



European Foundation for the Improvement of Living and Working Conditions

Towards a qualitative dialogue in industrial relations



eiro

Five years of developments in
collective bargaining and social dialogue,
from the European Industrial Relations Observatory



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Foundation reports on recent developments in industrial relations based on EIRO data may be viewed at the following location: www.eiro.eurofound.eu.int/Others.html

For further information about EIRO, please consult the website at www.eiro.eurofound.eu.int or contact:

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Foreword



In February 2002, the European Industrial Relations Observatory (EIRO) completed its fifth year of recording and analysing key developments in industrial relations across the European Union and Norway. The period since 1997 has seen considerable stability and continuity in industrial relations in most countries covered by EIRO, but at the same time there have been many signs of innovation and change.

This booklet has been produced to mark the fifth anniversary of EIRO. Its aim is to explore some of the recent new developments in industrial relations in Europe. The emphasis is on the processes and outcomes of collective bargaining and dialogue between the social partners, rather than on labour law or government initiatives.

In the booklet we have chosen to focus on five main themes, illustrative of innovative developments in industrial relations: lifelong learning; equality, diversity and non-discrimination; health and safety at work; flexibility and the work-life balance; and social dialogue and worker involvement. These have been identified as priority areas in the March 2002 final report of the High Level Group on Industrial Relations and Change in the European Union. The findings of this paper have been drawn from articles in the EIROline database.

Further information on these recent issues, and on other related subjects, may be found on the EIRO website at www.eiro.eurofound.eu.int.

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Lifelong learning



Lifelong learning has become a key issue in maintaining companies' competitiveness and workers' employability in the face of rapid technological and demographic change. As well as being promoted by the EU institutions, governments and other public authorities, the concept has also been taken up to an increasing degree in collective bargaining and dialogue between the social partners in many EU Member States.

At European level, training and lifelong learning have long been an issue in the intersectoral social dialogue, resulting in a number of joint opinions. Most recently, in early 2002 the intersectoral social partners produced a significant 'joint framework of actions for the lifelong development of competencies and qualifications', to be promoted by their national member organisations. The subject has also featured strongly (and in some cases led to joint texts) in the sectoral social dialogue in many industries, including road transport, railways, maritime transport, commerce, hairdressing and beauty, insurance, postal services and telecommunications.

At national level, the involvement of collective bargaining and social partner dialogue in this area varies considerably from country to country and depends on the nature of the industrial relations and training systems. Continuing vocational training issues have been dealt with in bargaining and dialogue at least since the 1980s in countries such as Austria, Belgium, France, the Netherlands, Spain and Sweden. However, from the late 1990s onwards there has been an increasing focus on lifelong learning issues at all levels of negotiation, both in countries where there is a tradition of bargaining on continuing training and in a number of others.

Lifelong learning – examples of collective bargaining at national level

- in **Belgium**, recent intersectoral agreements have committed the social partners to bringing Belgium's spending on continuing vocational training up to the average level of its three main neighbouring countries by 2004

(1.9% of pay costs). The intersectoral agreement also requests individual sectors to give priority in their agreements to training for target groups such as older workers, women, unskilled workers and occupations experiencing labour shortages;

- **Finland's** 2001-2 national incomes policy agreement regards 'lifelong learning as an integral part of the world of work' and contains a variety of provisions to promote training and learning;
- in 2001, **Germany's** national tripartite Alliance for Jobs adopted a joint statement on training, recommending that trade unions and employers' associations conclude collective agreements to secure and improve further training at company level. An agreement was subsequently reached on further and continuing training in metalworking (Baden-Württemberg region) which entitles employees to determine their training needs in annual consultations with their employer, with the latter paying for the subsequent training. The parties also agreed to set up a new agency to assist companies and employees in improving the maintenance, adaptation and upgrading of skills;
- the 2000-3 **Irish** national agreement, the Programme for Prosperity and Fairness, includes a major section on actions to promote lifelong learning;
- continuing training and learning have featured heavily in many recent sectoral agreements in **Italy**, including banking, posts and telecommunications and commerce. A particularly innovative joint project was launched in 2000 in the chemicals and pharmaceuticals industry, providing for continuing training to enable companies and workers to adapt to change and globalisation;
- in 2001, a tripartite national agreement on employment, the labour market, education and training was concluded in **Portugal**, containing a raft of measures to strengthen the training and education system;
- **Spain's** system of continuing vocational training has been based on and developed by a series of bipartite and tripartite national agreements since the 1990s; and
- continuing vocational training has become a key theme in sectoral bargaining in **Sweden** since the 1990s.

