

**17th ILERA WORLD CONGRESS  
CAPE TOWN - REPUBLIC OF SOUTH AFRICA  
7-11 SEPTEMBER 2015**

**EMPLOYMENT RELATIONS IN THE PUBLIC SECTOR**

**Thursday, 10 September 2015**

**13:30 – 15:00**

**Reforming Public Service Employment Relations:  
Past, Present and Future Prospects**

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Paper supporting keynote address to Track 5: Employment Relations in the Public Sector

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## 1. The argument<sup>1</sup>

In most countries public sector employment relations have traditionally been regulated by special rules and institutions, separate and distinct from those governing private sector employment relations. The reasons for this distinctiveness are rooted, according to many scholars, in the unique role of the state as employer and as service provider, and in a number of structural factors which on average give public employees and trade unions a stronger bargaining power than private sector employees and unions.

Since the mid-late 1980s public service employment relations have undergone in many countries a continuous process of transformation, often within a context of public administration reform inspired by the New Public Management approach. The traditional distinctiveness of public service employment relations, with separate institutions and practices from the private sector, has been challenged, although to varying degrees and with different effects across countries. Based on the new institutional economics (transaction costs theory and agency theory), NPM aimed at removing any difference between the private and public sector as the only way to improve efficiency and effectiveness of public service. Changing the traditional patterns of public sector employment relations and HRM practices was an essential part of this program. The promise was a fundamental transformation, with a double process of convergence: between different countries and between public and private sectors within each country. However, after more than two decades of NPM inspired reforms, these processes of convergence did not occur, if not to a limited extent. In many cases, the naïve adoption into the public sector of private sector institutions and practices brought about unintended and even perverse effects, rather than improved quality and lower costs. The fundamental transformation which NPM promised did not materialize, quite differently from what occurred in private sector employment relations approximately in the same period.

However, in many advanced countries, but also in some emerging economies, the 2008 crisis altered the picture in a crucial feature. Namely, it challenged the traditional configuration of public sector employment relations as sheltered from international market pressures and supranational actors, operating in a relatively closed environment mostly shaped by the regulatory power of the state and other domestic actors. The key effect of this greater role of external and international forces is to

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<sup>1</sup> In preparing this paper I greatly benefited of previous work I have done on public sector employment relations with other colleagues, and in particular with Stephen Bach, with whom the collaboration goes back to the 1990s. I am very grateful also for his comments to this paper, although the responsibility for what is written is mine.

strengthen governments in their relations with unions and employees, possibly altering the traditional balance of powers in public sector employment relations like globalization and the intensified competition did four in management's favour in the private sector in recent decades.

These changes in the traditional environment of public sector employment relations do not appear to be just transitory, but seem likely to last over time, at least in the medium term. Whether they will be strong enough to bring about the fundamental transformation of public sector employment relations that NPM promised but failed to deliver, remains to be seen. Much will depend on the evolution of the crisis itself, and on the responses to the crisis by international authorities and national governments.

## **2. The past: the traditional distinctiveness of public service employment relations**

In the first decades after the end of the Second World War, public service employment relations were characterized in most countries by distinctive institutional, and often legal, features compared with employment relations in the private sector.

In Europe, this separate regulation was particularly pronounced in countries with a *Rechtsstaat* tradition, either of Napoleonic or Prussian origin (Kickert 2007 and 2008; Clauwaert and Warneck 2008; Bordogna 2008; Peters 2010; Bordogna and Pedersini 2013a), like France, Belgium, Italy, Spain, on the one side, and Germany, Austria, the Netherlands, among others, on the other side. But it was also evident within the common law tradition of the British/UK experience, although in different forms.

In the first group of countries, such distinctiveness often implied a public law statute for all or a significant part of public employees, not only civil servants, subject to administrative law and administrative courts. Within this tradition, despite considerable differences across countries (for instance between France and Germany), a basic feature was the primacy of the law, whereby laws and regulations were the exclusive source of administrative action and the tasks of administration were mainly restricted to executing legislation and administering regulations based on the law (Kickert 2007: 28-9). Linked to this strongly legalistic conception was a body of state officials whose tasks were to fulfil sovereign functions on behalf of the authority of the state (external defence, internal order, administration of justice, administration of taxes). Within such a framework, it was hardly conceivable that these functionaries could have 'particular' interests in contrast with the general interest of the state of which they were servants. Hence a distinctive model of employment regulation derived, separated from that prevailing in the private sector and characterized by two

essential elements. On one hand, they were denied the collective bargaining rights (and at times also the right to strike and the right of association), in favour of the unilateral regulation of terms and conditions of employment through laws or administrative measures. On the other hand, they enjoyed a special employment *status* consisting of various substantive and procedural prerogatives, in terms of recruitment procedures, employment security, career path based on seniority, pension treatments, and other guarantees. In case of controversies, their regulation was subject to administrative law and administrative tribunals rather than to civil code and ordinary courts. The employment relations approach linked to this framework is often labelled in the literature as the ‘sovereign employer model’, to stress the unilateralism that characterized it (Beaumont 1992; Bach and Kessler 2007; Bordogna 2008).

