



► Labour relations in policing in Europe

Joint EPSU, EUROMIL and EuroCOP conference on trade union rights
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Overview

- ILO Convention No. 151
- Survey
- ILO publications

- Note: this presentation is broadly about all public services. The examples relating to the police come from a specific and recent survey.

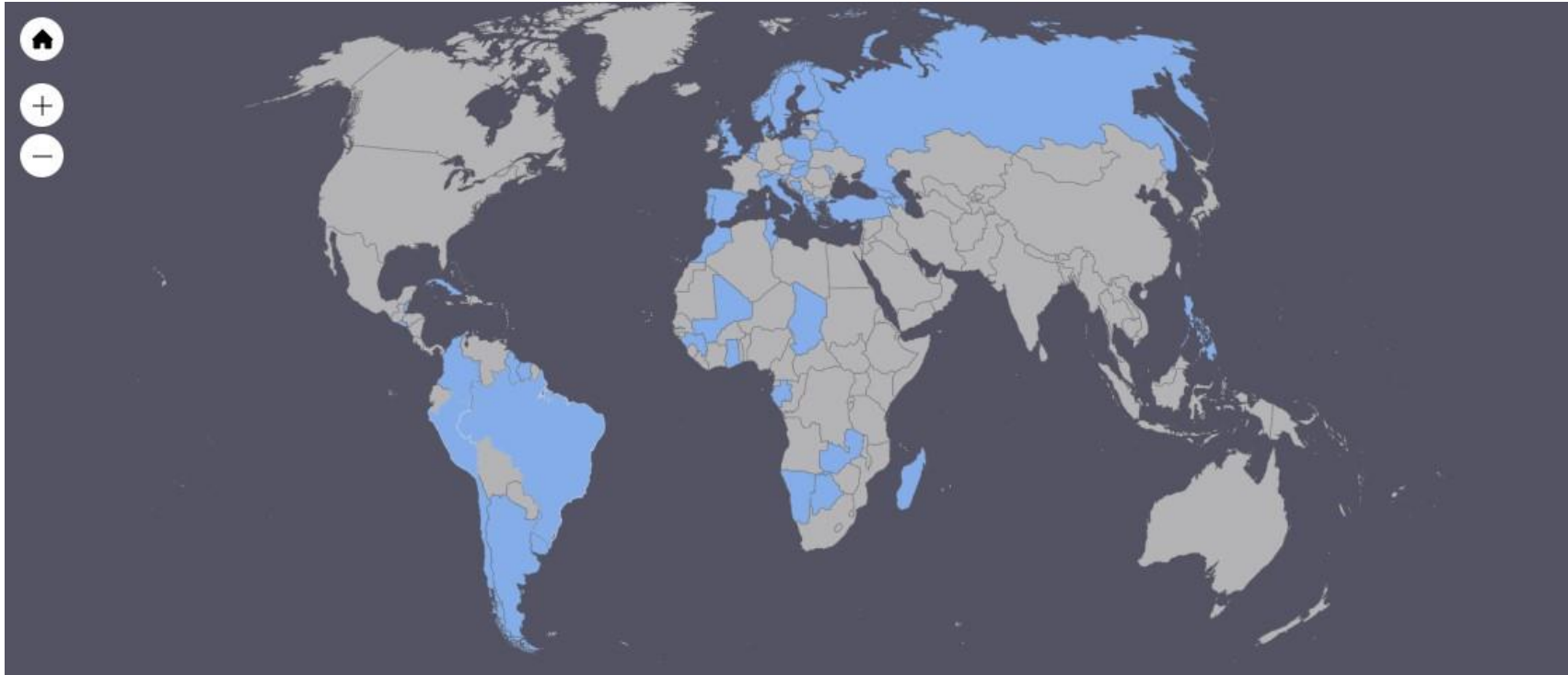
C151

- **Adopted on 27 June 1978**
- **Entered into force on 25 February 1981**
- **Currently ratified by 57 countries.**

PURPOSE

- **Expansion of public-service activities**
- **need for sound labor relations between public authorities and public employees' organizations**
- **To complement Convention No. 98**

Ratifications



In process: Bulgaria, South Africa, Ukraine.

► Ratification process- Art. 19 of ILO Constitution

Para. 5 (b): each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;

(c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

► Police: excluded from C151?

Art. 1(3): the Government may determine, through national laws or regulations, the extent to which C151 applies to the armed forces and the police, like in C98.

ILO Constitution: *In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.*

CEACR: Once freedom of association is granted to members of police, Convention No. 98 is extended to them.

Reasoning

General Survey, 2008:

These exceptions are justified on the basis of the responsibility of these two categories of workers for the external and internal security of the State.

In the view of the Committee, these exceptions must however be construed in a restrictive manner.

