



EUROPEAN PARLIAMENT
DIRECTORATE GENERAL
FOR RESEARCH

RESEARCH AND DOCUMENTATION PAPERS

PAID EDUCATIONAL LEAVE

Social Series no.

7

08 - 1987

INTRODUCTION

Paid educational leave is not a new idea. There is already a relevant Convention No. 140 drawn up by the International Labour Organization, which so far has been ratified by the following five Member States:

FRANCE:	20.10.1975
UNITED KINGDOM:	04.12.1975
THE NETHERLANDS:	14.09.1976
FEDERAL REPUBLIC OF GERMANY:	30.11.1976
SPAIN:	18.09.1978

The European Centre for the Development of Vocational Training (CEDEFOP) in 1984 published a study "Educational leave and the labour market in Europe". The present document is partly based on the CEDEFOP study, but the relevant facts have been brought up-to-date and presented as succinctly as possible. The ILO Convention No 140 together with the ILO Recommendation No 148 are attached.

The document has been compiled by the Social Affairs and Environment Division of the Directorate-General for Research, in collaboration with the secretariat of the Committee on Social Affairs and Employment. It exists in three languages: English, French and Dutch.

This document does not necessarily reflect the views of the European Parliament as an institution.

CONTENTS

	<u>Page</u>
INTRODUCTION	1
BELGIUM	3
DENMARK	9
FEDERAL REPUBLIC OF GERMANY	13
FRANCE	17
IRELAND	23
ITALY	26
LUXEMBOURG	27
THE NETHERLANDS	29
UNITED KINGDOM	38
Annex 1 - ILO Convention No. 140	42
Annex 2 - ILO Recommendation No. 148	46

BELGIUM

Paid education leave is the system of individual leave which on 1 September 1985 (law of 22 January 1985) replaced the system of study leave (law of 10 April 1973). Educational leave is defined as the right granted to a person in full-time employment in the private sector who is taking certain general or vocational courses to be absent from work, with no loss of normal wages, which must be paid on the usual date, for a number of hours proportional to the hours taken up by the course(s).

The system of study leave definitely did not live up to the expectations of its sponsors. They had assumed that a total of 50,000 people would benefit from the scheme every year; in fact, the number never exceeded 20,000 and has already fallen to approximately 11,000. It appears that the system never worked properly. In fact, it was not long before employers' and employees' organizations raised a whole series of objections to the Law of 10 April 1973.

Although the two laws - study leave and paid educational leave - have similar objectives, they have different underlying philosophies. Study leave was intended first and foremost as an individual means towards social advancement and higher educational qualifications. This no longer appears to be the case with paid educational leave. Because a broad spectrum of courses has been opened up for employees of all ages and levels and employees' and employers' organizations are given an important role in managing the system, educational leave should really be seen as an instrument of consultation policy for raising the average level of education of the workforce and for making the necessary changes to adapt it to new technologies.

Scope

Paid educational leave may be claimed by staff:

- who are pursuing a course of study recognized by the law;
- and who are in full-time employment covered by one or more labour contracts, or who, although not covered by such contracts, are in full-time employment supervised by one or more persons (Article 108, Law of 22 January 1985).

However, the scheme does not apply to staff:

- who are employed by the State, the Communities, the regions, provinces, associations of provinces, local authorities, the various associations and federations of local authorities, public institutions dependent on such

associations, and public utilities;
- who are themselves teachers.

The second condition involves two key concepts: full-time employment, on the one hand, and the contract of employment and situations assimilated thereto at law on the other.

Full-time employment is understood as employment for the number of hours specified in the various sectors by the competent Joint Industrial Committees. Since one of the objectives of the law is to reduce to some extent the stress to which the individual is subject when simultaneously involved in work and educational activities, a clause was included to the effect that a full day's work may be the aggregate of part-time employment with different employers or under different contracts.

The law's willingness to consider all situations in which a person is involved in education in combination with full-time employment can be seen in the fact that an employee who performs work under the supervision of one or more persons, but who is not covered by a labour agreement, is deemed to be equivalent to an employee who is covered by such an agreement.

In this way it has been possible to clarify matters, but in practice the implications are limited.

By contrast the law does not apply to apprenticeship agreements concluded either in industry or in the retail sector. The reason is that the work performed by virtue of such agreements alternates with training activities and is therefore never full-time.

Finally, there is one other way in which the scope of this law has been expanded, though this is apparent only when the law is compared with its predecessor: the age-limit, which used to be forty, has been scrapped, thereby ending a form of discrimination which could no longer be justified seeing that nowadays people need additional training throughout their careers.

Vocational training

With regard to the types of training schemes which carry an entitlement to educational leave, the scope of this law is much wider than was the case with study leave. In addition, a distinction is now made between 'vocational training' and 'general training', which, as we shall see below, affects the duration of the leave and the way in which it is funded (Article 109, Law of 22 January 1985).

Vocational training is deemed to include the following:

1. Courses consisting of education for 'social advancement' and organized, subsidized or recognized by the State. Courses of this type are taken by 90% of employees who are entitled to study leave.
2. Restricted syllabus courses in the plastic arts.
3. Long-term university level courses with a full syllabus, taking place in the evening or at week-ends in institutions for higher education.
4. Courses covered by the regulations for continuing training in the retail trade.
5. Courses covered by the regulations for the training of persons employed in agriculture.
6. University courses taking place in the evening or at week-ends.
7. Preparing for and sitting examinations organized by the central examinations committee.
8. Training courses for individual branches of industry, organized on a decision by the relevant Joint Industrial Committee. Inclusion of this category of training course in the new system is without doubt the most important innovation: it was introduced largely at the instance of the employers, because there is usually a direct link between these training courses and the activities of the companies employing the persons in question.
9. Training courses whose syllabus is recognized by the statutorily instituted validation commission.

General training courses are deemed to include the following:

1. Courses organized by the representative trade unions. These courses are usually of short duration and are aimed mainly at staff who are active trade unionists. They are normally held during working hours.
2. Courses organized by the youth and adult organizations and the training organizations set up within the representative trade unions.

3. Training courses whose syllabuses are recognized by the validation committee.

Although the definition of the scope of the law concerning general training courses is different, the substance is virtually the same as that of the system of study leave.

Application for, duration and use of the leave

The law acknowledges the employee's right, with no loss of normal pay for the hours in question and with wages paid on the usual date, to be absent from work for a number of hours corresponding to the hours of the courses followed, the annual maximum being:

1. 240 hours for vocational training;
2. 160 hours for general training;
3. 240 hours for a person undergoing vocational and general training courses in the same year (Article 111).

For social insurance purposes, the hours during which the employee is absent are assimilated to actual hours worked.

In-house leave planning

Within companies planning of paid educational leave is carried out by the Staff Council; or, if there is no Staff Council, in joint consultation between the employer and the trade union delegation in the company; or, if there is no trade union representation, in joint consultation between the employer and the employees (Article 113).

- In companies employing fewer than 20 persons, the employer may refuse to allow more than 10% of the total staff to be absent at the same time for paid educational leave; however, at least one employee must be granted leave of absence for this reason.
- In companies employing 20 to 50 persons, the employer may refuse to allow more than 10% of employees with the same function to be absent simultaneously for paid educational leave; however, at least one employee per function must be granted leave of absence for this reason.

Vocational training

With regard to the types of training schemes which carry an entitlement to educational leave, the scope of this law is much wider than was the case with study leave. In addition, a distinction is now made between 'vocational training' and 'general training', which, as we shall see below, affects the duration of the leave and the way in which it is funded (Article 109, Law of 22 January 1985).

Vocational training is deemed to include the following:

1. Courses consisting of education for 'social advancement' and organized, subsidized or recognized by the State. Courses of this type are taken by 90% of employees who are entitled to study leave.
2. Restricted syllabus courses in the plastic arts.
3. Long-term university level courses with a full syllabus, taking place in the evening or at week-ends in institutions for higher education.
4. Courses covered by the regulations for continuing training in the retail trade.
5. Courses covered by the regulations for the training of persons employed in agriculture.
6. University courses taking place in the evening or at week-ends.
7. Preparing for and sitting examinations organized by the central examinations committee.
8. Training courses for individual branches of industry, organized on a decision by the relevant Joint Industrial Committee. Inclusion of this category of training course in the new system is without doubt the most important innovation: it was introduced largely at the instance of the employers, because there is usually a direct link between these training courses and the activities of the companies employing the persons in question.
9. Training courses whose syllabus is recognized by the statutorily instituted validation commission.

