



Industrial relations and social dialogue
**Luxembourg: Developments in
working life 2023**

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Introduction

After the unexpected revival of national-level tripartite bargaining in 2022, the socio-political year 2023 was characterized by national elections held in October 2023 that have led to a change of government and by rising tensions in industrial relations.

Economic activity in Luxembourg was negatively impacted in 2023 by the negative performance of the financial sector and of construction (Statec 2023). A slight recession in activity is therefore expected for 2023, with the Gross domestic product (GDP) projected to contract by 1%. In 2024, GDP is expected to increase by 2%, which would be below the historical average growth of 3.2% between 1995 and 2021.

Inflation in Luxembourg has been weaker than in the euro zone. It is expected to reach 3.8% in 2023 (and 2.6% in 2024), with core inflation anticipated to stand at 4.5% in 2023 and 2.7% in 2024. Due to the wage indexation mechanism, the average wage cost is forecasted to increase by 6.3% in 2023, before slowing down to +3.1% in 2024. This increase in wages is stronger than those observed in the neighbouring countries France and Germany, but lower than that observed in Belgium.

Employment is predicted to increase by 2.3% in 2023. Job creation has most strongly slowed down among business service providers and in construction (Statec 2023). Unemployment stands at 5.2% in 2023, in comparison to 4.8% in 2022.

Political context

The general election held in October 2023 led to a change of government. The coalition consisting of the centre-right Democratic Party, the centre-left Luxembourg Socialist Workers' Party (LSAP, Lëtzebuenger Sozialistesche Arbechterpartei) and the Green Party, which had governed Luxembourg since 2013, failed to secure a parliamentary majority. Consequently, a new government was formed by the Christian Social People's Party (CSV) and the Democratic Party, under the leadership of Luc Frieden from the CSV.

The main points of contention during the general election campaign were the reform of the taxation system, linked to debates on how to maintain and increase the purchasing power of households in the high-inflation context, and the long-standing housing crisis, characterized by a lack of affordable housing.

While one could have expected the automatic wage indexation mechanism to play a strong role in the general election campaign, none of the parties running for office chose to question openly the indexation mechanism during the campaign. During the run-up to the election, trade unions had made it clear that they consider the preservation of the wage indexation mechanism as a key goal. Employers' organisations kept a low profile on the issue of wage indexation, possibly because they believed that any intervention on their part on this topic would be counterproductive in the context of the electoral campaign.

After the election, the new minister in charge of social security announced a discussion about the "architecture of the pension system", hinting at the possibility of enhancing private pensions. With the last pension reform dating back to 2012, a new reform of the pension system could become a major issue of debate between the new government and trade unions.

The representatives of employers' organisations have overall taken a positive approach to the new government. Employers' organisations have stressed that several of their points of concern have been taken on board, regarding for instance company taxation, a reform of working time legislation and a simplification of administrative procedures. The new Prime Minister, Luc Frieden, is widely seen as business friendly, given that he was until February 2023 president of the Luxembourg Chamber of Commerce (Chambre de commerce) and chairman of the board of directors of the Banque Internationale à Luxembourg.

While the Luxembourg Confederation of Christian Trade Unions (LCGB, Lëtzebuenger Chrëschtliche Gewerkschaftsbond) initially stressed that it sees many points of agreements with the coalition agreement of the new government, it has since then voiced a strong opposition to the planned pension reform, speaking about the risk of a "social apartheid". The main union, the Luxembourg Independent Trade Union Confederation (OGBL, Onafhängege Gewerkschaftsbond Lëtzebuerg), considers many of the planned changes to the legislation as an attack on Luxembourg's industrial relations system. The president of the OGBL declared after the general election that her union is the "main opposition force" to the new government and stated: "There is a significant potential for conflict with a CSV-DP coalition" (*Le Quotidien*, 16 October 2023).

Actors and institutions

Social partners

The absorption of the National Federation of Luxembourg Railway, Transport Workers and Civil Servants (FNCTTFEL, Fédération nationale des cheminots, travailleurs du transport, fonctionnaires et employés du Luxembourg) by the OGBL was decided in October 2023. By a unanimous vote, the delegates of the FNCTTFEL, a union mostly organising railway workers, decided to join Luxembourg's main union, the OGBL, on 31 January 2024. The absorption had been prepared by several years of reinforced cooperation and by a "provisional integration" of the FNCTTFEL into the OGBL decided in 2019. As a result of the absorption, the OGBL will count a new federation of railway and tramway workers. This leaves the Christian Federation of Transport Personnel (SYPROLUX, Fédération Chrétienne du Personnel des Transports) the only remaining independent railway workers' union (although the union has a "cooperation agreement" with the LCGB). The SYPROLUX seems keen on playing out this feature in the social elections held in March 2024. At its latest congress, the general secretary of SYPROLUX stressed that his organisation is "the only true, independent and one hundred percent railway workers' union in Luxembourg" (*Transport*, 18 November 2022).

