



EUROPEAN INDUSTRIAL RELATIONS: COLLECTIVE BARGAINING IN THE EU AND EU MEMBER STATES

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Abstract

The paper will describe the main trends in industrial relations (IR) and its institutions in the EU that currently show a mix of continuity and diversity. The author will pay attention to position of collective actors in industrial relations: trade unions and employers' associations respectively. For each, the main organisational features and representation of members will be emphasized. A key institution in the relation between unions (workers/employees) and employers (firms/public institutions) is the collective labour agreement. The paper states that national industrial relations regimes remain diverse – mainly between the EU-15 and the 12 New Member States, but also within them in different country groupings. The effect of the current financial and economic crisis on industrial relation arrangements is not yet clear. A description of the trends and variations in industrial conflict will be discussed.

The conclusions of the paper will stress that trade unions and employers' organisations were recognised as being major interlocutors for several governments seeking to respond to the crisis. Together with monetary and fiscal stimulus policies, negotiation and consultation involving the social partners have played a significant role in limiting negative social consequences. On the whole, industrial relations in Europe have been vital. In 2010, the Cross- Industry Social Dialogue Committee adopted a joint contribution, that stressed a number of crucial for successful economic recovery objectives: reform of the global financial system, restoring and improving growth dynamics to create more and better jobs, promoting skills and entrepreneurship, revitalising the single market and developing an integrated EU industrial policy among others.

The paper will suggest continuing studies of the financial and economic situation in the EU Member countries in 2011-2012 to analyse the role of social dialogue in critical times for the Europe.

Introduction

Industrial relations in the EU currently show a mix of continuity and diversity [4, 5]. The current socio-economic trends show the existence and practices of industrial relations in not only in private sector management but also in public sector management. For example, tighter



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fiscal discipline has been one of the policy imperatives facing EU Member States governments for about the past decade. The social partners are involved in this process and agreed the need for tighter control of public spending. The fiscal targets set out in the Maastricht process and being under discussion during current EU debt crisis have reinforced financial discipline. Tighter fiscal discipline has a number of implications for industrial relations:

- First, it has led governments' to a focus on greater efficiency and higher productivity in the public services, resulting in reviews of public service pay determination, grading structures, employment contracts and working practices.
- Secondly, it has provided added impetus to new approaches to public management such as the 'strategic management initiative' and devolved administrative budgeting. In stressing the importance of clearer objectives for service delivery, more accountability and flexibility in deploying resources and devolved authority to make management decisions, these new approaches to public management again inevitably cast a spotlight on established industrial relations practices in the public services, health, education and local authorities.

Tendencies towards declining union density in the EU countries, decentralisation of collective bargaining (many scholars consider collective bargaining coverage as being similar to unions membership) and lowering of employee participation level has continued. This can be seen at the levels of bargaining coverage, and a role of many EU governments in IR.

In Europe there has been a general trend of growing trade unionisation of employees since 1930 up to 1980s. The latest annual trade union membership statistics, released by the Trade Union Confederation in 2011, show that union density and collective bargaining coverage have once again fallen. Less than 31% of workers were covered by a collective agreement in 2010, which is down 2% on the 2009 and 5% lower than a decade ago. Over 2010, coverage in the private sector fell from 18% to 17%, and in the public sector from 68% to 64.5% [5]. This means that across both sectors private and public, much less workers/employees are covered by collective bargaining than at any time since the Second World War.

Lowering trend of trade union density rates make policy makers think about organisation not only of trade unions and also how collective agreements are negotiated? Is national, sectoral or company level dominant or is the negotiation process a mixture of all these levels? What will happen to the coverage of collective agreements in the future? Are less or more people covered by collective agreements? Are the above-mentioned trends similar in the all of the EU Member States? Is there any diverging or converging trend towards Europeanization of industrial relations?

