



Industrial relations and work adaptation in Estonia, Hungary, Poland

Supporting industrial relations in the field of work adaptation to enable the employment of older or
disabled populations:

Synthesis Report



2017

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The report is based on the following country reports:

- Masso, M. Osila, L. 2017. Industrial relations and work adaptation: Estonia- country report. Praxis
- Czarzasty, J. Koziarek, M. Owczarek, D. 2017. Industrial relations and work adaptation: Poland- country report. Institute of Public Affairs (IPA)
- Balázs Bábel, Ambrus Kiss. 2017. Industrial relations and work adaptation: Hungary- country report. Policy Agenda

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1. Executive Summary

Although work accommodation presumes individualised solutions for particular employees in a particular workplace, collective employment relations could both motivate and enable social partners, representatives of employers and employees, to consider and implement reasonable accommodations.

The action research project, including work shop seminars with employee and employer representatives, was carried out in **Estonia, Poland and Hungary** to improve social partners' expertise on industrial relations of work accommodation, and as a result promote labour market inclusion of disabled and older workers. The topic is relevant for all three countries, as they are facing similar challenges. Although the key driver for more inclusive labour market is shortage of labour, social partners also consider equal opportunities and equal access to suitable employment crucial for employers, employees, and society as a whole.

During the workshop seminars, social partners inclined to point out gaps and shortcomings in government work accommodation policies, rather than analyse their own role in supporting employers and employees in negotiating and co-determining work accommodations. Which appears to suggest that they expect government to lead and they will take a passive or reactive role, rather than be proactive. This reflects the industrial relations systems that have developed in all three countries, which have been described as state centred, with limited social partner representation, bargaining power and capability to collectively determine employment conditions. While the structures and actors to collectively design and implement measures that support work accommodation exist, they are held back by an absence of knowledge, social partner experience of such practices, cooperation, capacity and competing topics in the agenda that demand social partner attention. During the project, social partners brought out the need for clear, concise and practical information on work accommodation as the key to encourage social partners to take more action on work accommodations together. This could be considered the key trigger for social partners to develop strategies and practices that encourage work accommodations.

The project focuses on conceiving and designing measures that social partners could implement to improve work accommodation practices. Amongst the participant countries, none of the social partners that engaged in the workshops to develop action plans to address work accommodations agreed on a specific long-term plan to tackle the problems identified. Social partners in **Estonia**, developed the most detailed strategy: agreeing on creating an integrated website with comprehensive information about work accommodation that is currently scattered between different websites and so crosslink it between partners so that relevant stakeholders could find everything in one place. Information on the main characteristics of different disabilities that should be considered by employers for job advertisements and work accommodation, and examples of good practice will be shared on this web site drawing on case studies of what has worked for social partners in different sectors and workplaces. In **Hungary and Poland**, the action stopped with envisaging the ideas of what could be done and did not go further specifying steps to design and implement the measure. In **Hungary**, it was proposed that trade unions, employer organisations and civil organisations could compile job registers that would match the jobs to the different types of disabilities. Also in **Hungary**, it was proposed that a committee within the sectoral union could be established to put work accommodation onto the agenda of sectoral social partners who would in turn advocate the special interests of workers with disabilities in sectoral collective bargaining negotiations. In **Poland**, raising awareness and changing stereotypical attitudes of

disabled and older workers was also discussed and the idea of an educational campaign focused on the European Accessibility Act, was forwarded.

While these plans and ideas reflect the realities of the industrial relations development in the countries, the challenges related to labour shortage and population ageing will continue to grow and, therefore, demand social partner's attention. The small amount of measures social partners designed during this project thus suggests it is challenging for them to keep the topic on their agenda after the project is finished. It is therefore, important that this topic is revisited by social partners in the future. The knowledge sharing activities of this project should be regarded as the first step and building block for the future actions.

In conclusion, as the inclusion of older and disabled people is becoming more relevant at European as well as in Member State level agendas, social partners as the main representatives of workers and employers need to turn more focus on work accommodation. Social partners expertise on work accommodation needs to be improved and European level social partner organisations should consider initiatives to gather transferable best practice from the member states and empower social partners from different industrial relations systems. Social partners shall be boldly proactive in making the labour market inclusive and matching demand and supply of suitable work for disabled and older people. As the world of work is changing, social partners need to keep up with the challenging trends.

2. Introduction and Methodology

The following analysis focuses on the role of collective employment relations in **Estonia, Hungary, Poland** in influencing work accommodation, and as a result its role in promoting labour market inclusion of disabled and older workers.

Three Central-Eastern European countries **Estonia, Poland and Hungary** discussed the topic of improving social partners' expertise on how industrial relations could enhance work accommodation, and as a result promote labour market inclusion of disabled and older workers: the focus of this study. What characterises all three countries **Estonia, Poland and Hungary** is the demographic trend - population ageing. **Poland** is one of the fastest ageing societies in the European Union, with an accelerating old-age dependency ratio. In **Estonia**, population forecasts and labour market activity rates, also suggest there will be a sharp decline in employed persons in the next decades (Haaristo et al 2015). In **Hungary**, statistics predict a significant drop in the working age population, when the last baby boom generation is going to retire within the next decade. In addition to population ageing, the countries have also experienced significant migration of their workforce. Increasing labour shortages have raised the topics of keeping the native population active and including the inactive and underemployed population, mainly disabled and older people, in employment. No less important is that **in all three countries**, societal values, such as equal opportunities for all, have motivated and influenced different stakeholders to think how to improve labour market opportunities for disabled and older people. Considering these trends, the labour market stakeholders in all three countries should make efforts to make the labour market policies and practices more suitable for older and disabled people.

2.1. Aim of the report

The objective of the research project is to improve social partners' expertise in the field of work accommodation, and as a result advance industrial relation on work accommodation and promote inclusion of disabled and older workers. The aim of the synthesis report is to horizontally and comparatively analyse the three countries participating in this study – **Estonia, Hungary and Poland**. The overview report is based on the conceptual framework and the case study reports. The report outlines what is known about the topic in the three national contexts. The report by default focuses on industrial relations and work accommodation in private sector, although some references to public sector is made. The report will provide an:

- Overview of the situation of older people and disabled people in labour markets, including their terms of employment, working conditions, extent and obstacles of participation in the labour market, and policy measures and practices.
- Overview of member state policy on disability management and ageing management with the focus on work adaptation and working conditions adaptation.
- Overview of industrial relations, social dialogue in the country with the focus on social partners' involvement in encouraging and enabling employment of disabled people and older people. A special attention is on their involvement in work and working conditions adaptations that is discussed during the case study action research.

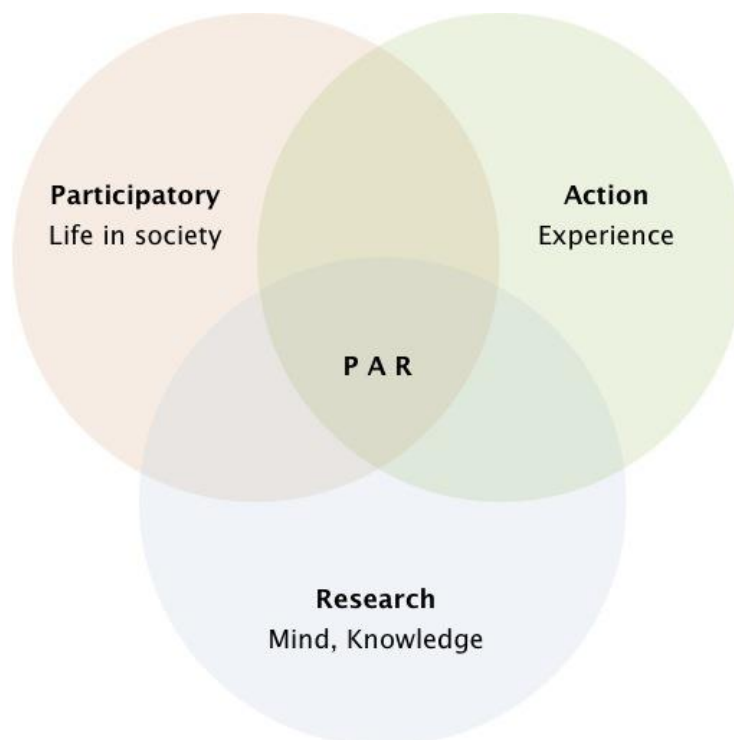
The report also draws conclusions on what are the main obstacles, possible solutions and future steps to enhance work accommodation through industrial relations in **Estonia, Hungary and Poland**.

2.2. Overview of the methodology

The study design is based on participatory action research methodology (Figure 1). The study design combines a retrospective desk study and discussions from seminars with social partners. The desk study included a review of scientific literature and relevant administrative documents. The review provides the overview of what is known about work accommodation and the role of collective aspects of employment relations in work adaptation. The review is limited to peer-reviewed scientific articles and book sections or chapters of high quality. The literature review and more detailed description of the methodology is detailed in the interim report:

- Masso, M., Nurmela, K., Forster, D., Pihor, K., (2016/2017) Industrial relations and work adaptation. Supporting industrial relations in the field of work adaptation to enable the employment of older or disabled populations: Literature review. Poliitikauuringute Keskus Praxis.

FIGURE 1. PARTICIPATORY ACTION RESEARCH MODEL



Source: Chevalier and Buckles, 2013, p. 10

The retrospective desk study lays the foundations for the **second part of the study** which are action research seminars with social partners in Estonia, Poland, Hungary.

The **aim of the action research seminars was**, in cooperation with social partners, to find and/or elaborate workable and easily implemented practices, measures that could be used to support their own activities that encourage and enable employment of older and disabled people via adaptation of works and working conditions. Hence, focus is foremost on the **practices of social partners as parties of the collective employment relationship**, i.e. trade unions and employer representatives/associations.

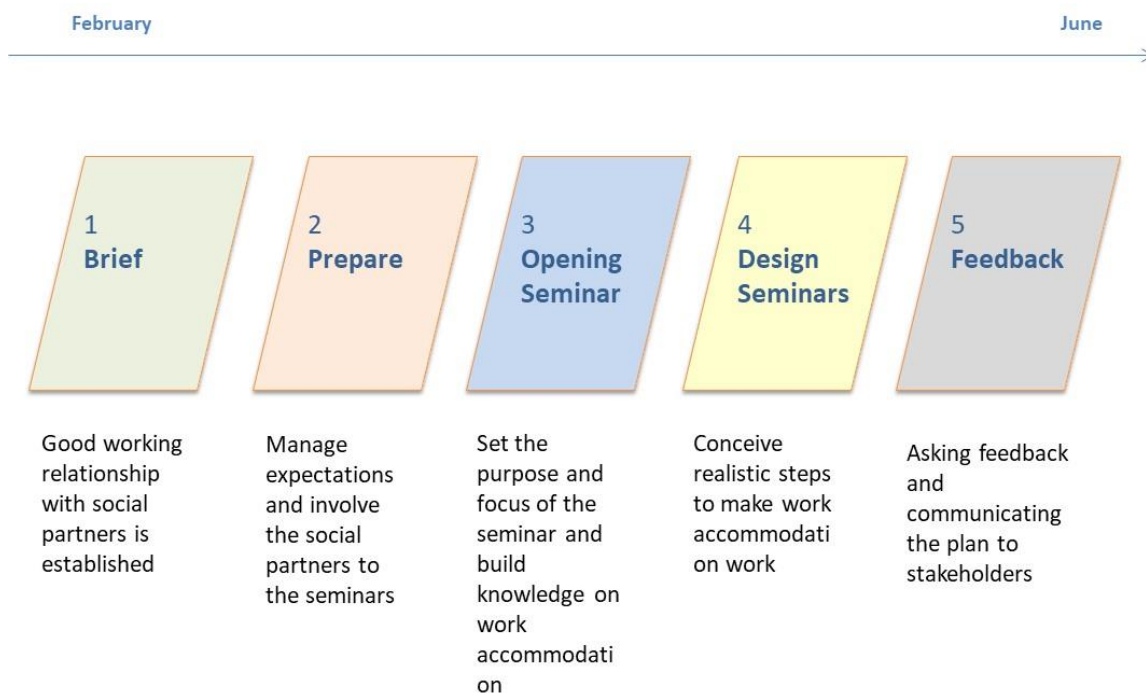
In all the three countries, trade unions and employers' confederations were the partners and in active cooperation, employers' and employees' representatives were asked to participate in the seminars. Also, in some countries and in some seminars, representatives of disabled people, interest groups, or government policy designers and implementers, participated.

The prospective study focused on the three questions:

1. **What exists?** - What is the current situation with work accommodation and how can industrial relations enable and motivate accommodating work for disabled or ageing persons?
2. **What could be?** – What would be the reasonable objective in changing labour market participation and employment opportunities of persons with reduced work capacity via industrial relations and work accommodation?
3. **What and how is this achievable?** – What realistic steps could social partners make to influence demand and supply of accommodated work and working conditions?

The general process of how the prospective study could be outlined is shown in the following figure.

FIGURE 2. ACTION PROCESS STAGES



Source: Authors compilation based on guidelines and methodology

We proposed that the process of devising a solution would involve three seminars, including activities for preparing for the seminars: (1) opening seminar, (2) solution finding seminar(s), and (3) follow-up seminar(s).