General training courses are deemed to include the following:

1. Courses organized by the representative trade unions. These courses are usually of short duration and are aimed mainly at staff who are active trade unionists. They are normally held during working hours.
2. Courses organized by the youth and adult organizations and the training organizations set up within the representative trade unions.

3. Training courses whose syllabuses are recognized by the validation committee.

Although the definition of the scope of the law concerning general training courses is different, the substance is virtually the same as that of the system of study leave.

Application for, duration and use of the leave

The law acknowledges the employee's right, with no loss of normal pay for the hours in question and with wages paid on the usual date, to be absent from work for a number of hours corresponding to the hours of the courses followed, the annual maximum being:

1. 240 hours for vocational training;
2. 160 hours for general training;
3. 240 hours for a person undergoing vocational and general training courses in the same year (Article 111).

For social insurance purposes, the hours during which the employee is absent are assimilated to actual hours worked.

In-house leave planning

Within companies planning of paid educational leave is carried out by the Staff Council; or, if there is no Staff Council, in joint consultation between the employer and the trade union delegation in the company; or, if there is no trade union representation, in joint consultation between the employer and the employees (Article 113).

- In companies employing fewer than 20 persons, the employer may refuse to allow more than 10% of the total staff to be absent at the same time for paid educational leave; however, at least one employee must be granted leave of absence for this reason.
- In companies employing 20 to 50 persons, the employer may refuse to allow more than 10% of employees with the same function to be absent simultaneously for paid educational leave; however, at least one employee per function must be granted leave of absence for this reason.

Payment for leave

Educational leave is paid leave. The normal rate of pay for days absent, which are paid at the normal time, is calculated in accordance with the law on paid public holidays (Articles 111 and 114). At present the amount is equivalent to 45,000 BF gross per month.

Loss of entitlement

If an employee does not treat his course seriously, if he repeatedly fails the course or uses his leave for other purposes, he will, quite naturally, not be granted leave entitlement ad infinitum.

Protection against dismissal

This provides that the employee may not be dismissed except for reasons which have nothing to do with the educational leave. The employer must furnish proof that such reasons apply.

Funding - reimbursement

Employers may obtain from the Ministry of Labour and Employment reimbursement of wages and social insurance contributions in respect of paid educational leave.

The fund (or part of the fund) intended for reimbursement of financial claims in respect of vocational training courses are financed 50-50 by the State and by the employers; the fund (or part of the fund) intended for reimbursement of financial claims in respect of general training courses is financed solely by the State. The study leave system did not make this distinction.

The employers' share of the fund for vocational training courses is financed by a contribution paid to the social insurance institutions. The rate for this contribution, which has to be laid down by the King, is currently 0.03% of total gross wages. It is to be kept at this level for the foreseeable future.

The Validation Commission

Most importantly, the validation commission is empowered to suspend or withdraw recognition enjoyed as of right by the training courses specified in the law.

It has other tasks too, for example:

- supervising the training courses in accordance with the rules laid down by the King;
- monitoring the financial resources of the system of paid educational leave;

- issuing recommendations in respect of problems connected with paid educational leave, either on its own initiative, or at the request of the Minister of Labour and Employment.

The commission consists of representatives of employers' and employees' organizations and is chaired by a representative of the Minister of Labour and Employment, who is not allowed to vote but who has the right of veto. The commission also includes, in an advisory capacity, one representative of each of the ministers responsible for education.

Source: Ministry of Labour and Employment; G. van den Hende, Comments on the Law on Paid Educational Leave, in 'Oriëntate' 6/7 June 85, p. 131-140.

DENMARK

1. A general scheme providing for paid educational leave in accordance with Convention No. 140 of the International Labour Organization has not been introduced by law in Denmark. A number of opposition parties (Social Democrats, Socialist People's Party (SF) and Left Socialists (VS) have tabled both bills and motions for resolutions on this subject in the Danish Parliament, but it has not so far been possible to assemble a majority for such a scheme.

2. It is clear from the debates held on paid educational leave in the Danish Parliament that financing and the content of courses are the main question separating the various parties. Unlike the Social Democrats, the government parties do not believe that the state should finance paid educational leave and the government also feels that a scheme of this nature should not be regulated by law but should be agreed in negotiations between the two sides of industry. The Social Democrats, SF and VS take the view that paid educational leave should be introduced by law but, unlike the Social Democrats, SF and VS believe that paid educational leave should be financed by the employers and not by the state.

The government parties agree with the various authors of the above initiatives that considerable emphasis should be placed on in-service and further training, not least to take account of technological developments, and have during the debates in the Danish Parliament pointed to the fact that in 1984 the Folketing adopted a 10-point programme on adult education and enlightenment of the people and that in 1985 the labour market training courses in existence since 1960 were updated and modernized. Their characteristic is that they are short, relevant to the labour market and specifically job-oriented. The government also drew attention to the law on further education which entered into force in August 1985.

3. 1 July 1986 accordingly marked the entry into force of a new (amended) Law governing labour market training courses (Law No. 237 of 1985), the aim of which is to give semi-skilled and skilled workers in particular (and, by way of innovation, other special categories as well) an opportunity to maintain,

expand and improve their vocational qualifications in line with technological developments and the requirements of the labour market by attendingg courses usually of 1-4 weeks' duration during working hours.

The law also contains a provision enabling persons who are unemployed or threatened by unemployment to attend retraining courses. The participants in such programmes are entitled, subject to certain detailed conditions, to compensation for loss of earnings or possible earnings equivalent to the maximum rate of unemployment benefit under the unemployment insurance scheme of which the person concerned either is or could be a member. Where the level of earnings was higher prior to attendance on a course, compensation of up to 125% of the unemployment benefit rate may be granted. These labour market training courses cover more than 800 different short job-oriented courses which can be combined by educational institutions and local areas in such a way as to ensure that the courses on offer always correspond to local requirements. The underlying principle is to offer both sides of industry an opportunity to organize courses for semi-skilled and skilled workers and other special groups (technical assistants, etc.) needed on the labour market within the legal and budget framework. Each year more than 140 000 people take part in these courses to obtain qualifications.

On 1 April 1984 a labour market training fund was created to cover expenditure on labour market training courses. The fund is financed from contributions from employers and employees covered by the Danish Labour Market Supplementary Pensions Scheme. In September each year the Minister of Labour lays down the size of the contribution for the coming year. The contribution for a wage-earner in full-time employment in 1987 is Dkr. 969.2, of which the wage-earner's share is Dkr. 460.8. Individual firms with only one employee are exempt from paying the employer's share.

4. On 1 August 1985 the law on in-service training entered into force (Law no. 271 of 6 June 1985). This law makes it possible to organize specially company-oriented courses with a broader and, possibly, more general content and aimed at a broader target group than the participants in the above-mentioned labour market training courses, for example, all employees in a particular company. Like the above law on labour market training courses, this is a framework law that lays down the principles of further education and guarantees both sides of industry an influence on course content.

The courses are organized primarily for the intermediate group between skilled workers and graduates, independent businessmen, spouses collaborating in the business and people with ideas - all with little further education, but either employed in the private sector or wishing to be employed there. The participants may be employed, looking for a job or out of work. State-assisted further education courses were not previously available for these groups.

Depending on demand, other target groups could participate in the courses. Unskilled or skilled workers or people with extensive further education, i.e. in reality all those on the labour market other than the initial target group participate. Before these groups can participate in courses designed for the primary target group, they must have the same need for training as the primary target group.

The law also specifies the terms under which participants are entitled to compensation for loss of earnings.

The content, structure and teaching methods of the courses must be specially designed for adults. The content is determined through collaboration between the training institutions and local business circles. The courses offered will depend first and foremost on the courses demanded by local firms.