An attempt to discuss these questions and to analyse changes in IR with respect to position of collective actors (employers organisations, trade unions and governments in industrial relations in the EU in general, and in Latvia in particularly, is given in the article. The research was based on the results of documentary research and expert interviews on the industrial relations in Latvia. The documentary research analysed data is based on the sources of the OECD, ILO, IMF, Eurostat, the European Foundation for the improving the living and working conditions and the national statistical office of Latvia as well as by the daily newspapers. Semi-structured expert interviews with trade union (employee) and employer representatives in a number of enterprises in the transit sector, public health sector, public transport, education and research sector as well as a number of background discussions on the sectoral and national levels about the industrial relations system were conducted between December 2010 and August 2011.



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1. The Main Trends in Industrial Relations and Its Institutions in the EU

A fundamental element of industrial relations is social dialogue and the key institution in the relation between unions (workers, employees) and employers (firms and public entities) is the collective labour agreement, but still the [5] major actor in industrial relations remain trade unions.

The author would like to pay attention the fact that the European social partners at the European level are organised around three different types of activities:

- *tripartite consultation*, the exchanges between the social partners and the European public authorities;
- *consultation of the social partners*, which covers the activities of the consultative committees and the official consultations;
- *European social dialogue*, the bipartite work of the social partners, whether or not it stems from the official consultations of the Commission are based on Articles 153 and 154 of the Treaty on the functioning of the European Union (TFEU).

In the EU Member States the collaboration between state and social partners is an important connecting link between industrial relations and government policy. It provides the means of attuning collective bargaining to national economic and social policy and, conversely, opens up all aspects of that policy to possible influence by the social partners. Accordingly, two subsystems of social partnership can be differentiated: bipartite consultations and negotiations between the social partners, and tripartite consultation and concerted policy-making between the social partners and the state. Bipartite social partnership encompasses three arenas: 1) the informal practice of negotiations and discussions at cross-sector level; 2) the collective bargaining system, focused on the sectoral level and representing the core institution of bipartite social partnership; Tripartite social partnership relates to all social and economic policy issues which in formal terms fall within the purview of state powers and responsibilities.

The European Union has no powers to harmonise the numerous – and in some cases very different – systems of social protection and employment policies in the Member States. Instead, its role is to coordinate these systems to protect the main principles of the Common Market. The European Social Charter articulates a number of fundamental rights in such areas as collective bargaining, protection from unjustified dismissal, health and safety at work, etc. [1].

It is important to underline that collective bargaining is the process through which the social partners arrive at an agreement that regulates both terms and conditions of employment and labour relations. Collective bargaining plays significant role in labour market governance. A collective bargaining coverage rate is an indicator of the degree to which wages and working conditions are regulated by collective agreements. For example, centralized collective bargaining structures tend to be associated with high coverage rates. In countries, which extend the terms of a collective agreement to enterprises and workers who may not be parties to the agreement coverage rates tends to be higher than in the other.

At the company-level, social dialogue was implemented in the EU by the adoption in 1994 of the European Works Councils Directive revised in 2009 [2] as the result of constructive negotiations on promotion fairer economic development through a collaborative effort to increase productivity and enhance conditions of work.

European integration context influenced development of new forms of partnership at European, national, and company levels. In the European labour movement, the involvement of



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social partners and in particular, trade unions within these institutions, provides the solid basis for the redefinition of trade unions' strategy and identity. One of the major influential factors related to the strategy of trade unions and their collective bargaining is intensified international competition and, currently, domestic economic and financial insecurity. There are, however, some signs of resistance starting to develop within the European labour movement that challenge both the underlying acceptance of neo-liberalism and the strategy of social partnership. These development take the form of a transnational "social movement unionism" that links diverse groups and networks in opposition to neo-liberal concept in the context of growing globalisation.

2. Industrial Relations and Different Approaches in Collective Bargaining

Tendencies towards declining union density in the EU countries, decentralisation of collective bargaining and employee participation continued, the company and public sector enterprise level has become more prominent. Continuity can be seen in the high levels of employer organisation, bargaining coverage, and a role of governments in industrial relations.