Equality, diversity and non-discrimination



The issues of equal treatment and opportunities for all people, regardless of gender, race, nationality, age, disability and sexual orientation, and of combating discrimination on these grounds, have been a predominant theme in EU and national legislation over the past few years. However, they have not traditionally been a major focus of collective bargaining and dialogue between the social partners. In recent years, this picture has begun to change – albeit very unevenly across countries and issues.

A 1997 EIRO comparative study found that collective bargaining on equal opportunities for women and men existed in all EU Member States, but that even where it was most developed it remained 'very limited or indeed marginal'. In the years since, there has been some expansion of equality bargaining and dialogue in a number of countries (issues relating to 'work-life balance' are covered in the section on flexibility below). To take the example of equal pay – a key issue across Europe, with an average gender pay gap of 20% – the social partners have been active at various levels in a number of countries.

Equal opportunities – examples of collective bargaining at national level

- recent **Belgian** central agreements have sought to promote the review of job classification schemes which result in gender inequalities;
- the 2001-2 **Finnish** national incomes policy agreement provides for a special equality allowance – an additional increase to be used at sector level to improve the position of women (and other low-paid workers);
- **French** sectoral agreements have increasingly sought to give effect to gender equality, and new legislation will in future make equality bargaining compulsory at sector and company level;
- in **Germany**, some works agreements have been concluded (eg. at Opel and Frankfurt airport) to improve the employment position and status of women;

- **Ireland's** current national agreement contains numerous measures aimed at improving equal opportunities and promoting gender pay equity;
- the **Dutch** social partners developed a checklist on equal pay in 2001;
- on several occasions, the social partners in the **Norwegian** public sector agreed to give priority to women in local pay negotiations.

On combating race discrimination, collective bargaining remains rare, but there have been a number of significant joint social partner initiatives of other kinds. The EU-level intersectoral social partners signed a joint declaration on fighting racism and xenophobia in 1995, which was followed up in a number of ways at national level. The issue has also featured in the sectoral social dialogue – notably in the commerce sector, where a joint statement was agreed in 2000. At national level, while agreements on this matter are rare, notable exceptions include a 1996 accord on preventing racial discrimination in the Belgian temporary agency work sector. More common are other types of joint initiatives, as outlined below.

Combating race discrimination – examples of initiatives at national level

- in 1999, the main **Danish** social partners issued a joint declaration to companies, urging them to recruit refugees and immigrants on equal terms with Danish nationals;
- in **France**, the social partners made a joint commitment to work together to combat discrimination in 1999;
- in 2000, the **German** social partners signed a joint declaration on fighting right-wing extremism;
- the **Irish** social partners participated in organising an 'anti-racism in the workplace' week in 2001; and
- in the **UK**, management and unions at Ford agreed in 1999 on new measures to combat racial discrimination and harassment at the company's plants.

The employment of people with disabilities is an issue in collective bargaining in most EU Member States, and in many cases the social partners cooperate with each other and the authorities in this area.

Employment of people with disabilities – examples of collective bargaining at national level

- as in many other areas related to equal opportunities, the current national intersectoral agreements in **Belgium and Ireland** contain measures related to promoting and assisting the employment of people with disabilities;
- there have been some innovative company-level agreements in **Germany**. For example, in an agreement for Leipzig transport services, employees consent to reduce their working time and pay in order to allow the company to employ people who use wheelchairs. At the SAP software company, an agreement provides for the creation of posts for employees with disabilities; and
- in **Italy**, agreements in sectors such as metalworking and textiles seek to facilitate the employment of disabled people, in areas such as the elimination of physical barriers in the workplace, training, leave and working hours. A number of local-level agreements between unions and the Api employers' association for small firms provide for work-entry programmes for disabled workers, through traineeships, for example.

