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Pre-publication paper

The influence of collective employment relations on work accommodation: case studies in Estonia, Hungary and Poland

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Summary

Work accommodations are generally understood to refer to individual solutions for older and disabled employees that have been tailored to their specific situation within a workplace. This article, however, argues that there is potential for collective employment relations to motivate and enable social partners to develop a role in implementing reasonable accommodations and supporting older and disabled employees in the labour market. Focusing on industrial relations and work accommodation systems in Estonia, Poland and Hungary, the potential role that social partners could play in creating more inclusive workplaces is explored. This is done by reference to the findings from an action research project that brought together social partners to discuss ways in which practices in providing work accommodations could help to better integrate underutilised sources of labour in these three countries. The industrial relations regimes in the three countries have potentially enabling characteristics that could facilitate work accommodations. Current knowledge of the work accommodation process and the integration of this

issue into the collective employment relations agenda, however, needs further improvement.

Introduction

A debate on how collective voice mechanisms can influence accommodated work for disabled and older employees across different industrial relations systems in Europe is currently lacking in the literature. Consequently, this article discusses why, and ultimately how, workplace accommodations need to be a key element of collective industrial relations dialogue. It first considers evidence about the role of workplace accommodations in promoting the workplace inclusion of disabled and older people and argues that what is usually conceptualised as an individual 'need' has much wider implications for social, economic and employment policy.

Work accommodations are efforts to modify any aspect of a job or work environment so that an individual, usually a disabled person, can perform job tasks (Kwan and Schultz, 2016: 272). More generally, work accommodation is part of disability management organisation and its aim is to facilitate employment in the workplace (Costa-Black, 2013; Dewa et al., 2016; Gensby et al., 2014; Pomaki et al., 2012; Pomaki, 2010; Reavley et al., 2012). In theory, work accommodations should have many positive benefits for both employees and employers, including improved work ability and management of health conditions, increased employment and labour market participation, increased employee attendance, improved personal and organisational performance, retention of qualified and skilled employees, reduced training costs, increased overall company morale and improvements in the culture of and interactions in organisations (Hartnett et al., 2011; Schur et al., 2014; Solovieva et al., 2011; Solovieva and Walls, 2013). However, evaluations of the effectiveness of work accommodations interventions are rare as are analyses of different work accommodation practices and their effectiveness across different types of impairment, despite much being published in the field (see for instance Van Oostrom et al., 2009). Nevertheless, of those studies that do exist there is significant evidence to support the utility of work accommodations in promoting employment and reducing

costs (McDowell and Fossey, 2014; Nevala et al., 2015; Schultz et al., 2011; Williams-Whitt et al., 2015).

Changing terms of employment and working conditions presumes social interaction at the workplace between employee and employer with regard to intra- and extra-organisational contingencies, including collective forms of co-determination. The process of work accommodation can involve people self-selecting into workplaces where they can accommodate their own needs and negotiate suitable conditions in their workplace (Hogan et al., 2012). This process may involve either employee-initiated accommodation or organisation-initiated accommodation, or a mixture of both (Cleveland et al., 1997). To be effective, however, work accommodations need to fit work to the employee and in doing this there is a risk of over-individualising or over-personalising negotiation and implementation. This means that each case will be specific to both the job being performed and the circumstances of the individual, meaning that it is difficult to set precedents, or draw collective knowledge from the industrial relations process (Foster, 2015; Foster and Fosh, 2010). Also, collective voice mechanisms on employee work accommodations need to recognise that there is an unequal distribution of power between employers and employees and, as such, offers of work accommodations may emphasise employer concerns to complete the work in a standardised way, rather than adapting work to the employee (Seing et al., 2012).

The literature points to a number of collective practices that could shape the co-determination of suitable terms of employment and working conditions. According to Lysaght and Krupa (2014: 100), employee representatives could (i) negotiate certain rights and procedures related to work accommodations into collective agreements; (ii) monitor whether members receive the work accommodations they require; and (iii) influence the organisation's policy regarding how positions are posted and filled and thus indirectly influence job classifications and descriptions and the work ability of employees needing work accommodations. Williams-Whitt (2007: 419) acknowledges that by 'nudging collective beliefs and norms about accommodations' employee representatives could have considerable influence on practices. This 'nudging' might involve, for example, establishing support for the employee who needs accommodation; providing information to employees about their rights and obligations, and in this way playing an important enforcement role in the field of

labour and employment rights; defusing animosity that might result from disruption to the status quo; pushing employers to look harder when an appropriate solution is not readily apparent; helping to avoid escalating conflicts and supporting conflict resolution; and assisting with absence management, including worker compensation claims, guidance through administrative processes and maintaining contact during leave.

