

This is an Open Access document downloaded from ORCA, Cardiff University's institutional repository:<https://orca.cardiff.ac.uk/id/eprint/135596/>

This is the author's version of a work that was submitted to / accepted for publication.

Citation for final published version:

Foster, Deborah , Masso, Mart and Osila, Liina 2021. Work accommodations and sustainable working. The role of social partners and industrial relations in the employment of disabled and older people in Estonia, Hungary and Poland. *European Journal of Industrial Relations* 27 (2) , pp. 149-165.
10.1177/0959680120971896

Publishers page: <https://doi.org/10.1177/0959680120971896>

Please note:

Changes made as a result of publishing processes such as copy-editing, formatting and page numbers may not be reflected in this version. For the definitive version of this publication, please refer to the published source. You are advised to consult the publisher's version if you wish to cite this paper.

This version is being made available in accordance with publisher policies. See <http://orca.cf.ac.uk/policies.html> for usage policies. Copyright and moral rights for publications made available in ORCA are retained by the copyright holders.



Work accommodations and sustainable working. The role of social partners
and industrial relations in the employment of disabled and older people in
Estonia, Hungary and Poland

Foster, D., Masso, M and Osila, L

(pre-publication version)

Abstract

The under-utilisation of the labour of disabled and older people is a problem across the European Union (EU) but is most pronounced in Central and Eastern European (CEE) member states, where labour shortages are greatest. This presents a puzzle that is explored with reference to a project with social partners from Estonia, Hungary and Poland, the objective of which was to stimulate debate and actions around the role of industrial relations actors in facilitating work accommodations for disabled and older people. After establishing the extent of the demographic labour crisis in these countries, the policy tools being employed to address it are scrutinised and found wanting. A variety of factors are identified as having contributed to debate in this area: historical legacy; social policy path-dependency; social partner identity and agency; a 'dead letter' approach to EU policies and the limited role of civil society organisations. We examine the potential of the concept of sustainable work, more commonly found in Northern Europe, to influence alternative approaches to the employment of disabled and older people in countries where state, labour and employment relations differ.

Keywords: work accommodations; sustainable work; industrial relations; social partners; demographic change; ageing workforce; disabled workers; Central-Eastern Europe.

1 INTRODUCTION

The demographic time bomb and its consequences for labour supply and welfare states, has been a longstanding concern of all EU countries. Increasing the labour- market participation of disabled and older people is viewed as one solution, though progress on integrating them into mainstream employment has been slow, particularly in CEE countries. Increased life expectancy, low fertility rates and emigration among young people, alongside the economic and welfare restructuring that accompanied EU membership, have combined to produce a particular set of circumstances to navigate. With reference to secondary and primary data collected between 2016 – 2018 for an EU funded action research project with social partners in Estonia, Hungary and Poland, we examine the reasons why progress on integrating the labour of older and disabled people has been slow and what role could be played by employment relations actors in the future.

The Hungarian government illustrated the extent of the region's demographic crisis in 2018, when in an attempt to address labour shortages it proposed what were dubbed 'slave laws', to enable employers to demand up to 400 hours a year overtime from workers (Eurofound, 2019). The continued under-utilisation of the labour of older and disabled people, despite high overall demand thus, appears puzzling. A number of factors help to explain this. Negative attitudes persist, particular towards disabled people, influenced by past Soviet productivist ideologies (Mladenov and Petri, 2020) that shaped 'ideal worker' expectations based on ableist stereotypes (Acker, 1990; Foster and Wass, 2013). An associated continued attachment to full-time employment and mistrust of flexible forms of working has further obstructed the labour market participation of disabled and older people. Originating from legitimate concerns about the consequences of unregulated employment and the growth of the informal economy in these countries (Greskovits, 1998; Lissowska, 2017; Woolfson, 2007), the latter is viewed as both a cause and consequence of the underdevelopment of union representation in the formal economy and a key contributing factor to fragmented systems of industrial relations (Crowley, 2002). The influence of EU policy on the employment of older and disabled people has also been stymied by what has been termed a 'dead letter' approach towards EU policy (Falkner and Treib, 2008:16; Meardi, 2012). This has occurred because of the dominant role of the state in implementing

EU social and employment policy, contributing to the weakness of neo-corporatist institutions and low social partner engagement and resulting in poor policy compliance and enforcement (EU, 2016; Ost, 2000).

The enduring impact of legacy on labour in CEE countries has been debated in both the industrial relations and social policy literatures. The institutional legacies of trade unions, ideological legacy of the discourse of class and the struggle of social partners to create their own identities, have all been viewed as factors in explaining the overall weakness of labour (Meardi, 2012; Ost and Crowley 2001). In terms of specific groups, Mladenov and Petri (2020:18) refer to the legacy of disabled labour under state socialism, which was defined in terms of someone's "medically identifiable inability to work". The consequence of which has been that "disabled people in the post socialist countries of CEE continued to be systematically subjected to economic deprivation, cultural devaluation, and political disempowerment" (Mladenov and Petri, 2017:104). In respect of older workers, legacy is more recent and linked to economic change and the restructuring of welfare associated with EU membership. Thus, while some workers initially benefitted from retirement schemes aimed at protecting them but also at avoiding well organised protests, increases in the state pension age have subsequently occurred in CEE countries and had a negative effect on this group (Greskovits, 1998; Vanhuysse, 2006). Job retention figures of over 55's have continued to be weaker than other EU member states (Wojciech et al. 2018) and the intersection of disability and ageing is significant: particularly the relationship between poor working conditions, poverty and the prevalence of disability in older age. Indeed, evidence suggests that the rise in pensionable age in CEE countries occurred during a period when demand for disability benefits, particularly disability pensions grew, but there was less scope to meet them (Mladenov and Petri 2020:19). It is also significant that commentators across a number of countries have observed that disability has become an increasingly politically contested category in states experiencing austerity, where access to benefits have become increasingly limited (Mladenov, 2017; Mladenov and Petri, 2020; Roulstone, 2015).

