

Call for tenders ETUC Project 2022-02

## Call for tenders to subcontract an expert to draft a study on working time reduction

This is a call for a subcontractor to provide expertise with a view to support the activities of the ETUC project *ETUCLEX*. More specifically, this call for tenders relates to the drafting of a study on working time reduction through collective bargaining.

The ETUC will publish the call on its website, on 11/03/2024, and keep it online for 28 calendar days (deadline for submission of bids: 08/04/2024).

### 1. Background information on the project

The regulation and limitation of working time is a fundamental aspect of decent work and working life. Historically, the collective struggle of workers and trade unions has been instrumental in driving positive change through the progressive introduction of labour market reforms such as the 8-hour workday, the 5-day work week, and annual paid leave. Today, working time reduction is once again gaining traction, with trade unions setting the example through collective bargaining-led initiatives.

Against this background, as a priority for the coming years, the ETUC Action Programme 2023-2027 has identified the support of affiliated trade unions on issues linked to working time, including working time reduction while maintaining full pay.

Under the current *ETUCLEX* project, the European Commission has granted the ETUC funding to contract an expert study on working time in a changing world of work, exploring labour market developments in the light of issues such as work-life balance and the right to disconnect, digitalisation and telework, productivity and well-being at work. These trends can be seen as reflected in not only regulation by legislators and case law from courts, but also in collective bargaining between the social partners.

For this reason, the ETUC has chosen to focus its research on the question of working time reduction, and in particular on the role of collective bargaining agreements and trade unions as drivers of change. Admittedly, a number of macro-level mappings of policy trends in working time reduction, micro-level examples of company-led reductions in working time and dedicated studies on their social and economic impact already exist.

The objective of the ETUC commissioned study will therefore primarily be to provide an understanding of trade union-led examples of collective agreements that have resulted in working time reduction, including questions related to the content of these negotiations, identified reasons for their success, and the practical implementation of the agreed outcomes.

Against this background, the ETUC is launching a call for tenders to subcontract an external expert to draft a study on working time (hereinafter “study”) aimed at equipping trade unionists with both an understanding of how collective agreements may be used to reduced working time and the practical arguments and tools to achieve it.

## 2. Tasks to be performed by the subcontractor

As part of the ETUC project *ETUCLEX*, the subcontractor will be entrusted with the drafting of a study on working time reduction, focusing in particular on how this issue is addressed as part of negotiation, implementation and enforcement of collective agreements. The project will start on 30/04/2024 at the latest and shall be concluded by 31 January 2025.

The study shall be divided into three parts:

The first part (1), a literature review based on desk research, will have the aim of mapping existing research that addresses those external factors that are relevant to the reduction of working time, and which have an impact on the discourse and policy debates surrounding working time reduction. This literature will provide an overview of existing data, research and findings as a basis on which trade unionists can develop an understanding, narrative and arguments for an eventual strategy to negotiate a reduction in working time. The deliverables of this part include a list of identified literature, and a list of factors relevant to the reduction of working time together with a brief explanation of rationale of their influence. Such a preliminary list of possible factors will be provided by the subcontractor but the possibility that more will emerge during the research is expected. Such factors may include among others improved work-life balance and health benefits, productivity gains, employer attractiveness and solutions to labour shortages, etc. N.B. this list is only indicative and not exhaustive, whereby other possible elements might be identified in cooperation with the successful bidder.

The second part (2) of the study will include both mapping and analysis features, and will look into how collective agreements are achieved with the aim of collecting practical tools for trade unionists to use during negotiations. This part will be based on both primary and secondary sources of research, and will consist of two subsections. The first subsection (i) shall provide a mapping of the collective agreements concluded between 2010 and 2024<sup>1</sup> across a sample of different sectors<sup>2</sup>, member states<sup>3</sup>, and company sizes<sup>4</sup>. Based on this mapping, the content and features of the agreements will be analysed, identifying the parameters negotiated, as well as comparing their differences and commonalities. For the second subsection (ii) a limited number of the identified collective agreements will be analysed more closely in the form of case studies<sup>5</sup>. The aim of the case studies is to provide more detailed practical information on the content of these agreements, how these agreements were reached, i.e. the process and strategy pursued as well as other potential factors making the negotiations successful. The case studies will be selected based on criteria which at a minimum ensure

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<sup>1</sup> Unless a more relevant timeframe is identified and agreed upon by the steering group and the researcher.

