Collective Bargaining Developments in times of crisis

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CUMS bring opportunities. Because they reveal the limits of our institutional structures, and among them of the legal ones, they offer prospects for change. In times of crisis, legal scholars are emboldened with a task: they have to fulfill a task in hand with social actions, to measure if the law is still adequate to respond to the urgent needs of today’s society. And if necessary, to reform it.

Since the end of the 19th century, collective bargaining systems have proven at the same time very capable of social protection and flexibility. The involvement of a collective actor representing workers’ interests and rights in the norm-making process, too led to the adoption of protective standards that could not have been granted to a single employer. Yet, the first autocratic, then sometimes statalistic, collective bargaining systems, thanks to their features, also revealed a powerful tool to respond to social and economic exigencies. For their right to collectively bargain is granted by all as one of the pillars, along with the freedom of association and the right to strike, of industrial democracy.

But collective bargaining systems too are put under pressures in times of crisis. Can they still lead to the adoption of protective laws when mounting crises are arising, when the competition between workers brought by globalization is forcing unions to mitigate their demands, where the dominant challenge is no longer everywhere seen as a barrier to economic growth and job creation, when the EU member states are studying means to contain the growing collective bargaining systems, when emerging “digital” and “flexibilisation” terms of work are threatening the very power of workers to organize?

For more than a year, researchers from 15 European countries, comparing the INLACRS network, have been gathering to disclose these questions. Indeed, France, Germany, Hungary, Italy, Poland, Portugal, The Netherlands, Romania, Slovenia, Spain, Sweden, Turkey, United Kingdom: They have reported their national experiences to formulate a diagnose and sometimes to propose solutions to the challenges brought by the 2008 crisis and its follow-up to collective bargaining systems. They took inspiration from reputed good practices. They focused on the features of bargaining processes that made them vulnerable or resilient to crisis. They measured the role that national authorities have played in shaping these systems: they observed from the content of collective agreements that evolved as a consequence of the crisis.

On the 15th and 16th of September, the INLACRS members will share their first findings, with academics, researchers, legal practitioners from Europe and actors involved in collective bargaining practices. They will give the floor to experts from international institutions and from the field, enriching these first findings with their precious testimonies, with the view of completing a further common publication.