

# **Re-imagining work around the life-course: the role of work accommodation, job-design and industrial relations in promoting equality and fairness in the workplace.**

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## **Introduction**

This paper draws on findings from a two year EU funded project entitled: ‘Supporting Industrial Relations in the Field of Workplace Adaptation to Enable the Employment of Older and Disabled Populations’ (VP/2015/004). Primarily an action project, its central aim was to engage social partners in three Eastern European (EE) countries - Estonia, Hungary and Poland in a series of workshops - to discuss ways in which disabled and older workers could be better integrated into the labour market. As such, the project complements other recent EU initiatives, including “From crisis to recovery – Better informed policies for a competitive and fair Europe” undertaken by The European Foundation (2013-16): an outcome from which, was ‘Sustainable work over the life course: a concept paper’ (2015), which emphasised the need for sustainable jobs and work environments over the life-course in the face of predicted labour shortages. Additionally, EU initiatives such as Horizon 2020 highlight the need for further research on workplace health and well-being in the context of demographic change, including support for mental health and active ageing.

The demographic time-bomb and predicted impact on labour markets, skills and welfare states, is now a well-rehearsed political debate. The European Commission has estimated that between 2010 and 2060, the number of people over 65 in the EU will grow from 17.4% to 29.5% of the total population, with the number of people over 80 nearly tripling to 12%, while simultaneously the working age population is expected to decline by 14.2%. (EU, 2018). A combination of increased life expectancy and low fertility rates pose a significant threat to the sustainability of welfare states and social protection systems throughout Europe, as the post-retirement age population threatens to overwhelm those in employment. Austerity, cuts in welfare, pensions and healthcare provision, have all been reactions to this crisis, at a time when immigration: historically a tool employed to address

shortages in labour in Western Europe, has become an increasingly politically contentious solution. Paradoxically, however, despite increased political, economic and social awareness of the potential negative effects of demographic change on labour and skill shortages, changes in attitudes towards the employment of marginalised and under-utilised groups in the labour market have been slow. Commitment to positive flexible working arrangements and imaginative job design, arguably the most obvious stimulants to labour market inclusion, remain disappointing. As a consequence, work accommodation as a concept is narrowly applied in most workplaces, often symbolically denoting a deficit that implies a level of incapability or incapacity, most commonly used to categorise a disabled employee. This contrasts with the positive alternative way of conceptualising work accommodation that we employ in this debate, which views it as a tool to accommodate the realities of people's life-course and the key events that characterise this.

The under-representation in the labour market of disabled, older people and, to a lesser extent women, while a factor in most EU countries (Eurofound, 2016:14), is particularly significant in EE member states. Three historical reasons have been important in producing labour market shortages and a specific form of demographic change in these countries. First, immigration has historically been unavailable as a policy lever to address labour market shortages, which when coupled with high levels of migration, especially among young people since membership of the EU, has produced a double demographic disadvantage in these states. Second, a feature common of many 'post-socialist' economies, is a continued attachment to full-time employment, a factor that has shaped 'ideal worker' expectations (Foster and Wass, 2013), and adversely affects the participation of groups requiring flexible employment arrangements. Third, historically under-developed systems of industrial relations and social partnership have produced what the EU (2016) characterises as 'fragmented and state centred' arrangements, characterised by limited employee representation, low levels of national and collective bargaining and a marginal role for social partners (Masso et al. 2018, under review).

This paper has a number of purposes. Its primary objective is to stimulate further constructive debate about the productive employment of disabled and older people in contemporary labour markets. In doing this we will refer to findings from a project undertaken in some of the most challenging social, economic and industrial relations environments within the EU. Challenging, not only because demographic factors in EE labour markets have taken a particular form, but because there has been very little prior debate about utilising the labour of disabled and older people among social partners. Concepts particularly common in Northern European countries such as 'sustainable work' or 'work over the life-course', around which interest groups including employers and trade unions have coalesced, are largely absent in the countries that the project engaged with. Moreover, flexible working arrangements, of which work accommodations are one element, have been resisted, not only by employers but by trade unions, who fear flexibility equates to the introduction of more precarious and insecure forms of employment.

Debate is largely exploratory and the research is inductive in what is an under-researched field of enquiry. It is concerned with exploring how established concepts could potentially, if used in a different way, move debate on further. One such concept is that of work accommodations, most commonly applied to disabled workers and often viewed negatively by employers and sometimes employee representatives. The argument to be advanced in this paper is that this is largely a consequence of the individualization of work accommodations, their application almost exclusively to one group of workers (disabled people), their omission from most collective bargaining agendas and insufficient recognition that they represent an industrial relations concern. The latter is despite the fact that the outcome of negotiations around work accommodation (if successful) often result in significant changes to core terms and conditions of employment (Foster and Fosh, 2010) and the health and well-being of employees (Foster, 2018).