<sup>2</sup> To the extent possible, a variety of sectors will be covered.

<sup>3</sup> A minimum of 15 member states is expected to be covered, or a representative number.

<sup>4</sup> To the extent possible, companies of various sizes will be covered.

<sup>5</sup> Indicatively, 4-5 cases are foreseen to be explored in more detail, including in-depth interviews with relevant trade union representatives or negotiators.

a degree of representativeness of different sectors, member states, and company sizes. N.B. the list is only indicative and not exhaustive, whereby other possible elements might be identified in cooperation with the successful bidder.

The third part (3) of the study will be more reflecting and forward-looking, partly also building on its first and the second parts. This third part will aim to identify and assess what practical tools, arrangements and considerations the implementation of collectively agreed working time reduction gives rise to. In this sense, the study aims to also formulate recommendations for trade unions and workers' representatives on what to bear in mind when elaborating strategies for the negotiation and execution of such agreements. Possible aspects to explore may be linked to e.g. the organisation of work, part-time work, working in shifts, recording of working time, monitoring and performance, enforcement and evaluation of the agreement, potential legal hurdles as well as whether concluded agreements address needs of workers of all skills levels in the same way and whether they are equally beneficial to both men and women, etc. N.B. this list is only indicative and not exhaustive, whereby other possible elements might be identified in cooperation with the successful bidder.

The deliverable from the second and third part of the study is a report of around 50-60 pages<sup>6</sup>, in English, written in a simple and accessible format using e.g. lists, indicators and charts. The costs linked to possible translations of collective bargaining agreements will be borne by the ETUC.<sup>7</sup>

The subcontractor will ensure the proof-reading and editing of the finalised study, while the ETUC will account for the layout and publication of the study.

In consultation with the Steering Committee, the subcontractor will develop a structure to be followed for the presentation of each part of the study, its key findings and recommendations, so as to ensure a coherent and practical approach.

The final outcome of the study shall serve as a tool for trade union legal activists, negotiators and workers' representatives, notably by: equipping them with a narrative to bring the issue of working time reduction to the negotiation table (part 1); providing them with concrete examples of demands and issues to raise in the negotiations (part 2(i)); offering inspiring examples of success stories from various sectors and how these agreements came about (part 2(ii)), and finally; identifying lessons learnt with a view to formulate recommendations on what to bear in mind for the conclusion and implementation of collective agreements on working time reduction, making them smoothly operational, and anticipating their practical implications in the workplace, in terms of arrangements to be put in place (part 3).

With a view to feed the drafting and give the study a hands-on approach, the subcontractor is also required to undertake a series of 4 interviews per case study with trade union experts with practical experience from having negotiated/implemented a collective agreement on working time reduction. In-depth interviews will be particularly important for the purpose of developing the case studies in subsection 2(ii). The subcontractor will be required to draft the interview guides in coordination with the Steering Committee. Please note that while it is up to the expert to choose whether to conduct the

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<sup>6</sup> Including case studies, but excluding annexes.

<sup>7</sup> Up to a maximum of 80 pages.

interviews in person or online, the ETUC will not reimburse travel for interviews and thus the costs will have to be covered by the fee.

### 3. Expertise, experience and skills required

A successful bidder will be required to demonstrate sound expertise on the following areas:

Experience required:

- Carrying out in-depth legal research on labour related topics, ideally in relation to working time or collective bargaining;
- Producing practical/pragmatic and comprehensible material for a non-research related public;
- Writing research reports containing analysis of legal frameworks;
- Successful track record of delivering studies for similar projects, with EU institutions and/or European stakeholders (social partners, NGOs, etc.).

Skills required:

- Proven research, drafting and presentation skills in English;
- Proven skills in drafting case study reports and interview templates;
- Ability to work within specified deadlines and to respect budgetary limits;
- Ability to work in a multicultural context (additional language skills is an asset) and understanding of different industrial relations systems, cultures and traditions;
- Good administration and project management skills.

### 4. Time schedule and reporting

The subcontractor will be asked to perform the above-mentioned tasks by 31 January 2025.

The progress and development of the study will be closely followed and monitored through collaboration with the project's Steering Committee composed of the ETUC legal team.