However, it was recognized that different national contingencies might require adapted solutions. For instance, for handling participant with conflicting views, separate seminars or a section of separate discussion during one seminar might be needed to overcome possible barriers of motivation, commitment, and constructive solution finding. Here, the crucial thing to think about is how to ensure continuity in participation and effective process of solution finding.

Overall, all three country seminars followed the outlined approach. However, as mentioned above, country experts adapted the seminar for their country setting (Table 3). In **Estonia**, all together four seminars were held - opening seminar and three design seminars. Participants were trade union and employer representatives, but also representatives from disabled peoples' organisations and unemployment insurance funds. In **Poland**, three seminars were held. The seminars were held among working groups consisting of the representatives from employers' and employees' confederations, who are partners in this project and the Polish case study authors (3 participants), with the feedback seminar held with a broader range of stakeholders. In **Hungary**, four seminars were held altogether, including separate design seminars focusing on older people and disabled people.

Before the seminars, separate preparatory meeting were held between the three country experts. The aim of the two-days meeting was to discuss the organisation of the action research seminars in detail so that results of the three country seminars would be of high quality and comparable. The action process and briefing and feedback seminar organisation was discussed in detail, so that all country experts would be on the same page as to how to engage social partners, organise and carry out seminars and collect feedback. In addition, all country experts could point out possible obstacles they could encounter during different phases of the action research seminars and together possible solutions were proposed and discussed. After the meeting, the project managers of this project finished the country case study guidelines chapter that provided detailed instructions for each action research seminar and that would be the main basis for preparations of the seminars and compiling of the case study report.

The aim of the opening seminar was to inform participants of the project and give them an overview of the project's objectives and upcoming activities and to manage expectations and make it transparent how the cooperative action will proceed. This included details of what the aim and expected outcomes of the following seminars were and what were the roles and expectations of participants during the seminars. During the opening seminar, in all three countries, participants were introduced with background information on current situation on work accommodation.

The aim of the design seminar(s) was to pinpoint current practices and problems that prevent social partners from bargaining work accommodation and adjusting working conditions, and to brainstorm for realistic steps social partners could make to influence demand and supply of accommodated work and working conditions. The seminar focused on identifying new insights and looking for new opportunities. In **Poland** and **Hungary**, only one design seminar was held (in the case of **Hungary** two, but one separately for older people and one for disabled people), in **Estonia**, separate seminars were held for identifying current problems and two seminars were held to design solutions. In the case of all three countries, brainstorming was used to map problems and develop solutions.

Feedback to the ideas and proposals discussed during the seminars was collected after every seminar, thus seminar organisers distributed seminar summary to the participants between the seminars and encouraged them to give feedback.

The aim of the feedback seminar was to fine-tune the ideas and solutions proposed in the previous brainstorming session. This included making other social partners' representatives, not directly involved in the brainstorming seminars (feedback group) aware of how to contribute to the solution design by feed-backing and evaluations. Feedback seminars were held only in **Poland** and **Hungary**. In addition, **Hungary** collected additional feedback to finalize the case study report turning directly to relevant stakeholders and especially addressing those who did not participate in the feedback seminar. In **Estonia**, the feedback to the finalised solutions was asked electronically as seminars were used to finetune the solutions.

TABLE 1. ACTION RESEARCH SEMINARS ORGANISATION IN ESTONIA, HUNGARY AND POLAND

Activity	Estonia	Hungary	Poland
Opening seminar	Wider range of stakeholders	Wider range of stakeholders	Participants were an 8-member working group established for design seminars, presentation of diagnosis supplemented by the participants of the seminar (during the seminar and on-line after the seminar)
Design seminar	Participants were from the same group who registered for the opening seminar (focused on identifying problems)	Employers, NGOs and trade unions which are representing older workers and pensioners (identifying problems and finding solutions in case of older people)	Same participants as opening seminar, focus on solutions elaborated earlier by social partners
Design seminar	Participants were from the same group who registered for the opening seminar (focus on choosing solutions and designing them)	Employers, NGOs and trade unions which are representing disabled people (identifying problems and finding solutions in case of disabled people)	-

Design seminar	Participants were from the same group who registered for the opening seminar (finetuning solutions)	-	-
Feedback	Participants were from the same group who registered for the opening seminar Feedback was collected electronically from a wider range of stakeholders, not only participants of design seminars	Feedback seminar for all participants from two design seminars; additional round of feedback was collected from stakeholders who could not participate in the feedback seminar during the finalisation of the case study	Feedback seminar for wider range of stakeholders, not only the working group participating in design seminar, recommendations developed after the feedback from the wider audience

Source: authors compilation based on country case studies

In more detail, the case study research design and specifications are described in the case study guidelines:

- Masso, M., Liina, O, Mikko, E., Nurmela, K., Owczarek, D., Kunert, A. 2016/2017. Industrial relations and work adaptation. Supporting industrial relations in the field of work adaptation to enable the employment of older or disabled populations: Case Study Guidelines. Poliitikauuringute Keskus Praxis.

Different national contingencies required adaptations to the general guidelines. Both the national case study results and adapted methodologies and evaluations are described in the case study reports:

- Masso, M. Osila, L. 2017. Industrial relations and work adaptation: Estonia- country report. Praxis
- Czarzasty, J. Koziarek, M. Owczarek, D. 2017. Industrial relations and work adaptation: Poland- country report. Institute of Public Affairs (IPA)
- Balázs Bábel, Ambrus Kiss. 2017. Industrial relations and work adaptation: Hungary- country report. Policy Agenda

3. Introduction to Work Accommodation

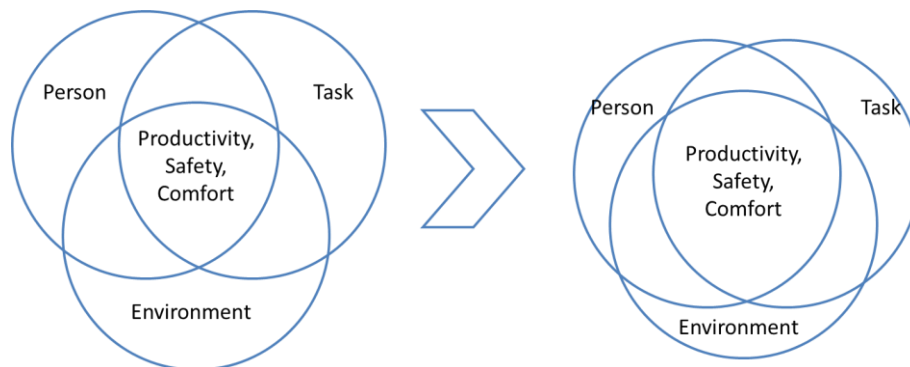
Labour market participation and employment opportunities of persons with reduced work capacity, including disabled and ageing persons, are influenced by their access to suitable employment, i.e. accommodated work and working conditions.

In general, work accommodation (WA) is an alteration to some element of the status quo of terms of employment or working conditions, to enable a person with a disability or with a different status or requirements due to ageing or a disability, to participate in work.



Work accommodations are efforts to modify any aspect of a job or work environment so that the individual with a disability can accomplish the job tasks (Kwan and Schultz 2016, 272)

FIGURE 3. FITTING THE WORK TO THE WORKER



Source: Author's adaptation, based on (Paquette 2016, 308)

Occupational impairments are diverse. Therefore, work accommodations will vary, considerably. The literature proposes different classifications of accommodations; however, our main considerations here are those adaptations that accommodate physical and mental impairments and old age. Based on the reviews by Lysaght and Krupa (2014, 92), Schultz and her colleagues (2011), Sharit and Czaja (2012), Hedge et al (2006, 134–35), (Kooij, Tims, and Kanfer 2015, 147), the following types of accommodation could be used to fit the work to worker¹:

- **Physical changes to the workplace** - e.g. modifications to entryways, stairways, handrails, elevator installation or modification; changes in lightning, temperature, noise etc. Modification of work environment, to reduce auditory and visual distractions and thus allow individuals with mental health disabilities to optimize concentration and work performance;
- **Job-specific environment modifications** – e.g. workstation modification in height, configuration, flooring; ergonomic design of the equipment like chairs, computer access etc.;

¹ In addition to typologies and descriptions in the literature, different guidelines and resource depositories have been compiled to share accommodation best practice. Arguably, the most comprehensive databases are the following: [Job Accommodation Network \(USA\)](#)

technical (lifting aids) or communications aids; provision of personal protective equipment (e.g. wrist supports, hearing protection); provision of cognitive or sensory supports (e.g. timers, personal organizers, text-to speech readers, hearing aids, visual aids), designing tools, environment to support motor issues.

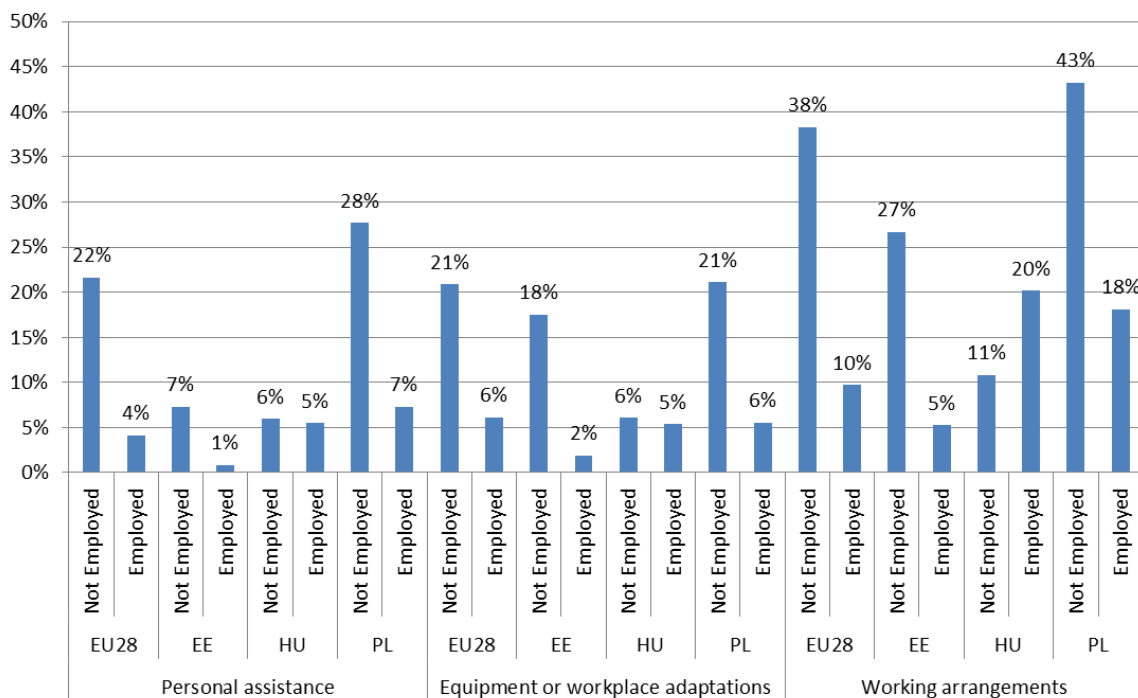
- **Assistive technologies** - i.e. any object or item that helps a person perform the job, e.g. computer software, organizers, recorders, and timers. Assistive devices can aid individuals with deficits in attention, memory, motor skills, and concentration.
- **Modification of work time arrangements** - including modification of work time and working schedule, part time scheduling to accommodate work abilities, cognitive abilities; flexible work hours, break times; directed to improve task performance etc. Workflow and pace redesign to avoid fatigue that could be caused by work pace or unable to control the pace, advocated rest periods between demanding tasks, etc.
- **Modification of work duties and requirements** – including modifications to a job description, changing the way that tasks are scheduled and exchanging tasks with others, eliminating or adding suitable tasks, gradual task introduction, minimizing changes to job descriptions over time; Job sharing to aid/ addresses limitations in cognition and stamina, while ensuring that job tasks are accomplished; designing physical work task lighter or ergonomically suitable, avoiding fatigue causing postures, awkward or static postures, (e.g. avoiding risks in sedentary work), making available appropriate tools, avoiding physical stress during the lifting and carrying tasks, design job schedule and work time to work time to minimize time and pace pressures, monotonous repetitive components of work, accommodate work place, including telework, homework. Relational crafting - altering the range, number or nature of interactions with others, including Increasing social job resources, decreasing social job demands or increasing social job resources. Task crafting - altering the type, number, content or scope of tasks, including expanding the job to include additional tasks, tailoring and customizing tasks, crafting reduced workload or challenging job demand, increasing challenging job demands or decreasing hindering job demands;
- **Work design to support visual and auditory information processing.** E.g. ensuring adequate contrast, lightning displaying information and displays, avoiding glare; improving auditory information processing through avoiding background noise of both speech and auditory signals (e.g. emergency alarms), supporting auditory signals with visual or vibrant cues; choosing less noisy/sound producing tools, equipment, sound shields/sound absorbing walls, hearing aids. Sensory redesign to compensate for losses of sensory skills, e.g. sound amplification, better lighting, larger screens and print, discriminated colours;
- **Work design to commensurate cognitive capabilities**, i.e. although the physical demands of work are declining due to automation etc., infusion of information processing technology and mental work places greater demand on cognitive abilities, i.e. speed of processing, working memory, perceptual abilities, which could decline while ageing. This demand designing suitable interfaces, providing decision aid in cognitively taxing tasks, e. g. training to focus on more appropriate cues, information where information is vast and changing, easily accessible decision tables that facilitates identification and selection of appropriate rules to reduce working memory load; supporting continuously learning new technologies. Information processing redesign to support internal representation of information, including providing decision-making aids such as flowcharts, written procedures, lists, menus for action; use of

computers to handle routine information processing so that older employees' cognitive resources can be freed to bring more knowledge and experience to task (avoiding information overload)

- Changes to policy** – alterations to standard workplace rules e.g. being flexible in the interpretation of standard human resource policies around use of sickness absence, place of work, promotion etc.; Natural supports/mentoring - the utilization of co-workers and supervisors as mentors/trainers may improve job retention and job satisfaction for employees with mental health disabilities. Behavioural feedback intervention – e.g. regular meetings to provide feedback and reinforcement of work performance as well as to problem-solve around work and performance issues. Support outside the workplace – e.g. providing assistance with transportation to work; support for outside therapies; workplace rehabilitation. Cognitive crafting: altering the view of the job, changing the way employees perceive the tasks and relationships that make up their jobs, e.g. changes to job descriptions, such as when and where the job duties are performed; changes in job responsibilities (including job rotation, task breaks, lifting restrictions); re-deployment to an alternative position;

All over Europe, people out of employment would more likely need work accommodation (Figure 4. This possibly points that accommodating work to ones' needs could improve their access to employment. About two thirds of employed disabled people self-report that they do not need nor have work accommodated to their health conditions. However, about quarter of employed disabled people say that they need work accommodations.

