

MODULE 8: LABOUR RELATIONS, COLLECTIVE BARGAINING AND DIVERSITY

This module is recommended for a training to migrants who have some experience in trade unionism and/ or are active community members.

Time: 1 hour

Objectives:

- Introducing labour relations and their regulations in a national/ local context.
- Raise awareness of labour relations / bargaining in SMEs.
- How and why to promote diversity in labour relations/ collective bargaining mechanisms.
- How to make use of diversity to enhance and protect migrant workers' rights.
- Diversity and trade unionism.

Materials:

Projector
Slides PP 8.1 & 8.2
Flipchart
Markers
Cards/ paper
Tape

INSTRUCTIONS

- 1) Trainers open by asking trainees if they are aware of or have any experience of labour relations and collective bargaining.
- 2) Trainers ask trainees if they know of or if they are members of trade unions or employers' organisations.
- 3) Trainers discuss labour relations and their regulations in a national/ local context.
- 4) Trainers discuss labour relations and bargaining in SMEs.
- 5) Trainers ask trainees their thoughts on diversity in labour relations/ collective bargaining mechanisms. Do they think diversity could be relevant to labour relations/ collective bargaining mechanisms? In which ways?
- 6) Trainers discuss trainees' answers and add on them, addressing how and why to promote diversity in labour relations/ collective bargaining mechanisms.
- 7) Trainers present PP 8.1 & PP 8.2.
- 8) Trainers ask trainees how they believe diversity can be used to enhance and protect migrant workers' rights.
- 9) Trainers discuss trainees' answers and add on them.
- 10) Trainers discuss diversity and trade unionism.
- 11) Trainers ask trainees if they are willing and/ or empowered to actively engage in trade unionism as to lobby and push them to develop measures and take action for effective promotion of diversity and equality in the labour market and society in general.

12) Trainers are encouraged to use any of the activities below, depending on their time, if they are implementing an extended version or not, and on what they find useful for the group, taking into consideration the group and its needs. For the current version of 7-hour training, it is recommended that they use only 1 activity.

Trainers notes

- Introduce and raise awareness about:
 - Labour relations and collective bargaining
 - Social dialogue and social partners: trade unions, employers' organisations, public authorities
- How and why to use labour relations, collective bargaining and social dialogue to promote migrant workers' rights in SMEs.
- Diversity, employers and trade unions

Labour relations

The term 'labour relations,' or other terms used interchangeably such as 'industrial relations,' 'employment relations' and 'union-management relations,' refer to the collective relationships between employers – workers and their respective representatives – employers' organisations and trade unions. Public authorities also play a role in the regulation and governance of the employment relationship.

The aim of labour relations systems, which operate at global, regional, national, sectoral and company-level, is to govern and regulate the employment relationship and to promote the respective interests of the two sides. Labour relations also aim, according to the International Labour Organisation, to promote "peace and social justice," while for the European Union it is a "fundamental feature of the European Social Model." Labour relations systems include processes and mechanisms through which these relationships are expressed, such as collective bargaining, workers' participation in decision-making, grievance and dispute settlement as well as the resolution or management of conflict between employers' organisations and trade unions, through mediation procedures or mechanisms.

Collective bargaining

Collective bargaining is a mechanism or procedure that constitutes the core of labour relations and it includes all negotiations between workers and employers and/or their representatives. Through collective bargaining, collective agreements are concluded at national, sectoral or company level.

It regulates relations between employers and workers and/ or between their respective representatives and determines working conditions and terms of employment, including pay, working time, health and safety.

In its wider social context and as a means of formulating and developing social policy, collective bargaining also addresses areas and issues of critical interest and significance to women, migrants, LGBTQI+ people and other socially vulnerable groups. These issues include protection from inequality and discrimination on the grounds of racial, ethnic and national origin, migration status, gender identity, sexual orientation, religion, political beliefs, age, ableism or any other characteristics or background. It also promotes the elimination of forced or compulsory labour and the elimination of child labour.

