



TCFL Textiles, Clothing, Footwear and Leather



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Reinforce the Social Dialogue and Collective Bargaining at Sectoral and Company level, for continuous improvement in employment and productivity in the Textiles, Clothing, Leather and Footwear Industries

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PARTNERSHIP



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BACKGROUND

This document was written within the scope of the project entitled “Reinforce the Social Dialogue and Collective Bargaining at Sectoral and Company level, for continuous improvement in employment and productivity in the Textiles, Clothing, Leather and Footwear Industries”, funded by the European Commission. The project is coordinated by FESETE, Federation of the Unions of Textiles, Wools, Clothing, Footwear and Leather Workers of Portugal, in partnership with the Belgian union ACV-CSC METEA, Turkish union DISK TEKSTIL, and Czech union OS-TOK, all of which represent the workers in these sectors at national level.

The goal of the project is to encourage the sectoral partners of the Textiles, Clothing, Leather and Footwear Industries to participate in the Social Dialogue to transform the collective bargaining at sectoral and company level into an instrument that ensures the viability of the companies and defends good-quality employment in a backdrop of global and national change.

We attempted to assess the labour relations in the Textiles, Clothing, Leather and Footwear Industries only in the countries involved in the partnership, Portugal, Belgium, Turkey and Czech Republic, to disseminate information and raise awareness among the respective unions and their actors. We also aimed to make this document a tool that raises awareness among the organizations about the importance of the biparty and triparty Social Dialogue and its role in enhancing the living standards of the workers, while simultaneously responding to the companies' ever increasing needs to restructure themselves owing to the competition in a global market.

The first thing to point out in reading this document is the different forms of collective bargaining in each of the countries that make up the partnership.

In Portugal, the collective bargaining practice in these sectors is carried out on a sectoral basis every year, when a final agreement may or may not be reached. If no agreement is reached, the contract in force at the time remains in effect with no changes. In Belgium, this process takes place every two years, and a salary update is guaranteed in line with the national inflation rate, an automatic index for salaries. As for Turkey, collective bargaining does not take place on a sectoral basis, but rather at company level, and covers the workers who are in the union. In the Czech Republic, collective bargaining takes place at sectoral level every year, and like in Portugal, if no final agreement is reached the contract in force at the time remains in effect with no changes and the bargaining takes place at company level.

The data collected reflects the situation regarding the Social Dialogue and collective bargaining in each country and allows each of the partners to learn about and transpose the good practices into the Collective Bargaining process. It is also important to point out another difference concerning the role attributed to the unions in Belgium, which is different to situation in the other countries in the partnership. In Belgium, for the workers to be able to take advantage of all the social support, in relation to unemployment benefit, they must be union members.

BREAKDOWN OF THE TCLF WORKERS

According to the Eurostat database in 2015, the textiles, clothing, leather and footwear sectors in the 4 countries of the partnership employed 1,908,900 workers. Despite the effects of the financial crisis that affected the European Union, from 2011 to 2015 the number of workers increased, with only a small decrease when compared to the preceding year in 2014 (**see table no. 1**). As regards the number of workers, Turkey is a long way ahead, with approximately 1.5 million workers. As for gender, only in Portugal and the Czech Republic are the majority of the workers women.

