

Paid Educational Leave in Europe: Its Implications for Canada

Les congés formation en Europe. Quelles leçons peut-on en tirer pour le Canada?

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Résumé de l'article

Dans un certain nombre de pays européens l'accès des travailleurs à des cours de formation professionnelle ou de formation générale est facilité par un système de congés, parfois accompagnés d'une rémunération équivalente à leur salaire. Dans cet article l'auteur examine ces différents systèmes et se penche en particulier sur les cas de la Belgique et de la France. Se basant sur une étude approfondie des modalités d'application du système de congés de formation dans ces deux pays, il a tenté une première analyse des problèmes rencontrés par les individus et les organismes en cause, les travailleurs, les syndicats, les patrons et les gouvernements. Finalement, il s'est efforcé de dégager les leçons que l'expérience européenne peut offrir pour le Canada.

Beaucoup de pays industrialisés sont conscients de la nécessité de faciliter aux travailleurs adultes l'accès à l'éducation continue. Dans ce but ils ont presque tous établis des programmes de cours ou de stages de perfectionnement. D'autre part la participation des travailleurs à ces programmes se heurte à un obstacle majeur, le fait que les travailleurs se voient le plus souvent dans l'obligation de sacrifier leur temps de loisir s'ils désirent en profiter. Après un jour ou une semaine de travail monotone et fatigant, la plupart ne se sentent pas la force à assister à un cours ou à se mettre à l'étude. L'alternative est de leur accorder un congé d'une longueur déterminée, et accompagné d'une rémunération suffisante de façon à ce que le travailleur qui poursuit des études puisse abandonner son travail temporairement tout en continuant d'être payé son salaire. C'est essentiellement le principe mis en avant dans les recommandations du Bureau International du Travail, et adoptées en séance plénière en 1974.

En ce qui concerne l'Europe, ces recommandations n'ont été mises en pratique que partiellement, et le droit absolu des travailleurs au congé de formation payé n'est pas admis partout. D'une façon générale, l'exercice de ce droit est limité par des contraintes qui découlent de la pratique des relations du travail, du jeu de la politique, des lois et de la conjoncture économique. Par exemple, en ces temps d'inflation, il faut faire un choix entre les dépenses nécessitées par les congés de formation et celles requises par d'autres programmes de bien-être social. Dans l'allocation des subsides, la plupart des gouvernements considèrent que la formation générale des travailleurs a une moindre priorité que la formation professionnelle qui permet aux travailleurs de s'adapter plus aisément aux changements du marché du travail. L'éducation syndicale est susceptible de prendre de l'importance dans la mesure où les syndicats augmentent leur emprise sur les entreprises industrielles du secteur privé et où la participation des travailleurs à la conduite de l'entreprise se répand de secteur à secteur et de pays à pays. Dans l'examen des priorités, il faut aussi considérer les besoins spéciaux de certains groupes de travailleurs comme les employés des petites et moyennes entreprises, les jeunes chômeurs, et tous ceux, que ce soient des jeunes ou des mères de famille, qui sont à la recherche de leur premier emploi.

Au Canada, il n'y a guère de congés de formation que pour des programmes qui permettent aux travailleurs de mieux accomplir leur tâche.

Y aurait-il intérêt à élargir le champ des congés de formation pour y inclure les cours de formation générale? La voie vers un système de congés de formation payés doit-elle être ouverte par la signature de conventions collectives ou par l'intervention du gouvernement? En Europe ce sont les syndicats qui, dans la plupart des cas, ont pris l'initiative. En France, en Italie et en Allemagne notamment, ils ont réussi à établir différents systèmes de congés de formation à la suite de négociations directes avec les organismes patronaux. Le gouvernement n'est ensuite intervenu que pour sanctionner ces accords par des lois qui les généralisaient et les systématisaient. Il semblerait bien qu'au Canada aussi les gouvernements devraient attendre le moment où de tels accords soient généralisés. Ce délai aurait l'avantage de laisser aux intéressés le temps d'examiner la question sous tous ses angles. Pendant ce temps, le rôle des gouvernements pourrait consister à faire mieux comprendre les différents aspects de la question, à coordonner les activités des organismes gouvernementaux et non-gouvernementaux qui s'intéressent à l'éducation continue des adultes, à aider financièrement ou de toute autre façon les groupes de travailleurs qui en ont le plus grand besoin, et finalement à encourager les entreprises et les syndicats à élargir leurs programmes d'éducation.