The sheer pace of political and economic restructuring, demographic change and labour market pressures brought huge challenges to CEE countries. Many participants in our

project remarked that this was the first real opportunity they had encountered to properly explore and reflect on the potential contribution of disabled and older workers labour and their role in maximising its contribution. Following discussions with social partners and civil society groups, as researchers, we were also able to reflect on how a sustainable working approach over the life course could improve an understanding of the needs of diverse labour. The range of issues discussed with social partners included job quality, job redesign, flexible working, equal opportunities, improved working environment and health and safety in respect of older and disabled workers, which were of much wider relevance to trade union memberships. This provided the stimulus for linking our findings to the concept of sustainable working. We discovered, nonetheless, that existing debates, while recognising the importance of the labour dimension of sustainability (e.g. Eurofound, 2015; ILO, 2017) had not considered the diverse needs of that labour in any depth. We were particularly interested in exploring this gap in countries experiencing acute shortages of labour, where theoretically, there should be potential to build a consensus around the need to utilise available labour more effectively.

Discussion proceeds by briefly sketching the origins and potential utility of the concept of sustainable working. The role that industrial relations actors have played in developing working environments to sustain disabled and older people in employment is then explored and evidence from our research project is detailed. In particular, we draw on data compiled for the project on demographic challenges and policy responses, the status and availability of workplace accommodations and role of employment relations actors, in each of the participating countries. The concluding discussion evaluates findings and asks whether work accommodations, together with state policies, influenced by practice elsewhere in the EU, actually helps sustain segregation, rather than integrates disabled and older workers. In our concluding debate we explore whether a sustainable work agenda might address common concerns about current policy held by social partners and provide a positive alternative route for action.

2 THE POTENTIAL USEFULNESS OF THE CONCEPT OF SUSTAINABLE WORKING

The concept of sustainable work has been widely debated in Scandinavian countries and in Germany. These countries have in common traditions of good welfare provision, systems of occupational health and safety, research and practice, labour market education and worker voice (Docherty et al., 2009). These are less apparent in the countries that participated in our research, but sustainability in work is useful for our purposes because of its focus on the relationship between quality of work and working life, which are important elements of a life-course approach. Job content, re-design and flexibility are important when tailoring work for disabled and older people. However, while life-course approaches to work are well-integrated in research on gender (Tomlinson et al. 2018) and to a lesser extent ageing, they are rarely considered in respect of disability: despite the interrelationship between acquired impairments and ageing.

Social partners participating in our project had all engaged with EU initiatives around the European Pillar of Social Rights and the 2017 European social partners' Autonomous Framework Agreement on Active Ageing and an Inter-generational Approach. However, one purpose of the workshops was to get them to think about their own solutions, independent of the state (or EU). For this reason, we were interested to identify an example of a collaborative social-partner led platform for sustainable work. One such example was found in Sweden, where researchers, social partners and representatives from private companies and public authorities had established a sustainable work consortium (Sustainable Work, 2019). The significance of this was that it had formed despite, and perhaps because of, cuts in government funding for working life support. In doing so it illustrated the potentially positive role social partners could play in developing a sustainable work agenda independent of the state.

No single model of sustainable working exists, however, in a 2015 concept paper Eurofound identified a number of factors as important in facilitating it. These include national policy context, regulations and systems of industrial relations, as well as practices of worker participation and voice.

There is no default formula to design this interaction between individual, the job and the support system – multiple permutations are possible. Social dialogue and collective bargaining play an important role for achieving sustainable work: firstly, by facilitating workplace practices that allow for a better match between jobs and the needs and abilities of workers over their life course; secondly, by developing a shared understanding of the needs of both workers and work organisation, addressing several aspects of job quality (Eurofound, 2015: 18).

Inevitably, factors identified as facilitating sustainable work are drawn from countries where initiatives already exist. More generally, Eurofound (2015) also identify two key domains and the ‘fit’ between these, as significant for successful sustainable working. These are: ‘characteristics of the job and the work environment’ and ‘the individual, specifically their characteristics and circumstances’ (Eurofound, 2015:8-9), which we examine in greater depth later.

It is pertinent to note that many employer-led workplace health and well-being (H&WB) programmes claim to be part of the sustainable work movement. A large management consultancy industry has sprung up to support this. However, caution is needed where initiatives conceptualise human sustainability as the maintenance of ‘health’ (which is rarely defined), without consideration of the accommodation of difference (or impairment) and the workplace conditions that create ill-health in the first place. Foster (2018) has argued that trade unions need to reclaim the H&WB agenda and question the dominant discourse used by human resource management departments that employ the metaphor of ‘resilience’ to individualise responsibility for H&WB. This serves the function of scapegoating individual employees who become unwell because of poor working conditions or unrealistic performance targets. The concept of sustainability that we are interested in here is distinct from such initiatives. Concerned to challenge the ableist metrics that often underpin them and develop an approach that recognises the collective social context of work (Foster and Fosh 2010; Foster, 2018) and the diverse characteristics of workers.