The impact of industrial relations on work accommodations has yet to be empirically scrutinised. A correlational study of a sample of 3638 organisations in six European countries (Denmark, Germany, Italy, the Netherlands, Poland and Sweden) by Van Dalen et al. (2015), however, suggests that HR policies of European employers in relation to older workers, including work accommodations, are more likely to be developed if trade unions are involved. Furthermore, research (in-depth interviews with supervisors in Canada) by Williams-Whitt (2007) indicates that work accommodation outcomes for disabled employees may be substantially affected by the quality and degree of union involvement.

In general, the comparative analysis of work accommodation practices across different industrial relations systems has been lacking due to data limitations. We extend previous work in several directions. Industrial relations systems vary according to the historical systems of labour, welfare and state relations that have evolved within the relevant nation states (Esping-Andersen, 2013; Hyman, 2001). Various dimensions of industrial relations systems have been analysed, including industrial democracy, industrial competitiveness, social justice, job and employment quality (Welz et al., 2016) or employee representation, level of bargaining, bargaining style, role of state in industrial relations, role of social partners in public policy (European Commission, 2016) and typology of industrial regimes in European countries. We comparatively analyse the effect of cross-country differences in industrial relations on work accommodations, focusing on state-centred industrial relations systems in Central and Eastern Europe, as differences in the institutional framework can have significant and varied influences on collective work accommodation practices.

Collective employment relations are influenced by government employment policies and the involvement of employers' associations and employee unions could lead to better work accommodation policy design and implementation (see, for instance

Freeman and Medoff, 1984; Hirschman, 1970). Government interventions could be targeted at changing the attitudes of employers towards employing older and disabled people, or could be focused on disabled people themselves, aiming to change their behaviour and/or attempting to make them more employable (Clayton et al., 2012). Recent analyses have shown that European countries differ in regulation, services and economic incentives related to work accommodations (Ferri et al., 2016; Mallender et al., 2015). The role of government work accommodation policy in conditioning collective employment relations is, moreover, more relevant in 'state-centred industrial relations systems', which is the focus of the present project. Analysis of the effect of government work accommodation policy on co-determination is also currently missing from the literature.

Methodology and research questions

Qualitative data were collected as part of an EU-funded action research project. The central aim of this was to bring together, through a series of workshops, social partners in Estonia, Hungary and Poland to discuss work accommodations and how social dialogue might facilitate the employment of older and disabled people. The participants in the workshops were representatives of the peak-level representative organisations of employees and employers, that is, employees' and employers' confederations. This was an action research project, which had two key objectives: first, to inform social partners about the possibilities of using work accommodations to support disabled and older people in the labour market: to this end a detailed literature review synthesising the available evidence on this topic was presented and disseminated to social partners in advance of the first workshop; and secondly, to engage social partners in each of the three countries in active dialogue to co-produce strategies that would better integrate disabled and older people into the labour market. Workshops also generated general debate with social partners that highlighted some of the barriers they perceived would continue to act as obstacles to the integration of these two groups into employment. Social partners had the opportunity to evaluate evidence on the value of work accommodations, which helped advance understanding and debate, while researchers were able to observe and note some of the problems perceived by social partners, some of which are related to the industrial relations systems in these countries.

Before the workshops began, country case studies of what already existed in each country in terms of work accommodation policies and practices were prepared to guide the researchers in national settings. This approach was chosen to facilitate the examination of phenomena in different country contexts, analyse similarities and differences and discover patterns and contrasts to produce a more generalised knowledge of the issue (Koshy, 2005).