The Luxembourg Association of Bank and Insurance Employees (ALEBA, Association Luxembourgeoise des Employés de Banque et Assurance) announced in 2023 its intention to become a multisectoral union under the heading "Luxembourg Association of all Employees in Need of Assistance" (Association Luxembourgeoise de tous les Employés ayant Besoin d'Assistance) and to represent henceforward also workers from outside of banking and insurance. Upholding an apolitical and non-conflictual approach of labour relations, ALEBA accuses the OGBL and LCGB of being "politicized" unions. After having lost in 2021 its industry-level representativeness in the financial sector, ALEBA now aims to gain a following among the numerous non-unionized staff delegates in smaller companies, with the hope of becoming a nationally representative union allowed to negotiate collective labour agreements and to participate in the meetings of the Tripartite Coordination Committee. ALEBA is the only former white-collar union remaining from the time when Luxembourg trade unionism was dominated by a divide between blue- and white-collar workers. It remains to be seen during the social elections whether ALEBA can escape the fate of the several preceding unions of white-collar employees which were caught in processes of infighting, split-offs and dissolutions.

The long-standing employer organisation Confederation of Luxembourg Commerce (CLC, Confédération luxembourgeoise du commerce), which regroups federations from the service, retail and transport sectors, changed its name into Luxembourg Confederation in June 2023. The employer organisation explains the change in name by the need to make it clear that the organisation founded in 1909 has evolved into a multisectoral employer organisation, going beyond retail. The organisation primarily defines itself as a lobbying organisation advocating for the interests of its affiliates with the government (*Paperjam*, 15 June 2023).

Social dialogue bodies or frameworks

There are no relevant developments to report as concerns social dialogue bodies or frameworks.

Other working life related institutions

There are no relevant developments to report as concerns other working life related institutions.

Developments in collective bargaining

Changes to the collective bargaining structures and frameworks

The legal framework for collective bargaining in Luxembourg has been relatively stable over the last two decades. The existing regulations related to collective labour agreements mainly stem from the laws of 12 June 1965, 12 February 1999 and 30 June 2004. Since the implementation of the Labour Code in 2006, there have been no substantial new regulations.

As concerns collective bargaining, the coalition agreement negotiated by the governing parties in October-November 2023 states: “The legal provisions regarding collective agreements will be revised, among other things, to allow for work reorganization and improvement of working conditions, especially concerning the balance between private and professional life. The objective is to facilitate agreements between employers and employees while ensuring that these discussions take place on an equal footing. In this perspective, social dialogue instruments will be reformed and improved. The legal provisions related to employee representation will also undergo reform.” (Accord de coalition 2023-2028). This suggests that the government plans to give the elected staff delegations in companies the right to conclude collective agreements. This would question one of the founding pillars since 1936 of Luxembourg’s industrial relations system: trade unions’ role as sole negotiators of collective agreements (Thomas et al. 2019). While the unions are poised to consider this as a major attack against their position in the industrial relations system, employers have been asking for a long time that staff delegations be authorized to negotiate collective labour agreements.

Data on collective bargaining

Collective bargaining in Luxembourg is characterised by the coexistence of company-level collective agreements and industry-level agreements, and can thus be qualified as a mixed bargaining system. Cross-industry agreements have been limited to subjects such as telework and harassment and violence at work.

The collective bargaining coverage in Luxembourg stands at 59%, but if one looks only at the bargaining coverage in the private sector (excluding public administration and public education), the coverage rate stands only at 53%, well below the target of 80% set by the European directive on minimum wages (Chambre des Salariés 2023).

The bargaining power of unions varies significantly across industries. In 2018, at the industry level, the coverage rate of collective agreements ranged from 75 percent of workers in health and social work to 64 percent in manufacturing, with lower rates of 21 percent in hospitality and 14 percent in professional, scientific and technical activities (Thomas 2023).

While no data is available on the total number of valid collective agreements at any given time, the Mine and Labour Inspectorate (ITM, Inspection des Mines et du Travail) publishes each year in its annual report the number of new or amended collective agreements filed. The available data shows that collective agreements are negotiated at both the sectoral and company level (see Table 1).