A position of collective actors in industrial relations: trade unions and employers' associations reflect the state of the industrial relations.

Examples of the EU Member States reveal differences of the IR that vary among countries. The trend of IR and collective bargaining is still going strong in Scandinavia and in Central Europe- in Belgium. A key reason for this is that collective bargaining in Scandinavia and Belgium, for example, is widely acknowledged in these countries, by many political actors and social dialog partners including centre-right parties and employer groups. The main reason is that collective bargaining according these practices produces significant economic benefits and help industries of these countries to remain competitive. Collective bargaining coverage remains at high levels in these countries, and has increased in recent years at a time when bargaining coverage has fallen elsewhere. [6] As many studies suggested, collective bargaining produces social benefits. The studies also show that economic benefits of the collective bargaining are more complex and often produced mixed results and can negatively affect employment and inflation. At the same time many scholars and international institutions agree 'coordinated' systems of collective bargaining have a more positive impact than 'fragmented' ones. In other words, it is not how many or how few workers are covered by collective agreements, but rather the extent to which bargaining is coordinated, that matters most in assessing whether collective bargaining systems have a positive or negative macroeconomic impact [8].

In this respect it is interesting to follow the position of the OECD in relation to the deregulation of labour market and experience of Scandinavian countries that have coordinated system of 'collective bargaining'. The opinion of the OECD about deregulation of labour market as the best way for countries to reduce unemployment has been changed in 2006 after the experience of Scandinavian countries towards highly coordinated collective bargaining systems and active trade unions. Scandinavian countries produced strong economic performance and jobs growth essentially the opposite of what the OECD had originally suggested to countries [9, 6]. Particularly, in Sweden and also in Denmark- decision-making over collective bargaining is highly centralized. In Sweden Trade Union Confederation, local union activism is



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stronger than in many countries, which has helped Swedish unions maintain high membership density (around 68% according to the latest data [6])

In addition, strong and efficient links between local and national levels helps to coordinate collective bargaining and maintain strength across all levels of union organization.

Similar to Sweden the Danish model of collective bargaining is centralised and highly ‘coordinated’, but this has not led to rigid labour markets or work practices.

For example, a World Bank survey found Denmark to have the most flexible labour market in the world. Coordination between the unions, employers and the state through collective bargaining and other mechanisms has been a key factor enabling very open to international markets Danish economy to adapt to changing external environment. This centralized and ‘coordinated’ system of collective bargaining in Denmark coexists with the ‘flexicurity model’ widely used in the country, which allows relatively easy for employers to hire and fire workers/employees [6]. At the same time a generous system of unemployment benefits and social protections help to reduce the economic burden of unemployment for workers/employees.

Denmark could also survey as an example of negotiations over working time providing information on how collective bargaining is coordinated across the local and national levels. Recently, the national trade unions and employer federations established an agreement to reduce the standard working week from 39 to 37 hours. Greater flexibility over working time arrangements was agreed between managers and unions at the company level in exchange for this reduction. The coordination of bargaining in this manner effectively operates as a form of flexicurity.

One can observe different situation in the New EU Member States, where IR do not represent a significant role in social dialogue or in the collective bargaining. This difference with the Old Member States could be explained by the following: the evolution of trade unions in the New Member countries is rooted in the transformation process from the socialist system to a market economy system and reflects responses to social and political changes that the countries has undergone during its last 20 years of independence. As the result, for example trade unions in Latvia are in transition from the model in which a state plays a dominant role to a model of social partner unionism, and that is in common in other countries that were formerly part of the socialist system or Soviet Union’s trade union system. Decentralisation in 1991 in the Soviet Union left basic trade union organisations that for a while was maintaining the one-workplace-one-union principle. This principle has been changed, but the change did not influence positively the density of trade unions. Trade unions in Latvia remain dominant within the trade union landscape, maintain the same organizing principles, namely branch unions, which adds up to a large measure of continuity. In contrast to unions’ structure, unions’ membership has changed dramatically. For example, trade union membership in Latvia declined dramatically since the early 1990s. Overall, only small number (around 16%) of employees is members of trade unions. Structural transformation of the economic and political system in the country as well as in the organisational changes in the national economy strongly influenced this trend. Despite of the tradition of trade unions activities in the interwar period in Latvia, still following the experience of state socialism, there is a trend of the decline in membership.