### **Sustainable work as a concept**

The concept of sustainable work is most likely to be found in debates in Nordic countries. These are also countries characterised by an acceptance of flexible working practices, a developed debate on work-life balance, high trade union membership and established labour rights (see for example, Docherty et al 2009). Furthermore, such countries also have a strong history of occupational health and safety research and practice, labour market education, worker voice and greater awareness of gender inequalities in work and welfare. One such country is Sweden, where in 2013, a platform for sustainable work was established, built by a consortium of leading Swedish researchers, social partners and representatives from private companies and public authorities. It defines sustainable work as “ the dynamic fit between employees and working conditions ....The goal is to promote continual growth and regeneration of human, social, economic and ecological resources”(see: <https://sustainablework2020.se/about/>). What is significant about this initiative moreover, is that it came about despite, and to some extent because of, cuts in government funding for working life support since 2001, which culminated in the subsequent closure of Sweden’s Working Life Institute in 2007. Social partners joined forces to lobby the EU and the Swedish government to highlight the importance of sustainable work issues (see: <http://sustainablework2020.se/wp-content/uploads/2014/09/WP-Policies-and-practices.pdf>), thus demonstrating the potential significance of social partnership in this area.

In its concept paper on sustainable work Eurofound (2015:9) identify national policy context, regulations and practices including systems of industrial relations, the extent to which governments, social partners and companies influence formal and institutional factors and variations in legislation, collective agreements and practices of worker participation and voice, as important factors influencing this agenda. For these reasons Eurofound (2015: 18) assert:

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.

The two key domains and the fit between these, that Eurofound (2015:8-9) cite as important are ‘characteristics of the job and the work environment’ and ‘the individual, specifically their characteristics and circumstances’. They also stress the importance of understanding national realities including the importance of a range of actors, according to different industrial relations, social policy and welfare systems. ‘A great many spheres are of interest – including active ageing policies, occupational health and safety, health inequalities, gender equality, working time and workplace innovation – and actions in one field may have synergistic effects with action’ (Eurofound, 2015:19).

The above approach is helpful when evaluating the evidence from our project, most notably because it acknowledges the importance of context. It is, however, notable that like many debates about sustainable working of the life-course, emphasis is placed on active ageing and health and well-being (H&WB), but limited attention is paid to disability as a potential event in one’s working life. The fact that sustainable work as a concept emphasises the maintenance of ‘health’ (however this is defined), rather than the accommodation of impairment or disability is significant. To sustain something, furthermore, implies that one is already situated within the labour market and in employment, which is not always the reality for disabled and older people who are, or have become, excluded from the labour market. The importance of language and its potential for attributing negative and positive normative meanings should not be overlooked. For example, the terms health and well-being if used to sustain normative or ‘ideal’ meanings of health will stigmatise or exclude those groups that cannot achieve that norm and given that the UK Institute of Public Policy Research estimates that 1 in 3 of us will become disabled while still in work (ref), this suggests a negative impact on a large groups of employees. If work is to be genuinely sustainable over the life-course, H&WB as a concept must be an adaptable concept able to accommodate disability and the variable effects of ageing alongside other major events in the life-course (parenting, caring, temporary ill-health) and therefore, needs to address not only job retention (sustainability) but also job recruitment. Work accommodation we argue, should be at the centre of sustainable work debates and could form part of an intersectional workplace bargaining agenda.

## **Extending the concept of work accommodation**

Medical approaches to workplace health and well-being individualise and can 'other' disabled people: defining them in relation to their impairment and in opposition to a particular norm of health around which an 'ideal worker' is constructed (Foster and Wass, 2013). Eurofound's second domain of sustainable work, which focuses on 'individual characteristics and circumstances', potentially reinforces this. Work accommodation often narrowly applied to disabled employees, could usefully be extended to other groups, because in short, work accommodations are simply modifications to a job or work environment that allow a person to accomplish a job task (Kwan and Schultz, 2016). This includes anything from changes in the design of a job, changes to job roles, changes in the location of work (e.g. remote working), or changes to hours of work. A wealth of established knowledge in the field of occupational health currently informs job design, re-design, modifications to working arrangements and measures of productivity and work environments for disabled people, yet the location of these debates, not as a contribution to sustainable work, but as a means of enabling disabled people to participate in employment, means this contribution is lost to a wider intersectional audience. One possible explanation for this is that there is stigma associated with disability as an identity. Another is that the concept of work accommodation is insufficiently recognised as an industrial relations concern, despite the fact that evidence suggests that European employers are more likely to have developed HR policies to accommodate older workers if labour unions are involved (Van Dalen, 2015) and research from Canada (Williams-Whitt, 2007) and the UK (Foster 2015) indicates that disabled people's accommodation outcomes are affected by the quality and degree of union involvement.

Increased scepticism surrounds HR led workplace initiatives about H&WB at work (LRD: 2015). Employee well-being has traditionally been located in the health and safety domain and the concern of trade unions, who together with social partners monitor health and safety regulations, yet increasingly H&WB has been claimed by HRM specialists and orientated towards increasing employee performance and resilience. This shows why it is important to analyse the different discourses that accompany such workplace concepts as 'sustainable work', 'H&WB' and 'work accommodations', to understand how they are being employed as a tool of interest representation. Critics of the current management consultancy led H&WB literature argue it emphasises the resilience of individual employees, an agenda that for some commentators is intrinsically linked to the neo-liberal agenda of individualising well-being and work and welfare provision (Ferguson, 2007; Aubrecht, 2012; Joseph, 2013; Foster, 2018). This is also where understanding societal context is critical, including dominant attitudes that surround entitlements to work, welfare, social security, pension and employment rights and health care/ occupational health. In one national context for example, the social environment may be supportive of collective well-being solutions where social partners play a central social and political role, however, in another well-being agendas have been used to scapegoat 'blame', individualise and exclude

marginalised groups. The fact that the most developed sustainable work projects are in Northern European countries characterised by organised corporatism (Ferri et al 2016), where either the state, or a combination of the state and social partners are used to working together alongside highly developed systems of health care and occupational health services, may not therefore, be coincidental.

