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IMPROVING PAY AND PRODUCTIVITY WITH SECTOR COLLECTIVE BARGAINING

A Review of the International Evidence

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IMPROVING PAY AND PRODUCTIVITY WITH SECTOR COLLECTIVE BARGAINING

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Abstract

Across the world, many workers have experienced prolonged wage stagnation and insecure working conditions. At the same time, employers face challenges with staff shortages and low productivity. Sectoral and multi-employer bargaining that covers broad segments of the workforce can help to solve these challenges and can bring positive outcomes to workers, firms and wider society. This King's Business School Research Impact Paper examines different types of institutions to support high collective bargaining coverage. It reviews systems with high union density and employer density, different types of state intervention that extend the agreements to all workers within a sector and instruments that allow unions to establish multi-employer agreements to safeguard against outsourcing. Examples are drawn from Nordic countries, Continental European countries, Southern European countries and Anglo-American countries. It presents ideas to support a new policy agenda being developed in countries and regions including the UK, the European Union, Australia, New Zealand and Chile aimed at developing fairer wage-fixing mechanisms to combat low pay, worker poverty, long hours, insecurity and other features of poor-quality jobs.

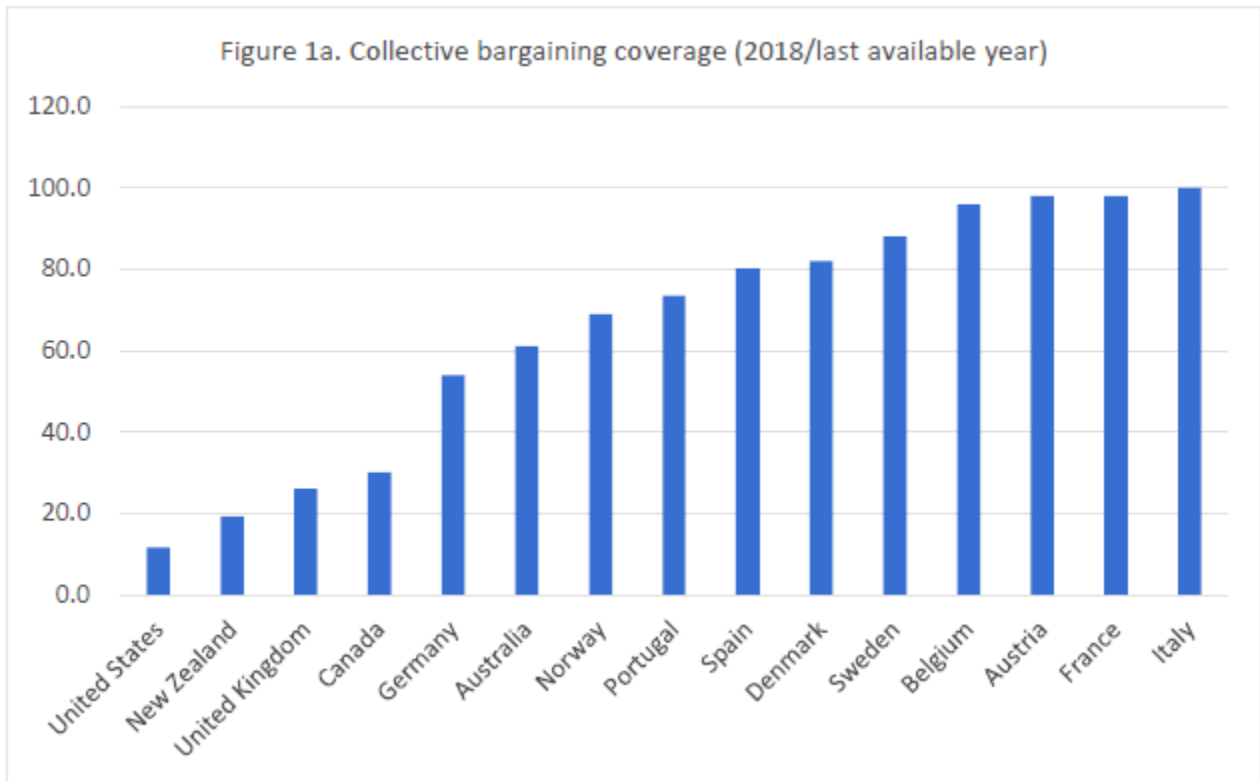
1. INTRODUCTION

Sectoral collective bargaining can be a useful instrument of macro-economic management and deliver positive outcomes for workers and the wider society. Three collective actors are typically involved in collective bargaining: unions, the state and employers. All of them have a potential interest in supporting sectoral collective bargaining, including the employers' side. Encompassing collective bargaining is associated with lower inequality within and across sectors.