Age discrimination at work is a vital issue in the context of the ageing European workforce. Directly seeking to prevent such discrimination, however, is an area where joint social partner action remains relatively limited in many countries. Nevertheless, in many countries agreements or other joint initiatives at various levels deal with issues that affect the employment position of older workers.

Prevention of age discrimination at work – examples of initiatives at national level

- the practical adaptation of the workplace – **Germany and Norway**;
- financial incentives for employing older workers – **Austria**;
- helping to retain such workers through measures such as reduced working hours – **Denmark**;
- training for older workers – **Belgium**;
- special pay provisions – **Germany**;
- protection against dismissal – **Germany**.

Health and safety at work



The role of the social partners in promoting health and safety at the workplace is well entrenched in most western European countries. For example, social partners often sit on health and safety boards and authorities, and legal provisions give employers and employees and their representatives a leading role in the regulation of this area at the workplace. Aspects of health and safety are in some cases an established issue in dialogue and bargaining, and an increased role for bargaining in this area has been promoted by the social partners in some countries

In Denmark, for example, the social partners called in early 2002 for the conclusion of collective agreements on the issue, to extend and implement legislative provisions. Italian trade unions, too, are in favour of more health and safety bargaining.

Traditionally, the main health and safety concern of the social partners and their activities has been the physical working environment and its risks (accidents, occupational illnesses, machinery, ergonomics, hazardous substances, noise, etc). This remains the case. However, perhaps the most significant development in recent years has been an increasing acknowledgement of the importance of problems relating to the psychological or 'psycho-social' working environment, and notably work-related stress. In some countries, this awareness has led to collective agreements on the issue, though this is still a limited trend.

Improvement of the psycho-social working environment – examples of collective bargaining at national level

- in 1998, **Belgium's** central social partners reached a national agreement on the prevention and treatment of stress. It outlines the obligations of the employer with regard to preventing stress and the information and consultation procedures with workers' representatives. The national intersectoral agreement for 2001-2 recommends that the 1998 agreement be implemented at lower level;

- in May 2001, the social partners in the **Danish** industrial sector reached an agreement on procedures with regard to problems in the psychological working environment. It recommends that problems concerning well-being and the psychological working environment be resolved through direct cooperation between management and employees in individual enterprises;
- in **Germany**, a number of collective agreements on stress have been negotiated at company level, dealing with procedural aspects, such as introducing risk assessment indicators for work-related stress (e.g. at Sanacorp Pharma-Handel), and substantive aspects, such as specifying changes to improve the situation in the company following the results of a psycho-social risk assessment (e.g. at Berthold GmbH & Co KG);
- **Dutch** sectoral collective agreements commonly deal with excessive workload, often containing obligations to study the problem and its prevalence. A few agreements establish objectives for reducing the problem. In the public sector, agreements deal with health problems arising from relations with public service users;
- in the **UK**, a national agreement was reached in 2001 by teachers' unions and local educational authorities on protecting teachers from excessive workload (to be implemented at local level).

Another 'new' health and safety issue receiving increasing attention is bullying, sometimes referred to as 'psychological' or 'moral' harassment. As well as being the subject of adopted or proposed preventive legislation in countries such as Finland, France and Portugal, bullying has in a few cases been taken up in bargaining or dialogue. For example, Ireland's current national agreement encourages enterprise-level discussions on policies to prevent bullying and harassment at work. Furthermore, an Irish government-appointed 'task force on the prevention of workplace bullying' – including social partner representatives – reported in April 2001. It recommended a range of measures, including codes of practice and a 'dignity at work charter'. Elsewhere, Luxembourg's first collective agreement on moral/psychological harassment was signed in April 2001 at the Bram retail company, setting up a joint committee to deal with allegations of bullying and laying down the procedures and penalties.