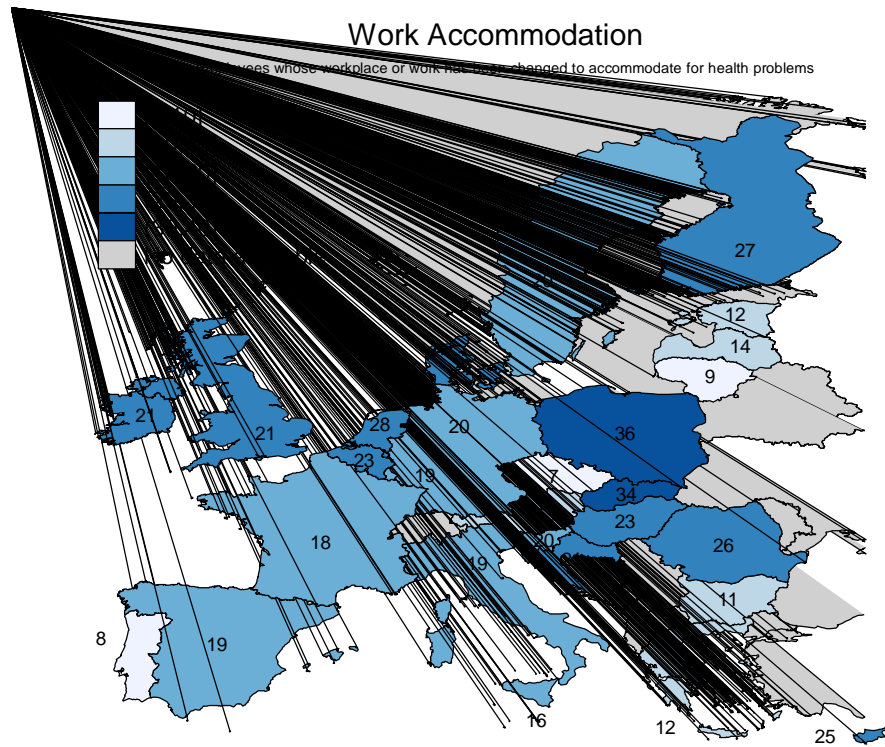
FIGURE 4. WORK ACCOMMODATION: WORKING AGE POPULATION WHO WOULD NEED OR HAVE WORK ACCOMMODATED



Source: 2011 EU labour force survey ad hoc module on employment of disabled people, authors' calculations

Notes: Personal assistance - would need or have personal assistance to enable one to work; Equipment or workplace adaptation - would need or use al special equipment or workplace adaptations to enable one to work; Working arrangements- would need or have any special working arrangements (such as, sedentary jobs, teleworking, flexible hours or less strenuous work) to enable one to work.

FIGURE 5. WORK ACCOMMODATION: EMPLOYEES WHOSE WORKPLACE OR WORK HAS BEEN CHANGED TO ACCOMMODATE FOR HEALTH PROBLEMS,

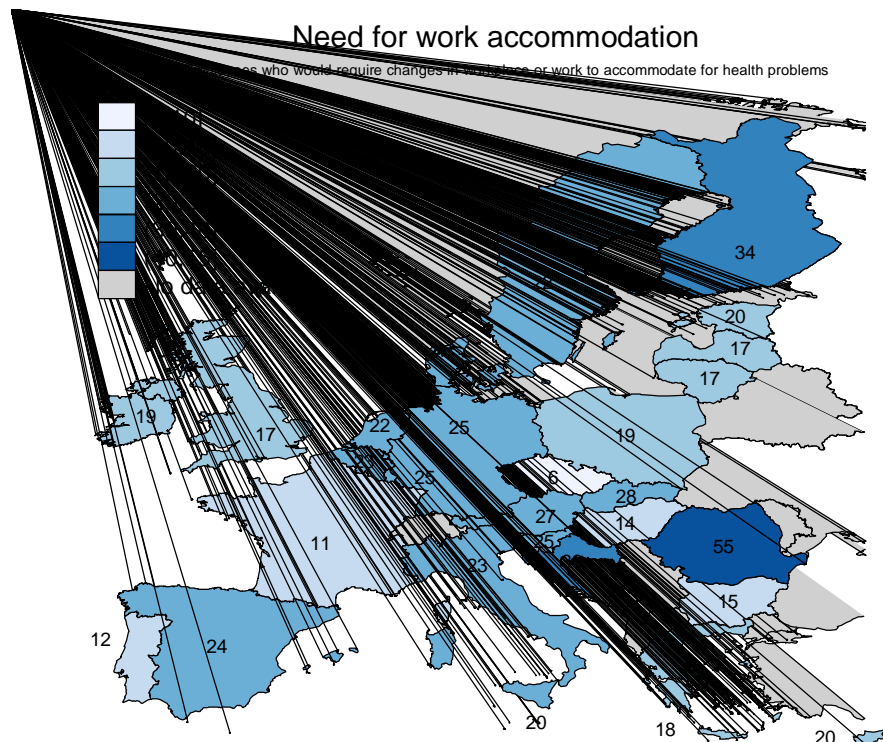


Source: Eurofound, European Working Conditions Survey, 2015

Source: Eurofound, European Working Conditions Survey, 2015

FIGURE 6. WORK ACCOMMODATION: EMPLOYEES WHO WOULD REQUIRE CHANGES IN WORKPLACE OR WORK TO

ACCOMMODATE FOR HEALTH PROBLEMS



Source: Eurofound, European Working Conditions Survey, 2015

Source: Eurofound, European Working Conditions Survey, 2015

The literature, including literature that summarises stakeholder's self-evaluations like Solovieva and Walls (2013) and Schur et al. (2014) point to several plausible positive outcomes of work accommodation that improve functioning of labour market, including guaranteeing equal opportunities. (see also Box 1). In the counterfactual impact evaluations, there is some consensus and the evidence does support the utility of work accommodations as WA promotes employment and reduces costs (Nevala et al. 2015; McDowell and Fossey 2014; Schultz, Winter, and Wald 2011).

BOX 1. WORK ACCOMMODATION OUTCOMES

Macro level outcomes

- › Due to demographic trends, the population, and therefore, the population in employment is shrinking, causing challenges to sustainable economic production and growth. Active and prolonged labour market participation will help in supplying labour and promotes employment.
- › Due to demographic trends, the sustainability of social protection systems and tax-benefit systems are at risk. Active and prolonged labour market participation will help address demands on social protection systems and state budgets.
- › Active and prolonged labour market participation improves the work ability and health of populations.
- › More inclusive societies and equality of opportunity are features that we as human beings value. The society where no-one is left behind improves quality of life for those with a disability and for those without disability. There are therefore inherent social benefits in creating and sustaining an inclusive labour market.

Workplace and employee level outcomes

- › Direct benefits: increased attendance of accommodated employee's; increased worker productivity; increased retention of qualified employees; avoidance of costs associated with hiring and training a new employee,
- › Indirect benefits: improved interactions with co-workers; increased overall company morale; improve organizational culture and climate, and increased overall company productivity, fostering a sense among all employees that employers recognize both the value of the individual worker as a human being, and the inherent social benefits of creating and sustaining an inclusive workplace.

Source: Authors compilation based on literature, including Solovieva and Walls (2013) and Schur et al. (2014)

Changing terms of employment and working conditions presumes social interaction at the workplace between employee and employer taking into account intra and extra organizational contingencies. In the following figure (Figure 7), the conceptual model of factors influencing work accommodation is outlined based on the literature review.

FIGURE 7. FACTORS THAT CONTRIBUTE TO ACCOMMODATION IN THE WORKPLACE



Source: (Lysaght and Krupa 2014, 95)

In the following chapters, we will focus on the role of collective employment relations in encouraging actions at workplace level and empowering workplace level actors in co-determining and negotiating reasonable accommodations. Firstly, the industrial relations systems that shape work accommodation practices are discussed. Secondly, the discussion focuses on the impact of industrial relations on work accommodation.

4. Industrial Relations and Work Accommodation

4.1. Industrial relations systems

Industrial relations (IR) are primarily concerned with the collective, rather than individual aspects of the employment relationship; they focus on relationships between representatives of workers and employers at different levels, including at the establishment, company, sectoral, regional, national and international level (Eurofound, European Industrial Relations Dictionary). Industrial relations can be defined as the collective and individual governance of work and employment, of which key dimensions are industrial democracy; industrial competitiveness; social justice; job and employment quality (Welz et al. 2016). Industrial relations systems vary according to the historical systems of labour, welfare and state relations that have evolved within different nation states (Hyman 2001; Esping-Andersen 2013). In a recent analysis of IR (Table 2), the European Commission positioned **Estonia, Poland and Hungary** in the group of countries that could be described as countries with fragmented and state centred industrial relations regimes.

TABLE 2. REGIMES OF INDUSTRIAL RELATIONS

	Organised corporatism	Social partnership	Polarised, state centred	Liberal pluralism	Fragmented, state centred
Employee representation	Union based, high coverage	Dual system, high coverage	Variable	Union based, limited coverage	Union based, limited coverage
Main level of bargaining	Sector	Sector	Variable, unstable	Company	Company
Bargaining style	Integrating	Integrating	Conflict oriented	Conflict oriented	Acquiescent
Role of state in industrial relations	Limited (mediator)	Shadow of hierarchy	Frequent intervention	Non-intervention	Organiser of transition
Role of social partners in public policy	Institutionalised	Institutionalised	Irregular, politicised	Rare, event driven	Irregular, politicised
Broad geographic region	Northern Europe	Continental western Europe	Southern Europe	Western Europe	Central and eastern Europe

Source: (European Union, European Commission, and Directorate-General for Employment 2016)

Based on the key dimension of industrial relations described above, Eurofound (Welz et al. 2016) classifies **Estonia, Poland and Hungary as** central and eastern countries, where:

- the transition phase to market economies is still reflected in often fragmented industrial relations systems;
- legislation related to the key dimensions of industrial relations is less stringent in comparison with other European countries;
- a comparatively weak legal framework for industrial relations contributes to under-resourced institutions and more voluntary initiatives than mandatory actions;
- trade unions fear a potentially diminishing social dialogue and are concerned about their lack of capacity to influence it, and employers' organisations accept corporate social responsibility on a voluntary basis.

- Governments' concentrate on the skills development of the workforce and the inclusion of minorities in their efforts to promote industrial competitiveness and social justice.

The industrial relations environment in these countries has been in flux, as a consequence of both internal/organisational factors, like membership losses, growing diversification of the workforce, members' new needs, changes in collective bargaining coverage, and external factors, like restructuring, crisis and unemployment, labour law reforms, changes in social dialogue, regulatory change in the collective bargaining system/rules, call for change and adaptation (Eurofound 2016). Also, it was argued that most Central and Eastern European countries do not have a long experience of social dialogue and collective bargaining plays a limited role in setting working conditions, while the level of industrial conflict is low, and social partners' influence on policy-making is quite limited (European Union, European Commission, and Directorate-General for Employment 2016). Bechter et al (2011) while analysing industrial relations variations in different sectors and countries argued that CEE countries could be categorized as 'empty' cases "due to their near non-existent organised industrial relations. Based on such characteristics, it can be concluded that industrial relations in all three countries are weak and collective negotiations and bargaining over working conditions is not common.