Table no. 1 | No. of workers per sector and per sex

Organization Sectors		Portugal		Belgium		Turkey		Czech Republic		Total
		M	W	M	W	M	W	M	W	
2008	Textiles	32,900	29,800	17,300	11,000	N/D	N/D	16,200	30,900	138,100
	Clothing	15,100	111,200	N/D	6,300	N/D	N/D	2,800	25,300	160,700
	Leather & Footwear	20,300	28,000	-	-	N/D	N/D	2,900	5,400	56,600
	Total	68,300	169,000	17,300	17,300	-	-	21,900	61,600	355,400
2011	Textiles	28,100	30,100	13,900	8,200	323,900	242,600	11,000	20,900	678,700
	Clothing	10,300	84,200	2,900	6,400	469,800	367,700	2,300	21,600	965,200
	Leather & Footwear	21,600	30,500	-	-	104,900	8,900	1,400	3,900	171,200
	Total	60,000	144,800	16,800	14,600	898,600	619,200	14,700	46,400	1,815,100
2014	Textiles	27,200	22,500	10,400	6,900	378,200	266,900	12,100	18,200	742,400
	Clothing	12,800	78,500	2,100	4,300	501,500	426,900	2,600	19,500	1,048,200
	Leather & Footwear	25,800	32,900	-	-	118,000	22,800	900	4,000	204,400
	Total	65,800	133,900	12,500	11,200	997,700	716,600	15,600	41,700	1,995,000
2015	Textiles	27,300	20,400	13,100	6,300	349,800	262,000	12,800	18,100	709,800
	Clothing	11,300	81,100	N/D	2,500	473,600	418,000	1,800	23,100	1,011,400
	Leather & Footwear	24,400	33,500	-	-	107,200	17,600	1,200	3,800	187,700
	Total	63,000	135,000	13,100	8,800	930,600	697,600	15,800	45,000	1,908,900

Source: Eurostat on 09-08-2017

COLLECTIVE LABOUR REGULATORY INSTRUMENTS

Among the union organizations that comprise the partnership, FESETE and DISK-TEKSTIL are the only organizations that include all workers in the textiles, clothing, leather and footwear sectors. OS-TOK does not include the footwear sector and ACV-CSC METEA includes only workers in the Textiles and Clothing industries (**table no. 2**).

Table no. 2 | Sectors covered by the union

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	YES	YES	YES	YES
Clothing	YES	YES	YES	YES
Footwear	YES	NO	YES	NO
Leather	YES	NO	YES	YES

When we questioned the organisations about the instruments that regulate their labour relations, they all referred to the Labour Code that regulates all sectors of activity, establishing minimums with regard to labour relations and the existence of Collective Labour Agreements (CLA), at company level. At sectoral level, only FESETE, ACV-CSC METEA and OS-TOK have this instrument (**table no. 3**).

Table no. 3 | Instruments for regulation of labour relations

Organization	Labour Code	Collective Labour Agreement - Sectoral	Collective Labour Agreement - Company
FESETE	YES	YES	YES
ACV-CSC METEA	YES	YES	YES
DISK-TEKSTIL	YES	NO	YES
OS-TOK	YES	YES	YES

With regard to the coverage, area and scope of the Collective Labour Agreements negotiated for all the companies and workers, in Portugal an Extension Decree is in place that must be requisitioned from the Ministry of Employment so that the agreement may cover all the workers and companies, regardless of whether or not they belong to union or business organisations. In Belgium, the collective bargaining takes place every two years and covers all the workers by Royal Decree. In the Czech Republic, upon request from both the social partners, the extension of the Collective Labour Agreement is validated by the Ministry of Employment and Social Affairs and a Law is passed that compels all companies with more than 20 employees to enforce it. In Turkey, the agreements are only negotiated at company level and apply only to the employees who belong to the union that negotiated it (**table no. 4**). Given that the application of the agreement does not cover all the workers in the company or the sector, currently the Labour Code only is applied for most of the workers.

Table no. 4 | Extension decrees

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	Depends on approval from the Ministry of Employment	Through Royal Decree	NO	All companies with more than 20 companies
Clothing	Depends on approval from the Ministry of Employment	Through Royal Decree	NO	All companies with more than 20 companies
Footwear	Depends on approval from the Ministry of Employment	-	NO	-
Leather	Depends on approval from the Ministry of Employment	-	NO	All companies with more than 20 companies

We also attempted to ascertain what the most common kind of labour contracts were between companies and workers in the textile, clothing, footwear and leather sectors. All the partners stated that the most common contract was the indeterminate term contract, followed by a fixed-term contract.