### **The potential role of social partners in shaping policy and practice on work accommodation and sustainable working practices**

The EU has clustered member states into five industrial relations regimes (European Union et al 2016): organised corporatism, social partnership, polarised state centred, liberal pluralism, and fragmented state centred. The three countries involved in this research – Estonia, Hungary and Poland – fall into the fragmented state centred category. As with all such categorisations, however, these regimes do not capture important variations between countries. Characteristics of fragmented state centred regimes are first, employee representation via unions is limited; second, the dominant level of bargaining is the company; bargaining style is acquiescent; and the role of social partners in public policy is irregular and politicised. Studies of the benefits of work accommodation though few, suggest that where accommodations are available they have a positive impact on employment (Bronchetti and McInerney, 2015; Burkhauser et al. 2011; Clayton et al. 2012; Charles, 2004). Recent analyses show how European countries differ in regulation, services and economic incentives to offer work accommodation to largely disabled employees (Ferri et al., 2016; Mallender et al., 2015). Based on the work by Ferri et al., 2016, Estonia, Poland and Hungary belong to the group of countries where the regulation is moderate relative to all the other EU countries. The three countries have used different practices to co-design and implement work accommodation policy. In Poland and Hungary, tripartite bodies and concertation exist for social dialogue, nonetheless, these bodies have not discussed work accommodation policy in any depth. While in Estonia, no specific platform exists for national level tripartite social dialogue, (social partners participate in national level social dialogue through the public consultation process) in recent occupational disability reform, work accommodation regulation was not the focus of the social dialogue.

It should be noted that in Estonia and Poland, social partners are members of supervisory boards of social insurance and labour market tripartite institutions, for instance the Estonian Unemployment Insurance Fund (EUIF) and the State Fund for Rehabilitation of Disabled Persons (PFRON) in Poland. The potential to influence government policy making and implementation through these bodies although currently underutilised, could provide one route of influence in the future. The social partner role in disputing legally questionable or directly discriminatory stipulations in employment law, furthermore, should not be underestimated. In the three countries, one Polish example points to potential – trade union Solidarność was able via Constitutional Court resumption of the seven-hour working

day (extended to 8 hours, if requested by the employee) as a standard form of employment for people with an officially recognized disability. This suggests that although social partners would first and foremost see that work accommodation is regulated by central government, instead of binding collective agreements, little used mechanisms to intervene in decision-making is available to them.

Research suggests lack of knowledge and information about work accommodations and assistive technologies are the main barriers to their implementation (Gold, Oire, Fabian, & Wewiorski, 2012; Heckl & Pecher, 2009; Nevala et al., 2015). An important starting point for codetermining working conditions, including work accommodations would, therefore, be to increase knowledge sharing via information and consultation activities. Collective employment relations could play a positive role in this knowledge sharing. Social partners could increase awareness of employment rights and obligations to accommodate work particularly at the level of the workplace. In fragmented state centred industrial regimes, the focus of collective employment relations is the workplace (European Union et al., 2016), but this is also where the practicalities of workplace accommodations are decided. One potential problem associated with knowledge sharing in the three countries that participated in this project, however, are the multiple channels of employee representation that exist. In Estonia, employees can be represented by a trade union and/or employee trustee. In Hungary and Poland, the main channel of workplace-level employee representation are trade unions and work councils. In all the countries, occupational health and safety representatives i.e. working environment council or working environment representatives, could play an important role. In all countries representation on bodies linked to European Works Councils or European Companies also exist. In Estonia, employees do not have a right to be represented at board level. However, in Hungary, employee representatives make up one third of the members of the supervisory board in companies with more than 200 employees, and in Poland, there are employee representatives (trade unions) at supervisory board level in state-owned and privatised enterprises. It follows that the potential role representatives could play in advancing work accommodation and the wider sustainable work agenda is greater than statistics indicating low trade union density might suggest.

While existing initiatives are few in Estonia, Hungary and Poland, there are some good work accommodation practices. Most notably, the Estonian Employers Confederation has informed its members about work accommodation in a short article authored by an active labour market policy expert. In Hungary, Semmelweis University has developed an action plan between the trade union and employer that requires assessing and making proposals about the necessary measures required to facilitate workplace accessibility. Between 2005-2007 in Poland, an initiative entitled: 'Workplace Model of Protecting Equal Treatment for Disabled Persons in Employment in the Open Labour Market', fostered cooperation between sectoral social partners that led to the development of guidelines for the employment of disabled people that were successfully tested in 44 enterprises. These

practices, even if not fully implemented, effective or in force, could lay foundation for future initiatives.

## **Methodology**

The data that forms the basis of debate in this paper is both secondary and primary. Secondary data included a comprehensive literature review of the topic of work accommodations and industrial relations, as well as an exploration of the 'grey' literature – for example, policy documents in all three countries. The purpose of this was to be able to present social partners with the available evidence on the advantages of work accommodations to disabled and older people, the types of accommodations available and evidence of benefits to employers, employees and organisations (see Masso et al 2016). Country case studies were also compiled from secondary literatures to document systems of industrial relations, welfare provision and information (policy and practice) about work accommodations. Primary data was then collected through a series of workshops held with social partners in the three countries participating - Estonia, Hungary and Poland. These were organised with the explicit aim of discussing how work accommodations and social dialogue might better facilitate the employment of disabled and older people in each country.