3 THE POTENTIAL ROLE OF SOCIAL PARTNERS AND INDUSTRIAL RELATIONS IN DEVELOPING SUSTAINABLE WORK AGENDAS FOR DISABLED AND OLDER WORKERS

In our three participant countries, Estonia, Hungary and Poland, work accommodations to facilitate the employment of disabled or older people are generally categorised as health and safety, rather than equal opportunities matters. This, is problematic, not least because the mechanisms that drive, shape and determine the way work is structured and organised are the concern of employment relations actors (Foster and Fosh, 2010; Masso et al., 2019). Accommodations are also regulated by EU and national anti-discrimination employment laws and this mis-categorisation conceals their social and political character. The adjustment of a standard job by an employer can be a highly contested process, which is often agreed only after protracted negotiations. Adjustments can challenge long established working practices, terms and conditions of employment, norms and power relationships (Foster and Fosh, 2010), but the impetus behind changes is greater inclusion. Job redesign and considerations of worker well-being integral to the process of organising accommodated work, also offer potential to positively change working conditions for other groups of employees. Thus, we argue that changes resulting from work accommodations have the potential for wider social transformation. The prerogative to determine how a job is conceptualised and performed has traditionally rested with the employer, but the duty on employers to make work accommodations, if properly implemented, can disrupt this both symbolically and practically. It is no coincidence, therefore, that when we reviewed the literature on industrial relations and workplace accommodations (Masso et al., 2019) to stimulate social partner discussions in our workshops, we found that positive outcomes were most likely to be associated with a trade union presence in a workplace and representation (Bacon and Hoque, 2012; Foster and Fosh, 2010; Van Laden et al. 2015; Williams-Whitt, 2007).

The development and acceptance of sustainable working practices for specific groups in the labour market have usually required the co-operation of a range of employment relations actors and institutions, including governments, regulatory bodies, employers, employer associations and employee representatives. Interestingly, however, in most EU countries,

although social categories such as gender, ethnicity, socio-economic status and occupational identity have become widely accepted as being significant in *shaping* sustainable work (Tomlinson et al. 2018:6), disability is viewed as something to be *accommodated*. This characterises disabled people as passive recipients of ‘workplace concessions’, rather than active agents in the negotiation of new working practices, which is often the reality (Foster, 2007, Foster and Fosh, 2010). It is also an extension of the way that historically, societies have characterised disabled people: as passive recipients of professional care or charity. Unlike gender and ethnicity, around which collective equality bargaining has been organised, even in the industrial relations literature concerned with promoting intersectional interests, disabled people remain absent (McBride et al., 2014). This usually stems from the medicalisation of disabled and older people’s work situations, rooted in an ableist view of the world: “a network of beliefs processes and practices that produces a particular kind of self and body (the corporeal standard)” (Campbell, 2001: 44). As such we question whether the very language of ‘accommodated work’ and the state policies that sustain it as second class, through the provision of subsidies and other incentives, is appropriate in CEE countries. Here, where a significant shortage of labour exists, there is potentially a greater opportunity to value the labour of disabled and older workers. Furthermore, given that overwork is a contributory factor to the development of a disability and it has been estimated that one in three of the workforce will develop a disability during their working life (IPPR, 2003), this is not an individual or a minority issue.

4 METHODOLOGY

Aims and objectives of this action research were discussed with social partners from the outset and prior to grant funding. Researchers prepared a review of the literature on work accommodations and industrial relations, outlined in Masso et al., 2017 and 2019. This background informed social partners in workshops. It was also decided that country case studies were needed to compare and contrast systems of industrial relations, welfare provision and state policy and practice affecting the employment of disabled and older people.

Three to five workshops were held in each country. Between 12 and 22 representatives from peak trade union, employer confederations and policy institutes attended. Groups representing disabled and older people attended workshops in Estonia and Hungary, but not Poland, although they were consulted in advance. Elsewhere we have outlined more fully the purposes and outcomes of the action research approach (Masso et al., 2019), which had three key objectives: to educate social partners about the potential benefits of work accommodations for disabled and older people, to engage them in discussions about their potential role in improving accommodations and to co-produce solutions for future action. Below secondary and primary data used to compile country case study material not previously referred to, is drawn on. Specifically we focus on three questions:

What exactly are the demographic challenges and policy responses to the employment of disabled and older people in the participant countries?

What is the status and availability of work accommodations in the participant countries?

What is the potential role of employment relations actors in facilitating sustainable working practices for disabled and older people in participant countries?

Demographic challenges and policy responses to the employment of disabled and older workers in the participant countries

Similar demographic challenges have been experienced in participant countries since the late 1990s, including low fertility rates, ageing populations and the out-migration of younger people. These similarities, nonetheless, disguise some important differences and policy responses. For this reason Inglot (2020:6) describes population dynamics as ‘fluid and heavily politicized’. He also argues that, despite current ideological and political affinities between governments in Hungary and Poland, historical legacies have been influential in shaping responses to these problems, particularly in the area of family policy.

The employment of older and disabled people since joining the EU has increased in all countries, however, measures used to stimulate this growth have, at times, caused controversy. Hungary, for example, experienced major public protests in 2007 by restricting eligibility to state pensions. The introduction of a national public works programme in 2011

that targeted job seekers, immigrants and disabled people, but paid them below the minimum wage, was also much criticised (Gyulavári et al., 2018). What followed in 2017 was a more successful National Reform Program, but Hungary's disability employment gap still remains below the EU average (Gyulavári et al., 2018:25). In Poland, the employment of disabled people increased but then stabilised in 2012 at around 21%, with the highest unemployment rate among disabled women (Eurostat, 2015). Poland also experienced an increase in its pension age in 2012 for the first time in decades, which was reversed in 2017. In Estonia, employment levels among disabled and non-disabled people are higher than the EU average, except among disabled men. A Government Action Plan (2016-2023) containing targets on social inclusion, labour force participation and equal opportunities was pursued with active ageing a central part of this: the aim being to achieve an employment rate of 51.4% among those with incapacity to work aged 16-64 by 2020. However, while policy reforms and favourable labour market conditions have increased labour market participation among disabled and older people, the gap still remains significant (Masso et al., 2019).