By contrast, within the common law framework of the British/UK experience, the absence of any distinction between administrative law and civil code and no clear legal demarcation between the private and the public sector of employment (Winchester and Bach 1999) prevented almost by definition a public law statute for public employees, leaving room to a tradition of joint regulation of terms and conditions of employment, in contrast to unilateralism. However, despite this, even in this experience public service employment relations followed for decades a different pattern from that prevailing in the private sector. So much so that this pattern was (and is) often summarized as the “model employer” approach, to stress the generally more ‘benign’ attitude of the employer towards the employees and trade unions than in the private sector.

Such a distinctiveness of public service employment relations, in whatever version (sovereign employer or model employer-like approach, or other variants as well), is detectable also in many countries outside Europe, both in advanced and mature economies and in emerging countries, from the US (especially in the federal government, but not only) to Japan, from Canada to Australia and New Zealand, from India to China, South Africa, Brazil and other Latin American countries (Katz, Kochan and Colvin 2015: ch. 10; OECD 2015: ch. 8; OECD 2008: ch. 2, although stressing how these special rules can be an impediment to the development of an efficient and service-oriented administration [p. 20]; ILO 2013: para 27; Dell’Aringa, Della Rocca and Keller 2001; Treu 1997).

The reasons of this peculiarity are well known. They are mostly due to the basic features of the public sector employer. As it has been also recently underlined, “the public sector is in some ways fundamentally different from the private sector” since “government is not just an employer [...]: it is a provider of public services and the public sector is affected more significantly than the private sector by political pressures and the demands of the public” (Katz, Kochan and Colvin 2015: ch. 10; also 2008: ch. 13). These considerations are consistent with a long-standing line of analysis which stresses

the unique role of the state as employer and the particular context in which the public employer operates (Kochan 1974; Ferner 1985; Beaumont 1992). Public sector organizations are mainly financed through public funds, are subject to a higher degree of public scrutiny, their employers/managers are sensitive to the need for political consensus, and are answerable to a wider range of stakeholders than in private sector organizations (Bach and Kessler, 2007). It follows from this that the public employer is a political institution exposed to a context that leads to a logic of action which is different from that prevailing in the private sector: a political dimension is an intrinsic feature of public sector industrial relations, to some extent irreducible (Bordogna 2008).

Katz, Kochan and Colvin (2015: ch. 10; also Katz 2013: 1034-1036) also stress how the Marshall's conditions operate differently in the public and the private sectors. On average, two of these conditions (substitutability of employees with other factors of production; price elasticity of demand for the final good) give public employees a stronger bargaining power than private employees, one condition is neutral and the last one is likely to be at a disadvantage (the importance of being unimportant). This implies that, irrespective of the legal regulation of the employment relationship and irrespective of the prevailing employment relations model, public employees, despite significant differences across countries and over time, would on average enjoy a stronger bargaining power than private sector employees – which according to many scholars is one of the reasons 'justifying' a special regulation of employment relations in the public sector<sup>2</sup>.

### **3. The challenge of two decades of NPM-inspired reforms**

It is precisely such distinctiveness of public sector employment relations that, about three decades ago, started to be challenged by the cycle of public service reforms inspired by the new public management (NPM) approach, within a wider process of public sector restructuring. This cycle originated around the mid-1980s in the main Anglophone countries (UK, US, Australia and New Zealand) but, with the support of OECD (1995), soon spread well beyond the 'first movers' to invest, although to a different degree, the organization of public administration in many countries all over the world, irrespective of the political complexion of the party in office (Hood 1995: 100; OECD 2008: ch. 2; 2015: ch. 8).