While the countries are similar, they also differ in their industrial relations systems² (see also Table 4). In **Poland and Hungary** tripartite bodies and concertation exist for social dialogue or collective bargaining. In **Hungary**³, since 2012 there are two tripartite bodies for social dialogue at national level - **Permanent Consultative Forum of the Private Sector (VKF) and the National Public Service Reconciliation Council (OKÉT)**, also Sectoral social dialogue committees (24 altogether) have existed in **Hungary** since 2004. As this is the platform where sectoral collective agreements are concluded that are then binding to all employers that are represented in the committee, this could be the most relevant place to negotiate over work accommodation related stipulations. However, currently none of the three sectoral collective agreements concluded in **Hungary** involve regulation on work accommodation. In **Poland**⁴, the forum for tripartite dialogue is the **Social Dialogue Council**⁵ [**Rada Dialogu Społecznego, RDS**]. The social partners who are members of the RDS have the right to express opinions about draft legislation prepared by the government, but they can also prepare and submit to the government jointly agreed legislative draft proposals. Sectoral social dialogue is conducted in Tripartite Sectoral Teams affiliated by Social Dialogue Council, which chronologically were prior to national tripartite consultative bodies and played crucial role mainly in 90ties. Similarly, while in **Estonia**, no specific platform exists for national level tripartite social dialogue, social partners participate in national level social dialogue through the public consultation process. In **Poland**, social partners also belong to **Senior Citizens Policy Council and Labour Market Council (Rada Rynku Pracy)** where they have advisory role and in **Estonia**

² Needless to say, also, their capitalist-welfare system in general differs. For instance Bohle and Greskovitz (2012) distinguishing between liberal Baltic and Balkan States (Bulgaria, Estonia, Latvia, Lithuania and Romania); welfarist Viségrad states (Czech Republic, Hungary, Poland, Slovakia).

³ See also [Hungary: Working life country profile](#). European Observatory of Working Life, 2017; [National Industrial Relations – Hungary](#). worker-participation.eu, 2017

⁴ See also [Poland: Working life country profile](#). European Observatory of Working Life, 2017; [National Industrial Relations – Poland](#). worker-participation.eu, 2017

⁵ Social Dialogue Council operates by virtues of the Act of 24 July 2015 on the Social Dialogue Council and other social dialogue institutions (Journal of Laws 2015, 1240).

social partners are members of the supervisory body of the **Estonian Qualification Authority (EQA)**, which is responsible for developing the professional qualifications system in Estonia. **In Estonia and Poland**, social partners are also members of supervisory boards of social insurance and labour market tripartite institutions. In **Estonia**⁶, the social partners are members of the supervisory boards of the **Estonian Health Insurance Fund (EHIF)**, the **Estonian Unemployment Insurance Fund (EUIF)** and in **Poland**, social partners belong to the respective supervisory boards of the **State Fund for Rehabilitation of Disabled Persons (PFRON)** and of the **Polish Social Insurance Institution**.

TABLE 3. INSTITUTIONAL FRAMEWORK OF INDUSTRIAL RELATIONS IN ESTONIA, HUNGARY, POLAND

Country	Estonia	Hungary	Poland
Employee representation	Trade unions Employee trustees	Trade unions Work councils	Trade unions Work councils
Dominant collective bargaining level	Enterprise level	Enterprise level	Enterprise level
National level social dialogue platform	No specific forum, participation from public consultation process	OKÉT (National Public Service Reconciliation Council) ⁷ and VKF (Private Sector's and Government's Permanent Consultative Forum)	Social Dialogue Council ⁸ [Rada Dialogu Społecznego, RDS]
Sectoral social dialogue platform	-	Sectoral social dialogue committees (24)	Tripartite sectoral teams (17) by RDS
Participation from tripartite/bipartite institutions	Estonian Qualification Authority (EQA), which is responsible for developing the professional qualifications system in Estonia	-	Consultative-advisory role in Senior Citizens Policy Council and Labour Market Council (Rada Rynku Pracy)
Participation from labour and social insurance bodies	Social partners are members of the supervisory boards of the Estonian Health Insurance Fund (EHIF), the Estonian Unemployment Insurance Fund (EUIF)	-	Social partners are members of the supervisory boards of the State Fund for Rehabilitation of Disabled Persons (PFRON) and of the

⁶ See also [Estonia: Working life country profile](#). European Observatory of Working Life, 2017; [National Industrial Relations – Estonia](#). worker-participation.eu, 2017

⁷ Országos Közzolgálati Érdekegyeztető Tanács

⁸ Social Dialogue Council operates by virtues of the Act of 24 July 2015 on the Social Dialogue Council and other social dialogue institutions (Journal of Laws 2015, 1240).

			Polish Social Insurance Institution.
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Source: Authors compilation based on the case study reports

In all the countries, there are multiple channels of employee representation. In **Estonia**, employees can be represented by a trade union and/or employee trustee. In **Hungary** and **Poland**, the main channel of workplace-level employee representation are trade unions and work councils. In all the countries, occupational health and safety representatives i.e. working environment council or working environment representatives could play a crucial role. Also, in all the countries, representation on bodies linked to European Works Councils or European Companies exist. In **Estonia**, employees do not have a right to be represented at board level. However, in **Hungary** employee representatives make up one third of the members of the supervisory board in companies with more than 200 employees, and in **Poland**, there are employee representatives (trade unions) at supervisory board level in state-owned and privatised enterprises.

All the countries are similar in that the dominant level of collective bargaining for setting pay, working time or any other terms of employment and working conditions is the enterprise level, and there are only few sectoral and national level collective agreements. Also, in all the countries representation for the bodies linked to European Works Councils or European Companies exists. Also, in the framework of EU directive (2002/14/EC) and national legislation information and consultation takes place.

In this general institutional framework, the three countries are rather similar across indicators of industrial relations (Table 4). Compared to many Northern European and Continental European countries (Table 2) with different industrial relations regimes than the three countries, the density of representation and bargaining coverage is smaller. Overall, the share of companies who are covered by collective agreements is very low in all three countries, but the difference between Estonia and Hungary is almost twofold 7% compared to 13% Hungary and the share of employees covered by collective agreement varies from 15% in Poland to 23% in Estonia and Hungary. Workplace representation of employees is up to 53% in Estonia and less in other two countries (49% in Poland and 40% in Hungary), meaning that around half or more workplaces in all three countries are without no employee representation at all. Trade union density is also very low in all countries, but again differences between countries occur as trade union density in Estonia is two times lower compared to Poland (7% and 14%). Altogether, this picture again indicates the low value of industrial relations, collective representation and weak collective bargaining culture in these countries.

TABLE 4. INDUSTRIAL RELATIONS IN ESTONIA, HUNGARY, POLAND

	Estonia	Hungary	Poland
Trade union density – proportion of wage and salaried earners in labour unions ¹	7%	11%	14%
Workplace representation of employees – proportion of employees in workplaces where trade unions, works council, health and safety delegate or a similar committee exists ²	53%	40%	49%

Companies with employee representation – proportion of companies with structure of employee representation present at establishment ³	37%	16%	24%
Employers organisation density ⁴	25% (2011)	40% (2008)	20% (2012)
Collective bargaining employee coverage - extent to which the terms of workers' employment are influenced by collective negotiation. It is the coverage rate, proportion of employees covered by the collective agreement ⁵	23%	23%	15%
Collective bargaining companies' coverage - companies with at least 10 employed persons in employers' organisation which participates in collective bargaining ⁶	7%	13%	9%

Sources :¹ Ilostat, The statistics presented result from a collaboration between the ILO and J. Visser, ICTWSS Database, version 5, AIAS; ² Eurofound, Eurofound, European Working Conditions Survey, 2015; ³ Eurofound, 3rd European Company Survey, 2013; ⁴ ICTWSS, ⁵ Ilostat, The statistics presented result from a collaboration between the ILO and J. Visser, ICTWSS Database, version 5, AIAS.;⁶ Eurofound, 3rd European Company Survey, 2013

Future developments in industrial relations could be described as (1) individualization of employment relations and thus decreases in labour union density and collective bargaining coverage (**Estonia, Poland, Hungary**); (2) the future the role of sectoral representatives and bargaining might increase (**Estonia, Poland**); (3) bargaining behaviour has developed from conflict-oriented behaviour to more cooperative behaviour (**Estonia**); (4) at the same time social dialogue and its institutions are weak/ in crises (**Poland, Hungary**) (Voss et al. 2015).

4.2. Industrial relations impact on Work Accommodation

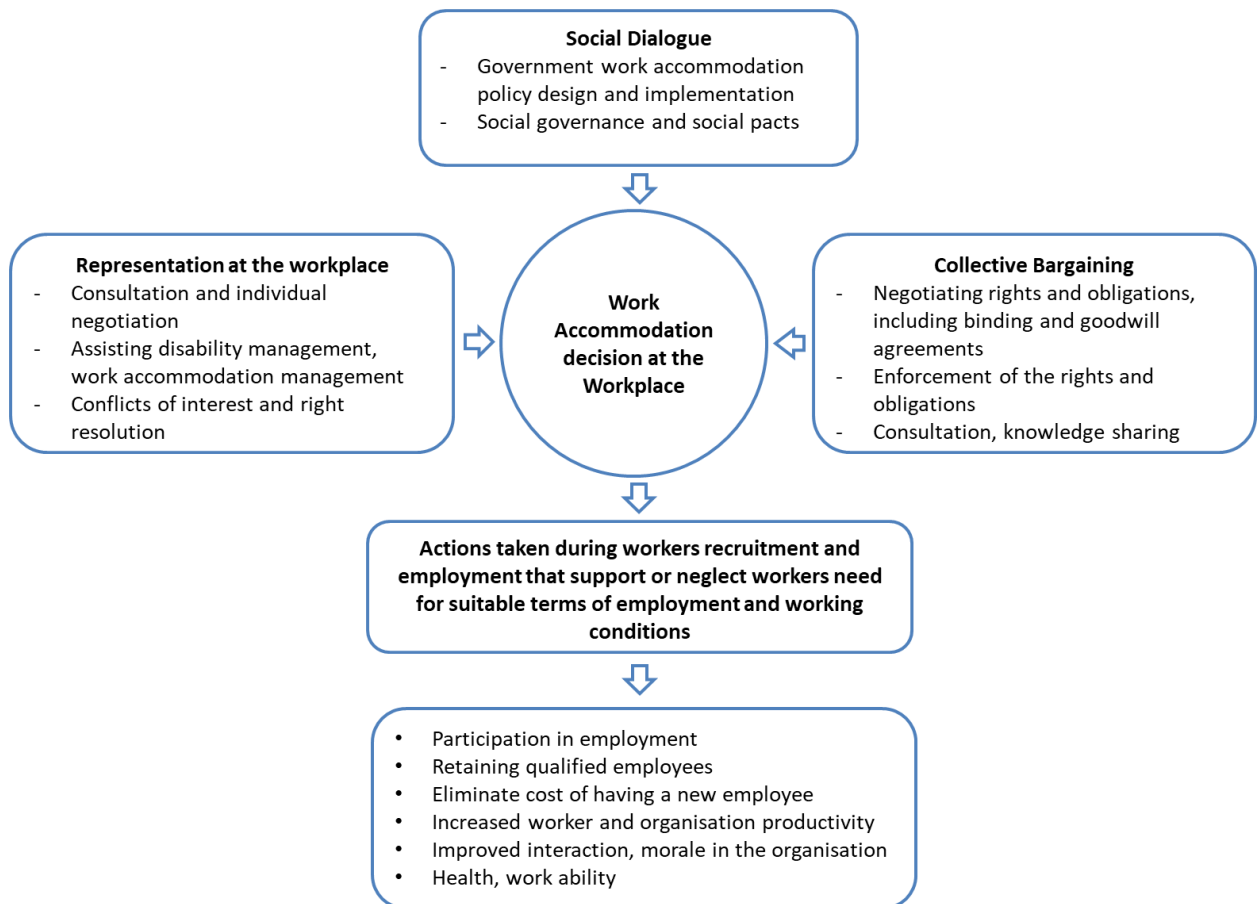
On the one hand, work accommodations are individual, they presume that individual differences are considered in co-determining and negotiating suitable terms of employment and working conditions. On the other hand, it is important that work accommodations are not over-individualisation because there are shared responsibilities of all the individuals in their different roles in the world of work that make the labour market and employment relationships inclusive. **Collective employment relations** could provide incentives through which the behaviour of employers and employees are influenced and work accommodation practices are mediated. Employers' and employees' representatives influence on work accommodation presume that there could be an unequal distribution of will, power and resources that could result in sub-optimal work accommodation practices (Seing et al. 2012). Collective employment relations initiatives could increase motivation, change the balance of power and make the parties more knowledgeable on work accommodation.

To a large extent, work accommodations, like other terms of employment and working conditions are co-determined at the workplace level. However, government policy could provide incentives through which the behaviour of employers and employees is influenced. The relationship between collective employment relations and government employment policy are twofold: firstly, collective employment relations via social dialogue influence government work accommodation policy, secondly, collective employment relations, its own practices and interventions on work accommodation take into account the government work accommodation policy and take the steps further to influence employers and employees' practices. Government employment policy measures are not in focus of this section

however, since they have an impact on work accommodation practices, they are discussed separately in section 4.3.

There are different interventions representatives could make to influence work accommodation decisions at the level of the workplace (see also Figure 8):

FIGURE 8. INDUSTRIAL RELATIONS AND WORK ACCOMMODATION



Source: Authors compilation based on the literature review

- › **Co-creation and implementation of (central) government work accommodation policy.** Involvement of employers' associations and employees' unions could lead to the best employment policy design and implementation. Co-creation and implementation could include employment law, economic incentives, knowledge sharing.
- › **Regulating work accommodation in binding collective agreements** that both confirm stipulations in employment law and goes beyond stipulations in the legislation. This might include top-down support in the bargaining context, for instance, providing companion/instructions about equality bargaining and bargain suitable employment, and support in making the agreements effective, for instance establishing a joint commission for improving awareness and certainty of implementation.