The workshops had two key objectives. First, to inform and educate 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 of available evidence on this topic was presented and disseminated to social partners prior to workshops. Second, to engage social partners in active dialogue in workshops to co-produce strategies aimed at better integrating disabled and older people into employment. Discussions were also used to explore with social partners, the barriers they perceived would continue to act as obstacles to the integration of these two groups in employment. The literature review provided evidence that social partners were able to review on the value of work accommodations, which helped advance understanding and debate, while researchers were able to observe and note some of the problems highlighted by social partners, some of which relate to systems of industrial relations in these countries.

Country profiles summarising country-specific information on work accommodations, welfare state provisions and industrial relations facilitated a comparative analysis of the impact of different key factors: helping to analyse similarities and differences, as well as discover patterns and contrasts (Koshy, 2005). In each country a native facilitator with knowledge of work accommodations and industrial relations in that country, co-ordinated workshops. The facilitators met in advance to agree guidelines for the action research to minimize the differences in methodology and ensure the comparability of the country case studies. The workshops utilised participatory action research methods (see McNiff, 2016, p.

12) and collaborative democratic partnership - all participants including researchers are involved in all parts of the research process from start to finish (Coghlan & Brannick, 2009; Kemmis & McTaggart, 2005). Action research is a social interactive process that is 'fluid, open and responsive' (Kemmis & McTaggart, 2005, p. 277): as such, its outcomes also involve not only desired solutions to the problems it was originally set to solve, but also learning from outcomes both intended and unintended (Coghlan & Brannick, 2009). Workshops with social partners in each of the 3 countries focused on three key questions. What exists in terms of work accommodations for disabled and older people in the individual country? What might be developed in terms of work accommodations i.e. what could be? What actions and roles could social partners take to influence demand and supply of accommodated work and working conditions?

Three to five workshops were held with social partners in each country. After each session summaries of the discussions were produced and feedback from participants sought to ensure that the information captured demonstrated what had been discussed and agreed during discussions. Every new workshop discussion started with reflections from the last, to remind participants of where debate had progressed to. The ultimate aim and means of addressing the third question was for each country's social partners to co-produce an action plan to enhance work accommodation via industrial relations. There were some variations in design of the workshops to accommodate local preferences. Action research demands significant and conscious planning and self-reflection throughout (Coghlan & Brannick, 2009; Kemmis & McTaggart, 2005) and unpredictability and low control over the results are recognised as typical features (Huzzard & 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. It should also be noted that engaging social partners in a project that had not to date, been a priority for them and sustaining their focus was a challenge.

### **Country profiles and social partner workshops: what exists and what could be?**

Drawing on secondary and primary data an overview of each of the countries that participated in the workshops is provided below, along with the key findings that emerged from debate between social partners. A full version of each country's case study findings can be found at [http://www.praxis.ee/en/works/supporting-industrial-relations/ir\\_introduction/](http://www.praxis.ee/en/works/supporting-industrial-relations/ir_introduction/)

#### **Poland**

##### ***The demographic challenge***

Poland has experienced severe population decline and is one of the fastest ageing societies in the EU. It also has one of the world's biggest decline in fertility rates (Stańczak, Stelmach,

& Urbanowicz, 2016), and has experienced significant emigration since 2004 when Poland joined the European Union. According to the European Commission's projections the working population in Poland will fall 15.5 percent by 2080 and will have the biggest decline compared to Hungary 11.8% and Estonia 9.3%. The old-age dependency ratio, expressed as the proportion of people of working age (15–64) to the number of people of post-working age (65+) is the most worrying trend, for as Czarzasty et al. (2017:49) estimate: “while today, there are about five persons of working age per one person aged 65 or more, ...in 2080 there will be only two working age persons per one 65+ person”.

### ***Older and disabled people in the labour market***

Since 2015, the employment rates of older (aged 50-64) and disabled people have increased to their highest level. However, Czarzasty et al (2017:50) note that for disabled people this increase stabilised at around 21% in 2012. The main reasons older workers leave the labour market before reaching retirement age are: early retirement, health problems and for older women, care responsibilities – particularly of grandchildren or parents as a consequence of the underdeveloped welfare sector in Poland. Other factors include stereotyping and the reluctance of employers to hire older workers because employees enter a four year pre-retirement protected period in Poland, during which the employer is obliged to sustain employment regardless of the employee's performance (Litwiński, Giza, Góra, & Sztanderska, 2008). Studies of workplace accommodations on the labour market participation of older, rather than disabled workers, has been given little attention in Poland: an indicator that there is poor social awareness of their effects on this group (Czarzasty et al 2017:50).

The key policy instruments for providing work accommodations to disabled people include government grants (available to fund or reimburse the costs associated with adjustments) and a quota system that requires employers with 25 or more employees to demonstrate that 6% of their workforce comprises of disabled people. The penalty for not meeting this quota is a monthly payment to the State Fund for Rehabilitation of Disabled Persons (PFRON). Czarzasty et al (2017:51) estimate that between January 2004 and May 2017 the total number of employees with disabilities that were registered on the PFRON system of subsidies and reimbursement increased from 192,598 to 263,375. The number of those employed on the open labour market increased from 15,289 to 136,832, while the number of those in sheltered employment decreased from 177,309 to 126,543. In 2016, the revenue generated from contributions to the PFRON totalled 0.87 billion euro. Employers that meet the disabled employee quota and small employers (who make up a significant proportion of employers in Poland) do not pay into PFRON, which means that as the number of contributors declines, PFRON receives fewer funds, while the volume of due subsidies and reimbursement payable to employers increases. This has ignited an annual debate about subsidy and the reimbursement levels.