Although, despite the vastness of the relevant literature, NPM still remains a loose and often ill-defined concept, central to its programme was the idea that the only or best way to improve the

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<sup>2</sup> A partially different position would be to consider the traditional private sector employment relations institutions appropriate also for the public sector, but in a form adapted to meet the special circumstances of the public sector (Katz, Kochan and Colvin 2015: ch 10).

efficiency and effectiveness of public services was by lessening or removing any difference between the public and the private sectors<sup>3</sup>. Rooted as it was in the new institutional economics – especially public choice theory, transaction cost theory and agency theory – the essential components of its recipes were the adoption of market-oriented mechanisms of governance in conjunction with private sector management techniques. Privatization and marketization were the two keywords: the first one to indicate the necessity of re-designing the boundaries between the private and public sector of the economy, and the second one to stress the need to shift the internal governance of public organizations from a Weberian bureaucratic model, based on formal rules, hierarchical relations and process accountability, towards a market-like model including contract-based (or quasi-contract) relationships, incentives and accountability on results. Thus, NPM-inspired reforms aimed to modify profoundly the system of constraints and opportunities, of incentives and controls governing the entire functioning of the public services, and to reduce the differences between the public and the private sectors by importing into the former the methods of management typical of the latter – a presumed paradigm shift in the organization and management of public administration (Dunleavy and Hood 1994). Moreover, given the claim to universality inherent to its programme (Hood 1991: 8; Hood 1995: 95), NPM justified the expectation of a process of global convergence, conceiving any variation across countries only in terms of leaders and laggards, not in terms of the direction of change (Bach and Bordogna 2011: 2282).

In particular, with regard to employment relations, HRM practices and the role of trade unions, NPM challenged both the approaches that dominated public service employment regulation in the post-WWII period. With regard to the ‘sovereign employer’ approach, under attack were the special employment status of public employees, especially but not only civil servants, and the substantive guarantees and prerogatives attached to such a status. Against the ‘model employer’ approach the targets were the full recognition of IR institutions and the prejudicially benign attitude towards union prerogatives. Against both approaches, NPM preached less attention to equity issues and national comparability standards, and the replacement of automatic and collective mechanisms of pay increases and career promotion with more discretionary, selective and variable mechanisms (such as performance related pay, merit pay, variable bonuses, etc.). A double process of convergence could be therefore predicted with regard to employment relations: between public and private sector within each country, and in public sector between different countries.

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<sup>3</sup> It is possible to find in the literature many specifications of the core components of NPM, for example in Hood (1991 and 1995), Dunleavy and Hood (1994), OECD (2012: ch. 3, box 3.1). The list can be slightly different, the substance is the same.

As it is known, developments in many OECD countries turned out to be much more mixed and diversified than rather naïvely predicted, with significant variations across different countries, in different segments of the public sector and in different parts of the NPM programme (Bordogna 2008: 386-87). Despite some undeniable evidence in the convergence both between countries, for instance as effect of privatization and outsourcing of formerly publicly provided services, and between public and private sector within each country, for instance as effect of processes of de-bureaucratization, marketization, decentralization and performance budgeting that almost everywhere took place, the argument of a radical turnaround or a paradigm shift is untenable. Rather than the prediction of a universal and linear process of change of all or most countries towards a common destination, with a distinction only between leaders and laggards, or even the more nuanced hypothesis of varieties of NPM, the idea of alternative reform trajectories is more pertinent and realistic. Trajectories in which layers of reform accumulate over time combining elements of NPM with long-standing features of the 'classic' public administration, as well as other measures, giving rise to distinctive, partially country-specific and institutionally embedded patterns of administrative reform, comprising, in addition to NPM, forms of neo-Weberian state and hybrid models of governance (Pollitt 2007; Christensen and Lægreid 2007 and 2009; Bach and Bordogna 2011).

With reference in particular to employment relations and HRM practices, neither a radical convergence between countries nor between public and private sector in each country has occurred, although with some exception. In Europe and in many developed market economies, despite some common trends, the clusters of countries that pre-existed NPM reforms have not been substantially altered by them, or only limitedly. The reason is that in the public sector country-specific legal, institutional and administrative traditions are particularly strong, resulting in national path dependencies which hinder or prevent marked processes of convergence (Bordogna 2008). Also the convergence with the private sector has been limited. In many OECD countries, as well as in emerging ones, despite the weakening of some of their special guarantees and prerogatives, the persistent difference of status of public employees (OECD 2015a; Katz, Kochan and Colvin 2015, ch 8; ILO 2013) still affects many features of public sector employment relations. The unique role of the state as employer, and the particular context in which the public employer operates, have proven to be more resistant than it was naïvely assumed by the NPM programme, preventing a full convergence with private sector employment relations. Not only. The neglect of this distinctive feature of the public employer, together with the obsessive concern with agency costs and the problem of agents' opportunism, has led in many cases to the inability to see the difficulties of importing into the public sector market-oriented mechanisms of governance and private sector management techniques, and, more important, to anticipate the unintended or perverse effects of NPM inspired reforms (Bordogna