Le cas de la France et de la Belgique démontre aussi que, même si le droit au congé de formation payé est reconnu, seul un petit nombre de travailleurs cherche à en profiter. Il faut donc que les partenaires sociaux et les responsables soient particulièrement conscients que les travailleurs ne sont pas tous également motivés à reprendre des études et que les méthodes d'instruction doivent répondre aux besoins des travailleurs les moins favorisés et les moins qualifiés. En conclusion, c'est aux partenaires sociaux qu'il appartient de se mettre d'accord sur les buts et les modalités d'application des congés de formation payés.

Paid Educational Leave in Europe

Its Implications for Canada

Hem C. Jain

This article reviews the increased educational opportunities provided to workers in a number of Western countries, Belgium, France, the Federal Republic of Germany, Sweden and the United Kingdom, through national, regional or local legislation or through collective bargaining and other private mechanisms. An attempt has also been made to analyze and compare the Belgian and the French experiences with regard to P.E.L. Finally, this article examines the relevance of the European experience in respect at P.E.L. for policy makers and other interested parties in Canada.

For more than a decade international organizations such as I.L.O., U.N.E.S.C.O., O.E.C.D., have evinced great interest in the broad concept of « Recurrent or Continuing Education ». From numerous conferences and discussions on this topic a general consensus has emerged about the growing need for more varied continuing educational opportunities for people at all stages of life, to enable the young to bridge the transition between school and employment and to help those already employed to adapt to economic, technological and social changes. Proponents of recurrent education argue that in the long run it is economically efficient, equitable and humanly satisfying.

Many industrialized countries have recognized the need for continuing (recurrent) education and have provided various educational and training programs. The main problem seems to be that working adults can only take advantage of such educational opportunities during their leisure time. For many, the monotony and fatigue of working conditions sap the energy needed for enrollment in educational programs outside working hours. The alternative is that workers be allowed to further their education during working hours.

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Now, as a result of initiatives taken largely by I.L.O., the availability of educational opportunities to adults during their working life through « Paid Educational Leave » has become a distinct possibility.

In 1974 at its 59th. session after much discussion, I.L.O. adopted a convention and a recommendation on « Paid Educational Leave ». According to the I.L.O. 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. Each member of the I.L.O. is encouraged to formulate policies designed to promote 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.¹

The most significant concepts included in the I.L.O. recommendations are as follows:

1. Workers should have the right to take leave of absence for educational purposes during their normal working time.
2. Workers should be able to return to their jobs upon the completion of their education without loss of income or other benefits, such as seniority, pension, etc.
3. Workers should have the freedom to decide in which educational and training programs they wish to participate, whether it is vocational training or general education.

In Europe, since the end of the Second World War, educational leave has been discussed in the context of other related fields such as adult education, recurrent education, vocational training, youth education, and so on. Therefore, paid educational leave has different connotations in different countries. A cursory look at various national laws and regulations in Western European countries reveals that the current legislation and practices on study leave in each country reflect a compromise reached among the main parties involved, i.e., the government, the trade unions and the employers associations. They also reflect the socio-political aims pursued by each party with regard to this question.

In Canada the social partners have shown interest in discussing Paid Educational Leave (P.E.L.) only in recent years. The Canadian Labour Congress at its 1976 convention adopted a policy statement

¹ "Educational Leave", *Labour Education, I.L.O.*, Geneva, N° 26, October 1974, p. 21.

urging all its affiliates to make educational leave a priority in collective bargaining. The Federal Government has officially endorsed the concept of P.E.L. as defined by the I.L.O. Convention and the Canadian Labour Congress policy statement.

This article reviews the increased educational opportunities provided to workers in a number of Western countries, Belgium, France the Federal Republic of Germany, Sweden and the United Kingdom through national, regional or local legislation or through collective bargaining and other private mechanisms. An attempt has also been made to analyze and compare the Belgian and the French experiences with regard to P.E.L. This comparison is based on indepth case studies prepared by this writer. Finally, this article examines the relevance of the European experience in respect to P.E.L. for policy makers and other interested parties in Canada.

P.E.L. IN EUROPE: AN OVERVIEW

This section² starts with a number of observations on paid educational leave in selected Western European countries. These observations are based on the manner in which P.E.L. has been established in various countries. Other areas examined are the eligibility of workers, program offerings and financing.

General observations

The initiative for educational leave in most Western European countries came from the trade union movement. Trade unions had great deal of success in negotiating some form of educational leave at the bargaining table. For example, in France, major French unions and employers' groups signed an International Interoccupational Agreement in July 9, 1970. This agreement acknowledged a worker's right to educational leave and the employer's obligation to maintain his salary during the period of training. In 1969, in the Federal Republic of Germany, 118 collective agreements concerning 2.6 million workers contained provisions for some form of paid or unpaid educational leave. In Italy, unions have negotiated collective agreements in recent years which allow a maximum of 150 hours of paid educational leave.