ⁱⁱ Thus, it not only ensures fairer redistribution of income but is potentially also positive for boosting consumptionⁱⁱⁱ and therefore, ultimately, growth. Indeed, encompassing collective bargaining structures were recently found to be associated with lower unemployment rates as well as higher employment rates; this suggests that sectoral collective bargaining, if effectively coordinated, can potentially enhance economic performance.^{iv}

Furthermore, collective bargaining has direct positive effects for firms too because it reduces transaction costs and conflicts at firm level through providing a formal structure for labor-management cooperation. By providing workers' with a voice channel, collective bargaining can also reduce hiring and training costs associated with turnover and allow workers to participate in workplace process improvements, which may stimulate increased efficiency. Indeed, in countries with strong unions and stable collective bargaining structures, unions have been found to be less oppositional to technological change and more prone to collaborate around employment restructuring, contributing to overall efficiency. Finally, encompassing^v collective agreements set 'productive constraints' on firms because they prevent them from competing over labour costs, which may contribute to poaching and staff shortages, and encourage employers to invest in R&D and technology and to cooperate with worker representatives on workplace innovation, thus boosting productivity.^{vi}

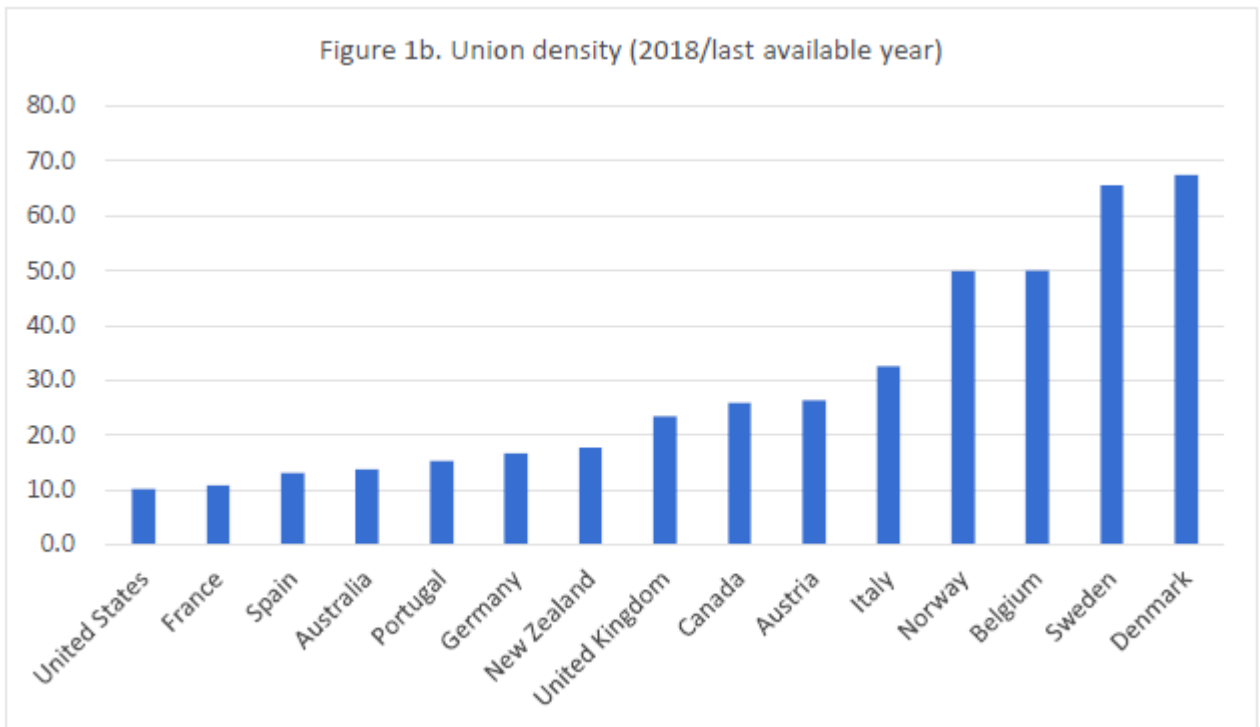
Yet, there are great cross-country differences in the extent to which collective bargaining structures are encompassing, with implications for the ability of collective bargaining to affect redistribution and other (macro)economic outcomes. Figure 1a below shows the variation of collective bargaining coverage across countries; while the US has a collective bargaining coverage rate of 11.7%, countries like Belgium, Austria, France and Italy have a coverage above 95%.

