

CALL FOR TENDERS

for subcontracting external expertise as part of a European Trade Union Confederation (ETUC) project:

INDUSTRIAL RELATIONS AND SOCIAL DIALOGUE
(COLLECTIVE BARGAINING) Agreement number: VS/2013/0379:
Defensive agreements, open clauses: integrated strategies of worker involvement and collective bargaining against fragmentation and downgrading

1. Background

The European Trade Union Confederation has recently addressed with more and more concerns the austerity measures decided on by the European institutions and governments, having a heavy and negative impact on wage trends, on wage formation systems and on collective bargaining. Wage freezes and cuts, opening clause contracts as well as bipartite and tripartite derogation agreements are strongly influencing the collective bargaining activity. This competitive strategy is spreading across the whole of Europe more and more, through imposed decentralization of collective bargaining and the setting of wages according to productivity only.

Such trend is also confirmed in the new proposals on country specific recommendations the European Commission has launched at the end of May 2013, addressed to several Member States. With respect to these proposals and recommendations, in the view of the ETUC, downwards wage flexibility seems to be the main, if not the only, instrument of adjustment. Country Specific Recommendations are at the origin of reforms of labour law and industrial relations strongly criticised by social partners and trade union in particular.

Given the current scenario, there is an increasing necessity for trade unions both at national and at European level to reshape and make collective bargaining coordination strategies more effective.

The ETUC Coordination has been designed to enhance positions of ETUC affiliates to be involved in all the steps of Governments' decisions concerning wages and collective bargaining. The methodology of coordination includes a more and more structured and continuous exchange of information with the aim of setting common trade union strategies. It implies the pointing out of benchmarks to measure quantitative and qualitative effects of the coordination action.

It is necessary for the ETUC to closely monitor trends which are relevant to collective bargaining and wage development at any level, and to intervene in a coherent and coordinated way especially in the contexts of derogation agreements, defensive agreements, opening clauses.

The abovementioned project and the related sub-contracted research activity aim at deepening the knowledge of practice and functioning of such collective bargaining features, in order to properly manage the flexibility they entail.

2. Schedule

The objective of the action is to deepen the knowledge of phenomena linked to derogation and defensive agreements and opening clauses, in order to better understand and manage their negotiation, implementation and monitoring procedures.

Over the last 10 years and especially after the crisis, trade unions in several European countries have negotiated tripartite or bipartite defensive agreements at national level, derogation agreement at sectoral level, or opening clauses agreement at company level, aimed at saving employment or supporting competitiveness. These agreements may produce negative dumping consequences if a series of conditions are not respected.

One of these main conditions concerns the full involvement of trade unions at the competent level in the process of negotiation, implementation and monitoring of the terms of such an agreement. In particular, a crucial aspect is represented by the existence and way of functioning of worker involvement and participative structures and practices in place in a given industrial relation system.

Research phase: January 2014 – May-June 2014

A research phase will focus on how participation practice interact/interfere with collective bargaining dynamics linked to derogation and defensive agreements and opening clauses. A series of selected case studies will allow to better understand if and how far the *acquis communautaire* in the field of information, consultation and participation represents an added value in integrated trade union strategies for coordinating collective bargaining. In particular the participative aspects will be considered in relation to their capacity to set up and influence procedures to control deviations at the different possible levels in which above mentioned agreements and clauses can take place.

Workshop on collective bargaining coordination: June 2014

Brussels, 2 days, 30 participants

The research will be complemented by a debate taking place in a workshop hosting 30 national trade union experts involved both in collective bargaining and worker involvement policy. The workshop will serve to provide further elements to better frame the phenomena of abovementioned agreements and clauses within the national industrial relations

frameworks; the impact (or lack of impact) of participative procedures in bargaining practices; the actions needed to ensure positive coordination between the participatory and the bargaining momentum.

A final report will be drafted on the basis of the case studies and the exchanges occurred during the workshop, containing the main results of the research; the identification of main areas of intervention in the field of collective bargaining and worker involvement; a coordinated action strategy.

Final conference: September 2014

Madrid, 4 days, 50 participants

A final conference will allow to display, explain and disseminate the relevant results of the research. 50 national trade unionists will be informed about the main outcomes and will be called at debating about coordinated measures to be undertaken both at national and at European level. Recommendation and guidelines for contrasting fragmentation of the industrial relations systems, increased heterogeneity and inequality concerning working conditions, declining solidarity and downwards competition.

Following discussions at the 2014 conference, this analysis will help to update the ETUC strategy.

