conflict, only the collective agreement of the trade union with the most members in the company shall be applicable. Reacting on complaints by several trade unions, in July 2017 the Constitutional Court [decided](#) that the reform does not breach the Basic Law but has to be modified for better clarifying the rights of the minority unions.

However, hierarchies between collective agreements have developed in result of practices by the bargaining parties. The standard form of hierarchy is the framework agreements (*Manteltarifvertrag*) which sets up standards which will stay in place for a longer period of time, such as the conditions and terms of employment relations, pay scales, sickness leave and holidays. A framework agreement is supplemented with agreements of shorter duration (typically one to 2.5 years) on remuneration.

In the public sector one agreement covers most of the workers and supplementary agreements modify this agreement to fit to a particular sector or setting. For example, the public sector agreement package concluded by the Association of Municipal Employers VKA and the United Services Unions ver.di (and others) comprises the TVöD (*Tarifvertrag öffentlicher Dienst*) plus seven extra TVöD agreements on hospitals, social care, airports, a.o.. The latter contain modifications on pay and working time.

The third type of hierarchy is created by opening clauses which allow that under certain conditions (i.e. for supporting and safeguarding the business) single-employer collective agreement or works agreements may derogate from the sectoral collective agreement. Opening clauses typically provide options regarding working time regulation at the company/establishment level but are also increasingly used for settling wages at company level (collective agreement agreed by a trade union) or establishment level (works council in support of trade union). The decentralisation of collective bargaining.

Types of collective agreements

Collective agreement

Tarifvertrag	Collective agreement
Actors - Signatory parties	
Trade unions, employer organisations and single employers only	
Where can this form of collective agreement in principle be found?	
In all economic sectors, al local, regional or national level. Excluded: Establishments and NGO covered by Church Law.	
Do these collective agreements usually include agreements on wage levels and/or increases?	

Yes
Which other topics are usually regulated within this type of agreement?
It becomes increasingly difficult to generalise. Under the heading of demographic changes, aging of the workforce and labour shortage, In the core zones of the IR system (chemical, steel, metal and electrical, financial services) the issues broaden and more qualitative aspects are addressed aside of quantitative issues. This is to say: wages, working time, early retirement and pension funds plus further training, workplace health, working time arrangements and leave regulations. On the other side in many other sectors any collective bargaining at all is difficult and only wages and working time are settled.
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
The scope of collective agreements settled by trade unions and employer organisations or single employers is not defined by law. The Works Constitution Act restricts negotiations and works agreements at establishment level to aspects not addressed in collective bargaining. Agreements on remuneration are explicitly excluded unless there is a respective opening clause in a collective agreement.
Extension to non-signatory parties
Only collective agreements can be extended. Works agreements cannot be extended. Under the TVG and also under the Posted Workers Directive (Arbeitnehmerentendegesetz, AentG) collective agreements can be extended to non-signatory parties if the two bargaining parties agree to an extension, the bipartite sectoral collective bargaining commission asks the labour minister to extend the sectoral agreement and the labour minister (at national level or at level of the Laender) finds an extension in public interest. The requirement 'in public interest' was introduced to the TVG in 2014 and substitutes the former requirement of a 50% coverage rate of the to-be-extended sectoral agreement. 'In public interest' is interpreted as meaning that the to-be-extended agreement has a strong influence in the sector and that extension serves the safeguarding and protection against downward trends of the economic sector and its workers (reference to the Basic Law and to the task of associations to serve the safeguarding and development of economic and social life).
Statistics on the prevalence of the collective agreement and trends over time.
The Federal Labour Ministry holds quantitative data on the overall number of collective agreements and on the number of extended agreements. Moreover, the labour ministries of the 16 federal states hold data on agreements concluded in their state. The Federal Statistical Office holds a collective agreement data base (Tarifdatenbank). Furthermore, the Collective Bargaining Archive of the Institute of Economic and Social Research (WSI) of the HansBoeckler-Foundation holds the archive of the collective agreements concluded by the affiliates of the German Confederation of Trade Unions DGB.
Are there any other aspects worth mentioning in relation to this type of agreement?
Please be aware that in an unknown number of sectors and companies and sectors the application of collective agreements is not binding to the member companies of the employer organisation which settled the agreement. Employer organisations may offer membership without binding obligation to set the agreement in force in the establishments (oT -Mitgliedschaft, ohne Tarifbindung) Data is not available

Greece

National definition and regulation of collective agreements

The basic provisions for collective bargaining are contained in Law 1876/1990 ('Free collective bargaining and other provisions'). This law has been amended many times since Greece entered the Financial Stability Mechanism and the Greek government adopted reforms laid down in the Memorandums of Understanding between Greece and the Institutions (the European Commission, the ECB and the IMF). The main laws amending Law 1876/1990 are:

Law 3986/2011, Article 42(7) of which expanded the content of company-level collective employment agreements to include the definition of working time management systems,

Law 4024/2011, Article 37(1) of which gave associations of persons the power to conclude collective employment agreements,

and Laws 4093/2012 and 4254/2014, which removed the setting of the national minimum wage from the scope of the national general collective employment agreement (EGSSE) and recognised the 'statutory minimum wage', while at the same time stipulating that the wage conditions of the EGSSE only apply if employers are members of associations that are contracting parties to the EGSSE.

Mapping of different types of collective agreements

The types of collective employment agreements are described in Law 1876/1990 (Article 3) and are:

1. National general collective employment agreements (EGSSE), concerning employees throughout Greece.
2. Sectoral collective employment agreements, concerning employees from most similar or related establishments or enterprises in a particular city or region or throughout the country.
3. Company-level collective employment agreements, concerning employees of an establishment or enterprise.
 - d. Occupational collective employment agreements concerning employees in a particular profession and related job specifications throughout the country.

The law does not provide a special category of collective employment agreements for groups of companies. It is accepted (although in theory the opposite view has also been expressed) that it is not possible to sign a single collective employment agreement for a whole group of companies. However, if the group's companies are similar, it is possible to sign a sectoral agreement covering most or all its companies.

Only employees with private-law employment contracts have the right to conclude collective employment agreements. Public sector employees do not have the right to collective bargaining and the right to conclude collective employment agreements either under the Constitution or by law.

Articulation of collective agreements

Under Article 10 of Law 1876/1990, if the employment relationship is regulated by more than one collective employment agreement, that which is most favourable for the employees applies. The comparison and selection of provisions takes place in the following sections: a) Wages section, b) Other issues. A sectoral or company-level collective employment agreement prevails in the event of an overlap with an occupational collective employment agreement. The new paragraph added to Article 10 of Law 1876/1990 stipulates that as long

as the Medium-term Fiscal Strategy Framework continues to apply, i.e. for the years 2012 and onwards, the company-level collective employment agreement prevails in the case of overlap with a Sectoral agreement, even if it contains worse working conditions for employees. Thus, the company-level collective employment agreement always prevails as long as it does not contain worse working conditions for employees than those of the applicable National General Collective Employment Agreement.

Types of collective agreements

National General Collective Employment Agreement

Εθνική Γενική Συλλογική Σύμβαση Εργασίας	National General Collective Employment Agreement
Actors – Signatory parties	
Under Article 3(3) of Law 1876/1990, national general collective employment agreements are concluded by tertiary employee organisations and employers’ organisations that are recognised as national or broadly representative. Specifically, the EGSSE is signed on behalf of the workers by the Greek General Confederation of Labour (GSEE) and on behalf of employers by the Hellenic Federation of Enterprises (SEV), the Hellenic Confederation of Professionals, Craftsmen & Merchants (GSEVEE), the Hellenic Confederation of Commerce and Entrepreneurship (ESEE), and the Association of Greek Tourist Enterprises (SETE).	
Level where it can be found	
National level.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Traditionally, the main role of the EGSSE was to determine the minimum wage for all employees on private-law contracts throughout the country, which had the force of law, irrespective of whether they or their employers were members of the organisations which were contracting parties to the EGSSE. After Greece entered the Financial Stability Mechanism, Law 4093 of 2012 implementing the memorandums abolished the possibility of regulating the minimum national wage with universal effect through the EGSSE, and the ‘legislatively set legal minimum wage’ was introduced. Thus, under Article 8(1) of Law 1876/1990, as replaced by sub-paragraph IA 11 indent 1, 2a of Law 4093/2012 (Government Gazette A 222 / 12.11.2012) and by Article 103 of Law 4172/2013, as amended by paragraph 2 of subparagraph IA6 of the first article of Law 4254/2014 (Government Gazette A 85), it is now stipulated that national general collective employment agreements define the minimum non-wage working conditions that apply to employees throughout the country. Basic salaries, basic wages, any kind of increases to them and any other pay conditions in general apply only to employees working for employers who belong to the contracting employers’ organisations and are not permitted to fall below the legal statutory minimum wage and salary. In other words, under the new system, the institutional terms of the EGSSE have the force of law and of necessity apply to individual private-law employment contracts throughout the country, irrespective of whether or not the contracting employee and the contracting employer are members of the workers’ and employers’ organisations that signed the EGSSE. By contrast, the salary terms of the EGSSE apply only to individual employment contracts of employees whose employers belong to employers’ organisations that are parties to the EGSSE. The national minimum wage will be set by the Government following consultations with the social partners and other stakeholders. Thus, the last EGSSE to lay down a minimum wage was the 2010 EGSSE.	

Which other topics are usually regulated within this type of agreement?
Virtually everything. Recent EGSSEs cover issues such as undeclared work, combating discrimination in the workplace, the regulation of health and safety at work (2017 EGSSE), refugee/immigrant issues, the incorporation of the 'European Framework Agreement on inclusive labour markets' into the Greek legal framework (EGSSE 2016), the implementation of joint actions with the International Labour Organisation, parental leave for childcare (EGSSE 2014), and the marriage allowance (EGSSE 2013)
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
Under Article 2 of Law 1876/1990, pension issues are expressly excluded from the regulatory scope of the collective agreements. Pension issues which may not be covered by a collective labour agreement include any direct or indirect change of the relationship between an employee's and an employer's premium, the transfer of all or part of the burden of regular contributions or contributions for the recognition of service from the one to the other, as well as the establishment of special funds or accounts granting periodic pension benefits or a lump sum paid by the employer.
Extension to non-signatory parties
Under Article 8(1) of Law 1876/1990, as amended by Law 4093/2012, by Law 4172/2013, and by Law 4254/2014, national general collective employment agreements define the minimum non-wage working conditions that apply to employees throughout the country. Basic salaries, basic wages, any kind of increases to them and any other pay condition in general apply only to employees working for employers who belong to the contracting employers' organisations and are not permitted to fall below the legal statutory minimum wage and salary. These employees include those with a private-law employment relationship in the public sector, legal entities governed by public law and local authorities. Therefore, the non-salary working conditions laid down in the EGSSE apply automatically (and have the force of law) for all the private-law labour contracts in the country.
Statistics on the prevalence of the collective agreement and trends over time.
In its modern form, the EGSSE has been signed every one or two years since 1990.

Sectoral collective employment agreements

Κλαδικές συλλογικές συμβάσεις εργασίας	Sectoral collective employment agreements, at national or local level
Actors – Signatory parties	
Sectoral agreements are concluded by primary or secondary trade union organisations covering employees in similar or related enterprises in the same sector, regardless of profession or job specification, and by employer organisations. The capacity to conclude the collective employment agreement belongs to the most representative trade union organisation in the field where the agreement applies. A criterion of representativeness is the number of employees who voted in the most recent elections for the union's executive council.	
Level where it can be found	
Sectoral collective employment agreements refer to several employers in the same sector (for example, food, banking, hotels, metal, etc).	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything.	

Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
Under Article 2 of Law 1876/1990, pension issues are expressly excluded.
Extension to non-signatory parties
Under Article 11 of Law 1876/1990, the Minister of Labour may, on the advice of the Supreme Labour Council, decide to extend a collective employment agreement which is already binding on employers of 51% of employees in the sector or profession, declaring it mandatory for all employees in the sector or profession. In the past, sectoral collective employment agreements were often extended by decision of the Minister of Labour. Under Article 37(6) of Law 4024/2011 implementing the Memorandums, the above arrangement was suspended for as long as the Medium-term Fiscal Strategy Framework applies. Therefore, since 2011 there has been no possibility of extending collective employment agreements by ministerial decision, a situation which will continue for as long as the Medium-term Framework applies.
Statistics on the prevalence of the collective agreement and trends over time.
Until Greece entered the Financial Stability Mechanism, there were many sectoral collective employment agreements, numbering 200 together with occupational collective employment agreements. These collective employment agreements were renewed every 1 or 2 years. For a general overview, a list is available here: http://www.omed.gr/el/sylogikes-rythmiseis This picture changed greatly after the collective bargaining system was reformed with the implementation of the Memorandums: In 2017, 13 sectoral/occupational collective agreements were signed, such one for electricians employed in hotels throughout the country, workers and employees in the cement industry, employees in travel and tourism agencies, hotel staff on the island of Rhodes, employers in tobacco companies throughout the country, and others. The list of collective agreements signed in 2017 is here: http://www.ypakp.gr/
Other aspects
In practice, it has always been difficult to make a distinction between occupational and sectoral collective employment agreements, which has created several problems. Significantly, even in the Ministry of Labour's annual list of collective agreements, there is one list for sectoral and occupational collective agreements together.

Company-level collective employment agreements

Επιχειρησιακές συλλογικές συμβάσεις εργασίας	Company-level and enterprise-level collective employment agreements
Actors – Signatory parties	
Under Article 3(5) of Law 1876/1990, company-level collective agreements are concluded, in order of priority, by trade unions covering employees in the enterprise, or, if there is no trade union in the enterprise, by an association of persons, regardless of category, position or job specification of the employees in the enterprise and, if they do not exist, by the respective primary organisations in the sector and by the employer. The above association of persons is constituted by at least three-fifths (3/5) of the employees in the enterprise, irrespective of the total number of employees, and is not time-limited. If, after an association of persons is established, it ceases to consist of the required three-fifths (3/5) of the employees in the company, it is dissolved without any further formality. If the two previous organisations do not exist, the company-level collective employment agreement may be concluded by the respective primary employees' organisations in the sector and by the employer or the employer's representatives.	

Level where it can be found
In every enterprise or establishment.
Do these collective agreements usually include agreements on wage levels and/or increases?
Yes.
Which other topics are usually regulated within this type of agreement?
Company-level collective employment agreements are usually concerned with wage issues (allowances, pay scales, etc.), leave issues (parental leave, wedding leave, child care leave, etc.), working time (the length of a working day, breaks, overtime, system of settlement for working time, etc.), health and safety at work (work uniforms, occupational physician, etc.) working conditions (teleworking, etc.).
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
Under Article 2 of Law 1876/1990, pension issues are expressly excluded.
Extension to non-signatory parties
The terms of company-level collective employment agreements apply automatically to all employees of the enterprise or establishment, regardless of whether they are members of the contracting trade union organisation.
Statistics on the prevalence of the collective agreement and trends over time.
Company-level collective employment agreements have been recorded by the Ministry of Labour since 2010. From the Ministry of Labour's list of company-level collective agreements, a large increase in their number can be observed since 2012. In 2012, 976 company-level collective employment agreements were recorded, compared to 131 in 2011. For a complete list of company-level collective employment agreements since 2010, see here: http://www.ypakp.gr/

Occupational collective employment agreements

Ομοιοεπαγγελματικές συλλογικές συμβάσεις εργασίας	Occupational collective employment agreements, at national or local level
Actors – Signatory parties	
National occupational collective agreements are concluded on behalf of employees by national secondary or primary occupational trade unions. National occupational collective agreements are concluded on behalf of employers by broadly representative or national employers' organisations. Local occupational collective agreements are concluded by local secondary or primary occupational trade unions and employers' organisations.	
Level where it can be found	
Occupational collective employment agreements concern employees in a particular profession and related job specifications.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
Virtually everything.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	

Under Article 2 of Law 1876/1990, pension issues are expressly excluded.
Extension to non-signatory parties
Under Article 11 of Law 1876/1990, the Minister of Labour may, on the advice of the Supreme Labour Council, decide to extend a collective employment agreement which is already binding on employers of 51% of employees in the sector or profession, declaring it mandatory for all employees in the sector or profession. In the past, the extension of sectoral collective employment agreements by decision of the Minister of Labour was a frequently used tool. Under Article 37(6) of Law 4024/2011 implementing the Memorandums, the above arrangement was suspended for as long as the Medium-term Fiscal Strategy Framework applies. Therefore, since 2011 there has been no possibility of extending collective employment agreements by ministerial decision, a situation which will continue for as long as the Medium-term Framework applies.
Statistics on the prevalence of the collective agreement and trends over time.
Until Greece entered the Financial Stability Mechanism, there were many occupational collective employment agreements, numbering 200 together with sectoral collective employment agreements. For a general overview, a list is available here: http://www.omed.gr/el/sylogikes-rythmiseis . This picture changed greatly after the collective bargaining system was reformed with the implementation of the Memorandums: In 2017, 13 sectoral/occupational collective agreements were signed, such as one for electricians employed in hotels throughout the country, workers and employees in the cement industry, employees in travel and tourism agencies, hotel staff on the island of Rhodes, employers in tobacco companies throughout the country, and others. The list of collective agreements signed in 2017 is here: http://www.ypakp.gr/
Other aspects
In practice, it has always been difficult to make a distinction between occupational and sectoral collective employment agreements, which has created several problems. Significantly, even in the Ministry of Labour's annual list of collective agreements, there is one list for sectoral and occupational collective agreements together.

Hungary

National definition and regulation of collective agreements

The notion of collective agreement is regulated by the [Labour Code \(Act I of 2012\)](#). Based on this (Par. 276), a collective agreement can be concluded by an employer, an employer organisation (based on the authorisation of its members), and a trade union or trade union confederation.

The trade union has the right to conclude a collective agreement in case it represents at least 10% of the workers employed at the given employer/enterprise. An important rule is that one employer can conclude only one collective agreement, thereby the trade unions (if more of them represent at least 10 % of the employed workers as their members at the given employer/enterprise) have to cooperate with each other. None of these trade unions can be excluded from collective bargaining, and all of them must agree to the agreement. Trade unions present at a given employer but having less than 10% of workers as their members are not involved in collective bargaining at all.

In case of collective bargaining concluded by an employer organisation, those trade unions have the right to collective bargaining whose membership rate reaches 10% of the employed workers at the enterprises that would be under the scope of the collective agreement. The trade union confederation has the right to collective bargaining if it has member organisation(s) in the employer(s)/enterprise(s) concerned, and this member organisation (or at least one of the member organisations being present at the given employer(s)/enterprise(s)) meet the 10% threshold; and the member organisations authorize the confederation.

The collective agreement can regulate the rights and responsibilities arising from the employment relationship, and in this regard, it can derogate from the provisions of the Labour Code. The rules of possible derogations are incorporated into the Act, along with listing of those provisions where any derogation is null and void. Collective agreements can also regulate the conduct of the parties relating to collective bargaining, implementation and termination of collective agreements, and concerning the exercise of their rights and obligations.

The so-called Sectoral Dialogue Committees ([Act LXXIV of 2009](#)), being primarily consultative forums, are also meant to facilitate concluding collective bargaining at enterprise level (especially multi-employer agreements) as well as at sectoral level. While the Sectoral Dialogue Committees provide a supportive institutional framework, the respective social partners would be the signatory parties of the sectoral, sub-sectoral collective agreements.

The legal framework of collective bargaining changed considerably in 2012. The former Labour Code, adopted in 1992 and modified several times, has been completely replaced by a new act. It entered into force on 1 July 2012. Concerning collective bargaining, there has been two significant changes, compared to the previous regulation. First, trade unions' right to collective bargaining is no longer linked to the result achieved in the Work Councils/Public Employees' Councils elections. It is exclusively connected to the membership at the given enterprise(s) (at least 10%). Secondly, a collective agreement might derogate from the Labour Code not only favourably for the workers, but both in a positive and negative way. The Labour Code, however, includes 17 provisions, which excludes any derogations by collective agreement.

The former Labour Code, in force prior to 1 July 2012, stated that the collective agreement can only be concluded by a trade union or an employers' organisation which are independent

towards the other party involved in collective bargaining. The new Labour Code does not include this principle.

Mapping of different types of collective agreements

The legal terminology uses only one term: collective agreement (*kollektív szerződés*) and differentiates according to the signatory parties. Experts and practitioners, however, use a more differentiated wording according to the following:

- Enterprise/single employer collective agreement (*vállalati/egy munkáltatós kollektív szerződés*): is a collective agreement signed by the employer and the trade union or trade unions present at the given enterprise
- Multi-employer collective agreement (*több munkáltatós kollektív szerződés*): is a collective agreement signed by some employers jointly (or an employer organisation on behalf of some of their affiliated members) and the respective trade union. Respective trade union could mean enterprise based or sectoral organisations. The latter is more common in practice.
- Sectoral level collective agreement (*ágazati szintű kollektív szerződés*): is a collective agreement signed by sectoral social partners (one or more sectoral employer organisations and one or more sectoral trade unions), but its scope is only partial.
- Sectoral collective agreement (*ágazati kollektív szerződés*): is a collective agreement signed by the sectoral social partners and covers the entire sector (through extension mechanism or due to the high coverage ratio of the signatory parties)

No differentiation is made between public versus private, or regional/occupational scope. There is one type of agreement, the so-called enterprise agreement (*üzemi megállapodás*), which cannot be considered a 'genuine' collective agreement, but nevertheless, in certain circumstances, replaces it. If at an enterprise there is no collective agreement in force or no trade union is present which has the right to conclude a collective agreement, a so-called enterprise agreement can be established between the employer and the Works Council. The enterprise agreement might regulate the rights and responsibilities arising from the employment relationship (similarly to the collective agreement), except for wages. The enterprise agreement ceases to exist, if a collective agreement is concluded, or a trade union obtains the right to collective bargaining.

Articulation of collective agreements

The Labour Code does not use the notion of collective agreements concluded at different levels but makes a distinction between collective agreements with 'narrower scope' and those with 'wider or general scope'. The collective agreement with 'narrower scope' can regulate issues differently compared to the collective agreement with a 'wider or general scope', but only in favour of workers. When the favourability principle is applied the interrelated provisions must be assessed jointly not every provision distinctly.

There is a sort of prior in tempus rule in case of extended sectoral agreements. If in the given sector there is already an extended collective agreement in force and a new agreement with a narrower scope is concluded (for example the old one was a sectoral, and the new one is related to the subsector only), the new agreement cannot be less favourable for workers than the old one. The only exception is when the former agreement makes this sort of derogation possible.

The collective agreements can regulate the same issues on each level, i.e. with a 'narrower', a 'wider' or with a 'general' scope.

Recent years a debate has emerged on how to conclude collective agreements higher than enterprise/institutional level in the public sector, and how to make them binding beyond the

signatory parties. It has become particularly important in the health care sector. Finally, at the end of 2016, a legislative amendment made it possible to extend the collective agreement to all employers concerned in the health care. For this to happen, 50% of the workers should be working for the employer signing the collective agreement. Besides, the membership ratio of the undersigning trade union should be at least 10%. As a result, in April 2017 the sectoral level collective agreement was signed, and its extension to all publicly financed health institutions has been initiated by the signatory parties.

