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## Executive summary

**Collective bargaining is undergoing a transformation to address various emerging issues in European labour markets.** These include, for example, questions of job stability and wage depreciation in the energy and inflation crises, changes to working time, accommodating worker needs in the context of the Covid-19 pandemic, seeking a work-life balance among European workers, the mitigation of work-related risks from exposure to political radicalism, work-related migration and the right for equal working conditions for all workers, and last but not least, the increased use of digital technologies for managing worker data and worker surveillance in a fair and transparent way.

Based on an extensive literature review and analysis of the content of collective agreements, this **report shows how multi-employer bargaining (MEB) can be beneficial for tackling such complex challenges.** It presents the arguments in favour of MEB, the benefits for workers, trade unions, employers and for society, the preconditions for its proper functioning, but also the obstacles to MEB as reported across various European countries.

The main benefits of MEB include equality, professionalism, efficiency, and conflict prevention are relevant for various kinds of stakeholders – for workers, for unions, for employers, and for the society in general.

- For **workers**, MEB secures equality in terms of pay, gender equality, and equal access to a variety of stipulations of their individual working conditions. MEB agreements regulate a broad range of issues to the benefit of workers. Workers know these conditions apply across many employers.
- For **workers' unions**, MEB helps coordinating working conditions, maintaining trade union power and ensure professional bargaining.
- For **employers**, MEB offers efficiency and professionalism in bargaining, allows pooling resources of small employers together toward professional collective bargaining. Employers also benefit from equal conditions and do not need to undergo a rats' race for hiring and maintaining skilled and committed workers, because MEB secures that the same conditions apply also for the competitors.
- For **society** as a whole, MEB is beneficial because it strengthens cooperation and democracy. It is also an important governance element that complements public policy and is related to less inequality in society.

The report has been commissioned by UNI Europa in the context of the EU financed 'Level-Up' project (2022-1010487) and implemented by a consortium of two independent research organizations – the Central European Labour Studies Institute (based in Bratislava, Slovakia) and the WageIndicator Foundation (based in Amsterdam, the Netherlands). The authors acknowledge expert consultations by Prof. Kea Tijdens, Maarten van Klaveren, Smahan Jabiri and Stan De Spiegelaere. The authors thank Simona Brunnerová, Marko Čierny and Shantanu Kishwar for research assistance.

## Introduction

European labour markets face various pressures, including issues of the quality of work, decent pay, working conditions, development of workers' skills and job stability. Such issues can be addressed by collective bargaining. The ILO Convention 154 refers to collective bargaining as a process where independent trade unions and employers – or employers' organizations – negotiate terms and conditions of employment and regulate relations between these parties. The written document resulting from this negotiation is legally binding and is called a collective agreement. In most European Union (EU) countries, bargaining occurs at the following levels:



### **Single-employer bargaining (SEB)**

SEB occurs when pay levels, wage increases, changes to working time, and other stipulations regulating working conditions are negotiated with a single employer. The outcome of SEB is a collective agreement valid exclusively for workers of the employer who sign this agreement. SEB also applies to cases where negotiations serve as a second round or follow up on existing, valid, higher-level or multi-employer collective agreements (Van Klaveren and Gregory, 2019).



### **Multi-employer bargaining (MEB)**

MEB is the process under which an agreement is either negotiated with an employer organisation on behalf of several employers simultaneously or where more than one employer are signatories to a collective agreement. MEB can lead to several types of collective agreements regarding pay levels, wage increases, changes to working time and other stipulations regulating working conditions. A sectoral agreement is signed between representative trade unions and employers' organisations in a particular sector and covers all workers in that sector. A MEB agreement can also be concluded between a trade union and an employer organization that does not cover the whole sector; in this case, the agreement covers all employees who are members of this particular employer organisation. Finally, MEB also refers to bargaining that is attached to a certain location or site, while the agreement is signed between all employers operating at said location or site. This is the case, for example, of industrial parks, airports, logistical centres, and other similar venues where workers of several employers are exposed to similar working conditions and their regulation.

In everyday situations, the division between 'MEB' and 'SEB' is not that easy to maintain or trace, for example in cases when studying the multi-level or multi-tier bargaining systems that can differ across different EU Member States (Van Klaveren and Gregory 2019, Marginson and Sisson 2004). However, this distinction is relevant in order to offer a **deeper insight into the benefits of bargaining coordination**. This is the aim of the current report.



The report presents the arguments in favour of MEB, the benefits for workers, trade unions, employers and for society, the preconditions for its proper functioning, but also the obstacles to MEB as reported across various European countries.

There are several reasons why it is important to support MEB and discuss trajectories to its strengthening.

**Collective bargaining is undergoing a transformation to address various emerging issues in European labour markets** (Rodriguez Contreras and Molina 2022). These include, for example, questions of job stability in the energy and inflation crises, changes to working time, accommodating worker

needs in the context of the Covid-19 pandemic, seeking a work-life balance among European workers, the mitigation of work-related risks from exposure to political radicalism, work-related migration and the right for equal working conditions for all workers, and last but not least, the increased use of digital technologies for managing worker data and worker surveillance in a fair and transparent way. This report shows how MEB can be beneficial for tackling such complex challenges.

Another reason why coordination of collective bargaining in the form of MEB is gaining more importance than ever relates to the **EU Directive on Adequate Minimum Wage**. The Directive advocates for setting minimum wages at an adequate level, and **raising bargaining coverage, ideally to 80%, across the EU Member States**. Two important ways to raise collective bargaining coverage include:

- developing and strengthening MEB
- using legal extension mechanisms to make sure that valid MEB collective agreements are applied to more workers. Without extension, the MEB agreement only applies to workers in companies that are members of the employers' associations. These associations are engaged in collective bargaining with trade unions and sign the respective collective agreement.

Depending on the industrial relations traditions and situation of the country, the role of extension mechanisms might play a different role. However, in all cases, developing and strengthening MEB is necessary for sustained high collective bargaining coverage. MEB, in turn, is based on strong enabling and facilitating institutions and strong actors such as trade unions.

The diversity of EU Member States' bargaining traditions and institutional foundations for bargaining implies that to address the above challenges, both ways of raising bargaining coverage need to be implemented together.

The interest in collective bargaining, raising bargaining coverage, and developing multi-employer bargaining belongs to the core interests of trade unions as representatives of worker voice. This general aim is known, but often what is missing is an in-depth overview of all arguments as to why

MEB is beneficial, as well as what the necessary preconditions to reach MEB are. This report fills these gaps and provides a **comprehensive overview of arguments on MEB as well as its benefits and preconditions**. It is based on several sources of evidence:

- 120 relevant pieces of academic literature on MEB<sup>1</sup>
- 128 pieces of non-academic literature, including reports, newsletters, policy documents, media articles<sup>2</sup>
- 100 responses to a survey among UNI Europa’s affiliates on their experience and attitudes towards MEB, implemented in early 2023
- 221 collective agreements in the European services sectors extracted from the WageIndicator Collective Agreements Database. The analysis compares stipulations between agreements concluded at the MEB and the SEB levels. There are 93 (42%) SEB agreements and 128 (58%) MEB agreements. These agreements were collected in 20 countries (see Figure 1) and across 11 subsectors of the services sector (see Figures 2 and 3). Commerce is the most represented sector (103 agreements), followed by media/entertainment with 28 collective agreements.

*Figure 1 Number of collective agreements in the database – in total and in the services sectors*



Source: WageIndicator Database of Collective Agreements, 2023

<sup>1</sup> The authors identified 38 codes that were applied to the 120 pieces of academic literature. A code refers to evidence on a certain benefit of MEB or a certain challenge. Such evidence was then marked in the literature. In total, the codes were applied 266 times in the 120 pieces and generated 200 quotes that are used as evidence in this report.

<sup>2</sup> 33 codes that were applied to the 128 pieces of non-academic (or ‘grey’) literature. In total, the codes were applied 182 times in the 128 pieces and generated 179 quotes that informed the text of this report.

Figure 2 Analyzed collective agreements per sector

Sector	Number of CBAs
Agency Work	4
Care	5
Cleaning & Security	12
Commerce	102
Finance	13
Graphical & Packaging	11
Hair and Beauty	5
ICT, Gaming & Related Services	16
Media, Entertainment	28
Post & Logistics	17
Tourism	8

Source: WageIndicator Database of Collective Agreements, 2023

Figure 3 Countries and sectors in which collective agreements from the services sector have been analyzed (following the NACE2002 classification of sectors)

COUNTRY	Sector	Number of CBAs
Austria	Commerce	5
	Finance	2
	Graphical & Packaging	2
	ICT, Gaming & Related Services	5
	Media, Entertainment	6
	Tourism	4
Belgium	Commerce	6
Bulgaria	Media, Entertainment	1
Croatia	Commerce	2
	ICT, Gaming & Related Services	1
Czech Republic	Commerce	1
Denmark	Commerce	3
Estonia	Commerce	1
	Media, Entertainment	4
Finland	Commerce	1
France	Care	2
	Commerce	16
	Hair and Beauty	1
	ICT, Gaming & Related Services	1
	Media, Entertainment	2
	Tourism	1
Greece	Commerce	3
	Tourism	1
Italy	Care	1
	Cleaning & Security	3
	Commerce	4
	Graphical & Packaging	1
	Media, Entertainment	3
	Post & Logistics	1
Poland	Commerce	1
Portugal	Commerce	7
	Graphical & Packaging	4
	ICT, Gaming & Related Services	1
	Post & Logistics	1
Romania	Commerce	1
Serbia	Media, Entertainment	2
Slovakia	Commerce	1
	ICT, Gaming & Related Services	2
	Post & Logistics	2
Spain	Cleaning & Security	5
	Commerce	17
	Finance	4
	Graphical & Packaging	2
	ICT, Gaming & Related Services	2
	Media, Entertainment	6
	Post & Logistics	7
Sweden	Commerce	5
	Finance	1
The Netherlands	Agency Work	4
	Care	2
	Cleaning & Security	4
	Commerce	25
	Finance	6
	Graphical & Packaging	2
	Hair and Beauty	4
	ICT, Gaming & Related Services	2
	Media, Entertainment	4
	Post & Logistics	5
	Tourism	2
Turkey	Commerce	3
	ICT, Gaming & Related Services	2
	Post & Logistics	1

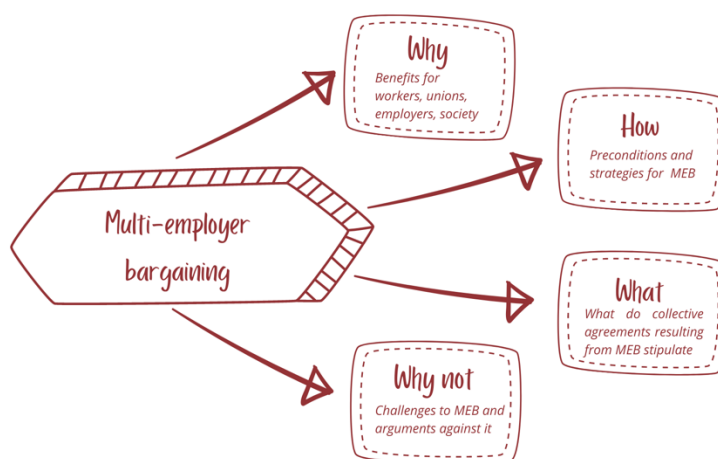
Source: WageIndicator Database of Collective Agreements, 2023



All literature items were systematically analyzed using the Dedoose software. The literature itself is a result of analysis based on empirical data and practical experiences with bargaining. This report summarizes these arguments. The authors also collected recent examples of MEB practice and present them where suitable to illustrate the presented arguments. The report is structured in specific arguments and evidence (see Figure 4), which are the building blocks of the sections below.

In sum, the report addresses the main benefits of MEB, discusses the preconditions for setting up and developing MEB as well as strategies to strengthen MEB. It also looks at the stipulations that MEB collective agreements contain in comparison to SEB collective agreements in the European services sectors. The core focus is on the benefits of MEB, but also on how MEB can address the most common challenges raised against this kind of bargaining in the available studies, articles and papers.