A study of Polish employers by Bratkowski et al (2009) identified 7 reasons why there is a reluctance to employ disabled people. These were: unsuitable infrastructure – architectural barriers; complicated and unclear legal regulations; inadequate qualifications; the financial and organisational costs of adapting the workplace; insufficient support for employers by local institutions; lack of sufficient knowledge about legal regulations; and difficulty in acquiring reliable information. Current social security regulations represent another obstacle for continued employment because they permit an employer to terminate employment when continuous sick-leave of more than half a year (183 days per annum) is reached. At this point an employer is allowed to channel the person into the disability-care system, which then reduces the chances of a disabled person participating in the open labour market (Czarzasty et al. 2017).

Evidence also suggests that the enforcement of regulations for disability discrimination in employment are weak (Zadrożny, 2015; Kocejko, 2016). Low awareness of the law among both employers and disabled employees and the availability of funding to make accommodations, contribute to this. Furthermore, the bureaucracy associated with applying for public funds to facilitate accommodations acts as a disincentive alongside the relatively low sanctions for discrimination.

### ***Social partner workshops***

The main social dialogue body at the central level in Poland is the Social Dialogue Council (Rada Dialogu Społecznego, RDS), within which there are eight thematic teams dedicated to specific areas of work conditions and employment relations. At least three of these have in their remit themes related to the situation of older and disabled workers, along with public policy instruments to address the needs of these groups: yet none have engaged in dialogue about work accommodations. In terms of support for older workers (over 50), the Government has encouraged employers to develop long-term age management objectives and retention strategies. However, while social partners have been active participants at the level of national law and policy making processes related to these initiatives, work accommodations for disabled and older workers has been at the margins of the formal social dialogue discourse.

A number of factors were identified during the workshops as contributing to the lack of social partner involvement in addressing the problems of older and disabled workers. Employer representatives felt they were poorly informed about the labour potential of disabled people and they often chose to pay a fee to PFRON for not meeting their quota of disabled staff, rather than employ them. Interesting, employers didn't make a link between employing disabled and older people, diversity management and business strategy (viewing these groups as potential consumers). Social partners also expressed the view that employers had delayed their response to demographic change in the labour market because

the problems posed had not been immediately apparent. Interestingly, trade union representatives voiced the belief that it was the sole responsibility of the employer to create a working environment suitable to the needs of older or disabled employees, rather than a shared responsibility. Many of the challenges both parties identified as barriers faced by older and disabled workers were, nonetheless, social and procedural in character, including: stereotypical attitudes on the part of employers, employees, and the general public; the dominance of a medical as opposed to a social model approach to disability; and deficiencies in functional, legal, and fiscal arrangements

Another problem social partners identified was an unwillingness among employees to disclose disabilities for fear of stigma and because the medical model of disability drove workplace approaches, because of legal requirements. It was believed that negative attitudes, especially towards disabled people, developed in the education system and attitudes inhibited the employment of disabled people. The absence of alternative flexible working time and work organization was highlighted as a particular problem and its future development it was thought, would be legally constrained. Particular reference was made to unrealistic health and safety regulations that prevented the wider use of telework and homeworking.

Recommendations formulated by the social partners (Confederation Lewiatan on the employers' side, and Confederation of Labour on the employees' side) to increase the labour market participation of older and disabled workers, were twofold. They advocated 'soft' measures to include raising awareness and education about the needs of disabled and older employees and the availability of workplace accommodations. It was suggested that awards could be established to reward and promote good practice among employers. There was also a belief that 'hard' standards were required to ensure that accommodations were provided, including monies to fund the provision of personal assistants for disabled employees (an accommodation rarely used); changes in occupational welfare; the introduction of working time accounts; changes in the legal regulation of telework and the introduction of a specialists posts in organisations to assist disabled staff. Employers indicated that the cost of accommodations required for existing employees were not always sufficiently reimbursed by the state. For a detailed account of these findings see: Czarzasty, Koziarek, Owczarek (2017).

## **Hungary**

### ***The demographic challenge***

The Hungarian labour market has been negatively affected by an ageing population, migration of labour and labour shortages. The number of people aged between 50 and 65

years of age in 2016, represented 20% of the overall population. The employment rate of older workers is lower than other EU countries e.g. 8% less than Hungary in the 55-64 age group, and in comparison with Poland, in 2015 it was 3.8% lower (Balázs et al. 2017). The employment rate of people over 55 has, however, increased due to labour demand and major reforms to the Hungarian pension system in 2007, which made early retirement more difficult. Public protests against these reforms, led predominantly by employee representatives, created a political environment in which the employment of older workers became controversial. In relation to disabled people, labour market census data from 2011 reported that of 311,000 disabled people 80,165 were economically active, with approximately 74% of the disabled working age population inactive. Most of the inactive disabled people receive benefits or a pension-like allowance. As with older people there has been an increase in the employment of this group because of restrictions in pensions and benefit entitlements and demand for labour. EUROSTAT statistics suggest the employment of disabled people in Hungary is, nonetheless, the lowest in the EU, and at 47.3%, represents half of the EU average. Even compared to the so-called Visegrad countries (Czech Republic, Poland, Slovakia), Hungary's main competitors and sort of benchmarks, the employment rate of people living with disabilities is lower by 11 percent (Balázs et al. 2017:9).