Collective bargaining is grounded on fundamental working and human rights and freedoms, such as the freedom of association and the rights to collective bargaining, protection from discrimination and

inequality, and inclusion and integration. These freedoms and rights are enshrined in international conventions, standards and other instruments, the major of which are listed below:

- ILO Declaration on Fundamental Principles and Rights at Work, 1998
- ILO Convention 154 on the Right to Organise and Collective Bargaining, 1949
- ILO Convention 87 on Freedom of Association and Protection of the Right to Organise, 1948
- UN International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- UN Convention on the Elimination of All Forms of Discrimination against Women, 1979.

In the European Union, where all charters, directives and other legal instruments are by default transposed into national legislation by all EU member states, the most relevant legislation related to freedoms and rights in employment are the following:

- Community Charter of the Fundamental Social Rights of Workers (Article 12), 1989
- European Social Charter, (Revised), 1996
- Charter of Fundamental Rights of the EU (Article 28), 2000
- EU Racial Equality Directive 2000/43/EC
- EU Employment Equality Directive 2000/78/EC.

Social dialogue and social partners

Social dialogue refers to all forms of negotiation, consultation or exchange of information between and among representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. While collective bargaining at national, sectoral or company level is mainly a bipartite process, i.e. between workers and employers and their representatives, social dialogue is a tripartite process involving trade unions and employers' organisations as well as public agencies and services.

At the European Union level, social dialogue between European employers' organisations and trade unions is bipartite, while the interactions and exchanges among employers' organisations, trade unions and EU institutions and agencies is tripartite. Social dialogue and social partners at EU level are designated into two categories: cross-industry and sectoral social dialogue, each with specific organisations from the three sides.

The *cross-industry* (or, *cross-sector*) social dialogue involves organisations representing workers and employers from both the private and public sectors, small and medium-sized enterprises (SMEs), and professional and managerial staff. The organisations participating in this dialogue are BusinessEurope, the European Centre of Employers and Enterprises Providing Public Services (CEEP), the European Trade Union Confederation (ETUC), Eurochambres, the European Association of Craft and Small and Medium-Sized Enterprises (UEAPME), Eurocadres and the European Confederation of Executives and Managerial Staff (CEC). Some 80 European organisations from over 40 economic sectors take part in the sectoral social dialogue at European level within their respective sectors. The EU institutions involved in social dialogue are the European Commission, the European Council and the Council of the European Union. Eurofound (European Foundation for the Improvement of Living and Working Conditions has also a significant role in providing EU institutions with the required research and information.

Since independence in 1960, labour relations in Cyprus have developed on the basis of two fundamental principles, voluntarism and tripartite cooperation, and are based on the Industrial Relations Code (IRC) of 1977. Based on the same principles, collective bargaining has traditionally played a leading role in regulating labour relations, while the role of the state is an advisory one and usually kept to the minimum, intervening only in cases of difficulties to reach agreement, through the mediation service of the Ministry of Labour, Welfare and Social Insurance, as provided by the IRC. However, since Cyprus joined the EU, the state has increased its intervention by regulating through legislation minimum standards of basic terms and conditions of employment, such as minimum wage and working time for specific occupations.

The main organisations involved in collective bargaining in Cyprus are:

Trade Unions

The main national trade unions in the private and the semi-public sector are: the Pancyprian Federation of Labour (PEO), the Cyprus Employees Confederation (SEK) and the Democratic Labour Federation of Cyprus (DEOK), while the Union of Cyprus Banking Employees (ETYK) is the only trade union in the banking sector. In the public/ government sector, there are four trade unions: the Pancyprian Union of Public Servants (PASYDY), the Pancyprian Organisation of Greek Teachers (POED) representing the elementary school teachers, the Organisation of Greek Secondary Education Teachers (OELMEK) representing the high school teachers, and the Organisation of Greek Technical Education Teachers (OLTEK), representing the teachers of technical schools.

Employers' organisations

The largest employers' organisations in Cyprus are: the Employers' and Industrialists' Federation (OEB) and the Cyprus Chamber of Commerce and Industry (CCCI), which act as umbrella organisations at national level, representing the whole spectrum of companies in all economic sectors. Also, the Cyprus Federation of the Associations of Building Contractors, the Cyprus Association of Bank Employers and the Pancyprian Association of Hoteliers (PASYXE), at sectoral level.

The Pancyprian Confederation of Professional Craftsmen and Shopkeepers (CyPOVEK) is an organisation of mixed representation, with about 60% of its members being employers in technical occupations, commerce, recreation, catering and petrol stations.