*Figure 4 Structure of the report*



## A short historical insight into MEB

MEB played an important role in the extrication of the capitalist world from the Stock Market Crash of 1929 and the resulting depression in the 1930s, and then generally after the Second World War. MEB was the dominant form of industrial relations for 75 years in the UK, and it remains the dominant form of bargaining in the most successful European economies such as Germany, Norway and Sweden (IER Journal 2020; Rehmus 1965). Crouch (1993) noted that the conflict over the level of bargaining ‘seems like the working out of a Hegelian dialectic’. Since the late 1960s and early 1970s, militant shop-floor groups have pressed for the decentralization of bargaining. In stark contrast to shop-floor labour movements, employers pursued an objective of centralization until the late 1970s. They had several reasons for preferring MEB: the removal of wages from competition, the neutralisation of unions in the workplace and finally, the reduced fluctuations in union tactics (Müller 2021; Visser et al. 2017; Traxler 2003).

Typically, the most centralized bargaining systems across the OECD are those established in the Scandinavian countries and all were initiated by employer representatives (Bowman, 2001; Due et al., 1995; Swenson, 1991). Since the 1970s, unions and employers have reversed their position, in that it

is now organized labour that defends multi-employer settlements at branch or central level against employer attacks (Hassel 2023; Traxler, 2003). Although the past two decades have seen a shift to a greater decentralisation of collective bargaining in Europe (Schulten, 2013), the core features of multi-employer collective agreements have remained stable in many European countries (Schulten 2013; Leonardi and Pedersini 2018, Van Klaveren and Gregory 2019: 38). This is despite the fact that the Recession after 2008 had a severe impact on national industrial relations systems and led to even less support for MEB, particularly in the European countries that were hit hardest by the recession, as well as the CEE countries (Van Klaveren and Gregory 2019). Countries that faced decentralization of collective bargaining included, e.g., the UK, Slovenia and Romania, with attempts at decentralization also observed in Spain and France.

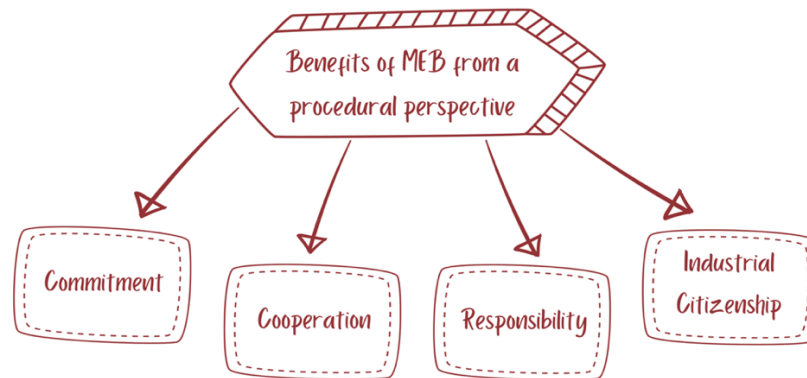
Beginning in the 1980s under Margaret Thatcher, the UK has undergone a fundamental change from industry level bargaining to one characterised by company bargaining (Schulten, 2013; Traxler, 2003). Similarly, since the 1990s, there has been a continuous decentralisation of collective bargaining across the CEE countries (e.g., Hungary and Romania, see Trif 2016, Trif and Szabó 2013). Spain, France, Portugal have also seen tendencies of governments restricting MEB (Van Klaveren and Gregory 2019: pp. 28-31) and shifts towards organic decentralisation (Müller et al. 2019). Aside from these cases, multi-employer collective agreements, embracing a number of workplaces or even sectors, have remained relevant (Schulten 2013; Leonardi and Pedersini, 2018).

Before the 2007-2008 crisis, the European Union was generally supportive of social dialogue and coordinated wage bargaining. The European Commission played a leading role in establishing a system of multi-level industrial relations. However, after 2008, the European Commission, which was a more proactive player 20 years ago and who had several social initiatives and policies under its belt, no longer supports social dialogue 'in a balanced way' (Bir 2019). Several European countries have moved towards decentralization through direct state intervention, and in almost all cases, the driving force behind these developments has been the so-called 'Troika': the European Commission, the European Central Bank, and the International Monetary Fund (Van Klaveren and Gregory 2019: 25 - 27; Visser et al. 2017; Schulten 2013). Presently, within the framework of the European Minimum Wage Directive, the European Union institutions are once again taking action to endorse MEB, which means reorientation from an economic growth strategy that prioritises liberalisation of labour markets (Hassel 2023).

## Benefits of multi-employer bargaining

In total, 19 arguments in support of MEB were identified. These arguments are presented from various points of view, including the procedural benefits of coordination, cost saving, power building, professionalization, securing equality among workers, and the capacity of MEB collective agreements to cover more themes than SEB agreements. The presented benefits are grouped in related arguments and each of them is briefly explained. Figure 5 summarizes the **procedural benefits of MEB**.

*Figure 5 MEB benefits from a procedural perspective (a constructive bargaining process)*



### ➤ Commitment

MEB allows for a compromise between unions and employers and creates incentives for commitment on both sides. This makes bargaining more inclusive and can offset the threat of disorganization caused by industrial change (Hayes 2019; Traxler 1996). The bargaining system then works as an institutional filter to coordinate and moderate the challenges resulting from economic change. Through this commitment on both sides, unions and employers can settle issues they would otherwise need to address on their own. For example, in 2022, trade unions and employer associations at the EU level agreed to jointly work on regulation for teleworking – and their commitment is seen also by policy makers as a highly appreciated way forward in establishing new regulation (ETUI 2022).

### ➤ Cooperation

MEB creates a benchmark and sets standards for further improvements in SEB, while securing coordination between the two bargaining levels. Through MEB, individual employers will be less likely to fight against unionization efforts and be more willing to engage in cooperative relations. Through the establishment of formalized cooperation between unions and the representatives of several employers, individual employers will have less incentive to lean towards union busting - attempts by management to prevent employees from exercising their legal right to unionize at the workplace (Visser et al. 2017; Steele 1953).

### ➤ Responsibility

Through MEB, management and trade unions share responsibility over the state of workers, companies and the sector at a larger extent than in the SEB, as in SEB there is a higher probability of the employer making a unilateral decision (Traxler 2003). MEB was more frequently used to specifically address challenges related to labour market downturn in the aftermath of the economic crisis in

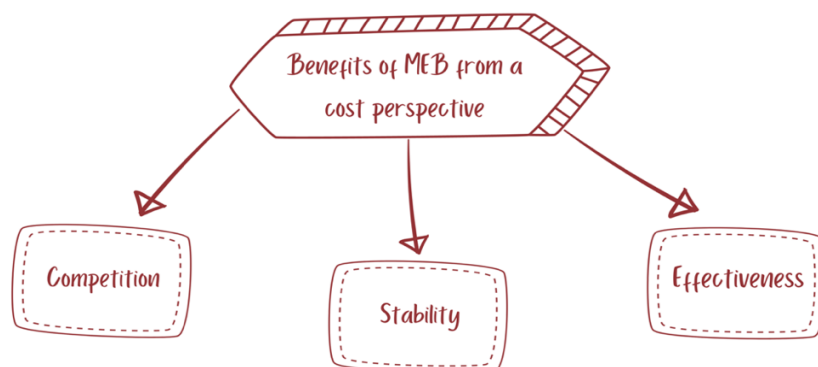
2008/2009 in European countries with a stronger tradition of this institution (Glassner, Keune and Margisson 2011). Similarly, evidence from Germany during the COVID-19 pandemic suggests that the institution of collective bargaining at the sector level better protected workers from income and job insecurity compared to those not covered (Behrens and Pekarek 2023).

### ➤ Industrial citizenship

The fact that unions and employers develop commitment, cooperation and share responsibility over decisions taken during MEB also aligns with the development of a joint identity, or a so-called industrial citizenship (Dukes and Streeck 2023). Although the concept of industrial citizenship is often used in the context of the post-war period, the argument offered is still valid today. Namely, industrial citizenship facilitates attachment to a certain sector, to shared values and to feeling engagement with the well-being and performance of this respective sector (Fudge 2005; Kochan and Katz 1988). During the pandemic, all employers wanted to continue their business and all unions wanted to preserve jobs and income levels. These goals are related, and in fact represent shared values of ‘citizenship’ in the particular sector.

The second group of benefits to MEB relate to cost effectiveness (see Figure 6). The main argument is that MEB reduces the time, effort and cost of individual employers and workers required to bargain.

*Figure 6 MEB benefits from a cost perspective*



### ➤ Competition

MEB turns employers that were previously competing with each other into cooperating partners to the benefit of all. MEB helps stabilizing competition in highly competitive markets and facilitates overcoming market failures (Doellgast and Benassi 2020; Steele 1953). MEB has the potential to effectively correct markets in cases of monopsony power and address imbalances and asymmetries that arise. This leads to higher wages and better benefits for workers (ILO 2022; Manning 2003). Moreover, MEB plays an important role in shaping benchmarking efforts of individual employers in order to justify organizational change and effectiveness (Sisson and Marginson 2002). At the same time, some literature has argued that SEB delivers superior performance (c.f. Calmfors and Driffill 1988), yet this reasoning is based on the assumption of perfect competition between employers, which is not realistic.

The effect of eliminating competition can be illustrated by a hypothetical example. Imagine three retail companies competing with each other. Without a multi-employer agreement, one of the companies could opt for offering cheaper products, because by opting out of MEB they could pay their employees only the minimum wage and let them work long hours. Faced with this strategy, the others would also have to face the pressure to decrease their product costs and wages in order not to lose customers. If one or two have a company collective agreement, management would do a lot to avoid bargaining with the union to decrease wage costs. In essence, competition would be based on wages and employees will face resistance if they organize.



However, imagine there was MEB that lead to the conclusion of a sectoral agreement. This agreement would set a higher minimum wage in the sector, and also introduce specific wage stipulations per occupation. This means that an employer in the sector would individually not be able to reduce costs by saving on wages. To improve business, other strategies would have to be considered, e.g., more efficient production, product design, or marketing. A race-to-the-bottom kind of competition in this scenario would be contained and overall MEB would lead to better service, not lower wages.

### ➤ Stability

More centralized and coordinated bargaining systems tend to facilitate economic stability. This is because of lower levels of earning inequality (also valid for gender pay inequality, see below; Adamopoulou and Villanueva 2022; IER 2020) and lower unemployment rates compared to more decentralized and uncoordinated systems (Adamopoulou and Villanueva 2022; OECD 1997). Evidence shows that economies of countries with well-established MEB, like Sweden, saw wage moderation, stability, predictability and economies of scale (Katz 1993; Steele 1953; Zagelmeyer 2005). MEB also can help stabilizing interest representation in countries where such representation has been emerging, e.g., after a regime change from state socialism to democracy and market economy. This example was relevant e.g. for Hungary in the 1990s (Toth 1997). A recent example from Romania shows that even in a country where MEB has been contested in the past 20 years (Trif 2016), it emerged based on trust and currently facilitates stability in labour relations (see Box 1).

#### **BOX 1: Sectoral agreement for bank workers in Romania**

Bank workers in Romania and their union FSAB have achieved major pay, income security and remote work improvements. Two new agreements signed in 2022, have raised minimum standards for over 25,000 people working in the banking sector.

“By working with multiple employers together, we are building strong relations and lifting standards for people across the sector. With the experience of our first agreement in 2018, we laid the foundations of trust. We showed what is possible and we delivered a win-win for workers and employers. Now we are cementing very positive labour relations that deliver fairness while also helping to anticipate and resolve issues effectively,” said Constantin Paraschiv, President of FSAB.

Source: UNI Europa (2022).

### ➤ Effectiveness

In the services sectors the large number of small employers often do not have full capacity to engage in bargaining at the SEB level. In turn, being covered by MEB allows small employers to pool their resources and handle complaints, but also their own and their workers’ interests more professionally and effectively (Visser et al. 2017). The effectiveness argument also raises the importance in addressing decarbonization efforts and related skills shifts and the requalification of workers (Molina 2022; Botta 2019). Another view of MEB effectiveness relates to the capacity to adjust to particular economic situations, e.g. during a crisis. The example from Iceland (see Box 2) illustrates that a standard three-year period validity of a collective agreement may not be feasible due to current economic conditions; and the involved Federation of Icelandic Employers and SGS, one of Iceland’s largest trade unions, agreed to a shorter term in order to cope with the impact of inflation.

