

Lokale særavtaler i kommunal sektor. Summary

This report examines the use of local special collective agreement agreements in a sample of Norwegian municipalities and counties. Local special collective agreements are entered into by the local or county administration on the one hand and the local branch of a trade union on the other. These agreements cannot conflict with the central-level agreements signed by the Norwegian Association of Local and Regional Authorities (KS) and the trade union confederations. Not all agreements or protocols signed by the parties locally are special collective agreements. To be classified as such, they need to comply with the definition in the Labour Disputes Act of what constitutes a collective agreement, cf. Section 1, litera e. Based on the data we have had access to in this project, it can be hard to make a final judgment of whether an agreement is a collective agreement or not. We have therefor mainly based our analyses on the classification made by the municipals themselves.

The report is based on qualitative interviews with municipal and county administrations. In addition, we have studied and systematised special collective agreements supplied to us by the informants or available on the local councils' websites.

Scope and legal basis

The 59 local councils included in our data material have given us access to information about 367 special collective agreements. We have excluded local special agreements that are derived from a central-level special agreement. Whether or not the agreements and protocols were in fact special collective agreements could not always be established with certainty, and our count is therefore partly based on a discretionary judgment of the design of the agreements and the classification given to them by the informants. The number of special collective agreements signed varies from one local council to the next. Having from one to five special collective agreements is the most common occurrence, found in 32 of the local councils. Eight had no special collective agreements, while 19 councils had six or more. The number of agreements signed by a local council will not necessarily be indicative of the number of different topics that are being regulated. For example, some local councils regulate several topics within a single agreement, while others regulate the same topic in a number of different agreements, such as separate agreements for each administrative unit.

Many of the agreements include no reference to the provision in the central-level system of agreements on which they are based. This applies to 159 agreements. Moreover, there are 74 agreements founded on Section 4–5 of the central-level Basic Collective Agreement. This provision determines the conditions for establishing a special collective agreement. The large proportion that contain no reference to any central-level provisions may indicate that the topics being regulated are not linked to any particular section in the Basic Collective Agreement, or that the parties have not considered or deemed it necessary to link their special collective agreement to any specific provision. Some agreements are founded on provisions in the central collective agreement that do not authorize the conclusion of local special agreements. Fifteen agreements

are based on Section 4–6 in the Basic Collective Agreement, which grants the local parties permission to enter into trial arrangements that deviate from provisions established at the central level. A little more than 40 agreements are linked to Chapter 4 of the Basic Collective Agreement and its underlying provisions. In addition to the central-level wage regulative, this chapter regulates local bargaining and related matters. In the context of such bargaining, many of the local councils have signed protocols or agreements that are not classified as special collective agreements. In our opinion, however, many of these protocols and agreements in practice amount to special collective agreements.

Topics

We have identified the topics that are regulated through local special collective agreements. Our review was based on the agreements and protocols that were made available to us in the context of the interviewing process. The review showed that the majority of the local special collective agreements concentrate on topics that are well known in the context of wage bargaining. There is little to indicate a tendency towards decentralisation in the sense of the local and county administrations – and their trade-union counterparts – breaking new ground by regulating policy areas that have previously been unregulated.

- Many local councils have agreements on various types of rota systems (on-call or contingency duty), especially arrangements linked to their technical sector. There are, however, rota arrangements for the health and social care services that are regulated in the form of local agreements between the parties. The agreements in the technical sector have many similarities in terms of working hours and remunerations.
- A few local councils have signed agreements on wage supplements for work on weekends or during the summer holidays to overcome staff shortages in the health sector. Others note that they have such arrangements, but not in the form of agreements.
- The local councils pay a wide range of wage supplements linked to functions, competencies, responsibilities or recruitment shortfalls. Some of these are laid down in protocols between the parties, while others are described as schemes that the employer has introduced and may therefore rescind. Their status is difficult to determine on the basis of the documents supplied, and sometimes even the informants are uncertain about the status of these arrangements. Many of the interviewees reported that over time, the local councils have reduced the number of wage supplements that are based on bargaining protocols.
- Various types of function-based wage supplements for teachers (educational personnel) are common. Competence supplements are used by many local councils, in the form defined in meeting transcripts from the National Mediator's Office from 2008. Some of the supplements are quite modest, but having numerous different supplements may result in a more demanding wage system. The local councils in a number of small municipalities point out that seen from their point of view, having a national standard for the functions that warrant a wage supplement, including its scale, would be more appropriate.
- The county authorities have few special collective agreements, and those that have one tend to link it to special collective agreements at the central level.
- Trial arrangements based on Section 4–6 in the Basic Agreement are quite rare. Those that were made available to us largely dealt with working hours.

Practices and assessments

The study shows that the local councils tend to take a pragmatic view of local special collective agreements. The scope of the agreements is mostly rather limited and appears to have little impact on daily operations, in the sense of being discussed or placed on the agenda in other ways. The local councils underscore their wish to have no more special collective agreements than necessary. They nevertheless refer to the need for local adaptations in some areas, and that having this possibility is practical.

- The local councils' overview of their special collective agreements varies. The majority state 'mainly, yes', but many of our interviewees note that the agreements (the texts) are stored in various places and need to be collected together. Some local councils have no overview at all.
- The signing of special collective agreements by managers who do not have the proper authorisations appears to present few problems.
- Few local councils have routines for regular bargaining on local special collective agreements. The agreements are extended and renegotiated as the need arises.
- Only a minority report to lack fundamental competence regarding local special collective agreements, but our informants point out that in this area, nobody is ever fully trained. Many also feel that it is difficult to exactly define what constitutes a special collective agreement, noting that this is a complicated issue. We may therefore question the level of competence in this area. Knowledge is often restricted to HR departments, and there might be a tendency for some of our informants to overestimate their own competence.

The local councils see no problems in having no opportunity to enter into local special collective agreements. Some of our interviewees, especially in small municipalities, reported to prefer central-level regulations in as many areas as possible.