Before a course can receive state aid, it must also meet the following trade, labour market and training policy criteria:

- (a) its aim must be to encourage innovation in exporting firms and firms whose products compete with imports by converting to new technologies, acquiring new market possibilities or increasing production and quality;
- (b) the activities must meet the substantiated actual or foreseeable need for further education in several firms, including small and medium-sized undertakings;
- (c) the activities must create new further education possibilities in several firms and thus supplement and inspire instead of duplicating existing training activities.

5. These various measures differ, however, fundamentally from paid educational leave in that they have been primarily conceived as a means of job creation and are therefore, as a general rule, job-oriented and aimed mainly at adapting the labour force to technological developments; furthermore, such courses are not open to all employees. The proposals for paid educational leave have on the other hand a broader objective both with regard to the content of such training and to the persons that may attend.

The proposals for paid educational leave so far put forward by the opposition parties in the Danish Parliament are all based on ILO Convention No. 140 and their objective is to guarantee all wage-earners the right (but not the duty) to participate in adult education during working hours with earnings compensation, whether it be attendance on training courses of a more general nature or political or trade union training, etc., which fall within the framework of the ILO Convention, yet with the participants' experiences and own wishes as the starting point. It should also be noted that it has been stated in the remarks accompanying all the proposals put forward that the introduction of paid educational leave would mean a strengthening of democracy, since the aim of paid educational leave is to reduce the educational gap between the various categories in society and even out the disparities in the distribution of wealth that have arisen, among other things, as a result of the uneven distribution of educational resources.

6. Finally, it should be mentioned that adult education linked to working life and organized by the public authorities not only takes the form of labour market training courses but also consists in in-service training for public-sector employees. Moreover, a large number of companies hold internal staff training courses and it should also be noted that employers' and trade union organizations are extensively engaged in organizing courses.

Source: 1. 'Labour market and labour market policy', published by
the Ministry of Labour, October 1985, November 1986
2. Various issues of 'Folketingstidende'
3. Guide to the law on further education, Ministry of Education, 1986

FEDERAL REPUBLIC OF GERMANY

In 1976 Germany ratified the ILO Convention No. 140. Six 'Länder' now have laws governing educational leave: Berlin, Bremen, Hamburg, Hessen, Lower Saxony and North Rhine-Westphalia. The oldest, in Berlin, dates from 1970. It was followed in 1974 by Bremen, Hamburg, Hessen and Lower Saxony; and in 1985 by North Rhine-Westphalia. In the same year the entitlement to educational leave was extended to all employees in Hessen, and in Lower Saxony the previous entitlement of ten days was reduced to eight over a two-year period.

In accordance with these laws, the entitlement to educational leave applies to all persons employed in the private sector and the practice is for civil servants to enjoy similar rights in accordance with these regulations for the public sector. In practice, only a small proportion of people actually make use of their entitlement to educational leave.

The most recent figures available show that between 3.3 and 6.6% of employees take up their entitlement. To some extent, this is certainly the result of the various obstacles to education which still exists despite a statutory right: in particular the financial obstacle, since the Länder arrangements for funding the scheme are unsatisfactory and in some cases the not inconsiderable costs have to be borne by the participants.

The following survey shows the situation in the individual Länder.

BERLIN

- Title of the law: Law to Encourage Participation in Educational Facilities.
- Entitlement: employees under the age of 26.
- Duration: ten working days per calendar year.
- Purpose: civil or political activity, vocational training.

BREMEN

- Title of the law: Bremen Educational Leave Law.
- Entitlement: employed persons, trainees and similar categories.
- Duration: ten working days within two successive calendar years (with a proportional increase or reduction in the case of more or fewer working days per week).
- Purpose: political, vocational and general training.

HAMBURG

- Title of the law: Hamburg Educational Leave Law.
- Entitlement: all employed persons including trainees.
- Duration: ten working days within two calendar years (twelve days in the case of a regular six-day week).
- Purpose: political education, vocational training.

HESSEN

- Title of the law: Hessian Law on the Entitlement to Educational Leave.
- Entitlement: all employed persons, trainees and similar categories.
- Duration: five working days per year (six working days if the working week regularly amounts to more than five days); an additional five working days for teaching staff involved in educational leave facilities.
- Purpose: political education, vocational training.

LOWER SAXONY

- Title of the law: Lower Saxony Law on Release from Work for Training Purposes.
- Entitlement: employed persons including trainees, and similar categories.
- Duration: eight working days within two calendar years (ten working days if the working week regularly amounts to more than five days).
- Purpose: the syllabus of adult education courses is determined by the 'educational requirements of the adults' (Law to Stimulate Adult Education). The Land authorities can exclude courses from the scheme if they are predominantly leisure-oriented.

NORTH RHINE-WESTPHALIA

- Title of the Law: Law to Release Employees for the Purpose of Vocational and Political Training.
- Entitlement: employed persons and equivalent categories but not trainees.
- Duration: five working days per calendar year (with a corresponding increase or reduction if fewer or more days are worked per week on a regular basis).
- Purpose: vocational training.

The role of the staff councils

The legal regulations of the Länder have granted the right to educational leave. Staff councils play a key role in asserting this right in industry. Staff councils are entitled to assist in the practical in-house implementation of schemes involving release from work.

- The staff council must have a say in formulating 'general principles of leave and the leave plan' (para. 87, Section 1, No. 5 BetrVG). Leave is deemed to include educational leave.

The staff council can also request the signing of a company agreement on the procedure for taking up the entitlement to educational leave. This is important for taking into account company interests in scheduling educational leave and the details of release from work. It is also important for the stipulation contained in the educational leave laws applying in Hessen and Lower Saxony which state that the employer can refuse to release persons from work once a specific number of staff of a company have already had educational leave in the current year. A Company agreement can include regulations for settling any conflicts that may arise.

- The staff council is entitled to a say in 'determining the time of leave for individual employees if no agreement can be reached between the employer and the employee in question' (para. 87, Section 1, No. 5 BetrVG). In individual cases where the employer intends to refuse for operational reasons to allow the employee to take the educational leave that he wants at the time he wants, the staff council may act as an arbitrator and bring about an appropriate settlement.
- In accordance with para. 92 BetrVG, the employer must inform the staff council of staffing plans. The staff council should ensure that the right to educational leave is taken into account in staff planning. Statutory educational leave must be subject to the same rules as company/agreed annual leave.

Source: Winfried Heideman: "Bildungsurlaub und Mitbestimmung" in
'Die Mitbestimmung' 10/11/1985

FRANCE

Educational leave

In 1975 France ratified the ILO Convention No. 140.

Without prejudice to any more favourable provisions, employees of all categories who have had more than two years' service in their firm, are entitled to leave of absence of up to one year for full or part-time technical educational study relating to their particular occupation provided that the instruction is given in a public, or duly authorised private educational institution, or is in connection with a Government-approved period of training relating to a recognised qualification. The employer may postpone the granting of such requests in cases where simultaneous approval would involve a rate of absenteeism exceeding:

- 1% of the total strength, in the case of establishments with more than 200 employees;
- 1% of the total hours worked in the year, in the case of other establishments.

Leave for economic, social or trade-union training

Employees, including apprentices, wishing to take part in one of the training courses or meetings devoted exclusively to workmen's education organised by specialised centres or institutions, a list of which is established each year by ministerial decree, are allowed twelve working days unpaid leave for this purpose, which is not deducted from their annual paid leave, and which can be taken in one or two instalments. While obliged to grant the leave an employer does not have to pay for it.

An Order of the 7th March 1986 lays down the number of days leave which the employees of an establishment in aggregate can take by way of training leave specifically and the conditions under which an employer can defer giving a favourable reply to a request for such leave when several employees have applied for it.

Leave to attend training courses for youth leaders

Employees, including apprentices, of less than twenty five years of age are entitled to six working days unpaid leave taken in one or two instalments, at the request of the employee, to take part in the activities of organisations

to encourage the preparation for training and further education of aspirants to management positions in the field of youth leadership. The employee must submit his application in writing to the employer at least thirty days in advance, indicating the date and length of absence and the organisation holding the course or meeting.

Leave for professional training

Employees have a right to leave for professional training. This right is subject to their having been employed at least thirty-six months, not necessarily consecutive, in the branch of industry, trade or profession concerned of which twelve months have been with the firm itself in the case of a small firm with fewer than ten employees.