Welfare systems and industrial relations are important pillars for supporting the labour market participation of older and disabled people, but these regimes are often simply characterised as under-developed in comparison to other EU member states. Inglot (2020) cautions against over-generalising the link between similarities in institutional frameworks and policy outcomes, which is further illustrated by distinctions made by Bohle and Greskovits (2019) between the different types of capitalisms that have emerged in CEE countries. With reference to the three countries that participated in this project, they distinguish between Estonia's market radicalism and relatively low levels of welfare protection and the 'embedded neo-liberalism' that characterises Hungary and Poland, both of which have experienced less market radicalism and higher expenditure on social welfare to protect certain groups within the population from the impact of social and economic change. Similarly, in terms of industrial relations, while all three of our participant countries are often described as having state centred and fragmented bargaining, by utilising the four key dimensions of industrial democracy, competitiveness, social justice and quality of work, Eurofound (2018) has recently categorised Estonia and Poland as 'market-orientated' and Hungary as 'company-centred'. The first two scoring lower on industrial democracy and

Hungary characterised by the state playing a more active role in facilitating company level participation.

Table: classification of the three countries

	Estonia	Poland	Hungary
Welfare regime ¹	Neo-liberal	Embedded Neo-Liberal	Embedded Neo-Liberal
Industrial relations regime ²	Market-Orientated	Market-Orientated	Company-Centred Governance

Sources:

¹ Bohle and Greskovits (2019).

² Eurofound (2018).

The status and availability of work accommodations in participant countries

The key policy instruments for providing work accommodations in all three countries are government grants that fund or reimburse their associated costs. Quotas that require employers with 25 or more employees demonstrate a proportion of their workforce are disabled people, are common, as throughout much of the EU. In Poland, the penalty for not complying with the quota is a monthly payment to the State Fund for Rehabilitation of Disabled Persons. Our research found that between January 2004 and May 2017 the number of employees with disabilities that were state registered and qualified for subsidies and reimbursement in Poland increased from 192,598 to 263,375. While the number of those employed on the open labour market increased from 15,289 to 136,832 and the number of those in sheltered employment decreased (Masso et al., 2017). This suggests two things: that the number of recognised disabled people has increased, possibly as a consequence of the increased average age of those active in the labour force and that disabled people have been increasingly integrated in the mainstream labour market. Sheltered workshops that were common under communism have declined substantially in CEE countries, though evidence of the extent to which these have influenced an attitudinal legacy, is lacking (Mallender et al., 2015). The amount of money raised by the state through

the implementation of a disability quota on employers in Poland totalled 0.87 billion euro in 2016. The state is, therefore, dependent upon employers who fail to meet the quota, because greater compliance reduces contributions, while the volume of due subsidies and reimbursement payable to employers for accommodations increases. This has ignited debate about the sustainability of subsidy and the reimbursement levels (Masso et al., 2017), since public sector employers are major fund contributors (Wapiennik and Krol, 2017:31).

Our research found that the concept of work accommodations were most poorly understood in Hungary. Indeed, an accurate translation did not exist and there is no reference to work accommodations as a duty in employment legal proceedings (Gyulavári et al., 2018:31). Social partners knew that since 2012 the law acknowledged that disabled people are entitled to request accommodations, but complained that little state guidance was available about their implementation. In respect of older workers, tax relief is available if employers employ over 55s, however, these workers do not have legally enforceable rights. The state uses a number of financial incentives and penalties to stimulate disabled people's employment. A 'rehabilitation card' attracts tax relief and a quota system applies, alongside wage subsidies and contributions to the costs of workplace accommodations. Nonetheless, flexible employment arrangements, as with other CEE countries, are uncommon. For example, the Hungarian Association of Telework estimate that only 3% of the employees were employed as teleworkers in 2016, while only 6% worked part-time (the EU average is 20%) (Masso et al., 2017). An unmet need for work accommodations in Estonia was also apparent. Evidence suggesting that age, limits the type of work performed by over 50's (Emor, 2016) and that there is a demand for access to part-time work (Esenberg et al. 2012). Survey findings of unemployed or inactive disabled people reported similar findings (Saar Poll OÜ, Tartu Ülikool, 2009), though recent data is lacking and indicates a need for more robust statistical monitoring. Of those not employed, 18% of disabled people estimated that the main reason they left their last job was related to their disability and absence of work accommodations. This share is around one third among disabled people up to 65 years old.

The potential role of employers, unions and employment relations in facilitating the sustainable employment of disabled and older people.

From workshop discussions we found the formal role played by social partners in work accommodations, particularly at the level of the workplace, had been limited. We analyse in depth reasons why collective bargaining around accommodations has not developed in these countries and make international comparisons with different systems of industrial relations in Masso et al., 2019. In Hungary and Poland, national social dialogue bodies have had some debate on work accommodations but they have largely focused on health and safety concerns. While in Estonia, although national tripartite social dialogue is absent, state-led initiatives have engaged social partners in EU-led policy initiatives concerned with the employment of older and disabled people.

