

OPEN ACCESS

ISSN 2280-4056

*E-Journal of  
International and Comparative*

# LABOUR STUDIES

Volume 1, No. 3-4 October-December 2012



**ADAPT**  
[www.adapt.it](http://www.adapt.it)  
UNIVERSITY PRESS



***Manual on Collective Bargaining  
and Dispute Resolution in the Public Service***  
**by the Sectoral Activities Department  
of the International Labour Office. *A Review***

Louise Floyd \*

---

*The Manual on Collective Bargaining and Dispute Resolution in the Public Service* (from here on *The Manual*) was produced by the International Labour Organisation's Sectoral Activities Department to put forward ideas – consistent with ILO practices – that may be used by unions and governments for preventing and resolving disputes in public service.

*The Manual* correctly identifies that governments, throughout the world, are important employers, so the manner in which public sector disputes are resolved and the extent to which positive workplace relations are built and maintained, is important to both the government and the public.

The austerity measures that have been brought about after the global financial crisis have seen conflict and changes within the civil services of various countries worldwide. The UK government is dramatically changing to a procurement-based service; there have been many redundancies in different state jurisdictions throughout Australia; and in other lands, such as Hong Kong, the emergence of China is seeing issues arise about the politicisation of the public sector workforce. For these reasons, it is this reviewer's opinion that *The Manual* is a timely piece of work and raises issues that should prove useful to both academics and practitioners in the public sector.

---

\* Louise Floyd is a Barrister to the Supreme Court of Queensland, Australia.

The present review refers to Sectoral Activities Department of the International Labour Office. *Manual on Collective Bargaining and Dispute Resolution in the Public Service*, ILO, Geneva, 2011. 169 pp. ISBN 978 92 2 125790 5.

Importantly, *The Manual* acknowledges that the notion of public service differs from jurisdiction to jurisdiction. In some areas, it is closely linked to employment by government, while in other areas it refers to the provision of public services, regardless of whether the model involves public-private partnerships or direct employment by government. In a similar vein, the culture and government structure of different countries influences workplace relations in the public sector. For all these reasons, *The Manual* does not advocate one hard and fast system of dispute resolution, but rather makes suggestions (“a common platform” as it were – pages 2-3), which can be adapted as appropriate to different systems.

Keeping that flexibility in mind, some of the particular points made in *The Manual* are useful to point out. There are discussions about gender and collective bargaining; as well as vulnerable groups and how they can be included in bargaining processes (so as to address disability, or the problems stemming from being a migrant worker, for example). *The Manual* underscores the importance of capacity building (so that the parties involved in bargaining have the capacity to negotiate); codes of practice for bargaining are discussed; as are joint problem-solving approaches so that issues are resolved collaboratively between parties.

But the heart and soul of *The Manual* is about collective bargaining in the public sector workplace. And to that end, *The Manual* traverses topics ranging from: social dialogue as a starting point; adequate intervention; bargaining approaches and models; promoting model workplaces; active facilitation of negotiations; duty to bargain in good faith; clarity and structure of agreements; dispute resolution mechanisms; arbitration; industrial action; and the need for ongoing review and revitalisation of systems.

No one particular country is singled out as the model; however, the reviewer found the analysis of some aspects of Canadian public sector bargaining to be particularly interesting. As the Canadian Public Service Labour Relations Act acknowledges:

“Effective labour-management relations represent a cornerstone of good human resource management and that collaborative efforts between the parties, through communication and sustained dialogue, improve the ability of the public service to serve and protect the public interest [...]”

*The Manual* builds on work of for example Professor Clive Thompson from the University of New South Wales as well as working papers like, Working Paper 277, “Dispute prevention and resolution in public services labour relations: Good policy and practice”. As the emphasis in collective bargaining changes from manufacturing to public sector activities, *The Manual* plays an important role in scholarship. It intends to promote the

implementation of the ILO's Labour Relations (Public Service) Convention No 151 (1978). One hopes it succeeds in that quest.



**ADAPT** is a non-profit organisation founded in 2000 by Prof. Marco Biagi with the aim of promoting studies and research in the field of labour law and industrial relations from an international and comparative perspective. Our purpose is to encourage and implement a new approach to academic research, by establishing ongoing relationships with other universities and advanced studies institutes, and promoting academic and scientific exchange programmes with enterprises, institutions, foundations and associations. In collaboration with the Marco Biagi Centre for International and Comparative Studies, ADAPT set up the International School of Higher Education in Labour and Industrial Relations, a centre of excellence which is accredited at an international level for research, study and postgraduate programmes in the area of industrial and labour relations. Further information at [www.adapt.it](http://www.adapt.it).

For further information about the E-journal and to submit a paper, please send a mail to [LS@adapt.it](mailto:LS@adapt.it).