WAGES

With regard to wages, all the partners stated that the agreements negotiated at sectoral or company level in these sectors include a pay scale for each of the professional categories. It is pointed out that in Turkey these agreements are only applied to the workers who are members of the union, and for the rest the rules established by the Labour Code apply. In Belgium, the pay scale automatically reflects the national inflation and the social dialogue defines a maximum limit for pay rises that is negotiated between the representative organisations and the companies (**table no. 5**).

Despite the importance of these sectors, all the partners stated that the workers' wages in the production area are very similar to the national minimum wage.

Table no. 5 | Basic remuneration defined for all categories and workers

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	The negotiated pay scale after publication is applied to companies belonging to the business associations and the workers belonging to the union. After publication of the Extension Decree, it is applied to all the companies and workers	The pay scale has an automatic inflation-indexed system and is applied to all the workers in the sector	The negotiated pay scales are applied only to the workers belonging to the union	The pay scale is updated after publication of the agreement and is applied to all the workers in the sector
Clothing	The negotiated pay scale after publication is applied to companies belonging to the business associations and the workers belonging to the union. After publication of the Extension Decree, it is applied to all the companies and workers	The pay scale has an automatic inflation-indexed system and is applied to all the workers in the sector	The negotiated pay scales are applied only to the workers belonging to the union	The pay scale is updated after publication of the agreement and is applied to all the workers in the sector
Footwear	The negotiated pay scale after publication is applied to companies belonging to the business associations and the workers belonging to the union. After publication of the Extension Decree, it is applied to all the companies and workers	-	The negotiated pay scales are applied only to the workers belonging to the union	-
Leather	The negotiated pay scale after publication is applied to companies belonging to the business associations and the workers belonging to the union. After publication of the Extension Decree, it is applied to all the companies and workers	-	The negotiated pay scales are applied only to the workers belonging to the union	The pay scale is updated after publication of the agreement and is applied to all the workers in the sector

In another aspect of payment, regarding the meal subsidy, we ascertained that it is included in all the negotiated agreements (**table no. 6**).

Table no. 6 | Meal subsidy

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	The defined amount is €2.40	Voucher (€5.20)	Amount depends on company agreement	Up to 50% of the meal price
Clothing	The defined amount is €2.40	Voucher (€5.20)	Amount depends on company agreement	Up to 50% of the meal price
Footwear	The defined amount is €2.40	-	Amount depends on company agreement	-
Leather	€5.50	-	Amount depends on company agreement	Up to 50% of the meal price

We also attempted to assess if the agreements included holiday pay and Christmas pay. In Portugal and Belgium, these rights are stipulated in the Labour Code and in the Collective Labour Agreements. In Turkey, they may be included in the company agreements but the amounts are defined in accordance with the economic situation of the company. In the Czech Republic, these payments are agreed at company level (**table no. 7**).

Table no. 7 | Holiday pay and Christmas pay

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	Stipulated in the Labour Code and Collective Labour Agreement	Stipulated in the Labour Code and Collective Labour Agreement	Amount defined in line with the company's economic situation	When agreed at company level
Clothing	Stipulated in the Labour Code and Collective Labour Agreement	Stipulated in the Labour Code and Collective Labour Agreement	Amount defined in line with the company's economic situation	When agreed at company level
Footwear	Stipulated in the Labour Code and Collective Labour Agreement	-	Amount defined in line with the company's economic situation	-
Leather	Stipulated in the Labour Code and Collective Labour Agreement	-	Amount defined in line with the company's economic situation	When agreed at company level

Finally, and regarding payment of overtime in Portugal and Belgium, this aspect of the wage is regulated by the sectoral Collective Labour Agreement (CLA). In Portugal, the amount established is more than the minimum amount outlined in the Labour Code. In the Czech Republic, shift work, night work and weekend work is regulated by the Labour Code and specified at company level, and the payment rates are part of the CLA. In Turkey, this pay depends on the company agreement, and may differ from company to company (**table no. 8**).