The mechanisms through which high collective bargaining coverage is sustained vary across countries. The comparison of Figure 1a and Figure 1b, on the following page, reveals that high bargaining coverage reflects high union density in the Scandinavian countries and in Belgium, where a majority of workers are union members. However, high collective bargaining coverage in Southern European countries and in Austria cannot be explained through unionisation, which is around 30% in Italy and just above 10% in France. This brief report will present an overview of the different structures of sectoral collective bargaining and of the mechanisms supporting encompassing agreements. Furthermore, it will illustrate the recent attempts made by the government in Australia and in New Zealand to strengthen sectoral and multi-employer collective bargaining.



OECD (2023): [link to Trade Union Dataset](#) (05.07.23)

Note: Figures for Australia include coverage of ‘awards’ which are collective minimum standards adjusted through a tribunal review process, not through collective bargaining.



OECD (2023): [link to Trade Union Dataset](#) (05.07.23)

2. THE NORDIC COUNTRIES: HIGH UNION DENSITY AND HIGH BARGAINING COVERAGE IN DENMARK AND SWEDEN

Strong collective bargaining is a defining feature of the Nordic countries. The vast majority of workers in Denmark, Sweden, Norway and Finland have their wages and working conditions regulated by collective agreements. The role of governments in mandating minimum standards is limited, with employer associations and unions setting these standards jointly through the bargaining process. The social partners have strong membership coverage and extensive powers to initiate strikes and lockouts. While these powers are used relatively sparingly, industrial strength encourages employers and unions to cooperate during bargaining and to develop agreements that benefit both parties. Strong delegate structures ensure workers are effectively represented and given voice and that employers abide by the terms of bargained agreements.^{vii}

The collective bargaining systems of the Nordic countries are highly 'coordinated', which means bargaining at the enterprise level is linked explicitly to sectoral and nation-wide objectives.^{viii} In Denmark, for example, there are three types of bargaining: enterprise agreements, negotiated by union delegates and management; sectoral bargaining agreements, between the sector-level unions and employer associations; and national agreements, between the national union and employer confederations. National and sectoral agreements provide 'frameworks' that can be varied at the enterprise level. The peak confederations are responsible for ensuring wage outcomes across sectors and enterprises are broadly consistent. For example, manufacturing is the main key export sector in the Danish economy. This gives it an important status in the bargaining system. The manufacturing sectoral agreement sets pay rates that other sectors must follow in their own agreements. The minimum pay rates in sectoral agreements can be varied by enterprise agreements but usually only if they correspond with productivity improvements at the workplace. Coordinating or aligning wages across agreements in this way helps to ensure that wages increases can be paid for.^{ix}

In Sweden, sectoral agreements provide the parameters within which union and management representatives must negotiate in developing enterprise agreements. There is often scope for local flexibility regarding pay to be negotiated within the general principles reached through sectoral agreements. A constructive approach to bargaining by unions and employers has enabled improvements in job quality, flexibility and competitiveness with relatively minimal conflict.^x

The Nordic systems highlight the importance of coordination in the bargaining process, which is sustained by peak union and employer bodies working closely with their affiliates. By establishing and maintaining coordinated structures that ensure broad alignment in bargaining outcomes across and between sectors, the Nordic countries highlight how the potential benefits of collective bargaining discussed in the introduction to the report are realised in practice. Coordinated bargaining in these countries encourages collective employer commitments to training to help improve skills development and utilisation and to prevent firms from poaching skilled workers from one another. It also enables standardised wage outcomes that effectively take wages out of competition, thus preventing firms from engaging in a 'race to the bottom', and encouraging them to compete on quality. Coordinated sectoral bargaining in the Nordic countries helps to achieve sustainable wage increases by linking wage increases to inflation and productivity, which contributes to strong employment growth, and enables a greater degree of wage compression between higher and lower income workers.^{xi}