² Material in this section is based on "Developments in Educational Leave of Absence" *O.E.C.D.* Paris, 1976; "Paid Educational Leave", *I.L.O.*, Report IV, V, VI, (1973-74), Geneva; Alan CHARNEY, "Paid Educational Leave", Hart DAVIS, London, 1975; Government documents and personal interviews with union, management and government officials.

Legislation on educational leave in various European countries has been adopted only after social partners had a chance to express their views on this subject. In presenting the final proposals for enactment, the governments have usually tried to find a middle ground between the positions taken by the unions and the employers. In some instances, the government modeled the legislation on contractual agreements that had already been signed by the social partners. For example, the French law of July 16, 1971 gave mandatory effect to the National Interoccupational Agreement on Training dated July 9, 1970. The 1973 Belgian law on « Credit Hours » was presented to the Parliament only after a great deal of debate and discussion among the interested parties.

Private conventions and agreements between employers and trade unions play an important part in the implementation of legislation in France, Sweden and Belgium. In France, despite the more recent 1971 legislation on P.E.L., the national agreement of 1970 between employers and trade unions on training is still applicable. Furthermore, the private agreements between unions and management play a significant role in the actual implementation of the Act of 1971 as well as the Interoccupational National Agreement of 1970.

In January 1975, Sweden passed legislation which granted all workers, whether in the public or the private sector, the right to paid educational leave during working hours and the right to return to their employment. The actual implementation of the Act, the details concerning the duration of leave, the number of workers to be allowed training at any time, etc. are to be negotiated between unions and management at the local and national levels. In Belgium, the duration of leave and the method of distribution of leave days must be agreed upon in joint negotiations between the social partners at the industrial or economic sectorial level. At the enterprise level, work councils or other bipartite bodies determine the number of workers in a company who can benefit simultaneously from credit hours legislation.

Governments in several European countries were the driving force behind educational leave legislation. Vocational training and continuing education became instruments of government policy. In France, under the National Economic Plan, continuing education and training were assigned an important role in achieving national priorities, i.e., social advancement, full employment and industrialisation. Germany, in the aftermath of the Second World War, beset by economic, social and political problems, engaged in a nationwide effort to revamp its apprenticeship and vocational training program. In this context, political parties (Social Democrat) and the German labour movement pushed for

proposals for paid educational leave. In the United Kingdom, the 1973 Industrial Relations Act focused on national interests and the need for vocational training.

Conditions for Eligibility

While certain countries (France, Belgium, Sweden) recognize an individual worker's right to educational leave, this right is subject to certain conditions.

In France, the right to P.E.L. is restricted to certain types of course approved by the government. In Sweden although the Act is administered by the Department of Labour, the courses taken by a worker must be recognized by the Ministry of Education. In Belgium, the content of courses and the institutions conducting them have to be approved by the government.

The duration of leave to which a worker is entitled for educational purposes varies from country to country. In France, the leave is limited to a maximum of one year or 1,200 hours. In Belgium, the number of credit hours to which the worker is entitled is determined by the law and increases as he progresses in his program of studies. During the first year, he will receive paid leave for one fourth of the number of hours of course work. If he is successful in the first year, he is entitled to paid leave for half the number of hours of course work during the second year, and in his third year to an equal number of hours. To be recognized by the Government, each course must have a duration of at least 90 hours per year. Therefore, in his third year the worker's leave could amount to a minimum of 11 days. The law in Belgium also states the time of the year the leave may be taken, i.e., half of the total number of hours before the examination and half in monthly or weekly leaves spread throughout the year. In West Germany, eight provinces (Länders) have passed legislation which provides educational leave from 5 to 12 days per annum. In Sweden, the duration of leave is one year maximum. In Italy, it is limited to a maximum of 150 hours spread over a period of three years.

In some countries, such as France and Italy, there are special provisions which limit the number of workers absent on educational leave at anyone time. In France the upper limit is 2 percent of the total labour force. Such an upper limit may be exceeded if the employer considers it in the firm's interest.

As pointed out earlier, duration and timing of leave in several European countries are subject to negotiations at the Works' Council

level or by other appropriate bipartite bodies. In France, disagreement on such matters can be appealed to a Ministry of Labour inspector for final decision. In Sweden, leave for educational purposes may be postponed for one year in consultation with local unions.

Usually employers require adequate notice as well as specific information about the nature and length of courses in order to make appropriate operational arrangements for the time during which employees plan to be away from the work site for training purposes. In France, an employee must give 60 days advance notice for a full time course which runs over a period of six months.