Table no. 8 | Separate payment regime for overtime and night work stipulated in the CLA

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	Stipulated in the CLA	Stipulated in the CLA	Varies depending on the company agreement	This regime is regulated by the labour code and its payment is part of the CLA
Clothing	Stipulated in the CLA	Stipulated in the CLA	Varies depending on the company agreement	This regime is regulated by the labour code and its payment is part of the CLA
Footwear	Stipulated in the CLA	-	Varies depending on the company agreement	-
Leather	Stipulated in the CLA	-	Varies depending on the company agreement	This regime is regulated by the labour code and its payment is part of the CLA

DURATION AND ORGANISATION OF WORK TIME

With regard to the duration of work time, in the case of the Czech Republic the CLA for the textiles, clothing and leather sectors defines a 37.5-hour working week, while the Labour Code stipulates a 40-hour week. In Portugal and Belgium, the working week is 40 hours and in Turkey it is 45 hours. The partners pointed out that despite these limits, it is common for the workers to work longer hours which are not considered as overtime (**table no. 9**), such as regimes that allow adaptable and flexible working hours.

Table no. 9 | Hourly limits to the working week

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	The CLA defines a 40h working week	The CLA defines a 40h working week	The Labour Code defines a 45h working week	The CLA defines a 37.5h working week
Clothing	The CLA defines a 40h working week	The CLA defines a 40h working week	The Labour Code defines a 45h working week	The CLA defines a 37.5h working week
Footwear	The CLA defines a 40h working week	-	The Labour Code defines a 45h working week	-
Leather	The CLA defines a 40h working week	-	The Labour Code defines a 45h working week	The CLA defines a 37.5h working week

We ascertained that hourly limits are in place for supplementary work in all the countries. In Portugal, each sector specifically defines the limit on the number of hours. In the textiles sector, it cannot exceed 200 hours a year, the maximum outlined in the Labour Code, while in the clothing industry the maximum overtime is 2 hours a day on a weekday and 8 hours on a rest day, and in the footwear and leather sectors an extra 10 hours a week may be worked provided the worker does not work more than 10 hours a day (**table no. 10**). In Belgium, the CLA stipulates that overtime may not exceed 5 hours a week and the worker cannot surpass a maximum of 10 hours' work a day. In the Czech Republic and Turkey, overtime is regulated by the Labour Code and cannot exceed 150 hours and 270 hours a year respectively.

Table no. 10 | Overtime limits

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	Maximum limit of 200 hours a year	Maximum of 5h a week and 10h a day	The Labour Code defines a maximum of 270h a year	The Labour Code defines a maximum of 150h a year
Clothing	Maximum of 2h a day on weekdays and 8h on rest days	Maximum of 5h a week and 10h a day	The Labour Code defines a maximum of 270h a year	The Labour Code defines a maximum of 150h a year
Footwear	The working week may be extended from 40 to 50 hours provided it does not exceed 10h a day	-	The Labour Code defines a maximum of 270h a year	-
Leather	The working week may be extended from 40 to 50 hours provided it does not exceed 10h a day	-	The Labour Code defines a maximum of 270h a year	The Labour Code defines a maximum of 150h a year

As regards holiday leave, the situation is different in each country. In the Czech Republic, the Labour Code defines a minimum of 20 days and the CLA allows a possible 5 extra days for workers to be negotiated at company level. In Portugal, the CLA defines leave of 22 days, possibly reaching 25 days depending on the worker's assiduity, if the worker has not been absent at all. In Belgium, the workers are entitled to 20 days. Finally, in Turkey the number of days for holiday leave (stipulated by the Labour Code) depends directly on the number of years of service of the worker. Workers who have been at a company from 1 to 5 years (inclusive) are entitled to 14 days of holiday leave, which rises to 20 days after 5 to 15 years of service (inclusive) and 26 after 15 years of service. The number of days of holiday leave may also be defined by the Company Agreements negotiated (**table no. 11**). We also asked the partners about the compulsory weekly rest and apart from Turkey, which has a longer working week, they all stated the Saturday and Sunday were rest days. In Turkey, some companies only have rest days on Sunday.