The methodological approach draws on a tradition of participatory action research design. Kemmis and McTaggart (2005: 564) assert that participatory action research is about studying the actual and not abstract practices; it is about the 'real, material, concrete, and particular practices of particular people in particular places'. McNiff (2016: 12) refers to action research as 'practice-based research' and Koshy (2005) states that new knowledge is being created by examining the issue in specific and practical contexts. The main features of action research are: planning, taking action, evaluating the action and further planning (Coghlan and Brannick, 2009; Kemmis and McTaggart, 2005). Thus the aim is to study, learn and thereafter develop better practices. Action research involves co-production and collaborative democratic partnership (Coghlan and Brannick, 2009; Kemmis and McTaggart, 2005). It is a socially interactive process, referred to as 'fluid, open and responsive' (Kemmis and McTaggart, 2005: 277), with outcomes that involve not only desired solutions to the problems it was originally set up to solve, but also learning from outcomes whether intended or unintended (Coghlan and Brannick, 2009).

The action research focused on three questions:

- (i) What currently exists? What is the current situation surrounding work accommodations generally and in each country, and how can industrial relations enable and motivate social partners to accommodate work for disabled and older people?
- (ii) What could be? What would be a reasonable objective in changing the labour market participation and employment opportunities of disabled people via industrial relations and work accommodation?
- (iii) What and how is this achievable? What realistic steps could social partners make to influence the demand and supply of accommodated work and working conditions?

In stage one of the research process a comprehensive literature review on work accommodations and industrial relations was presented to social partners to establish what provisions and evidence currently exist in different countries and in doing so, what could be possible. In each country a native facilitator, with local knowledge of work accommodations and industrial relations, then coordinated three to five workshops with social partners. Facilitators met in advance to agree guidelines to minimise differences in approach and ensure the comparability of the country case studies. Each country expert also produced a background paper that summarised country-specific information on work accommodations and industrial relations. This was important so that they could actively engage in the process of action research with other participants and not just observe, but be part of the new knowledge production (Coghlan and Brannick, 2009; Huzzard and Björkman, 2012).

After each workshop summaries of discussions were produced and feedback was sought from participants to ensure that the information captured demonstrated what had been discussed and agreed during the seminars. Every new seminar started with reflections from the previous seminar. Action research demands significant and conscious planning and self-reflection throughout (Coghlan and Brannick, 2009; Kemmis and McTaggart, 2005) and unpredictability and low control over the results are recognised as typical features (Huzzard and Björkman, 2012). The project involved a number of different partners and participants, which made it challenging to ensure that all parties understood common aims and activities throughout the seminars.

Analysis

The EU acknowledges five key European industrial relations regimes (European Commission, 2016), and the three European countries participating in this project – Estonia, Hungary and Poland – are grouped under ‘fragmented, state-centred’ industrial relations regimes. These regimes are commonly characterised by limited employee representation coverage through unions, dominant company-level bargaining, an acquiescent bargaining style and an irregular and politicised role for social partners in public policy. The limited empirical evidence available via the European Working Conditions Survey (see also Table 1) indicates that supply and

demand for work accommodations vary little across different industrial relations regimes. Arguably, this may suggest that industrial relations as regards work accommodations is a sub-field of employment relations not directly reflected in the distinctions usually drawn within the framework of the general typology of industrial relations regimes. A more opportunistic interpretation would be that all the industrial relations regimes have the same relative advantages and disadvantages in making employment more inclusive for older and disabled people via work accommodations.

Table 1. Regimes of industrial relations and work accommodation regulation.

Regime of industrial relations^a	Organised corporatism	Social partnership	Polarised, state-centred	Liberal pluralism	Fragmented, state-centred
Broad geographic¹ region¹	Northern Europe	Continental Western Europe	Southern Europe	Western Europe	Central and Eastern Europe
Work accommodation regulation by central government (authors' evaluations based on Ferri and Lawson, 2016).	High	Medium	High	Medium	Medium
Share of disabled people whose work has been accommodated^c ??b??	22–28%	17–23%	15–20%	22–26%	14–18%
Share of disabled people who would need work accommodation^c	25–32%	23–27%	15–20%	15–22%	17–22%

Sources: ^a European Commission (2016), ^{bc} authors' estimates.

The same argument applies to analyses of differences within a regime; in other words, differences between Estonia, Poland and Hungary. A more detailed

discussion of contingencies and opportunities in these industrial relations systems follows, however, focusing on collective bargaining of binding agreements, influencing public policy-making and knowledge-sharing.

Table 2. Industrial relations in Estonia, Hungary, Poland.