Flexibility and work-life balance



Flexibility of various types has been a key theme in industrial relations across Europe in recent years. The issue has many aspects, covering both employer and employee interests.

On the one hand, employers have sought to increase their production or service provision flexibility by making it easier to vary the size of their workforce, both in terms of the number of 'core' employees and the ability to take on temporary workers of various types (numerical flexibility), the work that their employees do (functional flexibility) or the times at which they provide their labour (working time flexibility). There has also been an increasing interest in tying employees' remuneration more closely to their performance or that of their work unit or employer (wage flexibility).

On the employee side, flexibility in working arrangements has become increasingly important in order to help workers balance their working life with the rest of their life, and especially family and domestic commitments, against a background of increasing female labour market participation and other social changes such as more dual-career families and lone parents and rising 'eldercare' requirements. Such changes may also, especially when labour markets are tight, prompt employers to offer more employee-oriented flexibility in order to improve recruitment and retention.

This mixture of concerns has produced considerable bargained and legislative change. During the 1980s and much of the 1990s a major policy thrust was trading off working time flexibility for working time reductions. This continues (in France, for example), but the agenda has changed somewhat recently. One dominant 'new' theme has been the linkage of flexibility and security (sometimes referred to as 'flexicurity'): the introduction of new ways of working (in terms of working time, work organisation, type of employment, etc) which allow greater flexibility for employers, while at the same time guaranteeing a degree of security, protection and employability for workers. The other main strand in current flexibility developments is the issue of 'work-life balance', and this is the issue that we deal with here.

At EU level, the intersectoral social partners have reached several agreements (subsequently given legal force by EU Directives) of particular relevance to reconciling work and family life. In 1995, they concluded an agreement on parental leave, giving employees a right to at least three months' parental leave. In 1997, they concluded an agreement on part-time work, aiming to eliminate discrimination against part-time workers and allow part-time employment to develop on a basis acceptable to employers and employees. The partners were negotiating over a possible agreement on teleworking in early 2002. At sectoral level, the EU-level dialogue has, for example, led to agreements on teleworking in commerce and telecommunications.

At national level, various aspects of the work-life balance have become prominent on the bargaining agenda in many countries.

Improvement of work-life balance – examples of collective bargaining at national level

- parental leave: the current **Irish** national agreement, sectoral agreements in **Greek** telecommunications and Italian schools and company agreements in some **Swedish** companies (e.g. Ericsson);
- family leave and family-related working time adjustments: the current **Belgian** and **Greek** intersectoral agreements and sectoral agreements in **Italian** metalworking, chemicals and commerce and **Dutch** metalworking;
- sabbaticals and career breaks: the current **Finnish** national agreement, the sectoral agreement in the **Belgian** non-profit sector and some **German** company agreements;
- childcare arrangements: the **Irish** national agreement, sectoral agreements in **Greek** telecommunications and **Dutch** central government, and company agreements such as at **Portugal's** RTP broadcasting network;
- working time accounts (enabling time off to be saved up for extended periods of leave): the 2001-2 **Belgian** intersectoral agreement and many **German, Italian** and **Swedish** sectoral agreements;
- flexitime: agreements in the **Austrian** metalworking and information technology sectors, Italian postal services, and companies such as Eurocopter (**France**) and Deutsche Telekom (**Germany**); and
- teleworking: sectoral agreements in **Danish** services, **Austrian** mineral oils, **Italian** commerce, telecommunications and SMEs, and company agreements in **Germany** (e.g. Deutsche Telekom), **Italy** (e.g. TIM) and **Norway** (e.g. Statoil);

A prime example of national-level dialogue on work-life balance comes from Belgium. A chapter in the 2001-2 intersectoral agreement relates to working time

flexibility, allowing individual employees to create a better work-life balance. The implementation of these measures was negotiated in the bipartite National Labour Council during 2001 and they came into force in January 2002. The measures consist of a 'time credit' scheme (allowing long-term leave or half-time working), a one-fifth reduction in employees' working time for up to five years, and half-time working for people over the age of 50.