### ***Older and disabled people in the labour market***

There are some limited signs that the state and other stakeholders, including employers' organisations, have begun to reach out to underemployed groups, including older and disabled people, to meet the demands of this labour shortage. The expression 'work accommodation' is not common or widely used in Hungary (even a proper and accurate translation does not exist yet), the needs of groups to whom work accommodations are usually applied are, therefore, poorly understood. Since 2012 the law has acknowledged that disabled people are entitled to request (reasonable) accommodations, however, guidance regarding enforcement of this legal right and the obligations of employers are vague. Furthermore, while it is recognised that the over 50s are disadvantaged in the labour market and may require support, apart from tax relief for employers that employ over 55s, the law does not provide this group with legally enforceable rights. Like Poland, a number of financial incentives and penalties are used to encourage employers to employ disabled people. A quota system applies to employers with more than 25 or more employees, tax credits, tax exemptions and wage subsidies are also available and contributions to the costs of workplace accommodations. Flexible forms of employment, like part-time work and telework that could assist disabled or older workers are, however, uncommon in Hungary. According to the Hungarian Association of Telework only 3% of the employees were employed as teleworkers in 2016, while only 6% worked in part-time (the EU average is 20%) (Balázs et al. 2017).

During the project, the Policy Agenda researchers ((Balázs et al. 2017).involved in facilitating workshops carried out a survey among the managers of small and medium size enterprises. They were asked to what extent the various social groups, including the older and disabled populations, would be able to mitigate the labour shortage. Managers had to assess the suitability of these groups as potential employees on a 1 to 5 scale (1- least suitable for easing the labour shortage, 5- absolutely suitable). The survey clearly highlighted that even amidst tight labour market conditions managers do not yet see these groups as a labour reserve.

### ***Social partner workshops***

Social dialogue in Hungary takes place on three levels: company, sectoral and national. Trade union density is low (approximately 9%) and is highest in the public sector. SMEs are rarely organized. In workshops, social partners concluded that discussions of work accommodation would be most effective at mid-level social dialogue, where it would be possible for members of sectoral social dialogue committees' to conclude collective agreements. It was felt the advantage of sectoral collective agreements was that the specific needs of those working in a particular sector could be taken into account. At company level, dual representation of workers exists through trade unions and works councils. Trade unions are more important, as only they have the right to conclude wage or collective agreements with employers e.g. work accommodation measures. Social partners noted that work accommodations had not been directly discussed by them at national or sectoral level. One of the reasons for this they believed, was the state centred and company based system of industrial relations. Workshops provided an opportunity for social partners and NGOs (that also attended) to discuss how to improve this system; one suggestion was that a proper sectoral social dialogue needed to be established on work accommodations and rehabilitation. At a national level, social partners, employees and employers have cooperated to implement a European Framework Agreement on the employment and integration of older workers into the labour market, which could be extended to include work accommodations, more generally.

The ambivalent attitude of trade unions to the employment of older people became significant during debate in workshops. Some trade union representatives voiced their concerns that promoting the interests of older people (in particular) during periods of labour shortages, could undermine the bargaining power and wages of their existing employed members. This view was held despite an acknowledgement that employees often need to work regular periods of overtime and the shortage of labour meant many employees are unable to take statutory leave entitlements. Other trade union representatives disagreed and saw the potential for recruiting new members among currently under-represented groups in the labour market. However, they were concerned

that trade unions should be able to exert some control over the process of recommending work accommodations. There was even a suggestion that older people would be recruited to jobs through trade unions. The problem, as some trade unions saw it, was that disabled and older people attract tax relief and wage subsidies and are therefore, cheaper to employ: representing a threat to existing, more expensive labour. The fact that in the context of current acute labour shortages this scenario is unlikely to occur, seemed lost on some representatives.

The positive role that could be played by NGOs in national debate about integrating older and disabled people into the labour market, it was agreed by social partners, would be helpful. They acknowledged that civil society organizations had greater knowledge and practical experience of the relevant issues facing these groups. Proposals included involving NGOs to help to develop information campaigns, or a job register, which could match groups of employees with the needs employers. Social partners, moreover, referred to a need to revive former initiatives where trade unions, employers' organizations and civil society representative groups had cooperated, with the support of government. These were coalitions that acted as 'think tanks' to find ways to facilitate the employment of older workers, which included steps to modify working environments. For a detailed discussion of the workshop findings see Balázs Bábel, Ambrus Kiss, (2017).

## **Estonia**

### ***The demographic challenge***

A recent analysis of the Estonian labour market by Haaristo et al (2015) detailed how, in the age group 15-64, approximately 600, 000 are employed and 279, 000 are either inactive or unemployed. Analysis points out that, of those not employed 28, 636 are of retirement age and 44, 528 are disabled. There has been little specific research on work accommodation in Estonia, although increased debate about including disabled people in the labour market has occurred since 2014, as a consequence of government debate about occupational disability reform. Workforce ageing, active ageing and the employment of an ageing population is also evident in public discourse.

### ***Older and disabled people in the labour market***

The importance of work accommodation is highlighted in a recent survey (Emor, Praxis 2016), which found that 39% of those over 50 self-reported that their age limits the type of work they could do, or that they require accommodated work arrangements. The self-reported need for accommodations is bigger among those who are not employed at approx.

