

# BUILDING A NEW SOCIAL DIALOGUE IN EDUCATION SECTOR

*Simion HANCESCU – FSLE President*

CEE ROUND TABLE \_ BUCHAREST \_ 19 – 21.10.2015



# Summary

- *The general framework – an overview of the SD in education sector*
  - process of management information and consultation in schools in the framework of social dialogue
- *The SD between 2010 – 2015*
- *Impacts of the ETUCE's social dialogue projects on national social dialogue*
- *What we have achieved through social dialogue? – Steps to the future*

# *SD in education sector*

- Romanian law transposing Directive 2002/14/EC is the Law. 467/2006 on establishing a general framework for informing and consulting employees governing framework laying down minimum requirements for the right to information and consultation of employees.
- In defining and implementing the information and consultation arrangements employer and employee representatives shall, under this law, mutual rights and obligations, taking into account both the interests of the unit, as well as those of employees.

# *SD in education sector*

- The law applies to schools based in Romania employing at least 20 employees.

Employers have no obligation under Art. 5 para. (1) to inform and consult employees' representatives under the laws in force in the following issues:

- the recent and probable development and economic situation of the school unit;
- the situation, structure and probable development of employment within the school unit and on any anticipatory measures envisaged, in particular where there is a threat to employment;
- decisions likely to lead to substantial changes in work organization or contractual relations in labor relations, including those covered by Romanian legislation on specific information and consultation procedures for collective redundancies and protection of employees' rights in the event of closure / consolidation school unit.

# ***SD in education sector***

Also, art. 5 paragraph. (3) lays down the conditions under which organizes consultation of employees. Thus, it takes place:

- at a time, in a manner and with a relevant;
- at the relevant level of representation of management and employee representatives, depending on the subject under discussion;
- based on information supplied by the employer in accordance with Article 3 e) and point of view that employees' representatives are entitled to formulate;
- to enable employees' representatives to meet the employer and obtain a reasoned response to every point of view we may make;
- to negotiate an agreement on decisions which fall within the employer's obligations in para. (1) c).

## ***PROCESS OF MANAGEMENT INFORMATION AND CONSULTATION IN SCHOOLS IN THE FRAMEWORK OF SOCIAL DIALOGUE***

- Romanian law transposing Directive 2002/14 / EC is the Law. 467/2006 on establishing a general framework for informing and consulting the employees and is the normative act under which menus information and consultation process in schools.
- Information in social dialogue involves the transmission of data by the employer to the union or, where appropriate, by the elected representatives of employees, to enable them to familiarize themselves with the issues and debate to examine knowingly.
- Consultation means the exchange of views in social dialogue framework.
- Collective bargaining is negotiation between employer and trade union or employers' organization or trade union or employee representatives, as appropriate, which seeks to regulate labor relations or service between the two parties, and any other agreements on issues of common interest.

# SD Structures

- This process is conducted at an institutionalized framework of bi-partite social dialogue through 2 structures:
- Social Dialogue Commission of the Ministry of National Education;
- The Joint Committee of the Ministry of Education.

Those 2 functional structures are found nationally and locally (county) as follows:

- Social Dialogue Committees in the prefectures;
- Joint Commission from the unit / educational institution.

# SD structures

- The Joint Committee of the unit / educational institution is empowered to investigate and resolve all issues arising in the implementation of the Collective Labour Agreement at the request of one Party and adopt decisions on how to apply the rules and methodologies specific for the education legislation and all issues relating to reform, organizing and conducting educational process.
- The Joint Committee meets every month or at the request of the parties
- Decisions are taken by simple majority of votes of those present. (at least  $\frac{3}{4}$  of members)
- *The decisions of the joint commissions are binding on the parties.*



# *The SD between 2010 – 2015*

## ❖ 2010

In July 2010, based on article 1, paragraph (1) in Law 118/2010 on the measures needed to restore the budget balance, the salaries in the education system were reduced by 25%

## ❖ 2011

In 2011, through Laws 285/2010 and 63/2011, education employees recovered, solely 11.5% of the income they had lost in July 2010.

# *The SD between 2010 – 2015*

2011 (November & December – daily protests)



In December 2011 the SD was completely suspended, regardless education sector!



