



European Foundation  
for the Improvement  
of Living and Working  
Conditions

The tripartite EU Agency providing  
knowledge to assist in the development  
of social and work-related policies

# Representativeness Study for the Education Sector

EFEE – ETUCE conference SOFIA

Peter Kerckhofs - Eurofound

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# Outline of the presentation

**1**

**Eurofound & representativeness studies**

**2**

**Concepts of representativeness**

**3**

**Questions about education sector**

**4**

**Fragmentation national IR landscape  
Results of 2009-11 education REP study**



# European Foundation for the Improvement of Living and Working Conditions (Eurofound)

A tripartite agency of the European Commission  
created in 1975 - Employs 115 people (in Loughlinstown – South of Dublin) and in Brussels

*“The tripartite EU agency providing knowledge to assist in the development of social and work-related policies”*

## Areas of Expertise

Working  
Conditions

Living  
Conditions

**Industrial  
relations**

Structural change  
and restructuring

# Why we do representativeness studies?

... for the  
Commission

The basis for consultation obligation/  
commitment (**article 154 TFEU and beyond**)

A criterion for setting up of/ granting support  
to a Sectoral **Social Dialogue Committee**  
(Art. 1, Commission Decision of 20/05/1998)

Important when social partners ask for  
implementation of an **agreement** via Council  
Decision (155 TFEU)

# Recently published & on-going REP studies

<b>2017</b>	<i>Tanning / Leather</i>	<b>2018</b>	<i>Metal</i>
<b>2017</b>	<i>Footwear</i>	<b>2018</b>	<i>Steel</i>
<b>2017</b>	<i>Central Gouvernement Administration</i>	<b>2018</b>	<i>Commerce</i>
<b>2017</b>	Railways urban transport	<b>2018</b>	<i>Inland Waterway Transport</i>
<b>2017</b>	Sugar Manufacturing	<b>2018</b>	<i>HoReCa</i>
<b>2017</b>	Shipbuilding	<b>2018</b>	<i>Contract Catering</i>
<b>2017</b>	Postal & Courier services		
		<b>2019</b>	<i>Banking &amp; Insurance</i>
<b>2016</b>	Personal services: Hair & Beauty	<b>2019</b>	ICT & Telecom
<b>2016</b>	Extractive Industries	<b>2019</b>	Industrial Cleaning
<b>2016</b>	Maritime Transport	<b>2019</b>	Private Security
<b>2016</b>	Agriculture	<b>2020</b>	Education
<b>2016</b>	Furniture	<b>2020</b>	Hospitals
<b>2016</b>	Ports	<b>2020</b>	Local & Regional Admin & soc. Services
<b>2016</b>	TAW	<b>2020</b>	Paper
<b>2016</b>	Graphical industry	<b>2020</b>	Sea Fisheries

# Tripartite REP study approach

- SP – EC agreement on scope sector – Nace codes
- SP involvement in cross checking of national data – first corrections
- Commenting of EC and of SP on draft report
- Evaluation of final draft in Eurofound advisory committee before the report is being published

## Data collection via Eurofound national correspondents

- All member organisations EU SP are included in top down approach*
- This allows us to assess their membership based representativeness*
- In the bottom-up approach these national correspondents look for other sector related trade unions and employers organisations*
- Are there other European associations representative in the sector?*

# ESSD evolved over time

- ❑ Maastricht Social Protocol => Art 153, 154 and 155 in TFEU
- ❑ European Commission Decision 1998
- ❑ 43 ESSDC (*most established in 80s and 90s / formalised 99-2000*)

## Research on ESSD also evolved...

- ❑ Studying specific sector developments (case studies)
  - ❑ *Different dynamics and types or degrees of activities (categories)*
  - ❑ *Focussing on the outcome in terms of texts and agreements  
And their implementation (or difficulties with implementing them)*
  - ❑ *Multi governance perspective of ESSD (articulation between national organisations and European social partners) Eurofound 2018*
  - ❑ *Different national concepts of representativeness – cross country comparison (Eurofound 2016)*
- => *comparing representativeness social partners in different sectors (2019)*



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# Example : UK

## Largely unregulated

Reality is simplified **at peak level** with mutual recognition of two principle confederations TUC & CBI

## At sector level

- Depends on mutual recognition
- Which is indirectly a reflection of membership density and capacity to mobilise

## At workplace level

- Trade union and labour relations act 1992
- Employment relations act 1999 incl. TU recognition provision where a majority of workers supports CB, employer is obliged to recognise TU (for CB **at workplace level**)

# Example : FRANCE

- Legal basis = for extension of collective bargaining agreements (since 1950)
- Low trade union density
- Works council elections form basis for representativeness; trade union pluralism => after each election => update list of representative trade unions
- New laws of 2008, 2010 & 2014 (enters in to force in 2017)

