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Social dialogue in the education sector – The continuing challenge
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I. Introduction

1. The ILO/UNESCO Recommendation concerning the Status of Teachers, 1966, and the Recommendation concerning the Status of Higher-Education Teaching Personnel, 1997, contain a number of reference points for governments, public and private sector employers and teachers' organizations concerning the practice of social dialogue.
2. The ILO/UNESCO Recommendation concerning the Status of Teachers, 1966, states:
 - Both salaries and working conditions for teachers should be determined through the process of negotiation between teachers' organizations and the employers of teachers.
 - Statutory or voluntary machinery should be established whereby the right of teachers to negotiate through their organizations with their employers, either public or private, is assured.
 - Appropriate joint machinery should be set up to deal with the settlement of disputes between the teachers and their employers arising out of terms and conditions of employment. If the means and procedures established for these purposes should be exhausted or if there should be a breakdown in negotiations between the parties, teachers' organizations should have the right to take such other steps as are normally open to other organizations in the defence of their legitimate interests.¹
3. The Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART) has defined "social dialogue" as "all forms of information sharing, consultation and negotiation between educational authorities, public and private, and teachers and their democratically elected representatives in teachers' organizations".² Collective bargaining is the strongest form of social dialogue, contributes to fair working conditions and other benefits and is a foundation for quality education services.³
4. The tripartite ILO Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service recently reaffirmed the importance of collective bargaining and social dialogue. In the points of consensus, it agreed that:

Collective bargaining should be carried out in a wider context of fostering and maintaining quality public services. It should aim to deal not only with technical conditions of work, but also to strive to create conditions that allow public service workers to carry out their duties in a motivated and efficient manner. Collective bargaining can also foster continuous dialogue that allows the public service to anticipate challenges. It can usefully set out areas of

¹ The ILO/UNESCO Recommendation concerning the Status of Teachers, 1966, paras 82–84.

² ILO and UNESCO, Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (2009), *Report Tenth Session, 28 September–2 October 2009* (Paris, UNESCO, 2010), p. 17.

³ European Industrial Relations Observatory Online (EIRO) has provided the following definition: "Collective bargaining in the genuine sense implies joint regulation of employment terms following negotiations between parties with equal bargaining rights. From a legal perspective, genuine collective bargaining means that the law on collective bargaining which applies to the private sector also applies to the public sector." In EurWORK (2011): *Representativeness of the European social partner organisations: Education*. Available at: http://www.eurofound.europa.eu/eiro/studies/tn1001017s/tn1001017s_1.htm. Accessed 21 Nov. 2012.

agreement and identify areas where consensus is not yet possible, with a view to addressing such issues in the future.⁴

5. The following paper draws on the 2013 Education International *Study on trends in freedom of association and collective bargaining in the education sector since the financial crisis*⁵ and available updated information, to provide an overview of some trends in social dialogue in education in selected countries since 2008. It does not attempt to provide a global overview of trends. However, it does include a range of case studies to examine how social dialogue has worked in practice in recent years and how it has been used to address education reform or issues emanating from the financial crisis. It concludes with a set of recommendations on how to strengthen social dialogue institutions, which have been developed in consultation with key partners and proposes some appropriate training programmes in social dialogue and consensus-building negotiation techniques.

II. Global trends in social dialogue

6. The ILO General Survey (2013) concludes:

In recent decades the adoption (and ratification by a large number of States) of Conventions Nos 151 and 154 has led to a common understanding in the international community that terms and conditions of employment in the public service cannot be determined unilaterally, and that an adequate framework for doing so must include full participation of public employees' trade unions. As part of this trend, a global tendency may be observed towards widespread bipartite consultation and a marked expansion in the right to bargain collectively on terms and conditions of employment in the public administration in Europe and Latin America, a large number of African countries and a number of countries in Asia and Oceania.⁶

7. Social dialogue mechanisms in the public sector are invariably linked to government and political perceptions of the role of the State in the delivery of services. Following the financial crisis, which particularly impacted the developed world, the response of governments, in very broad terms, has been to support stimulus investments or to take fiscal austerity measures; in the case of the latter, sometimes imposed by the terms of the financial rescue packages. Generally speaking, the stimulus packages have not focused on investment in teachers and education, but rather infrastructure and job creation in the private sector. On the other hand, the fiscal austerity measures have resulted in often severe reductions in public expenditure, affecting all public sector employees. In particular, in countries where caps on local authority expenditure have been introduced, education budgets are very exposed as they make up such a large proportion of local government expenditure. While some governments have used social dialogue mechanisms to approach public expenditure reduction, many have preferred to use legal interventions and executive decrees. In some cases, responsibility for determining working conditions has been devolved to municipal level. Furthermore, the increasing trend to privatize

⁴ ILO: *Global Dialogue Forum on Challenges to Collective Bargaining in the Public Service: Points of Consensus*, GDFPS/2014/9, Geneva, 2–3 April 2014 (Geneva, ILO, 2014), para. 3.

⁵ N. Wintour: *Study on trends in freedom of association and collective bargaining in the education sector since the financial crisis 2008–2013* (Brussels, Education International, 2013).

⁶ ILO: *Collective bargaining in the public sector: A way forward. General Survey concerning labour relations and collective bargaining in the public sector. Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1B)* (Geneva, ILO, 2013), para. 581.

education, whether by the introduction of free schools, charter schools or devolving state schools onto religious organizations, has often undermined national social dialogue mechanisms and led to increasing disparities in teaching qualification requirements and working conditions without an overall regulation and a multiplicity of employers. In many countries as well, there is an increasing tendency to employ teachers on a contract basis, without security of tenure.