**BOX 2: Effective negotiations find compromise over agreement duration due to inflationary pressures**

In 2022 negotiations got difficult in Iceland exactly because of the inflation and disputes around wage increases. A new short-term collective agreement has been reached between SGS, one of Iceland’s larger trade unions and SA, the Federation of Icelandic Employers. The agreement was reached between 17 of SGS’s member organisations and SA. Notably, Efling, SGS’s largest member organisation, was not a signatory to the agreement.

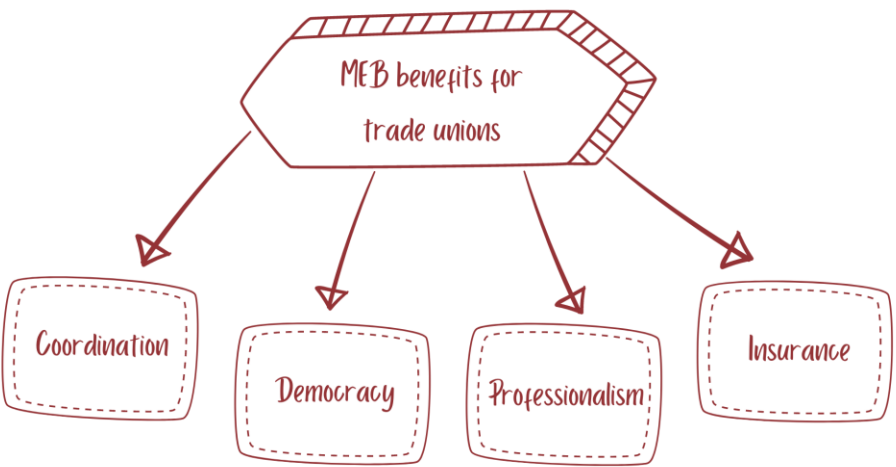
Rising interest rates have complicated wage negotiations between many of Iceland’s trade unions and SA, with short-term contracts seen as a compromise to cope with the immediate impact of inflation and interest rates, without locking unions and employers into longer-term contracts that may not be suited to economic conditions in the traditional three-year period.

The short-term contract will be valid from November 2022 to the end of January 2024. It includes a flat minimum wage rise, as well as more holidays and adjustments for inflation.

Source: Iceland Revue (2022).

The next set of arguments in favour of MEB refer to **benefits for trade unions as organizations**, namely, the coordination of members/affiliates, a better use of available resources, and chances to develop better reputation and trust with bargaining partners (see Figure 7).

Figure 7 MEB benefits for trade unions as organizations resources and reputation



### ➤ Coordination

Unions engaged in MEB represent the interests of workers operating at various workplaces. This gives the sectoral union a status and respect among its members. Via MEB, trade unions can better coordinate activities of their members and make sure that activities in particular companies or workplaces are aligned to the coordinated activity within MEB. In other words, MEB facilitates cooperation among local/workplace unions and promotes standardization that reduces the possibility of local deals going against larger union policies (Zagelmeyer 2005; Steele 1953). MEB thus helps stabilizing competing interests across various fragmented unions and prevents employer premises for being a battleground of workplace disputes (Visser 2013). Indeed, the challenge of yellow unions that make subpar agreements has also been mentioned by the UNI Europa survey respondents in Italy.

Actually, the same argument is valid also on the employers' side and coordination of the activities of individual employers. Such coordination can reduce opportunistic, or rent-seeking, behaviour of particular affiliates. Centralized bargaining may prevent employers to play particular subsidiaries (and thus local unions too) off against each other, or in other words, to whipsaw local unions (Katz 1993, Raes and Burgoon 2006). In contrast, a non-coordinated bargaining pattern, when everyone bargains only on behalf of own interests, can reinforce decline in union power, membership and bargaining coverage (Müller et al. 2019; Visser et al. 2017; Traxler 1996). Indeed, in countries (e.g., the UK) that have undergone a shift from multi- to single-employer bargaining, unions have experienced a significant loss of control over employment terms (Traxler 2003).

Besides unions coordinating work of their affiliates and employers' associations of their members, the relationship between MEB and SEB is also an important one from the perspective of keeping control of what happens at the SEB level. This relationship can take specific national characteristics depending on the legislative framework and bargaining traditions (see Box 3).

#### **BOX 3: Country variations in coordination between MEB and SEB**

The coordination between MEB and SEB, or lack thereof, is manifested differently across different countries. **German decentralisation** is based on its dual-channel system which means there are two channels how the working conditions are set. First it is a sector-level collective agreement (MEB) agreed among trade union and employers within the sector. Second it is a company level bargaining (SEB) where the collective agreement is agreed upon between employer and the work council at the company level. Therefore, several agents are involved in the setting the working conditions which can lead to extensive use of opening clauses, making workplace derogation from sector-level agreements possible and contributing to the decentralization of working conditions. **Dutch decentralisation** is based on the dual-channel system as well allow company level bargaining as long as minimum stipulations are observed. **Denmark** combines a single-channel system with framework agreements setting minimum levels.

"Germany stands out as the least organised of the three. Opening and derogation clauses mean that terms and conditions in multi-employer agreements can be undercut. Vertical control over these derogations has suffered from the dual-channel representation in which work councils have a new role. The Netherlands exhibits some, very limited, elements of disorganisation but a stable bargaining coverage. Decentralisation has mainly occurred through framework agreements setting minimum levels or through the organised transfer of competencies to works councils. The Danish system leaves a lot of scope for local bargaining, the minimum levels are generally observed and bargaining coverage has not suffered. Based on these findings, we draw the conclusion that organised decentralisation requires articulation that preserves a regulatory function of multi-employer agreements. Preservation of multi-employer agreements in turn requires high bargaining coverage." (Ibsen and Keune 2018, p.4.)

Source: Ibsen and Keune (2018).



### ➤ Democracy

MEB helps achieving democracy at work, because it offers a participative solution, involving multiple unions and/or employers (and their associations) to contemporary economic and social problems (Hayes 2019). This also applies to rebalancing justice at the workplace (IER 2020). MEB helps improve the ability of the workforce and management to explore cooperation despite some risks. Especially at workplaces with low-wage workers, as well as an asymmetry in power on the side of management, workers delegate trust to their representatives to promote their interests vis-a-vis their employer. They are not sure in advance if the employer will also approach them with good will and trust, but they still undertake this risk. It is like a game, like a prisoner's dilemma, that no side knows in advance what the other side will do, and if the trust will be maintained and not broken. In conditions of MEB, the balance of power at the workplace is more equal, because employers are bound by higher-level regulations achieved within MEB (Visser 2016).

### ➤ Professionalism

MEB provides more resources that are invested into bargaining. This is because MEB is conducted by qualified professional staff – trained negotiators and leaders. Professionalism also relates to the availability of contextual information that informs bargaining preferences and professional decisions (Thomas 2013). In turn, each side has greater facilities to understand each other. In contrast, in single-employer bargaining or scattered local negotiations, available resources to union representatives may be limited (e.g. in some countries, unions face difficulties exercising their right to co-determination at the workplace). In the latter case, the negotiations can get ideological or political and the conflict potential is higher.

### ➤ Insurance against industrial action

Through commitment, control and compromises in MEB on both sides, MEB may represent a means of keeping social peace, or serve as insurance against industrial action (Besamusca et. al. 2018; Visser et al. 2017). MEB thus evacuates the conflict of interest from the workplace or single-employer level to the multi-employer or sectoral level. When various unions are committed to the decisions of their sectoral federation, the chance that some members of these federations will engage in industrial action significantly decreases. This argument is relevant also for employers, because industrial action is costly, unpredictable and does not yield a more optimal outcome than coordinated bargaining. MEB thus evacuates the conflict of interest from the company to the MEB/sector level. This effect is illustrated in Box 5, using examples from Finland and Belgium.



### Box 5: MEB as insurance against industrial action

Multi-employer agreements prevent strike activities, or, the opposite, the lack of coordination in the form of MEB and the road to bargaining decentralization may increase the risk of industrial action. An example from two countries illustrates this argument.

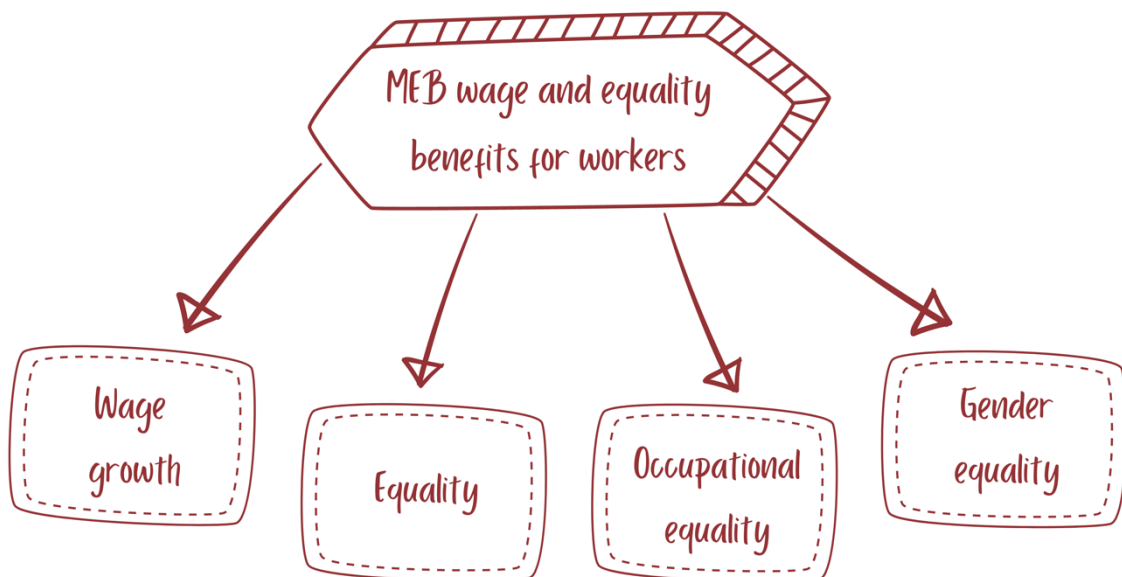
**Belgium:** Vandaele (2019) showed that there are fewer strike days when there is a multi-employer collective agreement, denoted as the inter-professional agreement (IPA) in Belgium. Strike behaviour is influenced by the biannual bargaining circle when strike activity increases during the bargaining rounds in the case of Belgium. The number of the days not worked due to industrial action is 70 in the years when an IPA is concluded, compared to 105 when the IPAs are being bargained. (Vandaele 2019)

**Finland:** Recent developments in Finland show that sector and multi-employer agreements prevent strike activities. At the end of 2022 and the beginning of 2023, several sector-level agreements expired, and others were opened due to the inflation increases. Reaching a new agreement turned out to be particularly difficult. The main issue was the wage increases negotiated at the sector level, where employers jointly agreed to a maximum 2% increase, while trade unions demanded a 4-5% increase given the increased inflation in the country. This halt to MEB affected social peace in ski resorts and in commerce. At ski resorts, negotiations involving the Service Union United PAM failed as the employer's offer regarding a pay rise followed a very low provision. This fuelled some limited strikes at six ski resorts just before the high season. In commerce, the Finnish Commerce Federation refused point-blank to negotiate with the Service Union United PAM a commercial sector collective agreement in November 2022. This step raised criticism by PAM President Annika Rönni-Sällinen as well as a Finnish journalist Heikki Jokinen, arguing that this action goes against the spoken aims of more decision power for each branch and longer collective agreements to guarantee industrial peace.

Source: Jokinen (2022).

MEB also presents several arguments that **benefit workers on core issues of wages and equality** (see Figure 8).