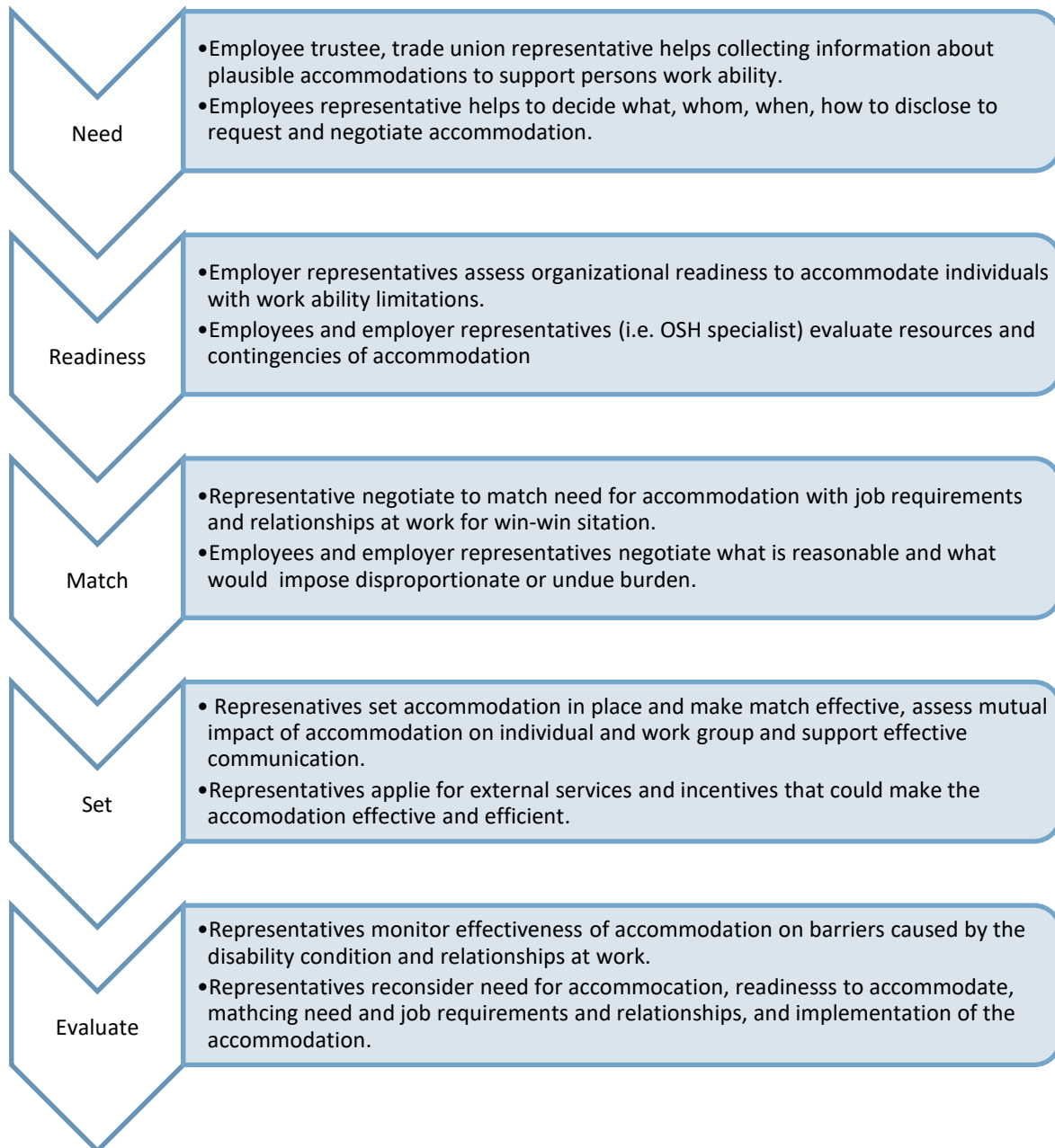
- › **Social pacts to keep the work accommodation in strategic focus.** Instead of binding agreements, goodwill agreements could be concluded especially when the solution to the problem is complex, involves a mix of measures and step by step process that not only involves implementation of certain agreed practices but also figuring the most plausible and effective interventions out. The focus is on agreeing aims, setting targets, and work processes.
- › **Joint networks, commissions.** Establishing networks, commissions or similar institutionalised form of cooperation to discuss the issue, for mutual learning, collecting and disseminating best practices of work accommodation. This might also include interest conflict resolution regarding what shall be considered reasonable accommodation (i.e. case solution, case consulting).
- › **Awareness raising, training, knowledge sharing via recorded/written materials and in person communications about work accommodation.** The scope of these knowledge sharing activities could also involve formal training programmes, setting up webpages, webinars, guidelines, consultancies etc. to promote and share the best practices of work accommodation.
- › **Industrial action,** especially positive industrial action to acknowledge and appreciate implementing work accommodation on workplace level or sector level. For instance, campaigns to highlight socially responsible workplaces, symbolic decorations etc to acknowledge good practices. Also, negative but constructive attention to workplaces or representatives that have (awfully) missed the idea or non-complied with the obligations.
- › **Tools and practices to support workplace level representation,** including assisting and promoting disability and age management practices into workplace level personnel policies, empowering employers, HRM people, employees in negotiating accommodations and solving interest conflicts. This includes, for instance, starting online tools to present and defend their views, even collectively. Help to opt for alternative forms of representation at the company level, i.e. encourage employers to audit and improve disability policies and offer independent advice and guidance on disability issues to employees.

BOX 2: REGULATING WORK ACCOMMODATION IN COLLECTIVE AGREEMENTS

- › **Who would be entitled to the accommodation?** Personal scope of coverage depends on the definition of disability. Usually, the employment law covers formally disabled people, i.e. people who have applied for and taken up government support measures and services. The collective agreements could extend the coverage to all disabled people, or also take more life-course approach cover ageing workers.
- › **When will reasonable accommodation duties be triggered?** Legislation might stipulate that employer is obliged to accommodate work when a competent authority requests. In that case, collective agreement could stipulate that employee has the obligation when request has been made to the employer by the disabled person or when where an employer knows or ought to know that the person in question is disabled.
- › **What accommodations are needed?** Usually, legislation is not specific about what type of accommodations are needed. However, workplace or sector level representatives are more informed about work process and environment and could specify further to enable modification, particular to the workplace or sector in the agreement?
- › **What is disproportionate burden?** The legislation stipulates the accommodation duty in case it does not entail a disproportionate burden for employer. In collective agreement, it could prescribe a principle of evaluation to assess whether the accommodation entails a disproportionate burden factoring in government incentives and support, activities of the organisation, the difference the accommodation makes to the person and organisations etc.
- › **What are information and consultation obligations?** The legislation might not regulate requirement of employer to consult the disabled person, his/her representative or general workplace level representatives or specialists (e.g. occupational health expert) about accommodation. The agreement could in more detail put in place the consultation requirement
- › **What to do in case of failure to provide reasonable accommodation?** The legislation could stipulate that the failure is discrimination and sanction it with financial damages. The collective agreement could regulate the compensation to the disabled person, replacing the disabled person with other disabled person with accommodation needs that could be met in the workplace etc.

Source: Authors compilation based on comparative policy review by Ferri et al (2016)

FIGURE 9. ACCOMMODATION AS COLLECTIVE ACTION AT THE WORKPLACE



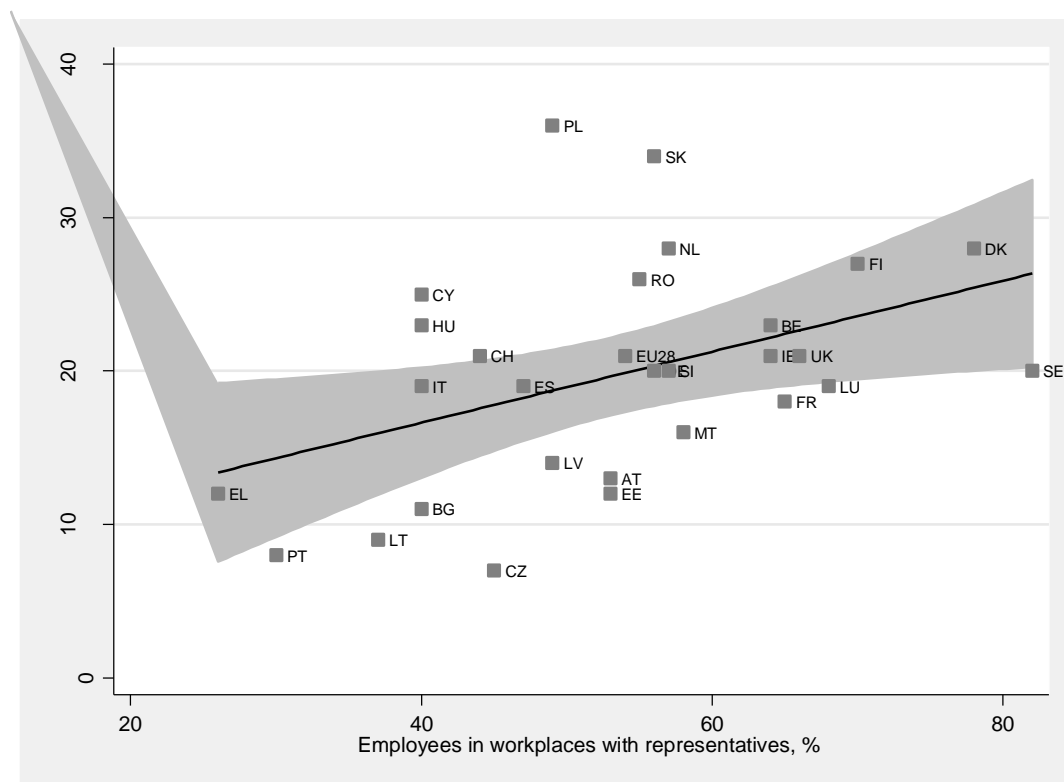
Source: Based on (Gates and Akabas 2011, 379)

Although the theoretical section points to reasonable collective interventions with plausible intervention logics, the impact of industrial relations on work accommodation has yet to be empirically scrutinised - the impact of industrial relations on work accommodation continues to remain an under-researched area. There are no counterfactual studies about the impact of industrial relations on work accommodation. However, a correlational study (A sample of 3,638 organizations in 6 European countries (Denmark, Germany, Italy, The Netherlands, Poland, and Sweden) by Van Dalen et al. (2015) suggests that human resource policies of European employers in relation to older workers, including

work accommodation are more likely if labour unions are involved. Also research (in-depth interviews with supervisors in Canada) by Williams-Whitt (2007) indicates that accommodation outcomes for disabled employees may be substantially affected by the quality and degree of union involvement.

Although the EU datasets would not allow causal analysis, the correlational analysis indicates that employee workplace representation and work accommodation are positively related, i.e. in countries with a larger share of employees in workplaces with employee representatives also the share of disabled people with accommodated work is larger. However, the cross-country differences are considerable, including some countries are outliers. Especially **Poland** seems to be the case where the employees self-report above average access to work accommodation but where the employee workplace level representation is below average. Still, as shown in the graphs below, the share of individuals who self-report that they need (further) accommodations is considerable in Poland and at least on EU average level.

FIGURE 10. THE RELATIONSHIP BETWEEN WORK ACCOMMODATION AND WORKPLACE REPRESENTATION



Source: Eurofound, European Working Conditions Survey, 2015

What can be concluded from the abovementioned, is that social partners, especially trade unions and employee representatives' presence and awareness, ability to recognize the need for work accommodation and readiness are important prerequisites for work accommodation. However, in all three countries under discussion here, trade union density, workplace representation and collective agreement coverage are quite low (see Table 4) and interest and awareness of the issue among existing social partners is insufficient or even poor. This, in turn, clearly has quite an

important effect on how much industrial relations impact work accommodation has in these three countries and how relevant work accommodation is in their social partners agenda. In the following section, past and current collective initiatives will be reported, that provide a better picture of the current situation on industrial relations and work accommodation in the three countries.

4.2.1. Past and Current Collective Initiatives

As mentioned in section 5.2, there are several interventions social partners could take to promote work accommodation. While existing initiatives are few in **Estonia, Hungary, Poland**, there are some work accommodation good practices existing in all the three countries. These practices, even if not fully implemented, effective or in force, could lay foundation for future initiatives. These past initiatives also reflect willingness and potential to influence work accommodation via collective employment relations initiatives.

Arguably, the **Estonian** experience is the most modest of the three. For example, the **Estonian** Employers Confederation has informed its members about work accommodation in a short article authored by an active labour market policy expert. The **Estonian** Employers' Association also released their latest Employer's Manifesto in 2014, which declared employers support for the goal of the work incapacity reform and expressed a readiness to help people who require special work conditions back to work. Developments also refer to the potential to bargain for equal rights for disabled or older workers. In **Estonia**, in 2011, the Estonian Transport and Road Workers Trade Union, in cooperation with other organisations, including the Estonian Trade Union Confederation released a practical collective bargaining handbook that focused on equal opportunities and equal rights, although not directly work accommodation.

The most important actor in the **Hungarian** institutionalised industrial relations system is the sectoral dialogue committee-Rehabilitation Dialogue Committee. The committee covers employees with limited working abilities and employers, employing disabled people in different sectors. By design, it supports representation and bargaining, suitable terms of employment and working conditions, however in practice it is not active. **Hungary** is also a country where workplace level industrial relations interventions around work accommodations exist. Namely, in Semmelweis University, there is an action plan made by the trade union and employer that requires assessing and making proposals about the necessary accessibility for workers with limited working abilities.

