

Report on WIBAR-3 Seminar: The Defence and Advance of Collective Bargaining in the Transport/ Telecom and ICT Sectors -- 1 July 2016, Ruskin College, Oxford, UK

Participants

This first WIBAR-3 seminar out of three was organized by Ruskin College and hosted at the College premises. It was attended by 30 participants, of which six belonged to the WIBAR-3 consortium (2 AIAS-UvA, 2 CELSI, 2 Ruskin College). The 24 participants from outside the consortium all had a trade union background¹; four of them represented an international union organisation (3 Nautilus International, one ETUI). As for their country origin, the 30 participants were divided as follows: Bulgaria 1; Estonia 1; Hungary 2; Ireland 1; Italy 2; Netherlands 4; Portugal 4; Slovakia 2; Slovenia 4; United Kingdom 9. Seven participants were female, 23 male.

The seminar language was English. Professional interpretation was made available on behalf of the Italian delegates, while colleagues provided whispering interpretation on behalf of Portuguese and Slovenian delegates.

Preparatory materials

With the seminar invitation participants also received a 3-page flyer 'Introduction to the WIBAR-3 project'. One week before the seminar, participants received the draft 'WIBAR-3 Report on Transport & Telecom' produced by AIAS project coordinators Maarten van Klaveren and Kea Tijdens. The first two chapters of this 77-page draft focussed on constraints and opportunities for multi-employer bargaining (MEB). Chapter 2 went into the feasibility and the recent history of multi-employer bargaining (MEB) throughout the European Union. Chapter 3 detailed developments in employment in the five industries and 23 countries scrutinized. Chapter 4 analysed the outcomes of the WageIndicator survey used for mapping collective bargaining coverage and employees' bargaining preferences, as well as outcomes of the WIBAR-3 Industrial Relations survey covering industrial relations characteristics. An extensive Statistical Appendix completed the draft report.

Presentations

The seminar gathering remained in plenary format throughout as group work was not envisaged. Eight presentations took place. Besides the introduction to the WIBAR-3 project and the preliminary results from the draft report just mentioned, seven presentations from participants covered:

- collective negotiations in the Portuguese bus passenger sector;
- the creation of Nautilus International and its collective bargaining practice;
- developments in competition, shifts in the balance of power, and collective bargaining struggles in the Rotterdam container sector;
- regaining trade union strength – Slovenia, with Adria Airways and the Port of Koper as contemporary cases;
- Ireland: collective bargaining under adverse conditions in the telecoms sector;
- Scotland: two case studies (utilities and telecom) and a word on reinstating sectoral bargaining;
- renewal of the agenda of an English trade union in bargaining with Royal Mail.

¹ Initially 28 trade unionists subscribed; for various reasons three abstained from participation in a late stage while one did not show up without giving notice.

As five presentations were prepared by various participants, 15 participants – half of all present! -- were involved in shaping the presentations.

Debate

In spite of the considerable number of presentations, about 1.5 hours were available for debate. The major issues in the debate embraced: developments in employment, competitive structures, technology and employment; developments in industrial relations, including political conditions and the position of employers' associations; the trade union response, including union mobilisation and organizing campaigns; and the implications for collective bargaining practice. The discussion on these issues will be taken into account and reflected in the final WIBAR-3 reporting.

Developments in competitive structures, technology and employment

For shipping in particular, **internationalisation / globalisation** showed up as a dominant factor, with major implications for dockworkers. The Rotterdam case highlighted the market concentration of a small number of ship-owners and terminal operators and their relationship with **automation**, in particular their investment in mega ships, that had resulted in massive overcapacity. As with other cases, these choices of high levels of automation, together with the up-scaling of vessels (megaships) and related fixed costs was questioned, not only because of the negative employment and health effects on the dock workers (in particular the 'lashers') but also because of the resulting operational inflexibility. Internationalisation also seems to correspond with an emerging number of non- or anti-union employers who compete heavily on labour costs. This was explicitly mentioned by delegates from Ireland, UK and the Netherlands. Larger-scale shipping and new routes (the Chinese Silk Belt and Road initiative) imply that smaller ports and their road and rail connections with the hinterland are in danger of being marginalised, as the Portuguese and Slovenian cases showed. Delegates argued that in such cases national and local authorities appeared to be taking refuge far too easily in privatisation.