III. Examples from Europe

8. At EU level, a European sectoral social dialogue in education (ESSDE) was established in 2010. The European Federation of Education Employers (EFEE) only has members in 18 countries, compared to its counterpart, the European Trade Union Committee for Education (ETUCE), which has members in all EU countries. The sectoral social dialogue has agreed a number of joint texts, focusing on investment in education, lifelong learning, third-party violence and harassment in schools, recruitment and retention.⁷ However, there have been no binding agreements which could lead to legislative initiatives.
9. In the Nordic countries, generally speaking, social dialogue and collective bargaining are well-established and respected industrial relations traditions.⁸ During the severe financial and economic crisis, social dialogue in Iceland worked particularly well.⁹ The Government and unions were able to agree on a package of measures, known as the stability agreement, which formed the basis for negotiations in all economic sectors. In that way, there was a sense of shared responsibility and greater ownership of the measures needed to face a very difficult situation. While the Government never imposed a formal wage freeze, wage movements were very static. Now the stability agreement is no longer needed and there has been industrial action in 2014 as a result of a dispute over wage increases and working conditions.
10. In *Denmark*, however, despite the long tradition of collective bargaining and social dialogue, with a negotiated labour market, the Danish Union of Teachers (DLF – *Danmarks Lærerforening*) and the National Union of Upper Secondary School Teachers (GL – *Gymnasieskolernes Lærerforening*) noted a radical departure from the past trends in the negotiating round which started in late 2012 for the new 2014 collective agreement.¹⁰
11. In 2012, the Danish Government proposed to increase the school day and, in a break with tradition, whereby working conditions are determined by bargaining, the financing of this reform required increasing teachers' working time. In the collective bargaining negotiations, the Local Government Denmark (LGDK – an association of Danish municipalities) made school principal discretion on allocating working time a non-negotiable issue, putting an end to the previously agreed ceiling on how many classroom hours a week a teacher can be assigned. The LGDK then gave notice of a lockout and attempts to reach a compromise in the Conciliation Board were not successful. The lockout took place from 1 April 2013, and the Government intervened by presenting a law to

⁷ For more information on the European social dialogue in education, see: <http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1822>, accessed 22 Sep. 2015.

⁸ ILO/UNESCO (2010), op. cit., p. 17.

⁹ Interview with Haldis Holst, Deputy General Secretary, Education International, 16 July 2014.

¹⁰ Wintour, op. cit., pp. 75–83.

Parliament, based on the LGDK position, without consulting any teachers' unions. The Law was adopted using urgent measures procedures on 25 April.

12. The DLF and GL consider that the “conflict was the expression of a previously unknown style of top-down management of the public sector, with government and parliament backing non-negotiable employer demands ... and a break with a public administration policy where social dialogue – including genuine collective bargaining – has been used as a tool for an effective development of public services. ... New challenges are emerging for collective bargaining in Denmark, especially in the public sector”.¹¹ Furthermore, the Danish lockout immediately resulted in public sector employers in Iceland and Norway seeking to review working-time agreements.
13. In *Norway*, basic agreements define the social dialogue, how and when meetings take place, and which topics the union has the right to be informed about, the topics on which there will be consultation and on which there is the right to bargain. There are thus clear rules and procedures, which both parties can rely on. However, the model of social dialogue was established when teachers were employed as civil servants and education policy was implemented at central level. With decentralization and municipalization, the connection between policy-making and the terms of employment of teachers has been lost. So Parliament can adopt an education policy and the public sector employers can say they were not involved in the decision. One recent example refers to the introduction of an induction year for newly qualified teachers, which was adopted by Parliament. However, its implementation in practice, and its impact on school timetables if a new teacher is being trained by a mentor, must be decided by the employers, who have so far refused to include this as part of the collective agreement.
14. In other parts of Europe, the situation varies widely. In the *United Kingdom*, collective bargaining in both the public and private sectors is basically a voluntary system. The UK education system is devolved into three separate education authorities: Scotland, Northern Ireland, and England and Wales. Since 1987, in England, collective bargaining on teachers' pay and conditions has not existed. The School Teachers' Pay and Conditions Act 1991 gave the responsibility to the Secretary of State for Education and the School Teachers' Review Body (STRB) is a consultative body. The School Teachers' Pay and Conditions Document is updated annually following advice, which can be accepted or rejected, from the STRB. A national collective agreement covers other terms and conditions, such as leave allowances, including collective dispute procedures which allow for conciliation only and facilities for trade union representatives.
15. The recent form of state-funded independent schools, called academies or free schools, operate in England, and can fix their own terms of employment. This new environment, with a multiplicity of employers, without an overall structure for bargaining, has created new issues. While many of these new schools apply the School Teachers Pay and Conditions Document and national collective agreement regulations, there are increasing disparities in working conditions. The Government has also introduced plans to reform the national teaching pay structure and replace the existing system of incremental progression with a system of performance-related pay.
16. In Scotland, in contrast, the machinery for collective bargaining has remained relatively stable. The Scottish Negotiating Committee for Teachers (SNCT) includes the teachers' unions, the Scottish Government and the Convention of Scottish Local Authorities (COSLA). Established in 2001, it is the principal means by which negotiations and

¹¹ *idem*.

consultations are undertaken. It issues a National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals.

17. In a number of European Union countries, particularly in southern Europe, following the financial crisis, relatively well-established social dialogue institutions have been seriously weakened. For example, in *Greece*, which is facing an unprecedented austerity programme imposed as part of the bailout conditions drawn up by the Troika (International Monetary Fund (IMF), European Commission and the European Central Bank) social dialogue institutions have been severely undermined. Greece ratified the Collective Bargaining Convention, 1981 (No. 154), in 1996 and then adopted Law No. 2738 in 1999 which introduced the right to collective bargaining in public administration for the first time. Although it had been possible to establish collective agreements in some government entities, the Ministry of Education had not done so. While salaries were never included as issues subject to negotiation and instead were regulated by ministerial decree, there was informal consultation with the unions.
18. However, since 2008, and even before the first agreement with the Troika, a series of statutory interventions imposed wage reductions. For example, Law No. 3833/2010 on the “Protection of the national economy – Emergency measures to tackle the fiscal crisis” imposed major reductions in wages for all public employees, imposed a freeze on recruitment and cancelled collective agreement clauses and prohibited negotiations on wage increases. Law No. 3845/2010 further reduced wages in the public sector. Subsequent measures included the imposition of a freeze on career advancement premiums and the imposition of a “labour reserve” with workers paid 60 per cent of their salary. Law 4024/2011 introduced a new pay scale for the public sector and a new performance evaluation system.
19. The Greek Federation of Secondary Education State School Teachers (OLME) has outlined the major impact of the financial crisis for teachers as follows:
 - wage cuts in some instances of up to 45 per cent for teachers;
 - imposition of a subjective performance evaluation system;
 - continuous pension reduction for all workers, and increase in age of retirement;
 - reduction in public expenditure on education of 33 per cent (2009–13);
 - further reductions planned amounting to 19.2 per cent (2013–16).¹²
20. Since 2010, the ILO Committee of Experts and the Committee on Freedom of Association has examined the legislative reforms in Greece on the basis of a complaint against the Greek Government for violations of ILO Conventions Nos 87 and 98. In its report of the November 2012 meeting, the Committee on Freedom of Association further examined the case and called for “the social partners be fully involved in the determination of any further alterations within the framework of the agreements with the European Commission, the IMF and the European Central Bank that touched upon matters core to the human rights of

¹² T. Kotsifakis, *The Consequences of the Government-EU-IMF Policies on labour and education in Greece* (Athens, OLME, 2012).

