

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

Keywords: work accommodation, collective employment relations, social partners, collective voice, return to work, stay at work

Abstract

Work accommodations presume individual solutions for employees that are tailored to a specific 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 accommodated working practices could help better integrate under-utilised sources of labour in these three countries. The industrial relations regimes in the three countries have potentially enabling characteristics that could facilitate work accommodations. However, current knowledge of the work accommodation process and the integration of this issue into collective employment relations agenda, needs further improvement.

Introduction

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, the 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 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 (hereafter WA) are efforts to modify any aspect of a job or work environment so that an individual, usually a disabled person, can accomplish job tasks (Kwan & Schultz, 2016, p. 272). More generally, work accommodation is part of disability management organisational practice and its aim is to facilitate employment in the workplace (Costa-Black, 2013; Dewa, Trojanowski, Joosen, & Bonato, 2016; Gensby, Labriola, Irvin, Amick III, & Lund, 2014; G. Pomaki, Franche, Murray, Khushrushahi, & Lampinen, 2012; Georgia Pomaki, 2010; Reavley, Ross, Killackey, & Jorm, 2012). In theory, WAs 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 culture and interactions in organisations (Hartnett, Stuart, Thurman, Loy, & Batiste, 2011; Schur et al., 2014; Solovieva, Dowler, & Walls, 2011; Solovieva & Walls, 2013). However, evaluations of the effectiveness of WA interventions are few and analyses of different WA practices and their effectiveness across different types of impairment, despite much being published in the field (see for instance Van Oostrom et al., 2009), are lacking. Nevertheless, of those studies that do exist there is significant evidence to support the utility of WA in promoting employment and reducing costs (McDowell & Fossey, 2014; Nevala, Pehkonen, Koskela, Ruusuvauro, & Anttila, 2015; Schultz, Winter, & Wald, 2011; Williams-Whitt et al., 2015).

Changing terms of employment and working conditions presumes social interaction at the workplace between employee and employer considering intra and extra organizational contingencies, including collective forms of co-determination. The process of WA can involve people self-selecting themselves into workplaces where they can self-accommodate their needs and negotiate suitable conditions in their workplace (Hogan, Kyaw-Myint, Harris, & Denronden, 2012). Or, this process involves either employee initiated accommodation or organisation initiated accommodation, or a mixture of both (Cleveland, Barnes-Farrell, & Ratz, 1997). To be effective, however, WAs need to fit work to the employee and in doing this there is 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 & Fosh, 2010). Also, collective voice mechanisms on employee WA need to recognise that there is an unequal distribution of power between employers and employees and, as such, offers of WA, may emphasize employer concerns to complete the work in a standardized way, rather than adapting work to the employee (Seing, Ståhl, Nordenfelt, Bülow, & Ekberg, 2012).

The literature points to a number of collective practices that could shape co-determination of suitable terms of employment and working conditions. According to Lysaght and Krupa (2014, p. 100) employee representatives could (1) negotiate certain rights and procedures related to WA into collective agreements; (2) monitor whether members receive the WAs they require; and (3) influence the organisations policy regarding how positions are posted and filled and thus indirectly influence job classifications and descriptions and work ability of employees needing WA. Williams-Whitt (2007, p. 419) acknowledge that by "nudging collective beliefs and norms about accommodation", employee representatives could have considerable influence on WA practices. This 'nudging' might involve for example, establishing support for the employee that needs accommodation; providing information to employees about their rights and obligations, and this way play an important enforcement role in the field of labour and employment rights; diffuse animosity that results from disruption to the status quo; push employers to look harder when an appropriate solution is not readily apparent; help to avoid escalating conflicts and conflict resolution; assist in absence management, including worker compensation claims, guidance through administrative process and maintaining contact during leave.

The impact of industrial relations on WAs has yet to be empirically scrutinised. A correlational study of a sample of 3,638 organizations in 6 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 WA are more likely, if labour unions are involved. Furthermore, research (in-depth interviews with supervisors in Canada) by Williams-Whitt (2007) indicates that WA outcomes for disabled employees may be substantially affected by the quality and degree of union involvement.