3. CONTINENTAL EUROPE: STABILITY AND EROSION OF SECTORAL COLLECTIVE BARGAINING IN AUSTRIA AND GERMANY

Continental European countries are typically characterised by sector-level collective bargaining and by relatively strong coordination between different levels of bargaining. Sectoral collective bargaining takes place between employer associations representing firms in a given sector and trade unions, which organise workers vertically within that sector. Firm-level agreements, which used to be subordinate to sector-level agreements, can now amend the standards set at sectoral level under specific circumstances; e.g. if the company is experiencing serious economic problems.

Germany used to be the paramount example of a country able to combine strong manufacturing export performance with encompassing industry-level collective bargaining, which ensured egalitarian outcomes among the workforce. In addition to the coordinated bargaining structure described above, the German system was also characterised by pattern bargaining. This involved the union in the metal sector bargaining wage increases below the sectoral productivity but around the average national productivity so the other unions could match their bargaining outcomes and negotiate collective agreements aimed at creating a common wage floor across all sectors. Additional productivity gains were then made up for through company-level agreements; the latter typically include(d) additional benefits such as pension, holidays and leave and set rules for the variable reward system, which was exclusively a collective reward system based on the performance of the company and establishment. Despite the overall strong industrial relations, collective agreements in some sectors, especially in low-end services, would have had limited coverage due to low union and employers' density. Yet, they could benefit of the extension by law: The Ministry of Labour, after the approval of the Collective Bargaining Committee, could extend collective agreements to the whole sector if the extension was requested by one bargaining party and if the agreement covered at least 50% of workers in the respective bargaining area. ^{xii}

However, since the 1990s the system has undergone a series of significant changes. Union membership declined but also employers, especially SMEs, started leaving their employer associations so the collective agreements applied to a decreasing number of employers. But collective bargaining coverage did not only drop – from around 80% in 1995 to around 54% in 2018 – it was also progressively decentralised as company-level agreements were allowed to amend sectoral standards in order to 'preserve' Germany's competitiveness. ^{xiii} As employers made increasing use of outsourcing, industry-level agreements became unable to cover workers in a sector as many groups of 'peripheral workers' were moved onto more precarious jobs in subcontractors, which at least nominally belonged to different, less unionised sectors. ^{xiv} Under these circumstances, the extension mechanism became less effective, as 50% coverage was not easy to achieve; to reflect that, the provision has been recently changed so that the agreement needs to be of "predominant importance" (so the 50% coverage is not necessary anymore) and in the public interest. ^{xv}

Unlike the German system, the Austrian collective bargaining system is stable. While union density declined and opening clauses derogating sectoral standards were allowed, collective bargaining coverage is still around 98%. Similarly to Germany, sectoral employer associations and sectoral unions negotiate the collective agreements, which then get extended to all employers in the sector because the membership of the employer associations is mandatory. This obligation imposed on employers acts therefore like a functional equivalent of automatic legal extension mechanisms in Southern Europe (see below). ^{xvi}

4. SOUTHERN EUROPE: HIGH COLLECTIVE BARGAINING COVERAGE THROUGH LEGAL EXTENSION IN ITALY

The sectoral level is the predominant collective bargaining level in most Southern European countries. While the labour movement is fragmented mostly along ideological lines, trade unions organise workers vertically within a given sector and the main unions try to coordinate with each other when bargaining with the sectoral employer associations. The Southern European cluster of countries is typically characterised by high collective bargaining coverage thanks to existing legal provisions extending collective agreements to all workers in the sector. This section will focus on the example of Italy.