Unions and membership in them are often considered as being a part the socialist past, although in that period they were unable to perform their most important tasks – providing collective representation and organising collective actions. At the same time the reasons for trade



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union decline are not only the result of changes in the union environment, one should take into account also the strategic choices made by the unions themselves. In Latvia at the national level, only one union confederation dominates – the Free Trade Union Federation of Latvia (LBAS).

Analysis of recent statistical data shows that the Latvian Free Trade Union Federation currently unites 24 trade unions. The proportion of employees that are members of unions is only 16% (according to the SCB in 2010, only 143,100 people out of an employed labour force of 953,900 were members of trade unions). Membership is higher in some areas of the public services – in general 33%, but in health and social work, and in education systems a membership could reach up to 60%, for example. [10]

The recent economic and financial crisis highlighted an urgent need to develop new policy responses to help provide social stability in the European Union and alleviate social hardship. Although labour markets deteriorated in the EU, unemployment has hit harder some countries than others. It is important to stress, that the countries with most rigid labour market regulations have suffered the sharpest surge in unemployment numbers, indicating this is an important condition that should be considered alongside stimulus programmes. The European Commission Draft Joint Employment Report (JER) 2009/2010 Report [2] reaches the conclusion that socio economic inequalities have increased in Europe. It argues that “a combination of factors (including economic restructuring associated with the move towards a knowledge economy, labour market change and redistributive policies of welfare states) account for these increases in inequality in the last two to three decades.

One of the key issues is the development of effective employment policy at the level of the EU as well as at the level of nation states and to ensure internal flexibility as the core to labour market stabilization.

A constructive social dialogue and decisive responses from all social partners are required to provide synergy between social and economic development, effective employment policy and a safety net for the future. A flexicurity approach [10] was established to conciliate employers' and workers' needs, flexibility and security, by ensuring the worker safe transitions inside the labour market, while maintaining and improving competitiveness of the companies and also preserving the European Social Model. Based on consultations with the Member States, international organisations, social partners and the academic community, the European Commission has suggested “pathways” and “common principles” in order to achieve flexicurity. In the Integrated Guidelines, Member States are asked to promote flexibility combined with employment security – ‘flexicurity’ – and reduce labour market segmentation, having due regard to the role of social analysis and dialogue over choice is the foundation for the flexicurity approach and the introduction of flexicurity principles. The viability of these choices is largely dependent on the willingness and the ability of social partners to engage and define dialogue in setting up national employment policy. Flexicurity comprises activities aimed at promoting labour market flexibility and employment security by mutual interaction. It is necessary to ensure that labour legislation and agreements are sufficiently flexible and correspond to the interests of both parties – the employers and the employees. In the case of necessity, active labour market policy must efficiently facilitate the transfer from one workplace to another or from the status of an unemployed person to employment.

The Spring European Council of 2009 recommends that Latvia enact an integrated flexicurity approach, to intensify efforts to increase labour supply and productivity by



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reinforcing activation measures and enhancing the responsiveness of education and training systems to labour market needs.

To promote implementation of flexicurity principles in Latvia, on May 15, 2009, the Saeima adopted amendments to the Labour Law, which are also related to the flexibility and security in the context of employment relations.