freedom of association and collective bargaining which are fundamental to the very basis of democracy and social peace”.¹³

21. In *Spain*, public sector teachers are covered by the provisions of the Basic Statute of Public Employees (EBEP), adopted in 2007. It established the right of all public sector workers, whether civil servants or public employees, to negotiate collectively and to participate in the determination of working conditions. The EBEP established that negotiations take place at both general and sectoral level at the three administrative levels: national, autonomous community (regional) and local levels.
22. However, since the economic crisis, and since the constitutional reforms of 2011 and the election of a new government, there have been major changes in social dialogue institutions and a series of reforms designed to deregulate labour relations, in both the public and private sectors. The different negotiation committees (*mesas*) at general and sectoral level have not been convened since 2010. The Government has invoked article 38.10 of the EBEP, which provides for the breach of agreements in exceptional and serious situations of public interest. Public expenditure reductions and reforms in the public sector have been introduced by Royal Decree Laws (RDLs), through, for example:
 - RDL 8/2010 – Extraordinary measures to reduce the public deficit;
 - RDL 20/2011 – Extraordinary budgetary, fiscal and financial measures;
 - RDL 14/2012 – Urgent measures to rationalize public expenditure in the education sector.
23. There have also been a series of general labour reforms. RDL/20/2011 allows for the unilateral suspension or modification of a collective contract in part or in its entirety without any prior consultation with workers’ representatives and without any prior procedures before any autonomous conflict resolution body or tripartite body. It is only necessary to inform the concerned trade unions. RDL 3/2012 allows for the revocation of an existing collective contract if negotiations for the renewal continue for more than two years, in which case the sectoral collective contract will apply or, in its absence, the provisions of the Workers’ Statute. The unions are therefore under pressure to conclude a new collective agreement and the employers to delay. The Government has also limited the numbers of union officials entitled to paid leave. In the case of education, over a two-year period, the numbers have been reduced by two-thirds.
24. In Eastern Europe, in some countries, social dialogue mechanisms for the education sector have been weakened, partly as a consequence of a trend towards the privatization of education. For example, in *Hungary*, a new Labour Code was introduced in 2012, which weakened existing tripartite social dialogue structures. The National Interest Reconciliation Council (OÉT), which was established in 1988, was replaced by the National Economic and Social Council (NGTT), which will no longer have decision-making powers. The Government has also sought to introduce a right to dismiss public employees without cause and carry out mass redundancies, although this was blocked by the Constitutional Court.¹⁴ Since 2010, the Government has allowed local authorities to

¹³ Report of the ILO Committee on Freedom of Association (2012). Greece: Case No. 2820, complaint first submitted on 21 October 2010. Report No. 365, para. 1002.

¹⁴ Gerő, M. and Rindt, Z. (2011). Extension of governmental power in Hungary, 8 July 2011 HU1012011 EurWORK. Available at: <http://www.eurofound.europa.eu/eiro/2010/12/articles/hu1012011i.htm>. Accessed 20 Jan. 2014.

transfer schools to churches, while no longer requiring that the State provide 50 per cent of the funds. A new law on public education was adopted in 2012, together with a new system of local government. Teachers will be separated from other public employees and there will be a new salary scale and career progression. Under the supervision of the Ministry of Human Resources, the Klebelsberg Institute will become the employer of the teaching workforce and there will be new school management systems. The unions consider there has been insufficient consultation and planning prior to the introduction of these reforms.¹⁵

Case study: Social dialogue in the education sector in Poland¹⁶

25. The Education System Act of 1991, and subsequent legislation, regulates education and provides for the functioning of private schools for the first time. Education responsibilities are divided between the three levels of territorial government and are financed within the framework of a general subsidy from the state budget.
26. Teachers in public education are appointed as public employees under the terms of the Teachers' Charter 1982. It regulates teachers' qualifications and promotions, working conditions, remuneration and training, health care and pensions and disciplinary measures. The Charter guarantees a maximum of 18 teaching hours per week and a minimum wage for each category of teacher. The Higher Education Act (2005) covers tertiary-level lecturers and university staff. NSZZ Solidarność and the Polish Teachers' Union (ZNP) represent teachers at the tertiary level. The administrative and technical staff are covered by collective agreements negotiated at local level.
27. Teachers have the right to form and join trade unions and are covered by the provisions of the 1991 Trade Union Act. In practice there are three main trade union federations, which all have education sections or a specific union for teachers.
28. Social dialogue institutions are well established in Poland. Through their respective federations, the teachers take part in the Tripartite Commission for Social and Economic Affairs, which is the primary institution dealing with social dialogue. Its aim, among other things, is to participate in the preparation of the Budgetary Act and present proposals on levels of remunerations in the national economy, including public and private sectors, as well as the minimum wage and pension contributions for the national insurance system.
29. The annual Budgetary Act determines the total amount available for teachers' salaries. The Ministry of Education then issues a regulation which determines the increase in the basic minimum wage for teachers. The draft of this regulation, in particular the table containing the salary rates for the different teachers' grades, is negotiated between the Ministry and trade unions.
30. Nearly all Polish teachers have a university diploma (97 per cent have a BA and 92 per cent have an MA). Trade unions have highlighted the low levels of salaries for teachers and the need to adjust pay to match other starting salaries in comparable professions. The unions were able to reach a major agreement with the Ministry of National Education concerning a wage guarantee scheme, which was finalized in 2009. A national report

¹⁵ Report from the Trade Union of Teachers (PSZ), dated 4 Feb. 2013.

¹⁶ Grateful acknowledgements to Dorota Obidniak, ZNP, and Monica Konczyk, KSO I W NSZZ, who provided valuable information and comment on this case study.

calculates the average salary of a teacher including allowances in each category, and teachers who are found to have less than the average salary in each category are compensated. This new system was considered a major victory for the trade unions. However, since 2013, there have been no wage increases and there has been a substantial loss in purchasing power parity for the teaching profession as a whole.

31. The role of trade unions is described as advocating for fair wages and working conditions for Polish teachers and “to co-create and express opinions on all education documents and bills.”¹⁷ Under the terms of the Teachers’ Charter, it is obligatory for the Ministry of Education to consult the unions about all educational policies and curriculum reform proposals. Unions participate regularly in meetings and working groups with the Ministry of Education and the union executive board is invited to give opinions to parliamentary commissions on any proposed education reforms.
32. Other terms and conditions are determined at local level, either districts or communes depending on the type of school, following consultation with the unions. There are some exceptions, such as medical schools. The unions are also consulted on proposed regulations and organizational plans, including staffing levels and working hours, and take part in committees which decide teachers’ promotions and the competitive commission for school managers, as well as decisions concerning school closures.