Types of collective agreements

Sectoral collective agreement

Ágazati szerződés	kollektív	Sectoral collective agreement
<p>The term of sectoral collective agreement is not defined explicitly by law. Those collective agreements are considered as sectoral collective agreements which are concluded by sectoral social partners: one or more sectoral employer organisations, on behalf of their affiliates and one or more sectoral trade unions or sectoral trade union confederations. (Please note, the differentiation between sectoral versus sectoral level collective agreements is not applied here and below, following the common practice.)</p>		
Actors and signatory parties		
<p>Sectoral collective agreements are bargained and signed by sectoral social partners. Special requirement concerns only the trade union: it has the right to bargain only if its membership ratio is at least 10% in the given sector. In case of extension, representativity criteria is applied to both sectoral social partners. Recently, however, the situation has become more complex as regards the employers. There is an example (in the field of health care), where an employer (the authorised organisation of the public healthcare institutions) employs more than 50% of the employees of the given field. This employer concluded the collective agreement, which is considered to be a sectoral one, and is likely to be extended.</p>		
Level		
<p>Sectoral collective agreements, in principle, could be found in all sectors of the economy. (Earlier the public sector has been an exception, but it is no longer the case – as the agreement in the health care sector indicates.)</p>		
Do these collective agreements usually include agreements on wage levels and/or increases?		
Sectoral collective agreements usually do not include provisions on wage levels and/or increases.		
Which other topics are usually regulated within this type of agreement?		
<p>Legislation does not specify which issues can/cannot be regulated within sectoral collective agreements, the general rules on collective agreement apply.</p> <p>The Labour Code regulates the provisions in which no derogation from the law is possible by collective agreements. These are the followings:</p> <ul style="list-style-type: none"> • provisions concerning employment contract; • wages cannot be reduced even if the worker receives payment from a third party with the consent of the employer; • wages should be paid in HUF; • basic wages cannot be lower than the statutory minimum wages; • certain issues of the wage supplement; 		

<ul style="list-style-type: none"> • piece rate is possible to be introduced only if included in the employment contract • deductions from wages; • in case of pregnancy, bringing up a child alone, the worker's consent is required for deviating from the employment contract; • the employment contract can only be modified with a common consent; • provisions on the termination of employment relationship • annual leave is not allowed to be substituted with payment in lieu. <p>Apart from the above provisions, collective agreements can derogate from the Labour Code and could also cover aspects of employment relationship which are not regulated by law. However, the analyses of the content of sectoral collective agreements show that sectoral collective agreements seldom go beyond copying the provisions of the Labour Code, other issues are rarely touched upon.</p>
<p>Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,</p>
<p>No specific topics are expressly excluded from the regulatory scope of sectoral collective agreements.</p>
<p>Extension to non-signatory parties</p>
<p>The sectoral agreement does not automatically cover the non-signatory parties. The extension of the sectoral collective agreement is the decision of the competent minister. The minister can initiate it himself/herself, or the signatories of the sectoral collective agreement can do so. The precondition of extension is that the employers authorised the employer organisation to sign the sectoral collective agreement employ more than 50% of the workers employed in the given sector.</p> <p>Extension is potentially feasible, nevertheless, still a rare practice. It can be traced back to the limited number of sectoral collective agreements and their rather vague, general content.</p>
<p>Statistics on the prevalence of the collective agreement and trends over time.</p>
<p>Collective agreements are registered by the Government. On the basis of this source, there are three extended sectoral collective agreements in force. Altogether there are 19 collective agreements signed by employer organisations in effect. There are 66 collective agreements in force which cover more than one employer. Relating the number of workers affected, no exact data or reliable information are available. According to the survey by the Central Statistics Office (data for 2015), altogether 20% of the workers and public employees are employed at workplaces which are covered by collective agreements. No information is available whether the agreements in effect are sectoral or single- employer ones.</p>

Collective agreement (single-employer and multi-employer collective agreement)

<p><i>egy vagy több munkáltatós kollektív szerződés</i></p>	<p>Collective agreement (single-employer and multi-employers collective agreement)</p>
<p>The term of collective agreement is defined by the Labour Code (Act I of 2012). On the basis of this, the collective agreement can be made concluded by an employer, an employer organisation (based on the members' authorisation of its all or concerned members), the employer representative associations representing him) and the trade unions.</p>	

<p>Experts (but not legislation) further differentiate as follows:</p> <ul style="list-style-type: none"> • <i>egy-munkáltatós kollektív szerződés</i> (single-employer collective agreement); • <i>több munkáltatós kollektív szerződés</i> (multi-employers collective agreements) <p>Experts and practitioners also use the term <i>vállalati kollektív szerződés</i> (enterprise/company collective agreement).</p>
Actors - Signatory parties
The trade unions have the right to make conclude a collective agreement in case it represents at least 10% of the employees workers employed at the given workplace enterprise, by the signatory employer.
Where can this form of collective agreement in principle be found?
Collective agreements can be made in each company.
Do these collective agreements usually include agreements on wage levels and/or increases?
Collective agreements usually do not include provisions on wage levels and/or increases.
Which other topics are usually regulated within this type of agreement?
<p>Legislation does not specify which issues can/cannot be regulated within sectoral collective agreements the general rules apply. The Labour Code regulates the provisions in which no derogation from the law is possible by collective agreements. These are the following:</p> <ul style="list-style-type: none"> • provisions concerning employment contract; • wages cannot be reduced even if the worker receives payment from a third party with the consent of the employer; • wages should be paid in HUF; • basic wages cannot be lower than the statutory minimum wages; • certain issues of the wage supplement; • piece rate is possible to be introduced only if included in the employment contract • deductions from wages; • in case of pregnancy, bringing up a child alone, the worker's consent is required for deviating from the employment contract; • the employment contract can only be modified with a common consent; • provisions on the termination of employment relationship • annual leave is not allowed to be substituted with payment in lieu. <p>Apart from the above provisions, collective agreements can derogate from the Labour Code and could cover aspects of employment relationship which are not regulated by law.</p> <p>However, the analyses of the content of sectoral collective agreements show that sectoral collective agreements seldom go beyond copying the provisions of the Labour Code, other issues are rarely touched upon.</p>
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
No specific topics are expressly excluded from the regulatory scope.
Extension to non-signatory parties
It is not possible to extend the agreement to non-signatory parties.
Statistics on the prevalence of the collective agreement and trends over time.

Collective agreements [are registered by the Government](#). Based on this source, there are 966 collective agreements (in private sector) and 1745 in public sector. Relating the number of workers affected, no exact data or reliable information are available. [According to the survey](#) by the Central Statistics Office (data for 2015), altogether 20% of the workers and public employees are employed at a workplace which are covered by collective agreements. No information is available whether the agreement in effect is a sectoral or single- employer one.

Ireland

National definition and regulation of collective agreements

Under the [Industrial Relations \(Amendment\) Act 2015](#): *“collective bargaining’ comprises voluntary engagements or negotiations between any employer or employers’ organisation on the one hand and a trade union of workers or excepted body to which this Act applies on the other, with the object of reaching agreement regarding working conditions or terms of employment, or non-employment, of workers.’*

An “excepted body to which this Act applies’ means a body that is independent and not under the domination and control of an employer or trade union of employers, all the members of which body are employed by the same employer and which carries on engagements or negotiations with the object of reaching agreement regarding the wages or other conditions of employment of its own members (but of no other employees).’

The new Act was published in 2015 and amended and extended the Industrial Relations Amendment Act 2001 and the Industrial Relations (Miscellaneous Provisions) Act 2004. It was passed as part of a commitment by the Government to allow for collective bargaining rights in firms where these are currently absent. The original Act (2001-2004) was effectively rendered inoperable, from a trade union point of view, following a Supreme Court’s ruling in the ‘Ryanair’ case. Up to that point, the Court had tended to issue binding recommendations in favour of the employee position, if the terms and conditions in the employment concerned compared unfavourably to those pertaining in similar firms in the same sector - and where collective bargaining was in operation.

Mapping of different types of collective agreements

The Public Service Agreement(s) cover the entire public service and are negotiated between public service management and public service unions. All members of unions who have accepted these agreements are covered by the terms.

Registered Employment Agreement (REA): an agreement relating to the remuneration or the conditions of employment of workers of any class, type or group made between a trade union or trade unions of workers and one or more than one employer or a trade union of employers, that is binding only on the parties to the agreement in respect of the workers of that class, type or group. These generally cover sectors / groups of workers but company level agreements can also be registered with the Labour Court as an REA. The definition is set down in the [Industrial Relations \(Amendment\) Act 2015](#) and rules for registering an agreement are available [here](#).

Employment Regulation Order (ERO): An Employment Regulation Order (ERO) is an instrument drawn up by a Joint Labour Committee (JLC), adopted by the Labour Court, and given statutory effect by the Minister for Jobs, Enterprise and Innovation. The ERO fixes minimum rates of pay and conditions of employment for workers in specified business sectors: employers in those sectors are then obliged to pay wage rates and provide conditions of employment not less favourable than those prescribed.

Joint Labour Committees (JLCs) are bodies established under the Industrial Relations Acts to provide machinery for fixing statutory minimum rates of pay and conditions of employment for particular employees in particular sectors. They may be set up by the Labour Court on the application of (i) the Minister for Jobs, Enterprise and Innovation, or (ii) a trade union, or (iii) any organisation claiming to be representative of the workers or the employers involved. A

JLC is made up of equal numbers of employer and worker representatives appointed by the Labour Court and a chairman and substitute chairman appointed by the Minister for Jobs, Enterprise and Innovation. JLCs operate in areas where collective bargaining is not well established and wages tend to be low.

The [Report of Independent Review of Employment Regulation Orders and Registered Employment Agreement Wage Settling Mechanisms \(2011\)](#) found that JLCs are in reality a forum for de facto collective bargaining and EROs now prescribe terms and conditions which are typically found in collective agreements. However, the system lacks three defining characteristics of collective bargaining. Firstly, not all the terms are agreed between the participants in the process because the chairman can exercise a casting vote thus imposing terms with which one side or the other disagrees. Secondly, unlike collective bargaining, the outcome of the process is not subject to ratification by those on whose behalf the negotiations are conducted. Thirdly, there is no requirement for the parties who make up a JLC to be substantially representative of either workers or employers in the sectors to which they relate.

Company level agreements are collectively bargained at local level between management and unions and can cover all workers in a specific company, at a particular site or one particular grade / category of worker.

Articulation of collective agreements

There is no specific regulation or articulation of collective agreements. In recent years there has been some pattern bargaining on pay in the private sector whereby average pay increases have, for the most part, been within a certain range but this is not regulated.

Types of collective agreements

Public Service Agreement

Public Service Agreement	Public Service Agreement
Actors – Signatory parties	
Traditionally this has been negotiated by unions affiliated to the Irish Congress of Trade Unions (ICTU). In the most recent talks (June 2017) other employee representative bodies, including representatives of the police force and unions that are not affiliated to ICTU, were invited to attend talks and engage in the negotiation.	
Level where it can be found	
Public Service	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No topical areas are expressly excluded from the regulatory scope of this agreement.	
Extension to non-signatory parties	

Pervasive – generally all ICTU unions (the vast majority of unions in the public service) abide by the majority decision of the ICTU public services committee even if individual ICTU unions have rejected the agreement in ballot.
Statistics on the prevalence of the collective agreement and trends over time.
There have been four Public Service Agreements concluded since 2010 (listed below). They cover approximately 250,000 workers in the public service. Public Service Agreement 2010-2014 - Croke Park Agreement (June 2010) Public Service Stability Agreement 2013-2016 (Haddington Road Agreement) Public Service Stability Agreement 2013-2018 (Lansdowne Road Agreement) Public Service Stability Agreement 2018 - 2020

Registered Employment Agreement (REA)

Registered Employment Agreement (REA)	Registered Employment Agreement (REA)
Actors – Signatory parties	
To register an REA, an applicant that is a trade union of workers, and where the application is made jointly by more than one trade union of workers, each such trade union, shall furnish the Court with a Statutory Declaration within the meaning of the Statutory Declarations Act 1938, made by a person authorised in that behalf by the trade union, containing the following particulars:- (a) The name of the applicant trade union (b) The position held by the declarant; (c) The registered address of the applicant trade union within the State (d) The number of workers of the class, type or group to which the agreement relates who are members of the trade union of workers on whose behalf the application is made (e) The number of workers of the class, type or group to which the employment agreement relates who are normally employed by the employers to which the agreement relates (f) The declarant’s means of knowledge of the matters referred to at paragraphs (d) and (e)	
Level where it can be found	
No answer	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No answer.	
Extension to non-signatory parties	
Not possible – under legislation it is binding only on the parties to the agreement in respect of the workers of that class, type or group.	
Statistics on the prevalence of the collective agreement and trends over time.	

There is no data.

Employment Regulation Order

Employment Regulation Order	Employment Regulation Order
Actors – Signatory parties	
<p>EROs are drawn up by Joint Labour Committees. Joint Labour Committees (JLCs) are bodies established under the Industrial Relations Acts to provide machinery for fixing statutory minimum rates of pay and conditions of employment for particular employees in particular sectors. They may be set up by the Labour Court on the application of (i) the Minister for Jobs, Enterprise and Innovation, or (ii) a trade union, or (iii) any organisation claiming to be representative of the workers or the employers involved. A JLC is made up of equal numbers of employer and worker representatives appointed by the Labour Court and a chairman and substitute chairman appointed by the Minister for Jobs, Enterprise and Innovation.</p>	
Level where it can be found	
Security Industry; Contract Cleaning Sector	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
An ERO fixes minimum rates of pay and conditions of employment.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
<p>An ERO fixes minimum rates of pay and conditions of employment.</p> <p>The Industrial Relations (Amendment) Act 2012, which reformed the Joint Labour Committees' wage-setting mechanisms, came into force on 1 August 2012.</p> <p>The Act's provisions include:</p> <ul style="list-style-type: none"> • JLCs have the power to set a basic adult wage rate and 2 additional higher rates • Companies may seek exemption from paying ERO rates due to financial difficulty • JLCs no longer set Sunday premium rates. A new statutory Code of Practice on Sunday working is to be prepared by the Workplace Relations Commission • When setting wage rates JLCs will have to take into account factors such as competitiveness and rates of employment and unemployment 	
Extension to non-signatory parties	
Virtually automatic – minimum wage rates and terms and conditions that apply to all workers in the sector.	
Statistics on the prevalence of the collective agreement and trends over time.	
<p>There have been four Public Service Agreements concluded since 2010 (listed below). There are currently two EROs covering the following sectors:</p> <p>Employment Regulation Order (Security Industry Joint Labour Committee) 2017 (S.I. 231 of 2017)</p> <p>Employment Regulation (Amendment) Order (Contract Cleaning Joint Labour Committee) 2016 (S.I. 548 of 2016)</p>	

Italy

National definition and regulation of collective agreements

Article 51 of Act No. 81/2015 (Jobs Act – Labour Contracts Code, hereinafter ‘JACode’) refers to collective agreements that: (i) at national level, are executed/negotiated by the most representative unions and employers’ organisations; and (ii) at firm level, are executed/negotiated by the Works Council (*Rappresentanza sindacale unitaria, RSU*) or the Company Works Council (*Rappresentanza sindacale aziendale, RSA*). See also www.normattiva.it.

Mapping of different types of collective agreements

The Italian industrial relations system is based on:

- national collective bargaining agreements (NCBAs), executed/negotiated by the most representative unions and employers’ organisations;
- regional/territorial collective bargaining agreements (RCBAs), executed/negotiated by the most representative unions and employers’ organisations;
- firm-level collective bargaining agreements (FCBAs) or plant-level collective bargaining agreements (PCBAs), executed/negotiated by RSU or RSA.

NCBAs are aimed at setting minimum salary levels as well as further salary items; in addition, NCBAs can also determine, in relation to the sector, the content of further protection measures (working time, safety regulations, parental leave, etc.).

RCBAs and FCBAs are related to NCBAs and to the applicable legislation. In particular, they can fix protection standards within the limits set out by NCBAs and by the law.

The law regulates deviation cases: FCBAs (or RCBAs) can derogate from NCBAs.

The employers applying ‘bogus’ collective bargaining agreements (i.e. not executed/negotiated by the most representative unions and employers’ organisations and/or by RSU or RSA) can be subject to inspections. Sanctions may be applied in case of violations of the rules set out by NCBAs, RCBAs, or FCBAs.

Social partners negotiate also agreements at national ‘interconfederal’ level concerning industrial relations rules, usually covering more than one industry, and providing a framework for scope and procedures of NCBAs, RCBAs, and FCBAs.

Articulation of collective agreements

The issue revolving around strengthening the role of decentralised bargaining continued to be at the core of trade unions’ debates on the general reform of the bargaining process up until the ‘guided’ settlement reached in 2011. Further provisions were approved in the period 2013-2015 through an agreement signed by the General Confederation of Italian Industry (Confederazione generale dell’industria italiana, Confindustria), the Italian General Confederation of Labour (Confederazione Generale Italiana del Lavoro, CGIL), the Italian Confederation of Workers’ Unions (Confederazione Italiana Sindacati Lavoratori, CISL), and the Italian Labour Union (Unione Italiana del Lavoro, UIL) – Inter-confederal Agreement signed on 28 June 2011 (Accordo interconfederale, AI 2011) – as well as through similar agreements entered into by the Confederation of Enterprises, Professions and Self-Employment (Confederazione Generale Italiana delle Imprese, delle Attività Professionali e del Lavoro Autonomo, Confcommercio), the Italian Confederation of Businesses in the Trade, Tourism, and Service Sectors (Confederazione Italiana Esercenti Attività Commerciali, Turistiche e dei Servizi, Confesercenti), the Confederation of Italian Cooperatives (*Alleanza delle Cooperative Italiane*), etc. with CGIL, CISL, and UIL (hereinafter ‘2011 agreements’).

Regarding the content, the statements of principle set out in the introduction are important, particularly for our purposes: 'a commitment to setting up an industrial relations systems to create the conditions for competitiveness and productivity capable of engendering growth in the production system, employment, and salaries', along with the shared goal of 'encouraging development and the use of decentralised collective bargaining [...] without prejudice to the role of the NCBA'.

The parties complied with these statements with an important consideration on 'modification agreements'. These offered the possibility of derogating from the terms of the applicable NCBA, 'including in an experimental or temporary way', to meet the 'needs of specific production contexts' and 'within the limits and in compliance with the procedures set out by national collective bargaining'. However, these agreements went so far as to admit the possibility of implementing modifications at local level, although under very specific conditions.

The framework outlined in AI 2011 substantially sticks to the controlled decentralisation model.

In AI 2011, social partners not only supported the role of local bargaining, but actually proposed promoting it, as mentioned in the introduction, by providing – in the form of statements of principle – a detailed list of goals they hoped to achieve, making particular reference to increased productivity and higher employment rates and salaries.

Despite the good intentions expressed and although local bargaining is explicitly mentioned in point 7 of AI 2011, this type of bargaining occurs only in the framework of firm-level bargaining, in the sense that the intervention of local organisations belonging to category-level trade unions can only take place by entering into an agreement with firm-level representatives for the conclusion of contracts to be applied within the company.

Moreover, although at a general level the local bargaining process (concerning RCBA, FCBA or PCBA) is allowed with a view to achieving the listed goals, the text goes on to limit the scope (to crisis situations and investments aimed at promoting economic development and employment). Therefore, second-level bargaining must result in the promotion of new employment.

Additional specific limitations apply in terms of the areas that can be regulated at local level (working duties, working hours, and work organisation).

This partly goes against the principles set out in the introduction, including the general goal of 'setting up an industrial relations system to create competitiveness and productivity conditions capable of engendering growth in the production system' and the associated goal of 'achieving results that support firm-level activities [...] and an adequate development policy for the various production needs [...]', which can be fulfilled only through an adequately supported local bargaining process.

AI 2011 strengthened firm-level bargaining, set out definite criteria for measuring union representation within companies, confirmed the general validity of the peace clause, and reiterated the two-level structure – national and firm – of the Italian bargaining system. The system features frame agreements providing the regulatory framework for the parties, as well as a consolidated legal tradition as to union relations based on collective independence, in a clear attempt to restore relationships with unions' traditional communities of reference, rather than veering towards the firm-level side of employment relationships.

Types of collective agreements

Accordo interconfederale

Contratto collettivo nazionale/Accordo interconfederale	AI
Actors – Signatory parties	
This agreement is negotiated by the most representative trade unions and employers' organisations at multi-sectoral level, generally trade union confederations and umbrella organisations of employers' organisations.	
Level where it can be found	
This agreement can be found at multi-industry or industry level.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Not directly. Yet, they set rules and criteria on how NCBA, RCBA and FCBA shall determine wage increases.	
Which other topics are usually regulated within this type of agreement?	
Generally, this agreement does not regulate provisions directly applicable to employees. It rather sets a framework for scope and procedures of NCBA, RCBA and FCBA, and rules governing industrial relations.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No, there are not.	
Extension to non-signatory parties	
No, it cannot be extended.	
Statistics on the prevalence of the collective agreement and trends over time.	
According to the database of the National Economic and Labour Council (Consiglio Nazionale dell'Economia e del Lavoro, CNEL), 387 AIs have been signed starting from 1945 onwards in the private sector. A total number of 79 agreements have been signed in the public sector starting from 1996 onwards.	

Contratto collettivo nazionale NCBA

Contratto collettivo nazionale	NCBA
Actors – Signatory parties	
This agreement is negotiated by the most representative trade unions and employers' organisations.	

Level where it can be found
This agreement can be found at industry level. In some cases, NCBA's have also a specific focus in terms of job roles, e.g. middle managers.
Do these collective agreements usually include agreements on wage levels and/or increases?
Yes, they do.
Which other topics are usually regulated within this type of agreement?
Virtually everything
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...
No, there are not.
Extension to non-signatory parties
Yes, it can be extended. In particular, the employee can file a petition with the labour court to obtain the higher protection level set out in the NCBA.
Statistics on the prevalence of the collective agreement and trends over time.
According to the database of the National Economic and Labour Council (Consiglio Nazionale dell'Economia e del Lavoro, CNEL), 809 NCBA's were in force as of March 2017.

Contratto collettivo territoriale RCBA

Contratto collettivo territoriale	RCBA
Actors – Signatory parties	
This agreement is negotiated by the most representative trade unions and employers' organisations.	
Level where it can be found	
This agreement can be found at regional and territorial level, and has a sectoral scope.	

Do these collective agreements usually include agreements on wage levels and/or increases?
Yes, they do.
Which other topics are usually regulated within this type of agreement?
<p>RCBAs can derogate from the terms of the applicable NCBA, 'including in an experimental or temporary way', to meet the 'needs of specific production contexts' and 'within the limits and in compliance with the procedures set out by national collective bargaining'.</p> <p>RCBAs shall pursue a detailed list of goals, making particular reference to increased productivity and higher employment rates and salaries.</p> <p>Additionally, the scope of RCBAs is limited to specific circumstances (i.e. crisis situations and investments aimed at promoting economic development and employment), and restrictions apply in terms of the areas that can be regulated (working duties, working hours, and work organisation).</p>
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...
Yes, there are. Apart from the limits described in the previous answer, RLCAs cannot sidestep provisions stemming from the Constitution, EU legislation, and international labour conventions.
Extension to non-signatory parties
Yes, it can be extended. In particular, the employee can file a petition with the labour court to obtain the higher protection level set out in the RCBA.
Statistics on the prevalence of the collective agreement and trends over time.
Not available.

Contratto collettivo aziendale FCBA

Contratto collettivo aziendale	FCBA
Actors – Signatory parties	
This agreement is negotiated by the company management and by RSA or RSU.	
Level where it can be found	
This agreement can be found at company level.	

Do these collective agreements usually include agreements on wage levels and/or increases?
Yes, they do.
Which other topics are usually regulated within this type of agreement?
FCBAs can derogate from the terms of the applicable NCBA, 'including in an experimental or temporary way', to meet the 'needs of specific production contexts' and 'within the limits and in compliance with the procedures set out by national collective bargaining'. FCBAs shall pursue a detailed list of goals, making particular reference to increased productivity and higher employment rates and salaries. Additionally, the scope of FCBAs is limited to specific circumstances (i.e. crisis situations and investments aimed at promoting economic development and employment), and restrictions apply in terms of the areas that can be regulated (working duties, working hours, and work organisation).
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
Yes, there are. Apart from the limits described in the previous answer, FCBAs cannot sidestep provisions stemming from the Constitution, EU legislation, and international labour conventions.
Extension to non-signatory parties
Yes, it can be extended. In particular, the employee can file a petition with the labour court to obtain the higher protection level set out in the FCBA.
Statistics on the prevalence of the collective agreement and trends over time.
Not available.