The need to put into practice the aims of the Lisbon Strategy and principles of flexicurity in Latvia requires ensuring effective social dialogue between the Employers' Confederation of Latvia, the Free Trade Union Federation and the government. Development of such a trend still is not included in national programmes on a large scale and does not have strong government support. Several measures have been implemented in recent years for the improvement of the social dialogue, both on the national and local levels. For example, with the help of European Social Fund financing, the social partners involved in employment partnership, include the Employers' Confederation of Latvia and the Free Trade Union Federation of Latvia, local governments and the Latvian Association of Local and Regional Governments. This partnership ensures social dialogue at the local and regional level and increases participation opportunities of social partners in the decision-making process and provision of public services. In addition, the partnership facilitates quality improvement of public services provided by non-governmental organisations.

A constructive social dialogue and decisive response from all social partners are required to provide synergies between social and economic development, effective employment policy and a safety net for the future.

Industrial relations in Latvia, for example, even before the recent economic crisis of 2008 were already highly individualised and dominated by employers.

However, the role of trade unions is more evident in the public sector and in social dialogues at national level.

In Latvia, collective wage bargaining is not a rule, but rather an exception. Similar to the other EU member States that joined the EU in the last decade, the disparity between the high level of labour legislation and the de facto liberal labour relations at the workplace also applied to Latvia.

In Latvia, the new Labour Law in Latvia is in force since 1 June 2002. The Law provides that trade unions may be formed on the basis of professional, branch, territorial or other principles. Employers shall also be entitled to form associations. The most widespread patterns in practice are the branch, undertaking and professional trade unions. The Law insures the right to join a union or also not joining or withdrawing from a union (so-called negative right). According to the Law, collective agreements and other types of agreements shall govern property and financial relations between trade unions and the employer. In most cases the relations of a trade union and employer are regulated by collective agreements.

As a result of the labour law reform a new framework for national consultation was established. The status of a social partner and social dialogue has regulated by the law "On Employers' Organisations and their Associations" (29 April 1999), and the law "On Collective Labour Agreements" (26 March 1999). These legal documents are in line with EU principles on social dialogue and social partnerships. In addition, the trilateral consultation mechanism between government representatives, the largest employers' and trade union organisations – the Latvian Employers' Confederation and the Free Trade Union Federation



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of Latvia was launched. The National Tripartite Co-operation Council and its institutions – the Sub-council for Vocational Education and Employment, the Sub-council for Labour Matters, and the Social Insurance Sub-council aimed at promoting cooperation between the social partners at national level. This institutionalization of the social dialogue helps to find a framework for agreements between all social partners in solving social and economic problems. Such framework also increases responsibility of social partners in decision-making process. Starting from 1996, the Free Trade Union Federation of Latvia and the Latvian Employers' Confederation are obliged to annually sign a bilateral social partnership agreement. The agreement allows both institutions to agree, for example, on the conditions related to level of the minimum salary level.

3. The Effect of the Current Financial and Economic Crisis on Industrial Relation in the EU

The effect of the current financial and economic crisis on industrial relation in the EU arrangements are not yet clear. Most of the European Union Member States were seriously affected by the economic, financial and social crises of 2008-2009, consequences of which continue to be felt in particular in the social area. The socio-economic situation experienced serious negative changes that threaten social cohesion in Europe. The European Commission Joint Employment Report 2009/2010 to the Council calls for measures to be taken to ensure social stability in the EU. Despite signs of economic recovery in the EU, employment prospects remain unfavourable.

Some of the EU Member States have been hit more seriously than the others. Latvia, after having the fastest GDP growth in the EU during 2004-2007, (2004 – 10.4%; 2006 – 11.9%; 2007 – 10.2% respectively experienced severe economic downturn severely affected the growth tendency in 2008. [10]

The reasons for the earlier unusual economic growth were largely due to substantial inflow of foreign capital, which stimulated domestic demand based on easy credit conditions and an expansionary fiscal stance. The economic crisis originated in the reversal of the domestic real estate boom and worsened rapidly when risk aversion became extreme on global financial markets. In 2009, GDP had fallen by 18.7%. According to the Ministry of Economy at the end of the 2010 Latvia managed to overcome the recession, and in 2011 a slow recovery started.