The limits of social dialogue: The view of SKOiW Solidarność

33. In January 2013, the Ministry of Education informed the unions of its initial proposals to introduce reforms to the Teachers’ Charter. SKOiW Solidarność submitted a substantive opinion to the Ministry, and presented its views to the Parliamentary Commission on Education, Science and Youth and the Commission of Local Government and Regional Policy. In June, SKOiW Solidarność held an extraordinary meeting of its council (SKOiW) to adopt a set of demands for presentation to the Ministry. There were a number of union concerns: there was no real social dialogue, as the Government was not taking into account the opinions of the unions; the Government was underfunding education; and, by privatization, the State was divesting itself of the responsibility to provide quality public education; and many of the proposed curriculum changes were harmful.
34. At the end of September 2013, the unions received the draft of the reforms to the Teachers’ Charter and the draft bill on the Law of the Education System. In October, the unions again submitted their opinion on the proposals to the Ministry and met with the Parliamentary Commission. The union also sent a letter to the new Minister of Education, recalling the principles of social dialogue and the obligation of the Ministry to hold a real social dialogue on any proposed education reforms. In November, SKOiW Solidarność launched a campaign calling on teachers to write to MPs about the proposed reforms to the Teachers’ Charter and failing schools.
35. In 2014, the unions have continued to participate in all parliamentary commissions concerning education and are a member of a special ministerial group to review reforms to vocational education and training. On salaries, however, no agreement has been reached, and there have been no salary increases since 2012 despite high inflation.

¹⁷ Kończyk, M. (2014). “Social dialogue in education”, National Section of Education, NSZZ Solidarność Powerpoint presentation, June 2014.

IV. Examples in Africa

36. In Africa, social dialogue mechanisms vary widely. In some countries, there are legislative restrictions on freedom of association, which effectively undermine the practice of social dialogue and collective bargaining. However, in a number of countries there have been industrial relations reforms which have established, in law at least, new negotiating mechanisms for the public sector.
37. Moreover, in many countries, salary levels for teachers remain extremely low and the entry-level salary can be insufficient for a single person's basic subsistence. In many cases, the unions have only been able to negotiate salary increases after threatening or taking industrial action, and, even when agreements are reached, there are often delays or obstacles in implementing them. The practice of recruiting untrained teachers or volunteer teachers also undermines the public employee status of teachers as defined by the various teachers' statutes or public service acts.
38. Unions have increasingly formed part of wider civil society coalitions for quality education, campaigned for greater transparency in the budgetary process, mobilized public opinion and petitioned parliaments to ensure adequate overall budgets for education and other public services.
39. In *Uganda*, in 2008, the Public Service Act and the Public Negotiation and Disputes Settlement Act were adopted. The latter provides for the establishment of the National Consultative and Negotiation Council with the mandate to consult, dialogue and negotiate terms and conditions of employment. However, it has taken a number of years to constitute the Council, which held its first meeting in August 2012. The teachers' union, the Uganda National Teachers' Union (UNATU), has two members on the Council.
40. In *Senegal*, the National Charter on Social Dialogue was signed by the Government and social partners, including representatives of the informal economy in 2002. It was a visionary attempt to establish a sound basis for social dialogue in the country. For various reasons, including the fragmentation of the trade union movement and lack of resources for the various mechanisms it established, its implementation has not fulfilled expectations. As part of the mechanism of national dialogue, sectoral social dialogue committees were formed, and required to meet at least twice a year and produce an annual report. In practice, the National Social Dialogue for the Education and Training Sector (CDS/SEF) has only met intermittently and not made progress. The trade unions consider it is only convened in times of crisis and not to anticipate or prevent conflicts.

Case study: Social dialogue in the education sector in Ghana

41. Teachers in the public sector are civil servants and under the 2003 Labour Act, are allowed to form and join unions and to take strike action. The ILO has requested amendments to the Labour Act, concerning certain exclusions, including prohibition of workers in managerial or decision-making positions from joining unions and the broad definition of essential services where strikes are prohibited.¹⁸

¹⁸ ILO, Committee of Experts on the Application of Conventions and Recommendations, observation on Ghana and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted 2011, published 101st Session of the International Labour Conference (2012).

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42. The Public Services Commission Act of 1994 established the Public Services Joint Standing Negotiating Committee, which exists today although it is now regulated under the provisions of the new Labour Act.
43. The Labour Act 2003 regulates trade union recognition for collective bargaining and requires that the chief labour officer issues a bargaining certificate to the most representative union. The ILO has questioned the discretionary nature of this authority.¹⁹
44. The Ghana National Association of Teachers (GNAT) was issued with a collective bargaining certificate in 2006, which was subsequently extended to include the National Association of Graduate Teachers (NAGRAT). In 2007, a joint standing negotiating team was formed, with GNAT and NAGRAT, to negotiate salaries and conditions of service in the public education sector. The right to strike, granted under the Labour Act 2003, has considerably strengthened the position of the teachers' unions.
45. The National Labour Commission was also established under the Labour Act 2003 to facilitate and settle industrial disputes using dialogue. Its mandate includes all workers, with the exception of the armed forces, police and prison services and custom and excise services. The Government of Ghana ratified the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), in June 2011, an indication of its intention to promote social dialogue at all levels.
46. The Fair Wages and Salaries Commission (FWSC) was set up by a parliamentary Act in 2007 and is responsible for public service pay policy. It was mandated to undertake a public sector-wide job evaluation in order to transfer public sector workers onto a Single Spine Salary Structure (SSSS).²⁰ The FWSC is also responsible for the coordination of the public sector collective bargaining processes and to "develop a mechanism within the public service salary system to attract and retain critical skill".²¹
47. The new SSSS comprises 25 grades and its aim was not only to enhance the level of transparency and objectivity in salary administration but also to ensure that the public sector was a profession of choice through including market or retention premium. The transfer of public sector workers onto the SSSS took place from 2010.
48. In 2010, a public sector joint standing negotiation team was established, for public sector employers and unions, which is responsible for negotiating the base annual pay increments on the SSSS. Considerable background research is carried out prior to the annual meeting, which is generally efficient and agreement can be reached quite easily. However, allowances, which form a substantial proportion of salary packets in the public sector, are not included in these negotiations.
49. While the SSSS has resulted in increases in public service pay, there have been inconsistencies in the application of professional allowances and the FWSC has resulted in a considerable confusion about where responsibility for negotiations lies.²² By law, the

¹⁹ *idem*.

²⁰ Fair Wages and Salaries Commission Act, 2007, Act No. 737, www.fairwages.gov.gh, accessed 18 Dec. 2012.