Before an employee becomes eligible for educational leave he must have served the company for a certain length of time. In France the minimum requirement is 2 years while in Sweden it is only 6 months of continuous service or one year's service during the past 2 years with the present employer.

Training and Educational Programs

Vocational training: It was pointed out earlier that in many European countries (France, Germany, United Kingdom) vocational training was considered as instrument of government policy in achieving national, economic and social goals. It received priority over other educational programs. Most of the courses approved and financed by governments were vocationally oriented courses.

General, civic and social education: While unions support vocational training, they also insist that workers should have the right to pursue courses pertaining to general, civic and social education. The law of «Credit Hours» in Belgium allows students to use their credit hours for such courses. In West Germany, many of the provinces have passed legislation on «Paid Educational Leave» which entitles workers to use leave periods for political, civic and social education. Swedish legislation provides leave for general and non vocational courses. In the United Kingdom, under the day release scheme, which enables the young people to continue their education on a part-time basis, unions in conjunction with extra-mural departments of universities, can organise courses of a non vocational character.

Trade Union Education: The increased participation of union representatives in works councils, health and safety committees, plus their role as shop stewards etc. in many European countries requires them to undergo training in order to make their participation meaningful. In

Belgium, the law of 1963, «Loi de Promotion Sociale», provides grants to workers for attending trade union courses. In France, while there are no specific provisions under the 1971 legislation with regard to trade union education, there are private voluntary agreements between the social partners which provide paid educational leave to trade union representatives. In West Germany, under the Works Constitution Act, members of the Works Council and other bipartite bodies, such as supervisory and management boards, are given paid educational leave. Sweden and the United Kingdom have similar legislation which provides paid educational leave for trade union representatives.

Financing

A Worker's right to educational leave may or may not be supplemented by his right to wages and benefits during the leave period. While France and Sweden recognize an individual's right to educational leave, these countries do not automatically grant him the right to remuneration. Furthermore, financing is concerned with

- 1) cost of educational and training programs, organization of courses, physical facilities, teaching material and equipment, salary of teachers, etc. ;
- 2) payment of wages and benefits to workers if they receive training during normal working hours.

The costs involved in financing educational leave may be borne by employers or may be shared between government and employers.

In Belgium, a worker is entitled to his normal salary up to a ceiling of 28,000 BF (approximately \$850) per month during his educational leave. The cost of the scheme is shared on a 50 — 50 basis by employers and government. The Employer pays 0.2 percent of the total salary bill. This sum is paid into a central fund administered by the Department of Social Security, to which government contributes an equal amount. After study leave has been granted, an employer could obtain full compensation from the «Central Fund» for the payments made to the worker in study leave, subject to documentary evidence of course participation being made available. The Royal Decree of April 1976 made certain changes in the 1973 legislation on «Credit Hours». While an employer is still entitled to reimbursement, he is no longer required to contribute his shares to the Central Fund. This easing of the employer's burden was made possible because large sums of money accumulated in the Central Fund as a result of a much lower than expected rate of participation by workers in the «Credit Hours» program. In

certain industries such as in construction and banking, training programs are financed by setting up industry training funds through joint agreements between Belgian unions and employers.

In France, the responsibility of financing educational leave activities is shared by the employers and the government. The formula for sharing costs is highly complicated and varies from one program to another. The law of 1971 requires companies with more than ten employees to allocate a percentage of total pay roll to training activities, for example, 0.8% in 1972, 1% in 1974 and 2% in 1976.

The employers may discharge their legal financial obligations by:

- 1) offering training within or outside the firm. Outside the firm training is usually provided by training associations managed by employers' groups;
- 2) contributing to the financing of a Training Insurance Fund. This fund is financed jointly by contributions from the employer and employees in accordance with the agreement between the employer and unions.

In both cases, the training program remains under the control of employers subject to consultation with members of the works council on problems relating to training. As far as government is concerned, essentially it provides three types of financial assistance:

- 1) for the running of courses and training programs;
- 2) for the construction of training centers and for the purchase of equipment and
- 3) for payments to students attending vocational courses.

In West Germany, the Federal Government provides financial assistance for vocational training. The «Länders», which have passed legislation of P.E.L., provide funds to support individual courses and subsidize educational institutions, while employers pay the workers full wages and benefits during the period of educational leave. In countries such as Sweden where training institutions are publicly financed and administered, the employers' responsibility is limited to the payment of wages and benefits to workers when they are absent from work for educational purposes.

A Comparison of Belgian and French Experience

Belgian and French experience can be assessed in terms of the aims and objectives of each country's legislation with regard to educational leave, its implementation and the attitudes of interested parties.