The object of these leaves is to achieve a higher level of training or qualifications, to facilitate a change of occupation or activity, or to open up wider career possibilities by a general enlargement of the employees' cultural horizons. They may also be given to allow time off to prepare for examinations in technical subjects.

The duration of the leave corresponds to the length of the course and is limited to:

- one year for continuous full-time training courses;
- 1,200 hours for courses, within an academic cycle, involving discontinuous part-time instruction.

These limits may be exceeded in the case of Government-approved courses.

Employees have a statutory right to training leave, but the leave may be deferred where the employer considers that the absence could prejudice the business. The employer must consult the Works Council, or failing this, the employees' representatives. The employer may also defer the granting of leaves requested simultaneously by several employees if the absence rate exceeds a certain percentage depending on whether the establishment employs more or fewer than 200.

The application must be submitted at least sixty days in advance when it involves more than 6 months off work, and at least thirty days for courses of less than 6 months or for part-time release.

To finance individual training leaves, a percentage of the employer's national insurance contributions, equal to at least 0.10% of the reference earnings, must be paid over to the Government-approved joint organisation concerned (responsible for training).

The employer can pay his contribution to only one such organisation.

During the training-leave period the employment contract is in suspense and the employer is obliged to take the employee back into his service at the end of the leave.

Leave for training of young employees

Employees who are not holders of a professional diploma or who are not bound by an employment contract with provision for professional training, have the right during the first two years of their professional activity and until they reach twenty-six years of age, to leave enabling them to pursue their professional training of at least six months duration, provided that they have had at least three months service with the firm.

The training leave lasts for at least six months and for at most eleven months.

The employee must inform his employer, by registered letter, at least thirty days in advance of his intention and specify the starting date and duration of the leave.

The employer is entitled to defer the date of the leave by up to three months.

"Conversion" leave (law of 5 august 1985)

The possibility of entering into a "conversion" agreement is open to all firms who are subject to the legislation controlling employment, no matter what the size of the firm may be or the number of redundancies which it may be contemplating. The scheme is aimed at firms who find themselves faced, whether for economic or structural reasons, with a problem of having too large a workforce for their requirements.

The agreement is signed between the Government (or its regional representative at "Département" level) and the firm. The latter undertakes to offer to a specified number of its employees which it proposes to make redundant, a conversion leave (i.e. a leave for the purpose of converting from one occupation or trade to another) during which the persons concerned will be able to benefit from various schemes designed to facilitate their retraining and requalification for new jobs. In return, the State reimburses part of the allowance paid to the person on conversion leave, the amount reimbursed depending on various factors such as the size of the firm, its financial situation, the effectiveness of the measures taken for the retraining and redeployment of the workforce made redundant. The amount of the Government contribution is subject to a ceiling of 50% of the guaranteed minimum earnings liable to social security contribution payments.

The conversion agreement is incorporated in the redundancy arrangements made under the procedure for collective dismissals on economic grounds. It can form part of the social plan which has to be submitted by the employer to the works council when he initiates the redundancy procedure.

The individual programme of assistance towards reclassification must include an initial session of "reception - evaluation - orientation". It must provide, depending on the particular needs of the employees concerned, training in the techniques of finding a job, refresher courses or other actions aimed at bringing the person back to the required level, training courses or other measures to learn new skills or develop new qualifications, and actions to enable the person to adapt himself to a specific new job or occupation.

The employer undertakes to notify each employee concerned that the employer has obtained the necessary authorisation to suspend his employment and offer him the benefit of conversion leave.

The Ministerial Order of the 22nd August 1985 gives an example of a specimen agreement.

The proposed agreement has to be submitted to the works council for their approval (or if there is no works council to the employees' representative committee). Where the proposal concerns several establishments, consultation takes place at central level as well as at plant level.

The process of negotiating and drawing up the agreement on conversion leave takes place in parallel with the redundancy authorisation procedure.

As soon as the employee has accepted the proposal of conversion leave, he is released from his normal duties in order to be able to take part in the retraining programme aimed at preparing him for a new occupation. This release lasts throughout the period of conversion leave extended by an additional period of notice to which he is also entitled. The duration of conversion leave cannot be less than four months, and the state-subsidised period cannot exceed ten months. The employment contract is in suspense for the period of the conversion leave.

During his leave the employee remains entitled to the benefits in cash and in kind under the sickness-benefit, maternity-benefit, invalidity-benefit, death-benefit schemes and to the industrial accidents arising out of any accidents occasioned by his activities in connection with the conversion scheme.

The employer must pay the employee concerned a "conversion allowance" which must not be less than:

- 65% of gross pay during the 12 months preceding the start of the leave;
- and at the same time not less than 85% of the S.M.I.C (gross statutory minimum wage) by reference to the employee's hourly wage-rate before he began the leave.

This allowance must be adjusted under the same conditions as wage-rates. On the other hand it is subject to an employee's contribution of 1% deducted at source. It is exempt from liability for employer's contributions.

The allowance is paid each month to the employee. The employer provides a payslip at the same time detailing the amount paid and the method by which the allowance has been worked out.

At the termination of the leave the employer gives notice of dismissal. He may do this before the end of the leave in certain cases, provided for under the agreement.

The State pays for part of the conversion allowance (from 0 to 50% of the guaranteed minimum wage) within a limit of twice the social security ceiling.

Source: Quoted from 'Employers' liabilities under social service legislation in the countries of the European Common Market' - Part on France
Oct. 1986 - CED.SAMSON, Brussels.

IRELAND

1. At present there is no legal basis for paid educational leave in Ireland where Convention No 140 of the International Labour Organization has not been ratified.

2. Undoubtedly momentum for a change in this situation was most virulent in 1980. In that year, the government appointed a working party to investigate the feasibility of creating the conditions necessary for the effective ratification of the convention. In a report in June of the same year, the group which was comprised of experts and government officials, recommended that Ireland should legislate in favour of paid educational leave. However, no moves in this direction have been made.

3. It is important to state at the outset that despite the lack of a concrete legislative framework, successive governments have continued to support the forms of educational leave which exist as a result of negotiations at various levels between both sides of industry. Schemes such as that which allows for paid leave for vocational training for apprentices are most effective in the area of youth training. Organized under the aegis of the Industrial Training Authority (A.N.C.O.) young apprentices are entitled to paid release from their employment in order to attend vocational courses at local colleges either in block or day release. In the 1984/85 period alone 9,379 people benefitted from these schemes the financial burden of which is shared by both ANCO and the employer.

Educational leave has been a feature of national school teaching for over two decades where teachers are entitled to leave in order to attend further educational courses.

It is also worth mentioning that paid educational leave is available to civil servants in certain instances particularly when the content of the educational course followed is pertinent to the job held. An agreement with the civil service union in 1984 also gives opportunities to this category to take longer periods of unpaid leave in order to further educational aims.

4. In the private sector paid educational leave in many forms and of differing durations is a main feature of many business enterprises. Among banking and accountancy firms in particular employees benefit from paid leave to follow educational courses and take examinations, which are usually job related. The duration of such leave will inevitably vary according to the individual situation. It is also important to point out that while no legislation has been passed on in service training, such educational provisions are increasing within industry. While employers are not obliged to provide such training, under the Industrial Training Act 1967 industrial firms above a certain income threshold are obliged to contribute 1.25% of total ammoluments to the Industrial Training Authority. To recoup this payment it is necessary to prove that the firm is engaged in training of its employees. The fact that there are near to 5,000 training officers employed in industry at present in Ireland suggests that this measure acts as a positive incentive to providing in service training.

5. Thus while provisions for educational leave do exist in Ireland, in the absence of a scheme based on the ILO Convention No 140 each situation depends on agreements reached between employees and employees in isolated cases.

While both sides of industry argue in principle for legislation on paid-educational leave it is apparent that the adverse economic conditions which prevail in Ireland at present serve to temper the potential drive towards any general or broad introduction of the provision. The Federated Union of Employers (F.U.E.) points out that employers are presently cautious about entering into any long term committments. A committment to paid educational leave whereby 'education' would be defined as the right of the employee to personal advancement and a personal evaluation of the value of the programme content would be ruled out.