Table 1. The number of new/amended collective agreements per year

Year	New and amended sectoral collective agreements of general obligation	New and amended agreements at company level
2022	5	128
2021	10	111
2020	1	67
2019	3	62
2018	15	104

Source: ITM, *Inspection des Mines et du Travail, Rapports annuels, 2018-2022*.

Collectively agreed pay outcomes and wage-setting mechanism

According to Luxembourg's statistical office, the wages increase in 2023 in Luxembourg are primarily due to the wage indexation mechanism rather than to wage negotiations, as in most European countries. Under the wage indexation system, wages are linked to the cost of living. If the consumer price index increases by 2.5%, wages are automatically raised by the same amount.

The growth of the average wage costs in Luxembourg during the first three quarters of 2023 largely stems from the indexation tranches of February, April and September 2023 (each time wages increased by 2.5%). In contrast to 2022 when one indexation tranche was postponed from June 2022 to April 2023 by a decision of the Tripartite Coordination Committee, the wage indexation mechanism was left intact in 2023.

The national statistical office estimates that the wage indexation mechanism contributed to about two-thirds of the increase in average wage costs in the first quarter of 2023 and even more in the subsequent quarters (STATEC 2023).

The fact that three indexation tranches were paid out in 2023 is a notable development. Since 1984 never more than one index tranche has been paid out per year as the wage indexation system has always been temporarily modified during times of high inflation, except for 1991 when two index tranches were paid out (*d'Letzebuenger Land*, 13 May 2022).

As concerns the minimum wage, it is regularly adapted to the evolution of the average wage level (in addition to being adjusted in line with the automatic wage indexation mechanism). The minimum wage can indeed be raised every two years based on the evolution of the average wage level. For instance, in January 2023 the minimum wage was increased by 3.2%, bringing the unskilled minimum wage to €2,387 and the skilled minimum wage to €2,864 (in Luxembourg, the applicable social minimum wage is increased by 20% for qualified workers and decreased by 20 to 25% for underage workers).

Collective bargaining and inflation

Inflation is mainly addressed through higher-level processes. The automatic wage indexation mechanism has been at the centre of debate during the recent surge in inflation, and the Tripartite Coordination Committee has gathered several times in 2022 and 2023. In March 2022, the Tripartite Coordination Committee decided to temporarily modify the wage indexation system to preserve

companies' competitiveness. In March 2023, the unions, employer organisations and the government agreed that employers should be compensated by the state if a third indexation tranche occurred in 2023.

Developments in governmental responses to inflation

The surging inflation rate has led to an unexpected revival of tripartite level bargaining between trade unions, employers and the state in 2022. While the wage indexation mechanism, which was introduced for public servants in 1921 and gradually extended to the general economy in 1965 and 1975 stood at the centre of debates, numerous other measures were taken during successive meetings of the Tripartite Coordination Committee held in 2022 and 2023.

During a meeting of the Tripartite Coordination Committee held in March 2023, it was decided to extend until the end of 2024 a number of measures decided during previous meetings of the committee. With the goal of avoiding an “inflationary shock” when the subsidies would come to an end in December 2023, several measures were extended until 31 December 2024, including a price stop on increases of gas prices, a limitation of electricity prices for households and financial transfers to companies destined to help them face rising energy costs.

In response to concerns raised by employers’ associations over the impact of the high number of indexation tranches on the competitiveness of companies, the government committed to compensate the third index tranche due in 2023. This decision was implemented through the law of 26 July 2023 which temporarily reduces employer contributions to the Employers’ Mutual Fund. Thus, the additional costs due to the index tranche of September 2023 were compensated to employers until the end of the month of January 2024.

It was furthermore decided during this meeting of the Tripartite Coordination Committee to partially adapt tax rates to inflation, with the goal of lowering the tax pressure and increasing households’ purchasing power. Trade unions had argued for a more far-reaching adjustment of the tax scale, seen as “essential” for maintaining the purchasing power of workers and pensioners.

Labour disputes and industrial action

During recent collective bargaining negotiations, trade unions have felt confident that the increasingly tense labour market in Luxembourg would enhance workers' bargaining power, leading to more assertive union demands. The director of the umbrella employer organization Union of Luxembourg Enterprises (UEL, Union des Entreprises Luxembourgeoises sees on the contrary a "growing gap between what people want and what companies can give" (*L'Essentiel*, 1 December 2023).

Changes to the right to strike

In the period from 2018 to 2023, there were no changes to the legislation on strikes. In line with the previous Constitution, article 28 of the revised Constitution adopted in 2023 states: "Trade union freedom is guaranteed. The law organises the right to strike."