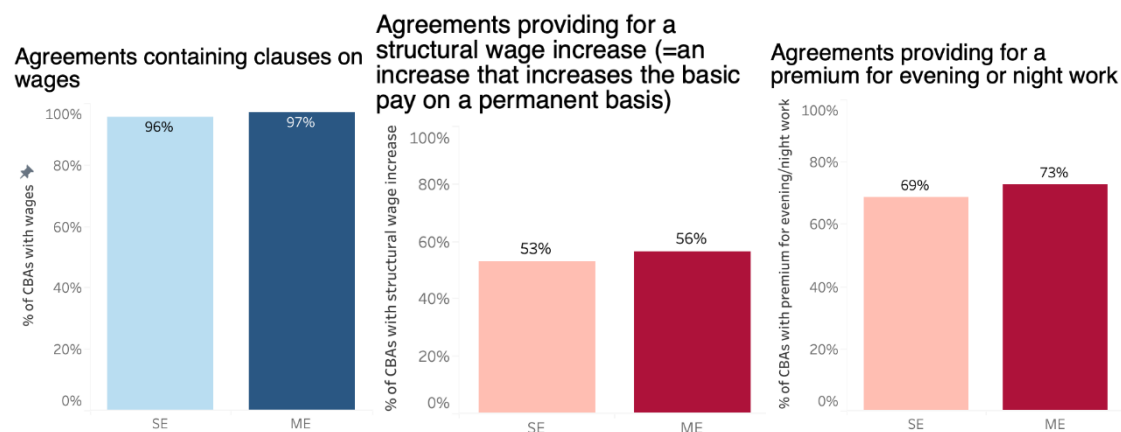
Figure 8 MEB benefits for workers related to wages and equality



## ➤ Wage growth

Evidence shows that centralized bargaining had a positive effect on wage increase (Katz 1993, c.f. Calmfors and Driffil 1988); but according to Traxler (2003) there is no systematic impact of bargaining coordination or centralization on aggregate wage increases. Still, most MEB agreements stipulate wage increases (see Figure 9).

*Figure 9 Wage stipulations in multi-employer vs. single-employer collective agreements in the services sectors*



Source: WageIndicator Database of Collective Agreements, 2023

Figure 9 shows that MEB agreements contain wage stipulations in 97% of agreements compared to 96% of SEB agreements. 56% MEB agreements, compared to 53% of SEB agreements, contain provisions on structural wage increases (referring to a permanent increase of basic pay), and 73% of MEB agreements, compared to 69% of SEB agreements, regulate premia for evening or night work. In sum, this means that even if MEB does not systematically yield overall and general wage *increases*, embracing wage regulations in MEB is at least as common as in SEB. Box 6 illustrates an example where MEB yielded significant wage increases to minimum wages for bank workers in Romania.

### **BOX 6: Sector agreements for bank workers in Romania**

Bank workers in Romania and their union FSAB have achieved major pay and income security improvements. The minimum wage has been increased by 24%. Experience and loyalty have been given increased recognition, with salary increases set for every 5 years of consecutive employment in a given company. Amongst the other highlights, the period of notification and the compensation in cases of redundancies were also increased.

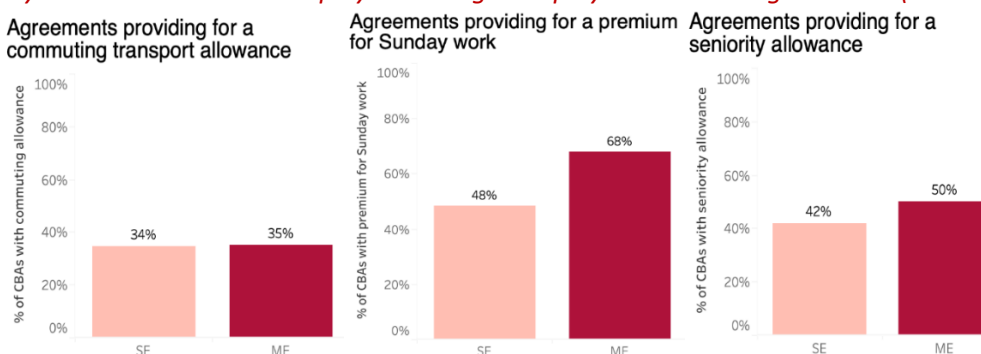
These are some of the key improvements sealed on Friday 8 April 2022, when FSAB signed two agreements with employers' organisations: one on pay and conditions and a second specifically on remote work. These agreements build on the first multi-employer agreement signed in 2018, when it was the first agreement of its kind since the dismantling of sectoral collective bargaining legislation in 2012.

Source: UNI Europa (2022).

Among the criticisms of MEB is the fact that even if wages are stipulated at the MEB level, they often set only minimum standards in the sector. This way, MEB serves as a cushion between legal regulation establishing minimum standards for the whole economy and SEB or even individual employment contracts that determine wage stipulations at a particular workplace or even of a particular worker respectively. Downward derogation from minimum wage standards set at the MEB level is not possible. The fact that MEB has to acknowledge the interests of many various employers and thus can only deliver minimum standards still allows individual employers to provide better provisions in SEB or in individual employment contracts. Therefore, in the context of other MEB benefits presented, the minimum standards in wage setting via MEB is no reason for criticism but should be perceived in the context of MEB between legislation and SEB.

Moreover, MEB agreements stipulate various other financial allowances (see Figure 10). These include allowances for commuting, for seniority, for evening or night work, overtime compensation and others. For example, an equal share of analyzed MEB and SEB agreements in the services sector stipulate an allowance for commuting. 68% of MEB agreements, compared to 48% of SEB agreements, stipulate premia for Sunday work. Moreover, 50% of MEB agreements, compared to 42% of SEB agreements stipulate a seniority allowance. In sum, it is important to acknowledge that MEB agreements do not lag behind SEB agreements in setting all kinds of wage-related and financial stipulations.

*Figure 10 Pay allowances in multi-employer vs. single-employer collective agreements (services sector)*



Source: WageIndicator Database of Collective Agreements, 2023

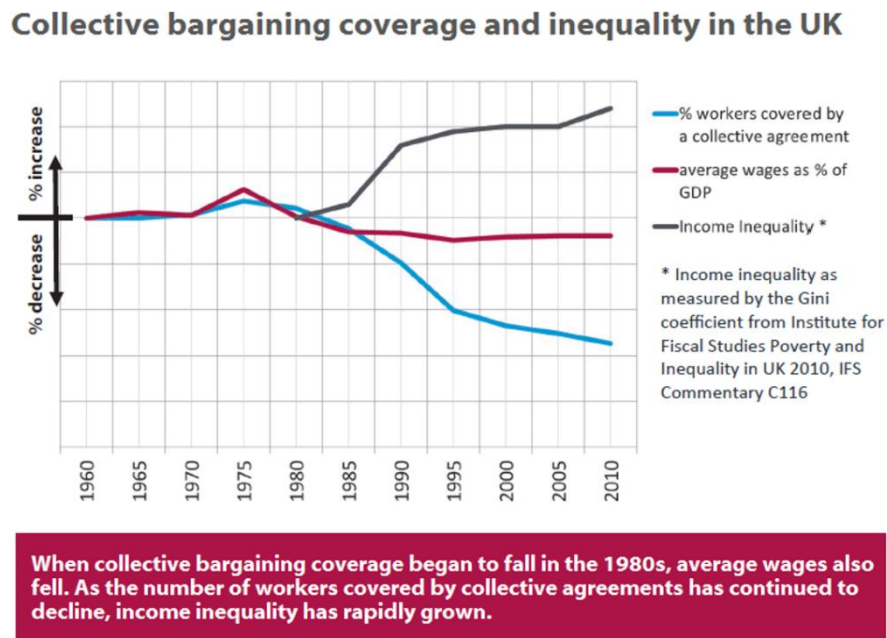
### ➤ Equality

The principle of equality is very important, because MEB raises the living standards of a large group of workers. Collective agreements establish common minima for all workers. When there are no collective agreements and wage scales, all individual workers have to negotiate for themselves leading to large wage inequalities between employees in the same firm. Company collective agreements reduce this inequality by establishing wage scales which apply to similar employees in the same company. MEB takes this a step further by establishing wage scales and wage increases that apply for all workers in the sector. Workers do not need to assume that working conditions and pay are better when switching jobs. As such, inequality between workers is contained.

Equality reached via MEB also assures that employers do not have to poach workers from each other and compete against each other on wage levels (Zagelmeyer 2005; Traxler 1998; Katz 1993), and in the way wages are set (Traxler 2003). This is the case when the employer would need to deal with several unions at the company level while each union has a different expectation, which makes SEB costly and uncertain.

Evidence from the UK and the rest of Europe shows that with a declining collective bargaining coverage, back in the 1980s, average wages also fell and income inequality has grown (see Figure 11, also De Spiegelaere 2022). This experience has implications also for today's support of MEB, because MEB brings stability and employment security to both employers and workers.

*Figure 11 The case of the UK: Equality before bargaining coverage started to decline*



Source: Hayes and Novitz (2014).

The equality effect of MEB is also demonstrated by mitigating fragmentation in working conditions (see Box 7). This case is illustrated by a collective agreement for temporary agency workers in the Netherlands.

#### **BOX 7: MEB mitigates fragmentation in working conditions: The case of collective agreement for temporary agency workers in the Netherlands**

The [Netherlands Trade Union Confederation](#) (FNV) regularly concludes a collective agreement for temporary employment agencies (ABU-CAO), which includes guidelines on fair pay and security for temporary agency workers. In 2021, the agreement was further prolonged and upgraded the working conditions of temporary employees. The duration of a worker's first temporary contract was reduced from 78 weeks to a maximum of 52 weeks and temporary workers are allowed to work on a temporary contract for three years. After this time, a company will have to make the contract permanent. The new collective agreement also ensured that wages and other terms and conditions of employment for temporary workers are equivalent to those of their colleagues employed by the user company. For migrant workers, it introduced an income guarantee equal to the statutory minimum wage for the first two months at a temporary employment agency.

Negotiations in 2022 yielded further improvements for temporary workers with an effect from 1 July 2023. Temporary workers will be entitled to all the same allowances and expense allowances that are provided to workers directly employed by the client. There will also be clarification of rules for the sick leave of temporary workers. Furthermore, the collective bargaining resulted in agreed goals to arrive at a price and quality arrangement for labour migrant housing as well as a market-based pension and implementation of the Future Pensions Act.

Sources: Capital Global Employment Solutions (2022), Staffing Industry Analysts (2023).

In sum, MEB brings about more equality in pay and working conditions. Next to this narrower understanding of equality, more broader understandings of equality apply at the national level. These include e.g. wage (in)equality measured by the incidence of low pay (percentage of wage-earners earning less than two-thirds of the national median gross hourly wage, see Van Klaveren and Gregory 2019, Appendix 1, pp. 183 – 188) and income (in)equality across the society as a whole expressed by a measure called the GINI coefficient. These refer the overall distribution of wealth in the society and more collective power.

#### ➤ Occupational equality

MEB secures equal working conditions across occupational groups regardless of the type of employer they work for. This can be relevant for workforce stability but also for worker living standards. Box 8 shows that striking deals for an entire sector is also beneficial for skill transformation and skill development of larger occupational groups. MEB stipulations on skill transformation address the current challenges of economic restructuring while offering workers protection and employability.

#### **BOX 8: Italian trade unions addressing skills transformation in the telecommunication sector**

The agreements signed on 6 December 2022 by Vodafone Italy and the SLC-Cgil, Fistel-Cisl, Uilcom and UGL Telecomunicazioni trade unions represent a step forward in efforts to deal with “the effects of digitalisation, the pandemic and the economic crisis deriving from the international backdrop” on workers in the sector, according to the trade union press release.

The two agreements have several aims, chiefly to bolster the skills of staff in a sector undergoing constant change and to test a new hybrid work model. The group will launch a new reskilling programme, which will involve more than 3,900 workers and will harness the public 'New Skills' fund. In addition, agile working – introduced 10 years ago by Vodafone Italy – will be expanded for all workers, with two to three days of remote working per week, depending on the department they work in.

Source: Martinelli (2022).