Likewise the Confederation of Irish industry, an Irish employers' organization, while in favour of encouraging government to introduce legislation on paid educational leave adds a conditional clause. This organization is against the introduction of an open-ended provision for educational leave and urges that any legislation must emphasize that the content of educational programmes to be followed must be 'job related' and agreeable to the employer. The confederation argues, however, that initiative for educational programmes must come not only from management but also from

the employee. Thus attempting to reconcile the financial return for the employer with the 'right' of the employee to personal advancement through education.

6. The trades unions in Ireland would be very much in favour of the introduction of legislation providing for a general right to paid educational leave which would apply to all employees. At present provisions for paid leave for trade unionists to take relevant educational courses are quite flexible. The result of direct negotiations and agreements between employer and employee organisations, shop stewards, trade union officials and certain active union members within a given firm are entitled to paid leave to attend courses organised by the trade union organisations. According to figures compiled by the Irish Congress of trade unions for the period April 1986 to March 1987, the total number of courses organised was 165, the duration of which ranged from one day courses of which there were 18, three day courses of which there were 107, to 21 week long courses. The total number of participants for this period was 2608, at an average of three days per participant. This compares well with the previous years figures where there were 2557 participants but at an average of 2.4 days training.

7. To conclude, it is important to point out that the subject of paid educational leave is not perceived as a major issue in the social dialogue in Ireland at present. Thus ratification of convention No 140 is currently at the fringes of political discourse.

- Source:**
1. Confederation of Irish Industry, Federated Union of Employers.
The Industrial Training Authority Apprenticeship Statistics
1975-1985, pub. Aug. 1986.
 2. Report of the Executive Council of the Congress of Trade Unions,
1986/1987.

ITALY

Educational leave is defined as the time in which an employee is permitted to broaden his own education without any change in the labour relationship being involved. For the employee, educational leave covers a whole range of objectives depending on his personal wishes and needs. In Italy educational leave is intended to provide what schools cannot. Employees taking courses - university courses included - who have to sit exams are entitled to paid leave on the days in question.

Since 1973/1974, all major collective labour agreements contain clauses whereby employees are afforded opportunities to broaden their general education and specialist knowledge. In general, firms are contractually obliged to give employees time-off to attend courses.

In 1982 it was estimated that around 11 million employees were entitled to paid educational leave. Two reservations must be mentioned here:

- (a) an employee may only take paid educational leave on the lines of the '150-hour' model on condition that he is prepared to give up some of his own time to take part in such a course over and above the period of release from work.
- (b) a maximum of 2% of employees per firm are entitled to take educational leave (in 1982 it was 1%).

If a continuance of wage payments is provided for by the collective agreement in question, the employers are basically required to bear these costs. It should not be forgotten, however, that between half and two-thirds of the time spent on educational leave is unpaid. Some collective agreements even provide for unpaid leave, thus reducing the income of those employees taking part.

Most of the '150-hour' courses are paid for out of public funds. In 1982 around 100,000 people per year were taking educational leave.

Source: 'Educational leave and the labour market in Europe' - CEDEFOP,
Berlin, 1984

LUXEMBOURG

Educational leave and educational grants, established by the law of the 4th of October 1973, and the Grand-Duchy regulation of the 22nd February 1974, are designed to enable young persons to take part in training courses, one-day or one-week seminars, education courses, study sessions, or meetings either within the country or abroad, where the programmes has been approved by the Minister responsible, with a view to the civic training of young people, the education and further training of youth leaders and of the management of youth organisations, as well as to vocational refresher courses for adults.

The individual application, which has to be submitted by the interested party, must be sent to the employer accompanied by the decision of the Ministry concerned at least fifteen days before the beginning of the leave requested. The employer pays a compensating indemnity to the beneficiaries of the leave on the basis of an attendance certificate supplied by the organisation, attesting that the employee did in fact participate effectively in the authorised activity.

The Ministry reimburses the employee, on sight of the beneficiary's receipt, both the indemnity and the employer's part of the social security contributions which have been paid by the firm.

Educational leave must not exceed 12 days over a period of two years, and must not exceed 36 days in all. In the public sector the beneficiaries of educational leave continue to receive their salary or wages whereas in the private sector they receive a compensatory indemnity equal to their salary or wages, which is reimbursed to the employer by the Government. Educational leave granted to adults may be used only within the country whereas young persons may use it to attend training courses abroad; the majority of applications approved concern adult education.

Time spent on educational leave is treated in the same way as time at work. During the period of educational leave provisions regarding employment and social security regulations still apply to the beneficiaries.

Status of employees' representatives

The employer is under a legal obligation to allow the office-holding employees' representatives the necessary time to take part, without loss of pay, in training activities organised by trade unions or specialised institutions, taking place at times which coincide with the normal working time-table and aimed at improving their knowledge of the economic, social and technical matters which are of relevance of their role as employees' representatives.

The length of training leave depends on the size of the work-force, being one week for establishments with 15 to 50 employees, two weeks for those with 51 to 150, or one week per year during the period of office in the case of firms with more than 150 employees. In the first two cases the cost of one week's pay is borne by the Government.

The period of training leave cannot be set off against annual leave.

Source: Quoted from 'Employers' liabilities under social service legislation in the countries of the European Common Market' - Part on Luxembourg - March 1985, CED. SAMSOM, Brussels

THE NETHERLANDS

In 1976 the Netherlands ratified the ILO Convention NO. 140.

Educational leave has, however, hardly got off the ground, at least if one leaves aside the apprenticeship system for young people and training courses for staff council members.

There is no unified system for educational leave and there are virtually no statistics on the number of people taking courses or the costs involved. Although the concept of continuing education has acquired some currency in the Netherlands, the concept still needs to be fleshed out and an organizational structure is required to implement it.

As far as the education and training of young people is concerned, there have traditionally been two approaches: firstly, day-release courses (for apprentices) and, secondly, 'liberal studies'.

- Day-release courses: these are attended by some 70 000 apprentices. The courses usually last three years. The aim is to give young people an opportunity, during their work in the firm, to produce practical workpieces which will contribute to their training as skilled workers.
- Liberal studies: the number of participants is some 35 000. the aim is to help young (mainly female) unskilled workers in their personal and social development.

There follows the conclusions of a study¹ carried out from August 1984 to October 1985 concerning a number of collective labour agreements (CLAs), some of which contained provisions for the education of employees.

The survey looked at stipulations on education in a sample of 38 sectoral CLAs and all 22 company CLAs applicable to 2 000 or more employees. The CLAs selected together cover 1 621 000 and 201 000 employees respectively².

¹ Education in CLAs, Parts I and II; in the series: Studies of CLAs Collective Terms of Employment Department, Ministry of Social Affairs and Employment, The Hague, December 1985.

² In contrast to the more detailed parts of the analysis, the numbers of employees have been rounded off to the nearest 1 000.

The reference date of the study is 31 August 1984. It covers CLAs which were in force in the period 1983-1984 (one-year contracts) or 1983-1985 (two-year contracts).

With the exception of regulations on foundations and institutional funds, the survey was concerned solely with provisions on training and education which specifically set out the rights and obligations of employees. Declarations of intent and recommendations, etc., are therefore not included in this survey.

1. Stipulations relating to education and training of employees

1.1. The incidence of stipulations concerning educational leave

28 CLAs (1 480 000 employees) of the 38 sectoral CLAs (1 621 000 employees) covered by the survey contain one or more stipulations on educational leave. Of the 22 company CLAs (201 000 employees) covered by the survey, 15 (182 000 employees) contain one or more stipulations on educational leave.

1.2. Specialist and general training courses

All 28 company CLAs with an educational leave scheme have regulations covering specialized courses and/or specialized exams. Seven of these also have regulations on leave for employees taking general courses and/or taking general examinations.

Nine of the 15 company CLAs with an educational leave scheme have provisions only for persons following specialized courses taking specialized exams. Four have a leave scheme for both specialized courses/exams and general courses/exams.

Leave schemes for employees taking exams were encountered more frequently than schemes for employees taking courses.

1.3. Paid and unpaid leave

In most cases wages continue to be paid during the leave granted for following a course or taking an exam. Only one sectoral CLA and three company CLAs have unpaid leave schemes. Four company CLAs have leave schemes providing for partial deduction of pay.