	Estonia	Hungary	Poland
Trade union density – proportion of wage and salaried earners in labour unions^a	7%	11%	14%
Workplace representation of employees – proportion of employees in workplaces where trade unions, works council, health and safety delegates or a similar committee exist^b	53%	40%	49%
Companies with employee representation – proportion of companies with structure of employee representation present at establishment^c	37%	16%	24%
Employers' organisation density^d	25% (2011)	40% (2008)	20% (2012)
Collective bargaining employee coverage – extent to which the terms of workers' employment are influenced by collective negotiation. Proportion of employees covered by the collective agreement^e	23%	23%	15%
Collective bargaining companies' coverage – companies with at least 10 employed persons in an employers'	7%	13%	9%

organisation that participates in collective bargaining^f			
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Sources: ^a Ilostat, The statistics presented result from a collaboration between the ILO and J Visser, ICTWSS Database, version 5, AIAS;

Collective bargaining

Concluding binding collective agreements is not a common route for co-determining terms of employment and working conditions in the three countries participating in the research. Indeed, there are a variety of different forms of employee representation in these countries, as noted in Table 2. Data collected during this research project from confederations indicate that bargaining and collective agreements regulating work accommodations have not been concluded in Estonia, Poland or Hungary, although, as in other European countries, collective bargaining on related issues, such as occupational health and safety, is widespread. For example, in Estonia 84 per cent of concluded agreements include regulations related to occupational health and safety (Põldis and Proos, 2013).

The advantage of using collective agreements rather than relying on legislation alone is that they could be tailored to sectors or workplaces and address questions such as the following. Which groups of older and disabled people would be entitled to work accommodations (for example, self-reported disability or administratively ascribed disability)? When should reasonable accommodation obligations be triggered (for example, at an employee's request or when the employer becomes aware of the need)? What accommodations are needed in the company or sector? What is reasonable for employers to provide in terms of accommodations? What are employers' and employee representatives' information and consultation obligations and rights (for example, involvement in designing and putting the accommodation in place)? What should be done in case of a failure to provide reasonable accommodations?

In addition to general contingencies of the industrial relations regime, such as collective bargaining coverage, there are two other, more specific contingencies that need to be taken into account. First, in all the countries there are regulations related

to work accommodations that reflect stipulations in the UN Convention on the Rights of Persons with Disabilities and respective European Union law and Directives. Overall, the extent of work accommodation regulation in the countries in question is comparable, although there are rights and obligations that need further regulation, according to the social partners in the countries. Secondly, the potential for regulation of work accommodations in these countries also allows social partners to view the regulation of work accommodations as the responsibility of the public administration. Both are discussed further in what follows.

Social partners in work accommodation policy-making

The involvement of employers' associations and trade unions in social dialogue is believed to lead to the best government policy design, as it brings in-depth and current understanding of workplace issues to the policy-making process (Hirschman, 1970). Involving social partners in the policy-making process could also win their commitment to an enforcement role, thus making employment rights more effective (Freeman and Medoff, 1984). An impact assessment of the different types of intervention aimed at encouraging the employment of disabled and older people and the provision of work accommodations is lacking. However, some empirical studies, most notably by Bronchetti and McInerney (2015), Burkhauser et al. (2011), Clayton et al. (2012) and Charles (2004) suggest that work accommodation measures, while often having a low take-up, have a positive impact on employment. Recent analyses have shown that European countries differ in terms of the regulation, services and economic incentives of work accommodations (Ferri et al., 2016; Mallender et al., 2015). Based on the work by Ferri et al. (2016), we situated Estonia, Poland and Hungary in the group of countries in which regulation is moderate compared with all other EU countries. The three countries differ, however, in terms of how they have designed and implemented their work accommodation policies. Overall, work accommodations are viewed as a responsibility of the central state, which is the level at which policies providing incentives to employ disabled and older workers are managed. Thus it is interesting to note that, despite the existence of tripartite bodies in Poland and Hungary, work accommodation policy has not been discussed by the social partners. In Estonia no specific platform exists for national-level tripartite social dialogue, so social partners participate in such dialogue through a public consultation

process, which was also used during the recent occupational disability reform. Work accommodation policy was not discussed as part of social dialogue during this reform, however. In Estonia and Poland, social partners are also members of the supervisory boards of tripartite social insurance and labour market institutions, including the Estonian Unemployment Insurance Fund (EUIF) and the State Fund for Rehabilitation of Disabled Persons (PFRON) in Poland. Like tripartite bodies, however, the potential to influence government policy-making and implementation via these bodies is currently underutilised but shows potential for the future. The social partners' role in disputing legally questionable or directly discriminatory stipulations in employment law should not be underestimated, as illustrated by a recent Polish example. *Solidarność* was able, via the Constitutional Court, to obtain agreement on a seven-hour working day (extended to eight hours if requested by an employee) as a standard form of employment for people with an officially recognised disability. In sum, though the social partners would first and foremost see that work accommodation is regulated by central government instead of by binding collective agreements, they have made little use of their institutions' potential.