²¹ *idem*.

²² Interview with Christian Addai-Poku, National President, National Association of Graduate Teachers (NAGRAT), 15 Aug. 2014.

FWSC should be responsible for negotiating any issue which has monetary implications for the public sector, which is over 70 per cent of the clauses of any collective agreement.

50. The collective agreement for public sector teachers covers a three-year period and includes a “wage opener” clause whereby wages can be renegotiated annually. The last collective agreement expired in November 2011, and it has been very lengthy and difficult even to agree on procedures for negotiations. The agreements for vocational and technical education, higher education and non-teaching staff have also expired. In 2013, the teachers’ unions (GNAT, NAGRAT and the Coalition of Concerned Teachers) took strike action in order to reach agreement on the need to negotiate new proposals for the collective agreement as the Fair Wages and Salaries Commission had questioned the legal status of the Ghana Education Service (GES) management to negotiate – although the National Labour Commission had directed the GES to do so.
51. One of the core issues is the limited resources available to the FWSC, particularly specialized human resources, given its extensive mandate and the need to negotiate with over 30 public sector unions. The unions’ perception is that negotiations were more streamlined prior to the formation of the FWSC.²³

V. Examples in Asia/Pacific

52. In *Australia*, teachers in public education are typically engaged as state-level employees and most collective bargaining is conducted at state level. There are common terms and conditions for the public sector and a series of Enterprise Bargaining Agreements (EBA), signed normally between the Australian Education Union State-level Branch and the Education and Training Directorate (ETD). At tertiary level, the EBAs are signed between the university management and the National Tertiary Education Union, although the union draws up a set of national claims, which are then adapted at local level. The standard EBAs for public schools cover types of employment, selection and advancement, hours of work, pay and classifications, professional development, teaching loads and classroom hours, workload management, workforce planning, dispute and appeals procedures, facilities for unions, redundancy procedures, leave entitlements and allowances. The standard EBAs now include provision for setting up school or training institute consultation committees. These committees meet as required and are charged with reviewing the long-term planning and operations of the school, including class size and working-hour arrangements.
53. In the private sector there is a state-level agreement, which provides a set of minimum conditions and the Independent Education Union of Australia (IEU) negotiates with individual employers to sign an enterprise or certified agreement.

Australia Education Union (AEU) industrial relations principles *

The AEU has adopted a set of industrial relations principles, which receive widespread management support at policy level:

The parties commit to the following industrial relations principles:

- (1) cooperative and consultative relationships between management, employees and the union;
- (2) management, employee and union relationships based on mutual respect, trust and preparedness to consider alternative viewpoints;
- (3) negotiations involving a mutual problem solving approach focusing on long-term gains for all parties;

²³ idem.

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| <p>(4) to work within a progressive industrial relations culture to create a system of highly effective schools with effective workplace practices;</p> <p>(5) recognition of an appropriate role for workplace representatives.</p> <p>* These provisions are currently provided, for example, in the Victorian Government Schools Agreement 2013 (cl. 11). Available at: https://www.fwc.gov.au/documents/documents/agreements/fwa/AE402151.pdf. Accessed 15 Sep. 2014.</p> |
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54. However, there are significant variations upon the content of EBAs from state to state. Moreover, in recent years, the national Government and some states have sought to limit collective bargaining and the role of unions in the broader social sphere. There have been a series of legislative interventions to this effect:

- restrictions on the range of subjects for bargaining to only those matters which directly relate to the employment relationship (for example Commonwealth Government);
- elimination of contract clauses related to security of employment or staffing levels (for example Queensland state government);
- restrictions on unions' right of entry to workplaces (for example Commonwealth, Queensland state government);
- imposition of wage caps or freezes (for example Tasmania, New South Wales).²⁴

55. In Asia/Pacific, outside the Organisation for Economic Co-operation and Development (OECD) countries, social dialogue mechanisms, where they exist, are generally consultative or for information purposes only. However, in some countries, there is increasing recognition of the importance of strengthening social dialogue mechanisms and unions have developed improved communication channels with their membership and are therefore able to formulate proposals based on clear evidence drawn directly from teachers' experiences.

56. In *Malaysia*, all teachers are civil servants apart from a very small percentage of contract teachers in the public sector and private sector teachers. Public sector teachers have the right to form and join unions but do not have collective bargaining rights and do not have the right to strike. Private sector teachers are not organized.

57. There are two levels of social dialogue. At ministry level, although there is no formal structure or procedures, however, in practice the union meets regularly with Ministry officials and there is constructive engagement. The Ministry would not make any important decision without first consulting with the union. There is also the National Joint Council of Public Services, where the public sector unions have a consultative role, and where they can "express their point of view" on issues regarding wages and working conditions. Public sector trade unions do not have the right to take their disputes to the industrial court without specific permission. In the Joint Council, there are 30 union representatives from all public sector agencies.

²⁴ The Queensland Industrial Relations (Fair Work Act Harmonisation No. 2) and Other Legislation Amendment Act 2013 (Act No. 61 of 2013), introduced new provisions (ss71O-71OL) [this is 71 "O" not "seven hundred and ten"] to prohibit the inclusion of clauses dealing with contracting, employment security, organizational change and other matters. The Commonwealth's Fair Work Act 2009, makes unlawful, and prohibits, the inclusion in enterprise agreements of any term which would permit union right of entry other than in accordance with the statutory scheme established elsewhere in the Act.