Contratto collettivo per l'unità produttiva PCBA

Contratto collettivo per l'unità produttiva	PCBA
Actors – Signatory parties	
This agreement is negotiated by the plant or company management and by RSA or RSU in place at plant or company level.	
Level where it can be found	
This agreement can be found at plant level.	

Do these collective agreements usually include agreements on wage levels and/or increases?
Yes, they do.
Which other topics are usually regulated within this type of agreement?
<p>Plant-level agreements can derogate from the terms of the applicable NCBA, 'including in an experimental or temporary way', to meet the 'needs of specific production contexts' and 'within the limits and in compliance with the procedures set out by national collective bargaining'.</p> <p>Plant-level agreements shall pursue a detailed list of goals, making reference to increased productivity and higher employment rates and salaries. Additionally, the scope of plant-level agreements is limited to specific circumstances (i.e. crisis situations and investments aimed at promoting economic development and employment), and restrictions apply in terms of the areas that can be regulated (working duties, working hours, and work organisation).</p>
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
Yes, there are. Apart from the limits described in the previous answer, plant-level agreements cannot sidestep provisions stemming from the Constitution, EU legislation, and international labour conventions.
Extension to non-signatory parties
Yes, it can be extended. In particular, the employee can file a petition with the labour court to obtain the higher protection level set out in the plant-level agreement.
Statistics on the prevalence of the collective agreement and trends over time.
No, we do not.

Latvia

National definition and regulation of collective agreements

There are two types of collective agreements – company level agreements called as collective agreements and collective agreements at sector, regional or national level and agreements concluded in professional groups, called general agreements. Company level agreements are the most popular form of collective agreements. Employees are represented by trade unions and their associations, authorised employee representatives, and European Works Councils. If there are more than one employee representative in the enterprise, they should organize employees' representatives body for joint negotiations with an employer.

The term 'Collective agreement' is described (rather than defined) and regulated by the Part B „Collective Agreements' (Sections 17 – 24) of the [Latvian Labour law](#), adopted on 20 June 2001, valid from 1 June 2002. Section 17 of the Labour law describes the collective agreement as follows: „Parties to a collective agreement shall reach agreement on the provisions regulating the content of employment legal relationships, in particular the organisation of work remuneration and labour protection, establishment and termination of employment legal relationships, raising of qualifications, work procedures, social security of employees and other issues related to employment legal relationships, and shall determine mutual rights and duties.'

The law prescribes general provisions of collective agreements (content and form of collective agreements, parties to a collective agreement, effect of collective agreements (in time and with respect to persons), procedures for entering into and amending a collective agreement (procedures for entering into a collective agreement, approval of a collective agreement, amendments to provisions of a collective agreement, familiarisation with a collective agreement). The relevant chapters of the law were amended in 2002, 2006, 2010 and 2017.

In 2002, the amendments to Section 21 established that employers are not entitled to refuse to enter to negotiations regarding the entering into of a collective agreement or general agreement.

In 2006, by amendments to Section 17 in the definition (description) of a collective agreement words „increasing of qualification' were submitted by „raising of qualifications'. By amendments to Section 18 the employers' side criteria for expanding of the general agreement to all employers of the relevant sector and to all employees employed by such employers was reduced from requirement to employ 60 per cent of the total number of employees in the sector to 50%.

In 2010, by amendments to Section 22 the condition that allowed those collective agreements which have been entered into by an employer and employee trade union which represents at least 50 per cent of employees of the undertaking valid automatically (prior to this amendment all concluded agreements should be approved at a general meeting (conference) of employees.

In 2017 – Section 18 was [fully rewritten](#). According to the recent amendments in the Labour law:

- also companies or group of companies may negotiate and conclude sector level collective agreement (before – only employers' organisations and their associations);
- on the trade unions side the partner for sector level agreement is association of trade unions that unites the largest number of workers in the country, or trade union that is included in the association that unites the largest number of workers in the country (before - an employee trade union or an association (union) of employee trade unions);

- a sector level agreement may be expanded to all employers in the sector only if both sides (including companies or group of companies if they are employers' representatives) meet representativeness criteria (para 2, 4);

In compliance with the amendments, other employers or groups of employers are eligible to join existing agreement and are included in the count for representativeness criteria (new norm). The representativeness is calculated against data from the Central Statistical Bureau of Latvia (CSP) (before the base for calculation was not established).

The amendments also add to the previous regulation a norm (Para 3) that agreed duties as formulated in the general agreement should be fulfilled even then if an employer leaves the employers' organisation or if an employers' organisation leaves union of employers' organisations.

The time for coming into effect is prolonged to *'not earlier than within three month from the day of its publication in the newspaper LatvijasVēstnesis'* (before – on the day of publication).

Mapping of different types of collective agreements

There are two valid terms regarding collective agreements. In compliance with the law, company level agreements are called „collective agreements’, while at a higher level (sector, regional, national) the agreements are called „general agreements’. Company level agreements might be more detailed than general agreements. Other differences regarding collective agreements do not exist.

At sector, regional and national levels, social partners may conclude so called „cooperation agreements’. These agreements institutionalize commitment of parties to work together, to coordinate decisions and to support each other, and even indicate concrete fields of cooperation, including general income issues (for instance, commitment to provide decent pay for employees in the sector or to increase minimum wage) but they do not have legal power of collective agreements and are not protected by the Labour law. These agreements do not comply with ILO definition and are not genuine collective agreements, but they are an important step in collective bargaining, pre-stage of potential collective agreement.

Articulation of collective agreements

Commitments that are agreed at a higher level are binding for company level collective agreements so that agreements at the company level should not be worse (but may be better) than agreed in the general agreements.

Section 17 of the Labour law describes the main items that might be covered in the collective agreement, regardless at company level or at higher level. The law does not indicate any distinction between a company level agreement and a general agreement regarding the content.

The realisation of the main items is a result of negotiations between trade unions and employers. There are some similarities among the concluded agreements in the covered items, stimulated by the training and sample agreements provided by the Free Trade Union Confederation of Latvia (LBAS) and sector level trade unions, as well as existing agreements. Nevertheless, agreements are individual and unique.

Collective agreements are eligible to address any issue within the broad framework given in the Section 17 of the law (description of the collective agreement). All issues that are not covered by law but are important for employees can be addressed only by collective agreements. The list of such items is unlimited.

Modification of the higher-level agreements is allowed but should observe favourability and improvement principles. According to the favourability principle, collective agreements in

general may not set worse conditions than provided by the existing legislation, and collective agreements of the lower level may not set worse conditions than agreed at higher level. According to the improvement principle collective agreements in general may establish better conditions and expand scope of negotiation items than provided by the existing legislation, and collective agreements of the lower level may do so regarding higher level collective agreements. The law does not specify topics that cannot be modified and consequently there are no rules, except favourability and improvement principles, how to modify other agreements.

During the period of validity of a collective agreement, the parties are eligible to amend its provisions in accordance with procedures laid down in the collective agreement (Section 2 of the Labour law on Amendments to provisions of a collective agreement). If such procedures have not been prescribed, amendments must be made in accordance with the procedures for entering into a collective agreement (Section 21 of the Labour Law).

Collective agreements do not have ability to repeal aspects of higher-level agreement or norms of legislation. The law does not require link between the signatory parties of collective agreement at different levels, yet such link exists because in Latvia there is single system for employees representation (LBAS and its affiliates), and single system for employees representation (the Latvian Employers' Confederation (LDDK) and its members). No changes occurred within the past five years affecting the way collective agreements are articulated.

Types of collective agreements

General agreement

Ģenerālvienošānās	General agreement
Actors - Signatory parties	
Section 18 of the Labour law on 'Parties to a collective agreement' describe who can negotiate general agreement. In 2017 – Section 18 was fully rewritten . The most important change concerns right of the employers to enter sector level collective bargaining, Para 2. A collective agreement in a sector or territory (general agreement) is entered into by an employer, a group of employers, an organisation of employers or an association of organisations of employers with association of trade unions that unites the largest number of workers in the country, or trade union that is included in such association, if the parties to the general agreement have relevant authorisation or if the right to enter into a general agreement is provided for by the articles of organisation of association (union) of such organisations. An employer, a group of employers, an organisation of employers or an association of organisations of employers may join existing general agreement in a sector or territory, if they have relevant authorisation or if the right to join existing general agreement in a sector or territory is provided for by the articles of organisation or association (union) of such organisations.	
Level where it can be found	
It is mentioned in Labour law as collective agreement at higher level. Theoretically it can be concluded in all units at levels higher than company level. General agreements might be concluded at national level, regional level, sector level, industry level, and in particular workers groups (professions).	
Do these collective agreements usually include agreements on wage levels and/or increases?	

Yes, but in general terms and regarding minimum levels or principal schemes for increase.
Which other topics are usually regulated within this type of agreement?
In Latvia there is only one real general agreement, so term 'usually' would not be appropriate to the situation in practice. In theory, virtually everything can be addressed by general agreements. No areas are explicitly exempt from the general agreements by law.
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
There are not specific topical areas which are expressly excluded from the regulatory scope of general agreement.
Extension to non-signatory parties
Yes, general agreements may be extended to non-signatory parties, as prescribed by the Labour law Section 18. Para 3 of the section prescribes that the general agreement is binding on members of the organisation or the association (union) of organisations. This rule is binding also to members of employers' organisation or association of employers' organisations that have joined existing general agreement in a sector or territory. Eventual secession of a member of an employers' organisation or association of employers' organisations does not impact the power of the general agreement regarding such a member. Para 4. of the section prescribes criteria of extension. If companies of employers' representatives together with companies that joined existing general agreements employ according to CSB data more than 50 per cent of the employees or provide more than 60 per cent of the turnover in a sector, a general agreement is binding on all employers of the relevant sector and applies to all employees employed by the employers. With respect to such employers and employees, the general agreement comes into effect not earlier than within three months from the day of its publication in the newspaper LatvijasVēstnesis (the official Gazette of the Government of Latvia) unless the agreement specifies another time for coming into effect.' This extension is 'virtually automatic'.
Statistics on the prevalence of the collective agreement and trends over time.
In practice only one general agreement is concluded – in the railway sector. The discussion is open on general agreement on wages in construction sector. Recently general practitioners (family doctors) have requested to conclude general agreement in their sector as a condition for ceasing of the strike.

Collective agreement

Darba koplīgums	Collective agreement
Actors - Signatory parties	
Section 18 of the Labour law on 'Parties to a collective agreement' prescribes that a collective agreement in an undertaking shall be entered into by the employer and an employee trade union or by authorised employee representatives if the employees have not formed a trade union. This norm has not been changed since adoption of the Labor law.	
Level where it can be found	
This form of collective agreements exists in enterprises, institutions and organisations and their internal units. It is the main form of collective agreements.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No, but they could.	
Which other topics are usually regulated within this type of agreement?	
Virtually everything - the full scope of topics within the scope of the main items described in the definition of a collective agreement, can be addressed by collective agreements. There are no topical areas that are explicitly exempt from collective agreements by law.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
There are not specific topical areas which are expressly excluded from the regulatory scope of this collective agreement.	
Extension to non-signatory parties	
In compliance with Section 20 of the Labour law on 'Effect of a collective agreement with respect to persons, 'A collective agreement shall be binding on the parties and its provisions shall apply to all employees who are employed by the relevant employer or in a relevant undertaking of the employer, unless provided for otherwise in the collective agreement. It shall be of no consequence whether employment legal relationships with the employee were established prior to or after the coming into effect of the collective agreement. An employee and an employer may derogate from the provisions of a collective agreement only if the relevant provisions of the employment contract are more favourable to the employee.'	
Statistics on the prevalence of collective agreements and trends over time. ated the source of the data incl. the year and provide links.	
Company level collective agreements are not registered in a unified database. Some data is gathered by LBAS for internal use (not available for public use). According to this data, in 2016, 1152 collective agreements were reported by LBAS affiliates. These agreements covered 81,456 workers, 9.2% of total number of workers in end of 2016. Of the total number of reported collective agreements 689 were reported by the education sector trade union (number of covered workers is not reported). This data is reported on voluntary base and is indicative, rather than precise statistics.	

Lithuania

National definition and regulation of collective agreements

The main national source where collective agreements are defined and regulated is the Labour Code of the Republic of Lithuania (LC), Law No XII-2603 (14 09 2016). This LC is valid in Lithuania from 1 July 2017. Before 1 July the old version of the LC was applicable – Law No IX-926 (04 06 2002).

The main novelties introduced by the new LC are as follows: from 1 July onwards, the right to conduct collective bargaining and conclude collective agreements is granted exclusively to trade unions (instead of trade unions and work councils in the old version of the LC), collective agreements apply only to members of signatory trade unions (instead of all of the employees of the company in the old LC). However, collective agreements, concluded before 1 July 2017 will be valid till 1 January 2019.

Note: it should be bore in mind that according to the new LC work councils are granted a right to conclude a ‘written agreements’ with employers. Though in this ‘agreement’ it is not allowed to agree on working conditions, remuneration, work and rest time and other issues that are regulated by the collective agreements, during a surveying process this ‘agreement’ might be confused with the ‘collective agreement’ by the interviewee.

Mapping of different types of collective agreements

According to currently valid LC collective agreements may be concluded in Lithuania on the following levels:

1. national (cross-sectoral);
2. territorial;
3. sectoral (production, services, professional);
4. employer (company) level; and
5. workplace (plant) level collective agreement – in the cases stipulated in collective agreements made on the national, sectoral or company levels.

Articulation of collective agreements

As by 2017 no national (cross-sectoral) collective agreement had been signed in Lithuania and there is actually no real sectoral collective wage agreement signed in Lithuania, in practice there is no articulation of collective agreements in Lithuania¹².

According to currently valid legislation, company-level or plant-level collective agreement shall be binding on the employer which is the party to the agreement. Collective agreements concluded at the national (cross-sectoral), territorial and sectoral (production, services, profession) levels shall apply to employees represented by trade unions or members of trade union organisations and shall be binding upon their employers which:

1. Are members of the employer organisation which has signed the collective agreement;
2. Joined the signatory employer organisation after the conclusion of the collective agreement;

¹² Since 2018 several sectoral collective agreements and a ‘national agreement’, covering public sector employees, were signed.

3. Were members of the employer organisation at the moment of the conclusion of the collective agreement but left the organisation thereafter. In this case, application of the collective agreement ceases to be binding upon them three months after the withdrawal from the employer organisation unless the collective agreement expires earlier;
4. Fall within the extended scope of the collective agreement (for more details see below).

If an employee is covered by several collective agreements:

1. In the event of company-level and sectoral collective agreements, provisions of the sectoral collective agreement shall apply unless the sectoral collective agreement allows the company-level collective agreement to derogate from the provisions of the sectoral collective agreement;
2. In the event of company-level and territorial collective agreements, provisions of the territorial collective agreement shall apply unless the territorial collective agreement allows the company-level collective agreement to derogate from the provisions of the territorial collective agreement;
3. In the event of sectoral and territorial collective agreements, *lex specialis* provisions of the collective agreement shall apply.

Type of collective agreements

National (cross-sectoral) collective agreement

Nacionalinė (tarpšakinė) kolektyvinė sutartis	National (cross-sectoral) collective agreement
Nacionaline (tarpšakine) kolektyvine sutartimi	
Actors - Signatory parties	
Parties to a national (cross-sectoral) collective agreement shall be one or several national trade union organisations as one party, and one or several national employer organisations as the other party.	
Where can this form of collective agreement in principle be found?	
Everywhere	
Do these collective agreements usually include agreements on wage levels and/or increases?	
In practice – not	
Which other topics are usually regulated within this type of agreement?	
‘Theoretically’ – everything, however in practice there is no such an agreement in Lithuania.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
The currently valid Labour Code sets forth that a derogation from the legal rules laid down in the Labour Code or from other imperative rules prescribed by other labour-law regulations is allowed in a national, sectoral and territorial collective agreement, provided that a balance is achieved in the collective agreement between the interests of the employer and employees, except for rules relating to the maximum working time and minimum rest period, entering into or expiration of the employment contract, minimum wage, occupational health and safety, gender equality and non-discrimination on other grounds.	
Extension to non-signatory parties	
If national (cross-sectoral) collective agreement would be signed it would be applicable for the whole economy	
Statistics on the prevalence of collective agreements and trends over time. ated the source of the data incl. the year and provide links.	
Several ‘National agreements’ were signed during the last decades, however they are not the real ‘collective agreements’.	

Territorial collective agreement

Teritorinė kolektyvinė sutartis	Territorial collective agreement
Actors - Signatory parties	
Parties to a territorial collective agreement shall be one or several trade union organisations, as one party, and one or several employer organisations, as the other party, functioning in the specified territory	
Where can this form of collective agreement in principle be found?	
Everywhere	
Do these collective agreements usually include agreements on wage levels and/or increases?	
In practice – not	
Which other topics are usually regulated within this type of agreement?	
'Theoretically' – everything. However, in practice there are no territorial agreements, covering the whole territory/region in Lithuania	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
The currently valid Labour Code sets forth that a derogation from the legal rules laid down in the Labour Code or from other imperative rules prescribed by other labour-law regulations is allowed in a national, sectoral and territorial collective agreement, provided that a balance is achieved in the collective agreement between the interests of the employer and employees, except for rules relating to the maximum working time and minimum rest period, entering into or expiration of the employment contract, minimum wage, occupational health and safety, gender equality and non-discrimination on other grounds.	
Extension to non-signatory parties	
According to the Labour Code valid till 1 July 2017 'where the provisions of a sectoral or territorial agreement are of consequence for an appropriate sector of production or profession, the minister of social security and labour may extend the scope of application of the sectoral or territorial collective agreement or separate provisions thereof, establishing that the agreement shall be applied with respect to the entire sector, profession, sphere of services or a certain territory if such a request has been submitted by one or several employees' or employers' organisations which are parties to the sectoral or territorial agreement'. Despite the presence of such a provision it have been never applied in practice	
Statistics on the prevalence of collective agreements and trends over time. ated the source of the data incl. the year and provide links.	
There are no territorial agreements, covering the whole territory/region in Lithuania	

Sectoral collective agreement

Šakinė kolektyvinė sutartis	Sectoral collective agreement
Šakine kolektyvine sutartimi	
Actors - Signatory parties	
Parties to a sectoral collective agreement shall be one or several sectoral trade union organisations as one party, and one or several employer organisations of an appropriate sector (of production, services, profession), as the other party. Sectoral (production, services, profession) collective agreements may be restricted to a certain territory.	
Where can this form of collective agreement in principle be found?	
Everywhere	
Do these collective agreements usually include agreements on wage levels and/or increases?	
In practice – not	
Which other topics are usually regulated within this type of agreement?	
‘Theoretically’ – everything, however in practice content of these agreements is rather ‘weak’, i.e. more organisational and informative issues are described, there are no concrete obligations, remuneration schemes, working conditions defined in these agreements.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
The currently valid Labour Code sets forth that a derogation from the legal rules laid down in the Labour Code or from other imperative rules prescribed by other labour-law regulations is allowed in a national, sectoral and territorial collective agreement, provided that a balance is achieved in the collective agreement between the interests of the employer and employees, except for rules relating to the maximum working time and minimum rest period, entering into or expiration of the employment contract, minimum wage, occupational health and safety, gender equality and non-discrimination on other grounds.	
Extension to non-signatory parties	
According to the Labour Code valid till 1 July 2017 ‘where the provisions of a sectoral or territorial agreement are of consequence for an appropriate sector of production or profession, the minister of social security and labour may extend the scope of application of the sectoral or territorial collective agreement or separate provisions thereof, establishing that the agreement shall be applied with respect to the entire sector, profession, sphere of services or a certain territory if such a request has been submitted by one or several employees' or employers' organisations which are parties to the sectoral or territorial agreement’. Despite the presence of such a provision it have been never applied in practice	
Statistics on the prevalence of collective agreements and trends over time	
In Lithuania traditionally there is almost no sectoral collective agreements. In order to facilitate social dialogue ESF funded measure was implemented during the 2007-2013 programming period. The measure was aiming at higher bargaining coverage through conclusion of collective agreements in the enterprises, as well as at regional and sectoral levels. Results achieved by the measure inter alia included 12 sectoral and 21 regional-	

sectoral level collective agreements signed during the 2011-2015 year period. Despite of the number of agreements concluded, the measure did not have a significant impact on social dialogue situation in Lithuania as well as on the social and economic conditions of the employees, covered by these agreements (Research 2015, ESTEP 2016) as majority of the agreements concluded were rather 'formal' ones – the content thereof mainly repeated already existing legal norms and there actually were no collective wage agreements signed. Currently (at the end of 2017) approximately 20 sectoral and regional-sectoral collective agreements are still valid in Lithuania.

Enterprise/company level collective agreement

Darbdavio kolektyvinė sutartis	Enterprise/company level collective agreement
Darbdavio kolektyvine sutartimi	
Actors - Signatory parties	
Parties to a company-level or a plant-level collective agreement shall be the trade union of the relevant company and the employer. Collective agreements in companies with several trade unions may be also concluded between the joint representation of trade unions and the employer.	
Where can this form of collective agreement in principle be found?	
Everywhere.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement? Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country; otherwise, please select from to the following list, which you can adapt and extend, as required.	
<p>Among the provisions covered by the company level collective agreements are the following:</p> <ul style="list-style-type: none"> • Provisions regarding remuneration for work (forms, system and size of remuneration for work, bonuses, compensatory allowances and additional pays, regulatory mechanisms for wages/salaries subject to price movements and inflation, implementation of the indicators set in the collective agreement); • Employment-related provisions (employment, in-service training, retraining, conclusion, amendment and termination of employment contracts); • Provisions regarding working time and rest periods (length of working time and rest, leaves, advantages to employees in education); • Occupational health and safety related provisions (improvement of working conditions and occupational health and safety, situation of women and children, environmental protection); • Other work, social and economic conditions of parties' interest, provisions regarding the procedure for amendment and duration of the collective agreement, collective agreement performance monitoring, liability for breach of agreements, social partnership instruments to avoid industrial disputes, strikes, etc. <p>In practice, collective agreements also contain provisions regarding issues that are not regulated by law. Such provisions are frequently relating to social welfare, financial support, medical services, healthcare services for employees, financial support for employees in difficult family situations, transport services, employees' home improvement, etc.</p>	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Parties involved in collective bargaining on any level must comply with the <i>in favorem</i> principle which means that the working conditions guaranteed by law are minimal and collective or individual subjects can agree on additional guarantees and conditions more favourable to employees. In compliance with the Labour Code, no collective agreement or	

any other local regulatory act on working conditions shall be valid if it puts employees in a worse position than that defined by the Labour Code, laws and other regulatory acts.
Extension to non-signatory parties
No
Statistics on the prevalence of collective agreements and trends over time. ated the source of the data incl. the year and provide links.
According to the ICTWSS database (2016), collective bargaining coverage in Lithuania in 2012 was 10%. According to other sources (e.g. EurWork 2015, ECS 2013), this indicator might be somewhat higher, reaching up to 15%.