30%. Evidence, nonetheless suggests, the supply of accommodated work in Estonia is small. Espenberg et al (2012), found a considerable share of older employees said their working conditions were too rigid and 23% of employees currently working full-time would like to work part-time, but of those, only 11% had enquired about a change in working time. In relation to disabled people, a recent survey (Saar Poll OÜ, Tartu Ülikool, 2009) found that 33% of unemployed or inactive disabled people self-reported that to return to work they would need accommodated work. The share is about 50% for those disabled people older than 65 years. Of those not employed, 18% of disabled people estimate that the main reason they left their last job was related to their disability. This share is around one third among disabled people up-to 65 years old (working age). The results point to the need for suitable employment and accommodated working conditions. In one survey of employers (Saar Poll OÜ 2014), it was found that 54% of employers estimated that work accommodation is not costly, 28% considered it costly and 17% of employers could not estimate. Employers that currently do not employ disabled workers were more likely to estimate that work accommodation is costly.

### ***Social partner workshops***

While debate on increasing the labour market participation and employment opportunities of disabled and older people in Estonia has increased, less attention has been paid to issues such as access to suitable employment, workplace accommodations, job redesign and working conditions, in social dialogue. The motivation of social partners to participate in workshops therefore, derived from two quite different factors. One practical, stemming from the need to utilise the native population to tackle labour shortages. The other reflects contemporary values in society concerned with equality of opportunities. In a wider context, co-determining accommodated working conditions could be a way of promoting greater flexibility in hitherto rigid employment relationships in Estonia, which in workshops social partners identified as a key problem. Inflexible employment relations, alongside a lack of tradition to accommodate work, were viewed as factors preventing employees from requesting work accommodations and an important reason why employers are not offering it.

The way in which organisational disability and age management issues are usually categorised as occupational health and safety issues, rather than equality and diversity or working conditions concerns was also identified as problematic by social partner representatives. Other factors identified that inhibit bargaining and co-determination around work accommodation included a poor understanding of the functional capacity of older and disabled people and their suitability for employment, but also in relation to disabled people their unwillingness to disclose and request non- standard working conditions. Employers raised a number of concerns, including their lack of knowledge of

possible accommodation opportunities, uncertainties about implementing work accommodations and worries about the reaction to hiring people with disabilities.

Interestingly, workshop discussions found low awareness of legal and financial support available from government to employ disabled and older people, among both employers and unions. Social partners agreed that the ultimate aim is to ensure that working conditions are not the reason why a disabled or older person is out of work and practical suggestions included raising awareness about work accommodation opportunities and recognizing when work accommodation and opportunities to negotiate work accommodation, arise. The ideas social partners proposed and discussed mainly revolved around what information is necessary to encourage employers to accommodate work and to encourage employees to request them and, how to make the decision-making process surrounding work accommodations, easier. There were however, no proposals on how work accommodation could be integrated into collective agreements, which probably reflected the fact that collective bargaining is not widespread in Estonia

From a list of possible interventions, social partners agreed that the first step towards enhancing work accommodation through industrial relations would be to compile detailed information about the work accommodation process, together. To achieve this, it was decided that participants would identify and collect all relevant information about accessible workplaces to tax benefits etc., currently scattered between different organisations webpages. They proposed to systematically update this so it could be presented in a clear and concise manner, but also ensure it is sufficiently detailed to be easily translated into practice. Case studies of good practice and examples of where work accommodation in different types of companies and sectors had worked, would be compiled, to increase awareness of the variety of accommodations available. This would include approximately costs and the main challenges faced when implementing them. Both employer and employee representative organisations (ETKL and EAKL) agreed to create a topical sub - webpage on work accommodation in their home pages that would include references to other relevant sources. It was proposed that information will be shared through different mediums: newsletters, sectoral magazines, but also within everyday communication with members, in topical seminars, cooperation events and conferences - to spread knowledge and also reach members who do not visit or use websites. As this is the first project of its kind in Estonia, the whole process itself was viewed as a success. However, several challenges and questions remain. Firstly, it is questionable whether the social partners agreed objectives can be further realised or built upon. Social partners expressed concern about the sustainability of their plans given the scarce human and financial resources available to them. It is also a matter of priorities and it was apparent that social partners had several other employment relations issues on their agenda. The key challenge for the project is to keep this issue on the social partner's agenda. For a detailed account of workshop findings see: Masso and Osila (2017).

## Discussion and Analysis

The above country profiles illustrate that while the concept of sustainable work over the life-course is an under-developed one in the three countries studied, demographic factors – ageing populations, high rates of emigration, low fertility rates (see particularly Poland) and the under-employment of disabled and older people – suggest, this agenda is urgently in need of developing. As previously noted, Eurofound (2015) identified two key ways in which social dialogue and collective bargaining supports sustainable work. First, these processes and associated institutions enable and encourage workplace practices that search for a better fit between the needs of employees during their life course by improving job design. Second, the development of a shared understanding of the needs of diverse employees and work organisations helps to address job quality. The latter point is important, because too often disabled people become ghettoised into low skilled unchallenging employment and in the case of older workers their knowledge and skills are under-valued. This highlights a further issue that does not appear to feature strongly in many debates about sustainable work, but which militates against the development of it: the negative role of social attitudes and stereotyping. In workshops, social partners strongly emphasised the need for further education about the potential contribution of currently marginalised groups. In Hungary, the participation of NGOs representing disabled and older people in workshops with social partners led to the suggestion of establishing a national think tank to examine work accommodation. A need to place social justice at the centre of debates about increasing the employment of disabled and older workers and sustainable work debates was also demonstrated in workshops.