Feedback on the draft study will be collected from interviewees and any other stakeholders involved as considered appropriate by the ETUC legal team.

The expert may be required to present the final study at an ETUC event.

## 5. Payment

The total maximum budget available for the fees of the subcontractor is as follows:

Contract with ETUC	
Main activities and Meetings	
<ul style="list-style-type: none"> <li>• Produce a report of approximately 70 pages containing:               <ul style="list-style-type: none"> <li>○ An introduction/foreword.</li> <li>○ A first section which will be a literature review (approximately 10 pages).</li> <li>○ A second section which will feature a mapping and analysis of relevant CBAs and 4-5 in-depth case studies.</li> <li>○ A third section focusing on recommendations and other forward-looking elements.</li> </ul> </li> <li>• Undertake approximately 2 interviews per case study with stakeholders involved in the negotiation of a specific collective agreement.</li> <li>• Participate in meetings with the Steering Committee to discuss the evolution of the study and present the final version at an ETUC event.</li> </ul>	
<b>Total budget for the Expertise</b>	<b>20 000 € (VAT and all taxes included)</b>

The subcontractor will be remunerated in various instalments (advance and final payment). This amount covers the fees but does not include the travel and subsistence costs incurred for attending project meetings (such as Steering Committee meetings and Conferences). These will be covered by ETUC on the basis of EU rules & thresholds (see the EC table of maximum amounts per EU member state).

## 6. Selection criteria

The selection criteria are:

- Verifiable expertise, experience and skills, as required and described in part 3 of this call;
- Quality of the methodology proposed in the offer;
- Proven track record of ensuring the quality of written materials produced, both in terms of content and format (i.e. previous publications), in the relevant subjects specified in this call for tenders;
- Price/Quality ratio;
- Previous research/work undertaken in the field of labour law and industrial relations, in particular in the field of working time and/or collective bargaining.

## 7. Form, structure and content of the tender

Tenders must be written in English. They must be signed by the tenderer or his duly authorised representative and be perfectly legible so that there can be no doubt as to words and figures. Tenders must be clear and concise and assembled in a coherent fashion.

Since tenderers will be judged on the content of their written bids, they must make it clear that they are able to meet the requirements of the specifications.

All tenders must include at least two sections:

i) Technical proposal

The technical proposal must provide all the information needed for the purpose of awarding the contract, including:

- Specific information covering the technical and professional capacity, as required, in particular:
  - Description of relevant professional experience with emphasis on the specific fields covered by the invitation to tender;
  - Detailed curriculum vitae of key coordinator and of the other team members;
  - A selection of the main works and/or articles published by all the experts involved, in relation to the relevant subjects specified in this tender.
- Specific information concerning the proposed methodology for delivering the tasks listed in part 2 of this call.

ii) Financial proposal

Prices of the financial proposal must be quoted in euros, including if the subcontractor is based in a country which is not in the euro-area. As far as the tenderers of those countries are concerned, they cannot change the amount of the bid because of the evolution of the exchange rate. The tenderers choose the exchange rate and assume all risks or opportunities relating to the rate fluctuation.

Prices must be fixed amounts and shall not include travel expenses and daily allowances for the attendance to the Steering Committee meetings and other project events which will be covered by ETUC on the basis of EU rules & thresholds.

The maximum amount available for this contract is EUR 20.000 (VAT and all taxes included).

Prices shall be fixed and not subject to revision during the performance of the contract.

## 8. Award Criteria

The contract will be awarded to the tender offering the best value for money, taking into account the specific objectives, requirements and selection criteria of the tender. The principles of transparency and equal treatment will be respected with a view to avoiding any conflicts of interest.

## 9. Content and selection of the bids

**This call for tenders will be published on the ETUC website on 11/03/2024 and will be kept online for 28 calendar days. Offers must be sent at the latest on 8/04/2024.** Offers must be sent to ETUC, in electronic format (by e-mail to [amartin@etuc.org](mailto:amartin@etuc.org)), and refer to our “Call for Tenders – ETUCLEX Project”.

A committee will be formed comprising of 3 representatives of the ETUC. The committee members will 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 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 the justification for their selection;
4. The names of candidates put forward and justification of their choice in terms of the selection or award criteria.