France: The first article of the 1971 «Organization of Continuing Vocational Training Act» in France defines the primary objectives in the following words:

«Permanent vocational training is a national obligation... continuing vocational training is part of permanent education. Its objective is to enable the adaptation of workers to changes in the techniques and conditions of work, to encourage their social mobility (by access to the different levels of cultural and vocational qualifications) and their own contributions to the cultural, economic and social development³.»

Belgium: The Belgian law of Credit Hours (1973) is based on the following four principles:

- 1) continuous training allows workers to conserve their position in a labour market which is more and more conditioned by rapid technological evolution;
- 2) attendance of courses allows the redressing of inequalities in the education received at school;
- 3) the continuous training made possible by the law would be of distinct benefit to industrial companies;
- 4) the development of any individual depends on the possibilities of leading a well balanced life. All supplementary training necessitates, therefore, compensatory payment for leave taken during working hours⁴.

Before evaluating the roles played by the parties involved in the implementation of legislation in France and Belgium it may be advisable to take a look at the over all picture in the form of a statistical profile.

Statistical profile: France

TABLE I
Financial Outlay on Training (in billion of French francs)

	1972	1973	1974
By the State	1.7	2.0	2.3
By companies	2.8	3.9	4.9
* Combined	4.5	5.9	7.2

Source: The 1976 Finance Bill, Appendix 4 on Vocational Training.

³ "Developments in Educational Leave of Absence", *O.E.C.D.*, Paris, p. 139.

⁴ *Ibid*, p. 99.

In 1974, a total of 7.2 billion francs (\$1.62 million) was devoted to the financing of training. The State's allocation for training increased between the period 1972 to 1974 by nearly forty percent. The expenditure for training by companies rose by more than seventy percent for the same period. As a percentage of the total payroll, the expenses for training by companies rose steadily from 1.35 percent in 1972 to 1.49 percent in 1973 and 1.63 percent in 1974.

The Participation of Workers

TABLE II
Workers who Attended a Whole or Part of a Course

	1972	1973	1974
Financed by the State	958,000	956,000	888,000
Financed by companies	1,049,000	1,492,000	1,770,000
* Combined	1,760,000	2,230,000	2,470,000

* The figures under the heading combined is not the total of the above two lines because the courses attended by a number of employees were financed jointly by the State and the companies but have not been counted twice.

It can be seen from Table II that the number of State financed courses declined appreciably from 1973 to 1974. One of the reasons for this decline is that the State in recent years has shown a tendency to favour long term training programs or courses. The average duration of those courses financed by the State in 1974 was 210 hours and by the companies it was 62 hours.

TABLE III
Occupational Status of Trainees

	1972		1973		1974	
Unskilled, semi-skilled workers	191,000	18%	256,000	17%	299,000	17%
Skilled and qualified staff	376,000	36%	612,000	41%	781,000	44%
Foremen, senior technicians and technicians	282,000	27%	371,000	25%	421,000	24%
Engineers and executive staff	201,000	19%	251,000	17%	269,000	15%
Total	1,050,000		1,490,000		1,770,000	

Source: Appendix to the Finance Bill, 1976.

The data in the above table shows that there has been a steady increase in the number of trainees between 1972-74. During this period

the relative share of highest categories, i.e., executives and technicians has declined, while that of the highly skilled workers has increased. However, the percentage of unskilled and semiskilled workers has remained virtually unchanged. This means that as far as unskilled and semiskilled workers are concerned, the Continuous Education Act of 1971 is not playing the role of «second chance» intended for it by its promoters.

Reasons for not Claiming P.E.L. Benefits

From the statistical profile of France and Belgium it is clear that in both countries the number of workers who took advantage of paid educational leave is very low (in France in 1974, it was only 3.6 per cent of those entitled and in Belgium the figure was less than 15 per cent).

In Belgium, the motives stated by the workers in the government survey shed some light on the causes for the relatively low demand for P.E.L. benefits. Table IV reproduces the workers' answers in order of importance.

TABLE IV
Motives for not Claiming Credit Hours

<i>Motives</i>	<i>%</i>
Out of fear of the reaction of employers and co-workers	29.6
Out of concern for the welfare of the enterprise	20.2
Ignorance of the law	19.3
Other reasons ^a	16.8
Lack of interest	14.1

Source: « Rapport concernant l'enquête sur les crédits d'heures », p. 108.

^a Lack of union support, fear of dismissal, courses not related to job.

In both France and Belgium workers have identified a number of organizational and social problems which prevent them from taking advantage of paid educational leave. The most significant ones fall under 2 headings: 1) organizational problems and 2) social problems. Organizational problems include:

- 1) notice of dismissal (threaten or given)
- 2) no promotion upon completion of training;
- 3) difficulties in scheduling work;

- 4) excess work load in order to catch up on work accumulated during the training period;
- 5) fear of future lay off if the economic conditions get worse.