Establishment/plant collective agreement

Darbovietės kolektyvinė sutartis	Establishment/plant collective agreement
Darbovietės kolektyvine sutartimi	
Actors - Signatory parties	
Parties to a company-level or a plant-level collective agreement shall be the trade union of the relevant company and the employer. Collective agreements in companies with several trade unions may be also concluded between the joint representation of trade unions and the employer.	
Where can this form of collective agreement in principle be found?	
Everywhere.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
So far in Lithuania only enterprise/company level collective agreements were signed; no establishment/plant collective agreement was signed in Lithuania	
Which other topics are usually regulated within this type of agreement?	
So far in Lithuania only enterprise/company level collective agreements were signed; no establishment/plant collective agreement was signed in Lithuania	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
Parties involved in collective bargaining on any level must comply with the <i>in favorem</i> principle which means that the working conditions guaranteed by law are minimal and collective or individual subjects can agree on additional guarantees and conditions more favourable to employees. In compliance with the Labour Code, no collective agreement or any other local regulatory act on working conditions shall be valid if it puts employees in a worse position than that defined by the Labour Code, laws and other regulatory acts.	
Extension to non-signatory parties	
No	
Statistics on the prevalence of collective agreements and trends over time. ated the source of the data incl. the year and provide links.	
So far in Lithuania only enterprise/company level collective agreements were signed; no establishment/plant collective agreement was signed in Lithuania	

Luxembourg

National definition and regulation of collective agreements

According to [article L161-2 of the Labour code](#), a collective agreement is a contract relating to employment relations and working conditions concluded between one or more representative trade unions, and one or more employers' organisations, a particular undertaking, group of undertakings or a group of undertakings whose production, activity or profession are of the same nature, or which still constitute an economic and social entity. [Chapter 1 of the Title V of the Labour code](#) regulate industrial relation and collective bargaining. There has been no major change recently.

Mapping of different types of collective agreements

The collective agreement enables the regulations of the labour laws to be adapted to the needs and specific requirements of a company or a sector. Any collective agreement must be negotiated between social partners according to certain formalities.

- **Intersectoral agreements** are rare and never cover issues such as wages or working time. They mainly implement EU-wide agreements concluded by social partners.
- The most important levels for negotiations are at the **sectoral** and **company level**. Sectoral-level agreements initially apply only to those companies that belong to the employers' associations which have signed the agreement, but are often extended by the government to the entire sector. There are many more company-level agreements dealing with wages than sectoral-level agreements. In principle, only one collective agreement applies to the workforce

The relative importance of the two levels of agreement varies from sector to sector. Sectoral agreements exist, for example, in sectors such as banking, insurance and private security. Their single-industry agreement covers close to 100% of the workforce (see representativeness studies for [banking](#), [insurance](#) and [private security](#)). However, many sectors have no industry-level agreements.

Articulation of collective agreements

In principle, an employer applies only one collective agreement to the employees: a sectoral-level agreement or, if there is no sectoral level agreement, a company-level agreement. However, social partners on sectoral-level may decide to conclude a framework-sectoral agreement that will refer some issues to a company-level agreement. The wording use for collective agreement (Convention collective de travail – CCT) is the same regardless to the level of the collective bargaining. A company-level agreement and a sectoral level agreement are both called 'convention collective de travail', which may be confusing.

The question of articulation is quite theoretical in Luxembourg as, as explained, where a sectoral collective agreement exists, then it is extremely rare to find a company with its own company-level collective agreement. Therefore, collective agreement of both levels have rarely to be articulated. However, if the two levels of collective agreement exist, then the principle of favourability towards higher level agreements applies. Company-level agreements may not provide lower employment and wage conditions than sectoral-level agreements. If collective agreement provisions are worse than the legal minimum required or limit rights provided by a sectoral-level agreement, they are declared null and void and have no effect.

The labour code mentions that collective agreement may be concluded by a group of companies, or for an activity, a profession or a network of franchise. However, the legal framework to conclude such agreement is the same than for sectoral-level or company-level

agreements. As there is no statistic about these different kinds of agreements, we don't provide a factsheet for them as they are quite rare.

There is no possibility to derogate from collective agreements in order to pay wages below the collectively agreed level. Derogation is possible only above the collectively agreed level.

The latest national data about [collective bargaining coverage](#) were published in 2013 and refer to 2010. The collective bargaining coverage was estimated at 59% of the workforce, with a large difference between the public sector (100%), education (87%) and social and care activities (87%), and some activities in the private sector such as hotel and restaurant (12%) or technical and scientific activities (13%). The coverage rate differs with the size of the companies, from 30% (10 to 49 employees) to 79% (over 1,000 employees). The global rate includes the public sector and is based on the EU Structure of earnings survey (SES), in contrast to the data provided by the European Company Survey (see table), which focus on companies of the private sector with more than 10 employees.

Unless stipulated otherwise in the collective agreement, senior management is not concerned by the working and salary conditions established in the collective agreement which applies to the staff. The following are considered to be senior management:

1. employees whose salary is significantly higher than the salaries paid to the staff covered by the collective agreement;
2. where the salary forms the counterpart in exchange for a true and effective power of management;
3. employees who benefit from independence in the organisation of their work and a large flexibility in their working hours.

Types of collective agreements

Intersectoral agreements

convention nationale	<p>Intersectoral agreements</p> <p>Une 'convention nationale' (if fact there is no specific concept / word for that kind of agreement. Social partners wrote 'convention' in their last two intersectoral agreements.</p>
Actors – Signatory parties	
<p>The Collective Employment Relationships Act of 30 June 2004 (<i>Loi sur les relations collectives de travail</i>) introduced and defined the criteria which determine the representativeness of a trade union (L. 161-3 and L. 161-4 LC). Thus, as soon as a trade union meets the legal criteria of representativeness, whether at national or sectoral level, it is entitled to conclude collective bargaining agreements. There are two 'kinds' of representativeness that can be at general national level (L. 161-4 and L. 161-5 LC), or at sectoral level in a sector that employs at least 10% of the private employees of the country (L. 161-6 and L. 161-7 LC). Unions are representative when they receive a minimum share of the votes within the Chamber of Employees (<i>Chambre des salariés</i>) at the latest social elections; 20% at national level or 50% within the sector. Article L-161-4 of the Labour Code defines also the general national representativeness of a union in terms of its capacity to sustain a major labour dispute at national level. There are no statutory regulations setting the criteria of representativeness for employer. Their representativeness is based on mutual recognition.</p>	
Level where it can be found	
On national level as their contain covers the whole private economy.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
<p>Intersectoral agreements are rare and never cover issues such as wages or working time. They mainly implement EU-wide agreements concluded by social partners, such as telework (2011, link to the agreement) or harassment at the workplace (2009, link to the agreement). An older agreement was concluded in 2006 on the individual access to vocational training. Out of these topics, social partners may conclude agreements on matters which they have agreed on, and which may be, in particular, the organisation and reduction of working time, vocational training, atypical forms of work, measures to implement the principle of non-discrimination, measures to be taken against moral and sexual harassment at work, treatment of stress at work.</p>	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No, but any collective agreement must respect the constitution and, according to the article L162-12-6 of the Labour code , the applicable legislation and regulation. Any provision of a collective agreement that break the law is considered as void.	
Extension to non-signatory parties	
Yes. The three existing agreements were extended to non-signatory parties. The extension of such agreement is pervasive.	

Statistics on the prevalence of the collective agreement and trends over time.
Currently, three national and interprofessional agreements are recorded (see above).

Sectoral-level agreements

Convention collective de travail (CCT) sectorielle	Sectoral-level agreements
Actors – Signatory parties	
<p>The Collective Employment Relationships Act of 30 June 2004 (<i>Loi sur les relations collectives de travail</i>) introduced and defined the criteria which determine the representativeness of a trade union (L. 161-3 and L. 161-4 LC). Thus, as soon as a trade union meets the legal criteria of representativeness, whether at national or sectoral level, it is entitled to conclude collective bargaining agreements. There are two ‘kinds’ of representativeness that can be at general national level (L. 161-4 and L. 161-5 LC), or at sectoral level in a sector that employs at least 10% of the private employees of the country (L. 161-6 and L. 161-7 LC). Unions are representative when they receive a minimum share of the votes within the Chamber of Employees (<i>Chambre des salariés</i>) at the latest social elections; 20% at national level or 50% within the sector. Article L-161-4 defines also the general national representativeness of a union in terms of its capacity to sustain a major labour dispute at national level.</p> <p>There are no statutory regulations setting the criteria of representativeness for employer organisations. Their representativeness is based on mutual recognition.</p>	
Level where it can be found	
<p>On sectoral level. Such agreements may cover large sectors in Luxembourg, as banking, insurance, construction, but also some professions (bus drivers, taxi drivers, seafarers), or sectors mainly constituted by SMEs as automotive repair, cleaning, electricians. Such agreements exist also in social care and hospitals. A complete list of extended sectoral agreement is published by the Labour inspectorate (ITM).</p>	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
<p>Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country. However, Article L162-12 (1) of Labour code fixes the issues that must be dealt within the collective agreement: the parties involved, the professional and territorial scope; date of entry into force, length and prior notice of denunciation. The paragraph (2) mention the issues that must at least figure in a collective agreement:</p> <ul style="list-style-type: none"> • the conditions for hiring and dismissing employees; • working hours and working organisation, extra work and daily and weekly rest periods; • holidays and bank holidays; • work (at least +15% of the hours salary rate); • bonus for arduous work, dangerous or unhealthy work; • application of the equal treatment principle; • fight against harassment and related sanctions. 	

Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
No, but any collective agreement must respect the constitution and, according to the article L162-12-6 of the Labour code , the applicable legislation and regulation. Any provision of a collective agreement that break the law is considered as void.
Extension to non-signatory parties
Sectoral-level agreements initially apply only to those companies that belong to the employers' associations which have signed the agreement, but are in general extended by the government to the entire sector – 27 sectors have at least one collective agreement or addendum to their collective agreement that are currently extended in this way, according the labour inspectorate (ITM, ' Conventions collectives de travail déclarées d'obligation générale ').
Statistics on the prevalence of the collective agreement and trends over time.
In 2015, the Labour inspectorate registered 8 sectoral-level agreements, according to the latest annual report available (ITM, Annual report, 2015). Extended sectoral agreements exist currently in about 27 sectors, according the labour inspectorate (ITM, ' Conventions collectives de travail déclarées d'obligation générale ').

Group-level agreement

Convention collective de travail	Group-level agreement
Actors – Signatory parties etc.	
<p>The Collective Employment Relationships Act of 30 June 2004 (<i>Loi sur les relations collectives de travail</i>) introduced and defined the criteria which determine the representativeness of a trade union (L. 161-3 and L. 161-4 LC). Thus, as soon as a trade union meets the legal criteria of representativeness, whether at national or sectoral level, it is entitled to conclude collective bargaining agreements. On group-level, a collective agreement is negotiated by a negotiation committee consisting of</p> <ul style="list-style-type: none"> • the employer; • the trade unions recognised as the general national representatives or the sectoral representatives. • the union(s) having alone or together obtained at least 50 % of the votes during the last elections for the staff delegations in the group affected by the negotiation. If they want to take part in the negotiations, they must apply for it. 	
Level where it can be found	
Group-level agreement are quite rare and exist in large companies, for instance 'Post Lu'.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country. However, Article L162-12 (1) of Labour code fixes the issues that must be dealt within the collective agreement: the parties involved, the professional and	

territorial scope; date of entry into force, length and prior notice of denunciation. The paragraph (2) mention the issues that must at least figure in a collective agreement:
<ul style="list-style-type: none"> • the conditions for hiring and dismissing employees; • working hours and working organisation, extra work and daily and weekly rest periods; • holidays and bank holidays; • work (at least +15% of the hours salary rate); • bonus for arduous work, dangerous or unhealthy work; • application of the equal treatment principle; • fight against harassment and related sanctions.
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
No, but any collective agreement must respect the constitution and, according to the article L162-12-6 of the Labour code , the applicable legislation and regulation. Any provision of a collective agreement that break the law is considered as void.
Extension to non-signatory parties
No.
Statistics on the prevalence of the collective agreement and trends over time.
No data on group-level agreements.
Other aspects
In the absence of longitudinal and in-depth studies on the content and dynamics of collective bargaining, it is difficult to make a precise assessment. The existing reports do all cover narrow domains of collective bargaining (working time, female-male equality, training) and do not offer a broad, in-depth assessment. This is also related to the fact that company level agreements are generally not publicly accessible.

Company-level agreements

Convention collective de travail	Company-level agreements
Actors – Signatory parties etc.	
<p>The Collective Employment Relationships Act of 30 June 2004 (<i>Loi sur les relations collectives de travail</i>) introduced and defined the criteria which determine the representativeness of a trade union (L. 161-3 and L. 161-4 LC). Thus, as soon as a trade union meets the legal criteria of representativeness, whether at national or sectoral level, it is entitled to conclude collective bargaining agreements. On company-level, a collective agreement is negotiated by a negotiation committee consisting of 1/ the employer (or the employers where the negotiation is taking place within the framework of an employer organisation or a group of businesses active in the same field or profession); 2/the trade unions recognised as the general national representatives or the sectoral representatives. 3/ The union(s) having alone or together obtained at least 50 % of the votes during the last elections for the staff delegations in the businesses affected by the negotiation. If they want to take part in the negotiations, they must apply for it.</p>	
Level where it can be found	

<p>Mainly in industrial companies with over 50 employees, which is the threshold to have a staff delegation with members that can be elected under the flagship of a trade union.</p> <p>The collective agreement coverage rate depends on the size of the company. The larger a company, the more likely it is that employees will be covered by a collective agreement. According to STATEC ‘the coverage rate increases from 30% for companies with 10 to 49 employees to 79% for companies with more than 1,000 employees’ (Ries, J.(2013) ‘N° 06/2013 Regards sur la couverture des conventions collectives de travail’, STATEC).</p>
<p>Do these collective agreements usually include agreements on wage levels and/or increases?</p>
<p>Yes</p>
<p>Which other topics are usually regulated within this type of agreement?</p>
<p>Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country. However, Article L162-12 (1) of Labour code fixes the issues that must be dealt within the collective agreement: the parties involved, the professional and territorial scope; date of entry into force, length and prior notice of denunciation. The paragraph (2) mention the issues that must at least figure in a collective agreement:</p> <ul style="list-style-type: none"> • the conditions for hiring and dismissing employees; • working hours and working organisation, extra work and daily and weekly rest periods; • holidays and bank holidays; • work (at least +15% of the hours salary rate); • bonus for arduous work, dangerous or unhealthy work; • application of the equal treatment principle; • fight against harassment and related sanctions.
<p>Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,</p>
<p>No, but any collective agreement must respect the constitution and, according to the article L162-12-6 of the Labour code, the applicable legislation and regulation. Any provision of a collective agreement that break the law is considered as void.</p>
<p>Extension to non-signatory parties</p>
<p>No.</p>
<p>Statistics on the prevalence of the collective agreement and trends over time.</p>
<p>In 2015, the Labour inspectorate registered 114 company agreements (including 55 only in the industry) (ITM, Annual report, 2015). company</p>
<p>Other aspects</p>
<p>In the absence of longitudinal and in-depth studies on the content and dynamics of collective bargaining, it is difficult to make a precise assessment. The existing reports do all cover narrow domains of collective bargaining (working time, female-male equality, training) and do not offer a broad, in-depth assessment. This is also related to the fact that company level agreements are generally not publicly accessible.</p>

Establishment agreements

Convention collective de travail d'établissement	Establishment-level agreements
Actors – Signatory parties	
<p>The Collective Employment Relationships Act of 30 June 2004 (<i>Loi sur les relations collectives de travail</i>) introduced and defined the criteria which determine the representativeness of a trade union (L. 161-3 and L. 161-4 LC). Thus, as soon as a trade union meets the legal criteria of representativeness, whether at national or sectoral level, it is entitled to conclude collective bargaining agreements. On establishment-level, a collective agreement is negotiated by a negotiation committee consisting of 1/ the employer; 2/the trade unions recognised as the general national representatives or the sectoral representatives. 3/ The union(s) having alone or together obtained at least 50 % of the votes during the last elections for the staff delegations in the establishment affected by the negotiation. If they want to take part in the negotiations, they must apply for it.</p>	
Level where it can be found	
<p>In companies with over 50 employees and at least two establishments, which is the threshold to have a staff delegation with members that can be elected under the flagship of a trade union.</p> <p>The collective agreement coverage rate depends on the size of the company. The larger a company, the more likely it is that employees will be covered by a collective agreement. According to STATEC 'the coverage rate increases from 30% for companies with 10 to 49 employees to 79% for companies with more than 1,000 employees' (Ries, J.(2013) 'N° 06/2013 Regards sur la couverture des conventions collectives de travail', STATEC).</p>	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
<p>Virtually everything – i.e. the full scope of topics that can be addressed by collective agreements in the country. However, Article L162-12 (1) of Labour code fixes the issues that must be dealt within the collective agreement: the parties involved, the professional and territorial scope; date of entry into force, length and prior notice of denunciation. The paragraph (2) mention the issues that must at least figure in a collective agreement:</p> <ul style="list-style-type: none"> • the conditions for hiring and dismissing employees; • working hours and working organisation, extra work and daily and weekly rest periods; • holidays and bank holidays; • work (at least +15% of the hours salary rate); • bonus for arduous work, dangerous or unhealthy work; • application of the equal treatment principle; • fight against harassment and related sanctions. 	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	

No, but any collective agreement must respect the constitution and, according to the article L162-12-6 of the Labour code , the applicable legislation and regulation. Any provision of a collective agreement that break the law is considered as void.
Extension to non-signatory parties
No.
Statistics on the prevalence of the collective agreement and trends over time.
No specific data on establishment collective agreements.
Other aspects
In the absence of longitudinal and in-depth studies on the content and dynamics of collective bargaining, it is difficult to make a precise assessment. The existing reports do all cover narrow domains of collective bargaining (working time, female-male equality, training) and do not offer a broad, in-depth assessment. This is also related to the fact that company level agreements are generally not publicly accessible.

Malta

National definition and regulation of collective agreements

In the Employment and Industrial Relations Act (EIRA), Chapter 452 of the Laws of Malta, collective agreement is defined as ‘an agreement entered into between an employer or one or more organisations of employers and one or more organisation of employees regarding conditions of employment in accordance with the provisions of the law’ Collective agreement is executable and enforceable in the sense that it has full legal backing. This backing has been confirmed by a civil court ruling in October 2005, between Malta Shipyards Limited and the General Workers Union. The ruling of the Court in this case stated that the maxim that contracts are binding is also applicable to collective agreements. The court also determined that it is not only the substantive part of the collective agreement which is binding on the parties to a collective agreement. The procedural clauses aiming at regulating the industrial relations between an employer and the recognised union are also enforceable in court of law. This decision of the civil court is based on the principles entrenched in the Maltese Civil Code, which states that any agreement freely signed by two distinct parties is considered to be a binding private writing between the parties.

Thus, the force of law of a Collective Agreement has a dual aspect: one on the basis that EIRA lists the Collective Agreement as ‘recognised conditions of employment’ and also as a contract proper entered between the parties. The former elevates the collective agreement from any other contract of employment entered into and appears to give it administrative and penal exposure.

Mapping of different types of collective agreements

In Malta there is no mechanism that promotes sector-based agreements. Company based agreement, which is the norm, is endorsed by the three social partners. Indeed, there has never been an initiative by any of three partners to promote sector-wide collective agreement. The unions feel that this decentralised system of collective bargaining makes them strong at enterprise level and it may also deter free riders. To the government it is seen as a means to control wage spiral inflation as in this prevalent system bargaining is conducted taking into consideration the exigencies of the particular company. To the employer, as expressed by the president of the Malta Employers’ Association, a collective agreement is perceived as a customised solution to a particular company tailor-made to its particular circumstances (Greenland Cory, ‘The Collective Agreement in Maltese Industrial Relations’ Malta. Union Print. 2012: p. 160).

The only sector wide agreement in Malta is that signed between the government and the seven trade unions representing various categories of employees in the civil service. It may differ from the typical sectoral agreement in the sense that it is signed by a single employer, which in this case is the government. The other collective agreement which may qualify to the definition of a sectoral agreement is the one covering the local wardens. Unlike the collective agreement covering the civil service employees, this is a multi-employer agreement as it is signed by three different companies which have been sub-contracted to provide local warden services. The agreement is endorsed by the Local Councils Association (AKL).

Articulation of collective agreements

A collective agreement is aimed at providing stability and avoidance of industrial unrest. It was towards this end that a model collective agreement was jointly drafted by the Malta Employers' Association (MEA) and the General Workers Union (GWU) in 1967. Although the number of issues related to the workplace listed in this agreement might not be exhaustive this agreement still forms the basis for collective bargaining. The main issues that have been added to it are family friendly measures (mostly in the collective agreements covering public sector employees) and occupational health and safety. The basic concept in the model of assuring employees of the most favourable conditions still stands. Indeed, most collective agreements include a clause stating 'that any improved legislation favouring employees stand in preference to the agreement but not vice-versa'. Since most of the agreements are signed after the lapse of the last agreement the starting date generally is retroactive. Apart from this model collective agreement between the MEA and GWU there is no industry-wide or national agreement in place in which the MEA has been actively involved. The part played by the employers' associations in the collective bargaining process is that of assistance or advice when or if it is sought. The almost total absence of the employers' associations in the collective bargaining process is a feature of the Maltese industrial relations system.

Type of collective agreements

Collective Agreement for Employees in the Public Service

Collective Agreement for Employees in the Public Service	Collective agreement for employees in the public service
Actors - Signatory parties	
All collective agreements by government entities are negotiated by the Principal Permanent Secretary and the Permanent Secretary at the Ministry of Finance. These two officials on the government side are accompanied by two officials from the Collective Bargaining Unit (CBU) within the Ministry of Finance. The scope of the CBU is to streamline the wage packet being negotiated during the collective bargaining process within the parameters set by the Ministry of Finance. It has lately been renamed as the Public Administration Collective Bargaining Unit and it falls within the remit of the Prime Minister. Seven unions currently represent the various categories of civil service employees. No limits exist on the unions that can be involved, however further unions would first have to gain recognition from the government prior to being able to join in future negotiations.	
Where can this form of collective agreement in principle be found?	
This agreement acts as a model for the collective agreement in other public entities such as the Central Bank of Malta.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually every topic is addressed by collective agreements. The topics are listed in the model collective agreement signed in 1967 by the GWU and Malta Employers' Association. This agreement is still the basis of every collective agreement. Clauses in the agreement which tend to be new are those related to work-life balance and occupational health and safety.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	

Clauses prescribing additional leave entitlement to compensate for public holidays falling on Saturday or Sunday cannot be included in the collective agreement, as was the case prior to 2005. The amendment made in National Holidays and other Public Holidays Act (Chapter 252, Laws of Malta) which came into effect on 1st January 2005, reads as follows: 'Notwithstanding anything contained in any other law , or in contract, or in any other instrument whatsoever with effect from 1st January, 2005 when a public holiday falls on a Saturday or on a Sunday, it shall not be deemed to be a public holiday for entitling any person to an additional day of vacation leave'(See EurWork Malta 14th July 2017 Work Related Issues in Parties' Manifestos).

n.b. At present there is an ongoing discussion to make amendments in the law to make it possible to compensate workers for public holidays falling on weekend.

Extension to non-signatory parties

This type of agreement is not extended to non-signatory parties.

Statistics on the prevalence of the collective agreement and trends over time.

No such figures available

Are there any other aspects worth mentioning in relation to this type of agreement?

Wage bargaining in this collective agreement process has to be conducted within a 20-scale salary structure. Indeed, this agreement is followed by a number of class agreements conducted separately with the unions that are signatories to this agreement. This class agreement assigns the applicable public services salary scales and the progressions of increments. To give an example the class Collective Agreement between the Malta Union of Teachers and Government determines the pay scale of the teachers, assistant head teachers, head teachers and the administrative staff which includes directors and their deputies.

Collective Agreement: GWU & Guard and Warden House Limited. Sterling Security Limited, Aurelia Enforcement Ltd.