3. Tasks to be performed by the contracting party

The contracting party will be in charge of performing the following tasks:

- Take part into the steering committee meetings;
- Draw-up (in English) a series of case studies (9) of defensive and derogation agreements and opening clauses (2/3 pages each);
- Help to prepare, attend and moderate the workshop in order to complete the research findings;
- Draw-up a final report (10 pages) for the final conference (on the basis of the desk research, specific interviews and the outcomes of the workshop);
- Documents will be drafted in English and then translated by the ETUC: the case studies in French, German and Italian; the final report in French, German, Italian, Spanish and Polish.
- Help to prepare and moderate the final conference;
- Follow-up among ETUC members with a view to updating the ETUC action plan on collective bargaining and worker involvement.

The expert's work will be supervised by the Steering Committee, chaired by Luca Visentini, Confederal Secretary of the ETUC (who is also responsible for collective bargaining, among other things).

The Steering Committee will set out the contents of the documents to be drafted and will validate the method for the process of collecting and processing information to be performed by the external expert.

4. Skills required

The contractor must prove that the (team of) expert(s) responsible for performing the above-mentioned tasks has:

- an excellent command of English (a second and a third language would be a bonus);
- proven plenty of knowledge about the subjects of the project, namely worker involvement and collective bargaining procedures across Europe; the combination of skills in these two fields is crucial;
- awareness of the functioning of the European semester and of the challenges for trade unions to have a voice in it;
- a background in conducting studies / research and providing reports and guidelines in the fields of industrial relations, social dialogue and, above all, worker involvement and collective bargaining procedures;
- experience in developing research and investigation within the trade union environment;
- been involved in European projects;
- experience in drafting documents disseminated to a mass audience;
- ability to adhere to a project's set deadlines;
- ability to work in a team.

5. Timetable and reports

The delivery of the tasks within this project is scheduled from January 2014 to September 2014.

The 9 case studies will be presented to the ETUC, for approval, before the workshop and the final report will be presented to the ETUC, for approval, before the final conference due to take place in September 2014.

The Steering Committee will decide on the exact dates when the various reports and documents must be submitted.

6. Price

Payment conditions for the selected expert/consulting firm are regulated under the conditions of a contract with the European Commission. Consequently, the payment conditions are non-negotiable and do not constitute a selection criterion for the offer. The selected expert/consultancy company will be paid a basic fee of up to €17 500 (all taxes included) for the work performed.

7. Payment

Payment will be made in two instalments:

- the first instalment of 1/3 of the total amount upon signature of the contract;
- the remainder upon receipt of the full invoice once the Steering Committee has approved the content of the reports and final product.

8. Selection criteria

The contract will be awarded to the expert with the best quality/price ratio. The following criteria will be taken into account:

- experience, CV, evidence of knowledge and previous work in the areas relevant to the project;
- ability to work in a team;
- ability to work in English and French;
- ability to draft reports in English or French;
- ability to adhere to the timetable;
- adherence to the budget;

9. Content and presentation of the offer

The offer, which must be submitted in English or French, must include the following:

- an official application letter;
- a detailed CV for each of the coordinators and experts of the Consortium;
- a budget in euros in accordance with the regulations set by the European Commission;
- the applicant's offer specifying how the tasks set-out in the tender will be delivered;
- information on the sub-contractors' experience in similar areas.

10. Publication and terms of the call for tenders

Offers must be received within 25 days of the date of publication of this call for tenders from the European Trade Union Confederation.

The call for tenders will be published on 19 December 2014 (published on the website of the ETUC (www.etuc.org) and sent to three potential service providers). All bids

must be received by **14 January 2014**, for the attention of **Mr Alexandre Martin**, ETUC, responsible for projects and EU funding, either by e-mail (amartin@etuc.org) or by post (Bd du Roi Albert II no. 5 – B-1210 Brussels).

A committee of three persons will be formed comprising three equal representatives of the ETUC's organisational entities. One or more members of this committee will initial the documents, confirming the date and time of each bid. The committee members will sign the report on the bids received, which will list the admissible bids and provide reasons for rejecting bids owing to their failure to comply with the stipulations of the tendering process.

This committee will then evaluate the tenders that have been deemed admissible. An evaluation report and classification of participation requests will be drawn up, dated and signed by all the members of the evaluation committee and kept for future reference.

This report will include:

1. the name and address of the contracting authority, the purpose and the value of the contract;
2. the names of any excluded candidates and the reasons for their rejection;
3. the names of candidates selected for consideration and justification for their selection;
4. the name of the suggested candidate and justification of this choice in terms of the selection or award criteria.

The contracting authority will then make its decision and will pass this on to all the candidates.