In general, the comparative analysis of WA practices across different industrial relations system 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 different nation states (Esping-Andersen, 2013; Hyman, 2001). **Analysing different dimensions of industrial relations systems**, including industrial democracy, industrial competitiveness, social justice, job and employment quality (Welz, Fromm, Rodriguez Contreras, Boehmer, & Eurofound, 2016) or employee representation, level of bargaining, bargaining style, role of state in industrial relations, role of social partners in public policy (European Union, European Commission, & Directorate-General for Employment, 2016) and typology of industrial regimes in European countries, has been proposed. We comparatively analyse the effect of cross-country differences in industrial relations on WAs, focusing on state centred industrial relations systems in the Eastern-European region, as differences in the institutional framework can have significant and varied influences on collective WA practices.

Commented [DF1]: Do you mean here that these factors have been found to have an impact on WAs? I've tried to shorten a little because the sentence was very long, but I'm still not clear what point is being made in the sentence. If these are factors, best to begin with...
"Factors that have been found to have an impact on WAs."
At the moment, it could be interpreted that this is what the article will consider.

Collective employment relations are influenced by government employment policies, and the involvement of employers' associations and employee unions could lead to better WA policy design and implementation (see for instance Freeman & Medoff, 1984; Hirschman, 1970). Government interventions could be targeted at changing the behaviour 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., 2012a). Recent analyses have shown that European countries differ in regulation, services and economic incentives related to WAs (Ferri et al., 2016; Mallender et al., 2015). The role of government WA policy in conditioning collective employment relations is, moreover, more relevant in "state centred industrial relations systems": the focus of this project. Analysis of the contingent effect of government WA policy on co-determining WAs is also currently missing in the literature.

Methodology and Research Questions

Qualitative data was 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 WAs and how social dialogue might facilitate the employment of older and disabled people. The participants in the work shops were representatives of the peak level representative organisations of employees and employers, i.e. 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 WAs to support disabled and older people in the labour market: to this end a detailed literature review that synthesised the available evidence on this topic was presented and disseminated to social partners in advance of the first workshop. Second, 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 these two groups into employment. Social partners had the opportunity to evaluate evidence on the value of WAs, 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 relate to systems of industrial relations in these countries.

Before the workshops began, country case studies of what already existed in each country in terms of WA 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 generalized knowledge of the issue (Koshy, 2005).

The methodological approach drew on a tradition of participatory action research design. Kemmis and McTaggart (2005, p. 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, p. 12) refers to action research as "practice-based research" and Koshy (2005) states that new knowledge is being created by examining the issue within specific and practical contexts. The main features of action research are: planning, taking action, evaluating the action, further planning (Coghlan & Brannick, 2009; Kemmis & McTaggart, 2005). Thus, the aim is to study, learn and thereafter develop better practices. Action research involves co-production and collaborative democratic partnership (Coghlan & Brannick, 2009; Kemmis & McTaggart, 2005). It is a social interactive process, referred to as "fluid, open and responsive" (Kemmis & McTaggart, 2005, p. 277), with outcomes that involve not only desired solutions for the problems it was originally set to solve, but also learning from outcomes both intended and unintended (Coghlan & Brannick, 2009).

The action research focused on three questions:

1. What exists? - What is the current situation surrounding WAs generally, and in each country, and how can industrial relations enable and motivate social partners to accommodate work for disabled and older people?
2. What could be? – What would be the reasonable objective in changing labour market participation and employment opportunities of disabled people via industrial relations and WA?
3. What and how is this achievable? – What realistic steps could social partners make to influence demand and supply of accommodated work and working conditions?

In stage one of the research process a comprehensive literature review on WAs and industrial relations was presented to social partners, to establish what provision and evidence currently exists in different countries and in doing so, what could be possible. In each country a native facilitator, with local knowledge of WAs and industrial relations, then co-ordinated three to five workshops with social partners. Facilitators met in advance to agree guidelines to minimize 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 WAs 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 & Brannick, 2009; Huzzard & Björkman, 2012).