# Example : FRANCE

- 7 principles for trade union representativeness
  1. Republican values –
  2. Independence - (financially & politically)
  3. Existing for at least 2 years – (to avoid splits)
  4. Activity – communication with members
  5. Financial transparency
  6. Number of members
  7. Scores in elections:
    - 10% at Company level
    - 8% and balanced territorial presence, at sector level
    - 8% and balanced multi-sector presence at national level
- 6 principles for employers (1-5 above) + assistance to affiliates

# EU Concept representativeness for ESSD

## Decision European Commission 20-5-1998

- Relate to the specific sector
  - be organised at European level
- 
- Consist of organisations that are integral part of Member States industrial relations system,
    - Have the capacity to negotiate agreements
    - Are representative for several Member States
- 
- Have adequate structures to ensure their effective participation in the work of the ESSDC

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# Structure of a Representativeness study

Employment  
and economic  
trends

National  
social partners

European  
Social Partner  
organisations

Conclusion on Representativeness

# Education Sector Specific Questions

- Private & public schools (different types of providers – CGA, LRA, Church institutions, private law organisations/companies)  
*Dual system: civil servant statute ⇔ private law employment contracts*
  - High degree of prof. educated work force - Strict job demarcations => director, teacher, other school staff, different school levels
  - Occupational profiles & working conditions of teachers in different educational levels can be diverse => TU fragmentation*
  - TU Pluralism*
  - higher TU density than country averages*
  - TU sectional overlap / Overlap (Public sector)
- 
- Is school director EMPLOYER or ministry of education or 'schoolgroup' ?
  - Who is involved in collective bargaining? Who determines working conditions? Who pays the salaries
  - What is the impact of different school systems/levels? Do teachers in different systems/levels have different working conditions & Collective bargaining agreements?



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# NACE code 85 – EDUCATION

85.10

Pre-Primary Education



85.10

EXCLUDED = child day care activities

85.20

Primary Education

85.30

Secondary Education

General Secondary Education (85.31)

Technical and Vocational Secondary (85.32)

85.40

Higher Education

Post secondary non-tertiary (85.41)

Tertiary Education (85.42)

85.50

Other Education

Academic tutoring, remedial courses, Language. computer training, religious instruction

Sports and recreation education (85.51)

Cultural education (85.52)

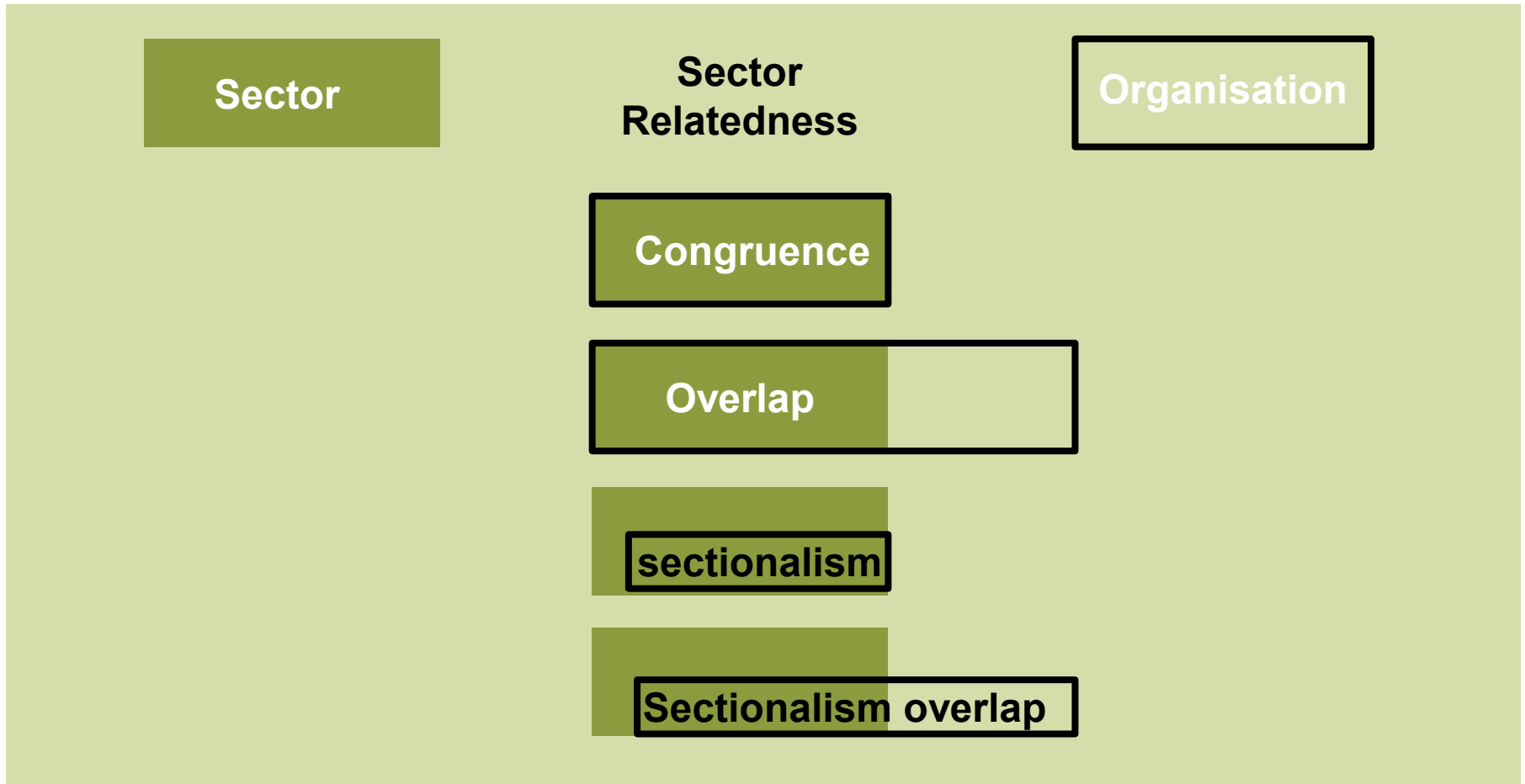
Driving Schools (85.53)