A strike can only occur after the referral of the litigious issue to the government-designated National Conciliation Office (ONC, Office National de la Conciliation) and the formal issuance of a 'non-conciliation' statement. Legal experts have raised concerns about whether Luxembourg's strike laws align with international standards, although unions have not attempted to challenge them in court (Castegnaro and Arcanger 2010, Putz 2014). The restrictive legal framework shapes interactions between employers and workers' representatives, creating obstacles to strike actions by increasing the potential costs, especially for spontaneous and solidarity strikes (Thomas 2023).

Data on industrial action

Strikes are very rare in Luxembourg; industrial action is mostly carried out through street demonstrations. In this context, strikes, such as the two instances of industrial action which occurred in 2023 at Cargolux and at Ampacet, swiftly turn into events of national importance, prompting calls for the government to intervene as a mediator.

As far as we know, no recent data on days not worked due to industrial action in Luxembourg has been published.

Collective labour disputes in 2023

The year 2023 has been characterized by two much-talked-about industrial conflicts. One at the Luxembourg air freight company Cargolux (1.726 employees in Luxembourg) and one at a factory of the chemical manufacturer American Molding Powder and Chemical Corporation (Ampacet, 71 employees). In a context where strikes have become very uncommon in Luxembourg, these industrial conflicts attracted a great deal of attention by the media and public opinion.

Workers at the Luxembourg air freight company Cargolux struck for three days in September 2023 over the renewal of their collective agreement. After multiple rounds of negotiations, including in front of the government-appointed National Conciliation Office (ONC, Office National de la Conciliation), the unions OGBL and LCGB called a strike. Key demands were wage raises (unions asked for a raise of 6% over four years, the employer offered 5% over five years) and a

compensation mechanism for inflation in case the government would modify the automatic wage indexation mechanism. The unions obtained an increase of wages of 5.5% over 4 years.

The Chemical Corporation Ampacet was the site of a high-stakes conflict. Facing tense negotiations with the OGBL over the renewal of the collective labour agreement and a difficult economic situation, the management of the factory had called upon the ONC and asked for non-conciliation to be declared, before denouncing the collective agreement. Subsequently, the workers voted for unlimited strike action in a secret ballot held by the OGBL. After 25 days of strike, Ampacet reinstated the collective agreement and gave in to several union demands (in particular, a yearly pay rise of 1.2 % and a night shift premium). Contrary to previous instances of drawn-out collective labour disputes where the Minister of Labour and Employment or even the Prime Minister acted as *de facto* mediators, the government declined to become involved in the conflict, putting forward the need for negotiations between the social partners.

The director of the Union of Luxembourg Enterprises (UEL, Union des Entreprises Luxembourgeoises) explained the recent strikes at Cargolux and Ampacet by the social elections to be held in March 2024 and by a possible “change of culture” within trade unions, under the influence of the numerous migrant workers from France: “Without being able to assert it, I can imagine that there may be a stronger francophone influence in the unions. For instance, in France, unions might be more inclined to go on strike more easily, whereas in Luxembourg, there is a greater emphasis on seeking win-win solutions and compromise.” (*L’Essentiel*, 1 December 2023).

Developments in working time

Changes to legislation

There have been no major changes to working time legislation in 2023. In 1970 for workers and 1971 for employees, the weekly working hours were set at 40 hours. A collective labour agreement can establish lower thresholds, allowing for reductions in working hours. Reforms since then aimed at greater flexibility in organizing working time. The latest reform, the 2016 law on the organization of working time, introduced adjustments enabling a flexible work organization through a reference period exceeding one week and a flexible work organization plan and/or a flexible schedule.

Employees may be employed beyond the legal limits, provided the average weekly working hours over the applicable reference period do not exceed 40 hours. The employer can choose a reference period of up to 4 months, known as the “legal reference period”. Collective labour agreements can also specify longer reference periods, but not exceeding 12 months. The reference period must be accompanied by a mandatory work organization plan or a flexible schedule.

Bargaining outcomes

The current weekly working hours stand at 40 hours and have not changed since the early 1970s. The Labour Code allows employers and trade unions to reduce working hours through a collective labour agreement. They have rarely made use of this possibility. An analysis of the collective labour agreements in force in 2023 conducted by the Luxembourg Institute of Socio-Economic Research has shown that the possibility to reduce the weekly working hours below 40 hours has been used in only three instances (Hauret et al. 2023). The working time has been reduced from 40 hours to 39.5 hours in two company-level agreements in the retail sector, and from 40 hours to 38 hours in the collective agreement declared of general obligation of the hospital sector.

Moreover, collective agreements often include provisions for extra holidays for older employees or additional leaves for specific reasons, predominantly related to family and health. Additionally, collective agreements may include provisions concerning time-saving accounts (*comptes épargne temps*), a measure introduced through legislation in 2019.