Table no. 11 | Holiday leave

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	22 days of holidays which may reach 25 days if the worker has no absent days	20 days, established by the Council of Workers	14 days established by the Labour Code for workers with one year of service. More days are added in line with the no. of years of service or the Company Agreement	25 days (20 established by the Labour Code + 5 made possible by the CLA and negotiated at company level)
Clothing	22 days of holidays which may reach 25 days if the worker has no absent days	20 days, established by the Council of Workers	14 days established by the Labour Code for workers with one year of service. More days are added in line with the no. of years of service or the Company Agreement	25 days (20 established by the Labour Code + 5 made possible by the CLA and negotiated at company level)
Footwear	22 days of holidays which may reach 25 days if the worker has no absent days	-	14 days established by the Labour Code for workers with one year of service. More days are added in line with the no. of years of service or the Company Agreement	-
Leather	22 days of holidays which may reach 25 days if the worker has no absent days	-	14 days established by the Labour Code for workers with one year of service. More days are added in line with the no. of years of service or the Company Agreement	25 days (20 established by the Labour Code + 5 made possible by the CLA and negotiated at company level)

QUALIFICATIONS

We also attempted to assess whether the CLA attributed continuous training hours for the workers and we ascertained that in Turkey and the Czech Republic employers are compelled to organise training for the workers, but no minimum number of hours per year is established. In turn, in Portugal the employer must guarantee a minimum of 35 hours a year. In the case of Belgium, the employer must invest 1.9% of its staff costs in training (**table no. 12**).

Table no. 12 | No. of hours established for training of the workers

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	Workers are entitled to 35h of training a year	The Employer must invest 1.9% of its staff costs in training	Employers must provide training at work but no. of hours not defined	Employers must provide training at work but no. of hours not defined
Clothing	Workers are entitled to 35h of training a year	The Employer must invest 1.9% of its staff costs in training	Employers must provide training at work but no. of hours not defined	Employers must provide training at work but no. of hours not defined
Footwear	Workers are entitled to 35h of training a year	-	Employers must provide training at work but no. of hours not defined	-
Leather	Workers are entitled to 35h of training a year	-	Employers must provide training at work but no. of hours not defined	Employers must provide training at work but no. of hours not defined

HEALTH AND SAFETY AT WORK (HSW)

Given that workers in these sectors are at risk of occupational diseases and work accidents, we also tried to understand how the worker protection mechanisms are regulated in the event of disease and/or accident. We ascertained that in Turkey and the Czech Republic these mechanisms are enshrined in the Labour Code. In Portugal, the mechanisms are defined in the Labour Code and improved in the CLAs. In Belgium, these mechanisms are negotiated with the Health and Safety Committees (**table no. 13**).

Table no. 13 | Protection mechanisms for workers at risk of occupational disease and/or work accident

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	The indemnity mechanisms are defined by the Labour Code and improved in the CLAs	The mechanisms are negotiated by the Health and Safety Committees	They are mostly defined by the Labour Code	The indemnity mechanisms are defined by the Labour Code
Clothing	The indemnity mechanisms are defined by the Labour Code and improved in the CLAs	The mechanisms are negotiated by the Health and Safety Committees	They are mostly defined by the Labour Code	The indemnity mechanisms are defined by the Labour Code
Footwear	The indemnity mechanisms are defined by the Labour Code and improved in the CLAs	-	They are mostly defined by the Labour Code	-
Leather	The indemnity mechanisms are defined by the Labour Code and improved in the CLAs	-	They are mostly defined by the Labour Code	The indemnity mechanisms are defined by the Labour Code

We also listened to the partners regarding the right to consult the workers about HSW. In all the countries, this right is implemented with the responsibility for consultation attributed to the HSW Committees. Also in this area, the partners mentioned it was compulsory to provide information to the workers concerning HSW, and the right to create HSW workers' committees and representatives is stipulated.