One issue that arose in debates between social partners was the sometimes paradoxical effects of policy instruments used by governments to encourage the employment of disabled and older people. Common financial stimulants and penalties include the provision of grants to fund workplace accommodations (usually for disabled people), subsidies, tax relief, quotas and associated fines for not meeting these quotas. While such policy instruments are employed across the EU, in the Polish workshop there was discussion about their long term sustainability, particularly during periods of fiscal austerity. The point was made that policies that rely on raising income from bad employers through fines for not meeting a set quota to fund subsidies and tax relief to reward good employers, become less sustainable the more successful they are, because they generate less income. Similar doubts were also expressed about the efficacy of the law and state regulations as an effective tool. Discrimination law was viewed as ineffective because the mechanisms of representation, inspection and enforcement were poor in all three countries. Furthermore, health and safety regulations were cited as obstacles to the development of flexible working practices and job redesign by employers and trade unions alike in all three country workshops: inhibiting the development of teleworking and homeworking. In Poland, where

the employment of older people has increased to its highest level, statutory protections that prevent employers dismissing older workers pre-retirement, it was felt, had had the effect of dissuading the employment of older workers. Whereas in Hungary, political controversy and backlash around pension reforms may have been a factor in explaining trade union opposition to employing older workers.

The research was particularly interested in stimulating debate between social partners on the topic of work accommodations and it was evident that while all three countries had been forced to debate the negative impact of demographic change on the supply of labour, there had been few specific debates about enhancing the provision of accommodated work. The rigid and inflexible working practices, features of the countries involved in the project, may go some way to explaining this. However, it was notable, that even in a country where there had been lively debate about active ageing at work and disability occupational reform, as is the case in Estonia, workplace accommodations, job redesign, working conditions and the role of social dialogue in changing these, had not been significant. It appears that there is concern about the need to address the *problems* caused by demographic change but less clarity about the *solutions* required to address this crisis.

A central aim of the action research was to stimulate debate between social partners about how they could use work accommodation to integrate and sustain the employment of older and disabled people in the mainstream labour market, as an under-utilised resource. We were also interested in mapping out hitherto uncharted territory by documenting what currently exists in terms of social dialogue through which work accommodation could potentially be promoted and negotiated. Overwhelmingly we found that work accommodations have not featured in mainstream social partner debates, even where debate has included concerns about the needs of older and disabled people in the labour market. As a distinctive part of the bargaining agenda, therefore, both work accommodations and the wider debate about sustainable work is largely absent, even though the demographic challenges being faced by these countries is the greatest. In some instances, for example, Poland and Hungary, trade unions were even reluctant to own the problems associated with work accommodation and perceived it as an issue exclusively the responsibility of employers. This possibly reflects the weakness of trade union development and organisation in these countries, however, we found evidence that unions also view accommodated labour and the subsidies that it attracted, as a threat to their existing members. In this sense, policy levers designed to encourage the employment of disabled and older people can be seen as mechanisms that sustain their 'outsider' status and discourage full integration into the labour market. In the UK, where such policy incentives no longer exist, the disability movement has argued strongly against their use for these reasons. Instead debate has emphasised the need to acknowledge difference and accommodate diversity, rather than reinforce the status of 'other' in opposition to an 'ideal' employee.

The role of social dialogue and collective bargaining in achieving sustainable work according to Eurofound (2015) is important. A feature of all the participant countries in this study, however, is low trade union density, although there is established social dialogue at national, sectoral and workplace levels. It was agreed by all workshop participants that work accommodations could play a role in social dialogue, though in most instances it was envisaged this would take place at national and sectoral levels. Establishing agreements at these levels would be beneficial, but it is at the level of the workplace, where everyday job redesign and flexible working practices facilitate employees, where debate and bargaining needs to be stimulated further. In this respect the role of Works Councils and local NGOs could be developed further, though only trade unions have the authority to bargain changes to core terms and conditions of employment for groups of employees. Where government, social partners and other stakeholders could engage further is in initiatives to educate and encourage changes in attitudes towards older and disabled workers. In terms of practical outcomes in all three countries there was enthusiasm for education, promoting a better understanding of the needs of marginalised groups, establishing web sites and a job register for employers and employees with the help of NGOs, but it was also apparent that resources were few and organisation an obstacle. The role of the state and policy makers in co-ordinating and facilitating/ funding such initiatives was not directly explored in this research, but given the industrial relations regime that characterises these countries, its role would appear significant. Terminology could also play a significant role in further these debates. As we saw, in Hungary, the word work accommodation isn't established in the vocabulary. The wider concept of sustainable work has had even less impact. It is important therefore, that the way we use these terms is examined and their meaning explored. Stigma accompanies the term work accommodation when it is used to imply a deficit or inability to perform a job. However, if the concept of work accommodations were viewed more inclusively and became part of a wider equality and inclusion agenda under the umbrella of sustainable working over the life-course, this could open up debate further and be relevant to a broader intersectional audience. To accompany this, it is argued that a social model of health and well-being needs to be developed that is concerned with workplace barriers that are physical, attitudinal and collective, as opposed to approaches that focus exclusively on individual and medical approaches that serve to depoliticize debate (Foster, 2018).

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