In various countries (the threat of) **privatisation** was indeed another major factor: in the Portuguese bus and rail transport sectors; in the airways and port case studies from both Slovenia and Italy; in Irish telecom, and in Scotland (energy and telecom). In all these cases privatisation was linked with the threat of losing employment security, shrinking union bargaining power (and increasing downward pressure on wages. In some cases privatisation went hand in hand with (further) outsourcing including replacing employees with self-employed. At least three cases were presented in which privatisation, even from a management perspective, was quoted 'as a lesson in how not to do it', as one of the presenters succinctly put it.

An issue already raised in the WIBAR-3 draft report and returned to in the debate concerned the blurring of industry boundaries. A number of examples were cited which suggested that only in rather small 'sectors' were companies homogenous enough to be successfully covered by sectoral bargaining agreements – but even so, success was not necessarily assured as was illustrated by a case study from Scotland.

Developments in industrial relations

Delegates emphasized that those multi-employer CLAs that remained in existence, were nevertheless often under quite some pressure. The evidence was similarly clear that in a number of countries/sectors, comprehensive sectoral CLAs had not been in existence during

the last three or so decades, even in countries with traditions of multi-employer bargaining. For example, in the Rotterdam port a genuine employers' association has been lacking thereby frustrating attempts at multi-employer bargaining at a very fundamental level. Yet, some positive developments were also mentioned. In the Portuguese bus sector, for example, the recent return of the employers' association to a sectoral CLA was cited. A number of continental-European trade unions obviously regard the keeping up or returning to sectoral CLAs as being a worthwhile objective, at least as a safety net for bargaining in those sectors with low union density, where SMEs tend to dominate. Overall, Anglo-Saxon unions seemed more sceptical here, perhaps because they could not return to a strong vested tradition of sectoral bargaining. Moreover, in various countries political developments have worked against multi-employer bargaining, though in some cases changes are at hand. For instance, in Ireland sectoral bargaining has recently been given something of a legal footing again, although it remains to be seen to what extent this will translate into a significant shift in the locus of bargaining away from the company level.

Of particular interest was the story of the creation of Nautilus International and its company bargaining practice. Currently this international union covers maritime professionals in sea and inland water transport in the UK, Netherlands and Switzerland. Bargaining practices have latterly included attempts to sign European CLAs with major shipping companies where the agreement specifies common terms and conditions (including pay) for all the officers employed by the companies involved irrespective of the nationality of the officers. Thus the agreement with Shell Int'l covers 49 nationalities. Similar agreements are in process with major maritime players such as HAL/Carnival Cruise Lines and P&O Ferries. Nautilus additionally uses positive aspects of internationalisation, like rule-setting through ILO's Maritime Labour Convention (2006).

The debate suggested that often 'neutral' local authorities increasingly seem to focus on employers' interests. Port authorities were particularly mentioned in this respect. The Rotterdam Port Authority, for example, over the last two decades obviously shifted from a rather balanced 'social innovation' approach towards a one-sided support of employers' interests.

The trade union response and collective bargaining practice

The need to strengthen a number of 'basic' trade union activities in order to underpin collective bargaining practice was widely acknowledged. All the presenters mentioned mobilizing and organizing activities. In particular, mobilisation was mentioned against the rise of precarious employment, including fixed-term contracts and (bogus) self-employment.

Building a critical approach to management decision-making and strategic planning, whilst taking into account the *realpolitik* of output and product/service quality, has obviously become important for a number of the delegates to the seminar. Examples of this could in particular be found in the inputs from Ireland, the UK (including Scotland), and the Netherlands.

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