The established social partners involved in social dialogue on issues of wider economic and social policy are PEO, SEK and DEOK, from the part of trade unions, and the employers' organisations OEB and CCCI. A major field of social dialogue is the migration system and policies, which was instituted in the early 1990s in agreement with the social partners, i.e. trade unions and employers' organisations.

Collective bargaining and discrimination

Up until the crisis, collective bargaining had traditionally played a leading role in regulating minimum standards, whereas legislation has constituted a secondary tool for their regulation. In general, collective bargaining was decentralised and collective agreements were concluded at either sectoral or enterprise level. Although the content of some collective agreements was extended to include issues of equality and non-discrimination, particularly concerning gender, collective agreements in Cyprus are in general very limited in relation to protecting against inequality and discrimination or promoting diversity at work.

Diversity, employers and trade unions

In 2010, the European Commission, in promoting diversity management in companies across Europe, launched the European Platform of Diversity Charters and published the “Practical Guide to launch and implement a Diversity Charter” (2015). It encourages companies in Europe to sign a Diversity Charter on a voluntary basis for combating discrimination and promoting diversity in companies. Diversity Charters are adapted on the needs and priorities of each country and are culturally specific.

However, according to the Report on the latest meeting of the European Platform of Diversity Chapters, in February 2017, it seems that there is no interest among Cypriot employers and/ or organisations to join the Platform.

The active participation of workers belonging in vulnerable and diverse groups (migrants, refugees, LGBTIQ* persons, disabled persons, etc.) in trade unions is crucial to the representation of such groups and in improving the framework regarding diversity at work. As evident, the existing framework does not seem to take into much consideration diversity or to protect the rights of workers belonging in vulnerable and diverse groups. Currently, there are no specific mechanisms or methods to promote diversity at work outside the general principles of negotiation. Yet, representatives of vulnerable and diverse groups may use the general principles of negotiation and work in adopting a more effective framework, including by joining the European Platform of Diversity Charters. Trade unions may have not shown such interest because they do not realise how much this affects employees, as, currently, vulnerable groups are not actively involved/ represented in trade unions. For example, migrants are registered in trade unions, but they are not represented in the decision-making of trade unions. As the experience with women has shown, the active participation and representation of vulnerable groups of workers in trade unionism can positively affect their rights. Such an active representation can raise awareness within trade unions on diversity issues and promote training within them so that to include more effectively diversity and anti-discrimination in their agendas. As mentioned above, the content of some collective agreements was extended to include issues of equality and non-discrimination particularly concerning gender and this is a success of the women actively involved and represented in trade unions.

Activity A: Understanding the role of trade unions

Time: 30 minutes

Materials:

Flipchart

Markers

Pens

Note-books

Projector

INSTRUCTIONS

- 1) Trainers ask participants to form groups or couples to discuss the following questions:
 - a. The role of trade unions in general and in addressing inequalities and discrimination in particular; and
 - b. How they view the possibility to actively engage in trade unionism as to lobby and push trade unions to develop measures and take action for effective promotion of diversity and equality in the labour market and society in general. Is it something that would interest them? Why? What do they have to gain from this? Which difficulties they may face in such an endeavour?
- 2) Trainers give couples/ groups 15 minutes and ask them to share highlights of the conversation aloud.

5) Trainers take notes on the flipchart.

Activity B: Sharing personal experiences

Time: 30 minutes

Materials:

Pens

Note-books

INSTRUCTIONS

- 1) Trainers ask participants to form groups/ couples and discuss their own experiences with trade unions:
 - Are they members of trade unions?
 - If yes, how did they become members?
 - Are they satisfied with their trade union? Why?
 - What were their expectations when they joined a trade union?
 - Are these expectations fulfilled?
 - If not, how do they think their trade union will meet their expectations?
 - Are they actively involved in the trade union? What is their involvement exactly?
 - If they are not actively involved, why is that? Would they like to be more actively involved? How?
 - If not, why?
 - Would they like to join a trade union? Why?
 - If yes, what are their expectations?
 - Would they like to be actively involved? How?
- 2) Trainers give groups/ couples 15 minutes to discuss the above and ask them to share highlights of the conversation aloud.
- 3) Trainers take notes on the flipchart.
- 4) Group discussion.