

Abstracts

What did OK 2013 teach us?

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OK 2013 have had a negative impact on the perception of the Danish negotiation model in the public sector. The conflict in 2013 emphasized fundamental differences between the public and private negotiation system.

This article urges the social partners to be aware of these differences, and consider whether the negotiation model in the public sector functions appropriately. Drawing on discussions concerning the Swedish and Norwegian public sector negotiation models, the article suggest that the Danish model can be further developed. It is essential for the negotiation model's future that it is perceived as legitimate and timely by all parties involved.

A private sector view on public sector collective bargaining

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Private companies are increasingly focused on how collective agreements develop in the public sector. The sheer size of the public sector in Denmark and the large number of public employees have decisive influence on the economy in general and on the private sector in particular.

Despite basic similarities, the collective bargaining systems in the public and private sectors have evolved differently. Where the private sector has delegated widespread decision-making power to the individual work place, the public sector is still characterised by centralised planning and decision-making.

The 2013 industrial conflict for teachers in the public sector gave important insights into the challenges facing the systems of collective bargaining with respect to the task of accommodating renewal. A key lesson was that the conflict did not spread to other areas due to the fact that the employee demands were out of sync with reality.

The Danish model will survive, if we want it

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The strength and survival of the Danish model of Industrial Relations depends on the managers of the model. Since 1899, the Danish model has been expanded, in order to meet new needs of the parties within the model.

Adjustments of the model happen when both sides collectively agree it is in the best interest of the model. However, it takes determination of the social partners to ensure the survival and well-functioning of the model in the long run.

This article focuses on the two roles of the Ministry of Finance as both employer and legislator. The article investigates whether the mediation institution can be used more actively in order to commit the parties to settlements, and the challenges facing the Danish model at the public sector workplaces.

Collective bargaining for change – The regions' alternative way

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Prior to and during the collective bargaining round in 2013, the Danish Regions and the Danish Association of Medical Specialists engaged in a new way of negotiating with the aim to modernize the collective agreement and adjust to the general developments in health care. After a series of slow-moving negotiation processes, we hoped an interest-based bargaining approach would initiate a

much-needed breakthrough. The outcome of the negotiations was positive. It included a significant change in the rules concerning working hours combined with an increased involvement of the employees. These negotiations illustrate the purpose of the collective bargaining system, namely that the parties collectively find appropriate solutions to major welfare challenges. The systems' continued eligibility rests on whether the parties take responsibility for implementing changes in the collective agreements and align the rules more closely with the development in the public sector.

The 2013 teachers' conflict – from preparation to state intervention and perspectives

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Industrial relations in Denmark are perceived as relatively consensual. However, in 2013 a lockout without prior strike or strike-warning in the bargaining area for primary and lower secondary education only came to an end by a legislative intervention. The article presents three arguments regarding the conflict. Firstly, the government and the public employers took these drastic steps as a rare »window of opportunity« presented itself to them. Secondly, a negotiated outcome was impossible as the employers created a very narrow space for negotiation. They rejected compromises regarding the management prerogative on working time, but accepted economic compensation. Thirdly, the 2013-conflict can be expected to have long-term consequences for public sector industrial relations and the trend towards more path-setting and proactive employers is continued, although the

bargaining round in 2015 was less conflictual than the one in 2013.

The utility of collective industrial conflict in the public sector – lessons learned from the collective bargaining renewal in 2013

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The industrial system in the Danish public sector is historically adopted from the private sector. This includes the use of collective industrial conflict in relation to collective bargaining renewal. However, there are pivotal differences between the public and private sector when it comes to the use of collective industrial conflict since public employers are also budget authorities and legislators. In this article we critically assess the use of the collective industrial conflict by analyzing the teacher lockout during the public sector collective bargaining renewal in 2013. In the end we discuss potential adjustments that might help bring the public industrial system into balance.

The right to take industrial action in the public labour market

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The article analyses different legal aspects of the right to take industrial action in the public labour market. First, it outlines the integration of the public sector collective agreements in the labour law system, which does not distinguish between the private and public sector. Second, it analyses different functions of the right to take industrial action across the private and public labour market. Furthermore, the article illustrates the important role of political intervention in industrial conflicts, and the challenges facing this model in its meeting with the case-law of the European Court of Human Rights on freedom of association. Finally, the article reflects on the future role of the right to take industrial action in the public sector stressing the mutual responsibility of the parties to adjust their agreements to present days conditions.

From Statutory Civil Servants to Agreement Covered Employees – a historical analysis of industrial action in the Danish public sector

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The establishment of a system of regulation of pay and working conditions in the public sector based on collective bargaining rights was a process initially marked by conflict. The status as statutory public servants was the point of departure for the employment relation system, and the right to strike as a collective means of action for this group was a controversial issue the first 50 years of the system's history. In contrast, unions'

blockade of new jobs was never challenged, and became among for instance medical doctors as a profession an effective instrument. However, with the increase in employees covered by collective agreement from the 1950ies and onwards strikes and lockouts became legitimate means of action, and recurring conflicts came to characterize the recent history.

The Government Employers in Denmark and Sweden and their powers

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In Sweden, a unique state employer institution has been created which appear to entail less political interference in the collective negotiations in the public sector. This article describes differences and similarities in the government employers' role as it has been designed in the Danish and Swedish bargaining model. Furthermore, the article analyzes the potential power given to the public employers within the two models. It is argued that public employers in the two countries have similar options for using different types of power, but that the will to use power is set by different norms and practices.