2008). With regard to employment relations and HRM practices, this has been the case, for instance, of the decentralization of collective bargaining over pay and conditions of employment, the replacement of automatic and 'collectivist' of pay increases and career promotion linked to the length of service with more discretionary and selective procedures, and forms of PRP and individualization of employment conditions. When these types of measures have been imported from the private sector neglecting the peculiarities of the public employer and without the appropriate financial and institutional conditions, the effects have often been quite distant, if not opposed, to those obtained in the private sector. This has been stressed also by OECD studies in the first decade of the new millennium (in particular 2007a and 2007b, but also 2005 and 2008), amending the more enthusiastic, and somewhat naïve, support of NPM of previous years. A much more cautious and conscious attitude towards NPM is clearly prevailing in recent times (OECD 2010, 2012, 2015a)<sup>4</sup>.

It can be concluded, therefore, that the fundamental change, or paradigm shift, promised by the NPM approach in the organization and management of public administration, including public service employment relations, did not materialize. Certainly not with the magnitude and depth that many observers expected. Which does not mean that NPM is dead (de Vries 2010) or that none of its components may be fruitfully imported into the public sector and public service employment relations. But means that even on the part of institutions that strongly supported NPM as the most appropriate way to improve the efficiency and effectiveness of public services there is a greater acknowledgement of the *pros* and *cons* of its recipes, of their potential unintended and even perverse effects, and of the institutional conditions which help avoid them.

#### **4. The 2008 crisis and its effects: again no fundamental change?**

The conclusions of the previous section are consistent, with some qualification, with those reached in a recent article by H. Katz (2013). Although referred to the U.S. experience and with no explicit mention to NPM reforms, the question raised by the author is pertinent to our topic. The issue is whether U.S. public sector (state and local government) labor relations have seen over the last three decades a 'fundamental transformation' like the transformation that occurred in the 1980s in the private sector, as documented by Kochan, Katz and McKersie (1986). Katz's answer is negative.

The argument supporting a radical change in the private sector since the early 1980s was based on a shift in bargaining power in management's favour due to four main factors: increased international

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<sup>4</sup> In 2010 the OECD launched a new series of studies on "new reforms and reform trends in public administration" under the title of *Value for Money in Government*. The first report of the series had the significant title of *Public Administration after 'New Public Management'*.

competition, growth of a highly competitive domestic non-union sector, severe economic recession, deregulation in a number of key industries. The effect of these factors was to pressure “private sector unions into concessions and other related bargaining outcome and process changes” (*ibidem*: 1036). In contrast with the private sector experience, the argument continues, the influence of these economic factors in the public sector seems “much more modest” than it was in the private sector. The role of international sourcing and of multinational corporations is limited, while privatization processes, which make alternative providers more feasible, therefore weakening unions’ bargaining power, have expanded only gradually since the early 1990s in the US experience, and their increase in recent years has not been on the scale capable to lead to transformative change (*ibidem*: 1037). Also regulatory changes in the public sector have been limited compared to the deep deregulation that took place in some private sector industries in the 1980s (trucking, airlines, telecommunications). All in all, these differences in the two contexts would explain why the fundamental transformation that occurred in the U.S. private sector did not affect, and is not affecting, public sector labour relations.

Some of the factors mentioned by Katz to justify his conclusion are specific of the U.S. and have no explicit link with NPM reforms. But the question he raises has a more general value, not limited to the U.S. experience, and some core components of the NPM program – like the privatization and outsourcing of public services, the promotion of competition and user’s choice, the adoption of market-like mechanisms of governance – resemble the factors that play a crucial role in his analysis. Thus, the question he raises is pertinent to our topic.

As already noticed, in the previous sections we arrived to similar conclusions. Approximately in the same period analysed by Kochan, Katz and McKersie, the fundamental change promised by the NPM program in public service employment relations, within a wider restructuring of public administration, did not materialize. The distinctiveness of public service employment relations, challenged by NPM, has probably been partly eroded, at least in some feature and especially in some countries; but after more than two decades of NPM-inspired reform it has not been substantially altered.