Social dialogue and worker involvement



What constitutes good practice or 'quality' in the areas of social dialogue and worker involvement is perhaps more contentious than in some of the other themes considered here. However, the High Level Group on Industrial Relations and Change has identified a number of possible indicators of quality in these fields.

The quality indicators include:

- the level of participation of employees in decision-making (including financial participation);
- highly representative social partners;
- a wide coverage of collective bargaining (including all forms of 'atypical' employment);
- improving ways of preventing and/or settling labour disputes, via non-judicial mechanisms.

The European Commission's Communication on quality in employment and social policies largely concurs, citing:

- coverage of collective agreements and number of EU-wide companies with EU works councils;
- the proportion of workers with a financial interest/ participation in the firms where they are employed;
- working days lost in industrial disputes.

Social dialogue has certainly progressed significantly at EU level since the 1990s. Despite some setbacks (such as the talks on temporary agency work which were abandoned in 2001), the intersectoral social partners have concluded agreements on parental leave, part-time work and fixed-term work, as well as a plethora of other joint texts, and have developed their ongoing dialogue

on a variety of themes. In late 2001, they jointly proposed to the Laeken European Council a development of the role of intersectoral social dialogue, including a programme of 'autonomous' dialogue – not governed by responding to Commission consultations – leading to a diversified range of instruments. At EU sectoral level, the social dialogue has burgeoned since its reform in the late 1990s, with 26 sectoral committees established by early 2002 (and more in the pipeline), and numerous joint texts and initiatives agreed.

Decentralisation in collective bargaining – examples of initiatives at national level

National-level 'social dialogue' and 'social partnership' (though the terms are not unanimously agreed) have continued in place in those countries where they exist since the late 1990s, and have developed or been strengthened in some cases. Bipartite and tripartite national pacts of some form regulate various employment, income and industrial relations matters in **Belgium, Finland, Greece, Ireland, Italy, the Netherlands, Norway, Portugal and Spain**, while social partnership and consensus-seeking are also firmly embedded in some areas in countries such as **Austria** (though arguably to a declining extent), **Denmark, Luxembourg and the Netherlands**. Significant new national forums for dialogue have been created in recent years – notably **Germany's** tripartite Alliance for Jobs or **France's** Committee for Social Dialogue on European and International Matters – while in late 2001 **Spain's** social partners agreed their first wage moderation agreement for many years. Existing forms of social dialogue and partnership have, however, come under some pressure from political developments in countries such as **Austria and Italy**.

Collective bargaining has experienced a degree of decentralisation (generally to company level) in some or all sectors in a number of European countries in recent years – examples include Austria, Denmark, Finland, Germany, the Netherlands, and the UK. However, there are few signs in most countries that the overall coverage of bargaining is declining. Indeed, there have been a number of instances of collective bargaining being extended for the first time to new areas – such as professional offices in Italy, call centres, telemarketing and temporary agency work in Sweden, audio-visual technicians in Spain and information technology in Austria.

Worker involvement has been a prominent theme in EU legislation (if not in successful social partner negotiations) since the 1990s, with the 1994 European Works Councils (EWCs) Directive followed by the European Company Statute in 2001 and the Directive on national information and consultation rules (which

will have a particular impact in Ireland and the UK) in 2002. EWCs have so far been established by agreement in some 700 multinational companies.

Worker involvement – examples of collective bargaining at national level

At national level, the basic (usually legislative) framework for representative employee participation, usually through works council-type bodies, has changed relatively little over the past five years. However, there have been a number of amendments, notably giving new roles and areas of competence to works councils – such as the environment and racism in **Germany**, working time regulation in the **Netherlands**, or mergers and takeovers in **France**. Collective bargaining has also increased worker involvement in some countries: a notable example is **Italy**, where new participatory structures at various levels and dealing with various issues have been created by a number of agreements (e.g. in metalworking, commerce and agriculture or at Electrolux-Zanussi and Barilla). In the **UK** and **Ireland**, ‘partnership’ agreements, usually providing for greater employee involvement, have been on the increase of late.