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58. According to Lok Yim Pheng, Secretary-General, National Union of the Teaching Profession (NUTP) of Malaysia, in the past, the union was more confrontational, but its relationship with the Government evolved. It benefited from support of a Danish trade union, which helped develop the current union structure with representatives in each school. The union's aim is to be very professional in its approach, to show integrity and to be accountable to its members. The union gained respect as a consequence. For example, when the Government contracted the Pearson Group to develop a school-based teacher assessment system, the union provided a set of recommendations and they have adjusted the system accordingly.
59. However, according to the NUTP, at another level there are challenges. While the Trade Union Act states that civil servants above grade 48 cannot join a trade union as they are in key decision-making positions, in practice, this regulation has not been enforced. Most of the elected officials of the NUTP are on grade 48 or above. They are graduate teachers with many years' experience. In June 2014, the Government issued a regulation, giving officials above grade 48 two months to leave the union. The union argues that they are officials elected by the members and they cannot leave their posts. This regulation applies to all senior civil servants but, because the teachers' union is the largest, it has become something of a test case. The union maintains that senior education officials should have the right to speak and give their views. The NUTP has submitted a paper to the Chief Secretary appealing for a special exemption for these teachers.
60. Linked to this decision, there has been a diminishing of the role of the National Joint Council of the Public Service Department in recent years. Although limited in scope, the Joint Council has provided opportunities to resolve issues which cannot be solved at ministerial level and to provide updates on policy matters. For example, in the past, there was an annual compulsory exam to evaluate teachers not just for promotions but also to decide pay increments. Through the National Joint Council, this system was abolished so now an annual increment and promotions are decided by school-based assessments. However, from last year, the Joint Council meetings only took place once, whereas previously they met at least twice a year.²⁵
61. In other countries, such as the *Republic of Korea*, there have been a number of difficulties in developing sound social dialogue mechanisms. The 1999 Trade Unions for Teachers Act (TUA) (No. 5727) under article 6 allows for the teachers' unions to bargain and conclude collective agreements on the economic and social status of teachers, such as wages, working conditions and welfare, etc., with the Minister of Education, Science and Technology, the superintendent of the city and provincial office of education, or with private school employers. However, the Government has excluded issues related to education policies from negotiations. Under article 6(c), if there are various unions representing teachers, they must create a single negotiation body for collective bargaining purposes. The Korean Teachers' and Education Workers' Union (KTU) has over 60,000 members, but the Government has insisted that it cannot enter negotiations unless it creates a single negotiation body with a small union, which so far it has refused to do. The KTU considers this small union is controlled by the Government.²⁶ Under article 6(d), there is a further restriction as teachers' unions are required to consult with parents and public opinion, and if the Government considers this consultation shows that the teachers' demands are not supported, they cannot be put on the negotiations agenda.

²⁵ Interview with Lok Yim Pheng, Secretary-General, National Union of the Teaching Profession, 10 Aug. 2014.

²⁶ Written statement by Hyun-su Hwang, International Secretary, KTU, dated 26 Sep. 2014.

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62. Over and above these restrictions, the Trade Union and Labour Relations Adjustment Act (TULRAA), article 2(4)(d) states that if an organization has members that are not workers it will not be registered as a trade union. Article 23(1) further provides that non-union (that is to say, dismissed) workers cannot hold trade union office. Article 2 of the TUA requires that only active teachers can be members of a union. Since March 2010, the Government has been calling on the KTU to reform its constitution because it allows for dismissed, unemployed and retired teachers to be members. In September 2013, the Ministry of Education withdrew from the ongoing collective bargaining because the KTU's legal status was being challenged, and, in October 2013, the Government decertified the KTU. The ILO Committee on Freedom of Association has repeatedly recommended that the Government repeal these prohibitions on membership and called on the Government to recertify the KTU without delay.²⁷ In September 2014, the High Court in Seoul recertified the KTU and also agreed that the Constitutional Court should review the relevant provisions of the TULRAA and the TUA. The High Court ruling also suspended the Ministry of Education disciplinary actions against the KTU's full-time officials.

Case study: Social dialogue in the education sector in the Philippines²⁸

Civil service status

63. Public sector basic education (pre-school to secondary school) teachers in the Philippines are appointed by the Civil Service Commission, following a recommendation from the Department of Education at regional level, or from the Technical Education and Skills Development Authority in the case of the public vocational and technical schools or from state colleges and universities for higher education. While a recent Kindergarten Law recognizes that kindergarten teachers are also civil service appointments, in practice, many teachers are still hired through service contracts. The position of the unions is that all kindergarten teachers should be appointed as teacher position 1 with a salary of grade 11. In state colleges and universities, there are both tenured professors and contractual teachers, with a trend that more and more teachers are employed on a contract basis.
64. Teachers in the private sector have three probationary periods before they acquire regular status of employment. This three-year probationary period may be shortened through negotiation in the collective bargaining agreement. Teachers in private and public sectors are now encountering a number of problems as the Philippine educational system is adopting a K+12 system. Many will be retrenched or retired as the implementation continues.

The right to form and join unions

65. All workers, including those in private or public sectors, have the right to organize, in unions, associations or societies for purposes not contrary to law.²⁹ However, managerial staff are not allowed to organize unions for purposes of collective bargaining.

²⁷ ILO. Effect given to the recommendations of the Committee and the Governing Body – Report No. 371, Mar. 2014.

²⁸ This case study is largely based on email communications with France Castro, General Secretary, Alliance of Concerned Teachers – Philippines; Jomel General, General Secretary of the Federation of Free Workers of the Philippines, 14 and 15 Aug. 2014.

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66. Teachers in the public sector have the right to organize unions. Executive Order 180 (EO 180) of 1986 provides guidelines on how public sector employees can form unions and established the Public Sector Labor and Management Council (PSLMC). In 2011, for the first time, teachers in public basic education were provided clear guidelines on how to form and register their unions through the PSLMC Resolution on Registration and Accreditation of Public Elementary and High School Teachers. Registration is conducted at regional level and unions are in the process of registering under this system.
67. Public sector teacher salaries and benefits are established by law, called the Salary Standardization Law (SSL), and are not subject to negotiation. All civil servants, including teachers, are not allowed to go on strike, although some unions have sought to reform this provision so that the right to strike is recognized, at least in some limited form. Unions do not have any provisions for officials to take time off work to perform union duties. The Civil Service Commission has recently ruled in 2014 that all accredited unions can have the right to a check-off system.
68. Teachers can negotiate fringe benefits which may be agreed in a collective negotiation agreement (CNA). These agreements are signed at regional level between the Department of Education and the recognized bargaining unit.
69. Teachers in the private sectors may organize unions for purposes of collective bargaining but it may not include the supervisory teachers. Supervisory teachers may organize a separate union of their own. The unions in the private sector have the right to strike. In actual practice, only a few private sector teachers are organized into unions. Workers encounter harassment, discrimination and even termination from employment if they seek to organize unions. In petition for certification elections, employers almost always present their opposition (though, under the law, employers are merely bystanders and not interested parties). In the experience of the Federation of Free Workers, 95 per cent of private employers have opposed petitions for certification elections.

Social dialogue

70. Social dialogue takes place between the teachers' union and the employer (Department of Education) at all levels: schools, divisions, regional and at national level. In March 2013, the Government of the Philippines adopted a new Act on Tripartism, Tripartite Conferences and Tripartite Industrial Peace Councils, which declared tripartism a state policy.³⁰ A National Tripartite Industrial Peace Council was established, with regional councils and industry-specific councils. National and regional education industry tripartite councils have been established. However, it is the unions which must actively pursue the initiative.
71. Unions have actively engaged the Department of Education on issues related to salary levels and the management of the social insurance fund, known as the Government Service Insurance System. However, on many policy issues, such as the reform of the education system to a K-12 curriculum, the unions consider that the national and regional tripartite councils could be greatly strengthened, and an effective grievance system put in place.