Several authors have suggested that the lack of knowledge and information on work accommodations and assistive technologies are among the main barriers to their implementation at workplace level (Gold et al., 2012; Heckl and Pecher, 2009; Nevala et al., 2015). Debates in workshops between social partner representatives have confirmed this. We found knowledge-sharing via information and consultation activities, including works councils and trade unions at workplace level, are currently an underutilised resource. Knowledge-sharing is important for a number of reasons. First, the social partners could contribute to making the employment rights and obligations pertaining to work accommodations effective by increasing legal awareness and legal clarity concerning their provision in workplaces. Secondly, the challenge of influencing employers' and employees' behaviour towards work accommodations could be met by developing and agreeing joint disability management practices. Thirdly, sharing knowledge on work accommodation practices with workplace-level actors could be considered a form of intervention in itself.

In 'fragmented, state-centred' industrial relations regimes, the focus of collective employment relations is the workplace and employee representation is supposed to

be union based (European Commission, 2016). In all the countries participating in the project, however, 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 – that is, the working environment council or working environment representatives – could play a positive role in work accommodations. Also, in all the countries, representation on bodies linked to European Works Councils or European Companies (SEs) exist. In Estonia, employees do not have a right to be represented at board level. In Hungary, however, 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. It follows that representatives could play a more prominent role in work accommodations than low trade union density might suggest (see also Table 2).

While there are few existing initiatives, there are some good work accommodation practices in all three countries. Most notably, the Estonian Employers Confederation has informed its members about work accommodations in a short article authored by an active labour market policy expert. In Hungary, at Semmelweis University, there is an action plan developed by the trade union and the employer that requires assessing and making proposals about the necessary accessibility for workers with limited working abilities. In Poland, the most remarkable intervention was the compilation of 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 Market¹ in cooperation with sectoral social partners these guidelines were successfully tested in 44 enterprises. These practices, even if not fully implemented, effective or in force could lay the foundation for future initiatives.

Information and consultation activities

¹ 'Związkowa Promocja i Ochrona Równouprawnienia Osób Niepełnosprawnych w Zatrudnieniu' (ZORON). Available at: <http://www.equal.org.pl/baza.php?M=10&PID=19&lang=pl> (accessed 13 May 2017). Official website of the project, <http://www.zoron-equal.pl/>, no longer available at the time of preparing this report.

Focusing on knowledge-sharing activities, the social partners identified two types of closely related activities. First, as employer and employee representatives generally lack awareness of work accommodations there is a need to compile and disseminate relevant guidelines. In the Estonian case workshops, social partners proposed the setting up of an integrated or interlinked website that would provide the most crucial information on work accommodations in one place. The site would also feature experiences or stories of employers and employees negotiating and implementing accommodations. In the Hungarian workshops, the social partners agreed to work with civil organisations to compile job registers that would be suitable for disabled people with different types of illnesses and impairments.² Also, in the Hungarian case, it was recognised that trade union officials and representatives would require disability sensitisation training that would give them the skills and knowledge they required to interact and deal with people with disabilities with confidence and to facilitate the integration of disabled people into the workplace. Similarly, in the Polish workshops raising awareness among members was viewed as important. In particular, the idea of an educational campaign focused on the European Accessibility Act was proposed. In more general terms, the social partners agreed that educational campaigns addressing a wide range of the population, with issues related to older and disabled groups, should be pursued. In all three countries, civil society organisations, specifically those representing disabled people, were seen as necessary partners to raise awareness and provide expertise.

The second issue that emerged from social partner discussions in workshops concerned confederations and sectoral organisational capacity to empower employers and employee representatives at different levels of bargaining. As well as raising the general knowledge of work accommodations, capacity needed to be improved via consultation frameworks. The Estonian case study resulted in an agreement between social partners to compile a section for the above-mentioned website that would describe a toolbox that representatives could employ during workplace- and sectoral-level representation. An agreement was also made to discuss know-how in upcoming trade union and employer representative seminars. It should be noted, however, that no particular solution was proposed that would keep this knowledge-sharing effective beyond the current action research project. In

² Still, the approach needs to take into account the fact that not everyone with a medical condition has the same limitations or needs the same terms of employment. Similarly, the approach must avoid a situation in which some jobs become stigmatised and seen as low status and low paid.

