

Lockout

of teachers in Denmark

In April 2013, about 44,000 members of the Danish Union of Teachers were locked out for almost four weeks. The lockout was the culmination of a long and tough struggle, in which the employers and the Danish government had planned in advance that the fundamental agreements on Danish teachers' working hours were to be abolished. The lockout ended with a political intervention with unanimous support for the employers. This circumvented all the normal rules on the Danish labour market, and the "Danish Model" of collective bargaining is now under threat. In future, other staff groups in the public sector can fear similar treatment.

The 2008 Working Hours Agreement

Until 31 March 2013, Danish teachers' working hours had been scheduled on the basis of a working hours agreement, which entails a maximum number of weekly teaching lessons that have been agreed in detail between the individual municipality and the local branch of the teachers' union, for example a maximum of 25 teaching lessons a week. This ensured time for other tasks directly linked to teaching, such as preparation and correction of homework as well as collaboration with colleagues, parents and authorities.

This agreement was a break with the previous bureaucratic systems, in which teachers registered how much time they spent on various tasks other than actual teaching.

Increasing pressure on the Working Hours Agreement

In recent years, the Working Hours Agreement has been under pressure from public employers who want more teaching hours for the same resources. As a prelude to the negotiations on the teachers' collective agreement in 2013, Local Government Denmark (LGDK) completed a long public campaign to sow doubt about the workload of teachers. For instance, misinformation was spread stating that Danish teachers teach significantly less than teachers in other countries.

The role of the Danish government in the process

The Danish centre-left government played a crucial role in the process. When the government took power in autumn 2011, the teachers' teaching hours were mentioned in the government's manifesto, and the government invited relevant parties to join a partnership on the Folkeskole: "A partnership, in which we demonstrate our confidence in teachers and give them more time to teach." This was the government's first step towards its intervention in the collective agreements.

The collaboration between the government and LGDK to change the rules for teachers' working hours appeared in the annual agreement on the finances of the municipalities concluded between LGDK and the government in 2011. The agreement read: "The government and LGDK agree to increase focus on achieving more teaching hours for the current resources in public basic schools and upper secondary schools. As part of this, we will join forces and assess whether legislation and the current collective agreements set a good framework for efficient use of teachers' resources on the basis of existing analyses of how the teachers spend their working hours."

In October 2012, a document appeared from a collaboration between LGDK and the government, which clearly documented that the government's plan to reform the Folkeskole should be financed via a change in the teachers' Working Hours Agreement. Furthermore, with regard to the government's role in the process, it is important to note that the government presented its proposal for a new Folkeskole reform in December 2012. The proposal stated that the reform presupposed "a more flexible use of the teachers' working hours."

Collective bargaining

In December 2012, LGDK and the Danish Union of Teachers formally presented their requirements for the collective bargaining rounds. LGDK wanted to remove all working hour rules, including special rules for senior employees, and only wanted regulation of "the external framework" for the working hours. Despite the fact that the employers had stipulated requirements for new working hours rules, they refused to present a draft agreement or other description of how they envisioned the working hours would be organised.

On 27 February, the employers unilaterally established that the collective bargaining had broken down. This happened after only few hours of exchange of views. There was never any real bargaining.

Lockout

After the unilateral breakdown, LGDK issued notice of a lockout to enter into force on 1 April. At the same time, the Danish Ministry of Finance issued notice of a lockout of the teachers employed by the central government. Notice of the lockout was very comprehensive, as it covered about 44,000 of the members of the Danish Union of Teachers: All teachers, pre-school teachers, specialists, supervisors, consultants and psychologists appointed under a collective agreement and without management powers were covered. This is the first time in Denmark's history that public employers have made use of the

lockout without a prior strike, and there has never before been such an extensive lockout.

The lockout had major consequences for the entire Danish society. Hundreds of thousands of children could not go to school, and many parents had to take time off work to look after their children. The conflict afflicted all of Denmark significantly and was a dominant topic in the media throughout the period.

The lockout was very frustrating for the members of the Danish Union of Teachers, who felt trod on by their employers and the government. At the same time, the lockout had great financial consequences for the teachers. The Danish Union of Teachers offered its members loans from the union's strike fund, which, as in most trade unions, had been established to deal with the pressure from employers when they impose a lockout or for use when members go on strike. A total of 26,000 of the locked out members chose to take out a conflict loan to compensate for the lost income.