Nation states have played a key role in promoting EU policies on social inclusion and employment. Furthermore, there is evidence to suggest that state incentives do have a positive impact on the employment of disabled people in other countries (Bronchetti and McInerney, 2015; Burkhauser et al. 2011; Clayton et al. 2012). During workshop discussions with employers, however, they referred to insufficient practical information being provided by the state, suggesting a 'dead letter' approach in terms of implementation. Polish employers cited state bureaucracy tied to funds for workplace accommodations as the main disincentive (Bratkowski et al., 2009 Kocajko, 2016). The absence of flexible and part-time work was viewed as an obstacle in all three countries and social security regulations in some countries, for example, Poland, left disabled people particularly vulnerable to dismissal, allowing an employer to terminate an employment contract after continuous sick-leave of more than 6 months.

Trade union concerns about employing older and disabled people, centred on their status as a cheap source of labour, because they attracted tax relief and wage subsidies. While some unions saw these groups as potential future recruits, others saw them as divisive: undermining collective agreements, despite an acknowledgment that current members

were suffering from working regular periods of overtime because of labour shortages, which prevented them from taking leave entitlement. One suggestion made by trade unionists was that older and possibly disabled people might be recruited to jobs through trade unions, to overcome these problems.

Both employers and trade unions acknowledged that better education to enhance understanding of the needs of diverse labour was required. In all countries, workshop facilitators made a conscious effort to steer social partners away from seeking state-led solutions. Debate between social partners and NGOs representing disabled and older people were interesting. In the Hungarian workshops, social partners saw alliances with civil society organisations (CSOs) as a way of drawing on their greater practical experience. There was also enthusiasm for reviving former initiatives where trade unions, employers' organisations and CSOs had cooperated with the support of government. These coalitions acted as 'think tanks' and were seen as potential vehicles for examining ways to modify work or develop sustainable working practices.

As a consequence of workshops, social partners agreed to work together to compile information about common work accommodations, tax benefits and develop case studies of good practice. Interest was stimulated in practical resources such as web sites, newsletters, sectoral magazines, but also in holding topical seminars, cooperative events and conferences. Knowledge sharing through works councils and other fora was also proposed, though the significance of the former in countries like Poland, is limited. Challenges were also identified, because while the structures and actors to collectively design and implement measures to support work accommodation exist, they are constrained by absence of knowledge, prior experience, cooperation, capacity and competition for scarce human and financial resources. The need for practical guidance on work accommodations was emphasised and during the course of workshops it became evident that they became increasingly engaged with discussions about social responsibility, equal opportunities and social inclusion.

6 DISCUSSION

Our findings illustrate why the demographic case for employing disabled and older people is compelling in CEE countries. In addition, they suggest that since joining the EU, while the employment of older and disabled people in mainstream labour markets has reached historically high levels in our participant countries, this must be viewed in the context of a rise in the overall availability of labour from these two groups. Relative to other EU member states, employment overall, remains low.

A familiar mix of state policy ‘carrots and sticks’ operate in all three countries, aimed at incentivising the employment of disabled and older people: including quotas, tax breaks, fines and subsidies. From workshop discussions, it became evident that social partners agreed these all had significant limitations. Employers found state run systems bureaucratic and inaccessible. Whereas unions regarded them as not only stigmatising, but a cheap source of labour that undermined established collectively agreed wages and conditions. Hungary provided an example of the use of a workfare scheme that produced an overtly stigmatised secondary labour force. More generally, however, social partners were sceptical of the long-term effectiveness of a quota policy that applied to disabled people, because of its reliance on fines levied on employers who fail to meet it, to fund workplace accommodations. The more successful the policy, the fewer scarce state resources would be available to support it and widespread non-compliance among public sector employers has, anyway, meant the state is both a major contributor *and* beneficiary of the fund. The restriction of the quota to employers with over 25 employees was also criticised: in Poland with a high share of small and medium-size enterprises, a large share of the economy is effectively exempted. Across all countries, employers lacked confidence in the state and its ability to support them if they employed disabled and older people. This led to what they perceived was a rational ‘business decision’: to pay the fine, rather than meet the quota.

Trade union participants in workshops had not been actively involved in negotiating workplace accommodations and neither regarded them as a matter for equal opportunities or a topic for collective bargaining (Masso et al., 2019). The categorisation of

accommodations as health and safety matters is largely responsible for this, resulting in their medicalisation and privatisation as confidential matters between an employer and employee. It is also the case that while the state continues to subsidise the labour of disabled and older workers in economies where a shortage of labour exists, the detached position taken by trade unions is entirely logical. A cheap, secondary source of labour threatens the wages of existing members. It sustains demarcations between different sources of labour and fails to challenge the stigma attached to that labour. In earlier debate reference was made to the increased politicisation of disability under conditions of austerity and neo-liberal welfare reform (Mladenov and Petri, 2020; Roulstone, 2015). Our findings suggest that subsidising labour when it is scarce, can also have unforeseen political consequences. Thus, union representatives spoke about the contradictory and ambiguous political position they find themselves in: simultaneously fighting cuts in welfare benefits (including pensions) and threats to employment protection, while opposing active labour market policies and statutory protections for older and disabled workers. For example, in Hungary, unions opposed pension reforms and increases in statutory overtime introduced to address labour shortages, but they have also been critical of state incentives to increase the employment of over 55s. The freedom not to work, as well as the freedom to work, arguably also being of greater importance in countries where a history of full employment had previously been the norm.

