

Social Dialogue mapping

Description scheme for country overviews

LUXEMBOURG

Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/luxembourg>

2/OSH WIKI https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Luxembourg

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

Introduction on Social Dialogue in MS (1)

The Collective Employment Relationships Act of 30 June 2004 (Loi sur les relations collectives de travail) introduced and defined the criteria which determine the representativeness of a trade union (L. 161-3 and L. 161-4 LC). Thus, as soon as a trade union meets the legal criteria of representativeness, whether at national or sectoral level, it is entitled to conclude collective bargaining agreements. There are two 'kinds' of representativeness that can be at general national level (L. 161-4 and L. 161-5 LC), or at sectoral level in a sector that employs at least 10% of the private employees of the country (L. 161-6 and L. 161-7 LC). Unions are representative when they receive a minimum share of the votes within the Chamber of Employees (Chambre des salariés) at the latest social elections; 20% at national level or 50% within the sector. Article L-161-4 defines also the general national representativeness of a union in terms of its capacity to sustain a major labour dispute at national level.

There are no statutory regulations setting the criteria of representativeness for employer organisations. Their representativeness is based on mutual recognition.

Trade Unions (1)

- **About trade union representation**

Article 11 of the Luxembourg Constitution guarantees the freedom to join a trade union. The current legislation that applies to unions (based on the Law of 30 June 2004 that regulates labour relations) has been included in the Labour Code (article 161-3). Employees are organised on a voluntary basis into a number of trade unions whose principal aim is to negotiate collective bargaining agreements and to defend the interests of trades and professions. It is to be noted that unions are not implemented in companies or establishments, as the only existing employees' representatives at this level are elected employees, although these representatives may be union members.

Luxembourg's trade unions can claim a certain level of success in integrating the immigrant population. With the explosion in cross-border work in the 1980s and 1990s in particular, it was vital for the unions

that they established themselves among employees who worked in Luxembourg but lived in neighbouring countries.

• Main trade union confederations and federations

Luxembourg's trade unionism is marked by structural pluralism. Two peak trade union confederations (LCGB, OGB-L) are recognised as nationally representative unions and are mainly active in the private sector.

One other peak confederation is active in the public sector (CGFP). Important unions also exist at the sectoral level, such as Aleba for the bank and insurance sector which is recognised as representative at sectoral level.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Trade Union Confederation of Luxembourg (Onofhängege Gewerkschaftsbond Lëtzebuerg)	OGB-L	72,000	2016	Yes
Confederation of Christian Unions in Luxembourg (Lëtzebuerger Chrëschtliche Gewerkschafts-Bond)	LCGB	41.000	2016	Yes
General Public Sector Confederation (Confédération Générale de la Fonction Publique)	CGFP	30,000	2016	No, but negotiate agreement with government that are assimilated to collective agreement.
Luxembourg Association of Bank and Insurance Employees (Association Luxembourgeoise des Employés de Banque et Assurance)	ALEBA	10,000	2016	Yes
National Federation of Railroad Workers, Transport Workers, Civil Servants and Employees (Fédération nationale des cheminots, travailleurs du transport, fonctionnaires et employés, Luxembourg), commonly called the FNCTTFEL – Landesverband)	FNCTTFEL-Landesverband (co operation agreement with OGB-L)	n.a		Yes

General Federation of the Municipal Administration (Fédération générale de la fonction communale)	FGFC	4,200	2016	No
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Employers' organisations (1)

• About Employers' organisations

Employers are organised on a voluntary basis into a number of professional federations, and in addition, there is a system of guild chambers. Affiliation to the Guild Chamber is mandatory for all private individuals or legal entities established in the Grand Duchy as a craftsperson. This is also the case for the Chamber of Commerce (*Chambre de Commerce du Luxembourg, CDC*), which is an institution of public law, encompassing all companies, except those in agriculture and the craft industry, which have their own guild chambers. At present, there are three chambers for employers: the Chamber of Commerce; Chamber of Trades (*Chambre des Métiers*); and the Chamber of Agriculture (*Landwirtschaftskammer Luxemburg*). Chambers have the statutory right to be consulted by the public authorities on all social and economic issues affecting their members' interests. They also have the right to submit proposals for legislation. In certain policy areas, such as statistics and vocational training, they even function as public administrative bodies.