Solidarity across the trade union movement

During the entire process, the Danish Union of Teachers demonstrated its organisational strength, particularly during the lockout period. There was a wealth of local activities, and members were very visible in the streets and on the social media. Creativity was enormous, and the activities have without doubt played a crucial role in ensuring greater support from the public.

Furthermore, national demonstrations were held in collaboration with many other teacher organisations. The first demonstration took place before the lockout. The purpose was to increase awareness that the teachers were only the first in line in a broader break with public collective agreements, and thereby to increase pressure on the employers and the Danish Parliament (the Folketing). The demonstration received support from many other trade unions. Another demonstration was held with the same purpose in Copenhagen during the second week of the lockout. This time the Danish Union of Teachers transported locked out members from throughout Denmark to the Danish capital, and more than 40,000 people gathered in front of the Folketing. The employers never succeeded in dividing the Danish Union of Teachers internally nor in dividing the teacher organisations. A very meaningful result of the activities is the great boost in awareness of trade union policy that took place, and which has been a natural consequence of the fact that a very large proportion of the members of the Danish Union of Teachers have participated in the many activities and internal discussions.

Support for the Danish Union of Teachers has been very strong, both from teacher organisations and the trade union movement in general. We have also received many statements of support from countries outside of Denmark, and this has demonstrated that other countries were fully aware that the break with the Danish teachers' Working Hours Agreement was part of the struggle for the survival of the public sector as an important element in a welfare society.

Government intervention in the conflict

After almost four weeks of lockout, the Danish government decided to intervene in the conflict on 25 April 2013. The intervention was presented as a “well balanced intervention that favours both parties”, but in reality, the government showed clear support for the employers.

- 1) The working hours rules have been abolished, which makes Denmark an exception in the western world in that teachers’ teaching hours are no longer being regulated by agreement or by law.
- 2) No other public employees have working hours rules comparable with those now being imposed on the teachers. Teachers will no longer have the same holiday rules as other public employees, as they will not be given the same opportunity to spend the sixth holiday week as whole days. Teachers will be the only public employees who work according to an annual standard without getting anything in return. According to the wording of the Act, the working hours rules are based on the working hours rules for state civil servants, and all derogations are in the employers’ favour.
- 3) The technical calculations behind the intervention have only been carried out in collaboration with the employers. The calculations do not take into account the millions of Danish kroner that had been spent in previous collective bargaining rounds through lower salary increases in order to ensure more working hours for specific tasks such as preparation and class-teacher functions. Therefore, the Danish Union of Teachers believes that the government has expropriated collective agreement funds amounting to several hundred million Danish kroner.
- 4) Only the employers have assisted in the extensive work on preparing the proposal for the statutory intervention. This has never happened before in connection with a statutory intervention in collective agreements.

The Act was adopted by the Danish Parliament (the Folketing) on 26 April with a large majority, and this ended the conflict. The teachers went back to work on 29 April 2013.

Following the government intervention, the Danish Union of Teachers issued the following press release:

Press release of 25 April 2013

Anders Bondo Christensen, President of the Danish Union of Teachers (DLF), had the following comments on the government’s intervention:

“The schools have ended up in a very difficult situation, where the teachers have been trod on by the government and LGDK. We got a statutory intervention that considers LGDK’s wishes to an outrageous degree. There have been no real negotiations, because all the way LGDK have felt sure that the government was backing them up. Now we are facing a major school reform that is off to a very bad start. But I want to emphasize that we’ll continue doing

everything in our power to ensure that our members can deliver teaching of high quality. And we'll work for a reform of the 'Folkeskole Act' that is based on research and knowledge.

The DLF have presented diverse compromise proposals in the negotiations with LGDK. Now we are in a situation where only LGDK's wishes have been considered. This imposes a particular responsibility on the government and LGDK to 'win the peace' and make things work in the schools now that the lockout is over.

The great solidarity and commitment that we have seen among the teachers all over Denmark has strengthened unity within the Danish Union of Teachers. The teachers have demonstrated their professional commitment and readiness to deliver good teaching. Now we have to make school life work and create the best possible framework for our pupils' education. Naturally, the municipalities and school leaders have a particular responsibility, but I call on all the school stakeholders to do their very best to secure the schools' future," said Anders Bondo Christensen.