Sustainable working initiatives have the potential to address some of the negative consequences associated with labour segregation: putting at the centre considerations of how to maximise and facilitate the contribution of different types of labour across the life-course. This recasts disabled and older workers as part of the solution, particularly in countries with labour shortages, rather than the 'problem'. The discourse that there is something 'wrong' or 'deficient' about an employee that doesn't fit a standard job, rather than questioning the standard job description itself is at the root of negative perceptions of certain types of labour. Challenging this does not require further segregation or stigmatising subsidies, it requires a commitment to job re-design. Redesigning a standard job for a 'non-standard' employee helps identify, not just aspects of the job an individual non-standard employee finds difficult, but where skills and strengths can be best utilised and where poor health and safety practices affect all workers. Importantly, it helps to

challenge ableist criteria and stereotypes and in doing so raises important questions about performance management, diversity and well-being (Foster, 2018). Models of sustainable work, like the one provided by Eurofound (2015), identify the need for flexibility or 'fit' around the 'characteristics of the job and the work environment' *and* 'the individual, specifically their characteristics and circumstances'. In most traditional collective bargaining situations, it is the former, however, that are regarded as the primary focus for bargaining. Too often the latter are decided outside the bargaining process and are rarely transparent or subject to comparability. Employers often prefer this, yet examples of good practice and flexible, innovative, inclusive working practices, are lost to wider groups of employees. This is achieved by effectively de-politicising and individualising what is a political process: changes to terms and conditions of employment.

CONCLUSION

Trade unions in CEE countries have been reluctant to support an extension of flexible working practices for fear that this would be accompanied by a growth of informal and precarious work. There is also a pattern in other countries that suggests that an extension in statutory rights to request flexible working has been accompanied by an increase in individualised bargaining, particularly where union equality bargaining is absent (de Vroom, 2004: 674; Perlow and Kelly, 2014). Our research findings demonstrate why the availability of flexible forms of employment and job redesign are prerequisites for the effective utilisation of diverse labour. Furthermore, they make a case for 'the individual, specifically their characteristics and circumstances' to become an integral part of collective bargaining. The potential benefits of job redesign for wider trade union members has been identified in this research, but for unions to become more engaged in this agenda at the level of the workplace, the integration of disabled and older workers into equality bargaining is needed. In a special issue on industrial relations in CEE countries, Soulsby et al. (2017:6) highlight the more positive historical and sociological legacies of CEE countries, which unions could mobilise, including "powerful notions of social cohesion and inclusion". The same authors concluding that unions need to engage in "'real politics', by re-engineering their leadership hierarchies, structures and organizational mechanisms to appeal to a new breed of younger

workers” (2017:13). Our findings suggest appeal needs also to be extended to older and disabled people, but both within and outside the labour market.

Current bargaining concerns of many of the unions that participated in our project have focused on members economic ‘vested interests’ because there has been limited space available to develop a broader ‘sword of justice’ role (Flanders, 1970): except for defensive actions opposing state cuts. Commentators have also noted how the journey social partners undertook when CEE countries joined the EU provided limited opportunities for them to develop their own identities (Meardi, 2012; Ost, 2000). Workshops provided a rare opportunity for unions and social partners to engage in debates about social justice and understand the concerns of civil society organisations (CSOs). While the weakness of the latter makes the advocacy of specific categories more difficult in these countries (European Alternatives, 2019), the participation of representatives from disabled people’s organisations was particularly important in facilitating social partner understanding of the problems associated with the medicalisation of work accommodations. It should be noted that we continue to use the term ‘accommodated work’ reluctantly and do so only because this is how integrating non-standard disabled and older workers into standard job roles is commonly understood and described in law.

The potential role of CSOs in shaping the behaviour of employers and the state to become significant employment relations actors is far from being realised in these countries, as it has been elsewhere (Williams et al. 2017:144). A feature of post socialist neo-liberalisation as Mladenov (2017) has noted, is the weak organisation and political representation of disabled people’s organisations. Transnational systems of labour governance and the regulatory environment of the EU and EU social policy initiatives have, as the example of active ageing showed, engaged social partners with some CSO concerns, but their involvement is largely reactive rather than proactive. Williams et al. (2017:114) also note the limitation of CSOs to act as ‘critical voices’ in countries where they are often themselves direct recipients and highly dependent upon EU funds to deliver employment services, may be restricted. If sustainable working coalitions do develop in these countries, we believe their independence from the state is essential, not only to address the ‘empty shell’ (Hoque

and Noon, 2004) or ‘dead letter’ feature that characterises many existing initiatives, but to ensure that a range of different voices and interests are fully included in employment policy.

Our workshops began important discussions between employers, trade unions and organisations representing disabled and older workers. How to sustain this type of productive dialogue and further future action was, however, identified as a long term problem. The limited resources available to social partners is an obstacle that should not be under-estimated. As a piece of action research the project was interested in promoting knowledge about disabled and older workers, as well as engaging social partners in future action. The limitation of the project was that it made more progress in addressing the former than the latter, because so little pre-existing knowledge exchange had taken place. Action research as a method can create ‘understanding [that] comes from insights into action and contributes to the action’ (Coghlan, 2019:56). Nonetheless, it was apparent that social partners and CSOs required further support and opportunities to develop their identities and relationships. This raises important questions about the role of academic researchers and research institutes in providing this space. Disability research has increasingly moved towards co-production methodologies, which would also be relevant to the employment relations context (Bell & Pahl, 2018; Huzzard and Björkman 2012; DRILL, 2020) and points towards further consideration of the democratisation of research methods. At a conceptual level, as researchers we sought to bring together the experiences and knowledge accumulated by the participants of this project to explore synergies with sustainable working. As a focus for future action, sustainable working has the over-arching objectives of improving living and working conditions and quality of working life for all. It also has the potential to incorporate the diverse needs of different groups, which appeals to trade unions and is of mutual benefit to social partners, who need to improve the utilisation of what is a limited pool of available labour in CEE countries.