# *The SD between 2010 – 2015*

## ❖ 2011

The Romanian Government, through a series of Government Ordinances, have introduced the, policy' of paying installments of the salary-related rights gained through court decisions, within 5 years.

## ❖ 2011

*At the same time, the Romanian Government started an action which is extremely fine tuned to destroy social dialogue in the education system and remove the union movement.*

# *The SD between 2010 – 2015*

- ❖ The Government issued an order *forbids the retention on payment-rolls of the union-membership fee due by pre-university education employees.*
- ❖ Through this decision, the three ministers seal the breach of several laws, which affect no less than 300,000 employees in the Romanian pre-university education system.
- ❖ there was a serious infringement of DIRECTIVE 2002/14/EC by issuing an administrative document with a norming character which concerns work relations and the national education system, without consulting the employees' representatives.

# *The SD between 2010 – 2015*

- ❖ The Government issued an order *forbids the retention on payment-rolls of the union-membership fee due by pre-university education employees.*
- ❖ there was a serious infringement of DIRECTIVE 2002/14/EC by issuing an administrative document with a norming character which concerns work relations and the national education system, without consulting the employees' representatives.
- ❖ The orders issued by the Ministry of Education through public servants, remunerated from the taxes and levies of Romanian tax-payers, *exclusively affect union members and union organizations in the public pre-university education system*

# *The SD between 2010 – 2015*

## ❖ 2012

- January and February – daily protests of the Romanian citizens against the Liberal Democratic Party Government
- In the same time we sent a Memorandum letter to Commissioner Lazlo Andor and to Commissioner Androulla Vassiliou and also we requested international support at IE and ETUCE.
- **ETUCE sent an OFFICIAL STATEMENT supporting our requests to the President of Romania and to the Prime Minister.**



# *The SD between 2010 – 2015*

## ❖ 2012

- January and February – daily protests of the Romanian citizens against the Liberal Democratic Party Government
- In the same time we sent a Memorandum letter to Commissioner Lazlo Andor and to Commissioner Androulla Vassiliou and also we requested international support at IE and ETUCE.
- **ETUCE sent an OFFICIAL STATEMENT supporting our requests to the President of Romania and to the Prime Minister.**



# *The SD between 2010 – 2015*

## ❖ 2012

- In February a new Govern (LDP) was invested, but due to pressure from trade unions and civil society is dismissed by Parliament at the end of April 2012.
- In May the new Social Democrat Government decided to re-launch the social dialogue at national level, and appoint a **minister for social dialogue**.



# *The SD between 2010 – 2015*

## ❖ 2013 – 2015

- The SD in general and the SD in education sector is re-launched and SD structures at national and sectoral level start to function
- The Round Table on SD in education sector organized by ETUCE give a strong support to building new bridges between the Govern and the unions (February 2014 – Bucharest)
  - The impact of the seminar was significant both for the communication process with the Ministry of Education and, assuming by the minister, of certain changes absolutely necessary for the system and for our union members who understand better the mechanism of social dialogue and have received relevant information on SD in Europe.
  - The report was disseminated to all 62 FSLE' organizations and generate a request for trainings on SD issues form our affiliated members . A training course on this issue is pending authorization

# *What we have achieved through SD?*

- The Teachers Unions and Govern signed an Agreement on necessary measures to solve the system problems affecting both pupils, students and teachers – firm deadlines for solving the problems (some are already solved)
- Teachers TUs and the Govern are negotiating a package of laws with impact at sectoral and national level:
  - Education Law
  - Social Dialogue Law
  - Wage Law for public sector employees (for education sector was negotiated a 100% average increase of wages)
  - Law concerning the status of public authority for the teachers (FSLE' initiative - the law is under debate in Parliament)

## *Steps to the future*

- Soon it will start curricular reform (school programs, curricula, assessment systems)
- The teachers unions are working for a political agreement in order that the political parties assumes a gradual growth of the budget for education until 6% GDP.

*THANK YOU!*

*Благодаря!*



CEE ROUND TABLE \_ BUCHAREST \_ 19 – 21.10.2015