• Main Employers' organisations

The peak employer confederation is the Union of Luxembourg Enterprises (*Union des Entreprises Luxembourgeoises, UEL*), representing private sector companies. UEL has eight members' organisations (including the Chamber of Commerce and Chamber of Trades) covering about 28,000 employers and about 80% all employees. UEL was founded in 2000 as a result of formalising an existing liaison committee of sectoral business organisations. UEL signed the rare economy-wide agreements that mainly implement European framework agreements.

Within UEL, the main organisation is the Luxembourg Business Federation (*Fédération des industriels luxembourgeois, FEDIL*), which represents companies in construction, manufacturing and business services. FEDIL is affiliated to BusinessEurope and its members cover about 30% of national workforce.

There is no rivalry between the five main employers' organisations as they operate in different sectors and cooperate closely since they are affiliated to UEL.

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Union des Entreprises Luxembourgeoises	UEL	8 members' organisations representing 35,000 employers	2017	Yes (1)
Fédération des industriels luxembourgeois,	FEDIL	550 companies	2017	No (2)
Association des Banques et Banquiers Luxembourg,	ABBL	138 companies	2017	Yes
Association des Compagnies d'Assurance	ACA	83 companies	2017	Yes

Confédération Luxembourgeoise du Commerce	CLC	58 members' organisations	2017	No (2)
Fédération des Artisans	FDA	53 members' organisations	2017	No (2)
Fédération Nationale des Hôteliers, Restaurateurs et Cafetiers	HORESCA	n.a.	2017	No
Centrale paysane luxembourgeoise	CPL	2,500 employers	2017	No

(1) Only collective bargaining to implement some EU directives.

(2) No, only a few sectoral federations affiliated to the employer's organisation but not the organisation as a whole.

Social Dialogue on OSH (2)

• General Remarks on Social Dialogue on OSH

Luxembourg is distinguished by its tripartite (government, employers and employees) institutionalised system of [social dialogue](#).

The two most emblematic social dialogue bodies in Luxembourg are the Tripartite Coordination Committee (Comité de Coordination Tripartite) ^[17] and the Economic and Social Council (Conseil Economique et Social, CES ^[18].

According to a report published by Eurofound ^[19], the Luxembourg social dialogue model has the advantage of securing peaceful labour relations within the country because it has the capacity to react very quickly and to rapidly mobilise the actors when a problem arises. But this advantage shows also a weakness namely that this highly reactive and informal method (the country is small and leaders know each other and meet regularly) lacks transparency and clarity – basically, it is difficult to see and understand how decisions are made. The functioning of the Tripartite Coordination Committee illustrates this point: the law defines who sits on the committee, but not how decisions are made there.

Although safety and health at work are not excluded from discussion in these two bodies (for example, the CES ^[20] has considered the topic of psychosocial risks at work), their role in this area is limited. Another tripartite body, the Standing Committee on Labour and Employment (Comité Permanent du Travail et de l'Emploi)^[21], has specific competences relating to the issue of working conditions.

The legislators have also established five professional chambers (three for the employers and two for the employees): the Chamber of Salaried Workers (Chambre des Salariés)^[22], the Chamber of Civil Servants and Public-Sector Workers (Chambre des fonctionnaires et des employés publics)^[23], the Chamber of Agriculture (Chambre d'Agriculture) ^[24], the Chamber of Commerce (Chambre de Commerce) ^[25], and the Chamber of Trades (Chambre des Métiers)^[26]. These play a specific role, in particular in the development of the legislative framework in Luxembourg: the professional chambers have an established advisory role on drafts and proposals for regulatory texts. Membership of the professional chambers is compulsory for both employers and workers, unlike representation by the trade unions and employers' associations, which is voluntary.

• National level

Two consultative bodies play a key role in the social dialogue on OSH related aspects.

1. **The Standing Committee on Labour and Employment** (Comité Permanent du Travail et de l'Emploi) ^[27] has been established under the supervision of the minister responsible for labour. The committee is responsible for the regular examination of the situation with regard to employment

and unemployment, and with regard to working conditions and workers' safety and health. It consists of four government representatives, four representatives of the organisations representing the workers and four representatives of the organisations representing the employers.