The question is now whether this conclusion is tenable also in the light of the economic and financial crisis exploded in 2008. The crisis, and governments’ responses to it, have not only heavily affected public sector working conditions in many countries, including employment levels, salary increases and pension benefits, but have also strained the consolidated regulatory patterns of employment relations, especially, but not only, in Europe (Bach and Pedersini 2013; Bach and Bordogna 2013; Vaughan-Whitehead 2013; Kickert, Randma-Liiv and Savi 2013). Are the effects of the crisis only

transitory, unable to bring about a fundamental transformation? Or will they have a more profound and lasting impact? What is their relationship with the NPM program? Will they weaken or strengthen the distinctiveness of public service employment relations?

Probably the most important change, influencing several others, is that the crisis has challenged the traditional configuration of public sector employment relations as sheltered from international market pressures, operating in a relatively closed environment mostly shaped by the regulatory power of the state and other domestic actors (Bach and Bordogna 2013: 291-92). External forces, especially international financial markets, together with supranational actors (IMF; European Commission in the European Union, others) have powerfully entered into the scene, playing a key role in constraining government responses to the crisis. This has had major consequences for public sector employment relations, among which a strong revival of unilateralism and a process of recentralization of pay determination<sup>5</sup>. The relationships of these consequences with the NPM program are ambivalent. On the one hand, they represent a break with the cycle of NPM-inspired reforms. What is probably the main distinctive feature of public sector employment relations, namely the power of public employers to determine terms and conditions of public employees unilaterally, has been reaffirmed and possibly further strengthened by the crisis, also influencing the dynamics related to public employees under private contract and, in some cases, to private sector employees. On the other hand, these prerogatives have often been used to achieve a leaner public sector and accelerate the introduction into the public sector of HRM practices and managerial techniques typical of the private sector (Bach and Bordogna 2013; for the impact of the crisis on NPM reforms see also OECD 2010, 2012, 2015a).

These considerations apart, one may agree that the pressures played by the increased role of international forces and supranational actors in the public sector are different from those exerted in the private sector by the intensified international competition and the growth of a competitive non-union sector – after all, unilaterally decided cuts in replacement ratios or wage freezes are different from massive dismissals or firms bankruptcy. But public budget constraints are an increasing problem all over the world, and, as stressed in Katz analysis (2013; also Katz, Kochan and Colvin 2015: ch. 10), this is a crucial variable conditioning public sector employment relations. There can be cross-national variations in the impact of this variable, depending on the financial vulnerability of the relevant country (Lodge and Hood 2012). But the key point is that such a greater role of international forces and supranational actors strengthens governments position in their relations with public

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<sup>5</sup> In countries where the 'sovereign employment' model already gave the employer the power to unilaterally determine terms and conditions of employment, this power has been fully exploited; in countries with a 'model employer' approach, collective bargaining rights have been often suspended or cancelled. Recentralization has often been linked to centrally defined, horizontal measures applied in a generalized and undifferentiated way to all services and all employees.

employees and trade unions, possibly altering the traditional balance of powers in the public sector like the four factors analysed by Kochan, Katz and McKersie did in management's favour in the private sector. Although public sector unions remain the stronghold of trade union movements in most countries (Visser 2011 and 2015; Pedersini 2014), their role has generally been weakened by the crisis, if not in membership and density, certainly in their capacity to influence governments' and public employers' policies: their veto powers are certainly weaker than in the sheltered environment of the past (Bach and Bordogna 2013). And this capacity is one of the features at the basis of the traditional peculiarity of public sector employment relations (Katz, Kochan, Colvin 2015: ch. 10).

If these changes are significant enough to bring about a fundamental transformation of public sector employment relations remains to be seen. But after more than seven years since the beginning of the crisis we can say that they are not just transitory changes. Their effects are there to last, at least in the middle term.

## **5. Summary and future prospects**

In the standard industrial relations literature, public service employment relations are traditionally dealt with in a separate chapter. Also in the ILERA World and Regional Congresses there is almost always a special track dedicated to the public sector. This feature reflects the fact that in virtually all countries the laws and institutions regulating public sector employment relations are different and separated from those prevailing in the private sector. This, in turn, is linked to some structural peculiarities of the public sector, to begin with the unique role of the state as employer and provider of public services, which gives public service employment relations an inherent political dimension, to some extent irriducible. In such a context, more 'politicized' and less exposed to international market pressures, public sector employees and trade unions would enjoy an advantage compared with private sector employees and unions due to a lower price elasticity of demand of public services and a lower substitutability of public employees.