The economic downturn in Latvia was accompanied by raising unemployment with the labour market significantly deteriorating since the end of 2008. The lowest point was reached in the first quarter of 2010 when the employment rate shrank to 57.7% (population aged 15-64 years), and the unemployment rate of population aged 15-74 increased to 20.4%. The decreases of the employment rate as well as the decrease in the level of wages due to economic recession are the main push factors for out-migration of the labour force creating dangerous structural problems in the Latvian economy. The outflows of labour and especially of high skilled professionals negatively influence the potential for economic recovery and sustainability of the welfare system.

Significant budget consolidation measures have been taken to implement the cumulative fiscal adjustment in 2009-2010 in the amount of 10.5% of GDP. The government reduced



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public spending and budget deficit by 500 M LVL (EUR 711.4 M), in 2009 and by LVL 250 M (EUR 355.7 M); in 2010 [10] Additional cuts to public spending were taken in 2011. This trend increased the number of unemployed people and the subsequent reduction in demand.

As the result, trade unions have found it more difficult to maintain collective agreements in a more internationally competitive economic environment, it is clear that changes in employment law are a key factor explaining the declining levels of coverage and has in fact increased in recent years at a time when bargaining coverage has fallen elsewhere.

Another trend related to the crisis is the high loss of trade unions members due to redundancies, a serious decrease in collective agreements, and the comparative lack of success of public protest against austerity measures. What most trouble interviewed trade union representatives were the large number of membership cancellations due to redundancies, leading to a loss of bargaining power, resources and representatives. In comparison to its counterparts, trade unions in Latvia are hit harder by mass redundancies due to the following factors:

- collective redundancies due to the global collapse in demand took place primarily in the sectors in which trade unions are traditionally strong, i.e. manufacturing, transportation, communication;
- There is a unique practice in Latvia of employing pensioners with a ‘double’ income. When this group of employees, over-represented in the trade unions, became the first to be laid off at the beginning of the crisis, membership of company trade unions decline disproportionately.

According to the EU Lisbon Strategy “Europe 2020”, the aim should be to reach an employment level of 75% for the 20 to 64 age group; currently in Latvia this percentage is only around 58%. A gradual decrease of unemployment started only in 2011.

At the time when Latvia is slowly recovering from economic recession, and in particular, from a fall in production and unemployment, a swift and decisive response by the government is essential.

The Latvian government has determined certain activities to pursue strict and stable monetary policy and to stabilize state’s financial system. Nevertheless, it would be particularly important to coordinate financial system support measures with active labour market policies, in order to mitigate structural long-term unemployment and to avoid social tensions. The following consequences are taking place as the result of the current economic downturn and following recession:

- change in the balance of bargaining power in favour of employers;
- further weakening of trade unions due to losses in membership, as the result leading to decreased representativeness;
- capacity of trade unions’ to represent employee interests, influence changes in labour legislation, to ensure constructive social dialogue and to strengthen social- democratic policies in Latvia.

There is a possible development of social unrest related to the economic recession. The deteriorating labour market requires strategic actions.



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Conclusion

The trade unions and employers' organisations are recognised as being major interlocutors for several governments seeking to respond to the crisis. Together with monetary and fiscal stimulus policies, negotiation and consultation involving the social partners have played a significant role in limiting negative social consequences. On the whole, industrial relations in Europe have been vital. In 2010, the Cross-Industry Social Dialogue Committee adopted a joint contribution, that stressed a number of crucial for successful economic recovery objectives: reform of the global financial system, restoring and improving growth dynamics to create more and better jobs, promoting skills and entrepreneurship, revitalising the single market and developing an integrated EU industrial policy among others.

Currently trade unions have found it more difficult to maintain collective agreements in a more internationally competitive economic environment, it is clear that changes in employment law are a key factor explaining the declining levels of coverage and has in fact increased in recent years at a time when bargaining coverage has fallen elsewhere.

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