► **Police labour relations/ characteristics**

Rank system/discipline

High commitment to service

History of opposition to unions

Closeness to the state-stress in relations with population

Solidarity

Orientation to conflict resolution in courts

Issues related to law enforcement: “rights” defined as powers

► Survey: 45 countries recognize FOA for police

Albania

France

Lithuania

Romania

Andorra (not a member)

Germany

Luxembourg

Russia

Austria

Gibraltar

Malta

Serbia

Belgium

Greece

Moldova

Slovakia

Bosnia and Herzegovina

Guernsey

Monaco

Slovenia

Bulgaria

Hungary

Montenegro

Spain

Croatia

Iceland

Netherlands

Sweden

Cyprus

Ireland

North Macedonia

Switzerland

Czech Republic

Isle of Man

Norway

Ukraine

Denmark

Italy

Poland

United Kingdom

Estonia

Kosovo

Portugal

Finland

Latvia

▶ Sample of enabling statutes

Greece- Act No. 2265/1994: "the exercise of trade union rights of police officers may not exceed the limits determined by the peculiarities, the mission and especially the national, social and cross-party character of the Greek Police." . . . "Every police officer is entitled to be a member only of the primary trade union organization of the prefecture or of the administrative district where he serves." (Article 5).

Ireland- Art. 13 of the "Garda Síochána Act 2005": "For the purpose of enabling the members of the Garda Síochána to consider and bring to the notice of the Commissioner and of the Minister matters affecting their welfare and efficiency, other than questions of discipline and promotion affecting individuals, there shall be established, in accordance with regulations to be made under this Act, a representative body or bodies for all or any one or more of the ranks of the Garda Síochána below the rank of Surgeon, consisting of representatives elected by the members of the ranks or rank represented from amongst their number in manner to be prescribed by the regulations aforesaid. . . It shall not be lawful for a member of the Garda Síochána to be or become a member of any trade union or of any association (other than a representative body formed under this section) of which the objects or one of the objects are or is to control or influence the pay, pensions, or conditions of service of any police force.

▶ Sample of enabling statutes

Italy- Article 1 (3) Law No. 1893 of November 2020: "The right of free trade union organization, referred to in Article 39 of the Constitution, is exercised by members of the Armed Forces and Military Police Forces". The previous prohibition was annulled by court in 2018.

Spain- Organic Law 9/2015, of July 28, on the Personnel Regime of the National Police: "The National Police have the right to establish trade union organizations at the national level for the defense of their professional interests", but only for national police. Royal Decree 315/1987, of February 27: Police Council is a "joint collegiate body for the participation of the officials of the National Police Corps and the Administration, in determining their employment or working conditions and provision of the service and means for the possible solution of collective disputes. "

► Countries that don't recognize FOA for police officers

Armenia

Belarus

Kazakhstan

Tajikistan

Turkey

- ***Unknown: Georgia, Liechtenstein, Kyrgystan, San Marino, Tajikistan***

► Challenges: case of Hungary

One union complains that "Legislation that came into force on 1 January 2012 made a distinction between the fundamental rights of trade unions in different spheres. As a result, trade unions in Hungary are currently subject to two sets of rules: one for trade unions (operating in the civil sphere) under the Labor Code, and another for trade unions for soldiers and law enforcement workers. . . .

"The arena for direct dialogue with the government, the Law Enforcement Reconciliation Forum, has been abolished, despite continued intentions to work with trade unions. . . . named the sectoral advocacy council as the main arena for conciliation in the field of home affairs."

"[I]t held its inaugural meeting in August 2013, i.e. more than a year and a half after the entry into force of the relevant law. Despite the above, the Home Affairs Reconciliation Council has been kept alive as a venue for dialogue with the Ministry of the Interior.

► Challenges: case of Russia

Article 31 of the Federal Law No 3-FZ on Police (2012) provides for the Right of Police Officers to Form Trade Unions (Associations) in order to represent and protect their social and labour rights and interests. The procedure of creation and the terms of reference of police officers' trade unions (associations) shall be established by the legislation.

However, the All-Russian Trade Union of Workers of State Institutions and Public Services of the Russian Federation states that this Article has been insufficiently regulated. The collective agreement of the Ministry (exp. 31.12.2020) covers "federal state civil servants, workers and civilian personnel of the internal troops of the system of the Ministry of Internal Affairs of the Russian Federation," but not police.

► Colonial heritage

- **Most current or previous British colonies establish police associations by law– e.g. Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Botswana, Dominica, Grenada, Guyana, Hong Kong, Jamaica, Kiribati, Lesotho, Nauru, St. Kitts and Nevis, St. Lucia, Seychelles, Solomon Islands, Somalia, St. Vincent and the Grenadines, Vanuatu.**
- **Australia, New Zealand, South Africa and the USA recognize independent police unions, mostly at the local level. A 2013 Kenyan court order allowed police officers to join unions.**
- **All Dutch former colonies recognize independent police unions.**
- **None of the former Spanish and Portuguese colonies, except Brazil, have laws allowing police unions.**
- **French former colonies: only Haiti (by court order) and Madagascar recognize police unions.**

Trends

- Eastern Europe tends to establish negotiating bodies that deal with police issues
- UK, France, Germany address the issues in sectoral bodies for public servants, with incidental consultations regarding police officers.
- Southern European countries (Cyprus, Greece, Italy, Spain) treat police unions similarly to civil servant organizations, with some limitations.

ILO Publications on C151