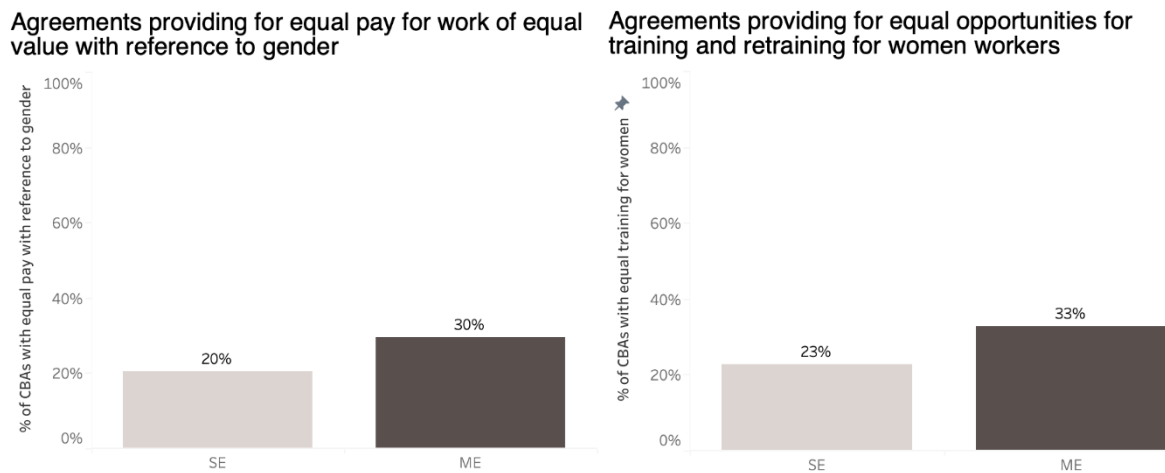
MEB can also help tackling issues for occupational groups that have been affected by outsourcing. For example, one of the main common effects of outsourcing IT workers in Italy is the workload intensification. The country lacks adequate regulating of smart work processes, problems of working time, and fair compensation, etc. In the case of France, there is a problem concerning the addition of tasks not included in the service contract. This intensifies the workload and creates pressure on meeting deadlines. In that sense, several health and safety problems are affecting outsourced IT workers (e.g. technostress, burn-out and exposure to electromagnetic fields). The isolation of those workers is common, affected by high mobility among workplaces (client facilities), and generates high fragmentation in workers at the same workplace (Pedaci, Braga and Guarascio 2019; Rodríguez, 2019).

#### ➤ Gender equality

MEB can also eliminate pay disparities based on gender, race, and region, and generally reduce racism (Scheuerman 2021; CSFWP 2021). The more women are present in trade unions, the more likely that bargaining will address the issues of gender equality (Heery 2006). The WageIndicator database of collective agreements in the European services sector shows that 30% of MEB agreements, in contrast to 20% SEB agreements, contain stipulations regarding equal pay for equal work with reference to

gender. Also, 33% of MEB agreements, compared to 23% of SEB agreements, contain stipulations regarding equal opportunities for training and retraining for female workers (see Figure 12).

*Figure 12 Stipulations regarding gender equality in the services sector*



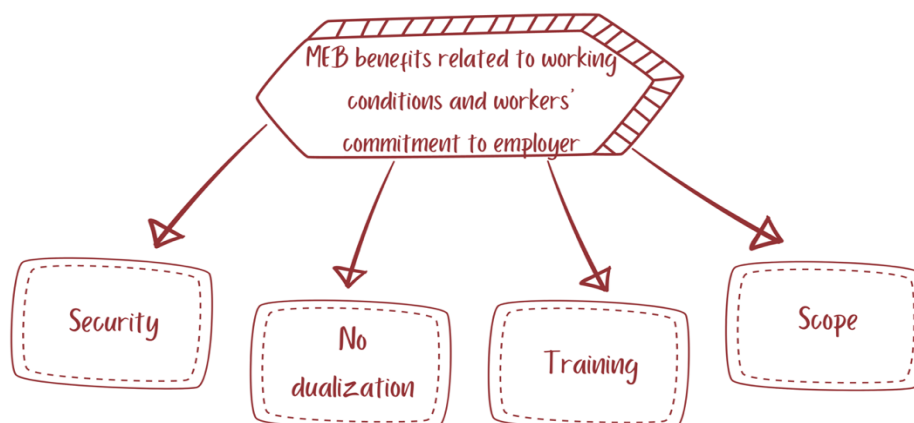
Source: WageIndicator Database of Collective Agreements, 2023

The final set of presented MEB benefits relate to **working conditions**, such as worker commitment to the employer, access to training and the diverse scope of working conditions that MEB agreements actually regulate compared to SEB agreements in the services sectors in Europe (see Figure 13).

#### ➤ Security

Security for employers refers to the fact that workers will be less likely to want to leave and work for a competitor. This is because working conditions and wages will not be enormously different (unless better conditions are negotiated in SEB on top of MEB stipulations, but employers have cost constraints not to diverge too extensively from their competitors). The employer then enjoys a more stable workforce, with less fluctuation and the need to look for replacement skilled workers and invest in their initial training. This decreases the employer's transaction costs and insecurity associated with hiring and training new staff. For workers, employment stability means a stable job that leads to many benefits in one's career and personal life.

*Figure 13 MEB benefits related to working conditions and workers' commitment*



### ➤ No dualization

The use of exclusive coverage patterns in SEB can lead to a dualist labour market structure, which undermines its effectiveness. Dualization refers to treating core workers differently (e.g., with a standard, open-ended employment contract) than 'second tier' workers in flexible, precarious and temporary jobs. Wage disparities are primarily attributed to the gap between organized and unorganized labour markets. As a result, the bargaining process becomes a factor in determining competitiveness. The practice of SEB leads to an uneven playing field in product markets, where organized firms pay higher wages and thus face higher costs compared to their unorganized counterparts. This process distorts inter-firm competition (Traxler 1998), but also the competition between core workers with stable employment contracts and those excluded from collective bargaining coverage (e.g., workers with flexible/precarious contracts, agency workers if the agreement does not cover seconded or posted workers in the sector, etc.). Because of this, MEB may serve as an important tool for preventing dualization.

In cases of crisis, the group of precarious workers may be more exposed to job loss or loss of income because of lacking protection via bargaining coverage. However, MEB may give protection to all workers, regardless of their labour market status. A good example of protection via MEB is presented in Box 9, where wage increases were reached for agency workers in Germany.

#### **BOX 9: Wage increase for agency workers in Germany**

In the third round of negotiations, trade unions and employers' associations have reached a collective agreement for the approximately 816,000 temporary agency workers in Germany.

In negotiations with the employers' associations iGZ and BAP, the DGB collective bargaining community achieved an increase in pay groups (EG) 3 to 9, which will apply in two increase stages from 01.04.2023 and 01.01.2024. In total, the wages for groups three and four will increase by 13.07 per cent in two steps by 31 March 2024. In wage group 9, the increase is 9.18 percent.

Source: DGB (2023).

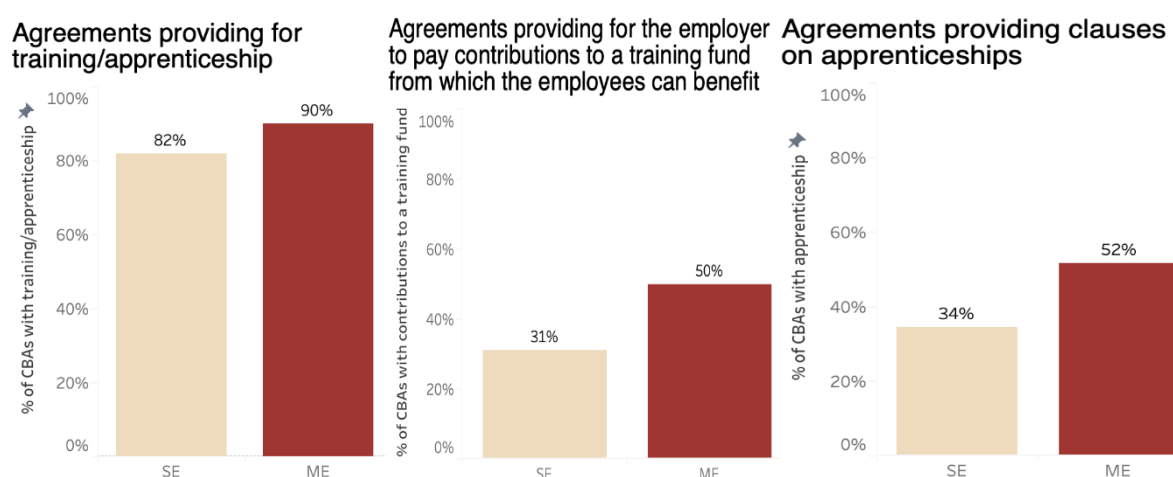
Unskilled workers benefit more from industry-wide bargaining, while skilled workers may gain more from company bargaining with the possibility of individual pay bargaining. MEB can provide greater protection for vulnerable workers such as migrant workers and those in non-standard forms of employment and eliminate the commercial advantage of importing cheap labour from abroad by ensuring that all workers, regardless of nationality, receive the same minimum rate for the same job (IER Journal 2020; Visser et al. 2017).

### ➤ Training

The analysis of collective agreements in the services sector also shows that MEB agreements systematically address issues of job security and skill development, including training and reskilling (see Figure 14).



Figure 14 Training and reskilling stipulations in multi-employer vs. single-employer collective agreements



Source: WageIndicator Collective Agreements Database, 2023

Figure 14 shows that 90% of MEB agreements in services contain provisions on training or apprenticeship (compared to 82% of SEB agreements). Everybody wants trained employees, but training costs employers. And once trained, the employees might just go and work for the competition. It is thus the collective interest of the employers to invest in training, but the individual interest of the employer is to keep investment in training cost efficient.

MEB has the solution as it often creates sectoral training funds or training solutions. This means that all employers shall contribute to a fund to the benefit of workers. In return, the employer's reward is trained workers, and the workers' reward is access to training and a related employability. This is beneficial e.g. in cases of restructuring or job change.

This benefit is supported by evidence from the analysis of collective agreements. Figure 14 shows that from MEB agreements, 50% contain stipulations regarding employer contributions to a training fund, from which employees can benefit. Only 32% of SEB agreements in the European services sectors contain such a provision. In addition, Box 10 zooms on the case of Sweden where such training funds, including a fund for transition from one job to another e.g. in the case of restructuring. with an example from Sweden).

#### Box 10: Stipulation of transition and training funding in Sweden

In Sweden, social partners have established employment security councils to ensure employment security as they are helping workers to find a new job after economically motivated lay-offs. They are bi-partite social partner bodies in charge of transition agreements, career guidance and training services under strict criteria set in collective agreements on dismissal protection without any government involvement. As they intervene early in the restructuring process, their success rates are high: according to statistics 88 per cent of laid-off workers found new employment in 2016. Besides the services for laid-off workers, they are providing advice to firms on dismissals and training to trade union representatives. They also assist those who want to become self-entrepreneurs.

