

Sheet 1: The regulation of collective bargaining

In most European countries, collective bargaining is regulated extensively by law. In many countries the right to collective bargaining is considered important enough to be included in the Constitution. In most countries, labour legislation (e.g. the Labour Code, special collective bargaining acts, industrial relations acts, etc.) specifies issues such as who can enter into collective bargaining, what can and cannot be bargained about, what procedures have to be followed, the possibilities for the extension of collective agreements, or how agreements can be enforced.

The law is not, however, the only source of regulation for collective bargaining. In a few countries the role of the law is of less importance and various mechanisms of self-regulation are preferred. In Denmark, the sources of law determining the concept of a collective agreement are mainly case law and legal literature, whilst most rules and regulations are left to the employers and trade unions themselves to decide upon. Also in Sweden the regulation of bargaining has been developed in a tradition of self-regulation and the current regulatory system is based mainly on agreements between the leading trade union confederation (LO) and the employers' federation (SAF). In Italy, the Constitution provides the right to collective bargaining, however many aspects of collective bargaining are regulated through the tripartite cross-sectoral agreement of 23 July 1993. In the United Kingdom, collective bargaining is largely voluntary, rather than legally based. Collective agreements are not generally legally enforceable and are mostly 'gentlemen's agreements'.