In **Poland**, the most remarkable intervention was compiling guidelines on work adaptation to address the requirements of disabled employees. In 2005-2007, as part of the Workplace Model of Protecting Equal Treatment for Disabled Persons in Employment in the Open Labour Market⁹ in cooperation with sectoral social partners these guidelines were successfully tested in 44 enterprises. In **Poland** work accommodations to facilitate the employment of an ageing workforce has also been on the industrial relations radar. To relieve the hardships of multi-tasking and competitive work environments, a programme called *Mentor* supported by eight trade union organizations, was implemented in one of the major banks (PEKAO SA) in order to re-design work tasks to create a smooth transition to retirement

⁹ „Związkowa Promocja i Ochrona Równouprawnienia Osób Niepełnosprawnych w Zatrudnieniu” (ZORON), see <http://www.equal.org.pl/baza.php?M=10&PID=19&lang=pl> (accessed: 13-05-2017). Official website of the project, <http://www.zoron-equal.pl/>, no longer available at the time of preparing this report.

and to ensure retaining skills and tacit knowledge of soon-to-be gone senior staff by passing it to younger employees for the employees concerned. Also in Poland, employer's confederation Lewiatan carried out a project "Diversity index" in 2011-2014 aimed at developing the standardized scale for assessing the diversity in employment at the workplace level supplemented with a simple tool that employers can use for self-assessing their workplace. The project has been continued on a self-financing basis and number of recommendations have been produced stemming from the project including providing work adaptations that respond to the needs of older workers and creating an appropriate environment for disabled employees in the workplace by preparing the management and staff thereby cooperating with organizations working closely with disabled people.

It follows that in all the countries, there are initiatives that could both be carried into the future but also transferred across countries. The initiatives that were not implemented or are not active currently could lay foundation for the future practices and initiatives. The design and implementation of the practices could also be used as building blocks for new intervention in all the countries. Still, as will be discussed in the following sections, the plausible path dependent future initiatives are conditioned by current contingencies, including motivation of social partners.

4.2.2. Problems related to work accommodation through industrial relations

Interestingly, despite variations between the three countries, factors identified in all three countries that prevent social partners from being more engaged in work accommodation, are quite similar.

General and abstract regulations

In all three countries, work accommodation is to some degree regulated and defined in national legislation. However, in all three countries, it was found that information on work accommodation, what measures constitute work accommodation and how it could be done is lacking, or is too abstract and general and is, therefore, poorly understood. Furthermore, work accommodation legislation mainly focuses on disabled people. In **Estonia**, the legislation does not explicitly target older people, however it does not also explicitly exclude ageing employees. In **Hungary**, the Decree 33/1998 of the Ministry of Social Welfare states that employers should increasingly adjust work to the capabilities of the ageing employee (in retirement age aged 65+) and includes a list of activities that older employees should not be doing such as working in hot or cold environment. In **Poland**, the legal system does not provide direct instruments focused on supporting work accommodation for older workers. Thus, it can be stated that the concept and possibilities of work accommodation are unclear to both – employer and employees. This means that both employees and employers are unlikely to ask for or offer work accommodation. For example, in discussions in workshops with social partners in **Estonia**, it was found by employers that they do not have the required knowledge to adequately imagine the possibility to employ a person by supplying suitable work and working conditions. Functional limitations are different and change over time, and employers without proper experience in disability and age management do not have the required knowledge toolbox for effectively matching an employee with terms of employment and working conditions in the way that his/her work capacity is made best use of. In Hungary, 74% of

employers participating in a study about hiring disabled people, replied that they would not hire them¹⁰, as there is no suitable position available for them, indicating that the lack of knowledge and previous experience on work accommodation also prevents them to imagine the possibilities of hiring a person with disabilities. The need for information before accommodating has also been acknowledged in the literature: Gold et al. (2012) found that, employers emphasized the expectation that employees shall be clear how their disability would impair their work performance and demonstrate how accommodation would serve both parties interests. Although this is understandable, this need cannot always be fulfilled. For example, in **Estonia**, it was also pointed out during the seminars with social partners, that people with disabilities in turn could be worried that they do not have the best understanding about his/her functional capacity and suitable employment that could make the best use of the capacity, and this might keep them from applying for jobs. More generally, individual employees might not have the best judgements about the work and work environment when they are applying for a job. Therefore, they would not know what conditions to negotiate with the employer and they would not know whether to disclose their needs and request non-standard working conditions from the employer.

Awareness of rights and obligations

In the **Estonian** workshops, social partners also highlighted the lack of employees' awareness of their rights, which according to representatives' evaluations – means employees are not aware about regulations and stipulations regarding work accommodation rights and services: making opportunities to negotiate suitable working conditions even more difficult. In **Poland**, the issue of employee rights awareness can be identified (however it did not emerge during the seminars with social partners), survey study on general population called the "Diagnosis of legal awareness of Poles 2016" (Diagnoza świadomości prawnej Polaków 2016) suggests that the citizens' state of knowledge about their rights is rather weak. So, it can be assumed that the general incapability translates also to incapacity in labour law. In **Hungary**, it was also pointed out by social partners that disabled people lack knowledge of their rights and opportunities in the labour market.

Fears and negative attitudes

A poor understanding of age and disability management and experience of work accommodations is accompanied by fears and negative attitudes towards hiring and working with disabled people. In **Estonia**, social partners expressed the view that employers or co-workers might be afraid of real or imagined differences: for instance, how to behave (how to act and communicate) when mental health problems unfold in work situations. In **Hungary**, it was also pointed out that since employees and employers are not familiar with the symptoms and nature of certain disabilities they are afraid that the disabled person would not be able to adapt. In **Poland** also, lack of general knowledge on disability among employers was brought out as one main barrier to accommodate work. The lack of knowledge on disability and fears surrounding it was thought to make employer decision making about hiring a disabled person much more challenging, with employers expressing the view that they would need to weigh up whether the investment of hiring a disabled worker and make necessary expenses to work accommodation would pay off. Thus, in many cases, due to the uncertainty and fear of inconveniences

¹⁰ Study on managers of small and medium-sized enterprises about attitudes to hire older and disabled people to mitigate labour shortage (Policy Agenda, 2017)

it might bring, employers choose not to hire disabled people. For example, in **Poland**, employers with at least 25 employees (full time equivalents) are obliged to make monthly payments to the State Fund for the Rehabilitation of Disabled Persons (PFRON), if the percentage of the disabled people they employ is lower than 6%¹¹. However, according to the social partners, given the choice of paying a fee to PFRON for not meeting the quota of disabled staff or employing disabled persons some employers choose the former as a simpler and safer option. Interestingly, **Hungary** is planning to implement a similar system. In addition to fears related to how the disabled person would adapt and manage, it was brought out in discussions in the workshops in **Estonia** that employers might also have difficulties in communicating the work accommodation as management practice to the personnel and are afraid that this would disrupt perceptions of organizational justice. Schur et al (2009) when studying the relationship between corporate culture and the experiences of employees with disabilities also mentions that in bureaucratic and competitive companies with rigid equity value systems, where fairness of treatment of all employees is weighed against the needs for disabled persons and that in such companies work accommodations are frequently viewed as special treatment and unfair even when the benefits of the accommodation are clear and high and costs low. Negative attitudes also impact on the employment of older people, for example in **Hungary**, it was mentioned that older people frequently experience a 'second-hand car' mentality towards them, as employers consider them as a means of reducing wage costs.

Information asymmetry

Information asymmetry on employees' health conditions is also something that prevents employers from matching employees' abilities to work and working conditions. What we mean here is that in workshops employers complained that to accommodate work and working conditions to a persons' abilities they needed information about their impairment, while employees are reluctant to disclose information on their health situation because they are afraid of losing their job when they reveal this information to the employer. This scenario has also been acknowledged in the literature: that disclosure, on the one hand, can assure that employees receive appropriate support, including work accommodations, increasing the employment opportunities of individuals with disabilities. On the other hand, however, disclosure may also result in negative consequences, including termination of the employment contract, lower supervisor expectations, isolation from co-workers etc. (see for instance von Schrader, Malzer, and Bruyère 2014; Elaine Brohan et al. 2012; Jones 2011; Toth and Dewa 2014)). **Estonian** social partners argued that this issue is not visible, as employers cannot know what accommodations should be implemented to avoid working conditions that can deteriorate employees' health. At the same time, even when the employee has the duty to inform their employer of their need for accommodations to get work accommodation, as is the case in **Poland**, employees still refrain from doing so, for fear of losing their job, at the same time, the duty to accommodate work arises when the employer receives a request. Overall, in all three countries, employers expressed the fear that disabled and older people would be more likely get into a work-related accident or receive injuries due to their disability and therefore refrain from hiring them.

¹¹ Detailed description of the instrument: <http://www.niepelnosprawni.gov.pl/art,22,zwolnienie-z-wplat-na-pfron>

Infrastructure

In addition, social partners in **Estonia** and **Hungary** mentioned the need to improve accessibility to public places (buildings, roads) for disabled people stating that accommodating work is futile, if surrounding infrastructure is unsuitable and is not accommodated to ensure physical access for disabled people and that potential hazardous situations that might occur (e.g. moving into safety in case of emergency while elevators are not functioning due to fire). Unsuitable infrastructure has also been found to be one of the main barriers to employment of people with disabilities from the point of view of employers in **Poland** (Bartkowski, Gąciarz, Giermanowska, Kudlik, Sobiesiak 2009). In all three countries, telework, which could be a form of employment relevant to disabled people for the abovementioned reasons, is legally regulated in **Hungary** (however it is practically not used (3%¹² in 2016 according to the Hungarian Association of Telework) and in **Poland**. In **Estonia**, the law does not regulate home-work and distance working, thus employers feel they have full liability in a situation when they could only have partial responsibility for occupational safety. Also in **Poland**, social partners have expressed the need to relax the rigid occupational safety and health standards which block a wider use of telework, current legislation applies the same occupational health and safety demands to home-offices as to regular workplaces.

Social partners capacity

Social partner capacity, commitment and involvement is crucial to support work accommodation through industrial relations. In the literature there are a variety of examples (Lysaght and Krupa 2014; Williams-Whitt 2007, 419; Bacon and Hoque 2015; Foster and Fosh 2010), of how employee representatives could have considerable influence on attitudes towards work accommodation practices. At an organisational level they can influence opinion, monitor whether employees receive the accommodations they require, negotiate necessary arrangements for work accommodation and influence company policies on how positions are filled. However, in all three countries studied, the topic of work accommodation has not been on the agenda of national level trade unions and employer associations. Firstly, it is important to remember that trade union density, employee workplace representation and collective bargaining coverage are very low in all three countries, which greatly influences the opportunities to affect work accommodation via industrial relations (see section 4.1 and 4.2). In addition, social partners interest and awareness on the issue is poor, which is also a prerequisite for work accommodation to be implemented. Trade unions also see it as an issue that should be driven by employers or the State, while employers also lack initiative due to different factors discussed above. For example, in **Poland**, trade unions lack interest on the topic for a combination of reasons - mainly because they have focused their attention on defending the right for fair pay for employees and secondly because of the limited awareness of the actual needs of disabled people and possible solutions for work accommodation that could be implemented. In all three-major national-level trade unions have posts charged with tasks related to the issues of older and disabled people in the labour market, however, work adaptation is not seen as a field where trade unions should take the initiative, as it is the responsibility of employers. It seems that despite being quite inactive in the matter as well, the introduction of legal and financial instruments promoting the employment of disabled people and the

¹² <http://tavmunka.org/wp/tavmunka-itt-a-csaladbarat-es-hatekony-munkavegzes-ideje/>

outflow migration of experienced workers that has made them more aware of the need to keep older workers on the labour market has brought the issue into their focus. Representing the different needs of different groups also makes trade unions to consider what topics to push into bargaining agendas. Therefore, it may explain why in the **Hungary** workshops, trade union representatives discussed how representing older people might not necessarily be beneficial for them, because employers would use an inflow of new employees to their advantage as an excuse to reduce wage levels for all employees and, consequently, trade unions would find it harder to protect their current members' interests. Regarding disabled people, they are currently represented by organization that is active in the sheltered workshops in **Hungary**, thus, trade unions active in the open labour market currently do not represent disabled people. In **Estonia**, work accommodation has also not been in the top of the agenda for Estonian trade unions and employer associations and so far, they have not initiated any direct activities themselves to promote work accommodation although there are a few references and articles on work accommodation also published by national level social partners (see section 4.2.1.).

Thus, one of the key issues that currently prevents social partners addressing work accommodation is their own low capacity, awareness, willingness and experience to cooperate on the matter. Trade unions and employers do not want to take the responsibility or are not capable of being the driving force to promote work accommodation. One the one hand it can be ascribed to the historical reasons that have shaped the labour market and industrial relations practices and led to low levels of union membership, employee representation and collective bargaining coverage and on the other hand it can be ascribed to work accommodation not been acknowledged as an industrial relations matter (e.g. marginal issue for social partners), but rather linked to equal opportunities and diversity management or health and safety issues.