Employee financial participation – examples of collective bargaining at national level

Finally, financial participation has grown in importance as an issue for bargaining and dialogue. For example, such participation is encouraged by the current national agreement in **Ireland**, while recent agreements on profit-sharing and employee share ownership can be found in many countries, including **Germany** (e.g. Audi and Pirelli), **Greece** (e.g. National Bank of Greece), **Ireland** (e.g. An Post and Eircom) **Italy** (e.g. Alitalia, Dalmine, Gucci and Rinascente) and **Spain** (e.g. Telefónica).

Conclusion



This booklet has looked at a limited range of issues within the industrial relations field, and within these issues highlighted just a few themes, selecting recent examples from different countries. It has not touched on key areas such as pay bargaining, job security, aspects of work organisation, restructuring, industrial disputes and their resolution, the 'Europeanisation' of industrial relations, social security and protection, or technological change. The primary focus was on collective bargaining and dialogue between the social partners. The subjects of labour law and government initiatives, as well as developments in the structures of industrial relations and social partner organisations, have largely been omitted. Nevertheless, even with such a narrow focus, the contents of this report suggest that across Western Europe industrial relations are indeed starting to address a new agenda, or to look at 'old' issues in a new way.

Swift and radical change is arguably rare in industrial relations, and this is especially true in the areas of bargaining and dialogue. Much of the content of industrial relations across Europe undoubtedly remains 'traditional'. For example, in many countries much collective bargaining still focuses essentially on setting pay increases or the length of working time, and innovation in terms of content, such as that highlighted in this report, is rare. However, there is a range of new issues that are starting to emerge across much of Europe, or to spread from more innovative countries to others. As we have seen, these matters include:

- lifelong learning;
- equality;
- diversity and non-discrimination on an increasing range of grounds;
- new aspects of health and safety at work;
- many facets of flexibility;
- security and work-life balance;
- a variety of forms of worker involvement.

The growth of this new agenda is very uneven across both issues and countries, with some topics developing faster than others and some countries embracing a wide range of new themes while others have seen little innovation. This is perhaps inevitable, given that the industrial relations systems and cultures of the countries of Western Europe still differ so considerably in areas such as:

- the relationship between collective bargaining and the law and their respective roles;
- the levels at which collective bargaining is conducted and the relationship between them;
- the coverage of bargaining and the extent of membership of social partner organisations;
- the extent and importance of bipartite and tripartite social dialogue institutions and processes.

An issue such as continuing training, for instance, may be regulated solely by law in some countries, solely by collective bargaining in others (perhaps by company-level bargaining in some cases and sectoral bargaining in others), by a mixture of the two in others, or may be largely unregulated (perhaps being largely left to unilateral company decision-making) in others. Given these differences, the fact that any common new agenda can be identified at all is remarkable.

Many of the examples quoted in this report have been high profile and widely reported instances of innovation in bargaining and dialogue. What is not always known is the extent to which similar initiatives have spread to other sectors and companies. Many countries lack the data-gathering mechanisms to assess clearly the extent to which new issues are being taken up in bargaining, for example. It can thus be hard to assess to what degree there is a genuine Europe-wide trend towards industrial relations dealing with a new topic, or merely a few scattered and isolated cases. Often, such a judgment requires an assessment over a longer period than the five years covered by this report.

We firmly believe that quality in European industrial relations can also be attained by transferring successful practices and innovation in bargaining across national boundaries and bringing together the social partners at European and national levels. This is particularly important in view of impending EU enlargement.

The EIRO network will continue to carry on its work of monitoring events and issues in industrial relations in the years to come, providing further evidence of how far and how fast a new agenda is emerging, and what issues are on that agenda. We hope that EIRO can thus play its part in both helping in the evaluation of the 'quality' of industrial relations in Europe, and contributing to that quality by publicising examples of innovation and good practice.

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Since 1997, the European Industrial Relations Observatory (EIRO) has followed and analysed developments in industrial relations in the 15 EU Member States & Norway and at EU level.

Coverage of the candidate countries started in 2002. The EIRO database website is freely accessible and provides updates from its network of contributors on the latest developments at national and European level as well as extensive comparative information.



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