1.4. Duration of educational leave

The duration of educational leave varies. For courses the difference is between long-term and short-term leave. A number of CLAs refer to leave for time required. Most make no mention of the duration of leave. In most cases the requisite amount of leave is granted for employees taking exams. In practice this is usually confined to one or two days.

1.5. Retraining and further training

Of the CLAs in the survey, 3 sectoral and 7 company CLAs have provisions on retraining. These relate to job changes, changes in job content or the filling of vacancies.

1.6. Facilities for first-aid courses

A lot of CLAs have provisions whereby employees with a first-aid certificate are entitled to a fixed increment. The survey did not go into details. Four of the CLAs also have provisions concerning reimbursement of costs for taking first-aid courses and/or refresher courses.

1.7. Allowances and specific pay provisions connected with training

Two CLAs (one company and one sectoral CLA) refer to a lump sum allowance for attaining a specialized qualification. Six CLAs (four sectoral and two company CLAs) stipulate that while an employee is undergoing a training course he shall receive a lower salary than the salary applicable to the job level for which the training is intended.

1.8. Schemes for reimbursement of fees

Six CLAs have detailed schemes for payment of fees: two sectoral CLAs (hospitals and the welfare sector) and four company CLAs (Océ, N.V. Koninklijke Bijenkorf Beheer, Van Gend en Loos and KLM ground staff).

2. Provisions concerning the training of young persons

2.1. General

The study did not analyse provisions concerning employees who, by virtue of the Compulsory Education Law of 1969, are obliged to follow (part-time) educational course. However, in general the following comments apply to this category of employees. In almost all CLAs covering such staff, the terms of employment take account of the number of days on

which the employee works in paid employment. Employers give staff in this category the opportunity to attend part-time education, but beyond this they do not in general provide any facilities in the form of paid leave or reimbursements. This is often in contrast to the category of young employees who are no longer subject to the obligation to attend part-time education. The age at which this obligation ceases to apply to young people varies in practice, but as a rule will be around 16 or 17.

In addition to the compulsory Education Act of 1969, the Labour Act 1919 is also important. This Act makes it compulsory for employers to give employees below the age of 18 the opportunity of attending vocational training or general education courses one day a week or, if the employee is 18, to let him complete the academic year.

Pursuant to the Apprentices Act (WLW), any person covered by an apprenticeship agreement receives both practical training in a given occupation and general and vocational training. The apprenticeship system is characterized by the fact that the apprentice follows a course of training both in-house (practice) and outside the firm at a training institute (theory), whilst for part of the 'working week' he is already performing productive work. The WLW contains no provisions in respect of the agreement which the boss (employer) can (should) conclude with the apprentice (employee) in respect of the productive work to be performed by him/her (contract of employment). Where the apprentice performs productive work, he also has the status of an employee and the apprenticeship agreement may be linked to a labour contract. This is the case in a number of CLAs.

2.2. Provisions on the training of young persons

Thirty-three sectoral CLAs (1 497 000 employees) and sixteen company CLAs (87 000 employees) contain provisions on the training of young persons.

2.3. Leave facilities

Thirty sectoral CLAs (1 162 000 employees) and fourteen company CLAs (81 000 employees) contain provisions on leave facilities for young persons engaged in training. The maximum age at which young people can make use of the leave facilities laid down in the CLAs varies from 18 to 27 (the maximum age under the WLW is 27). It should be pointed out that

in one CLA there may be different provisions on leave facilities for different age groups. In a large number of cases (32 of the 60 CLAs covered by the survey) paid leave amounts to one day for specialized training.

However, these 32 CLAs - both jointly and individually for the sectoral and company CLAs - account for less than half of the total number of employees covered by the survey.

In a small number of CLAs it is clear that, whereas in the past wages continued to be paid during leave, this is no longer the case or only partially so. In addition to leave facilities for day-time training, a small number of CLAs have leave facilities for evening courses (finishing work earlier than normal) and/or paid leave for exams and homework etc.

2.4. Further conditions

Five sectoral CLAs (67 000 employees) make it obligatory for employees to follow vocational training courses. In a number of sectoral and company CLAs the obligation on the employer to allow young persons to follow training courses is accompanied by one (or more) explicit conditions, one of which being: 'in so far as the circumstances at work require or permit staff to follow training courses'.

2.5. Reimbursement of fees

Three sectoral CLAs (260 000 employees) and five company CLAs (18 000 employees) include stipulations concerning the employer's reimbursement of costs connected with training courses. They mainly provide for the reimbursement of travelling costs and educational material.

2.6. Specific provisions on wages

Fifteen sectoral CLAs (695 000 employees) contain specific provisions on the remuneration of young persons following training courses. Their content is varied, providing for a lump-sum payment (meat industry and sugar-processing industry) or a weekly bonus (leather goods industry) or else for separate - sometimes higher - salary-scales for young persons following training courses in contrast to young persons not undergoing such training (printing, building, the dairy industry, hospitals). In general, wages for young persons undergoing training are equivalent to,

or higher than, the statutory minimum (young persons') wage. The CLAs for the textile industry, banking and hospitals include regulations concerning pay for young persons undergoing training where such pay is below the level specified in the foregoing for a certain period. Two CLAs refer to an 'introductory period' for apprentices; and the CLA for banks has a 'traineeship payments scheme' for certain young persons covered by a youth employment scheme.

2.7. Agreements with young persons

Seven sectoral CLAs (366 000 employees) and two company CLAs (15 000 employees) contain a clause whereby an apprenticeship agreement can be entered into only if combined with a labour agreement. Five company CLAs (199 000 employees) stipulate that an apprenticeship agreement must be signed with an employee who has a labour agreement. A number of sectoral CLAs specify that a combined apprenticeship/labour agreement can or shall be entered into for a specific period.

Only a few sectoral CLAs include stipulations on the situation after completion of the apprenticeship/labour agreement; for example that the employee must go on working for his employer for a specific period afterwards or that the employee is given priority if a permanent post becomes available.

3. Facilities for participating in pre-retirement courses

Twenty-three sectoral CLAs (685 000 employees) and fifteen company CLAs (140 000 employees) contain stipulations relating to facilities for persons following pre-retirement courses. Where such facilities are included in the CLA, they are almost always granted in the period from age 60 or above. Of the twenty-three sectoral CLAs (685 000 employees) there are eleven (324 000 employees) where, as a result of the wording used and the existence of an early retirement scheme, it is not (always) possible for persons taking early retirement to make use of this facility. Of the fifteen company CLAs (140 000 employees) with a period and/or age criterion, there are six (73 000 employees) where this situation arises.

Roughly half of all the CLAs (accounting for roughly half of the number of employees) with provisions on pre-retirement courses state that (a maximum of) five days' leave is granted. Of the other provisions the most unfavourable for the employee are those permitting only the use of free time granted in connection with a scheme for additional free time for older employees; the net result of this is that no additional leave days are granted. The most favourable scheme encountered was one which stated that, for a number of years not specified in the CLA, ten days' leave per year could be granted.

In general, the 38 CLAs (23 sectoral and 15 company CLAs applicable to 825 000 employees) containing provisions on pre-retirement courses have adopted a system of paying for the additional days which are granted for attendance on such courses.

4. Facilities for taking part in trade union courses, etc.

Of the 38 sectoral CLAs (1 621 000 employees) covered in the survey, 28 (1 177 000 employees) have a scheme covering facilities for attending trade union courses. Of the 22 company CLAs (201 000 employees), there are 16 (142 000 employees) with provisions on this subject.

In roughly 50% of the sectoral CLAs and roughly 70% of the company CLAs in which facilities for trade union courses have been agreed the number of days' leave per employee is not specified. Where the number of days is specified, the figure most frequently given is a maximum of 5 days per year. Several CLAs refer to a maximum number of days per trade union.

In virtually all companies and in the majority of sectors leave is paid. The facilities usually apply in respect of a course given for (or on behalf of) a trade union. In a number of cases written application for leave must be made in good time by the union and, in a number of sectors, by the employee. Leave is usually granted on condition that the interests of the company allow it. In one sector of industry there is a possibility of appeal in the event of a dispute.