Hungary, the social partners discussed how a committee within the sectoral union could be established to put work accommodations onto the agenda and define how best to advocate the particular interests of workers with disabilities or limited working abilities and monitor what sector-specific collective bargaining recommendations or models come from sectoral trade unions.

In sum, the analysis has shown that, although social partner knowledge of work accommodations could be improved, we have seen the national social partners willing to propose amendments to, or development of, measures to stimulate work accommodations. This included making proposals on tripartite social dialogue or dispute regulation. Regarding future steps, the social partners also suggested that changes needed to be made to the existing policy mix on work accommodations, which needs to be negotiated with other policy-makers and implementers.

Conclusions

Improving the labour market participation of and the quality of employment available to older and disabled people requires a new approach, one that moves away from trying to fit people into standard jobs and instead fit jobs around people. Although work accommodation presumes individualised solutions for particular employees at a particular workplace, collective employment relations in their different forms could encourage actions at workplace level and empower workplace-level actors in negotiating and co-determining reasonable accommodations. The study shows that in state-centred industrial relations systems, work accommodations are usually considered an aspect of state employment policy, or the responsibility of individual employers and organisational disability management. Given the severe labour market shortages in these countries and predictions that these will continue into the future, it is puzzling why employer and employee representatives rarely view work accommodations as a strategic industrial relations concern. Social partners may play a crucial role in ensuring that fitting work around individuals becomes a central feature of the labour market of tomorrow. Intra- and extra-organisational contingencies, including collective forms of co-determination, are relevant to the establishment of work accommodations but they are more often portrayed as a private concern than as something of wider organisational or collective relevance.

Thus while it is acknowledged that each case of accommodating work will be specific to both the job being performed and the individual's circumstances, which makes it difficult to set precedents, it is still crucial to establish collective knowledge around good practice.

Arguably, different industrial relations systems have institutional enablers and barriers that shape the opportunities and practices of collective employment relations pertaining to work accommodations. Currently, however, there is a shortage of information on whether specific industrial relations regimes are more influential at workplace level. The study focused on three state-centred industrial relations systems – Estonia, Poland and Hungary – and found that social partner interventions to support work accommodations are highly dependent on their capacity and available resources. Different economic and employment-related issues are competing for the attention of the social partners, especially in small countries such as Estonia. Organisational capacity therefore limits active agency in different fields of employment simultaneously. This action project actively engaged with the social partners and allowed them to develop ideas relating to work accommodations, which were also interrelated with issues such as social responsibility and equal opportunities. These issues could form part of an equality bargaining agenda, one that might bring about more inclusive labour markets and address current opposition to flexible working practices.

Industrial relations in Estonia, Hungary and Poland do not feature strong collective bargaining. Industrial relations in these countries are characterised by multi-channel representation at the workplace level and institutionalised social dialogue at national level. Currently, no binding collective agreements exist on work accommodations. Regulation of occupational health and safety, which is more common, might be considered as the building block for future negotiations, however. There is also scope for the development of workplace- and sector-level regulation. The dominant level of collective bargaining in all three countries is the workplace, so the importance of workplace-level representation and the negotiation of work accommodations could not be stressed enough. In the three countries we investigated 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 and employee trustees. Empowering them by sharing knowledge on

work accommodation practices is important. What is also required from sectoral and national-level partners is a willingness for mutual learning from representation and consultation to ensure the dissemination of best practice.

The industrial relations systems of the participant countries have been described as state-centred, in which social dialogue with government employment policy-makers is crucial but fragmented. The state is also the main regulator of work accommodations in these countries. It was, perhaps, not surprising that this was reflected in discussions with the social partners who expected government to lead in this area. This cast social partners into a passive or reactive role. It is our recommendation that social partners should take the initiative and not only point to gaps and shortcomings in government work accommodation policies, but be proactive, particularly at the important level of the workplace, in making the labour market more inclusive. During this action research representatives pointed to several opportunities to influence government work accommodation policies, but they were also reluctant to draw up a specific roadmap to take the agenda forward. Although the social partners in the three countries have not criticised the national work accommodation legislation with regard to corresponding ILO and European Commission regulations, they did identify a number of shortcomings in the design or implementation of national work accommodation policy measures. We call on the social partners to keep work accommodations on their agendas and proactively discuss relevant measures with other policy-makers and implementers.