4.2.3. The Way Forward with Collective Initiatives

While there are several issues that impede social partners from promoting work accommodation as discussed in section 6.2.2. How to move past these contingencies and move forward with employers' and employees' measures to support work accommodation will be discussed in this section. The proposals discussed during the seminars with **Estonian, Hungarian and Polish** social partners reflect the realities of industrial relations system. As work accommodation as an issue has not been extensively on the agenda yet, the proposed measures are mainly related to knowledge sharing on work accommodation and this way, empowering industrial relations. Though the seminars did not directly lead to sketching the way toward to binding collective agreements that would enforce rights and obligations beyond governments', in all the three case studies, it was believed that knowledge sharing and raising awareness is the required starting point that would make further action possible in the future.

The realities of industrial relations in the three countries also foreclose financial incentives designed and implemented by social partners. In some European countries, like the Netherlands, there are examples of sectoral agreements where employers pool resources to compensate for occupational accidents and reward workplaces with effective or innovative occupational health management (European Foundation for the Improvement of Living and Working Conditions and European Agency for Safety and Health at Work 2014). Theoretically, similar schemes could be designed to motivate work accommodation. However, similar schemes are non-existent in the three countries reflecting both the limited agenda of representation and bargaining and capability to jointly design and implement these

measures. Interestingly, during the country seminars no economic incentives were discussed or considered. At the same time, as will be discussed below in the section on employment policy and social dialogue, social partners in principle consider financial incentives to motivate work accommodation actions which otherwise might not occur without the monetary benefit crucial.

Now, focusing on knowledge sharing activities, there are two types of closely related activities that could be discerned. Firstly, as the employers and employees' representatives' general awareness about work accommodation is lacking, there is a need to compile and disseminate relevant information. In the **Estonian** case study, the solution proposed was an integrated website or interlinked website that would reproduce the most crucial information on work accommodation and provide details of experiences or stories of employers and employees negotiating and implementing accommodations. In the **Hungarian** case study, it was proposed that trade unions, employer organisations and civil organisations could compile job registers that would match the jobs can perform to the different types of illnesses and disabilities¹³. Also, in the **Hungarian** case, it was recognised that trade unions officials and representatives would require disability sensitization training that would give them skills and knowledge required to interact and deal with people with disabilities with confidence and facilitate the integration of people with limited work abilities into the workplace. Similarly, in the **Polish** case study several awareness issues were raised that social partners need to address. In particular, the idea of an educational campaign focused on the European Accessibility Act was forwarded. In more general terms, social partners agreed that educational campaigns addressing wide range of population with issues related to two groups in focus should be pursued. In all three countries, civil society organisations, specifically those representing disabled people, were named as necessary cooperation partner in implementing awareness raising activities.

Secondly, discussion emerged regarding confederations and sectoral organisational capacity to empower employers and employee representatives at different levels. In addition to raising the general awareness on work accommodation discussed in the previous paragraph, capacity, it was discussed, needed to be improved via consultation frameworks. The **Estonian** case study resulted in agreement to compile a section for the abovementioned website that would describe a toolbox that representatives could employ during workplace and sectoral level representation. An agreement was also made to discuss the know-how in up-coming trade unions and employers' representatives' seminars. However, it should be noted that no particular solution was proposed that would keep this knowledge sharing effective beyond the current action research project. In **Hungary**, it was discussed that a committee within the sectoral union could be established to put work accommodation onto the agenda and define how to advocate the particular interests of workers with disabilities or limited working abilities best, and monitor what sector-specific collective bargaining recommendations or models come from sectoral trade unions.

This capacity building goes beyond national level, as member state activities are conditioned by EU level social partner activities and Member States social partner activities feed into EU level activities. Most recently and notably, after nine months of negotiations, EU employers and trade unions approved a framework agreement on active ageing and an intergenerational approach in 2017. Among other

¹³ Still, the approach needs to take into account that not everyone with a medical condition has the same limitation or needs the same suitable terms of employment. Similarly, the approach must avoid that some jobs will become stigmatized and seen as low status and low paid.

things, the agreement particularly states that “social partners and/or management should facilitate, promote and encourage implementation of adaptable work organisation over the life course”. The **Hungarian** social partners, considered the agreement one of the key interventions to be executed to influence labour market inclusiveness in the coming years. Though **Estonian** social partners did not discuss the framework agreement during the workshop seminars, in addition to communication they also consider implementation of the framework crucial for make the labour market inclusive and adapt to the demographic and employment trends. It follows that at the European level of social partner organisation consideration needs to be given to differences between industrial relations systems in different countries when considering steps to empower country level social partners on this issue in general and implementing agreements. This includes national level social partners working together to share knowledge and best practice across EU member states.

A crucial part of the workshop seminars was conceiving and designing measures that could be and will be implemented. In the end, no binding agreement was made in the **Hungarian** seminars regarding a factual plan to deliver the measures. Similarly, in **Polish** case study no specific measures about how to improve knowledge and build capacity of employers and representatives were proposed and elaborated, apart from a proposal to propagate special contests for employers, rewarding those whose conduct is “elder/disabled employee-friendly”. In the **Estonian** seminars, quite detailed plans were elaborated, but weighing in on the risks, social partners worried that after their initial plan (integrated and interlinked webpage) will be launched, it might be difficult to ensure that the page will be systematically updated and complemented with additional new information as new topics emerge constantly that demand social partners’ attention and thereby the resources to deal with all relevant topics might not be sufficient. Thus, overall it can be concluded, that social partners in all three countries are cautious and slow in taking a proactive position on the matter. Still, in all the three countries communication plan was designed and implemented in cooperation to national social partners to disseminate the finding from the seminars and this way promote work accommodation for disabled and ageing people.

4.3. Social Partners Role in Developing and Implementing Government’s Work Accommodation Policy

Social dialogue in one of the cornerstones of co-creation and implementation of (central) government employment policy in Europe. More particularly, the involvement of employers’ associations and employees’ unions could lead to better work accommodation policy design and implementation, including employment law and making the employment rights, economic incentives and knowledge sharing, effective.

Government interventions can be targeted at changing the behaviour of employers towards employing people with long-term illnesses or disabilities or can be focused on disabled people themselves, aiming to change their behaviour and/or attempting to make them more employable (Clayton et al. 2012a). Especially in countries where collective determination of terms of employment and working conditions is limited, social partners aspire to change the central governments employment policy rules and implementation that affect their opportunities to bargain and provide work accommodation. Also, the involvement of employers’ associations and employees’ unions are believed to lead to the best government policy design as they bring the in-depth and current understanding of the issues to the policy making process (Hirschman 1970). To add, involvement of social partners in the policy making

process could also win their commitment to an enforcement role: thus making employment rights effective (Freeman and Medoff 1984). Therefore, we next shortly describe the government employment policy that influence work accommodation.

The employment policy-mix in **Estonia, Hungary and Poland** is described in the following table (Table 5). Note that different policy measures are targeted at either disabled or older people and their respective employers. In addition, although the study focuses predominantly on direct measures, some indirect measures are also outlined if considerable effect on suitable employment and work accommodation could be inferred from the intervention logic/program theory

TABLE 5. EMPLOYMENT POLICY OF WORK ACCOMMODATION IN ESTONIA, HUNGARY, POLAND

	Estonia	Hungary	Poland
Rights and obligations in employment law	<ul style="list-style-type: none"> ■ Obligation to reasonably accommodate; (D & O) ■ Obligation to consult with work environment council on work accommodation (D) ■ Anti-discrimination clauses, including stating that creating suitable work is not discrimination of others (D & O) ■ Dismissal protection (D & O) (indirect) 	<ul style="list-style-type: none"> ■ Obligation to reasonably accommodate; (D & O) ■ Employers are required to consult the disabled employee about the accommodation (D) ■ Employers obligation to develop rehabilitation plan (D) (indirect) ■ Dismissal protection (D) (indirect) ■ Employment quota, including penalties for non-compliance (indirect) (D) ■ Negative measure-strict limitation of employment (public service officer) (O) (indirect) ■ Anti-discrimination clauses, (indirect) (D & O) 	<ul style="list-style-type: none"> ■ Obligation to reasonably accommodate; (D) ■ Anti-discrimination clauses (D & O) (indirect) ■ employment quota, combined with obligatory contributions (fees) to the State Fund for Rehabilitation of Disabled Persons (PFRON) in the case of non-compliance (indirect) (D)
Financial stimulus in tax-benefit system	<ul style="list-style-type: none"> ■ reimbursement of the costs of adapting and creating a workplace, special aids and equipment (D) ■ tax exemptions (employer) for <i>medical</i> 	<ul style="list-style-type: none"> ■ tax credit on social insurance contribution (indirect) (D & O) ■ obligation to pay rehabilitation contribution, if doesn't quota for employing 	<ul style="list-style-type: none"> ■ Employment quota, g combined with obligatory contributions (fees) to the State Fund for Rehabilitation of Disabled Persons (PFRON) in the case of non-compliance (indirect) (D)

	<p><i>devices, special aids, suitable transport (D)</i></p> <ul style="list-style-type: none"> ■ tax exemption of social insurance contribution (indirect) (D & O) ■ subsidising salaries (indirect) (D) 	<p>disabled workers (indirect) (D)</p> <ul style="list-style-type: none"> ■ -reimbursement of the costs of adapting and creating a workplace, special aids and equipment (D) 	<ul style="list-style-type: none"> ■ Reimbursement of the costs of adapting and creating a workplace (D) ■ Refund of a part of social insurance contributions (indirect) (D) ■ Reimbursement of the costs of hiring a disabled worker assistant (so called: supported employment) (indirect) (D) ■ Subsidising salaries and labour cost (indirect) (D & O) ■ Subsidy for starting or continuing (a loan) self-employment, agricultural or cooperative activity (D)
<p>Information, i.e. disseminating normative knowledge to raise awareness about policy and go beyond policy</p>	<ul style="list-style-type: none"> ■ there is short article on work accommodation on CPA work-life portal (D & O) ■ Labour Inspectorate and Estonian Unemployment Insurance Fund consults of work accommodation (D) 	<ul style="list-style-type: none"> ■ every local government must have an equal opportunity plan (indirect) (D & O) 	<ul style="list-style-type: none"> ■ Training (project) to CPA and regional government on the issues related to employment of disabled people (D) ■ National campaign on equal opportunities (indirect) (O)

Source: Based on the case study reports, and Ferri et al (2016) and Mallender et al. (2015)

Notes: CPA – central public administration; D – disability; O – old; indirect – measure on disability and old age in general, not in particular with work accommodation

An impact assessment of the different types of interventions aimed at motivating the employment of disabled and older populations in general, or work accommodation, is lacking. However, some empirical studies, most notably by Bronchetti and McInerney (2015), Burkhauser et al. (2011), Clayton et al. (2012b) and Charles (2004) provide some evidence that work accommodation measures, while often having a low take-up, have a positive impact on employment.

Unfortunately, there are no counterfactual work accommodation policy evaluations of **Estonia, Hungary, Poland**, thus the effectiveness of current policy mixes or individual measures is unknown (though some theoretical, qualitative evaluations exist in the countries).

During the action research, in discussions between social partners, several proposals were advanced to change either national work accommodation policies or employment policy in general. However, only in **Estonia** did social partners consider that, in particular, the work accommodation policy needed revising. In **Poland and Hungary**, debate, focused more generally on disability or age management interventions. The changes that were proposed by social partners are outlined in the following table (Table 6) and in more detail presented in the case study reports.

TABLE 6. CENTRAL GOVERNMENT WORK ACCOMMODATION POLICY AMENDMENTS PROPOSED BY SOCIAL PARTNERS

	Estonia	Hungary	Poland
Employment Law	<ul style="list-style-type: none"> ■ Extend the right of work accommodation and obligation to accommodate work to older people ■ Supplement knowledge requirements of the working environment representatives and working environment specialists on work accommodation 	<ul style="list-style-type: none"> ■ Improve the coverage and enforcement of the work accommodation rights and obligations. ■ Extend general flexibility in working conditions, like working time, place of work, regulation ■ Preferential employment in public sector 	<ul style="list-style-type: none"> ■ Working time accounts – specially tailored to the needs of older (50+) workers, e.g. by introducing flexible rules on ‘saving up’ working time in individual working time account ■ Reviving telework – current legal regulations are too strict regarding health and safety conditions
Tax law	<ul style="list-style-type: none"> ■ Clarification required to the eligibility rules and tackle possible discrimination of different people with occupational disability 		
Active Labour Market Policy/ Unemployment protection law	<ul style="list-style-type: none"> ■ Work Accommodation Service and Incentive - amendment to policy implementation required to improve the coverage and take-up 		Provide personal assistants for disabled employees, subsidized by the state
Knowledge sharing	<ul style="list-style-type: none"> ■ One entry point that could network expertise and knowledge for case management and designing and 	<ul style="list-style-type: none"> ■ Compiling job register that would match suitable jobs, suitable working conditions with disabilities, i.e. 	

	implementing work accommodations	Functional and structural limitations. <ul style="list-style-type: none"> ■ Public campaigns to increase awareness on employment in old age and disabled people, and suitable work and working conditions. 	
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Source: Authors' compilation based on case study reports

Two general comments emerged from the proposals put forward by social partners in country workshop discussions. Firstly, that country representatives did not aim for more extensive regulation and economic incentives, but rather, making the current policy interventions available, effective. Secondly, both due to lack of awareness of work accommodation policy measures in general and lack of knowledge on disability policy in particular, the complementary policy measures were discussed and proposed that directly influence work accommodation.