All these combined factors concur to determine the traditional distinctiveness of public service employment relations, with separate institutions and practices from the private sector. A feature which characterizes, despite their differences, both the approaches traditionally dominating public sector employment relations – the 'sovereign employer' approach and the 'model employer' approach.

Such a distinctiveness started to be under attack about three decades ago, as effect of the new public management (NPM) program to reform the entire public administration by removing any difference between the private and public sector. Within a wider program of public sector restructuring based

on massive privatization and marketization processes, with regard to employment relations NPM challenged the main features of both approaches that dominated public sector employment regulation in the first decades after WWII. Against the sovereign employer model, under attack was the special status of civil servants and public employees in general, with the procedural and substantive guarantees attached to it. Against the model employer approach, the targets were the full recognition of IR institutions and the prejudicially benign attitude towards union prerogatives. And against both approaches, NPM promoted less attention to equity issues and national comparability standards, and the replacement of automatic and collective mechanisms of pay increases and career promotion with more discretionary, selective and variable mechanisms. A double process of convergence was therefore expected with regard to employment relations: between public and private sector within each country, and in public sector between different countries.

After more than two decades of NPM-inspired reform attempts in many countries, these expectations of double convergence did not materialized, if not to a limited extent. Rather than a linear move of all countries along the common path indicated by the NPM program and towards the unique model promoted by it, with countries differentiated only between leaders and laggards, different models have emerged linked to country specific legal and institutional traditions. With regard to the convergence between private and public sector, the structural factors characterizing public service employment relations and underpinning their distinctiveness – underlined both in the Ferner and Baumont tradition and in the Katz and Kochan version – have proved to be much more resistant than expected by NPM. The radical change promised by the NPM program has not occurred, quite differently from the ‘fundamental transformation’ which in the same period characterized private sector employment relations, first of all in the United States but in other countries as well, under the pressure of intensified international and domestic competition, liberalization and deregulation processes.

The financial and economic crisis exploded in 2008, followed in many countries by a sovereign debt crisis, seem however to bring some significant change into the picture. Most important, has undermined the traditional configuration of public sector employment relations as sheltered from international market pressures and operating in a relatively closed environment shaped by the regulatory power of the state and other domestic actors. International forces, namely financial markets, and supranational actors have powerfully entered into the scene, playing a key role in constraining government responses to the crisis, with major consequences on public service employment relations. Public budget constraints are an increasingly important problem for many countries. The key point is that these changes strengthen governments position in their relations with

public employees and trade unions, possibly altering the traditional balance of powers in the public sector like the four factors analysed by Kochan, Katz and McKersie did in management's favour in the private sector.

These effects of the crisis do not seem to be transitory, but are likely to endure at least in the middle term. Whether they will be significant enough to bring about a fundamental change in public sector employment relations similar to the transformation that occurred in the private sector, accomplishing what NPM failed to obtain, remains to be seen. Much will depend on the evolution of the crisis itself.

Whatever these developments, at least two issues are likely to remain on the agenda of public service employment relations with a greater urgency than in the private sector. One is the traditional issue of the regulation of labour disputes in public services, especially when the exercise of the right to strike of employees threatens the fruition of the constitutionally protected rights of the person (to security, health, mobility, information, education, etc.). This problem is particularly delicate in countries, like France and Italy in Europe, where also the right to strike is constitutionally protected, with no substantial distinction between private and public employees (by the way, many public services are supplied by private providers, with employees under private employment contract). But it is emerging in an important way also in countries where the potential conflict between two constitutionally protected rights does not exist, and where the general institutions of the industrial relations system were traditionally able to keep the problem under control (like in Germany, to take another European example). The problem of course consists in the circumstance that in this type of conflicts third actors are inevitably affected (patients, commuters, students and their families, citizens at large) which do not have any responsibility in the dispute and which do not participate nor are represented in negotiations. Perhaps these conflicts are not increasing in absolute quantitative terms, but their role is crucial in contemporary economies and societies (Bordogna and Cella 2002; Bordogna 2010).

The second issue is newer. It regards the role of service users (often union members) in public service employment relations. Until recently, this role has been traditionally neglected, both in practice and in the literature, with few exceptions. But it is emerging as an important issue in some recent comparative studies (Bach 2015), and perhaps could also offer an opportunity for a renewal, or revitalisation, of public service unions.