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References

- 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 (2011) 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.
- Charles KK (2004) The Extent and Effect of Employer Compliance with the Accommodations Mandates of the Americans with Disabilities Act. *Journal of Disability Policy Studies* 15(2): 86–96.
- Clayton S, Barr B, Nylen L et al. (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.
- Cleveland JN, Barnes-Farrell JL and Ratz JM (1997) Accommodation in the workplace. *Human Resource Management Review* 7(1): 77–107.
- Coghlan D and Brannick T (2009) *Doing Action Research in Your Own Organization*. London: SAGE.
- Costa-Black KM (2013) Core Components of Return-to-Work Interventions. In: Loisel P and Anema JR (eds) *Handbook of Work Disability*. New York: Springer New York, pp. 427–440.
- Dewa CS, Trojanowski L, Joosen MCW et al. (2016) Employer best practice guidelines for the return to work of workers on mental disorder-related disability leave: A systematic review. *Canadian Journal of Psychiatry* 61(3): 176–185.
- Esping-Andersen G (2013) *The Three Worlds of Welfare Capitalism*. New York: John Wiley and Sons.
- European Commission (2016) *Employment and social developments in Europe 2015*. Luxembourg: Publications Office of the European Union.
- Ferri D and Lawson A (2016) *Reasonable accommodation for disabled people in employment contexts. A legal analysis of EU Member States, Iceland,*

- Liechtenstein and Norway*. Report for European Commission, Directorate-General for Justice and Consumers. Luxembourg: Publications Office of the European Union.
- Foster D (2015) Devolution and disabled workers: the experiences of union equality representatives in Wales. *Industrial Relations Journal* 46(2): 153–168.
- Foster D and Fosh P (2010) Negotiating ‘Difference’: Representing Disabled Employees in the British Workplace. *British Journal of Industrial Relations* 48(3): 560–582.
- Freeman RB and Medoff JL (1984) What Do Unions Do. *Industrial and Labor Relations Review* 38(2): 244.
- Gensby U, Labriola M, Irvin E et al. (2014) A classification of components of workplace disability management programs: Results from a systematic review. *Journal of Occupational Rehabilitation* 24(2): 220–241.
- Gold PB, Oire SN, Fabian ES et al. (2012) Negotiating reasonable workplace accommodations: Perspectives of employers, employees with disabilities, and rehabilitation service providers. *Journal of Vocational Rehabilitation* 37(1): 25–37.
- Hartnett HP, Stuart H, Thurman H et al. (2011) Employers’ perceptions of the benefits of workplace accommodations: Reasons to hire, retain and promote people with disabilities. *Journal of Vocational Rehabilitation* 34(1): 17–23.
- Heckl E and Pecher I (2009) *Providing reasonable accommodation for persons with disabilities in the workplace in the EU – good practices and financing schemes*. Vienna: Report of the Austrian Institute for SME Research on behalf of the European Commission.
- Hirschman AO (1970) *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge, Mass: Harvard University Press.
- Hogan A, Kyaw-Myint SM, Harris D et al. (2012) Workforce Participation Barriers for People With Disability. *International Journal of Disability Management* 7(1): 1–9.
- Huzzard T and Björkman H (2012) Trade unions and action research. *Work, Employment and Society* 26(1): 161–171.
- Hyman R (2001) *Understanding European Trade Unionism: Between Market, Class and Society*. London: SAGE Publications.