In France the complexity of remunerative systems, the range of payments, the administrative machinery and the different ways in which legal texts are applied, are other reasons why so few workers take advantage of P.E.L. The social problems include difficulties with co-workers, such as jealousy, lack of understanding, and problems with who have to work harder without compensations to make up for absentees.

Criticism of P.E.L. Provisions by Social Partners

BELGIAN LAW OF CREDIT HOURS

Since the passage of the law in 1973, both union and management have been critical of its short comings; unions complain that the law is discriminatory, because it does not cover workers 40 years old and over, part-time workers and housewives. They also suggest that enlarging the field of application of the law could help reduce unemployment, i.e. by granting 100% credit hours for all workers and by replacing workers on leave by part-time workers. The unions are also dissatisfied because the 1973 credit hours law does not specifically guarantee the worker's job while he is on leave. Should a worker be fired because he applied for leave, his only recourse is to the courts and the general regulations against unjustified dismissal. Therefore the unions argue that the worker is made to feel too dependent on his employer's attitude toward P.E.L. and that this psychological reaction impedes him from exercising his right to P.E.L.

The Federation of Belgian Employers (F.E.B.) conducted a survey of employers attitudes toward «Credit Hours», which covered 651 enterprises. According to the survey, several employers complain about the «over lengthy» administrative procedures for obtaining documentary evidence of course participation to be submitted to the government. Also, the credit hours program is costly. Not only are they not reimbursed the costs of the workers' social security and benefits, but also they sometimes have to wait up to a year before being reimbursed the salaries they have paid to workers on educational leave. They also feel that the present system leads to an unacceptable level of disruption in the organization of work in the enterprise, especially in small companies. They complain that the 28,000 BF ceiling is unfair to upper echelon employees. Finally they argue that the company's internal train-

ing programs and sectorial programs presently being carried out ought not to be excluded from government subsidies.

Employers recommend that the present paid study leave during work time be scrapped in favour of a system which would enable workers to receive end of year bonuses for the course they completed successfully outside the working hours. The Christian Trade Union Federation is totally opposed to this idea and believes that it is a highly retrograde step. The F.G.T.B., Belgium second largest union federation, is known to share this view.

The surveys indicate that there are major differences between employers and unions on the question of paid educational leave. However, there are a number of areas where there seems to be some common ground between the two parties on the issue of study leave reform. For example, there is general agreement that the age limit of 40 for eligible workers be abolished, that administrative machinery be simplified and that legal provisions be given greater publicity at the work site.⁵ It is worth mentioning that the very fact that surveys were undertaken indicates a great interest in Belgium in the problem of adult education and the question of continuing education. It also shows that the social partners and the Government are attempting to use sociological tools to solve the controversial issue of Paid Educational Leave.

Joint Consultation and Implementation of the French Act of 1971 Pertaining to Educational Leave

Jacques Delors, commonly known as the father of the 1971 Law wrote: «The entire system is based on the responsibility of the four parties involved: 1) public authorities, 2) the heads of enterprises, 3) the workers and their representatives, 4) the establishments of public education. Finally, it is a system 'in concert', everything depends upon co-operation among the parties.

ATTITUDES OF THE SOCIAL PARTNERS

Generally speaking, unions in France see the right to educational leave as a potential force to undermine the managerial prerogative and the employer's initiatives in personnel and training matters. The attitudes of some individual French employers toward P.E.L. may be reflected in the following statement made to this writer by the President of a French company.

⁵ "Study Leave in Belgium: Towards a Reappraisal", *European Industrial Relations Review*, December, 1977, 8-7.

New laws in France make a certain degree of «continuous training» (formation permanente) obligatory in all firms who also have to pay a special tax for this purpose. In practice although a considerable government bureaucracy has been created the result is probably meagre. Employers pay the tax but dislike the absences involved, the additional «education» rarely being of much advantage to the firm. This law seems to be an attempt to compensate at companies' expense for the failure of the schools and universities, also government controlled, to train young people for practical adult life and work. The government, having lost control of its own educational ministry, tries to get employers to do the job instead but only when it's too late.

Absence for educational purposes is also an obligation for certain Trade Union representatives. Employers dislike this even more because the union representatives receive Marxist and revolutionary training and return to contest and combat the employer inside the company.