A key outcome of the workshops with social partners was the development of several proposals to both fine tune existing work accommodation policy rules and make their implementation more effective. Social partners have the potential to influence employment policy, including policies that influence work accommodation via social dialogue with central government policy makers. The window of opportunity was opened by recent disability reforms in **Estonia**¹⁴ (consultation started 2012), **Hungary** (in a national reform programme since 2012), and revised old-age government program to support their retention in employment in **Poland** (adopted in 2014).

In the context of reform, in **Estonia** in 2014 a goodwill agreement (Disability, or damage to health and the protection of human social cooperation agreement) was agreed between the government, labour market and social services providers, trade unions and some representative organisations of persons with disabilities¹⁵. The agreement proposes that occupational health and safety regulations should be reviewed to identify incentives to improve the working conditions and work environment of disabled people. However, the further development and implementation of the agreement to influence work accommodation has not been discussed, and was not discussed in detail during the action research. Thus, new frameworks for the dialogue might be needed to continue the discussion on work accommodation policy.

The social partner role in disputing legally questionable or directly discriminatory stipulations in the employment law cannot be underestimated. Although, the social partners in the three countries have

¹⁴ (see the overview of the reform here).

¹⁵ However, the major representative organisations of people with disabilities that had been vocal in expressing their criticisms and points of view during the debate did not sign the agreement. They claim that the government had not taken into account the shortcomings they had pointed out and their suggestions made during the parliamentary debate

not criticised the national work accommodation legislation in respect to corresponding ILO and EC regulations, there is one indirect model for the future interventions. In **Hungary**, restrictions to the employment of older people were challenged at the European Court of Human Rights for public sector restrictions. Lifting the ban and other administrative restrictions is supported by trade unions because there is a serious demand for the employment of retired people in education and healthcare. Another comparable example comes from **Poland**, where trade unions have attempted to shape the legal environment in favour of disabled people. NSZZ „Solidarność” successfully battled for the resumption of the seven-hour working day as a standard form of employment for people with an officially recognized disability. The trade union did not agree with the argument put forward by NGOs and employer organizations that seven-hour working day is discriminating against disabled persons, because it could legally be extended to 8 hours, if requested by the employee, following the consent from his/her doctor. The motion the union filed to the Constitutional Court was reviewed as valid, thus the law was changed (bringing back the previously binding legal provisions).

The most institutionalised route to potentially influence employment policy is via tripartite institutions where social partners are recognized, such as social insurance institutions (**Estonia, Poland**) and institutionalised forums or commissions (**Poland, Hungary**). In **Estonia** as the direct outcome of the workshops, social partners plan to put the issues of Estonia work accommodation policy implementation (coverage, take-up) on the agenda of the Unemployment Insurance Board meeting in the Autumn. In **Hungary**, two national level tripartite bodies exist (see section 6.1) where social dialogue takes place, and employers’ and employees’ organizations participating at the seminars were open to put work accommodation related topics on the agenda of VKF (Private Sector’s and Government’s Permanent Consultative Forum) (Kisgyörgy – Pásztóy, 2014).

In **Poland**, the main social dialogue body at the central level in Poland is the Social Dialogue Council¹⁶ [Rada Dialogu Społecznego, RDS] established in 2015 (see section 6.1). In addition, at the beginning of last year, in **Poland** a Senior Citizens Policy Council was appointed, where representatives of employers’ organisations and trade unions could influence active ageing policies. However, no roadmap was outlined on how to influence government policy through these bodies during the seminars.

Although social partners knowledge on work accommodation and work accommodation policy could be improved, we have seen that the national social partners have used a number of approaches to propose amendments to, or development of, measures to stimulate work accommodation. This includes making proposals in tripartite social dialogue or disputing regulations and legal conflicts. Regarding future steps, the social partners also suggested that changes needed to be made to the existing policy mix on work accommodation, which needs to be negotiated with other policy makers and implementers.

¹⁶ Social Dialogue Council operates by virtues of the Act of 24 July 2015 on the Social Dialogue Council and other social dialogue institutions (Journal of Laws 2015, 1240).

5. Conclusions: Calls on the Social Partners Future Steps

In this action research report, we have discussed the impact of industrial relations on work accommodation in Estonia, Hungary, Poland and more generally the role of industrial relations in promoting the labour market inclusion of disabled and older workers. In the report, in addition to illustrating the potential of the influence of collective employment relations on work accommodations, we also highlight the challenges that social partners face collectively determining suitable terms of employment and working conditions for disabled and older people. In this concluding section, the key challenges are discussed, and suggestions are made that apply to the three case study countries, but also to other industrial relation systems.

Although work accommodation presumes individualised solution for particular employees at a particular workplace, collective employment relations in its different forms could encourage actions at workplace level and empower workplace level actors in co-determining and negotiating reasonable accommodations. Also, work accommodation could be considered one approach to non-standard terms of employment and working conditions among other approaches including but not limited to work-life reconciliation. A shift in thinking away from trying to fit people into standard jobs and instead fit jobs around people is required to support people in work over their life course. Social partners potentially play a crucial role in ensuring that fitting work around individuals becomes a central feature of labour market of tomorrow.

Social partner interventions to support work accommodations are first and foremost limited by their capacity and available resources. Different economic and employment related issues are competing for the social partners' attention, especially in small countries like Estonia and in countries where the role of collective employment relations in co-determining terms of employment and working conditions is relatively modest, like in Estonia, Poland, Hungary. All three countries can be described as having low level trade union density, low employee workplace representation coverage and low level collective bargaining coverage. Thus, it is quite understandable that work accommodation has not received the attention by social partners that it deserves - employers' and employees' representatives have focused on for instance wage bargaining rather than bargaining related to quality and type of work available to different labour market subgroups, including disabled and older people. Nevertheless, as demographic challenges like labour shortage and workforce ageing have been emerging, work accommodation has the potential to be more extensively addressed in collective employment relations. Likewise, social partners have become more open to ideas related to social responsibility and equal opportunities that could also be addressed in equality bargaining to bring about more inclusive labour market for disabled or older people.

In the three countries, the key to successful representation and bargaining is an improved understanding of work accommodation. This implies understanding that presuming one work arrangement suits all employees and sticking to a standard form of job design would hamper inclusiveness in labour market and employment relations. It suggests that there is need for a shift in the way jobs are thought of and that when employing older and disabled workers the employee needs to be the starting point, rather than the job. During our workshop discussions with social partners we found that the motivation and readiness to put work accommodation on their agendas could be

improved by sharing knowledge on work accommodation, managing accommodations at the workplace, representing and consulting employers and employees in negotiating accommodations and implementing the accommodations, bargaining accommodation collectively and other actions that employee and employer representatives could take to influence work accommodation at workplace, sectoral and national level. It suggests that as social partners are the experts on industrial relations they shall also cooperate with civil society organisations who represent disabled and older workers to learn from their own and their colleagues' experiences about how to make work accommodation happen.

Industrial relations in Estonia, Hungary and Poland could not be described as featuring strong collective bargaining. Industrial relations in these countries are characterised by multi-channel representation at the workplace level and institutionalised social dialogue on national level. Currently, there have not concluded any binding collective agreement on work accommodation. However, regulation of occupational health and safety is more common, which also can be considered building block for negotiating suitable terms of employment and working conditions in the future. Also, the national regulations of work accommodation rights and obligations leaves considerable room for workplace and sector level regulation, including specifying who is eligible for accommodation, when employer has obligation to accommodate, what accommodations employers shall reasonably guarantee, with whom parties should consult, and what follows in case of failure to accommodate.

As the dominant level of collective bargaining in all three countries is the workplace level, the importance of workplace level representation in consulting and negotiating reasonable accommodations could not be stressed enough. The multi-channel representation at the workplace level includes but is not limited to work councils, occupational health and safety specialists, occupational health and safety representatives, employee trustees. Empowering them by sharing knowledge on work accommodation and workplace level work accommodation practices is crucial for work accommodation. What is required from the sectoral and national level partners is a willingness to mutually learn from the representation and consultation practices and via knowledge sharing ensure the dissemination of the best practice.

Historically, disabled and older people have organised into their own interest groups and representative organisations. At the same time, trade unions have not specifically represented the interests of these groups. Discussions with social partners point to opportunities to develop fruitful cooperation with representative organisations of disabled people and older people – former groups are well informed about interests of the groups and the latter could factually represent these interests in employment relationships. Employers' and employees' representatives could much learn about suitable terms of employment and working conditions from these interest groups and disseminate the knowledge to both workplace level and higher-level representation. This could also help trade unions to increase their low membership and increase their relevance and role in the changing labour market.

During the discussion seminars with Estonian, Hungarian and Polish social partners, a number of knowledge sharing initiatives were outlined, including disseminating best practice of work accommodation via webpages, newsletters, training sessions and workshops. Although no sustainable action plan was conceived that would go beyond the lifespan of this project, we would encourage the social partners in the three countries to continue work on the issue at the national level and also bring it to EU level social dialogue agenda. Their participation in agenda setting and their cooperation on disability and age management is required to most effectively respond to the demographic and labour

market challenges and future developments of social Europe. Social partners should be bold – and to influence terms of employment and working conditions they need to take the initiative rather than only expect solutions from government.

As already hinted, industrial relations and social dialogue are multilevel practices in Europe. There have been several initiatives the social partners have started to address that are challenges faced by older or disabled people in the labour market. Most recently and notably, EU employers and trade unions approved a framework agreement on active ageing and an intergenerational approach in 2017. Among other things, the agreement specifically states: that “social partners and/or management should facilitate, promote and encourage implementation of adaptable work organisation over the life course”. Both Polish and Hungarian social partners considered the agreement one of the key interventions to be executed to influence labour market inclusiveness in the coming years. However, as with similar actions, the success and impact of the agreement depends on its implementation. The research project found there is much to be done to improve the social partners’ expertise on work accommodation. Thus, collecting and sharing knowledge on work accommodation from bottom up and from top- to-down is required to take into account country differences in industrial relations systems, including differences in representation and co-determination.

The industrial relations system in the countries have been described as state centred industrial relations regimes, where the social dialogue with government employment policy makers is crucial but fragmented. Further, the government is the main regulator of work accommodation in these countries. This is also reflected in discussions with social partners that they expect government to lead and they will play a passive or reactive role, rather than be proactive. It is our recommendation that social partners should take initiative and not only point at gaps and shortcomings in government work accommodation policies, but be boldly proactive in making the labour market inclusive and matching demand and supply of suitable work for disabled and older people. As the world of work is changing, social partners need to keep up with the challenging trends. Also, we call on all the parties to make steps to understand and improve the knowledge on work accommodation policy and how to make work accommodation happen at workplace level.

During the discussions, social partners often pointed to general employment and social security policy measures (for instance the mandatory retirement age) that could be improved to support employment. Partially, these discussions point that social partners currently do not have focused and detailed knowledge on work accommodation policies and are tilting toward policy areas they are more familiar with. However, similarly it points to the importance of not only focusing on one element, but instead building a big picture of how mutually reinforcing combinations of different policy measures, including work accommodation policies, are necessary to maintain and improve the employment of older or disabled workers. It follows that while designing the policy measures and industrial relations measures it is needed to have good knowledge on work accommodation and then deliberately design measures in the more broad policy mix.

We have seen that the coverage and eligibility of intervention, both central government policy and collective employment relations instruments differ for disabled and old people. Different language is used in the literature and program theory – for example, work accommodation is used in respect of disabled people and work design for older workers. Rights and obligations and incentives to make work accommodations are manifested more likely in disability related legislation not age-related legislation.

Thus, the policy and industrial relations responses should be designed in the way to motivate and support work accommodation for both disabled and ageing workers. Even more, life-course perspective is required that would prevent work related reduction in work capacity.

As discussed with the national social partners, it is important to improve the implementation of existing government policy measures. Additional government intervention could be controversial, as the fundamental policy challenge is to implement measures that promote employment, but not to the extent that they simultaneously discourage the hiring of workers with reduced work capacity or a disability due to possible excessive obligations and related cost burden. Thus, making the employment law effective and improving the take up of economic incentives may require both making the administrative process more transparent and matching the rules to organisations and employment relations practices. We call on the central governments and social partners to figure out how to make the current work accommodation policy work for both employees and employers.

During the action research representatives pointed to several opportunities to influence government work accommodation policies, however, they were also reluctant to draw up a specific roadmap to take the agenda forward. Nonetheless, social partners from the three countries already previously have both disputed or challenged discriminatory stipulations or stipulations not in their best interest. This also opens the window for future actions to make the employment rights effective or regulating the work accommodation reasonably. Although, the social partners in the three countries have not criticised the national work accommodation legislation in respect to corresponding ILO and EC regulations, they see number of shortcomings in the design or implementation of the national work accommodation policy measures. The most institutionalised potential to influence employment policy is also via tripartite bodies that could directly address shortcomings in work accommodation policy design and implementation. We call on social partners to keep work accommodation on their agendas and proactively discuss the work accommodation policy measures with other policy makers and implementers.

The literature review of counterfactual impact assessments of interventions that aim to motivate work accommodation is rather lacking. In comparison, there are measures like supported employment that have a detailed programmed theory that outlined the intervention logic and is counterfactually evaluated (Modini et al. 2016). Arguably, the future efforts to enable older people and disabled people to participate in the labour market would benefit from rigorous program theory and program evaluation. This would include social partners that could argue for knowledge based government policy programs and their sovereign interventions. Thus, it is required that policy research institutes, including government offices support evaluating different interventions and this way support program development via social dialogue and industrial relations.

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