²⁹ See section 8, art. III of the Philippine Constitution.

³⁰ *Official Gazette* (2013) Republic Act No. 10395. An Act Strengthening Tripartism, Amending for the Purpose of article 275 of Presidential Decree No. 442 as amended, otherwise known as the "Labor Code Of The Philippines" Manila, Government of the Philippines. Available at: <http://www.gov.ph/2013/03/14/republic-act-no-10395/>, accessed 17 Aug. 2014.

There are still many decisions which are made unilaterally and the unions can only voice concerns after a decision has been made.

VI. Examples in the Americas

72. In the Southern Cone countries of Latin America, social dialogue mechanisms are increasingly well established. In *Brazil* for example, the Government has carried out a highly participatory consultation process prior to adopting the ten-year National Plan of Education (PNE), which was signed into law in June 2014. The government has opened channels of dialogue with civil society through a series of national conferences. Each national conference was preceded by municipal, regional and state-level conferences. The National Forum on Education, funded by the Ministry of Education, coordinates the conferences and is representative of the education community, including both government and union representatives, education specialists and also student unions and rural and urban social movements.³¹ Of the over 3,000 amendments presented to the Bill on the National Education Plan, more than 2,000 originated through the conference consultations, including the key proposal to increase the education budget to 10 per cent of GDP in ten years' time. Another key clause in the PNE is to reach equivalence between the average salaries of teachers and other professionals with similar qualifications because, at the moment, teachers earn about 40 per cent less.
73. While the Brazilian Government ratified ILO Convention No. 151 in 2010, and promulgated a further decree concerning the ratification, in March 2013,³² the Law to regulate collective bargaining in the public sector is still under discussion. This lack of regulation creates considerable uncertainty and means that, at state and municipal levels, there are many governments which refuse to consult or limit negotiations with public employees, including teachers.
74. In *Canada*, while there is no federal department of education, every province has established collective bargaining provisions for teachers; in four provinces there is a specific teacher bargaining or general education statute, which regulates the process; in other provinces there is a public sector or general labour relations statute. In three provinces, teachers' right to collective bargaining is covered under legislation that also applies to the private sector. While some provinces engage in local bargaining, the most common form is bargaining for all schools in the province or territory, with a single organization to represent teachers. Collective agreements generally include salaries and other benefits, leave allowances gratuities, as well as individual grievance procedures. Staffing and class size are often precluded and determined by the Government. Some provinces restrict or exclude strikes in the education sector.
75. In recent years, some provincial governments have used legislation to limit collective bargaining, impose settlements and limit industrial action. In British Columbia, for example, the Education Improvement Act of 2012 curtailed collective bargaining on such issues as contracts and class size. The British Columbia Supreme Court has repealed some

³¹ Fórum Nacional de Educação (2014). Regimento Interno. Available at: <http://fne.mec.gov.br/noticias/512-fne-divulga-novo-regimento-interno>. Accessed 18 Aug. 2014.

³² See P. Armengol de Souza, Convenção 151: Decreto é uma conquista na luta pela negociação coletiva no setor público. Available at: <http://www.cut.org.br/ponto-de-vida/artigos/4805/convencao-151-decreto-e-uma-conquista-na-luta-pela-negociacao-coletiva-no-setor-publico>. Accessed 18 Aug. 2014.

of the provisions of the Act; the case is currently under appeal.³³ Ontario's Putting Students First Act of 2012 also restricted scope of bargaining and limited strikes by teachers in relation to provisions of the Act. A subsequent call for strike action by unions in relation to extra-curricular activities was found to be in violation of the Act by the Ontario Labour Relations Board, which held that such activities were an integral part of teachers' duties.³⁴ This ruling could have an impact on labour relations and legitimate industrial action in the education sector.³⁵ In other provinces, there remain strong and effective collective bargaining systems.

76. In the *United States*, public sector education employees' rights are determined at state level and at the local level either by collective bargaining or in the absence of collective bargaining by the employer. While there may be legislation governing labour relations of public employees, there is often specific legislation covering labour relations between public education authorities and teachers' unions in many states.
77. Collective bargaining is well established. In 2011, 34 states and the District of Columbia, state laws provided public teachers with the right to bargain collectively. Ten other states provided collective bargaining, but only if the employer agrees, known as permissive collective bargaining. The weakest region for public sector union rights is in the south. Primary, secondary and higher education support staff have the right to collective bargaining in 32 states and the District of Columbia and faculty at most public higher education facilities can bargain in 26 states.³⁶
78. Collective bargaining covers a broad range of subjects, including compensation, benefits, and working conditions, known as "mandatory" subjects. Depending on state law, some education policy issues can be bargained in some states. However, most education policy is either legislatively or judicially defined as an exclusive prerogative of the employer. Tenure systems are legislated, not bargained. In some states, unions have been able to broaden the agenda to typically include issues improving learning conditions for students, such as class size, teacher training and evaluation, and health and safety issues.³⁷ A significant number of states prohibit strikes by public employees and impose fines or similar penalties. Beginning in 2011, following mid-term elections, there has been a trend to restrict collective bargaining rights for teachers and indeed for all public sector employees, notably in Ohio, Tennessee and Wisconsin.

³³ T. Sherlock. "Education on trial: Freedom of association clashes with the public purse", in *The Vancouver Sun*, 5 July 2014.

³⁴ C. Alphonso, K. Hammer. "Ontario teachers' union call to halt voluntary activities was illegal strike action: labour board", in *The Globe and Mail*, 11 Apr. 2013.

³⁵ A complaint on this matter was filed by the Elementary Teachers' Federation of Ontario in January 2013 to the ILO Committee on Freedom of Association (Case No. 3003). The case is pending.

³⁶ Information provided by the National Education Association (NEA), Dec. 2011.

³⁷ NEA. *Collective bargaining: What it is and how it works*. Available at: <http://www.nea.org/home/16375.htm>. Accessed 12 Mar. 2013.