In practice, employers exercise a great deal of power and control in training matters. Their choice of courses and training institutions is subject to consultation with members of the works council. The role of works council is strictly advisory and an unfavourable opinion by the council on training matters does not bind the employer. Prior to the introduction of 1971 legislation, no attempt was made to study the educational resources available in the country. Many private training organizations lured by the prospects of obtaining the funds which were distributed by employers, entered the market. The quality of courses offered and the high fees charged by these organizations came under heavy criticism. Furthermore, these training organizations catered to the training needs of companies and their executives but did not usually offer courses which would fulfil the social and cultural needs of individual members. Another major criticism of the French scheme is the complexity of the administrative machinery and the different ways the legal text can be interpreted and applied. In spite of all these shortcomings in the implementation of the Act of 1971, no single interested party in France has asked for its repeal. A special commission of the French Parliament, «la Commission des Affaires Culturelles, Familiales et Sociales», recommended that the following steps be taken to strengthen the present legal provisions for the granting of paid educational leave.

The State should from now on ensure the exercise of their rights to all employees, by directly financing all individuals willing to take leave, as well as by forcing employers to maintain their remuneration.⁶

⁶ Alan CHARNEY, "Paid Educational Leave", *op. cit.* p. 118-119.

Appart from the guarantee of remuneration, the Commission suggested the following measures in order to ensure the equal exercise by all employees of their rights to educational/training leave:

- 1) a guarantee that all social benefits are maintained while an employee is on leave;
- 2) a guarantee that in no case can the exercise of the right to educational/ training leave put in jeopardy an employee's career and, what is more, his employment;
- 3) the possibility to choose a course, as long as it is officially recognized (the right should include the free choice);
- 4) the creation in all public educational establishments, particularly Technical Colleges and « Lycées Techniques », of special departments for recurrent education training.⁷

There is every likelihood that in France the law on paid educational leave will be strengthened.

IMPLICATIONS FOR CANADA

It is evident from the European experience that the I.L.O. concept of P.E.L. is not implemented in its totality. One of the reasons is that the right to paid educational leave cannot be regarded as absolute. It must be considered within a given institutional (labour-management relations), political, legal and socio-economic framework. The costs involved in implementing paid educational leave provisions must also be weighed against competing social demands particularly in an inflationary environment. Given the limited resources, most governments assign priority to vocationally oriented training which enables the workers to be more flexible and adaptable in the face of economic changes. At present, general and social education is given a somewhat lower priority. Trade union education is likely to increase in importance when unions gain a greater foothold in major industries in the private sector and the Western European style of « worker participation » becomes widespread and accepted throughout the industrial world. In addition to the various educational programs, we need to consider the priorities in terms of groups such as workers in small enterprises, the young unemployed, who have never had a job and housewives entering the labour market, etc.

In Canada, paid educational leave is limited to a large extent to job related training program. Should paid educational leave in Canada be extended to non-vocational courses? Should it be promoted through

⁷ *Ibid.*

collective bargaining, legislation or other mechanisms? The European experience indicates that the initiative for P.E.L. in most cases came from the labour movement. In several European countries (France, Italy, Germany), trade unions had a great deal of success in negotiating some form of educational leave at the bargaining table. In some instances government gave legal sanctions to the contractual agreements that had already been signed by the social partners. The best known case of paid educational leave in Canada is a clause in the collective agreement between U.A.W. and Rockwell International. It provides the establishment of a fund for trade union education. Legislation in the Canadian context should be considered only after such clauses have become common and the social partners have had a chance to debate the issues concerning P.E.L. openly. In the meanwhile, various Canadian governments could assist in promoting educational leave policies, by disseminating information on all facets of workers' education, by co-ordinating the activities of various governmental and non-governmental organizations involved in various types of educational and training programs, and by encouraging employers and unions to devote more funds to training and educational programs.

In Canada as in France, a large proportion of business and industrial firms are small scale enterprises. Governments could assist the employers in these establishments in implementing policies pertaining to educational leave by establishing industrial training boards and providing necessary funds. For unemployed youth, apprenticeship training courses along the lines of day-release courses in the United Kingdom could be very helpful. Governments could support or sponsor courses in the field of general and social education. Such courses could be taught through C.B.C. or educational T.V.

We also learn from the European experience as exhibited by France and Belgium that, eventhough individual workers have a right to P.E.L., few workers take advantage of it. This means that social partners and policy makers must pay special attention to problems of motivation and methods of instructions in order to come to grips with the problems faced by unskilled, semiskilled and other less advantaged groups of workers in the labour market and the surrounding social milieu. In the final analysis it is the social partners who must work together to reach agreement on the goals and processes of paid educational leave.

Les congés formation en Europe : quelles leçons peut-on en tirer pour le Canada ?