4.1. Regulations for members of staff councils and similar bodies

By virtue of Article 18(2) of the Staff Councils Act, members of Staff Councils are entitled to paid leave for training purposes. The number of days' leave per year is determined in consultation with the employer. Three CLAs refer to the training of members of Staff Councils and/or members of equivalent bodies and staff representative bodies.

5. Foundations and Funds

The survey looked at provisions in CLAs relative to foundations and funds, the name and/or objectives of which suggest a connection with education. Where statutes or regulations form part of the CLA, this was also covered by the survey.

The majority of sectoral CLAs (29 out of 38) contain provisions relative to foundations and funds. Company CLAs make no mention of foundations and funds established for educational purposes.

The sectoral CLA provisions examined in the survey relate to foundations and funds which, as far as can be deduced from the CLA provisions, judging by their names, statutes or regulations have, at least as a secondary objective, the acquisition of funds for a specific purpose which includes education or training.

In many cases a sum is deducted from wages to finance the fund, the percentage varying from, say, a few hundredths of a percent to circa 1.5% of the wage amount. The objectives may vary quite widely. For example, there are some funds whose resources are used solely for the training of trade union officials by trade unions. Other funds have been set up to equalize the cost, to the individual employer, of employees following a training course, whether or not covered by the WLW.

There are also funds which, in addition to defraying costs or subsidising forms of education, have quite different objectives, such as providing information on terms of employment, etc. Three CLAs refer to the training funds operating in the 31 training sectors under the apprenticeship scheme.

6. Developments since the reference date (31 August 1984) up to 31 Oct. 1985

We may conclude that there has been no substantial change during this period in the picture emerging from the survey.

Source: 1. Educational Leave in the Member States of the EEC, Commission, Brussels, August 1975, pages 275-287

2. Education in CLAs, Parts I and II; in the series: Studies of CLAs Collective Terms of Employment Department, Ministry of Social Affairs and Employment, The Hague, December 1985

THE UNITED KINGDOM

1. Although the United Kingdom (U.K.) has ratified convention number 140 of the International Labour Organisation (I.L.O.) there is no general right to paid educational leave for employees in this country. Existing provisions for such leave result almost entirely from negotiation between both sides of industry at individual firm level.

2. The only group of employees who enjoy a statutory right to paid educational leave at present in the U.K. are trade union officials and health and safety officers. Under the Employment Protection Act 1978, those holding official union posts in a given firm are entitled to "payment of their average wage by the firm during time spent on further education courses". Likewise the Health And Safety At Work Act sets a legal foundation for the paid release of safety officers in a firm for the purpose of attending relevant educational courses. The duration of such courses, which in the case of trade unionists will be mainly concerned with labour relations and negotiating methods, will vary considerably from one day release courses to those such as the residential programme at Ruskin College which lasts for four weeks. Well over 50 000 trade unionists avail themselves of such courses annually without incurring a loss of wages while attending.

It is important perhaps to point out in this context that although such leave is embodied in statute, the legal standing provides the skeletal features to which negotiation at individual level adds the flesh. It is thus argued by trade union organisations that the practical application of the statutory outline modifies the potential strength of the "right" to paid educational leave. It is argued for example that the lack of a clear statutory guideline on the duration of educational leave means that the actual length of courses, which will inevitably effect the content, is left to be determined by negotiation at individual firm level. At present trade union organisations such as the Trade Union Congress (T.U.C.) are calling for longer release for attendance at relevant courses as well as an expansion of the category of trade unionists eligible for release, ideally to include all members of trade unions.

3. On a non statutory basis, paid educational leave exists exclusively in the form of "In firm Training" which among the social partners is viewed as a form of paid educational leave and which enjoys active government support. The 1984 Government White Paper on Training estimated that U.K. employers spent UK £ 2030 million on training and points out that employers are increasingly becoming aware of the need for training, particularly in areas of new technology. The sum of money involved in training represents 0.15% of turnover. This proportion is criticized by the Manpower Services Commission (MSC) who have pointed out that "private industry is spending just U.K.£ 4 per person to train the U.K. workforce, a figure which compares unfavourably with similar provisions in other countries such as France, the Netherlands, the Federal Republic of Germany, Japan, and the United States (1). In a 1985 report by the same organisation, it is pointed out that 69% of employees had no training in the previous year (2). The government in the U.K. is very much committed to promoting and expanding provisions for such In Firm Training, and urges employers to increase such measures. Government has also been involved in setting up some industrial vocational courses. The Professional Industrial and Commercial Updating Programme, for example, was launched in 1982 to "encourage education and training institutions to provide relevant courses for those in work", and to assist universities, polytechnics and colleges to develop courses and appropriate teaching methods to meet the needs of local employers. It is attempting to ensure that the education service provides more relevant and flexible courses, responding to the requirements of industry and commerce. (HMSO 1984 Training for jobs) (3). Funded mainly by the Department of Education and Science together with the MSC, the level of financing for 1985/1986 was U.K.£ 2.9 million.

Likewise the "Open Business School" launched in conjunction with the Pick Up Programme is a scheme favoured by employers and government and attracts in the region of 125 000 managers in industry and commerce annually. Thus the emphasis of government is on leave for vocationally oriented courses and the responsibility for setting the limits and extent of the paid educational leave lies firmly with the employer, and thus is defined by the content of collective agreements. As employers differ, so too will the character of the conditions for leave "for example, there are cases where the firm in question also agrees to bear the costs or a part of the costs of travel, food and board for the educational leave measures in question"(4).

4. At present in the U.K. debate on the issue of extending provisions for paid educational leave is fairly lively. Taking off from a pivotal point of consensus the need for an increase in training provisions for people in employment, particularly in the new technology field, discussion centres on the orientation and aims of educational courses as well as the structures of the present collective agreements on paid educational leave.

For the Confederation of British Industry, contemplation of expansion of provisions for paid leave takes place in the context of meeting "employer demands" which must be defined by the specific needs of the individual firm in the context of technological advancement. The Trade Union Congress sees much potential for increasing paid leave provisions and for stretching the definition of such leave in practice, particularly in the area of trade union education which is loosely held in the structures of statute. This organisation has held the view that the "government should guarantee the availability of sufficient courses through adequate subsidies, whereas employers should agree to continue paying their employees wages during further education courses"(5). The British Labour Party has also developed a policy line on the issue. In a recent policy statement (6) the party expresses dissatisfaction with the direction in which adult training has gone since 1979, disagreeing in particular with the abolition of 16 of the 23 training boards and the 50% decrease in the number of apprenticeships. In this context the party favours the "development of paid leave for "skills training" since it is possible, "in the view of the party" for a wide variety of local arrangements to be determined through collective bargaining, this would almost certainly result in a wide mix of schemes involving different combinations of paid leave (6). Thus the labour party commits itself to giving "statutory backing to paid educational leave"(7). It is perhaps important to point out that this party also sees leave in the context of vocational training.

There is no evidence to suggest that there is widespread support for "non vocational" educational leave at present in the U.K. Indeed, a recent Green Paper on 'The Future Of Higher Education in The United Kingdom'(8) came out clearly against state financial support for adult training in higher education, preferring that employers meet the costs of courses that meet their specific requirements.

5. Thus one may conclude that in the case of the United Kingdom, although measures do exist for paid educational leave, ratification of convention 140 of the I.L.O. has not resulted in the introduction of all encompassing legislation which would ensure paid educational leave as a "right" for all employees. Essentially, in the U.K. "the question of paid leave is settled in a very varied manner in many collective agreements and in the end its realization or rather the extent to which it is realized is dependant upon the negotiating strength of the unions concerned"(9).

-
- (1), (2), (3) quoted from "Vocational Training Bulletin",
No. 19 December 1985/III, page 43, CEDEFOP, Berlin
- (4), (5) quoted from "Educational Leave and the Labour Market in Europe",
CEDEFOP 1984
- (6) "New Skills for Britain", Labour Program for National Renewal,
March 1987, page 5
- (7) "New Skills for Britain", op cit page 9
- (8) "New Skills for Britain", op cit page 17
- (9) quoted from "Paid Educational Leave and the Labour Market",
ibid page 103
-

Other Sources: T.U.C., London.

Confederation of British Industry.