- Kemmis S and McTaggart R (2005) Participatory action research: communicative action and the public sphere. In: Denzin NK and Lincoln YS (eds) *The Sage Handbook of Qualitative Research*. Thousand Oaks, California, USA: Sage Publications, pp. 559–603.
- Koshy V (2005) *Action Research for Improving Practice: A Practical Guide*. London: SAGE Publications Ltd.
- Kwan HC and Schultz IZ (2016) Work Accommodations: A Social Perspective. In: Schultz IZ and Gatchel RJ (eds) *Handbook of Return to Work*. New York: Springer, pp. 271–288.
- Lysaght R and Krupa T (2014) Employers' perspectives on workplace accommodation of chronic health conditions. In: Stone SD, Crooks VA and Owen M (eds) *Working Bodies: Chronic Illness in the Canadian Workplace*. Montreal: McGill-Queen's University Press, pp. 91–113.
- Mallender J, Liger Q, Tierney R et al. (2015) *Reasonable Accommodation and Sheltered Workshops for People with Disabilities: Costs and Returns of Investments*. Brussels: European Parliament Policy Department. Available at: http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536295/IPOL_STU%282015%29536295_EN.pdf (accessed 20.12.2018).
- McDowell C and Fossey E (2014) *Workplace Accommodations for People with Mental Illness: A Scoping Review*. Available at : <http://www.scopus.com/inward/record.url?eid=2-s2.0-84901539983&partnerID=40&md5=37d3496e80bdfcc5a122b2368fbab5d> (accessed **20.12.2018**).
- McNiff J (2016) *Writing up your action research project*. London, New York, NY: Routledge.
- Nevala N, Pehkonen I, Koskela I et al. (2015) Workplace Accommodation Among Persons with Disabilities: A Systematic Review of Its Effectiveness and Barriers or Facilitators. *Journal of Occupational Rehabilitation* 25(2): 432–448.
- Põldis E and Proos M (2013) *Kollektiivlepingud Eestis. Sotsiaalministeeriumi Toimetised*, 1. Available at: http://www.sm.ee/fileadmin/meedia/Dokumendid/V2ljaanded/Toimetised/2013/toimetised_20131.pdf
- Pomaki G (2010) *Best Practices for Return-to-Work/ Stay-at-Work Interventions for Workers with Mental Health Conditions*. Vancouver, BC: Occupational Health

and Safety Agency for Healthcare in BC. Available at:

http://www.ccohs.ca/products/webinars/best_practices_rtw.pdf (accessed **20.12.2018**).

Pomaki G, Franche R-L, Murray E et al. (2012) Workplace-based work disability prevention interventions for workers with common mental health conditions: A review of the literature. *Journal of Occupational Rehabilitation* 22(2): 182–195.

Reavley NJ, Ross A, Killackey EJ et al. (2012) Development of guidelines to assist organisations to support employees returning to work after an episode of anxiety, depression or a related disorder: A Delphi consensus study with Australian professionals and consumers. *BMC Psychiatry*, 12: 135.

Schultz I Z, Winter A and Wald J (2011) Evidentiary Support for Best Practices in Job Accommodation in Mental Health: Employer-Level Interventions. In: Schultz IZ and Rogers ES (eds) *Work Accommodation and Retention in Mental Health*. New York: Springer, pp. 409–423.

Schur L, Nishii L, Adya M et al. (2014) Accommodating Employees With and Without Disabilities. *Human Resource Management* 53(4): 593–621.

Seing I, Ståhl C, Nordenfelt L et al. (2012) Policy and Practice of Work Ability: A Negotiation of Responsibility in Organizing Return to Work. *Journal of Occupational Rehabilitation* 22(4): 553–564.

Solovieva TI, Dowler DL and Walls RT (2011) Employer benefits from making workplace accommodations. *Disability and Health Journal* 4(1): 39–45.

Solovieva TI and Walls RT (2013) Implications of Workplace Accommodations for Persons With Disabilities. *Journal of Workplace Behavioral Health* 28(3): 192–211.

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.

Van Oostrom SH, Driessen MT, De Vet HCW et al. (2009) Workplace interventions for preventing work disability. *Cochrane Database of Systematic Reviews* (2).

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[10.1002/14651858.CD006955.pub2](https://doi.org/10.1002/14651858.CD006955.pub2)

(accessed **20.12.2018**).

- Welz C, Fromm A, Rodriguez Contreras R et al. (2016) *Mapping key dimensions of industrial relations*. Dublin: European Foundation for the Improvement of Living and Working Conditions.
- Williams-Whitt K (2007) Impediments to disability accommodation. *Relations Industrielles* 62(3): 405–432, 565.
- Williams-Whitt K, White MI, Wagner SL et al. (2015) Job Demand and Control Interventions: A Stakeholder-Centered Best-Evidence Synthesis of Systematic Reviews on Workplace Disability. *International Journal of Occupational and Environmental Medicine* 6(2): 61–78.