	Collective Agreement: GWU & Guard and Warden House Limited. Sterling Security Limited, Aurelia Enforcement Ltd. Ftehim Kollettiv Ghall- Gwardjani Lokali
Actors - Signatory parties	
The Collective Bargaining Unity now named Public Administration Collective Bargaining Unit (see Sheet number 1 – ‘Collective Agreement or Employees in the Public Sector’.	
Where can this form of collective agreement in principle be found?	
This form of collective agreement can be found in other public entities. However this is a multi employer agreement whereas the collective agreement covering the civil service and public entities is a single employer agreement.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything which means that the full scope of topics are addressed.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
The agreement cannot include clauses related to Additional Leave to compensate for public holidays falling on Saturday and Sunday. See above sheet.	
Extension to non-signatory parties	
No	
Statistics on the prevalence of the collective agreement and trends over time.	
No figures are available	
Are there any other aspects worth mentioning in relation to this type of agreement?	
This agreement is endorsed by the Local Councils Association (AKL).	

Netherlands

National definition and regulation of collective agreements

Collective agreements in the Netherlands are regulated under The Dutch Law on collective agreements, which was introduced in 1927. The latest modifications¹³ were made in May 2004. There have not been major changes in the system in the past years.

Under the Law collective agreements can be made between one or more individual employers or one or more employer organisations and one or more employee organisations (usually trade unions) as long as those employer or employee organisations have full statutory jurisdiction. The Law on collective agreements regulates the specifications of an agreement (e.g. specification of the duration with a legal maximum of five years) and the obligation to inform members of the (employer/employee) organisation if an agreement has been made.

Mapping of different types of collective agreements

There is one type of collective agreement at two levels: branch and firm level.

Articulation of collective agreements

Specific topics may include wages, surcharges, payment of overtime work, working hours, holidays, leave, probationary periods, termination periods, dismissal regulations, benefits in case of unemployment, sickness or disability, and pensions. Agreements can never be made contrary to national law. At branch level agreements can be made in the form of 'new' (compared to national law) minimum (e.g. wage) or maximum (e.g. working time) levels setting new boundaries for individual employers. Regulations on wages, holidays etc are therefore usually more beneficial to employees than those arranged by national laws. Sometimes retroactive agreements are made e.g. wage increases for the previous year or for the first few months of the year of the agreement.

In the case of agreements at branch level employee and employer organisations can ask the Minister of Employment and Social Affairs to declare the collective agreement applicable to all employers and employees in the sector (in Dutch: '*Algemeen Verbindend Verklaren*' - AVV). The AVV-process is described by Law, dating from 1937 and usually involves only legal checks though in the past this has also been used as a symbolic political weapon if agreements are 'against general interest'. E.g. in 2004 Minister De Geus has threatened not to declare collective agreements applicable in cases where sickness benefits had been determined at a too high level after he had changed the national legal benefit level to introduce incentives for sick employees.

Firms can ask for dispensation of certain parts of the agreement if they have good reasons. Employer and employee organisations that have signed the agreement can judge whether requests are justified. Such occasions may arise when firms are in bad financial condition and cannot increase wages according to the agreement.

Again, there have been no major changes in the last years.

¹³ http://cao.minszw.nl/pdf/174/2004/174_2004_13_1372.pdf

Types of collective agreements

Collective agreement on branch level

Bedrijfstak-cao	Collective agreement on branch level
Actors – Signatory parties	
Employer organisations and employee organisations usually trade unions. There are several trade unions at national level in the Netherlands. Some are more relevant and have more members in certain branches than others.	
Level where it can be found	
In principle all sectors and branches can have a collective agreement.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Pay increases; Pay scales; duration of working time; Flexibility of working time; entitlements, including family leaves, other days of leave beyond the statutory; pensions; sickness benefits; work organisation, disability benefits and unemployment benefits beyond the statutory, payment during training time, anti-discrimination, employability (in particular for older workers), labour conditions.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
By Dutch Law on collective agreements (established in 1927) collective agreements which discriminate between race, religion, political or ideological conviction are declared to be invalid by law.	
Extension to non-signatory parties	
Employee and employer organisations can ask the Minister to extend the agreement to all organisations in the branch (AVV, as earlier mentioned). This is quite standard, though this process might lead to some modifications (usually to make use of sound legal expressions to ensure no conflicts arise). Negotiations with several trade unions can lead to an agreement which one trade union does not sign. This is very exceptional. Parties can go to court to test whether the agreement is valid or not.	
Statistics on the prevalence of the collective agreement and trends over time.	
On 1 January 2017 491 collective agreements were active in the Netherlands, covering 5.170.000 employees. Figures are an approximation as some agreements have expired but are still effective, these are not counted here. The Netherlands counted 7.050.000 employees in 2017 (Central Bureau for Statistics), so the coverage rate of employees under collective agreements is 73%. Roughly one fourth (120) of these agreements is at branch level, covering 4.535.000 employees ¹⁴ .	

¹⁴<https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2018/06/26/rapportage-cao-afspraken-2017/rapportage-cao-afspraken-2017.pdf>

Development over time data are mentioned in the same publication (p. 159). Figures contain agreements which have expired in the last 12 months and therefore differ from the above-mentioned numbers. There is no breakdown for type of agreement (branch or individual firm level).

year	# collective agreements	# employees
2009	748	6.149.500
2010	709	6.372.100
2011	688	6.128.500
2012	700	6.002.500
2013	674	5.953.000
2014	701	5.895.000
2015	680	5.486.400
2016	672	5.499.500
2017	659	5.551.200

Note that there is a downward trend in number of collective agreements and number of employees covered, though the latter is also influenced by the economic business cycle, which is a possible explanation for the rise in 2016 and 2017.

Collective agreement on firm level

Ondernemings-cao	Collective agreement on firm level
Actors – Signatory parties	
The individual firm and employee organisations, usually trade unions.	
Level where it can be found	
In principle every firm can have its collective agreement though in practice large firms make use of it.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Pay increases; Pay scales; duration of working time; Flexibility of working time; entitlements, including family leaves, other days of leave beyond the statutory; pensions; sickness benefits; work organisation, disability benefits and unemployment benefits beyond the statutory, payment during training time, anti-discrimination, employability (in particular for older workers), labour conditions.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	

By Dutch Law on collective agreements (established in 1927) collective agreements which discriminate between race, religion, political or ideological conviction are declared to be invalid by law.

Extension to non-signatory parties

Negotiations with several trade unions can lead to an agreement which one trade union does not sign. This is very exceptional. Parties can go to court to test whether the agreement is valid or not. This was the case in 2015 when trade union FNV refused to sign the collective agreement with Transavia airlines for ground personnel. The council judged that without the support of FNV the remaining trade unions did not have a representative share of individual members to represent all employees. The agreement was declared to be invalid.

Statistics on the prevalence of the collective agreement and trends over time.

On 1 January 2017 491 collective agreements were active in the Netherlands, covering 5.170.000 employees. Figures are an approximation as some agreements have expired but are still effective, these are not counted here. The Netherlands counted 7.050.000 employees in 2017 (Central Bureau for Statistics), so the coverage rate of employees under collective agreements is 73%.

Roughly three fourth (371) of these agreements is at branch level, covering 635.000 employees.

http://cao.minszw.nl/pdf/174/2017/174_2017_13_238711.pdf

Development over time data are mentioned in the same publication (p. 159). Figures contain agreements which have expired in the last 12 months and therefore differ from the above mentioned numbers. There is no breakdown for type of agreement (branch or individual firm level).

year	# collective agreements	# employees
2009	748	6.149.500
2010	709	6.372.100
2011	688	6.128.500
2012	700	6.002.500
2013	674	5.953.000
2014	701	5.895.000
2015	680	5.486.400
2016	672	5.499.500
2017	659	5.551.200

Note that there is a downward trend in number of collective agreements and number of employees covered, though the latter is also influenced by the economic business cycle, which is a possible explanation for the rise in 2016 and 2017.

Norway

National definition and regulation of collective agreements

Collective agreements for the private sector and for municipalities are regulated by the Labour Dispute Act ([arbeidstvistloven](#)), of 27. January 2012 no. 9, § 1, e) where it says (my translation): collective agreement: an agreement between a trade union and an employer or an employer organisation concerning working condition and wages or other working issues.

For the state, collective agreements are regulated by the Civil Service Dispute Act ([tjenestetvistloven](#)) of 18. July 1958 no. 2 § 11 where it says (my translation): Collective agreement is to be understood by this act as an agreement in writing between the State on the one side and a confederation, public sector union or another union as mentioned in § 3 on the other side, concerning wage and working conditions. A master collective agreement is an agreement concerning general wage and working conditions. A special agreement is an agreement on wages and working conditions that are not covered by a master collective agreement. No changes the last five years.

Mapping of different types of collective agreements

In general, the term '*tariffavtale*' is equal to collective agreement. More specific terms are used in public and private sector. In the public sector one can find basic agreements '*Hovedavtale*' that covers regulations between the confederations as well as regulations on co-determination rights. Then you have '*Hovedtariffavtale*' that covers wages- and working conditions. You will also find '*særavtale*' that covers wages- and working conditions that are not mentioned in the others. A '*særavtale*' can be concluded at central level, then named '*sentral særavtale*' or at local level – '*local særavtale*'.

In the private sector there are '*Hovedavtale*' with the same kind of regulations as in the public sector. Then you have '*overenskomst*' or '*tariffavtale*' that are used as synonyms and contains wages- and working conditions. The term '*tariffavtale*' can also be used as describing the combination of '*hovedavtale*' and '*overenskomst*'. '*Særavtale*' is mainly used as an agreement at company level or at local unit level.

Articulation of collective agreements

If employees are bound by a '*tariffavtale*' they will always be bound by a '*Hovedavtale*' and an '*overenskomst*', '*hovedtariffavtale*' or '*tariffavtale*'. These agreements form a hierarchy where the *Hovedavtale* is on top, then the *overenskomst/hovedtariffavtale* and then there can be *særavtaler* at the bottom. In the public sector *særavtaler* can be entered into at central and local level, where the central level agreements will stand above the local ones. The hierarchy is established through the *Hovedavtale* being part 1 of all collective agreements. Further in the agreement the hierarchy is established, stating that other agreements must respect the *Hovedavtale*. Conditions for entering into a *særavtale* are also usually laid down in the *Hovedavtale*.

There are no regulations on what topics that can be regulated at different levels, but lower level agreements cannot derogate from higher level agreements unless this is made explicit in the higher-level agreement. Issues that may be regulated by company level agreements (*særavtale*) may also be limited by higher level agreements.

The confederation will usually be part of both the basic agreement (*hovedavtale*) and the industry agreement (*overenskomst*). The union or industry organisation affiliated to the confederations will be part in the industry agreement, while member companies and member unions at company level may be part of company level agreements (*særavtale*).

Types of collective agreements

Basic agreement

Hovedavtale	Basic agreement
Actors – Signatory parties	
<p>There are several Basic Agreements, and within the private sector and municipalities, there are no pre-defined set of actors. However, collective agreements for civil servants can only be entered into by '<i>forhandlingsberettigede organisasjoner</i>' – organisations entitled to negotiate - may negotiate. To have this status the Civil Service Dispute Act sets conditions on the number of members and in how many agencies they are employed. Different combinations are allowed in order to meet the requirement.</p>	
Level where it can be found	
The whole labour market.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
No Answer	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No answer	
Extension to non-signatory parties	
Not possible	
Statistics on the prevalence of the collective agreement and trends over time.	
<p>All companies and employees that are covered by a collective agreement are covered by a basic agreement. In Nergaard (2016) one can find figures on bargaining coverage for employees and companies. In the public sector all employees are covered, and in the private sector around 50 %. There is no official number on the number of agreements, but probably less than 50.</p>	

Collective agreement

Tariffavtale	Collective agreement
Actors – Signatory parties	
No	
Level where it can be found	
In the private sector, at industry level or at company level, but some white-collar workers are cross-sectoral.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything;	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Potentially feasible	
Statistics on the prevalence of the collective agreement and trends over time.	
In Nergaard (2016) one can find figures on bargaining coverage for employees and companies. In the public sector all employees are covered, and in the private sector around 50 %. There is no official number on the number of agreements, but it is estimated to just below 400 excluding single-employer agreements.	

Master collective agreement

Hovedtariffavtale	Master collective agreement
Actors – Signatory parties	
Only for civil servants, where only ' <i>forhandlingsberettigede organisasjoner</i> ' – organisations entitled to negotiate - may negotiate. To have this status the Civil Service Dispute Act sets conditions on the number of members and in how many agencies they are employed. Different combinations are allowed in order to meet the requirement.	
Level where it can be found	
In the public sector	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything;	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
These agreement covers all of the public sector.	
Statistics on the prevalence of the collective agreement and trends over time.	
In Nergaard (2016) one can find figures on bargaining coverage for employees and companies. In the public sector all employees are covered. There are four agreements in the state sector, whereas three of them are parallel. For municipalities there is a distinction between Oslo and the rest of the country. Oslo has their own agreements. Even though the agreements have the same wording in the municipalities, de jure there is one agreement for each union, meaning that there exists around 70-75 agreements in total in the municipality sector, including a couple of agreements that diverse from the others.	

Special wage agreement

Særavtale	Special wage agreement
Actors – Signatory parties	
No	
Level where it can be found	
In the private sector it can be found at company level, and in the public sector both at central level and at agency/enterprise level.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Sometimes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything can be regulated. There is no data on this.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
No	
Extension to non-signatory parties	
Not possible	
Statistics on the prevalence of the collective agreement and trends over time.	
No	
Other aspects	
The agreement cannot derogate from collective agreements that the parties are bound by.	

Poland

National definition and regulation of collective agreements

In Poland collective bargaining is subject to regulation by the Chapter 11 of the Labour Code. While the Labour Code does not explicitly define the notion of a 'collective agreement', it could be derived from jurisdiction and literature (commentaries to the Labour Code). So by collective agreements one should understand:

'normative agreements concluded by social partners: employers or employers' organisations and trade unions, specifying the conditions to be met by employment contracts (normative provisions of collective agreements), obligations and rights of the parties to the collective agreement (obligatory provisions of collective agreements) and other obligations of the employer towards the group of employees (provisions included in the so-called third part of collective agreements)' (Świątkowski 2016).

In line with the Constitutional Court ruling of 20 January 1988 (U 1/87, OTK 1988, No. 1, item 9), collective agreements are not normative acts done by the state bodies, but rather special sources of labour law.

No changes to the relevant regulations (nor any rulings shifting the line of jurisdiction) have been made for past five years.

Mapping of different types of collective agreements

There are two types of collective agreements recognised by the law:

1. Single-employer collective agreements;
2. Multi-employer collective agreements.

Single-employer collective agreements might be made by and between a single employer and trade unions operating within establishment(s) controlled by the employer. No restrictions apply to employers (each and any employer may become a party to an agreement), while on the employee side, trade unions deemed representative in line with the Labour Code regulations, are entitled to be a party to a collective agreement. Polish law follows a 'managerial' concept of an employer for collective labour relations purposes, so 'employer' is any entity (legal person or individual) who employs staff (is a party to employment contracts). As a result, the management of a single establishment can also act as the employer via employee representation at the workplace level.

Multi-employer collective agreements (not to be confused with 'sectoral' ones) might be made by and between an employer organisation and trade unions deemed representative in line with the Labour Code.

The issue of representativeness for the purpose of collective bargaining is dealt with by the Labour Code. As far as **single-employer collective agreements are concerned, trade union has to meet at least one of the following conditions in order to be recognised as representative:**

1. belong to supra-enterprise trade union organisation deemed representative (see below) and comprises at least 7% of staff employed by the employer or
2. comprise at least 10% of staff employed by the employer. However, if no union organisation is able to fulfil any of the criteria, the largest trade union organisation active with the employer is deemed representative, and, as such, has the right to become a party to a Single-employer Agreement

By virtue of the Clause 241/17 of the Labour Code, in order to be recognised as **representative at supra-enterprise level**, a trade union has to meet at least one of the following conditions:

1. have representative status as defined by the on Act Social Dialogue Council and other social dialogue institutions;
2. comprise at least 10% of total employees within a formally demarcated domain, not less, however, than 10,000 members; or
3. have the highest number of members within the group of employees to be covered by a multi-employer agreement.

According to the Clause 241/14 of the Labour Code, any employer organisation whose domain is related to the domain of representative trade unions at supra-enterprise level is eligible to become a party to a multi-employer agreement.

Articulation of collective agreements

In general, the law states that collective agreements regulate ‘content of employment relationship’, which is composed of mutual rights and obligations of employer and employee explicated in a contract of employment.

With regard to collective agreements, the law follows the major principles of:

1. **‘freedom of contracts’** with regard to collective agreements, with the exception made by the Clause 240 item 3, which explicitly disallows using provisions jeopardizing the rights of third parties (e.g. protection of employee’s remuneration from court authorized execution);
2. **‘favourability’**, in line with which collective agreements cannot introduce provisions **less favourable** for employees than those envisaged by law (e.g. monthly gross wage for a full-time job below the national minimum wage level), and, in particular, violating general rules of law (e.g. by introduction of gender-based pay discrimination), and determines priority of higher level agreements (multi-employer) over lower level agreements (single-employer), thus the latter can only ‘top-up’ provisions of the former. As mentioned above, the law differentiates between ‘normative’ and ‘obligatory’ provisions: the former constitute the core of an agreement, relate to employee entitlements and can be referred to while addressing any substantive claims by employees covered (e.g. right to financial bonuses), the latter play auxiliary part and regulate relations between the signatories (e.g. the rules for reviewing of the agreement).

No changes to the relevant regulations (nor any rulings shifting the line of jurisdiction) have been made for past five years.

Types of collective agreements

Single-employer collective agreement

<i>zakładowy zbiorowy pracy</i>	<i>układ</i>	Single-employer collective agreement
Actors – Signatory parties.		
<p>No restrictions apply to employers willing to negotiate, each and any employer may become a party to an agreement). On the employee side, only trade unions deemed representative in line with the Labour Code regulations, are entitled to be a party to a collective agreement. Trade union has to meet at least one of the following conditions in order to be recognised as representative:</p> <ol style="list-style-type: none"> 1. belong to supra-enterprise trade union organisation deemed representative (see below) and comprises at least 7% of staff employed by the employer 2. comprise at least 10% of staff employed by the employer. 3. if no union organisation is able to fulfil any of the criteria, the largest trade union organisation active with the employer is deemed representative, and, as such, has the right to become a party to a single-employer agreement. 		
Level where it can be found		
<p>As the numerical threshold for establishment of a trade union is set at 10 employees by the Trade Unions Act, unions are named as having a ‘legal monopoly’ for collective bargaining on behalf of employees, and work-place centred union model exists, than all microenterprises (and their employees) are excluded from collective bargaining. For the remaining part of employees, no restrictions apply, except for:</p> <ol style="list-style-type: none"> 1. members of the Civil Service Corps; 2. central government employees employed on the basis of appointment and nomination; 3. local government employees employed on the basis of election, appointment and nomination in: <ol style="list-style-type: none"> a. Marshal (head of the voivodship) offices, b. district office, c. municipality offices, d. offices of associations of local government units, e. offices of local government units; 4. judges, court assessors and public prosecutors. 		
Do these collective agreements usually include agreements on wage levels and/or increases?		
Yes		
Which other topics are usually regulated within this type of agreement?		
Aspects relating to health and well-being at work; aspects regulating employee representation; work organisation.		
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,		

Fundamental rights cannot be dealt with by single employer CA in such a way that they would challenge them in any way, for instance by imposing gender-based pay discrimination for employees covered by the CA.
Extension to non-signatory parties
No
Statistics on the prevalence of the collective agreement and trends over time.
There is no consolidated database of single employers collective agreements in Poland, as regional (voivodship level) labour inspectorate (<i>okręgowy inspektor pracy</i>) is charged with such a duty. Only estimates can be provided: roughly 8,000 such CAs are in place covering some 2 million employees.

Multi-employer collective agreements

<i>ponadzakładowy układ zbiorowy pracy</i>	Multi-employer collective agreement
Actors – Signatory parties	
<p>Multi-employer collective agreements might be made by and between an employer organisation and trade unions deemed representative.</p> <p>In order to be recognised as representative at supra-enterprise level, a trade union has to meet at least one of the following conditions:</p> <ul style="list-style-type: none"> • have representative status as defined by the on Act Social Dialogue Council other social dialogue institutions; • comprise at least 10% of total employees within a formally demarcated domain, not less, however, than 10,000 members; or • have the highest number of members within the group of employees to be covered by a multi-employer agreement. <p>Any employer organisation whose domain is related to the domain of representative trade unions at supra-enterprise level is eligible to become a party to a multi-employer agreement. The law does not overrule a situation when more than one employer organisation is the party to specific agreement.</p> <p>However, the ‘collective bargaining capacity’ (<i>zdolność układowa</i>) is defined in a different manner when it comes to a segment of non-commercial part of the public sector (so called ‘national budgetary sphere’), in other words, local government employees, apart for the categories specifically excluded (see above). The local government body can enter into agreements with representative trade unions representing such employees.</p>	
Level where it can be found	
No specific regulations apply, in theory, the multi-employer CA can be concluded anywhere with the eligible parties present and willing to sign.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
No specific areas are named. The restrictions are drawn not in a ‘topical’ but rather ‘hierarchical’ manner (see the general ‘favourability’ rule).	

Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...
Fundamental rights cannot be dealt with by multi-employer CAs in such a way that they would challenge them in any way.
Extension to non-signatory parties
Yes, the law (Clause 214/18 of the Labour Code) provides for the option of erga omnes extension of a multi-employer CA. It is to be done by decision (ordinance) of the Minister of Labour, if a 'crucial social interest' (<i>ważny interes społeczny</i>) demands such a move. The decision is arbitrary, and the notion 'crucial social interest' has no legal definition leaving a vast room to manoeuvre for the government. However, no such case has ever occurred.
Statistics on the prevalence of the collective agreement and trends over time.
The register of multi-employer agreements is administered by the Minister of Labour. According to the register in 2016 there are 86 active multi-employer CA, covering some 390,000 employees, i.e. some 2.7 % of employees, in the prevailing part from the public sector. The register is not published, hence no web link can be provided.
Other aspects
Multi-employer agreements are de facto non-existent.

Portugal

National definition and regulation of collective agreements

The main national source(s) where collective agreements are defined and regulated are the [Portuguese Constitution](#) and the Labour Code (LC) approved by Law no.7/2009 as amended by Law 73/2017.

The Constitution establishes that trade unions have the prerogative to exercise the right of collective bargaining (Article 56, paragraph 3); and establishes that the rules regarding the legitimacy of collective agreements and the effectiveness of their regulations are defined by law (Article 56, paragraph 3). In addition, the articles 58 and 59 of the Constitution establish the fundamental workers' rights, which the law and collective agreements have to comply with.

According to the Labour Code (Article 2, paragraph 2), a collective labour convention (*convenção coletiva de trabalho*) - the general term equivalent to the ILO concept of collective agreement - is defined as an agreement between one or more trade unions and one or more employers or employers' associations, which regulates labour relations within their scope of application and that may also establish rules on the relationship between the parties (see also definition in [Green Paper on Labour Relations 2016](#)/Livro Verde sobre Relações Laborais, pp.311). Collective agreements have to be written (article 477). They must be registered near the Labour Ministry (article 494) and published in the official [Bulletin of Work and Employment](#) (Boletim do Trabalho e do Emprego, BTE) before they come into force.