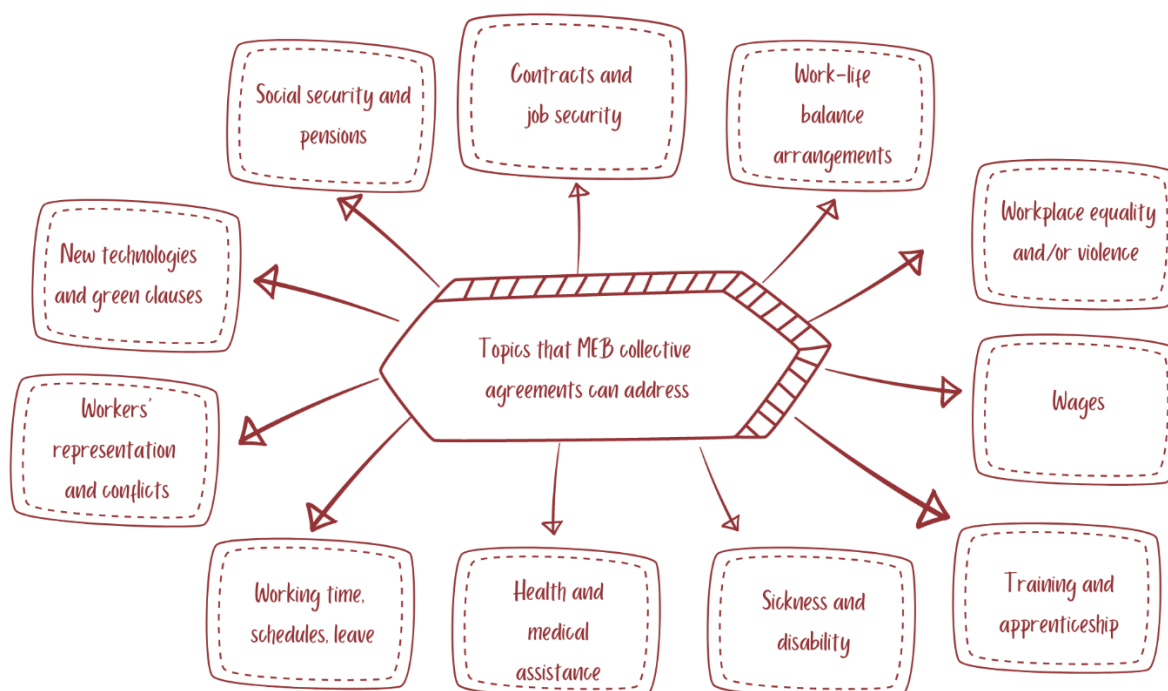
Source: TUAC (2018).



### ➤ Scope of multi-employer collective agreements

It was shown above that MEB creates incentives for cooperation between unions and employers. Such cooperation does not only lead to the minimum-level stipulations of a 'one size fits all' style. In contrast, MEB agreements systematically address a number of topics relevant to individual workers' rights and working conditions. Figure 15 shows the broad scope of MEB agreements in the services sector. Beyond those already presented (e.g., wage stipulations and stipulations concerning training and apprenticeships), MEB agreements in the services sector also cover a range of individual working conditions, social security and family provisions.

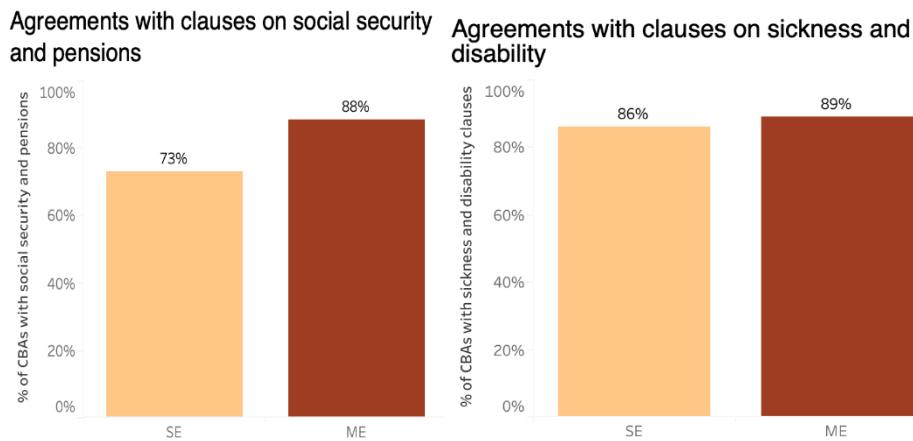
*Figure 15 Capacity of MEB collective agreements to address a wide range of topics*



Source: WageIndicator Collective Agreements Database, 2023

In individual working conditions, MEB agreements in the service sector systematically address social security, pensions, as well as issues related to sickness and disability (see Figure 16). Next, Figure 17 shows that MEB also regulates work and family-related conditions. 31 percent of MEB agreements provide stipulations on the length of maternity leave in weeks in contrast to 25,6 percent of SEB agreements in services. Job security for women returning to work after maternity leave is addressed similarly across SEB and MEB agreements.

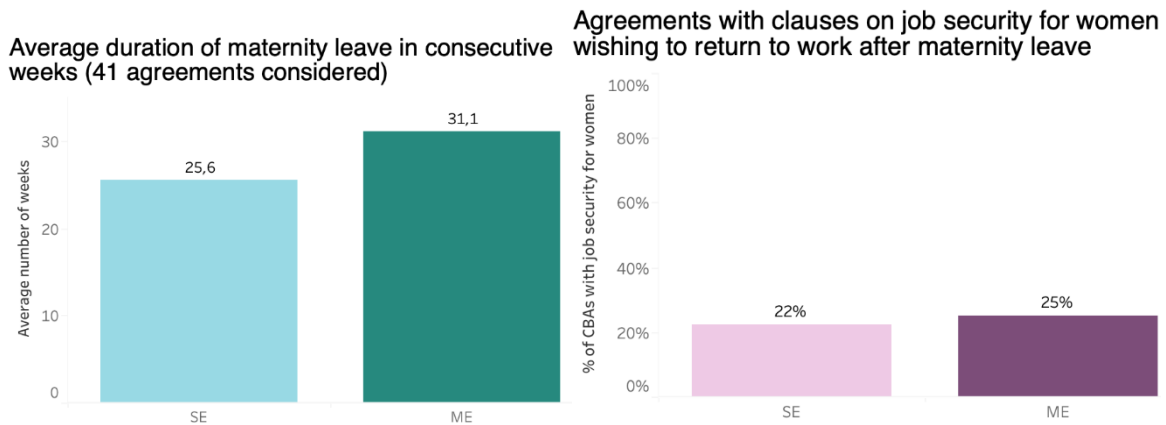
Figure 16 Agreements with stipulations on individual working conditions – services sector only



Source: WageIndicator Collective Agreements Database, 2023

Other studies that looked at the content of MEB agreements confirm these findings. Van Klaveren and Gregory (2019, pp. 156-157) show that agreements resulting from MEB more often included a broader range of topics than SEB agreements. The incidence of clauses on working hours (MEB: 92 per cent; SEB: 84 per cent), training (MEB: 78 per cent; SEB: 57 per cent), wage increases (MEB: 72 per cent; SEB: 50 per cent) and social security (MEB: 76 per cent, SEB: 66 per cent) was significantly higher in agreements based on MEB, whereas the incidence of regulations related to work organisation was significantly higher in agreements resulting from SEB (SEB: 52 per cent; MEB: 28 per cent, *ibid.*).

Figure 17 Work and family stipulations in single-employer vs. multi-employer agreements (services sector)



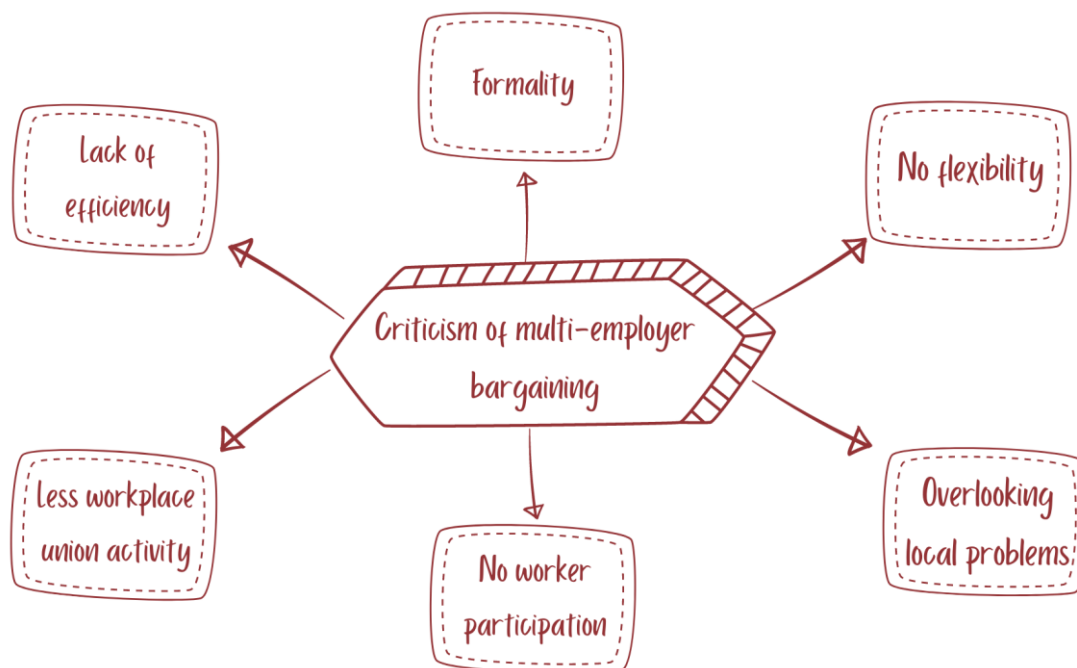
Source: WageIndicator Collective Agreements Database, 2023

In sum, the capacity of MEB to regulate a large array of themes, including individual rights, shows how flexible MEB can be. This is an interesting point, because the lack of flexibility is one of the main criticisms of MEB.

## Challenges to multi-employer bargaining

Besides the benefits of MEB, several challenges to its support and development have been identified in the available literature (see Figure 18). Some of these challenges align with the views of UNI Europa affiliates that responded to a recent UNI Europa survey in early 2023. The most frequently mentioned problems in the survey is the lack of employers to negotiate at the MEB level because of losing flexibility; and the complexity of reflecting the interests of too many and too diverse employers.

Figure 18 Criticism of multi-employer bargaining



Source: Authors' analysis of the available literature (see list of bibliography and references in the text)

MEB has been criticized for **not being efficient while being highly formalized**. **Drafting an MEB agreement is challenging** and often a second round of bargaining or fine-tuning by single-employer bargaining. For MEB, professional negotiators on both sides – unions and employers' representatives – are required. With the increasing heterogeneity of employers within a sector, the costs of reaching and administrating MEB agreements tends to rise (Visser et al. 2017).

Another criticism of MEB is its **lack of flexibility** for not being able to sufficiently respond to individual employers' and workers' needs, while **raising only minimum standards**. The 'one size does not fit all' argument has also been reported as the most frequent challenge to MEB by UNI Europa affiliates in a recent internal survey on preferences and opinions on MEB. The respondents claimed difficulty in negotiating an agreement that fits all employers in the sector. But even with minimum standards, upon which SEB builds and negotiates further improvements, MEB can be an effective regulatory mechanism standardising terms and conditions of employment such as working hours, training policies, and voluntary pension schemes across a sector (Visser et al. 2017; Tóth 1997). Small and medium-sized

enterprises tend to prefer sectoral bargaining due to the benefits of standardization and direct professional personal relations (Pedersini 2018).

The lack of flexibility argument relates also to **new forms of business and work, and the delayed response of MEB** to address their specific needs. Employers' organizations as well as unions need to deal with these new forms and adjust MEB to them to avoid a weakening of 'traditional' bargaining (OECD 2017). However, there are examples of successful collective bargaining in the temporary work agency sector and in the cultural and creative industries, even in countries where unions have generally low membership (ibid.). These examples show that bargaining is able to adjust and overcome the challenge of labour market restructuring and crises.

Moreover, it has been argued that while MEB has a strong capacity to integrate interests, it can **overlook or omit certain themes and topics that are relevant at the single-employer level**. This includes fewer opportunities for pay rate differentiation, because central negotiators can lack information on conditions at particular workplaces and can only set wages generally (Zagelmeyer 2005). As a solution, opening clauses have been used in a few cases to allow diversification of some interests at the company level while maintaining the benchmarks set via MEB. On the one hand, opening clauses facilitate the sustainability of MEB, while on the other hand, it may contribute to decentralizing working conditions within the sector as is the case of Italian FCA (see Box 11). Another option is to consider MEB as a framework agreement requiring further negotiations at the company level, which occurred in centralized bargaining systems such as in Finland and Germany (see Box 11). Moreover, in sectors with very strong occupational or craft unions, the employer is better off when engaging in MEB and not trying to opt out of MEB and engage in SEB only. This is because large homogenous groups of (essential) workers in the economy, especially when they are organized in unions, may have great leverage beyond a single workplace or employer. This raises the power asymmetry between a single employer and the large workforce, for example, in the IT sector, where workers are in shortage.