Collective bargaining in Italy takes place between the sectoral employer association and, usually, the three sectoral unions affiliated to each of the three main union confederations. The sectoral collective bargaining system is centrally coordinated. Firm-level agreements can derogate sectoral standards as well as statutory standards under exceptional circumstances including necessity of employment restructuring and competitiveness improvements and need to be signed by the representative unions. In practice, however, these derogations rarely take place, most likely because it is still uncertain that derogation from sectoral salary levels would be legal (see below).^{xvii}

The collective bargaining system is encompassing with a coverage rate of around 100% even though the union density is between 20 and 30% and the density of employer association between 50 and 60%.^{xviii} The high coverage is achieved through the legal provision in Article 36 of the Italian constitution, that states that all workers have right to fair remuneration. 'Fair remuneration' is interpreted by labour courts as the salary set by the collective agreement. Therefore, companies are, although indirectly, legally required to apply the collective agreements otherwise they might be liable in court.

This legal provision represents a functional equivalent of formal extension procedures like in other Southern European countries such as France, where one of the social partners applies for the extension and the Ministry of Labour decides whether the collective agreement should be extended in the public interest.^{xix}

The Italian collective bargaining system has been under the threat of decentralisation especially after the Global Financial Crisis, when the government was required to implement structural reforms to (allegedly) increase national competitiveness. Yet, the sectoral collective bargaining system was defended not only by the unions but also by the employer organisations. This was partly because of the dominance of small firms in employer organisations, which can avoid industrial conflict and cost competition through the application of sectoral agreements. Furthermore, employer organisations themselves have an interest in the maintenance of sectoral bargaining and its extension to whole sectors by the state because otherwise they would lose their legitimate role as negotiator and political actor. Similar cross-class coalitions against the decentralisation of collective bargaining formed also in Portugal and Spain.^{xx}

5. ANGLO-AMERICAN COUNTRIES: REBUILDING SECTORAL BARGAINING IN AUSTRALIA AND NEW ZEALAND

Like the United Kingdom, in recent decades there has been limited institutional support for collective bargaining in ‘Anglo-American’ countries, such as Australia, Canada, Ireland, New Zealand and the United States.^{xxi}

Within this group of countries, however, there has been significant variation in their bargaining and wage-setting arrangements.^{xxii} Australia and New Zealand, for example, developed systems of compulsory conciliation and arbitration that, for much of the 20th century, regulated wages on a collective basis. This involved unions and employers entering disputes resolved by state tribunals that issued ‘awards’ prescribing the wages and working conditions for all workers and employers in a given industry or occupation. Until the 1990s, the vast majority of workers in both countries had their wages set by an award.^{xxiii}

The award systems of Australia and New Zealand were eroded by neoliberal reforms implemented at the turn of the 21st century, which had the effect of weakening unions significantly. Enterprise-level collective bargaining and individual contracts thereafter became the main mechanisms through which wages were set. While reforms in the early 2000s provided scope for multi-employer bargaining, the restrictiveness of these laws meant that very few multi-employer agreements were established in both countries. Workers’ collective rights – for example, for union organisers to enter workplaces, union delegates to represent members and union members to take industrial action – had been relatively extensive under the previous arbitration systems. However, the neoliberal reforms restricted workers’ collective rights, which limited the capacity of unions to bargain effectively.^{xxiv}

In Australia, a reformed system of ‘modern awards’ continues to provide safety nets of minimum wages and conditions for workers not covered by enterprise agreements and set standards that enterprise agreements cannot undercut. However, modern awards cannot be varied through bargaining but rather through an administrative process overseen by the Fair Work Commission, an independent state tribunal.

This gives unions and employers much less influence over the terms of awards than over bargained agreements. Workers on average receive much lower pay under awards than under enterprise agreements.^{xxv} However, the enterprise-focused nature of the bargaining system makes it hard for unions to negotiate new agreements in sectors with low coverage rates, and relatively easy for employers to avoid or opt-out of existing agreements, for example through outsourcing. This has contributed to a decline in the proportion of workers covered by an enterprise bargaining, to low wage growth and to rising inequality between higher and lower income earners.^{xxvi}

To address these problems, the Australian government in December 2022 secured the passage of legislation, which came into effect in June 2023, to make it harder for employers to avoid enterprise bargaining and to loosen restrictions on multi-employer bargaining. These reforms allow unions or employers to apply for the creation of extension of multi-employer agreements in various scenarios or ‘streams’, the most notable of which relate to ‘supported’ and ‘single interest’ bargaining.