Debates on duration and organisation

The former Minister of Labour and Employment, Georges Engel from the Social Democrats, has attempted to initiate a public debate on a general working time reduction in 2023. The minister had commissioned a study from the Luxembourg Institute of Socio-Economic Research on the advantages and risks of a working time reduction. Following the publication of the study, the minister had hoped for a broader debate with trade unions and employer organisations. This did not come to much, as employer organisations stated their unequivocal opposition to a uniform reduction of working time in a context of increasing labour market shortages and advocated instead for a flexibilization of working time. The topic did not play a major role during the electoral campaign leading to the general election in October 2023.

Concerning the topic of working time organisation, the coalition agreement of the new government announced a debate over a reference period of one year for working time. The coalition agreement

announced: “In consultation with social partners, the Government commits to facilitating a reorganization of working hours and enabling a better balance between private and professional life. It is the employees and employers who are best positioned to understand the specific needs of their company. The Government pledges that working hours can be negotiated between employees and employers within companies or as part of a collective agreement. The individual needs of both employees and companies will thus be taken into account.”

Other important policy developments

Regulations on employment status and contracts

There have been no major developments regarding regulations on employment status and contracts in 2023.

Policies to reduce the gender pay-gap

There have been no major policy initiatives to reduce the gender pay-gap in 2023.

Health and safety regulations and policies

There have been no major developments regarding health and safety regulations and policies in 2023.

Work-life balance related policies

Luxembourg introduced in July 2023 the right to disconnect for employees outside of working hours. Sanctions will only apply in three years, starting from July 2026. The law sets obligations for employers, including defining a system to ensure respect for the right to disconnect when employees use digital tools for professional purposes. Employers must define technical measures for the disconnection of digital tools, awareness and training actions, as well as compensation modalities in case of deviations from the right to disconnect. The regime can be established through the collective labour agreement or, in case no such agreement exists, at the company level, either by mutual agreement with the staff delegation in companies with more than 150 employees or after information and consultation of the staff delegation in companies with less than 150 employees. Sanctions for non-compliant companies include administrative fines to be determined by the Mine and Labour Inspectorate (ITM, Inspection des Mines et du Travail).

Life-long learning and skills development

There have been no major developments concerning life-long learning and skills development in 2023.

Commentary and outlook

In 2023, Luxembourg experienced a downturn in economic activity, mainly due to the underperformance of the financial sector, with a projected contraction of 1% in gross domestic product (GDP). Looking ahead to 2024, a modest recovery is expected, with a GDP increase of 2%, falling short of the historical average growth of 3.2% observed between 1995 and 2021. Unemployment has remained fairly stable, standing at 5.2% in late 2023.

In 2022, national-level tripartite bargaining was revived to address the challenges posed by rampant inflation. The subsequent year, 2023, witnessed significant changes, marked by national elections resulting in a change of government and rising tensions in industrial relations.

Following the October 2023 general election, the coalition government consisting of the centre-right Democratic Party (DP), the centre-left Luxembourg Socialist Workers' Party (LSAP) and the Green Party failed to secure a parliamentary majority. Consequently, the Christian Social People's Party (CSV) and the Democratic Party formed a new government, led by Luc Frieden from the CSV.

The newly established government announced its intention to reform the pension system and introduce flexibility in working hours. While employer organisations can be expected to support reforms in these domains, the proposed changes will most likely trigger contentious debates with the trade unions. The main union, the Luxembourg Independent Trade Union Confederation (OGBL), has already stated that it sees 'significant potential for conflict' with the new governing coalition.

The coalition agreement adopted by the new government states the following regarding collective bargaining:

The legal provisions regarding collective agreements will be revised, among other things, to allow for work reorganisation and improvement in working conditions, especially concerning the balance between private and professional life. The objective is to facilitate agreements between employers and employees while ensuring that these discussions take place on an equal footing. In this perspective, social dialogue instruments will be reformed and improved. The legal provisions related to employee representation will also undergo reform.

This suggests that the government might give elected staff delegations in companies the right to conclude collective agreements, which is a long-standing demand of the employer organisations. This would raise a question over the trade unions' role as sole negotiators of collective labour agreements, one of the founding pillars of Luxembourg's industrial relations system since 1936.

Against a backdrop of substantial inflation, 2023 saw three wage indexation tranches, each resulting in a 2.5% increase in wages for all employees. Additionally, heated negotiations over wages led to two notable strikes: a 3-day strike at the Luxembourg air freight company Cargolux and a 25-day strike at a factory of the chemical manufacturer Ampacet.

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