Bibliography

Acker J (1990) Hierarchies, Jobs, Bodies: A Theory of Gendered Organizations. *Gender & Society* 4(2): 139-158.

Bacon N and Hoque K (2012) The Role and Impact of Trade Union Equality Representatives in Britain. *British Journal of Industrial Relations* 50(2): 189-389.

Bell DM and Pahl K (2018) Co-production: towards a utopian approach. *International Journal of Social Research Methodology* 21(1): 105-117.

Bohle, D and Greskovits, B (2019) Politicising embedded neoliberalism: continuity and change in Hungary's development model, *West European Politics*, 42:5, 1069-1093.

Bratkowski JB Gąciarz E Giermanowska A Kudlik P Sobiesiak, P (2009). *Pracodawcy o zatrudnianiu osób niepełnosprawnych. Jak jest? CO można zmienić?* Institute of Public Affairs, Warsaw. Available at: <http://www.isp.org.pl/files/14629162620774503001254387709.pdf> (accessed 18th June 2020)

Bronchetti ET and McInerney MR (2015). What determines employer accommodation of injured workers? The influence of workers' compensation costs, state policies, and case characteristics. *Industrial and Labor Relations Review* 68(3): 558–583.

Burkhauser RV, Schmeiser MD and Weathers RR II (2012). The importance of anti-discrimination and workers. Compensation laws on the provision of workplace accommodations following the onset of a disability. *Industrial and Labor Relations Review*, 65(1): 161–180.

Campbell FK (2001) Inciting Legal Fictions: Disability's date with Ontology and the Ableist Body of Law. *Griffiths Law Review* 10 (2): 42-62.

Clayton SB, Barr L, Nylen B, Burström K, Thielen F, Diderichsen, and Whitehead M (2012). Effectiveness of return-to-work interventions for disabled people: A systematic review of government initiatives focused on changing the behaviour of employers. *European Journal of Public Health* 22(3): 434–439.

Coghlan D (2019) *Doing Action Research in Your Own Organization*. 5th Edition, SAGE.

de Vroom B (2004) The shift from early to late exit: changing institutional conditions and individual preferences: the case of The Netherlands', in Maltby T, de Vroom B, Mirabile ML and Overbye E (eds.), *Ageing and the Transition to Retirement: A Comparative Analysis of European Welfare States*, Ashgate: Aldershot, pp. 120-53.

Docherty P, Forslin J and (Rami) Shani AB (eds.) (2009) *Creating sustainable work systems – Emerging perspectives and practices*, 2nd ed., Routledge, London.

Disability Research on Independent Living and Learning (DRILL). Available at: <http://www.drilluk.org.uk/> (accessed 19th May 2020).

Emor Praxis (2015) Vanemaealiste ja eakate toimetuleku uuring 2015. Poliitikauuringute Keskus Praxis, TNS Emor. Available at: <http://www.digar.ee/id/nlib-digar:276777> (Accessed 15th May 2019).

Espenberg, K., S. Vahaste, M. Sammul, R. Haljasmäe, R. 2012. Vanemaealised tööturul. Tartu Ülikooli sotsiaalteaduslike rakendusuuringute keskus RAKE. Available at: http://www.ec.ut.ee/sites/default/files/ec/vanemaealised_tooturul_loppraport_0.pdf (Accessed: 20th May 2018).

European Alternatives: Civil society in Central and Eastern Europe: what's left of it? Available at: <https://euroalter.com/wp-content/uploads/2014/07/Civil-Society-in-Eastern-Europe.pdf> (Accessed 7th February 2019).

Eurofound (2015), *Sustainable work over the life course: Concept paper*. Publications Office of the European Union, Luxembourg.

Eurofound (2018), *Measuring varieties of industrial relations in Europe: A quantitative analysis*. Publications Office of the European Union, Luxembourg. https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef18033en.pdf) (Accessed 16th September 2020).

European Union (2018) <http://ec.europa.eu/social/main.jsp?catId=1062&langId=en>. (Accessed 20th July 2018).

Falkner G and Treib O (2008) Three Worlds of Compliance or Four? The EU-15 Compared to New Member States *Journal of Common Market Studies* 46(2):293-313.

Flanders A (1970). *Management and unions: The theory and reform of industrial relations*. London: Faber.

Foster D (2007) Legal Obligation or Personal Lottery? Employee Experiences of Disability and the Negotiation of Adjustments in the Public Sector *Workplace. Work Employment & Society*. 21(1): 67-84.

Foster D and Fosh P (2010) Negotiating 'difference': representing disabled employees in the British workplace *British Journal of Industrial Relations*. 48(3): 560-582

Foster D and Wass V (2013) Disability in the labour market: an exploration of concepts of the ideal worker and organisational fit that disadvantages employees with impairments. *Sociology* 47(4): 705-721.

Foster D (2018) The health and well-being at work agenda: good news for (disabled) workers of just a capital idea? *Work, Employment and Society*. 32(1): 186-197.

Greskovits B (1998) *The political economy of protest and patience: East European and Latin American transformations compared*. Central European University Press.

Gyulavári, Tamás and Kártyás, Gábor, Effects of the New Hungarian Labour Code on Termination: Has it Become Cheaper to Fire Employees? Available at: <http://dx.doi.org/10.2139/ssrn.3156123> (accessed 4th April 2018).

Hoque K and Noon M (2004) Equal Opportunities Policy and Practice in Britain: Evaluating the 'Empty Shell' Hypothesis. *Work Employment & Society* 18(3):481-506.