The committee's role is to oversee the situation and developments in it, and in particular the application of the legislation on the protection of workers' safety and health, labour law, and relations between the Inspectorate of Labour and Mines (Inspection du Travail et des Mines, ITM) ^[28] and the employers and workers. The committee also collaborates on the development of the provisions for the protection of workers' physical and mental health, on the development of an information and skills network for employers and workers, and on the stimulation of social dialogue between the employer and the workers' representatives within companies. The committee also has the competence to make recommendations to the relevant ministers on the adjustment of the action and functioning of the administrative bodies for which they are responsible, including the Inspectorate of Labour and Mines (Labour Code, Book VI, Title V) ^[29]

2. **The Higher Council on Health and Safety at Work** (Conseil supérieur de la santé et de la sécurité au travail) ^[30] exercises a consultative role towards the ministers for health, labour and social security. The opinions it issues relate in particular to the action priorities with regard to workers' health in line with the specific needs of different sectors of the economy and the specific characteristics of workstations (frequency of medical checkups for workers, sector-specific training in health and hygiene at work, list of standards on exposure to nuisances, etc.).

The main social partners are:

The Union of Luxembourg Companies (Union des Entreprises Luxembourgeoises, UEL)^[31] is the umbrella organisation for Luxembourg's employers. It represents all private-sector companies with the exception of those in the primary sector.

Three organisations representing the workers have national representativeness in Luxembourg:

- the Confederation of Christian Trade Unions of Luxembourg (Lëtzebuenger Chrëschtliche Gewerkschafts-Bond, LCGB)^[32],
- the Independent Trade Union Confederation of Luxembourg (Onofhängege Gewerkschaftsbond Lëtzebuerg, OGBL)^[33],
- the General Confederation of the Public Sector (Confédération Générale de la Fonction Publique, CGFP)^[34].

• Sectoral level

Agreements are made in major sectors of Luxembourg's economy, such as the construction sector or the banking sector. Some of these collective agreements are made mandatory by Grand-Ducal regulation for all companies in the sector concerned, and are published on the website of the Inspectorate of Labour and Mines (Inspection du Travail et des Mines, ITM)^[35]. However, the sectoral level is not the main level of collective bargaining. Most collective labour agreements are negotiated at company level.

• Enterprise level

In Luxembourg, there is no specific consultation body on issues of occupational safety and health. These subjects, like others of more general relevance to the functioning of the company, fall within the competence of the personnel delegation in companies with at least 15 workers^[36]. However, the regulations on the representation of workers stipulate that a safety delegate whose powers are specified by the Labour Code^[37] should be appointed by the personnel delegation.

The personnel delegation

The establishment, functioning and competences of the personnel delegation are governed by the law of 23rd July 2015 establishing personnel delegations. The provisions of the law are integrated into the Labour Code in Articles L.421-1 and following^[38]

Companies regularly employing 15 or more workers must establish a personnel delegation. The personnel delegation members are elected in social elections organised in companies every five years.

The personnel delegation has decision-making powers in certain areas, while in others it functions as an information and consultation body. With regard to issues relating to the introduction or modification of measures concerning workers' health and safety, the personnel delegation has decision-making powers.

The safety delegate

The safety delegate is appointed by the personnel delegation, either from the members of the delegation or from other workers in the establishment. The delegate is concerned exclusively with aspects of safety in the workplace. To this end, he/she has the right to intercede with the employer and ask the employer to take preventive measures aimed at eliminating sources of danger and limiting the risks to workers. The powers, roles and rights of the safety delegate primarily derive from Article L.414-14 of the Labour Code, but also from the other provisions concerning workers' safety and health at work (Articles L.311-1 and following of the Labour Code)^[39].

The safety delegate has the roles of:

- checking safety conditions in the company by means of tours of inspection accompanied by the employer or his representative;
- recording his/her findings regarding safety conditions in a register.

The safety delegate must be informed and consulted by the employer with regard to:

- the assessment of occupational safety and health risks;
- the protective measures to be taken and, if necessary, the safety equipment to be used;
- work accident and occupational disease declarations;
- any action that may have a significant impact on safety and health;
- the appointment of the designated workers to be in charge of activities for protection against and the prevention of occupational risks in the company and/or establishment;
- the measures taken or required with regard to first aid, fire prevention and the evacuation of the workers;
- the measures intended to organise the necessary relations with external services (first aid, emergency medical assistance, fire service);
- the company's use of external competences to organise protection and prevention activities;
- the provision of appropriate training to each worker in the interests of his/her health and safety.