An Israeli Industrial Relations and Research Association (IIRRA) Conference in Cooperation with the International Labour Organization (ILO) and FriedrichEbert-Stiftung Special International Conference Commemorating the CENTENARY of the ILO

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New challenges in labour relations in the public sector, in Israel and the World

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International Labour Standards and the Public Service

1948: Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

→ Convention No. 87 focuses on organizational rights for the defense of occupational interests, without public authority intervention. Public service is fully covered.

1949: Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

→ Convention No. 98 recalls the importance of promoting collective bargaining with possible exception of public servants “engaged in the administration of the State”

International Labour Standards and the Public Service

Three decades later:

1978: Labour Relations (Public Service) Convention, 1978 (No. 151)

→ Noting the considerable expansion of public-service activities in many countries and the need for sound labour relations between public authorities and public employees' organisations

1981: Collective Bargaining Convention, 1981 (No. 154)

→ Supplements Convention No. 98 by extending the right to collective bargaining to *all* public administration workers.

New challenges in labour relations in the public sector

1. Penetration of labour law into public administrations and various levels of "privatization" of public sector employment.

The successive economic crises and procedures for the reduction of institutional structures and public spending, have weakened the trade union movement in many countries and diminished the collective bargaining capacity of public servants;

The traditional model and characteristics of public servants (full time employment, salary scales, administrative career etc.) have undergone significant changes;

A significant number of employees in the public sector are either under contracts governed by the general rules of private sector labour law or otherwise excluded from the public statutory regime.

2014 ILO Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service (report available online)

New challenges in labour relations in the public sector –

ILO 2013 General Survey – Three major challenges concerning the applications of Conventions Nos. 151 and 154:

(1) The slowness of administrative and judicial procedures in cases of anti-union discrimination or interference in trade union matters in the public sector, and the lack of sufficiently dissuasive sanctions;

(2) Certain problems that can give rise, in practice, to a denial of the right to collective bargaining to ***all*** public servants; and

(3) Exclusion by some countries of certain subjects from collective bargaining, restriction of the right of the parties to determine the level of bargaining, or prohibition of collective bargaining for specific categories of workers or by federations and confederations.

New challenges in labour relations in the public sector

4. The right to strike in the public sector – Essential services.

For the Committee of Experts, the right to strike is not absolute and may be restricted in exceptional circumstances, or even prohibited. Over and above the armed forces and the police, the members of which may be excluded from the scope of Convention No. 87 in general, other restrictions on the right to strike may relate to:

(i) certain categories of public servants ("public servants exercising authority in the name of the State");

(ii) essential services in the strict sense of the term; and

(iii) situations of acute national or local crisis, although only for a limited period and solely to the extent necessary to meet the requirements of the situation.

Compensatory guarantees should be provided for the workers who are deprived of the right to strike.

Essential services, for the purposes of restricting or prohibiting the right to strike, are only those"the interruption of which would endanger the life, personal safety or health of the whole of part of the population".

This concept is not absolute in its nature in so far as a non-essential service may become essential if the strike exceeds a certain duration or extent, or as a function of the special characteristics of a country (for example, an island State).

Many thanks!

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