Human Rights Watch (2016) Poland: Women's Rights Activists Targeted: Attacks by Government Put Women, Services at Risk. Available at: <https://www.hrw.org/news/2019/02/06/poland-womens-rights-activists-targeted> (accessed 7th February 2019).

Huzzard T and Björkman H (2012) Trade unions and action research. *Work, Employment & Society* 26(1): 161–171.

Inglot T (2020). The Triumph of Novelty over Experience? Social Policy Responses to Demographic Crises in Hungary and Poland since EU Enlargement. *East European Politics and Societies*. <https://doi.org/10.1177/0888325419874421>

Institute for Public Policy Research (2003) Regan S and Stanley K Work for Disabled People- The Achilles heel of Labour's welfare-to-work agenda? Available at: [http://www.ippr.org/uploadedFiles/research/projects/Social_Policy/Work%20for%20disabled%20-%20Archilles\(1\).pdf](http://www.ippr.org/uploadedFiles/research/projects/Social_Policy/Work%20for%20disabled%20-%20Archilles(1).pdf) (accessed 7th February 2019).

International Labour Office (ILO) (2017): *World Employment and Social Outlook. Sustainable Enterprises and Jobs: Formal Enterprises and Decent Work*. Geneva: ILO.

Mallender J, Liger Q, Tierney R, Beresford, D, Eager J, Speckesser S and Nafilyan, V (2015) *Reasonable Accommodation and Sheltered Workshops for People with Disabilities: Costs and Returns of Investments*. Brussels: European Parliament Policy Department.

Masso M, Osila L and Foster D (2017) *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. Tallinn: Praxis Centre for Policy Studies.

Masso M, Foster D, Osila L, Bábel B, Czarzasty J, Kiss A and Owczarek, D. (2019). The influence of collective employment relations on work accommodation: case studies in Estonia, Hungary and Poland. *Transfer: European Review of Labour and Research*, 25(4): 451–464.

Masso, M., Nuiamäe, M., Michelson, A., Murasov, M., Melesk, K., Laurimäe, M., Kadarik, I. (2019) Töövõime toetamise skeemi loomise ja juurutamise vahehindamine. Poliitikauuringute Keskus Praxis.

McBride A, Hebson G and Holgate J (2014) Intersectionality: are we taking enough notice in the field of work and employment relations? *Work, Employment and Society* 29(2): 331-341.

Meardi, G (2012) *Social Failures of EU Enlargement. A Case of Workers Voting with their Feet*. London: Routledge

Mladenov, T. (2017) Postsocialist disability matrix. *Scandinavian Journal of Disability Research* 19(2):104-117.

Mladenov T and Petri G (2020) Independent living in Central and Eastern Europe? The challenges of post- socialist deinstitutionalization. In: Fylling I, Baciu EL and Breimo JP (eds) *EU Social Inclusion Policies in Post- Socialist Countries: Top- Down and Bottom- Up Perspectives on Implementation*. Routledge.

Ost D (2000) Illusory corporatism in Eastern Europe: Neoliberal tripartism and postcommunist class identities. *Politics & Society* 28(4): 503–530.

Ost D and Crowley S (2001) Making Sense of Labor Weakness in Postcommunism. In: *Workers after Workers States*. Crowley S and Ost D (eds) Lanham MD: Rowman and Littlefield.

Perlow L and Kelly E (2014) Toward a model of work redesign for better work and better life. *Work and Occupations* 41(1): 111-134.

Pfeffer J (2010) Building sustainable organizations: The human factor. *Academy of Management Perspectives*. 24(1): 34–45.

Roulstone A (2015) Personal Independence Payments, welfare reform and the shrinking disability category. *Disability & Society* 30(5): 673–688.

Soulsby A, Hollinshead G and Steger T (2017) Crisis and change in industrial

relations in Central and Eastern Europe. *European Journal of Industrial Relations*. 23(1):5 – 15.

Sustainable Work (2019) <https://sustainablework2020.se/about/> (Accessed 24th June 2019).

Tomlinson J, Baird M, Berg P and Cooper, R (2018) Flexible careers across the life course: Advancing theory, research and practice. *Human Relations* 71(1): 4 –22.

United Nations Economic Commission for Europe (2020) The Active Ageing Index <https://statswiki.unece.org/display/AAI/Active+Ageing+Index+Home> (Accessed: 8th July, 2020).

Van Dalen HP, Henkens, K and Wang M (2015) Recharging or retiring older workers? Uncovering the age-based strategies of European employers'. *Gerontologist* 55(5): 814–824.

Vanhuyse P (2006) Divide and Pacify. Strategic Social Policies and Political Protests in Post-Communist Democracies. Central European University Press.

Williams-Whitt K (2007) Impediments to disability accommodation. *Relations Industrielles*. 62(3):405–432.

Williams-Whitt K and Taras D (2010) Disability and the performance paradox: Can social capital bridge the divide? *British Journal Industrial Relations* 48(3): 534–59.

Williams S, Abbott P and Heery E (2017) Civil Governance in Work and Employment Relations: How Civil Society Organizations Contribute to Systems of Labour Governance. *Journal of Business Ethics*. 144(1): 103-119.

Wojciech H., A. Kielczewska, P. Lewandowski & I. Magda (2018) Job retention among older workers in central and Eastern Europe, *Baltic Journal of Economics*. 18(2): 69-94.

Woolfson C (2007) Pushing the envelope: the 'informalization' of labour in post-communist new EU member states. *Work Employment Society*. 21(3): 551-564.