The future

The lockout of Danish teachers leaves the Danish schools in a very uncertain situation. In 2014, the same year as the Danish Folkeskole celebrates 200 years of existence, teaching will have to be organised under a framework that has not been tested anywhere else in the world. A huge responsibility rests with the Danish municipalities and the Danish government to ensure a framework for teachers that enables them to deliver high-quality teaching in the future as well.

In the wake of the financial crisis, an increasing number of political decisions are made on the basis of financial necessity alone. Important political reforms are decided by a few powerful politicians with no prior political debate and dialogue. This centralisation of power is a fundamental threat to the Danish democratic tradition.

Not only the Danish Union of Teachers, but also other Danish trade unions are facing a new situation. In future, we will no longer be able to rely on the Danish Model which is based on free negotiations between the social partners. Therefore, trade unions must brace themselves for a new situation and consider what countermeasures can be taken to continue to ensure members a reasonable framework for carrying out their work.

The ILO

Just over a month after the statutory intervention, the ILO held its annual conference in June 2013 with the topic "Collective bargaining in the public service: a way forward". At the conference, the Danish Union of Teachers gave a presentation on the Danish government's confusion of roles as legislator and employer respectively. As a follow-up to this, the Danish Union of Teachers submitted a complaint to the ILO in August about the Danish government's intervention in the free collective bargaining process.

FACTS ABOUT THE PARTIES

The teachers

DLF – the Danish Union of Teachers – represents 65,000 teachers, primarily teachers at the “Folkeskole” (public primary and lower secondary schools). 96% of the Folkeskole teachers are members of the DLF.

LC – the Confederation of Teachers Unions – is the negotiation cooperation for 101,000 public teachers employed by the Danish government as well the municipalities from pre-school to vocational schools. The DLF is included in the LC negotiation collaboration, and the DLF President is the chief negotiator for LC.

The municipalities

LGDK – Local Government Denmark - is an association of the 98 Danish municipalities, which employ the school teachers at the “Folkeskole” (public primary and lower secondary schools). LGDK negotiates with LC on behalf of the municipalities at national level.

The government

The Danish centre-left government was formed in the autumn of 2011, after ten years with a liberal-conservative government. The chief negotiator for the government is the Minister for Finance.

FACTS ABOUT LOCKOUT

Lockout is the employers’ strongest weapon against employees. The lockout counterbalances the employees’ right to strike. The lockout means that employers suspend employment in order to put maximum pressure on the trade unions in connection with bargaining to renew a collective agreement. The employees do not receive any salaries and are not allowed to show up at the work place. Wage and salary payments cease without taking into account the ordinary provisions for notice, i.e. immediately. Lockout must be notified one month before entering into force.

FACTS ABOUT THE “DANISH MODEL”

The “Danish model” is characterized by negotiations between the organisations of the employers and the employees – without any interference by the government – about pay, working hours and other employment conditions. These are the collective agreements. The agreements are mutually binding for both parties. The parties feel an ownership and responsibility for the agreements.

The collective agreements are in force for a period of 2 or 3 years. The duration is also agreed on by the parties. The agreement entails that neither the employers nor the employees can initiate industrial action during this period. Possible disputes during the agreement period e.g. about interpretation of the agreement, will be settled by conciliation or by a special Labour Court.

When the collective agreements expire, the parties have to (re)negotiate the agreements.

If the parties cannot reach an agreement, the Conciliation Board will be involved. The role of the Conciliation Board is to assist the parties (social partners) to enter an agreement and avoid industrial action. If the Conciliation Board does not succeed in

finding a compromise in the form of a proposed settlement, the parties may free themselves from the existing agreement by initiating a work stoppage in accordance with the agreed rules. If the employees want to free themselves of the existing agreement, they initiate strike and blockade action, and if the employers initiate a work stoppage, they initiate a lockout and boycott. Strike action as well as a lockout are both legitimate tools.

The government may intervene in such work stoppages, if they are considered as damaging and threatening to Danish society. In these cases, the contents of the Bill will be very similar to the conciliator's proposal for a settlement if there is such a settlement, or the Bill will balance the points of view from both parties.