Collective labour disputes in the EU

Introduction

Labour disputes involving industrial action take place when social dialogue has failed or was absent or when attempts at dispute resolution break down. They can be very disruptive for companies, workers and societies, and they highlight areas that potentially require policy attention. To understand these situations better, Eurofound developed a pilot database in 2017 called the Industrial Action Monitor (IAM). The main focus of the data collection was to identify different types of grievances, the reasons behind them, the main issues involved, the countries and sectors in which they are most likely to occur and the outcomes when these actions have been concluded.

This report analyses collective labour disputes in Europe, based on a feasibility study and the pilot database. Data in the IAM were collected by Eurofound and the Network of Eurofound Correspondents over the period 2018–2019 and cover all EU Member States plus Norway and the United Kingdom.*

Following the updating of the data to take account of subsequent outcomes, 463 cases were grouped, using cluster analysis, to develop a typology of labour disputes, which was then compared with existing typologies of industrial relations. The analysis was carried out using indicators derived from a literature review.

Policy context

Labour disputes are significant for European policy in several respects. In the context of the right to organise collectively and negotiate, the right to strike is a key right of European workers. It is, however, generally managed at national, rather than European, level. The right to strike interacts in complex ways with other rights. For example, recent attempts by national governments (including in Belgium, Germany, Greece and the UK) to change legislation on the right to strike have been at least partially linked to establishing rights to representation and/or representativeness.

In each country, industrial action is embedded in particular institutional contexts, shaped by national political and legal structures and traditional industrial relations practices. This, combined with the fact that clear definitions are lacking, makes comparative analysis difficult. Nevertheless, useful attempts have been made to analyse longer term trends, including commonalities and differences among Member States, by organisations such as the European Trade Union Institute (ETUI) and Eurofound. Recent studies point to a general decrease in industrial action across Member States, albeit interrupted by spikes in some years.

During the COVID-19 pandemic, there has been a clear reduction in industrial action, with the most significant labour disputes related to COVID-19 unsurprisingly occurring in the human health and social services sector, the education sector and the transport and logistics sector. It should be noted, however, that the absence of overt conflict such as strikes or lockouts does not necessarily signify an absence of conflict.

Key findings

- The contexts in which disputes arose were diverse and not all were related to workplace issues. Collective bargaining was the context of over a third of disputes, with grievances over company-level policies making up another quarter and grievances over public policies accounting for a further 18%.
- In terms of specific issues, problems over pay accounted for over 40% of disputes, employment problems accounted for 20%, other aspects of working conditions accounted for 16% and protests accounted for 13%. Over 80% of disputes concerned matters of interest as opposed to matters of rights.

* During the pilot phase to investigate the feasibility of a Europe-wide industrial action monitor, Eurofound had compiled a dataset of more than 600 labour disputes related mainly to the year 2018 and first quarter of 2019. In the framework of its internal tripartite decision-making process, it was decided not to establish the monitor on a regular basis and to wrap the project up with the production of the present analytical report on collective labour disputes.
The study points to the relative lack of reliable comparable data on the causes and issues of collective labour disputes across Europe and if and how they were resolved, hindering efforts to analyse patterns and compare them nationally or by sector. This absence of empirical data has made it difficult to test the validity of various typologies proposed in the literature, as well as to develop policies to address the underlying issues.

The disputes studied fall into five main clusters:
- cluster A – national disputes of interest and rights, including different forms of employment and more frequent third-party interventions
- cluster B – extended disputes of interest concerning collective (pay) agreements with a mix of realised and non-realised actions and more frequent third-party interventions
- cluster C – localised disputes on matters of interest, concerning employment problems, working time and restructuring, with short work stoppages
- cluster D – localised disputes concerning workers’ rights and grievances over company policies
- cluster E – disputes concerning public policies

When focusing on their prevalence by country, the distribution of these types did not follow any of the patterns that might be expected based on five of the existing typologies in the literature: typologies based on national differences in varieties of capitalism, union density, intensity of strike activity, types of industrial democracy and collective bargaining.

The nearest correlations that could be found were between cluster B (disputes concerning collective agreements with a mix of realised and non-realised actions) and both those countries classified as ‘corporate’ and those classified as having ‘predominantly sector-level or higher level bargaining’. However, the overwhelming message is that no clear relationship can be found between the typology of labour disputes derived from these data and other typologies of industrial democracy.

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Analysis by sector showed that mining, manufacturing and utilities were particularly likely to be associated with cluster C and, to a lesser extent, cluster A. Nearly half of the disputes associated with the wholesale and retail sectors were linked to cluster A, and the same was true for the finance and insurance sector and, even more so, for the information and communications sector. The public administration and education sectors were, unsurprisingly, particularly associated with cluster E, while transport and health were relatively evenly spread across all clusters. Clusters C and D were distributed proportionately across all sectors.

In terms of outcome, the disputes in clusters A and B were most likely to lead to a negotiated settlement, while those in cluster E were, unsurprisingly, least likely to do so.

These results, in particular the lack of correlation with existing typologies, indicate that the type of data collected by IAM is adding important new empirical evidence to the body of knowledge on industrial relations in Europe, unavailable in existing scholarship, and is deserving of further development and investigation.

**Policy pointers**

The analysis draws attention to the extent to which the existing literature on industrial action in Europe is based on incomplete data and points to the need for the systematic collection of empirical evidence in the future to provide a basis for comparative analysis.

This detailed collection should be based on clear definitions agreed at international level to ensure national comparability. Data should be collected regularly to enable longitudinal analysis.

The data collection should also be sufficiently detailed to enable comparison across a number of dimensions – agreed through discussions with relevant stakeholders – such as sector, occupation/type of employment, triggering issue, collective bargaining context and gender of the workers involved.

Ideally, this information should be capable of being collated with other data to enable the calculation of the economic costs of disputes, to both employers and workers.

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Further information

The report *Collective labour disputes in the EU* is available at [http://eurofound.link/ef21026](http://eurofound.link/ef21026)

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