85.60

Educational support activities

Guidance, testing, exchange programmes

# 4 Types of Sector Relatedness



# Top-Down screening & Bottom-Up screening

ETUCE, EPSU, CESI  
& EFEE

National affiliates of  
EU Social Partners

*Are they  
Affiliated to another  
European association?*

*Other national associations  
related to the sector  
Involved in  
collective bargaining*

# EDUCATION sector

(217 TU & 84 EO)

Countries	AT	BE	BG	CY	CZ	DE	DK	EE	ES	FI	FR	GR	HR	HU
Number of TU	4	12	4	8	3	6	10	3	9	8	12	5	??	7
Number of EO	6	5	2	1	??	3	3	??	5	5	??	3	??	1

Countries	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK
Number of TU	6	24	4	6	5	??	10	5	36	4	10	3	3	10
Number of EO	10	11	??	??	3	7	??	??	5	??	9	??	2	3

EO	In 2009	TU
DE, DK, GR, LV, SK, UK	+/- 3	CZ, EE, SI, SK
AT, BE, ES, FI, PT,	4-6	AT, BG, DE, GR, IE, LT, LU, LV, PL, RO
MT, SE	7-9	CY, ES, FI, HU,
IE, IT, UK	10+	BE, DK, FR, IT, NL, PT, SE, UK

# Results former REP study (Education 2010)

	TU & EO in sector	In how many EU Member states ?	Affiliates to ETUCE, CESI, EPSU, EFEE	In how many EU Member states?
<b>ETUCE 2009</b>			<b>103 TU</b> = 48%	<b>27 MS</b> NOT IN HR???
<b>CESI 2009</b>	<b>217 TU</b>	<b>26 MS</b> Not in HR, MT ???	<b>12 -19<sub>TU</sub></b> = 6%	<b>9 or 12</b> NOT IN BG, CY, CZ, HR, DK, EE, EL, FI, IE, LT, LV, RO, SI, SK <i>? Indirect ? IT, MT, PT ???</i>
<b>EPSU 2009</b>			<b>28-36 TU</b> = 17%	<b>13 or 16</b> NOT IN BG, CZ, HR, EE, FR, HU, LT, LV, PL, RO, SI, SK <i>ONLY Indirect IN -- EL, LU ???</i> <i>Also indirect in BE, DK???</i>
<b>EFEE 2009</b>	<b>84 EO</b>	<b>18 MS</b> Not in CZ, EE, FR, HR, LT, LU, NL, PL, RO, SI	<b>21 EO</b> = 25%	<b>16 MS</b> Not in AT, BG, CZ, EE, EL, FR, LT, LU, PL, RO, SI

# More information or Further questions

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# Types of Questions (data to be collected by Eurofound national correspondents for each EU MS)

- Number of companies in the sector & Number employees in the sector
- Largest five companies in the sector in each country?
- Overview of the economic activities & sector trends in each country and overview of the trade unions and employers related to the sector
- Examples of collective bargaining agreements in the sector
- The involvement in collective bargaining and in social dialogue of each trade union and employers organisation/business association
- The number of members in the sector (relative membership strength) this is very important (in terms of trade union members, company members and the workforce of those companies that are member)*
- Does the trade union have members in the largest companies ?*
- Does the employers organisation have the largest companies as members? Or does it only have SMEs as members? Describe the scope of the membership / specificity of the organisation in the sector in the given country*
- To which European association is it affiliated for members in the sector?*