UNION FREEDOM

We assessed the right of workers to organise and join unions in each of the countries. In all the countries in the partnership, the right to organise and join unions is stipulated, and credit in hours is granted to exercise union activity (**table no. 14**).

Table no. 14 | Right to organise and join unions, credit in hours granted for union activity

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	YES	YES	YES	YES
Clothing	YES	YES	YES	YES
Footwear	YES	-	YES	-
Leather	YES	-	YES	YES

GENDER EQUALITY

Finally, and with respect to the application of Gender Equality international regulations, all the partners pointed out that their CLAs complied with the regulations in force concerning Gender equality (**table no. 15**). To assess this question, a more in-depth analysis is required, given that discrimination may take place implicitly rather than explicitly in the way the work is organised.

Table no. 15 | CLAs compliance with international regulations on Gender Equality

Organization Sectors	FESETE	ACV-CSC METEA	DISK TEKSTIL	OS-TOK
Textiles	YES	YES	YES	YES
Clothing	YES	YES	YES	YES
Footwear	YES	-	YES	-
Leather	YES	-	YES	YES

Finally, we tried to assess how the social dialogue and collective bargaining evolved in the 2008-2015 period, given that 2008 was the year when the financial crisis began, 2011 was the year in which its effects were most sharply felt in Europe, and 2014 and 2015 were the years when the effects of the economic crisis began to be alleviated.

Hence, we can see (**table no. 16**) that in Portugal there was a clear shift towards slowing down the Social Dialogue, which is reflected in the number of Collective Labour Agreements (CLAs) in 2014 (only two were negotiated out of 7 possible). In 2015 the situation turned around, with three CLAs negotiated. In Belgium, there has also been a slowdown in the Social Dialogue, as shown by data supplied by the ACV-CSC Metea union, whereby instead of negotiating as normal every two years, a three-year period was required until an agreement was reached (2007 – 2010). In the Czech Republic, the Social Dialogue has clearly slowed down, which led to the sectoral Collective Labour Agreements not being negotiated in 2015. According to data from the OS-TOK union, it was only possible to negotiate 38 company agreements.

Table no. 16 - Collective Labour Agreements negotiated between 2008 and 2015

Sectors \ Year	2008	2011	2014	2015
FESETE Annual and sectoral agreements	7	6	2	3
ACV-CSC METEA Annual and sectoral agreements	2 Textiles and Clothing	2 Textiles and Clothing	2 Textiles and Clothing	2 Textiles and Clothing
DISK TEKSTIL Company Agreements				
OS-TOK Annual and sectoral agreements	1 TCL Textiles, Clothing and Leather	1 TCL Textiles, Clothing and Leather	1 TCL Textiles, Clothing and Leather	38 company agreements 0 CLAs

CONCLUSIONS

The years of crisis brought profound changes in the processes of industrial relations. All over Europe the number of collective labour agreements decreased drastically and in turn the workers no longer had a similar mechanism to protect them at work, thus paving the way for unfair competition among companies. The partners in this project all stated that they believed collective labour agreements are essential to promote the sector and improve the workers' standard of living. The textile, clothing, footwear and leather industries in the European Union must strive for quality, added value and constant innovation. To enable companies to respond in the best possible way, labour relations regulatory instruments must be in place that consider the needs of the workers and the companies and this is only possible if the Social Dialogue is alive and collective bargaining takes place.

Over the period from 2008 to 2015, there was a drop in the number of agreements signed between the business and union organisations. In Belgium and the Czech Republic, some Collective Labour Agreements expired, because of lack of agreement between the parties. As a direct consequence, a regulatory void was created for the workers in these sectors that led to worse working conditions and no dialogue.

In Portugal, only in the textiles sector was an attempt made to let the CLA expire in 2014. It is important to point out that, as a direct consequence, these sectors continue to stand out for their low wages, usually near the minimum national wage in each country. In the Czech Republic, the negotiation remained at company level and after a period of mediation meetings a new agreement was reached for 2017, in June. As for Turkey, the company agreements remained in place, but backward steps were taken in relation to the agreements signed.



Partnership



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