In the public sector, the General Labour Law in Public Functions ([Lei Geral do Trabalho em Funções Públicas](#)) defines the right to collective bargaining and the specific regulations on collective agreements. The law defines that trade unions have the prerogative of collective bargaining on the matters comprised in the statutory regulations (legislative acts or administrative regulations) applicable to public sector employees; and have the right to conclude collective agreements (article 347, paragraph 3). However, the right to conclude collective agreements is limited to specific issues/topics (article 355).

In the past five years the major changes in the legal framework of collective bargaining were the following:

PRIVATE SECTOR

The amendments to the Labour Code:

3th LC amendment ([Law no. 23/2012](#)):

Allowed collective agreements to define that regulations on issues such as functional and geographical mobility, working time and wages could be set up by collective agreements at another level (article 482); and reduced to 150 employees the threshold firm size above which workers' representatives can conclude collective agreements, when they have a mandate from the trade unions (article 492). These rules continue into force.

Promoted individualization of labour relations by allowing that 'working time accounts' could be the result of agreements between employers and individual employees (article 208A), while before they could only be regulated by CA. This rule continues in force.

Limited the autonomy of collective bargaining: establishing the nullity of the provisions of CAs providing for amounts higher than those resulting from the Labour Code in relation to severance pay; and suspending for two years the provisions of CAs providing for overtime payment increases higher than those established by the LC, a period extended one year more by the [Law 48A/2014](#). Due to their temporarily nature these specific measures are not in force anymore.

The 7th LC amendment ([Law 55/2014](#)):

Imposed the reduction of the period of caducity of collective agreements from 5 to 3 years and the reduction of their period of validity after expiring from 18 to 12 months (article 501); and established the possibility of suspending temporarily part or an entire collective agreement in companies in crisis, when indispensable to the company survival or the maintenance of jobs (article 502), a possibility that depends on a written agreement between the employer associations and trade unions.

The change of rules on the extension of collective agreements

The centre right government published the [Resolution 90/2012](#) which introduced strict conditions whereby collective agreements could only be extended if the signatory employers' organisations employed more than 50% of all employees in the industry concerned and taking into account the implications of extension for the competitiveness of the industry. In 2014, the [Resolution 43/2014](#) added new alternative criteria i.e. that the number of members of the employers' association, consists at least of 30% of micro, small and medium enterprises.

The socialist government changed the criteria for extension of collective agreements to respond to the crisis and blockade of collective bargaining, publishing the [Resolution 82/2017](#). The resolution highlight that extension should promote social equality and gender equity and the constitutional principle of 'equal pay for equal work'. Extension decisions will be based on the following indicators: effect on the wage bill and economic impacts; level of wage increase; impact on wage scale and on reduction of inequality; percentage of workers to be covered (in total and by gender); and proportion of women that will benefit. In addition, the new resolution defines a deadline of 35 days for analysis, public consultation and issuance of extension orders; and defines new mechanisms to implement the measure, including the creation of a permanent technical committee, involving [DGERT](#) and [GEP](#) departments of the ministry of labour.

This decision resulted of the process of social dialogue linked to the [Tripartite Commitment for a Mid-term Concertation Agreement](#) (see [Portugal: Tripartite commitment on labour market and collective bargaining measures](#)).

The tripartite commitment included a bipartite commitment between trade union and employer confederations (extended also to the state as an employer) to commit their constituencies (unions, employer associations, single employers) not to require unilaterally the expiry of collective agreements during a period of 18 months (starting January 2017).

Public sector

As part of austerity measures collective bargaining over wages has been blocked between 2010 and 2017 and wage nominal cuts were imposed between 2011 and 2015. The socialist government, which came into power in November 2015, reversed wage nominal cuts in the public sector, but collective bargaining wage increases are still blocked.

The **General Labour Law in Public Functions** ([Lei Geral do Trabalho em Funções Públicas](#)) – [Law 35/2014](#) introduced some changes in the framework of collective bargaining and in employment conditions in public sector. The **rules on extension** changed (article 370) as collective agreements continue to be applied in accordance with the principle of membership in signatory trade unions (paragraph 2), but a new figure was created (paragraphs 3) which translates into the application *erga omnes* of the agreements to other workers integrated in careers or employed in the service regulated by the agreement. The application *erga omnes* suffers, however, a limitation, as the law considers the possibility that non-unionized workers and trade unions with legitimacy to that effect can express opposition. As part of austerity measures, the centre right government published legislation ([Law No. 68/2013](#) and [Law 35/2014](#)) imposing the increase of weekly working time from 35 to 40 hours

in the public sector over the regulations of collective agreements. Also with basis on these laws the government blocked the publication and entry in force of collective agreements on working time, concluded since 2013, by trade unions and municipalities in local administration. In 2015, the Constitutional Court considered unconstitutional the rules of Law 35/2014 assigning to the government the power to sign collective agreements within the local administration, for violation of the principle of local autonomy ([Judgment 494/2015](#)), thus obliging the publication and entry into force of collective agreements in local administration. In 2016, the socialist government re-established the 35 hours week in the public sector ([Law 18/2016](#) 2nd amendment to the Law 35/2014).

Pursuant to paragraph 2, collective bargaining agreements continue to be applied in accordance with the principle of membership, but a new figure is created in paragraph 3, which translates into the application erga omnes of the agreements 'Other workers who are either employed or employed by the public employer', that is to say, the law has immediate repercussions on collective bargaining agreements in the legal sphere of other workers by virtue of the provisions of Paragraph 3. The application erga omnes suffers, however, a limitation, expressed in the possibility of express opposition of the non-unionized worker or union association with legitimacy to that effect.

Mapping of different types of collective agreements

Types of formal written agreements with the force of law:

In the private sector – regulated by the Labour Code

There are three types of CA, characterized by the entities that take part (Article 2, paragraph 3 of the LC):

Collective Labour Contract, '*Contrato coletivo de trabalho, CCT*' – when signed by one or more employer's associations and trade unions;

Collective Labour agreement, '*Acordo coletivo de Trabalho, ACT*' – when signed by a plurality of employers for different companies and trade unions. This type is a multi-employer agreement that is not signed by an employer association but by a group of different companies. For instance, a sector agreement signed by different banks and the trade unions in the banking sector.

Company agreement, '*Acordo de empresa, AE*' – when concluded by an employer and trade unions for a company or an establishment.

Although the Labour code provides for inter-confederation collective agreements (amendment by Law no. 23/2012), there is no case so far of collective agreements of this type. Trade union confederations do not negotiate directly collective agreements, neither the employer confederations. The only exception is a sector collective agreement signed by a trade union and the farmers' confederation CAP and it does not cover the entire national territory.

According to official data (see [Livro Verde sobre as Relações Laborais 2016](#), pp 323), in 2014 the collective agreements **in force** were: 411 **CCT**, covering 1,802,130 workers; 51 **ACT** covering 97,038 workers; and 197 **AE** covering 80,029 workers. Altogether their coverage represented around 80.5% of the workforce (considering the number of wage earners in private sector, Quadros de Pessoal/[GEP/MTSS](#)). The large majority of workers covered by CAs are covered collective labour contracts (91%).

In the public sector – regulated by the General Labour Law in Public Functions

The generic term is Acordo Coletivo de Trabalho – Collective Labour Agreement. There are two types (article 13, paragraphs 5, 6 and 7):

Career Collective Agreement, '*Acordo Coletivo de Carreira*' – applicable within a career or set of careers, regardless of the body or service where the public employee works. This type is divided into subtypes which follow similar rules but apply to different types of careers: **Collective Agreement of General Careers** '*Acordo coletivo de Carreiras Gerais, ACCG*' and **Collective Agreement of Special Careers** '*Acordo coletivo de carreira especial, ACCE*'.

Collective Agreement of Public Employer, '*Acordo Coletivo de Empregador público, ACEP*' – applicable in the scope of the body or service where the employee works.

Articulation of collective agreements

Private sector

The Labour Code establishes that sector collective agreements prevail over agreements of the same nature whose scope is defined by profession or professions (Article 481). The LC establishes that whenever there is competition between collective agreements (Article 482), the following preference criteria are observed: the AE (company agreement) prevails over the CCT (agreement with an association(s) of employers) and over an ACT (agreement with group of companies); and the ACT prevails over the CCT.

The amendment to the Labour Code by [Law no. 23/2012](#) introduced the possibility to alter the above mentioned criteria (Article 482, paragraph 5) if collective agreements will include an *articulation clause* between collective agreements of different levels. In addition, it created the possibility of collective agreements to define that certain matters such as geographical and functional mobility, organization of working time and remuneration are regulated by an agreement at another level, which might be understood as kind of *open clause*. However, it seems that these two possibilities have very rarely been included in the collective agreements negotiated since the 2012 (See [Livro Verde sobre as Relações Laborais 2016](#); and [Relatório anual sobre a evolução da negociação coletiva em 2016](#)).

There are not legal **limitations regarding issues/topics collective agreements** that depend on the level of bargaining. Limitations apply equally to all levels. Collective agreements cannot remove mandatory legal provisions; cannot regulate economic activities, including periods of activity; taxes and price formation and the exercise of temporary employment agencies, including the temporary contract of employment; give retrospective effectiveness to any clause that is not of a pecuniary nature. They may institute additional social benefits to those provided by the welfare system (article 478). Examples of mandatory legal provisions over CAs refer to: Identification of reasons justifying employees' absence of work and their consequences in terms of disciplinary procedures (article 250) unless they refer to worker representatives; almost all the provisions on the termination of the employment contract (article 339) with the exception of criteria and amount of severance pay; and some of the regulations on short-term contracts (article 139).

The LC does not define any rules on the **application of favourability principle between CA of different levels**, which means that in theory, company level agreements might be better or worse than sector agreements. In practice, and according to what has been the tradition, the company agreements tend to be more favourable than the sector agreements. This tradition is linked to the fact that trade unions have the exclusive prerogative to exercise the right of collective bargaining, a right protected by the Constitution. Although since 2009 the Labour Code allowed non union workers 'representative structures to negotiate collective agreements (in 2009 for companies with at least 500 employees and in 2012, with the LC amendment by [Law no. 23/2012](#), Article 492, paragraph 3 in companies with at least 150 employees), these structures can only negotiate when they are mandated with the necessary powers by the trade unions.

The LC does not specify rules **concerning complementing/enlargement or reduction of scope of higher level CA by lower level CA**. Actually, in practice, company agreements cover often a wider range of topics and/or more detailed rules. For instance, regarding vocational training.

There is not a predefined link between the signatory parties of collective agreements at different levels, and the **actors can be independent of each other**. In theory, individual companies can conclude agreements with trade unions that are not the ones that signed the sector agreement. And employers not affiliated with employers' associations might conclude company agreements. This also means that lower level CA can have the **ability to repeal aspects of higher level agreements** because they are independent and in principle the lower level prevail over the higher level (unless the agreements include clauses of articulation).

In Portugal collective bargaining coverage is highly dependent of extension procedures, due to the low level of trade union density and low affiliation of companies in employer associations. The rules on extension do not favour the **prior in tempus rule**. On the contrary they favour the most recent agreement concluded, unless the workers choose individually (in a period of a month after the most recent agreement has been published), the agreement they want to be apply to them (LC article 482, paragraph 2).

Main changes in the last five years: see first section National Definition and Regulation of Collective Agreements

Public Sector

According to the **General Labour Law in Public Functions** all the matters comprised in the public employees' statute, including working time, wages and careers definition, are subject to collective bargaining but not subject to collective agreements (article 350). If there is no agreement the government can take unilateral decision (article 354).

The right to conclude collective agreements in the public sector is limited to specific issues/topics (article 355): wage supplements; specific performance reward systems; adapted and specific performance evaluation systems; duration and organization of working time; mobility schemes; and complementary social protection. The collective agreements are articulated. The **career collective agreements** (professional/occupational) indicate the topics/issues to be regulated by the **collective agreements of public employer** (body or service). When there is not a career collective agreement, the public employer agreement can regulate the above mentioned issues with the exception of wage supplements (article 14).

Types of collective agreements

Collective labour contract

Contrato Coletivo de Trabalho, CCT	Collective Labour Contract
Actors – Signatory parties	
Trade unions and employer associations.	
Level where it can be found	
Sector or branch or profession and can also be sector/region.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Pay increases; Pay scales; duration of working time; flexibility and adaptability of working time; career progression; training days; entitlements, including family leaves, other days of leave beyond the statutory; health, security and well-being at work; aspects regulating employee representation; supplements to pensions; vocational training.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
See above Labour Code, article 478, in this Section for the areas excluded. They apply to all kinds of agreements in the private sector.	
Extension to non-signatory parties	
'Pervasive' under certain conditions (see Section National Definition and regulation of collective agreements - Resolution 82/2017) to all employers not affiliated in the signatory employer association and to all employees not affiliated in signatory unions.	
Statistics on the prevalence of the collective agreement and trends over time.	
According to official data (see Livro Verde sobre as Relações Laborais 2016 , pp 323), in 2014 were in force 411 CCT (collective labour contracts) covering 1,802,130 workers. Source: DGERT/Ministry of Labour/2016 http://www.dgert.gov.pt/wp-content/uploads/2017/01/2016_vmpi_anual.pdf DGERT/Ministry of Labour/2017 1 st semester http://www.dgert.gov.pt/wp-content/uploads/2017/07/Relatorio-2017.1sem-DERT.pdf	

Collective labour agreement

Acordo Coletivo de Trabalho, ACT	Collective Labour Agreement
Actors – Signatory parties etc.	
Trade unions and groups of companies	
Level where it can be found	
Sector or branch sector/region or profession.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Identical to those of Collective Labour Contracts.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Topical areas excluded apply to all kinds of agreements.	
Extension to non-signatory parties	
'Pervasive' under certain conditions (see Section National Definition and regulation of collective agreements). It can be extended to the workers that are not affiliated in the signatory trade unions.	
Statistics on the prevalence of the collective agreement and trends over time.	
According to official data (see Livro Verde sobre as Relações Laborais 2016 , pp 323), in 2014 were in force 51 ACT (collective labour agreements) covering 97,038 workers. Sources: DGERT/Ministry of Labour/2016 http://www.dgert.gov.pt/wp-content/uploads/2017/01/2016_vmpi_anual.pdf DGERT/Ministry of Labour/2017 1 st semester http://www.dgert.gov.pt/wp-content/uploads/2017/07/Relatorio-2017.1sem-DERT.pdf	

Company agreement

Acordo de Empresa, AE	Company Agreement
Actors – Signatory parties	
Trade unions and single employers irrespective of the size of the company. Workers' representative structures can conclude company agreements in companies with more than 150 employees, when they have a mandate from the trade unions (article 492).	
Level where it can be found	
Companies/establishments	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
The same topics as any other agreements.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rightsthe same as in other agreements.	
Topical areas excluded apply to all kinds of agreements. Identical to the other types in the private sector.	
Extension to non-signatory parties	
'Pervasive'. It can be extended to the workers that are not affiliated in the signatory trade unions.	
Statistics on the prevalence of the collective agreement and trends over time.	
According to official data (see Livro Verde sobre as Relações Laborais 2016 , pp 323), in 2014 were in force 197 AEs (company agreements) covering 51,206 workers. Sources: DGERT/Ministry of Labour/2016 http://www.dgert.gov.pt/wp-content/uploads/2017/01/2016_vmpi_anual.pdf DGERT/Ministry of Labour/2017 1 st semester http://www.dgert.gov.pt/wp-content/uploads/2017/07/Relatorio-2017.1sem-DERT.pdf	

Collective agreement of career

Acordo coletivo de carreira Two types: Acordo Coletivo de Carreiras Gerais, ACCG Acordo Coletivo Carreira Especial, ACCE	Collective Agreement of Career Includes two types (same regulations): Collective Agreement of General Careers (ACCG) Collective Agreement of Special Careers
Actors – Signatory parties	
Collective Agreement of General Careers (ACCG) Trade unions and by members of the Government responsible for the areas of finance and Public Administration. Collective Agreement of Special Careers (ACCE) Trade union confederations and trade unions representing at least 5% of the employees of the special career; and from the side of employer by members of the Government responsible for the areas of finance and Public Administration, and by the members of the Government interested in the specific career (article 364).	
Level where it can be found	
Specific of public sector Applicable within a special career (ACCE) for instance teachers, or set of careers (ACCG), regardless of the institution or service where the public employee works.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
The right to conclude collective agreements in the public sector is limited to specific issues/topics (article 355): Wage supplements; specific performance reward systems; adapted and specific performance evaluation systems; duration and organization of working time; mobility schemes; and complementary social protection.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Topical areas excluded apply to all kinds of agreements in the public sector and comprise those areas that are ruled by statutory regulations. The areas excluded are the following (article 350 General Labour Law in Public Functions): constitution, modification and extinction of the public employment relationship; recruitment and selection; definition of careers; working time; holidays, absences and licenses; remuneration, including the level of remuneration and the monetary amount of each level remuneration; vocational training and further training; occupational health and safety; disciplinary regime; mobility; performance evaluation; collective rights; convergent social protection regime; and complementary social action.	
Extension to non-signatory parties	
‘Virtually automatic’. Collective agreements apply in accordance with the principle of membership in signatory trade unions but there is <i>erga omnes</i> application of the agreements to other workers integrated in the career regulated by the agreement. The application <i>erga omnes</i> suffers, however, a limitation, as non-unionized workers and trade	

unions with legitimacy to that effect can express opposition (Lei Geral do Trabalho em Funções Públicas , article 370).
Statistics on the prevalence of the collective agreement and trends over time.
According to the official report Contratação Coletiva na Administração Pública - Relatório 2015 and data from DGAEP/Ministry of Finance in 2015 it was published 1 Collective Agreement of General Careers (ACCG) and 1 Collective Agreement of Special Careers (ACCE) and in 2016 it was published one of General Careers (ACCG).

Public employer collective agreement

Acordo coletivo de empregador público	Public Employer Collective Agreement
Actors – Signatory parties	
Trade unions and trade union confederations and from the side of employer by members of the Government responsible for the areas of finance and Public Administration, or by the member of the Government that oversees the institution or service in which the agreement is applied and/or by the public employer itself (article 364).	
Level where it can be found	
Specific of public sector. Applicable within a career or set of careers regardless of the body or service where the public employee works.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
The right to conclude collective agreements in the public sector is limited to specific issues/topics (article 355): Wage supplements; specific performance reward systems; adapted and specific performance evaluation systems; duration and organization of working time; mobility schemes; and complementary social protection.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
Topical areas excluded apply to all kinds of agreements in the public sector and comprise those areas that are ruled by statutory regulations (article 350 General Labour Law in Public Functions). In addition, these agreements are articulated with the career collective agreements, and can only include wage supplements when the career collective agreement include provisions on that regard.	
Extension to non-signatory parties	
‘Virtually automatic’ Collective agreements apply in accordance with the principle of membership in signatory trade unions but there is <i>erga omnes</i> application of the agreements to other workers integrated in the institution or service regulated by the agreement. The application <i>erga omnes</i> suffers, however, a limitation, as non-unionized workers and trade unions with legitimacy to that effect can express opposition (Lei Geral do Trabalho em Funções Públicas , article 370).	

Statistics on the prevalence of the collective agreement and trends over time.

According to the official report [Contratação Coletiva na Administração Pública - Relatório 2015](#) and data from [DGAEP/Ministry of Finance](#) in 2015 were published 331 Public Employer Collective Agreements (ACEP) and in 2016 were published 414.

Romania

National definition and regulation of collective agreements

[Social dialogue law no. 62/2011](#), republished in Official Gazette no. 625 of 31 August 2012:

Art. 1 i) – *The Collective Labour Agreement* is the written agreement concluded between the employer or employers' organization and employees' representatives, which establishes clauses on the rights and obligations arising from employment relations. The conclusion of collective labour agreements aims at promoting and defending the interests of the signatory parties, preventing or limiting labour conflicts in order to ensure social peace.

The Social Dialogue Law replaced all existing regulations on collective labour relations at that time. Although the definition of the collective agreement has not been changed in relation to the previous law no. 130/1996, the reform of the social dialogue focused in particular on the acquisition of representativeness by the social partners negotiating it, as well as the levels at which this negotiation takes place, the definition of the collective agreement itself being unchanged.

Currently, no collective agreement can be negotiated at national level, but only at unit/group of units/sector level. On the impact of the legislative changes in the field: ILO, [The Impact of Legislative Reforms on Industrial Relations in Romania](#), 2013.

Mapping of different types of collective agreements

Collective agreements can be concluded in both the private and the budgetary (public) sectors. In the public sector, they cover only contract staff, i.e. employees (who have concluded an individual employment contract), not public servants (appointed by administrative act).

In addition, it is possible to negotiate and conclude:

Collective accords - within the meaning of Article 1 lit. j) of the Social Dialogue Law no. 62/2011, which are collective agreements concluded between trade union organizations of civil servants or civil servants with a special status (such as policemen) and representatives of the public authority or institution. The special law applicable to civil servants, namely the Administrative Code, approved by Government Emergency Ordinance no. 57/2019, published in the Official Gazette no. 555 of 5 July 2019 provides for the possibility of civil servants to conclude these agreements.

Collective accords - within the meaning of Article 153 of the Social Dialogue Law no. 62/2011. According to this text, based on the principle of mutual recognition, any trade union organization legally constituted may conclude with any employer or employers' organization any other type of agreements, conventions or accords in written form, which are the law of the parties and whose provisions are applicable only to the members of the signatory organizations. It is noteworthy that for the conclusion of this type of collective agreement obtaining representativeness is not necessary.

Collective labour agreements/accords concluded in the budgetary sector cannot include clauses on money and in kind rights other than those provided by the legislation in force for the respective category of personnel (art. 138 of Law No 62/2011).

Articulation of collective agreements

Article 132 (3) of Law no. 62/2011: Collective bargaining agreements cannot contain clauses that establish inferior rights to those established by the collective labour agreement applicable at the higher level.

In the hierarchy of collective labour agreements (sector/group of units/unit), without exception, the rights of employees can only be equal to or higher than those provided in the collective agreement at the higher level.

These rights are then taken over in individual employment contracts. Initially, the takeover was carried out by addendum to the individual employment contract. However, this has created practical difficulties because if the employee refused to conclude the additional act, the employer had no solution, having the obligation to apply the provision in the collective agreement but also the requirement to have the employee's signature on the additional act. By Government Emergency Ordinance no. 53/2017, published in the Official Gazette no. 644 of 7 August 2017, Article 17 par. (5) of the Labour Code has changed, so that it is no longer necessary to conclude additional acts if the applicable collective labour agreement changes.

In the case of a succession of collective labour agreements, in the negotiation of the new collective agreement the theory of acquired rights is sometimes invoked in the sense that it will not be possible to negotiate lower rights for employees in relation to those enshrined in the collective agreement which ends. However, this theory has no basis in the legal regulations in force.

Types of collective agreements

Collective labour agreement

'Contract colectiv de muncă'	Collective labour agreement
Actors – Signatory parties	
Collective agreement at the company level [contract colectiv de muncă la nivel de unitate]	
Employer (the employer's governing body) – Article 134 .1 lett. a) Law on Social Dialogue	<ul style="list-style-type: none"> • Representative trade union/ • Representatives of the trade union federation (in case the trade union is affiliated to a representative federation) • Elected representatives of workers (in case there is neither a representative trade union, nor a trade union affiliated to a representative federation) – Article 134. 2 lett. a) Law on Social Dialogue
Collective agreement at the group of units level [contract colectiv de muncă la nivel de grup de unități]	
Representative employers' organizations - Article 134.1 lett. b) Law on Social Dialogue	Representative trade unions - Article 134 .2 lett. b) Law on Social Dialogue
Representative employers' organizations - Article 134 .1 lett. b) Law on Social Dialogue	Representative trade unions - Article 134 .2 lett. b) Law on Social Dialogue
Level where it can be found	
Collective agreements may be concluded at the level of company, group of companies and at the sector level.	