Dans un certain nombre de pays européens l'accès des travailleurs à des cours de formation professionnelle ou de formation générale est facilité par un système de congés, parfois accompagnés d'une rémunération équivalente à leur salaire. Dans cet article l'auteur examine ces différents systèmes et se penche en particulier sur les cas de la Belgique et de la France. Se basant sur une étude approfondie des modalités d'application du système de congés de formation dans ces deux pays, il a tenté une première analyse des problèmes rencontrés par les individus et les organismes en cause, les travailleurs, les syndicats, les patrons et les gouvernements. Finalement, il s'est efforcé de dégager les leçons que l'expérience européenne peut offrir pour le Canada.

Beaucoup de pays industrialisés sont conscients de la nécessité de faciliter aux travailleurs adultes l'accès à l'éducation continue. Dans ce but ils ont presque tous établis des programmes de cours ou de stages de perfectionnement. D'autre part la participation des travailleurs à ces programmes se heurte à un obstacle majeur, le fait que les travailleurs se voient le plus souvent dans l'obligation de sacrifier leur temps de loisir s'ils désirent en profiter. Après un jour ou une semaine de travail monotone et fatigant, la plupart ne se sentent pas la force à assister à un cours ou à se mettre à l'étude. L'alternative est de leur accorder un congé d'une longueur déterminée, et accompagné d'une rémunération suffisante de façon à ce que le travailleur qui poursuit des études puisse abandonner son travail temporairement tout en continuant d'être payé son salaire. C'est essentiellement le principe mis en avant dans les recommandations du Bureau International du Travail, et adoptées en séance plénière en 1974.

En ce qui concerne l'Europe, ces recommandations n'ont été mises en pratique que partiellement, et le droit absolu des travailleurs au congé de formation payé n'est pas admis partout. D'une façon générale, l'exercice de ce droit est limité par des contraintes qui découlent de la pratique des relations du travail, du jeu de la politique, des lois et de la conjoncture économique. Par exemple, en ces temps d'inflation, il faut faire un choix entre les dépenses nécessitées par les congés de formation et celles requises par d'autres programmes de bien-être social. Dans l'allocation des subsides, la plupart des gouvernements considèrent que la formation générale des travailleurs a une moindre priorité que la formation professionnelle qui permet aux travailleurs de s'adapter plus aisément aux changements du marché du travail. L'éducation syndicale est susceptible de prendre de l'importance dans la mesure où les syndicats augmentent leur emprise sur les entreprises industrielles du secteur privé et où la participation des travailleurs à la conduite de l'entreprise se répand de secteur à secteur et de pays à pays. Dans l'examen des priorités, il faut aussi considérer les besoins spéciaux de certains groupes de travailleurs comme les employés des petites et moyennes entreprises, les jeunes chômeurs, et tous ceux, que ce soient des jeunes ou des mères de famille, qui sont à la recherche de leur premier emploi.

Au Canada, il n'y a guère de congés de formation que pour des programmes qui permettent aux travailleurs de mieux accomplir leur tâche.

Y aurait-il intérêt à élargir le champ des congés de formation pour y inclure les cours de formation générale? La voie vers un système de congés de formation payés doit-elle être ouverte par la signature de conventions collectives ou par l'intervention du gouvernement? En Europe ce sont les syndicats qui, dans la plupart des cas, ont pris l'initiative. En France, en Italie et en Allemagne notamment, ils ont réussi à établir différents systèmes de congés de formation à la suite de négociations directes avec les organismes patronaux. Le gouvernement n'est ensuite intervenu que pour sanctionner ces accords par des lois qui les généralisaient et les systématisaient. Il semblerait bien qu'au Canada aussi les gouvernements devraient attendre le moment où de tels accords soient généralisés. Ce délai aurait l'avantage de laisser aux intéressés le temps d'examiner la question sous tous ses angles. Pendant ce temps, le rôle des gouvernements pourrait consister à faire mieux comprendre les différents aspects de la question, à coordonner les activités des organismes gouvernementaux et non-gouvernementaux qui s'intéressent à l'éducation continue des adultes, à aider financièrement ou de toute autre façon les groupes de travailleurs qui en ont le plus grand besoin, et finalement à encourager les entreprises et les syndicats à élargir leurs programmes d'éducation.

Le cas de la France et de la Belgique démontre aussi que, même si le droit au congé de formation payé est reconnu, seul un petit nombre de travailleurs cherche à en profiter. Il faut donc que les partenaires sociaux et les responsables soient particulièrement conscients que les travailleurs ne sont pas tous également motivés à reprendre des études et que les méthodes d'instruction doivent répondre aux besoins des travailleurs les moins favorisés et les moins qualifiés. En conclusion, c'est aux partenaires sociaux qu'il appartient de se mettre d'accord sur les buts et les modalités d'application des congés de formation payés.

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