Finally, the critique vis-a-vis MEB has also brought forward arguments related to worker participation and union activity. Because the bargaining agenda in MEB integrates the interests of various unions, workers, and various employers, it can be perceived as limiting local union action and involvement in decision-making. This may further limit union activity at the employer or workplace level (IER Journal 2020). Local union leaders as well as workers at many employer sites appear to enjoy the participation in shop floor affairs and strategic business decisions they have gained at the enterprise level. They also benefit from some of the more flexible work schedules that have been negotiated (Visser et al. 2017; Katz 1993). When they are excluded from the opportunity of engagement in MEB, they may prioritize action at the single-employer level. Indeed, an increase in worker and union participation in enterprise and shop floor decision making can lead to more local/SEB bargaining and constrain MEB. Alternatively, the rise of MEB can constrain trade union activity at the SEB/workplace level. However, the literature actually shows the opposite – that union activities at the SEB and MEB levels are complementary (Müller et al. 2019; Besamusca et al. 2018).

### **BOX 11: Addressing differences of interests in MEB in Finland, Germany and Italy**

A significant feature of **the Finnish collective bargaining system** started to emerge at the end of 2016 when the collective bargaining underwent a process of ‘centralised decentralisation’, moving from peak-level incomes policies to an export sector–driven system of industry-level pattern bargaining. This change in Finnish collective bargaining was based on the so-called ‘Competitiveness Pact’ (Kilpailukyky sopimus) signed by the peak-level union and employers’ organisations in February 2016. The main instigators of this change were employers in the manufacturing sector, who hoped by decentralising and flexibilising collective bargaining to improve the competitiveness of Finnish companies (Müller et al. 2018).

The **German experience of opening clauses** provides an example of the capacity of the social partners to accommodate increasing demands for broader leeway at a decentralised level to adapt to local conditions, while keeping the overall coordinated bargaining system (Leonardi and Pedersini 2018).

In contrast, in **Italy**, the divergence of interests of FCA, an important employer in the automotive sector, led to the **company’s opting out of the employer’s association** Federmeccanica-Confindustria in 2012. This opting out of FCA from national employer organizations was related to the preference of the company to apply their own prerogatives, despite losing a range of benefits stemming from MEB.

In sum, MEB has been subject to criticism mainly because of being encompassing in setting standards for a larger number of employers, while facing the difficulties of meeting individual employers’ and workers’ needs. The infrastructure to run MEB is more complex and professional, raising challenges on its formality and effectiveness. Finally, since MEB requires a certain extent of sharing and delegating power, trade unions might be afraid that with shifting powers to the MEB level, they would lose ground at the company/workplace level.

## Preconditions for multi-employer bargaining

After highlighting the benefits and challenges to MEB, there is an important question to be answered: what is needed to set up, restore, and strengthen MEB? What are the preconditions for MEB? Although it is often being argued that MEB depends on a particular local context and “best practices” cannot be transposed elsewhere, several overall and **general favourable conditions can be identified to develop and support MEB**. These preconditions never operate in isolation: in all cases, **combinations of two or more favourable conditions** were observed. Moreover, the conditions relate to different aspects of the industrial relations system. Some relate to the institutional context for collective bargaining, some to the organisational characteristics and capabilities of the involved unions and employers’ organizations, and some to the specific conditions of the sector or of companies in the sector where bargaining occurs.

**Strong unions, strong employers' associations, and a supportive state that provides selective incentives to protect multi-employer agreements can be identified as the fundamental drivers of MEB** (Müller et al. 2019; OECD 2019; OECD 2015). Favourable circumstances encountered in the literature suggest that the strength of unions, employers’ associations and the state lies in having sufficient technical capacity, negotiation skills and a previous track record of cooperation. Evidence shows that when a sector's collective bargaining coverage increases by 1%, there is a higher chance (2%) that multiple employers or an employers' association will sign a MEB agreement instead of a SEB agreement (Besamusca et al. 2018). Moreover, MEB may stimulate incentives for all involved parties to maintain good data in the form of databases of collective agreements to help maintaining and updating a track record of MEB. Easily accessible databases may help improve the collective memory of trade unions and inform their decisions in future negotiations.

Shared perceptions of challenges posed by economic crises or structural labour market changes are also considered as a driver for successful development of MEB. Within these factors referring to the capacity and bargaining skills of the involved actors, a previous record of cooperation and the ability to conclude collective agreements is particularly relevant. Improvements tend to be incremental and occur in small steps, and this also counts for MEB development. In turn, new bargaining, new themes, and new provisions in collective agreements often arise from previous regulation, e.g. earlier clauses in collective agreements (or the lack of them) that deliver poor results, were difficult to enforce, or are no longer appropriate in the current situation.

Next, supportive **legislation** is an important precondition for MEB. As illustrated by the Swedish respondent in the UNI Europa survey, sectoral collective bargaining is a core pillar of the Swedish bargaining system; and MEB is a vital contribution to the labour law. Also, in countries with weakly established sectoral bargaining, a supportive legislation can play an important role in the development of MEB and increase bargaining coverage. Box 12 presents such an example from Lithuania.

As part of the legislation and restoring (or expanding) labour market institutions, **extension to the coverage of MEB collective agreements** belong to key incentives that motivate the bargaining parties to engage in MEB (Álvarez et. al. 2018; Schulten et al. 2015; Traxler 1998). Extension makes the collective agreement binding for all unaffiliated employers and employees within the domain of the contracting associations (ibid.). The countries where extension rules were rescinded (e.g. the UK and New Zealand) experienced negative effects on bargaining coverage (Traxler 1996).

### BOX 12: Legislative change to increase bargaining coverage: the case of Lithuania

Since 2017 Lithuania has experienced several legislative changes that restarted collective bargaining in the country. The two most important changes relate to the establishment of exclusive right to conduct collective bargaining with trade unions, instead of trade unions and works councils, as in the old version of the Labour Code. The second is the possibility to include preferential treatment to trade union members in collective agreements, which means that if applied, CB provisions are valid only to members of signatory trade unions, instead to all of the employees of the company. As seen below, this creates strong incentive to enter trade unions.

The Labour Code amendment was expected to facilitate social dialogue and collective bargaining, to create more favourable conditions for the parties to reach an agreement on the most acceptable conditions, to enhance the competitiveness of Lithuanian companies, to create more new jobs and to contribute to wage growth.

The new Labour Code also established a compulsory registration of all collective agreements with the Ministry of Social Security and Labour. The register shows that in 2020, there were 297 valid collective agreements of which the vast majority (95%) were at the employer level – 282 out of 297, but there were also 12 industry-level agreements, two territorial agreements and one at the national level. There were no workplace-level agreements. In total, 70% of the agreements on the registry were concluded in the public sector.

It is unclear how many agreements have used the possibility of applying preferential treatment to union members only. For instance, in the social services sector, social partners applied a preferential treatment clause and unionized employees to receive higher pay.

The increased activity in collective bargaining mirrored in increased bargaining coverage, in 2019 it reached 15%, in 2020 – 21% and in 2021 – 25% (MSSL, 2022). This increase was mainly determined by the coverage increase in the public sector due to sectoral collective agreements signed in 2018-2021.

Source: Ministry of Social Security and Labour (2022), Blažienė et al. (2019).

The co-existence of a supportive law and MEB means that the law does not need to provide extensive stipulations and can remain in its function to create foundations for strong sectoral agreements. However, supportive legislation is not sufficient for the stability of MEB in the era of continued bargaining decentralization. It is important **how the bargaining parties understand and use the available legislation** (Traxler 2003). The Swedish example shows that if bargaining parties would not be committed to MEB, each company would have to fill in many gaps in the labour law at the local level, which is not possible. Already in the 1990s, Swedish social partners realized the benefit of coordination that produced pay rises at the national level. Therefore, it can be concluded that **if the bargaining parties use legislation in a way to support MEB and collective agreements, that it is a good precondition for sustainable MEB**. This is because the law and MEB together enable the bargaining parties to adopt coordinated approaches to the most relevant concerns of those bargaining. This provides the opportunity to better cope with crisis, inflation, over-supply or lack of workers in certain sectors, and similar structural challenges than via decentralized arrangements.

The role of **shared perceptions** among bargaining partners is important in the process of developing MEB. In the absence of such shared perceptions, structural change does not automatically result in bargaining and signing a collective agreement. The dialogue between bargaining partners is important not only to produce an agreement, but also gradually develop such shared perceptions about a particular economic and employment situation and create mutual commitment to joint agreements and regulations. Hand in hand with the development of shared perception is trust building between the bargaining parties.

### **BOX 13: Institutional support of MEB**

#### **1. Extension of collective agreements**

The first relates to extensions of collective agreements, which is the mechanism used in most EU countries to ensure higher coverage rates. For instance, in France, Portugal, and Spain, firm-level agreements co-exist with industry-level agreements. In Portugal, 80% of workers are covered by some type of a collective agreement, but from these, only around 10% are covered by SEB agreements. In France, all employers represented by an employer association that signs a collective agreement are bound by its conditions. Moreover, at the request of the employers or the unions, the French public authorities can extend the agreement to all workers in the industry. A similar system applies in Portugal. In Spain, where firm- and industry-level agreements also co-exist, the majority of workers are covered by industry agreements. Unions obtain legitimacy to bargain a collective agreement by reaching a minimum threshold in firm-level elections of employer representatives. Extensions are automatic once unions and employers have registered the collective agreement at the Ministry of Labour. Extensions are subject to thresholds in Germany and the Netherlands. In Germany, collective agreements can be extended to a new employer if the employer joins a federation that already has an agreement. Alternatively, at the request of one bargaining party, public authorities can apply a collective agreement to all workers in an industry if at least 50% of workers in said industry are represented in the original agreement and the extension is considered to be in public interest. The procedure in the Netherlands is similar, but the minimum percentage of workers represented in the original agreement must be 55%. Extensions are common in the Netherlands, but less so in Germany.

Source: Villanueva & Adamopoulou (2022).

#### **2. Obligatory bargaining infrastructure (e.g. obligatory membership)**

Obligatory membership is the principle underlying the Austria's system of Chambers. All individual employees, employers and legal entities that fall within the competence of a given Chamber are *de jure* members of that Chamber. In the field of industrial relations, this relates to the Federal Chamber of Labour (BAK), the Economic Chamber of Austria (WKÖ) and the Chambers of Agriculture. With respect to the WKÖ, this is of particular importance as regards the collective bargaining system, since on the employer side, almost all collective agreements are signed under the umbrella of the WKÖ. It is a fact that obligatory membership is a determining factor in Austria's high collective bargaining coverage. Comparative international studies demonstrate that the tendency on the part of employers to opt voluntarily to join an employer organization decreases with a decreasing size of the enterprise, although smaller firms gain more than large companies from the representation of their interests and service functions offered by such organizations. To that extent, the institution of obligatory membership of a comprehensive organization like the WKÖ reflects the predominance of small firms in Austria's economic and enterprise-size structure.

Until 2006, compulsory membership was also practiced in Slovenia where the most important interest organisation on the employer side, the Chamber of Commerce and Industry of Slovenia (Gospodarska zbornica Slovenije, GZS) associated all relevant employers in the country. Since 2006, the membership is voluntary. Early voluntary employers' organisations were already established in Slovenia in the mid-1990s, due mainly to contemporary international organisation criticism of compulsory membership in the GZS. These changes negatively influenced the collective bargaining coverage, from a 100% coverage to 67,5 in 2015, according to ICTWSS database.

Source: Eurofound (2023), Stanojević and Poje (2019).

#### **3. Systems ensuring strong union presence (e.g. Ghent system)**

Several EU Member States institutionalized the so-called Ghent system, where trade unions are recognized as organizations engaged in the distribution of unemployment benefits. These countries include Belgium, Denmark, Finland and Sweden. Shown on the Swedish case, the unemployment insurance system is based voluntary membership in unemployment insurance regimes subsidized by state funds. The funds are administered by different social partners covering different business sectors. Social partners handle the membership fee collection, benefit payments to the unemployed, and evaluate and affect the public opinion on the system. The system was reformed in 2007 which, among other things, caused an increase in the membership fees and a gradually lower replacement level of benefits for the unemployed. This made 300,000 individuals leave the system during 2007, leading many social partners to resent large parts of the reform.