## REFERENCES

- Bach S. (2015), *New Challenges for Public Services Social Dialogue: Integrating Service User and Workforce Involvement: Comparative Report*, London: King's College
- Bach S. and Gall G. (2014), "Public Service Voice Under Strain in an Era of Restructuring and Austerity", in Bogg A. and Novitz T. (eds), *Voices at Work: Continuity and Change in the Common Law World*, Oxford: Oxford University Press, pp.322 -336.
- Bach S. and Bordogna L. (2011), "Varieties of new public management or alternative models? The reform of public service employment relations in industrialized democracies", in *International Journal of Human Resource Management*, 22(11), 2281-2294.
- Bach S. and Bordogna L. (2013), "Reframing public service employment relations: The impact of economic crisis and the new EU economic governance", in *European Journal of Industrial Relations*, 19(4), 279-294.
- Bach S. and Kessler I. (2007), 'Human Resource Management and the New Public Management', in P. Boxall, J. Purcell and P. Wright (eds) *The Oxford Handbook of Human Resource Management*, pp. 469–88. Oxford: Oxford University Press
- Bach S. and Pedersini R. (2013), "The consequences of the crisis for public sector industrial relations", in European Commission, *Industrial Relations in Europe 2012*, Luxembourg: Publications Office of the European Union, ch. 4, 129-161.
- Bamber G., Lansbury R. and Wailes N. (eds) (2013), *International and Comparative Employment Relations: Globalisation and Change*, Thousand Oaks: Sage.
- Beaumont P. (1992), *Public Sector Industrial Relations*, London: Routledge.
- Bordogna L. (2008), "Moral Hazard, Transaction Costs and the Reform of Public Service Employment Relations", in *European Journal of Industrial Relations*, 14(4), 381-400.
- Bordogna L. and Pedersini R. (2013), "Public sector industrial relations in transition", in European Commission, *Industrial Relations in Europe 2012*, Luxembourg: Publications Office of the European Union, ch. 3, 93-127.
- Bordogna L. (2010), "Strikes in Europe: Still a Decade of Decline or the Eve of a New Usurge?", in *The Indian Journal of Industrial Relations*, 45(4): 658-670.
- Bordogna L. and Cella G.P. (2002), "Decline of Transformation? Change in Industrial Conflict and its Challenges", in *Transfer* 8(4): 585-607.
- Bordogna L. and Winchester D. (2001) "Collective Bargaining in Western Europe", in C. Dell'Aringa, G. Della Rocca and B. Keller (eds), *Strategic Choices in Reforming Public Service Employment*, pp. 48–70. New York: Palgrave.
- Christensen T., and Lægveid P. (2007), "The Whole-of-Government Approach to Public Sector Reform", *Public Administration Review*, 67, November/December, 1059 –1066.
- Christensen T. and Lægveid P. (2009), "Coordination and Hybrid Governance – Theoretical and Empirical Challenges", Paper presented at the 58 Transatlantic Dialogue "The Future of Governance in Europe and the U.S.", 11 – 13 June, Washington.
- Christensen T., Lie A. and Lægveid P. (eds.) (2007), *Transcending New Public Management. The Transformation of Public Sector Reforms*, Aldershot: Ashgate.
- Dell'Aringa C., Della Rocca G. and B. Keller (eds) (2001), *Strategic Choices in Reforming Public Service Employment*, New York: Palgrave.