Conservative Party Press Office, London.

Labour Party Information Office, London.

Trade Union Research Unit, Ruskin College, Oxford.

CONVENTION No 140

Convention concerning paid educational leave

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and

Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

Having decided upon the adoption of certain proposals with regard to paid educational leave, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Convention, which may be cited as the Paid Educational Leave Convention, 1974:

Article 1

In this Convention, the term "paid educational leave" means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

Article 2

Each Member shall formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of —

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

Article 3

That policy shall be designed to contribute, on differing terms as necessary —

(a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;

(b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;

(c) to the human, social and cultural advancement of workers; and

(d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

Article 4

The policy shall take account of the stage of development and the particular needs of the country and different sectors of activity, and shall be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

Article 5

The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

Article 6

The public authorities, employers' and workers' organisations, and institutions or bodies providing education and training shall be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

Article 7

The financing of arrangements for paid educational leave shall be on a regular and adequate basis and in accordance with national practice.

Article 8

Paid educational leave shall not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

Article 9

As necessary, special provisions concerning paid educational leave shall be established —

(a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;

(b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that workers in these undertakings would not be excluded from the benefit of paid educational leave.

Article 10

Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for —

- (a) training at any level;
- (b) general, social or civic education; or
- (c) trade union education.

Article 11

A period of paid educational leave shall be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice.

Article 12

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 13

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 14

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 15

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 16

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 17

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 18

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides —

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 14 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 19

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Fifty-ninth Session which was held at Geneva and declared closed the twenty-fifth day of June 1974.

IN FAITH WHEREOF we have appended our signatures this twenty-sixth day of June 1974:

The President of the Conference

(sd.) PEDRO SALA OROSCO

The Director-General of the International Labour Office

(sd.) FRANCIS BLANCHARD

*Recommendation 148***Recommendation concerning paid educational leave**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Fifty-ninth Session on 5 June 1974, and

Noting that Article 26 of the Universal Declaration of Human Rights affirms that everyone has the right to education, and

Noting further the provisions contained in existing international labour Recommendations on vocational training and the protection of workers' representatives concerning the temporary release of workers, or the granting to them of time off, for participation in education or training programmes, and

Considering that the need for continuing education and training related to scientific and technological development and the changing pattern of economic and social relations calls for adequate arrangements for leave for education and training to meet new aspirations, needs and objectives of a social, economic, technological and cultural character, and

Considering that paid educational leave should be regarded as one means of meeting the real needs of individual workers in a modern society, and

Considering that paid educational leave should be conceived in terms of a policy of continuing education and training to be implemented progressively and in an effective manner, and

Having decided upon the adoption of certain proposals with regard to paid educational leave, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Recommendation,

adopts this twenty-fourth day of June of the year one thousand nine hundred and seventy-four the following Recommendation, which may be cited as the Paid Educational Leave Recommendation, 1974:

I. Definition

1. In this Recommendation, the term "paid educational leave" means leave granted to a worker for educational purposes for a specified period during working hours, with adequate financial entitlements.

II. Formulation of Policy and Methods of Implementation

2. Each Member should formulate and apply a policy designed to promote, by methods appropriate to national conditions and practice and by stages as necessary, the granting of paid educational leave for the purpose of --

- (a) training at any level;
- (b) general, social and civic education;
- (c) trade union education.

3. That policy should be designed to contribute, on differing terms as necessary --

(a) to the acquisition, improvement and adaptation of occupational and functional skills, and the promotion of employment and job security in conditions of scientific and technological development and economic and structural change;

(b) to the competent and active participation of workers and their representatives in the life of the undertaking and of the community;

(c) to the human, social and cultural advancement of workers; and

(d) generally, to the promotion of appropriate continuing education and training, helping workers to adjust to contemporary requirements.

4. (1) The policy should take account of the stage of development and the particular needs of the country and of different sectors of activity, of other social objectives, and of national priorities.

(2) It should be co-ordinated with general policies concerning employment, education and training as well as policies concerning hours of work, with due regard as appropriate to seasonal variations of hours of work or of volume of work.

5. The means by which provision is made for the granting of paid educational leave may include national laws and regulations, collective agreements, arbitration awards, and such other means as may be consistent with national practice.

6. It should be recognised that paid educational leave is not a substitute for adequate education and training early in life and that it is only one of a variety of means for continuing education and training.

III. Measures for Promotion of Paid Educational Leave

7. The public authorities, employers' and workers' organisations, and institutions or bodies providing education and training should be associated, in a manner appropriate to national conditions and practice, with the formulation and application of the policy for the promotion of paid educational leave.

8. Measures should be taken, on the basis of plans adapted to the aims of the policy —

(a) to ascertain the current and future education and training needs of workers which may be met by paid educational leave;

(b) to make full use of all available education and training facilities, and to establish new facilities to meet the education and training purposes of paid educational leave;

(c) to take account in teaching methods and education and training programmes of the objects and the terms of paid educational leave, which reflect new needs;

(d) to encourage workers to make the best use of education and training facilities available to them;

(e) to encourage employers to grant paid educational leave to workers.

9. There should be adequate systems of information and guidance regarding possibilities of paid educational leave.

10. Adequate arrangements should be made to ensure that the education and training provided are of appropriate quality.

IV. Financing

11. The financing of arrangements for paid educational leave should be on a regular and adequate basis and in accordance with national practice.

12. It should be recognised that —

(a) employers, collectively or individually,

(b) public authorities and educational or training institutions or bodies, and

(c) employers' and workers' organisations,
may be expected to contribute to the financing of arrangements for paid educational leave according to their respective responsibilities.

V. Conditions for Granting of Paid Educational Leave

13. Paid educational leave should not be denied to workers on the ground of race, colour, sex, religion, political opinion, national extraction or social origin.

14. Workers should remain free to decide in which education or training programmes they wish to participate.

15. As necessary, special provisions concerning paid educational leave should be established —

(a) where particular categories of workers, such as workers in small undertakings, rural or other workers residing in isolated areas, shift workers or workers with family responsibilities, find it difficult to fit into general arrangements;

(b) where particular categories of undertakings, such as small or seasonal undertakings, find it difficult to fit into general arrangements, it being understood that workers in these undertakings would not be excluded from the benefit of paid educational leave.

16. Conditions of eligibility for paid educational leave may vary according to whether such leave is intended for —

- (a) training at any level;
- (b) general, social or civic education; or
- (c) trade union education.

17. (1) In determining conditions of eligibility, account should be taken of the types of education or training programmes available and of the needs of workers and their organisations and of undertakings, as well as of the public interest.

(2) As regards paid educational leave for trade union education, the workers' organisations concerned should have the responsibility for selection of candidates.

(3) The manner in which workers who satisfy the conditions of eligibility are granted paid educational leave should be agreed upon between undertakings or the employers' organisations concerned and the workers' organisations concerned so as to ensure the efficient continuing operation of the undertakings in question.

18. (1) Where trade union education programmes are carried out by the trade union organisations themselves, they should have the responsibility for planning, approval and implementation of the programmes.

(2) Where such programmes are carried out by other educational institutions or bodies, they should be established in agreement between those bodies and the trade union organisations concerned.

19. As required by national or local circumstances or by the circumstances of an undertaking, priority in the granting of paid educational leave should be given to particular categories of workers, or particular occupations or functions, which have especially urgent education or training needs.

20. The financial entitlements of workers during paid educational leave should —

(a) maintain their level of earnings by continued payment of their wages and other benefits, or by adequate compensation therefor, as provided for by national laws or regulations, collective agreements, arbitration awards or such other means as may be consistent with national practice,

(b) take account of any major additional costs of education or training.

21. A period of paid educational leave should be assimilated to a period of effective service for the purpose of establishing claims to social benefits and other rights deriving from the employment relation, as provided for by national laws or regulations, collective agreements, arbitration awards, or such other means as may be consistent with national practice.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Fifty-ninth Session which was held at Geneva and declared closed the twenty-fifth day of June 1974.

IN FAITH WHEREOF we have appended our signatures this twenty-sixth day of June 1974:

The President of the Conference,

(sd.) PEDRO SALA OROSCO

The Director-General of the International Labour Office,

(sd.) FRANCIS BLANCHARD