Source: Eurofound (2013).



The role of trust for MEB development can be illustrated using two contrasting examples – one concerns bargaining in the retail sector, and one in the chemical industry (Molina and Godino 2020). While the **trust building process** amongst large retail actors are relevant, particularly in the union side, due to the confrontation experienced in previous processes of negotiation, chemical bargaining actors begin formal bargaining processes with much certitude about each organization and side position. In that sense, this trust building processes already appears in the network of connections: all actors in the large retail sector have links with the other actors in the networks (thus a high density of contacts). This means the network is very decentralised, with dispersed power among many members and showing lack of participation in multilateral meetings of members of the employers’ associations. The only interlocutors with the unions are external advisers (ibid.). On the contrary, the already established trust within the chemical sector network allows the negotiation process to proceed without notable conflicts through the formal events. Better coordination on the employers’ side influences the frequency and type of (formal and informal) relations. A lesson from this example is that **MEB can be strengthened also ‘from below’, focusing on the development of more encompassing bargaining particular with a strong membership base and transparent, constructive networks of affiliates** (Müller et al. 2019).

#### **BOX 14: MEB emerged from ‘below’**

Sectoral CBA in Romania’s financial sector was signed in 2018 and included workers from Erste-BCR, BRD-GSG, Raiffeisen, UniCredit and ING banks. The agreement which covers 25,000 of Romania’s 50,000 bank workers, was successfully negotiated by FSAB with the support of UNI Score.

“Trade unions in Romanian banking have compensated the loss of workplace bargaining power with greater organising efforts and have managed to capitalise on the increase in marketplace bargaining power by restoring sectoral collective bargaining. Signing a multi-employer collective bargaining agreement covering the majority of big banks in the country and an agreement on professional training in 2018 was a breakthrough.

Although still exceptional in Romania, the multi-employer agreement in banking proves that industry-level bargaining is still possible under certain conditions, most of which do not depend on unions or employees and include high turnover in a tight labour market coupled with a decline in the appeal of banking jobs resulting in the emergence of a bargaining counterpart at the industry level. These recent developments in Romanian banking prove that collective bargaining is possible in a context of weak legislation, albeit only if certain prerequisites are met (the existence of employer associations at the industry level is key in this respect, as is the favourable labour market context). In this particular case, digitalisation has been an integral part of a broader set of factors contributing to the restoration of sectoral-level collective bargaining.”

Source: Guga and Spatari (2020).

Finally, the support of the European Union and EU-level social partners is a resource that can stimulate the emergence or strengthening of MEB across EU Member States. Especially in countries with underdeveloped MEB, a weak presence of employers’ associations and low unionization, drawing on European resources gives a strong impetus to transpose EU-level stipulations to a sectoral or multi-employer agreement in a particular country. This process is distinct from the transposition of EU Directives to national legislation; because agreements between social partners at the EU level lack the binding character of a Directive and its influence is based on the voluntary commitment of European

and national social partners. Box 15 shows an example how the remote work agreement in Romania was inspired by action at the European level.

A similar argument where unions find beneficial to **draw on EU-level resources and coordinate their action with EU-level rules** is being used by the **Croatian ICT sector trade union**. As reported by the unions in the UNI Europa survey, the union proved to be the only representative union in the ICT sector in Croatia and requested a meeting with the employers' representative (the Association of ICT Employers) in order to launch sectoral bargaining and conclude a sectoral collective agreement. However, the employers association did not show interest in MEB. Therefore, the trade union relates its argumentation to EU-level resources, namely the relevant EU Directives. The union argues that through the EU Directives, e.g. the Directive 2014/24/EU on Public Procurement, companies in the ICT sector without a collective agreement could be excluded from public tenders. Based on this argumentation, the union hopes to convince the employers' association to start a bargaining process.

**BOX 15: Remote work agreement in Romania draws on European resources**

The remote work agreement also delivers major improvements for workers. It contains the possibility of covering equipment costs and paying utilities, depending on certain situations for working from home. It also sets limits to the surveillance of workers while working remotely and establishes a right for workers to disconnect.

This agreement in Romania was based on the Joint Declaration on Remote Work and New Technologies that UNI Europa's Finance sector negotiated together with employer organisations in the European banking sector.

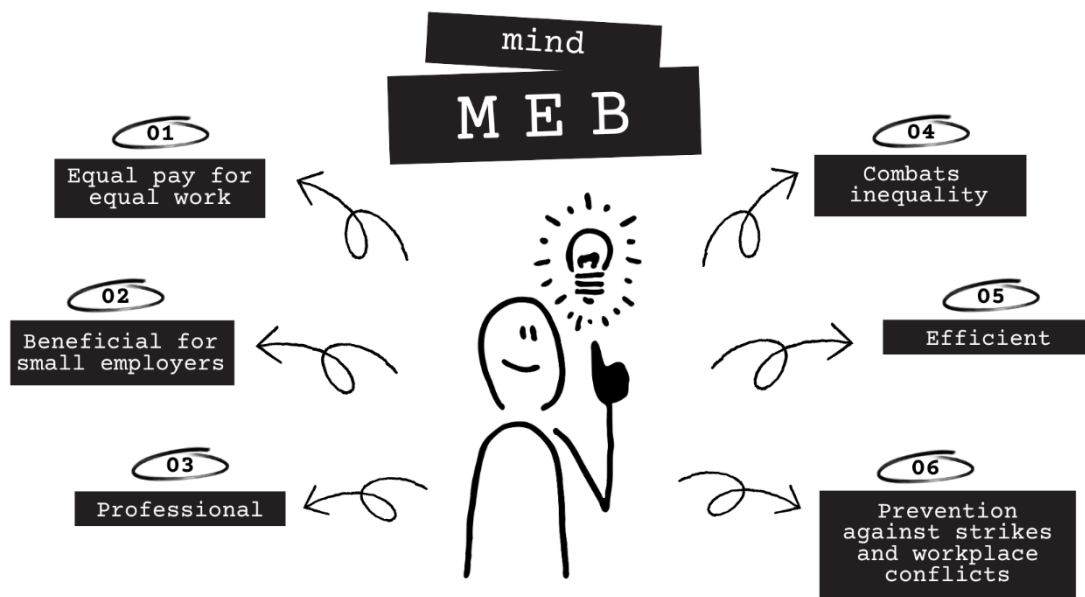
"This is a fantastic example of how unions can build on the work at the European level and use it to strengthen social dialogue as well as improve conditions for workers at the national level. The agreements achieved by UNI Europa are a resource. Once they are concluded, we can pick up the baton and begin the process of making these a reality through collective bargaining at the national level," said Maureen Hick, UNI Europa Finance Director.

Source: UNI Europa (2022).

## Conclusions and ways forward

What are the main conclusions from the arguments and evidence presented above? This report shows why MEB is beneficial and for whom. Figure 19 shows some of the main benefits. These benefits, such as equality, professionalism, efficiency, and conflict prevention are relevant for various kinds of stakeholders – for workers, for unions, for employers, and for the society in general. Let us structure the main benefits according to each of these stakeholder groups.

Figure 19 Summary of benefits of multi-employer bargaining



Source: the authors.



For **workers**, MEB secures equality in terms of pay, gender equality, and equal access to a variety of stipulations of their individual working conditions. MEB agreements regulate a broad range of issues to the benefit of workers. Workers know these conditions apply across many employers. They can enjoy job stability knowing that the conditions at other companies are comparable. Via MEB, the bargaining coverage can be expanded thus more workers are able to benefit from the agreed stipulations. Moreover, MEB guarantees a workers' say, even for workers in small and medium sized companies.



For **trade unions**, MEB helps maintaining control over working conditions and trade union power. Thereby, MEB helps by preventing a decline in union power and bargaining coverage. MEB also helps to keep transparency within unions and avoiding workplace conflicts among several unions. MEB makes unions operating in more predictable and stable conditions and better use their internal personal and leadership capacities. Via MEB, unions are also able to further develop their professional

bargaining capacities and excellent leadership. Unions take on important responsibility for bringing forth coordinated decisions that affect the working lives of millions of workers. Thus, MEB places unions among important political and societal actors contributing to democracy and governance of the labour market.



For **employers**, MEB offers efficiency and professionalism in bargaining, allows pooling resources of small employers together toward professional collective bargaining. Employers also benefit from equal conditions and do not need to undergo a rats' race for hiring and maintaining skilled and committed workers, because MEB secures that the same conditions apply also for the competitors. Additional company-specific benefits may always be negotiated on the top of MEB agreements in SEB to further improve the conditions for workers. MEB also helps prevent industrial action because the bargaining parties trust each other and remain committed to the agreements they jointly made. MEB



For **society** as a whole, MEB is beneficial because it strengthens cooperation and democracy. MEB is an important governance element that complements public policy. It complements public policy as it allows very important stakeholders in society, representing millions of workers and thousands of employers, to regulate and coordinate their efforts to the benefit of all. With this function, MEB can thus influence employment, inflation, economic growth and other outcomes for the society. And most of all, MEB contributes to more equal societies.

Knowing that MEB brings benefits to various stakeholders, the remaining question is **how to strengthen MEB and how to develop and support it**. Specific strategies depend on the national context, the legal framework, the structure of trade unions and employers and their previous cooperation. Despite the large array of available strategies, three strategies can be chosen as exemplary and are presented below. These strategies represent different approaches to developing MEB, and can serve as a source of inspiration, with the possibility of adaptation to specific national contexts. Of course, they can be implemented simultaneously.



#### **Develop MEB from above – via a facilitating framework**

One way of strengthening MEB is through the establishment of an enabling and facilitating framework. As such, countries can stimulate bargaining through legislation, through institution building or through capacity support to bargaining parties. In the first way, collective bargaining could be promoted by making it a condition for certain benefits (e.g., France). In the second, countries can establish social dialogue institutions like wage councils that should facilitate bargaining (e.g., Belgium, New Zealand and plans in the UK). Last but not least, countries can support the capacity of trade unions and employers to engage in broadly based bargaining through Ghent-like systems (e.g. Nordic EU Member States).

In the UK, a proposal for a 'Collective Bargaining Act' stipulates that in each sector and/or industry, the Secretary of State for Labour should oversee joint committees of employers and trade unions. These committees should negotiate and set minimum terms and conditions for the applicable sector and/or industry. The committees, to be called e.g. *National Joint Councils for Sector [...insert sector name]*, would consist of equal numbers of employer representatives and trade unions, while the Secretary of the State would maintain integrity appointing a certain share of these members.



#### **Develop MEB via extending the coverage of existing collective agreements**

UNI Europa's affiliate in Portugal shared a strategy to extend the coverage of MEB or sectoral agreements to also cover related sectors. The same strategy can be applied at the company level, where a company-level agreement can be extended to cover, first of all, subsidiaries of the company, or in a chain of suppliers/subcontractors. In the next step, the extension can be broader, e.g. in the ICT sector an extension could also cover related consumer support services. As a result, not only the bargaining coverage is extended onto more workers, but resources of employers and unions are also pulled together, motivating them not only to extend the coverage of an existing agreement, but become actively engaged in coordinated the bargaining.



#### **Develop MEB from below - via stronger trade unions**

Trade union development, focusing on internal organization, capacities and leadership, is a key strategy for developing and strengthening MEB. This applies to organisational development as well as broadening the array of trade union actions and trade union presence in the most important companies. Trade unions could focus on their internal capacity development especially in strategic sectors, and their organizational structures could be based on federalism (bringing various unions under one umbrella) and transversality. Based on broad membership, unions could develop their assets and cadres. These steps will professionalize unions and equip their staff with professional expertise to use collective bargaining to defend employment, improve working conditions and fight against precarity and inequality on the base of gender and age/generations. Finally, it is recommended to place equality among strategic priorities in developing transversal trade union action towards MEB.

Most of all, trade unions need to develop broad and involved membership in the companies that are (potentially) covered by MEB agreements. For this, trade unions could implement more engaged organizing-style tactics focused and involving, organizing and mobilizing workers for sectoral bargaining. While the stakes may be different for workers, employers, unions and society, all groups benefit from multi-employer bargaining. So, let everyone get together and start negotiating!

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