- The supported multi-employer bargaining stream applies to low-wage and government-funded sectors that face structural barriers to bargaining, for example, the aged care, disability care, and early childhood education sectors. This stream allows unions to apply to the Fair Work Commission to require that multiple employers bargain together for an agreement.
- The single interest bargaining stream allows unions or employers to apply for the creation, extension or variation of an agreement covering multiple employers whose operations or activities are deemed by the Fair Work Commission to be ‘reasonably comparable’. This single interest comparability could include, for example, employers operating in the same sector, the same geographical location, the same business structure (e.g. the franchisees, subsidiaries or subcontractors of a firm) or,

5. ANGLO-AMERICAN COUNTRIES: CONTINUED

depending on how the Fair Work Commission interprets these laws, the same supply chain or production network. Small businesses are excluded from bargaining under this stream, unless they consent to being part of a multi-employer agreement.^{xxvii}

These recent Australia New Zealand reforms demonstrate that multi-employer bargaining is possible in countries in the Anglo-American institutional tradition, including potentially in the United Kingdom.

Similar to Australia's reforms, New Zealand government recently introduced Fair Pay Agreements, which came into law in December 2022. These are multi-employer collective agreements bargained between employer associations and unions that set minimum terms and conditions relating to pay, benefits, working hours, and training and development for all workers in given sectors and occupations. The stated aims of Fair Pay Agreements are to increase worker bargaining power to ensure pay and conditions reflect the needs of each sector, and to establish sector-wide coordination to encourage businesses to invest in skills and innovation and to compete on quality enhancement rather than cost reduction.^{xxviii} Unions must apply to the Ministry of Business, Innovation and Employment to initiate either a sectoral or an occupation-based agreement and satisfy one of two tests for the agreement to be established.

- A 'representation test' requires the initiating union to demonstrate a minimum threshold of support among workers who would be covered by the Fair Pay Agreement.
- A 'public interest test' requires the initiating union to demonstrate that workers who would be covered by the Fair Pay Agreement are low paid and have either limited bargaining power or limited opportunity for pay progression.

If a union's application to initiate bargaining is approved, the process for bargaining for a Fair Pay Agreement with eligible employer associations commences. The Employment Relations Authority, a state tribunal, oversees the bargaining process and must assess and approve Fair Pay Agreements before they come into effect.^{xxix}

6. SUMMARY: WHAT MATTERS FOR ENCOMPASSING SECTORAL COLLECTIVE BARGAINING?

This report has argued that encompassing sectoral collective bargaining provides benefits to all three actors involved: workers and their unions, employers and their associations, and the state.

Yet, there are different institutions and legal provisions underlying (high) collective bargaining coverage. On the one hand, the role of social partners is crucial. High union density – as well as high employer density – in the Nordic countries is primarily responsible for high collective bargaining coverage. In Southern European countries, the coordination between social partners was key to prevent decentralisation after the Global Financial Crisis.

On the other hand, legal intervention by the state plays a fundamental role where unions do not have the same countervailing power as in the Nordics. Mandatory membership in employer associations in Austria and the possibility of extension through the labour courts in Italy explain the high bargaining coverage rates in both countries. The recent reforms in New Zealand and Australia point in the same direction as respectively government ministries and tribunals can now intervene in the bargaining arena to support the negotiation of multi-employer agreements. These reforms highlight the potential for legislative reform to strengthen sectoral or multi-employer bargaining in systems without a tradition of these arrangements. Countries in other parts of the world are also moving in this direction. The Chilean government has made a commitment to strength sectoral bargaining and the new European Union Minimum Wages Directive obliges member states with bargaining coverage rate below 80% to take measures to increase it, which realistically can only be achieved through sectoral bargaining.^{xxx} For countries where there is an urgent need to reverse declines in union density and collecting bargaining coverage, legislative and institutional reform thus provides a vital route to boosting the power of unions to raise the pay and conditions of working people.

ENDNOTES

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- iii When the income distribution is polarized, consumption is likely to fall because bottom earners have little disposable income and top earners have a lower propensity to consumption than middle incomes, which would benefit of encompassing collective bargaining.
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- v Collective bargaining/agreements are encompassing when they cover large segments of the workforce across firms and occupations.
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