Do these collective agreements usually include agreements on wage levels and/or increases?
Yes, in the private sector.
Which other topics are usually regulated within this type of agreement?
Any aspect, especially related to working conditions. Salaries, cannot constitute object of collective bargaining for the public sector.
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,
The only limit is set up in Article 132(2) of the Law on Social Dialogue: When concluding the collective labour agreement, the legal provisions regarding the employees' rights represent the starting point. [the minimum requirements]. Collective labour agreements concluded in the budgetary sector are exceptions. Clauses on money and in kind rights other than those provided by the legislation in force for the respective category of personnel cannot be negotiated or included in collective labour agreements in the budgetary sector. (Article 138 of the Social Dialogue Law)
Extension to non-signatory parties
In case of collective labour agreements concluded at unit level the <i>erga omnes</i> coverage rule applies. The terms of the collective labour agreements take effect as follows: <ul style="list-style-type: none"> • for all employees in the unit, where collective agreements concluded at this level; • for all employees employed in establishments which are part of the units having concluded the collective bargaining agreement; • for all employees employed in the business sector units having concluded collective agreement and employer organizations belonging to the agreement. (Article 133(1) of the Law on Social Dialogue). <p>Moreover, according to Art. 143(5) of the Law on Social Dialogue, the applicability of the collective labour agreement registered at one activity sector level may be extended to all the units in that sector, through Order of the Ministry of Labour, with the approval of the National Tripartite Council.</p>
Statistics on the prevalence of the collective agreement and trends over time.
No data available. For recent estimations, see V. Stoiciu, Romania's Trade Unions at the Crossroads .

Collective accord

Acord colectiv de muncă	Collective accord
Actors – Signatory parties	
<p>Collective Accords are negotiated as follows:</p> <ul style="list-style-type: none"> from the employer, the head of the budgetary institution or the person mandated for this purpose (at the institution level), by the legal representative of the chief authorizing officers (at the group of units level), by the legal representative of the central competent public authority (at sector level); from civil servants – legally constituted trade unions or representatives of civil servants. 	
Level where it can be found	
Like collective agreements, collective accords can be concluded at the unit (public institution), group of units, sector levels.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
No	
Which other topics are usually regulated within this type of agreement?	
<p>According to Article 487 (1) of Administrative Code, the collective accords includes provisions on:</p> <ul style="list-style-type: none"> setting up and using funds to improve conditions at the workplace; health and safety at work; daily work schedule; professional development; measures other than those provided by the law, related to the protection of those elected in the governing bodies of trade union organizations or designated as civil servants' representatives. 	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
According to art. 138 of the Social Dialogue Law, collective bargaining accords concluded in the budgetary sector cannot include clauses regarding money and in kind rights, other than those stipulated by the legislation in force for the respective category of personnel.	
Extension to non-signatory parties	
Yes, from this point of view, all the provisions related to collective labour agreements apply	
Statistics on the prevalence of the collective agreement and trends over time.	
No data available.	

Collective agreement (art. 153 – Law on Social Dialogue)

Acord colectiv de muncă (art. 153 – Legea Dialogului Social)	Collective agreement (art. 153 – Law on Social Dialogue)
Actors – Signatory parties	
In compliance with the mutual recognition principle, any trade union may conclude with the employer or employer's organisation any other types of agreements, conventions or understandings, which represent the parties' law and whose provisions are applicable only to the members of the signatory's organisation.	
Level where it can be found	
Only at the level of company.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes, although it is not entirely clear whether it is lawful to include a wage aspect that otherwise falls within the scope of collective bargaining.	
Which other topics are usually regulated within this type of agreement?	
<p>Concerning the content of these agreements, in the legal literature the opinion is divided/not unanimous:</p> <ul style="list-style-type: none"> • some authors consider that they may include all subjects of collective bargaining, including working conditions and wages: "Their content is not legally circumscribed in any way. As such, any aspect of the legal employment relationship may be the subject of such an act" – A.G. Uluitu, the Labour Code and the Social Dialogue Law. Comments and explanations (coord. I.T. Ștefănescu), Universul Juridic Publishing, Bucharest, 2017, p. 421; • while others believe that these accords cannot include bargaining topics specific to collective labour agreements: "It is more than obvious that there is no link or overlap in content between the collective labour agreement and these accords" – Al. Ticlea, Treatise on Labour Law, Universul Juridic Publishing, Bucharest, 2015, p. 253; "The legal text explicitly states that they refer to any other types of agreements, conventions or understandings, and it is inferred that they are different from the usual collective agreements/accords. They are therefore substantially different from collective labour agreements"- I.T. Ștefănescu, Theoretical and Practical Treatise on Labour Law, Universul Juridic Publishing, Bucharest, 2017, p. 209. <p>In practice, such collective accords are in fact very comprehensive, sometimes negotiated precisely to avoid the condition of representativeness.</p>	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
See above.	
Extension to non-signatory parties	
No, they are only applicable to the members of the trade union that negotiated them.	
Statistics on the prevalence of the collective agreement and trends over time.	
No data available.	

Slovakia

National definition and regulation of collective agreements

According to the Act No. 2/1991 on collective bargaining, collective bargaining is a tool supporting effective social dialogue and keeping the social peace based on bipartite principle. Collective bargaining can take place on higher, sectoral level and local, company level. The aim of collective bargaining is to conclude collective agreements. Collective agreements regulate individual and collective relationships between employers and employees and obligations of the signatory subjects. Collective agreements are legally binding. The scope of collective bargaining is defined by the Labour Code. According to the [Labour Code](#), any issue on which negotiating parties agree, can be subject of collective bargaining. Recently, there were no changes in this field.

Mapping of different types of collective agreements

There are two types of collective agreements – single-employer and multi-employer collective agreements. Single-employer agreements are concluded in companies between local trade unions and management. Multi-employer agreements are concluded on sectoral level between respective organisations of trade unions and employers. There is a direct link between them because the multi-employer agreements serve as a framework for company agreements.

Articulation of collective agreements

Multi-employer and single-employer collective agreements are interrelated, and the favourability principle is applied between them. Only more favourable employment and working conditions can be agreed in single-employer agreements than were agreed in the respective multi-employer agreement. Any issue of common interest of social partners can be subject of negotiations (except specifics in the public sector). The negotiation scope of single-employer bargaining is usually wider than of the multi-employer bargaining and more detail issues are agreed in single-employer collective agreements. There were no changes in the past five years in this field.

Types of collective agreements

Multi-employer collective agreement

Kolektívna zmluva vyššieho stupňa	Multi-employer collective agreement
Actors – Signatory parties	
Multi-employer collective agreements can be concluded by trade union and employer organisations/associations active in the respective sector. Nevertheless, to be entitled to collective bargaining, these organisations should be established according to the Act No.83/1990 on association of citizens.	
Level where it can be found	
They are concluded in all branches of the public sector, e.g. public administration, health care, education, and in the most of private sectors, e.g. manufacturing, construction, energy, transport.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Virtually all of them include some provisions on wages.	
Which other topics are usually regulated within this type of agreement?	
For instance, working time, redundancies, social policy and OSH issues. The Act on civil service also defines the scope of collective bargaining for civil servants. For civil servants, mainly shorter weekly working time, longer paid holiday, higher severance pay and discharge benefit and the increase of wage tariffs can be negotiated.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
There are no specific topical areas excluded but provisions of collective agreements cannot be in contradiction with the existing legislation. Besides, there are some specifics in the public sector.	
Extension to non-signatory parties	
Yes, extension is possible according the Act No.2/1991 on collective bargaining. Extensions are potentially feasible. Since 2017, only <i>representative</i> multi-employer collective agreements can be extended.	
Statistics on the prevalence of the collective agreement and trends over time.	
According to the Ministry of Labour, Social Affairs and Family, 30 and 37 new multi-employer collective agreements and subcontracts of existing agreements were registered in 2018 and 2019, respectively.	
Other aspects	
Some employers try not to be covered by multi-employer collective agreements. For instance, employer organisations in the HORECA (Hotely a restauracie SR), banking (Slovenska bankova asociacia) and IT (IT Asociacia Slovenska) sectors do not participate in sectoral level collective bargaining. Multi-employer collective agreements are also not concluded in the railways sector.	

Single-employer/company collective agreement

Podniková kolektívna zmluva	Single-employer/company collective agreement
Actors – Signatory parties	
According to the Labour Code , only trade unions are entitled to collective bargaining – i.e. basic/local trade unions and the company management can be actors of collective bargaining.	
Level where it can be found	
It can be found in the private as well as public companies and organisations, where trade unions legally operate.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything. The Act on civil service and Act on public service define the scope of single-employer collective bargaining for civil servants and public servants. For the civil servants and public servants, the maximum increase of severance pay and discharge benefit in single-employer collective agreements is defined.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No, there are no specific topics expressly excluded. But in terms of the Act on civil service, reduction of working time and increase of wage tariffs above the level agreed in the multi-employer collective agreement is not allowed.	
Extension to non-signatory parties	
No, it is not.	
Statistics on the prevalence of the collective agreement and trends over time.	
This information is not available.	

Slovenia

National definition and regulation of collective agreements

The fundamental legal basis is the [Collective Agreements Act](#) (Zakon o kolektivnih pogodbah, ZKoIP, *Official Gazette of the Republic of Slovenia*, no. 43, 2006) which 'regulates the parties, content and procedure for the signing of a collective agreement, its form, validity and termination, the peaceful settlement of collective labour disputes and the register and publication of collective agreements' (Article 1). The content of collective agreement and its minimum standards, the general principle *in favorem* and the eventual derogations *in peius* from the statutory rules are determined in the [Employment Relationship Act](#) (Zakon o delovnih razmerjih, ZDR-1). The amendments to the Employment Relationship Act, a result of the labour reform with an 'increased role of social partners' as one of its objectives, brought some changes in collective bargaining in 2013 (MDDSZ, 2015, p. 1). Provisions have created new possibilities for collective agreements to derogate from statutory rules, in addition to those already existing: new derogations of statutory rules were allowed in respect of minimum notice period, seniority pay, severance pay on retirement, quotas for agency workers. There was a completely new provision to the effect that a 'branch collective agreement may regulate the rights and obligations that have not yet been regulated by an act only for members of the contracting parties' (Article 224). The overall outcome was a greater decentralisation of collective bargaining (Kresal Šoltes, 2015, pp. 237–253).

The Collective Agreements Act identifies the parties to collective agreements and requires that social partners have the status of 'representativeness' for concluding collective agreements with general validity. Conditions and procedures for the identification of the 'representativeness of trade unions' are determined in the [Representativeness of Trade Unions Act](#) (Zakon o reprezentativnosti sindikatov, *Official Gazette of the Republic of Slovenia*, no. 13, 1993). However, such a procedure is not requested for employers' organisations.

The Collective Agreement for Public Sector differs from others by the fact that it is partly regulated by the [Public Sector Salary System Act](#) (Zakon o sistemu plač v javnem sektorju, ZSPJS), in addition to the provisions in the Collective Agreements Act. The Public Sector Salary System Act determines the pay system in the public sector and provides specifications of parties to collective agreements for the public sector, the enforcement deadline and the subsequent approach to collective agreement (Articles 41–42a).

Mapping of different types of collective agreements

The particularity of Slovenian collective agreements system was the existence of general collective agreements, one for commercial and one for non-commercial activities, covering the whole territory. While the 'Collective Agreement for non-commercial activities in the Republic of Slovenia' is still valid, the 'General collective agreement for the commercial sector' was cancelled in 2006. From then on, the most important level of collective bargaining in Slovenia is branch-level collective agreement with 'general validity' (applying to all workers employed with employers, signatories of collective agreements) or 'extended validity' (applying to all workers in one branch), covering the whole territory. Collective agreements concluded at the national level are published in the [register of collective agreements](#), managed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities (MDDSZ), where at present 48 collective agreements (general, branch and occupational) are registered.

Collective agreements at the level of enterprises are commonly concluded, as every larger company has its own collective agreement. Another type of collective agreement is the occupational collective agreement (such as the collective agreement for doctors and dentists, the collective agreement for professional journalists and the collective agreement for nurses).

Local or regional types of collective agreements do not figure in Slovenian collective bargaining system.

Articulation of collective agreements

In principle, collective agreements may contain only more favourable provisions for employees than those provided by the law (ZDR-1, Article 9/2; ZKOlP, Article 4). The exceptions when collective agreements may derogate from the law (differently or less favourably for workers), are listed in the law (ZDR-1, Article 9/3). These exceptions are: an obligation to carry out a temporary job upon employer's request, limitations related to fixed-term employment contracts, minimum notice period, traineeship, overtime, working time regulations, disciplinary sanctions, seniority pay, severance pay on retirement, and quotas for agency workers. The favourability principle also applies to collective agreements at the lower (narrower) level, which must be in line with the collective agreement at the higher (broader) level (ZKOlP, Article 5/1). Notwithstanding this provision, the parties to the collective agreement on a higher level may stipulate which rights and working conditions can be regulated differently or less favourably for employees by collective agreement on a lower (narrower) level (ZKOlP, Article 5/2). For example, a collective agreement at the level of a particular enterprise may determine less favourable rights and working conditions for employees only under the conditions specified in the collective agreement at the national level. If several collective agreements cover certain employees, the more favourable provisions for employees must prevail.

Type of collective agreements

General collective agreement

Splošna kolektivna pogodba	General collective agreement
Actors – Signatory parties	
<p>Different rules apply to the <i>Collective agreement for non-commercial activities</i> and the <i>Collective agreement for public sector</i>. The collective agreement for non-commercial activities is concluded by representative trade unions or associations of trade unions as a party on the side of workers and the government on the side of the employer. The actors who can negotiate and sign collective agreements for public sector are determined in the <i>Public Sector Salary System Act</i>. According to the Article 42, the actors are the government of the Republic of Slovenia on one side and, on the other side, the majority of the representative trade unions in the public sector representing at least four different activities in the public sector OR representative public-sector unions of at least four different public sector activities, whose total membership exceeds 40% of the public sector employees.</p>	
Level where it can be found	
They apply to all non-commercial activities and to the public sector in particular.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes, but salaries in the public sector are subject to the collective agreement system as determined in the Public Sector Salary System Act (ZKOlP, Article 33).	
Which other topics are usually regulated within this type of agreement?	
Yes, virtually everything.	
A collective agreement cannot contain provisions that would violate fundamental labour laws.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No, but this does not mean that collective agreements do not need to take into account Slovenian constitutional and legal rights, as well as international legal standards, especially ILO Conventions and the European Social Charter.	
Extension to non-signatory parties	
<p>According to the <i>Public Sector Salary System Act</i>, a representative trade union can become a party to an already concluded collective agreement and its signatory. A new signatory does not need the approval of parties to the collective agreement. The subsequent joining the collective agreement has legal effects when all signatories are informed (ZSPJP, Article 42.a).</p>	
Statistics on the prevalence of the collective agreement and trends over time.	
The collective bargaining coverage is 100% in the public sector as a consequence of the existence of general collective agreements in the public sector (ICTWSS database , the year 2013).	
Other aspects	

The Constitutional Court issued a decision that Article 42 of the Public Sector Salary System Act is contrary to the Constitution (decision U-I-249/10-27, 15 March 2012). According to the Constitutional Court, too low a threshold (necessary for a collective agreement to become valid) 'excessively interferes with the right of representative trade unions to represent their members in the process of collective bargaining'. The government was given a period of two years to eliminate irregularities, but the article has not been changed yet.

Branch-level collective agreement

Panožna kolektivna pogodba	Branch-level collective agreement
Actors – Signatory parties	
According to the Collective Agreement Act, collective agreements are concluded by trade unions as a party on the side of workers, and employers or associations of employers as a party on the side of employers. A collective agreement is valid for all persons employed by employers to whom the collective agreement applies if the collective agreement is signed by one or more representative trade unions.	
Level where it can be found	
They can be found within branches. Thirteen branch-level collective agreements have extended validity and apply to all employees in these branches. Others have general validity and are valid for all the employees who are employed by the employers, members of the employer's association that signed collective agreements.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
Yes, virtually everything	
A collective agreement cannot contain provisions that would violate fundamental labour law.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No, but this does not mean that collective agreements do not need to take into account Slovenian constitutional and legal rights, as well as international legal standards, especially ILO Conventions and the European Social Charter.	
Extension to non-signatory parties	
Trade unions and employers can subsequently join a collective agreement if they have the consent of the parties to the agreement. Subsequent joining the collective agreement at the national level must be published in the Official Gazette of the Republic of Slovenia and entered into the registry of collective agreements.	
Statistics on the prevalence of the collective agreement and trends over time.	
The collective bargaining coverage is 70% in the private sector in which branch-level collective bargaining is predominant (ICTWSS database , the year 2013). Normative analyses of the new collective agreements (after the labour reform in 2013) show that a vast majority of collective agreements have taken advantage of all the available possibilities for the	

derogation from law. Consequently, the majority of the new collective agreements opted for less favourable workers' rights than those provided by the law (*in peius*) (MDDSZ, 2015; Kresal Šoltes, 2016).

Other aspects

A branch collective agreement may regulate the rights and obligations that have not yet been regulated by an act, only for the members of the contracting parties (ZDR-1, Article 224). It means that only trade union members can enjoy some rights, which are not given to non-members. One such example is 20% higher jubilee prize and solidarity assistance for trade union members in the public sector.

Occupational collective agreement

Poklicna kolektivna pogodba	Occupational collective agreement
Actors – Signatory parties	
According to the <i>Collective Agreement Act</i> , collective agreements are concluded by trade unions or associations of trade unions as a party on the side of workers and employers or associations of employers as a party on the side of employers. A collective agreement is valid for all persons employed by an employer or employers to whom the collective agreement applies if the collective agreement is signed by one or more representative trade unions.	
Level where it can be found	
They apply to occupational groups or groups of professionals in the companies or organisations that signed occupational collective agreement. Occupational collective agreements at the national level are: Collective agreement for persons employed in health care, Collective agreement for doctors and dentists, Collective agreement for police officers.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
A collective agreement cannot contain provisions that would violate the fundamental labour law.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No, but this does not mean that collective agreements do not need to take into account Slovenian constitutional and legal rights, as well as international legal standards, especially ILO Conventions and the European Social Charter.	
Extension to non-signatory parties	
Trade unions and employers can subsequently join a collective agreement if they have the consent of the parties to the agreement. Subsequent joining the collective agreement at the national level must be published in the Official Gazette of the Republic of Slovenia and entered into the registry of collective agreements.	

Statistics on the prevalence of the collective agreement and trends over time.
No data available.

Company-level collective agreement

Kolektivna pogodba na ravni podjetja	Company-level collective agreement
Actors – Signatory parties	
Collective agreement on the company level is concluded by trade union(s) in the company and their employer. The collective agreement is valid for all persons employed in this company if at least one representative trade union signs the collective agreement.	
Level where it can be found	
They are predominantly in use among large companies as well as in medium-sized companies.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
Virtually everything. A collective agreement on the company level cannot contain provisions that would violate the fundamental labour law. It is important to add that they cannot contain less favourable workers' rights than the collective agreement at the higher level unless such a possibility is expressly stated in the latter.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No, but this does not mean that collective agreements do not need to take into account Slovenian constitutional and legal rights, as well as international legal standards, especially ILO Conventions and the European Social Charter.	
Extension to non-signatory parties	
We may say that it is 'potentially feasible', although the subsequent joining the collective agreement would have almost no effect. A collective agreement on the level of enterprise becomes valid for all employees in this enterprise if it is signed by one representative trade union.	
Statistics on the prevalence of the collective agreement and trends over time.	
No data available.	
Other aspects	
In general, the collective agreement at a lower level cannot derogate the minimal labour standards laid down in the collective agreement at the higher level. The only exception is related to collective dismissals: an employer may refrain from applying the criteria for determination of redundant workers laid down in the collective agreement if the trade union in the company agrees with the employer's decision.	

Spain

National definition and regulation of collective agreements

The [Workers' Statute](#) is the main Spanish Law regulating labour relations and social dialogue. More precisely, at present, it is the Consolidated Workers' Statute - Royal Decree Act 2/2015 (revised version of the initial Law approved in 1980, which has experienced several modifications/updates since then) that regulates the labour legal framework in Spain.

The Workers' Statute defines collective agreements (*'convenio colectivo'* in Spanish) in Article 82 as follows:

- Collective agreements are the result of the negotiation between workers' representatives and employers, and they reflect an agreement freely reached by them on the grounds of collective autonomy.
- By means of collective agreements, workers and employers regulate working and productivity conditions in their scope. Similarly, they can regulate 'labour peace' through agreed obligations.
- Collective agreements oblige all employers and all workers within their scope (that is, for instance, in a provincial agreement, all workers in that particular geographical area) and during the whole validity period.

In addition to this, the [Labour Guide](#) of the Ministry of Employment is a useful resource containing information about the labour market's legal framework in Spain. It is an updated tool published in the website of the Ministry of Employment, containing a 'summary' of the main laws affecting all the issues managed by the Ministry of Employment. Concerning information on collective agreements, the Labour Guide provides information extracted from the Workers' Statute (as provided above).

On the other hand, with regard to recent changes, the Labour Reform approved by the Popular Party in 2012 introduced some changes concerning the prevalence of company collective agreements. More precisely, it established that company-level agreements should prevail in a large number of areas (namely, basic wage, salary supplements, overtime remuneration, and the distribution of working hours, among others), considering contradictory clauses in industry/sector-level agreements ineffective.

Mapping of different types of collective agreements

To begin with, Interconfederal Agreements for Social Dialogue at state level (*'Acuerdo Interconfederal para la Negociación Colectiva a nivel estatal'* in Spanish) are broad framework agreements reached by the most representative organisations at national level. These may not be understood as 'proper' collective agreements, in the sense that they mainly provide general guidelines and objectives.

Most commonly, when talking about collective agreements, in Spain it is possible to distinguish between the following options:

- Sectoral Collective Agreement (*'Convenio Colectivo Sectorial'*): these can be classified according to their geographical scope (national, autonomous community, province, local). Generally, they are mainly approved at national or autonomous community level.
- Company-level Collective Agreement (*'Convenio colectivo de empresa'*)
- Other options: establishment collective agreement (*'convenio colectivo de centro de trabajo'*), occupation-based collective agreement (*'convenio colectivo de franja'*) and collective agreement for a group of companies (*'convenio colectivo para un grupo de'*

empresas). These options are noticeably less common than sectoral and company-level agreements.

For statistical purposes, the Ministry of Employment distinguishes between 'company-level agreements' (including those agreements which affect the whole company or just a part of it) and 'supra-company agreements', that is, agreements signed at a higher level than the company level (basically, sectoral agreements, but also agreements affecting groups of companies).

Articulation of collective agreements

In Spain, collective agreements' articulation derives from labour legislation. To begin with, the main (basic) law that all collective agreements must respect is the Workers' Statute. Thus, under no circumstances can collective agreements eliminate/reduce the rights included in the Workers' Statute.

In general terms, all collective agreements can address all topics/issues. If an agreement does not include any specific clause concerning a particular issue, the corresponding agreement of higher scope is applied (e.g. the national level agreement in case of a province level agreement). If there is not an agreement of higher scope, it is necessary to resort to the Workers' Statute.

Thus, the general rule is that collective agreements should respect the contents of collective agreements signed at higher scope (e.g. a sectoral collective agreement signed at province level should maintain or improve the working conditions registered in the corresponding sectoral collective agreement arranged at the national level). In other words, the traditional rule is that collective agreements of higher scope take precedence.

Moreover, article 84 of the Workers' Statute establishes that a collective agreement which is in force cannot be affected by another agreement approved at a different scope. This implies that a new agreement cannot affect companies or sectors which are already covered by another agreement.