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79. Charter schools, which are publicly funded but managed by private groups, rather than school districts, are largely not organized. In 2010, approximately 12 per cent of charter school educators were represented by a union.³⁸

Case study: Social dialogue in the public higher education sector in Argentina³⁹

80. The CEART in 2009 recommended that: “Unions representing higher education teaching personnel use appropriate means to improve the position of temporary and part-time staff ... Unions ... should work with education authorities to develop policies that serve to professionally develop junior faculty and achieve gender balance among academic staff.”⁴⁰ In many ways, the case of higher education in Argentina provides examples of how a national collective agreement can address these issues.
81. The right to form and join trade unions and the right to strike are guaranteed in the 1994 Constitution. In the private sector, because of the widespread use of short-term and precarious contracts, there is still considerable risk attached to joining a trade union. In public universities on the other hand, although there are considerable numbers of teachers on non-permanent contracts, trade union rights are generally respected and there are three national federations of university teachers.
82. The Constitution and the Law of Higher Education (1995) grants an autonomous statute to public higher education institutions, whereby each university has the capacity to determine the contractual regime of teaching and non-teaching staff, including salary levels. Since 2003, however, salary levels have been set by a joint committee, through annual negotiations between the Government and the National Inter-University Council (CIN), comprised of the university rectors and the sectoral union representatives. In these negotiations, it is the Government which has the real bargaining authority as the Government provides the funding and not the CIN. This system has led to an upward harmonization of salaries.
83. According to the Law and each university’s statutes, teachers are appointed through competitive exams for between two to seven years, depending on the seniority of the post. The Law on Higher Education states that interim contracts for a one-year period and without a competitive process cannot comprise more than 25 per cent of the total teaching staff. However, in practice, the figure is probably around 60–70 per cent and many “interim” staff work for many years on contracts which are renewed annually. Moreover, while salaries for each grade are uniform across all universities, the functions and job descriptions ascribed to each grade may vary enormously from one institution to the next.

³⁸ National Alliance for Public Charter Schools
<http://dashboard.publiccharters.org/dashboard/schools/page/union/year/2010>. Accessed 3 Mar. 2013.

³⁹ This case study is based on a report by Yamile Soclovsky, Director, Instituto de Estudios y Capacitación (IEC) of the National Federation of University Teachers (CONADU), dated 12 July 2014.

⁴⁰ ILO/UNESCO (2010), op. cit., p. 9.

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84. In order to address these and many other issues, the Government and unions agreed to establish a national collective agreement (CCT) for public higher education institutions.⁴¹ The proposed text was agreed in June 2014 and took two years of negotiations between the CIN, and the Secretary of University Policies of the Ministry of Education and trade union representatives. It is now waiting the approval of the Ministry of Labour and the final approval of the universities. Unlike the joint committee to discuss salaries, the key negotiators were the CIN and the unions. However, some universities have required that the agreement be submitted to their university councils, even though the CIN had the authority to negotiate on their behalf.
85. The CCT specifies the teaching career, definitions of grades and functions, and includes sections on working conditions and the environment, leave allowances, the rights and obligations of the teaching staff and trade union facilities. The agreement also includes a salary increase plan⁴² which commits the Government to a general increase in all salary categories of 25 per cent within the next five years, over and above what is agreed in the annual negotiations which are linked to purchasing power.
86. The CCT has a number of innovative provisions on equality and diversity issues. The agreement provides for parental leave for birth or adoption, giving the parents, if both work at the university, the possibility of sharing the leave, except that the mother must take a minimum number of leave days after birth. In this way, the CCT gives men the possibility of taking part in the care of the child during the early months. The provision also takes into account that, by law in Argentina, same sex marriages are recognized. There is also a clause prohibiting discrimination on grounds of political views, trade union membership, gender, sexual orientation, civil status, age, nationality, race, ethnicity, religion, disability, physical aspects, and HIV status. However, the application of this clause varies from university to university.
87. The unions also participate in a national working group to develop joint strategies to oppose discrimination on grounds of sexual orientation. After Argentina adopted a new Law on Gender Identity in 2012,⁴³ 70 national unions created a network to promote sexual inclusion and are carrying out training programmes for union delegates with the support of trainers from the Ministry of Labour and have developed model language to use in collective bargaining.

Social dialogue at university level

88. The unions are now in the process of discussing how to adapt the new National Collective Agreement to the situation at university level in local joint committees and to reform university statutes if necessary.
89. Since 2005, the regular meetings of the joint committee have achieved a number of other important advances:
- a special pension fund for university teachers;
 - the harmonization of university teachers' salaries;

⁴¹ Available in Spanish at: <http://conadu.org.ar/convenio-colectivo-de-trabajo/>. Accessed 18 Aug. 2014.

⁴² Known as the *Programa de Jerarquización Salarial* in Spanish.

⁴³ *Ley de Identidad de Género* Número 26.743, adopted on 9 May 2012.

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- free training programmes, financed by the State and co-managed by the universities and the trade unions;
 - programme of support for the finalization of postgraduate theses for university teachers implemented by the Secretary for University Policies with the participation of the union.

VII. Recommendations to strengthen social dialogue mechanisms

90. In order to strengthen social dialogue mechanisms, it is essential that there are clear written agreed rules of procedures. These rules or guidelines should include the mandate, composition, duration and frequency of meetings, and spell out what topics the union has the right to be informed about, which topics can be the subject of consultation, and for which topics there is the right to bargain. It is also important to establish a mechanism for follow-up and joint monitoring of agreed decisions, linked to formal arbitration and conciliation mechanisms. In view of the above, the CEART could consider the following recommendations.

1. A framework for social dialogue

91. The ILO and UNESCO could develop practical guidelines for public and private sector education employers' and workers' organizations on a jointly agreed framework for social dialogue. Such a tool could outline a mechanism to determine the composition of the social dialogue, the periodicity of meetings and its mandate, in particular which topics the union has the right to be informed about, which topics there can be consultation and on which topics there is the right to bargain, as well as a joint monitoring of agreed decisions.

2. Training programmes

92. Constituents could hold joint training programmes at national level between public and private sector education employers' and workers' organizations to review existing social dialogue mechanisms and with reference to the guidelines, as appropriate, draw up a Memorandum of Understanding or other document for a future framework for social dialogue.

3. Exchange programmes

93. Constituents could facilitate a series of exchange programmes to countries within the same region so that social partners can familiarize themselves and learn from other experiences of social dialogue.

4. Information bulletin on collective bargaining and social dialogue in education in selected regions

94. As a pilot project, the ILO and UNESCO and regional organizations could establish a web-based electronic newsletter, providing regular coverage of collective bargaining negotiations and social dialogue at a regional level.

5. Engage with the Global Partnership for Education (GPE) local education groups ⁴⁴

95. Under the terms of the November 2013 GPE Charter, the local education group is a collaborative forum for policy dialogue intended to develop the education sector plan and monitor its implementation. Representatives of teachers will be members. The ILO, UNESCO and members could facilitate practical support and preparatory meetings for teachers' unions to participate actively in the local education groups of the Global Partnership for Education.

⁴⁴ Available at: <https://www.globalpartnership.org/content/charter-global-partnership-education>. Accessed 26 Sep. 2014.