- De Vries J. (2010), “Is New Public Management Really Dead?”, in *OECD Journal on Budgeting*, vol. 1, pp. 1-5.
- Dunleavy P. and Hood C. (1994), “From Old Public Administration to New Public Management”, in *Public Money and Management*, vol 14(3), July-September: 3-19
- Ferner A. (1985) “Political Constraints and Management Strategies: The Case of Working Practices in British Rail”, *British Journal of Industrial Relations* 23(1): 47–70.
- Homburg, V., Pollitt, C., and van Thiel, S. (2007), “Introduction”, in Pollitt C., van Thiel S. and V. Homburg (eds), New York: Palgrave MacMillan, pp. 1 –9.
- Hood C. (1991), “A Public Administration for All Seasons?”, in *Public Administration*, 69: 3-19.
- Hood C. (1995), “The ‘New Public Management’ in the 1980s: Variations on a Theme”, in *Accounting, Organizations and Society*, 20(2/3): 93-109.
- Katz H. (2013), “Is U.S. Public Sector Labor Relations in the Midst of a Transformation?”, in *Industrial and Labor Relations Review*, 66(5), 1031-1046.
- Katz H.C., Kochan T.A. and Colvin A.J.S. (2015), *Labor Relations in a Globalizing World*, Ithaca (N.Y.): Cornell University Press.
- Katz H.C., Kochan T.A. and Colvin A.J.S. (2004 and 2008), *An Introduction to Collective Bargaining and Industrial Relations*, New York: McGraw-Hill/Irwin.
- Keller B. (2015), “The public sector in the aftermath of the financial and debt crises: Long-term, neglected consequences”, in Schneider V. and Eberlein B. (eds), *Complex democracy. Varieties, crises and transformations*, Springer, pp. 185-200.
- Kickert W. (2007), “Public Management Reform in Countries with a Napoleonic State Model: France, Italy and Spain”. in Pollitt Ch., van Thiel S., and Homburg V. (eds), *New Public Management in Europe. Adaptation and Alternatives*, London: Palgrave, 26-51.
- Kickert W. (ed) (2008), *The Study of Public Management in Europe and the United States. A Comparative Analysis of National Distinctiveness*. London: Routledge.
- Kickert W., Randma-Liiv T., and R. Savi (2013) *Fiscal consolidation in Europe: a comparative Analysis*, COCOPS Trend Report.
- Kochan T. (1974), “A Theory of Multilateral Collective Bargaining in City Government”, in *Industrial and Labor Relations Review* 27(4): 525–42.
- ILO (2013), *Collective bargaining in the public service: A way forward*, General Survey concerning labour relations and collective bargaining in the public service, International Labour Conference, 102<sup>nd</sup> Session, Geneva.
- ILO (2012), *Giving globalization a human face*, General Survey, International Labour Conference, 101st Session, Geneva.
- Lodge M. and Hood C. (2012), “Into an age of multiple austerities? Public management and public service bargains across OECD countries”, in *Governance* 25(1): 79–101.
- OECD (1995), *Governance in Transition: Public Management Reforms in OECD Countries*, Paris: OECD.
- OECD (2005a), *Modernising Government: The Way Forward*, Paris: OECD.
- OECD (2005b), *Performance-related Pay Policies for Government Employees*, Paris: OECD.

- OECD (2007a), “Governance of Decentralised Pay Setting in Selected OECD Countries”, OECD *Working Papers on Public Governance*, 3, Paris.
- OECD (2007b), “Performance-based Arrangements for Senior Civil Servants. OECD and Other Country Experiences”, OECD Working Papers on Public Governance, 5, Paris.
- OECD (2008), *The State of the Public Service*, Paris: OECD.
- OECD (2010), *Value for Money in Government: Public Administration after ‘New Public Management’*, Paris: OECD.
- OECD (2012), *Public Sector Compensation in Times of Austerity*, Paris: OECD.
- OECD (2015a), *Building on Basics, Value for Money in Government*, Paris: OECD.
- OECD (2015b), *Government at a Glance 2015*, Paris: OECD.
- Osborne S. (ed.) (2010), *The New Public Governance: emerging perspectives on the theory and practice of public governance*, London: Routledge/Taylor and Francis.
- Pedersini R. (2014), “European industrial relations between old and new trends”, in *Stato e Mercato*, December, pp. 341-368.
- Peters B.G. (2010), *The Politics of Bureaucracy: an Introduction to Comparative Public Administration*, 7<sup>th</sup> edition. London: Routledge.
- Pollitt, C. (2007), “Convergence or Divergence: What has been Happening in Europe?”, in Pollitt C., van Thiel S. and Homburg V. (eds), pp. 10 – 25.
- Pollitt C. (2015), *Public Servants to Public Managers: The European Story. Transformation or Torture?*, paper supporting keynote address to 11<sup>th</sup> Transatlantic Dialogue (TAD), Boston 3-5 June.
- Pollitt C., van Thiel S. and Homburg V. (eds) (2007), *New Public Management in Europe: Applications and Alternatives*, New York: Palgrave MacMillan.
- Pollitt, C., and Bouckaert, G. (2011), *Public Management Reform: a Comparative Analysis. NPM Governance and the Neo-Weberian State*, Oxford: Oxford University Press.
- Treu T. (1997), *Public Service Labour Relations: Recent Trends and Future Prospects*, Geneva: International Labour Organisation.
- Vaughan-Whitehead D. (ed.) (2013), *Public Sector Shock: The Impact of Policy Retrenchment in Europe*, Cheltenham: Edward Elgar.
- Visser J. (2011), “Variations and trends in European industrial relations in the 21<sup>st</sup> century first decade”, in European Commission, *Industrial Relations in Europe 2010*, Luxembourg: Office for the Official Publications of the European Communities.
- Visser J. (2015), *ICTWSS: Database on Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts in 34 countries between 1960 and 2012*, Version 5.