However, the 2012 Labour Reform (approved in February 2012, via Royal Decree-Act 3/2012) introduced an important exception to these general rules. More precisely, the 2012 Labour Reform established that company-level agreements should prevail in a large number of areas, considering contradictory clauses in agreements of a higher scope ineffective. This change derives from the economic crisis, which brought about an increased interest for decentralising the Spanish collective bargaining system and giving more flexibility to each company to adapt its own working conditions to their particular economic situation.

More precisely, the 2012 Labour Reform modified Article 84 ('concurrence') of the Workers' Statute, which specifies that, at present, the following items in company-level agreements prevail over sectoral agreements (even if the corresponding sectoral agreement is still in force):

- the amount of the basic salary and salary complements, including those linked to the specific results of the company;
- the payment of overtime hours and salaries linked to particular shifts;
- working time and its distribution, organisation of working shifts and planning of holidays;
- adaptation to the particular circumstances of the company of the professional classification system;
- adaptation of some employment contracts' modalities (as allowed by legislation to be regulated via collective agreements);
- measures to facilitate work life balance

This modification generated heated debate amongst stakeholders, as trade unions were categorically against it.

Types of collective agreements

Interconfederal Agreements for Social Dialogue (at state level)

Acuerdo Interconfederal para la Negociación Colectiva (a nivel estatal)	Interconfederal Agreements for Social Dialogue (at state level)
Actors – Signatory parties	
Interconfederal Agreements are framework agreements reached ‘at the highest level’, negotiated and signed by the most representative trade unions and employers’ organisations at state-level.	
Level where it can be found	
Interconfederal Agreements are signed at state-level and cover all sectors and company types across Spain.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
Virtually everything can be regulated within this type of agreement. Interconfederal Agreements for Social Dialogue may focus on a single topic or just a few. It must be highlighted that contents are basically general guidelines.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	
Interconfederal Agreements for Social Dialogue are framework agreements signed by the most representative trade unions and employers’ organisations. Their objective is to regulate the negotiation of one or several social dialogue topics for representative bodies at lower scope. Generally, as these agreements are signed by the most representative bodies, they should have ‘general efficacy’ and be applicable in all negotiations. However, in practice, most normally these agreements only affect those representative organisations that signed the interconfederal agreement. This means that signatory trade unions and employers’ organisations are obliged to stick to the terms and conditions agreed in interconfederal agreements when negotiating collective agreements.	
Statistics on the prevalence of the collective agreement and trends over time.	
Generally, there is a single broad Interconfederal Agreement in force. For instance, the current one is the ‘3 rd Agreement for Employment and Social Dialogue 2015-2017’. There can also be specific agreements for exceptional situations.	
Other aspects	

An Interconfederal Agreement is not a 'typical' collective agreement, but a general framework agreement which provides broad guidelines for the negotiation of collective agreements (such as sectoral or company-level agreements). In an Interconfederal Agreement, the most representative trade unions and employers' organisations at state-level agree on main priorities and objectives and set references to be further developed via social dialogue. According to Law, Interconfederal Agreements can also be signed at autonomous community level, but this is not habitual.

Sectoral Collective Agreement

Convenio Sectorial	Colectivo	Sectoral Collective Agreement
Actors – Signatory parties		
<p>Sectoral Collective Agreement are 'supra-company' agreements (that is, agreements with a scope wider than the company level), and they may have different geographical scopes, for instance: state-level (<i>'a nivel estatal'</i>), autonomous community level (<i>'de comunidad autónoma'</i>), province level (<i>'provincial'</i>), local level or multi-company level.</p> <p>At the supra-company level, only employers' organisations and trade unions are allowed to negotiate. Other forms of representation cannot take part in negotiations. Requirements for each side are as follows:</p> <p>Concerning the trade unions' side: The negotiation of collective agreements at state level can be carried out by the most representative trade unions, that is, those who obtained in elections for personnel representatives 10% or more of the posts in all sectors and all the national territory. These entities (and their federate or confederate organisations) are allowed to negotiate all collective agreements, at all territorial or functional levels. The negotiation of collective agreements at autonomous community level can be carried out by the most representative trade unions at autonomous community level, specifically, those who obtained in elections for personnel representatives 15% of the posts in that autonomous community (as well as their federate or confederate organisations). These trade unions can negotiate also agreements of a lower scope (such as provincial or local ones), and exceptionally, they can be allowed to negotiate state-level agreements, in case they have more than 1,500 representatives. Finally, those trade unions who obtained in elections for personnel representatives 10% or more of the posts in a particular geographical area are allowed to negotiate agreements affecting that area (in this case, the right to negotiate is not extended to their federate or confederate organisations).</p> <p>Concerning the employers organisations' side: Business organisations including 10% or more of the employers (providing employment for 10% or more of the total workers) at state level, are allowed to negotiate sectoral collective agreements at all geographical levels (national, autonomous community, province....). Business organisations including 15% or more of the employers (providing employment for 15% or more of the total workers) at autonomous community level, are allowed to negotiate sectoral collective agreements at autonomous community level, as well as agreements of lower scope (and also state-level agreements in exceptional cases). Finally, for collective agreements of lower scope (e.g. provincial, multi-company, local), employers' organisations including 10% or more of the employers (providing employment for 10% or more of the total workers) of the particular area affected by the agreement can also participate in the negotiations of that agreement.</p>		

Level where it can be found								
Sectoral collective agreements can be found within all sectors and among all company types.								
Do these collective agreements usually include agreements on wage levels and/or increases?								
Yes.								
Which other topics are usually regulated within this type of agreement?								
Everything can be regulated within sectoral collective agreements.								
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,								
No.								
Extension to non-signatory parties								
Yes, the extension to non-signatory parties is automatic.								
According to the Workers' Statute, a collective agreement has 'regulation value' and 'general efficacy', which means that it affects all employees and employers included in its scope, regardless of their affiliation to the signatory organisations.								
Statistics on the prevalence of the collective agreement and trends over time.								
The Ministry of Employment publishes statistics on collective agreements signed:								
Agreements signed at sectoral level (with economic effects in the given year)								
	2012		2014		2015		2016 (provisional)	
	Agreements	Workers	Agreements	Workers	Agreements	Workers	Agreements	Workers
Sectoral and Local / regional	6	20,549	4	3,487	3	3,267	3	3,574
Sectoral and province level	714	3,761,265	717	3,761,273	672	3,606,186	571	3,289,944
Sectoral and Inter-province level (e.g. autonomous community level)	234	2,080,834	252	1,997,460	245	2,180,058	203	1,869,012
Sectoral, and national level	87	3,123,637	90	3,397,710	90	3,294,245	78	3,500,975
Total	1,041	8,986,285	1,063	9,159,930	1,010	9,083,756	855	8,663,505
Source:	Statistics on Collective Agreements,						Available at:	
	http://www.empleo.gob.es/estadisticas/cct/welcome.htm							

Other aspects
In addition to sectoral agreements, it is possible to find inter-sectoral agreements, which are similar to sectoral agreements, but they cover several different sectors. Inter-sectoral agreements are rare. In terms of regulation and characteristics, they are similar to sectoral agreements, and they are counted together with sectoral agreements in statistics.

Collective agreement for a group of companies

Convenio colectivo para un grupo de empresas	Collective agreement for a group of companies
Actors – Signatory parties	
As established by the Workers’ Statute, in collective agreements for a group of companies, workers’ representatives’ right to negotiate is the same as the right defined for workers’ representatives in sectoral collective agreements (for further information, see sheet above). Meanwhile, regarding employers’ side, the right to negotiate corresponds to the representatives of the companies affected.	
Level where it can be found	
Collective agreements for a group of companies can be found within all sectors and among all company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
Everything can be regulated within collective agreements for a group of companies.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	
Yes, the extension to non-signatory parties is automatic. According to the Workers’ Statute, a collective agreement has ‘regulation value’ and ‘general efficacy’, which means that it affects all employees and employers included in its scope, regardless of their affiliation to the signatory organisations.	
Statistics on the prevalence of the collective agreement and trends over time.	
The Ministry of Employment publishes statistics on collective agreements signed:	

Collective agreements for a group of companies (with economic effects in the given year)							
2012		2014		2015		2016	
						(provisional data)	
Agreements	Workers affected	Agreements	Workers affected	Agreements	Workers affected	Agreements	Workers affected
101	186,990	118	277,527	139	296,592	115	282,858
Source: Statistics on Collective Agreements, Available at: http://www.empleo.gob.es/estadisticas/cct/welcome.htm							

Company-level collective agreement

Convenio colectivo de empresa (y Convenio colectivo de centro de trabajo)	Company-level collective agreement (and collective agreement at establishment level)
Actors – Signatory parties	
According to Article 87 of the Workers’ Statute: <ul style="list-style-type: none"> Concerning workers’ side: there are two options: a) the workers’ committee or the personnel delegate(s) of the company; b) in case they exist, the trade union sections of the company (groups of workers affiliated to trade unions), providing that they include the majority of the members of the workers’ committee. Concerning employers’ side: the employer or their representatives. An employers’ organisation cannot negotiate at company level, unless they voluntarily represent an employer in particular. 	
Level where it can be found	
Company-level collective agreements can be found within all sectors and among all company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
Everything can be regulated within company-level agreements.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	
Yes, the extension to non-signatory parties is automatic. According to the Workers’ Statute, a company-level agreement has ‘regulation value’ and ‘general efficacy’, which means that it affects all employees and employers included in its scope (in this case, the company in question), regardless of their affiliation to the signatory organisations.	
Statistics on the prevalence of the collective agreement and trends over time.	

The Ministry of Employment publishes statistics on collective agreements signed:							
Agreements signed at company level (with economic effects in the given year)							
2012		2014		2015		2016 (provisional data)	
Agreements	Workers affected	Agreements	Workers affected	Agreements	Workers affected	Agreements	Workers affected
3,234	925,744	4,004	867,243	4,493	846,930	3,559	661,709
Source: Statistics on Collective Agreements, Available at: http://www.empleo.gob.es/estadisticas/cct/welcome.htm							
<u>Note: These agreements include both company-level agreements and Occupation-based collective agreement</u>							
Other aspects							
As explained above, in spite of the traditional rule which established that collective agreements of higher scope take precedence, the 2012 Labour Reform established that company-level agreements should prevail in a number of areas, considering contradictory clauses in agreements of a higher scope ineffective. This means that, from 2012 onwards, company-level collective agreements take precedence in essential issues such as salary or working time, amongst others.							

Occupation-based collective agreement

Convenio colectivo de franja	Occupation-based collective agreement
Actors – Signatory parties	
According to Article 87 of the Workers’ Statute: <ul style="list-style-type: none"> Concerning workers’ side: the right to negotiate to the trade union sections designated by the majority of their represented workers through personal, free, direct and secret voting. Concerning employers’ side: the employer or their representatives. 	
Level where it can be found	
Occupation-based collective agreement can be found within all sectors and among all company types.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes.	
Which other topics are usually regulated within this type of agreement?	
Everything can be regulated within occupation-based collective agreement.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No.	
Extension to non-signatory parties	

Yes, the extension to non-signatory parties is automatic.

According to the Workers' Statute, a collective agreement has 'regulation value' and 'general efficacy', which means that it affects all employees and employers included in its scope, regardless of their affiliation to the signatory organisations.

Statistics on the prevalence of the collective agreement and trends over time.

Agreements signed at company level (with economic effects in the given year)

2012		2014		2015		2016 (provisional data)	
Agreements	Workers affected	Agreements	Workers affected	Agreements	Workers affected	Agreements	Workers affected
3,234	925,744	4,004	867,243	4,493	846,930	3,559	661,709

Source: Statistics on Collective Agreements, Available at: <http://www.empleo.gob.es/estadisticas/cct/welcome.htm>

Note: These agreements include both company-level agreements and occupation-based collective agreement

The Ministry of Employment publishes statistics on collective agreements signed.

Sweden

National definition and regulation of collective agreements

Section 23 of the [1976 Employment \(Co-Determination in the Workplace\) Act \(Medbestämmandelagen\)](#) states that the term 'collective bargaining agreement' means an agreement in writing between an employers' organisation or an employer and an employees' organisation in respect of conditions of employment or otherwise about the relationship between employers and employees. According to the same section, an agreement shall be deemed to be in writing when its contents have been recorded in approved minutes or where a proposal for an agreement and acceptance thereof have been recorded in separate documents.

There have been no recent changes of this definition.

Mapping of different types of collective agreements

The following types of agreements are currently in use in Sweden:

Central agreements (sector agreement) is a form of CA whereby the trade union(s) in a sector negotiates with their employer organisation counterpart. These agreements cover aspects such as wages, working time, pensions, employment conditions etc. Usually negotiated every other or third year. While the issues covered might be divided into different agreements (such as a specific pension agreement or an agreement on restructuring support), all are on the central level.

It should also be noted that as some Swedish central trade unions are occupation-specific, some of their central agreements are also occupation-specific. However, this does not alter their status as 'central'.

Local agreements use the central agreement framework. The negotiating parties are the local (workplace) union representation and the employer. The central agreement stipulates which deviations may be made in the local agreement. Generally, the local agreement contains benefits and better working conditions for the employees.

Company agreements are agreements between a central trade union and a single company. These are very rare in Sweden and are primarily used in the aviation industry.

Extension agreement (*hängavtal*) is an agreement between a central trade union (sector level) and an unorganised employer (not member of an employers' organisation). The agreement is generally the same as the central agreement in the sector.

No Swedish collective agreements apply only regionally.

Articulation of collective agreements

A local agreement is based on the central (sectoral level) agreement as a framework. The purpose of the local agreement is to adapt the central agreement to the conditions of workplace in question. The negotiating parties are the local (workplace) union representation and the employer. The central agreement stipulates which deviations may be made in the local agreement. In other words, it is up to the sectoral level parties to decide which topics can be modified. But generally, the local agreement contains benefits and adaptations, such as flexible working time, fitness programmes etc. The local level collective agreements can only 'top-up' the conditions laid down in the central agreement.

In recent years, it has become more common that central agreements do not include specified wage increases. Instead, wage negotiations are to an increasing extent done at the local level (see [EurWORK article](#) on this topic).

Types of collective agreements

Sectoral agreement

Central avtal	Sectoral agreement
Actors - Signatory parties	
Yes, only central (sectoral level) trade unions and employers' organisations. Since several trade unions are occupation-specific, the agreements are sometimes also occupation-specific. However, this does not alter their status as central agreements.	
Where can this form of collective agreement in principle be found?	
In all sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
No area is expressly excluded.	
Extension to non-signatory parties	
Yes, but on a voluntary basis. See factsheet on 'Hängavtal' below.	
Statistics on the prevalence of collective agreements and trends over time. Cited the source of the data incl. the year and provide links.	
There are around 60 central trade unions and 55 employers' organisations, who together sign around 670 central agreements in Sweden (The Swedish National Mediation Office, 2017)	
Are there any other aspects worth mentioning in relation to this type of agreement?	
In recent years, it has become more common for central agreements not to include specified wage increases (especially for white-collar workers). Instead, wage negotiations are to an increasing extent done at the local level (see EurWORK article on this topic).	

Company agreement

Företagsavtal	Company agreement
Actors - Signatory parties	
Company agreements are also central agreements but are very rare. In these cases, the signatory parties are a central trade union and a company (i.e. not the employers' organisation to which the company is affiliated).	
Where can this form of collective agreement in principle be found?	
Very rare, but occurs in the aviation industry.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No area is expressly excluded.	
Extension to non-signatory parties	
No.	
Statistics on the prevalence of collective agreements and trends over time. cited the source of the data incl. the year and provide links.	
No data available.	

Extension agreement

Hängavtal	Extension agreement
Actors - Signatory parties	
Yes, central trade unions and unorganised employers. Extension agreements are extensions of (sectoral) central agreements. The central agreement and the extension agreement are usually identical.	
Where can this form of collective agreement in principle be found?	
In most sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No area is expressly excluded.	
Extension to non-signatory parties	
No. An extension agreement <i>is</i> the extension of the central agreement.	
Statistics on the prevalence of collective agreements and trends over time. cited the source of the data incl. the year and provide links.	
In 2016, the unions affiliated to The Swedish Trade Union Confederation (LO) had extension agreements with 70,861 employers (The Swedish National Mediation Office, 2017).	
Are there any other aspects worth mentioning in relation to this type of agreement?	
No	

Local agreement

Lokalt avtal	Local agreement
Actors - Signatory parties	
Yes, the local trade union and the employer.	
Where can this form of collective agreement in principle be found?	
In all sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
Virtually everything. The purpose of the local agreement is to adapt the central agreement to local conditions.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights, ...	
No area is expressly excluded.	
Extension to non-signatory parties	
No.	
Statistics on the prevalence of collective agreements and trends over time. cited the source of the data incl. the year and provide links.	
No data available.	
Are there any other aspects worth mentioning in relation to this type of agreement?	
In recent years, it has become more common that central agreements do not include specified wage increases. Instead, wage negotiations are to an increasing extent done at the local level (see EurWORK article on this topic).	

United Kingdom

National definition and regulation of collective agreements

The [Trade Union Labour Relations \(Consolidation\) Act 1992](#) seeks to define what is meant by a 'Collective Agreement'. It refers to a Collective Agreement as any agreement or arrangement made by, or on behalf of, one or more trade unions and one or more employers or employers' associations and relating to one or more of the following matters:

- terms and conditions of employment, or the physical conditions in which any workers are required to work;
- engagement, non-engagement, termination, suspension of employment or duties of employment, of one or more workers;
- allocation of work or the duties of employment between workers or groups of workers;
- matters of discipline;
- a worker's membership or non-membership of a trade union;
- facilities for officials of trade unions; and
- machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in such a negotiation or consultation, or in the carrying out of such procedures.

Mapping of different types of collective agreements

In the UK, most agreements are negotiated at workplace/establishment level, or at company/single employer level. Sectoral level bargaining applies only to parts of the public sector and covers some parts of the construction sector.

They differ in terms of the level at which they are negotiated and the numbers of employees covered; the scope of the agreement i.e. which terms and conditions are the subject of negotiation will depend on the agreement i.e. what the employer is prepared to negotiate over, what the union can secure (and/or retain) bargaining rights over.

Articulation of collective agreements

Articulation does not apply in the UK; it is not specifically regulated. Multi-employer/sectoral-level bargaining is very rare and where it does exist, participation in such arrangements and indeed, membership of relevant employer associations, is voluntary. Collective agreements are not legally binding in themselves; they become legally enforceable when incorporated into individual contracts of employment.

Types of collective agreements

Industry agreements

	Industry agreements, known as National agreements
Actors - Signatory parties	
National officers from the unions recognised for the purposes of collective bargaining (may be assisted by local union representatives from within the organisations covered). Within the public sector national agreements, it would be public sector employer representative bodies and national union officials. In construction, where there is sector-level bargaining, the joint industry councils are comprised of national union officers and representatives from the relevant employer associations	
Where can this form of collective agreement in principle be found?	
In place in parts of the public sector e.g. local government, NHS. These industry-wide agreements are more common in the public sector. However, as outlined below, there are some public sector employers, which bargain at the level of a single organisation e.g. (the civil service, for example, pays different rates in different government departments. In addition some workers in the public sector, such as teachers, parts of the health service and those in the prison service, are covered by pay review bodies, rather than collective bargaining). In the private sector, there are sector-level agreements in the construction sector, parts of furniture manufacturing, print and paper sectors.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
It depends on the agreement; what the employer is prepared to negotiate over, custom and practice and what the union can secure bargaining rights over. It much depends on the specific agreement. The NAECI agreement in the construction industry includes a disciplinary process, system of appeals. Training is not usually subject to collective agreement.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement?	
No	
Extension to non-signatory parties	
Only a voluntary basis e.g. in construction, employers may choose to mirror the terms in the sector agreement. This is a matter of choice, influenced by market conditions.	
Statistics on the prevalence of collective agreements and trends over time.	
The official figures provide aggregate figures on the percentage of employees in each sector who are covered by collective agreements. Pauline is a database maintained by the Labour Research Department. They collect annual data for union officials and members on the content of agreements (more than 2,000) with employers of all sizes in both the public and private sectors. In addition to information about pay settlements and pay rates, Payline has information about working hours, holidays and special leave, overtime rates, pensions, shift pay, regional allowances, maternity, paternity, other family friendly policies (flexible working, career breaks), union facilities and other subjects that may be covered by negotiations.	

Company-level agreements

	Company-level agreements, single-employer agreements
Actors - Signatory parties	
Depends on the recognition agreement in place. National officers from the unions recognised for the purposes of collective bargaining in conjunction with local union representatives from within the organisation covered or by the local union officials from within the company. Company management (senior from Group-level)	
Where can this form of collective agreement in principle be found?	
In large private-sector companies e.g. Sainsbury's Retail, Tescos, Allianz, Barclays Bank. In the public sector, industry-wide agreements are more common but there are some public sector employers which bargain at the level of a single organisation. The civil service, for example, pays different rates in different government departments. (In addition, some workers in the public sector, such as teachers, parts of the health service and those in the prison service, are covered by pay review bodies, rather than collective bargaining).	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
It depends on the agreement; what the employer is prepared to negotiate over, custom and practice and what the union can secure bargaining rights over. Very much depends on the specific agreement. Training is not usually subject to collective agreement.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Only a voluntary basis. Smaller firms may voluntarily follow the pay awards of the largest company in the sector (or in their locality) but this is informal and will reflect market forces.	
Statistics on the prevalence of collective agreements and trends over time. ated the source of the data incl. the year and provide links.	
<p>The official figures provide aggregate figures on the percentage of employees in each sector who are covered by collective agreements. Payline is a database maintained by the Labour Research Department. They collect annual data for union officials and members on the content of agreements (more than 2,000) with employers of all sizes in both the public and private sectors.</p> <p>In addition to information about pay settlements and pay rates, Payline has information about working hours, holidays and special leave, overtime rates, pensions, shift pay, regional allowances, maternity, paternity, other family friendly policies (flexible working, career breaks), union facilities and other subjects that may be covered by negotiations.</p>	

Site-level agreements, establishment or workplace agreements, local agreements

	Site-level agreements, establishment or workplace agreements, local agreements
Actors - Signatory parties	
No but these would typically be local union officials autonomously or with assistance from regional union officers, or the regional officers – depends on the recognition agreement in place. Local management, maybe assisted with expertise from wider Group if the establishment forms part of a wider company (recognition and bargaining rights may be specific to certain workplaces/parts of the company)	
Where can this form of collective agreement in principle be found?	
In large companies e.g. Sainsbury's Retail, Tesco's, Allianz, Barclays Bank.	
Do these collective agreements usually include agreements on wage levels and/or increases?	
Yes	
Which other topics are usually regulated within this type of agreement?	
It depends on the agreement; what the employer is prepared to negotiate over, custom and practice and what the union can secure bargaining rights over. Much depends on the specific agreement. Training is not usually subject to collective agreement.	
Are there specific topical areas which are expressly excluded from the regulatory scope of this collective agreement? This could be by legislation or any other reason? For example, fundamental rights,	
No	
Extension to non-signatory parties	
Only a voluntary basis. If this is a large workplace, smaller firms may voluntarily follow the pay awards of the largest company in the sector (or in their locality) but this is informal and will reflect market forces.	
Statistics on the prevalence of collective agreements and trends over time. ated the source of the data incl. the year and provide links.	
<p>The official figures provide aggregate figures on the percentage of employees in each sector who are covered by collective agreements. Payline is a database maintained by the Labour Research Department. They collect annual data for union officials and members on the content of agreements (more than 2,000) with employers of all sizes in both the public and private sectors.</p> <p>In addition to information about pay settlements and pay rates, Payline has information about working hours, holidays and special leave, overtime rates, pensions, shift pay, regional allowances, maternity, paternity, other family friendly policies (flexible working, career breaks), union facilities and other subjects that may be covered by negotiations.</p>	

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