After each workshop summaries of discussions were produced and feedback from participants was sought to ensure that the information captured demonstrated what had been discussed and agreed during the seminars. Every new seminar started with reflections from the last seminar. 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.

Analysis

The EU acknowledges five key European industrial relations regimes (European Union et al., 2016), and the three European countries participating in this project – Estonia, Hungary, Poland – are grouped under 'fragmented, state centred' industrial relations regimes. These regimes are commonly characterised by limited employee representation coverage via unions; dominant company level bargaining; an acquiescent bargaining style; and an irregular and politicised role for social partners in public policy. Limited empirical evidence available via the European Working Conditions Survey (see also Table 1) indicates that supply and demand for WA varies little across different industrial relations regimes. Arguably, this therefore suggests, either that industrial relations of WAs is a sub-field of employment relations that is not directly reflected in differences according to the general typology of IR regimes, or 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 WAs.

Table 1 Regimes of Industrial Relations and Work Accommodation Regulation

Regime of Industrial Relations¹	Organised Corporatism	Social Partnership	Polarised, State centred	Liberal Pluralism	Fragmented state centred
Broad Geographic Region	Northern Europe	Continental western Europe	Southern Europe	Western Europe	Central and eastern Europe

Work Accommodation Regulation by Central Government (Authors evaluations based on Ferri et al., 2016.	High	Medium	High	Medium	Medium
Share of disabled people whose work has been accommodated ³	22...28%	17...23%	15...20%	22...26%	14...18%
Share of disabled people who would need work accommodation ³	25...32%	23...27%	15...20%	15...22%	17...22%

Sources : ¹ (European Union et al., 2016) - ² ³ European Working Conditions Survey 2015, Authors estimates

The same argument applies to analyses of differences within a regime, i.e. differences between Estonia, Poland and Hungary. However, the more detailed discussion on contingencies and opportunities in these industrial relations system follows, 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 ¹	7%	11%	14%
Workplace representation of employees – proportion of employees in workplaces where trade unions, works council, health and safety delegate or a similar committee exists ²	53%	40%	49%
Companies with employee representation – proportion of companies with structure of employee representation present at establishment ³	37%	16%	24%
Employers organisation density ⁴	25% (2011)	40% (2008)	20% (2012)
Collective bargaining employee coverage - extent to which the terms of workers' employment are influenced by collective negotiation. It is the coverage rate, proportion of employees covered by the collective agreement ⁵	23%	23%	15%
Collective bargaining companies' coverage - companies with at least 10 employed persons in employers' organisation which participates in collective bargaining ⁶	7%	13%	9%

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

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, above. Data collected during this research project from confederations indicates that bargaining and collective agreements regulating WAs have not been concluded in Estonia, Poland or Hungary, although as in other European countries, collective bargaining

around related issues, such as occupational health and safety, are widespread. For example, in Estonia 84% of concluded agreements include regulations related to occupational health and safety (Põldis & Proos, 2013).

The advantages 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: which groups of older and disabled people would be entitled to WAs (e.g. self-reported disability vs administratively ascribed disability)? When should reasonable accommodation duties be triggered (E.g. employee requests vs employer is supposed to know of the requirement)? 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 (e.g. 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, e.g. collective bargaining coverage, there are two other more specific contingencies that need to be taken into account. Firstly, in all the countries there are regulations relating to WAs 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 WA regulation in the countries is comparable, although there are rights and obligations that social partners in the countries foresee need further regulations. Secondly, the potential for regulation of WAs in the countries also allows social partners to view the role of regulation of WAs as the responsibility of central public administrations. Both of these are further discussed in the following sections.

Social partners in work accommodation policy making

The involvement of employers' associations and employee unions in social dialogue is believed to lead to the best government policy design, as they bring the 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 & Medoff, 1984). An impact assessment of the different types of interventions aimed at encouraging the employment of disabled and older people and the provision of WAs is lacking, however, some empirical studies, most notably by Bronchetti and McInerney (2015), Burkhauser et al. (2011), Clayton et al. (2012b) and Charles (2004), suggest WA measures, while often having a low take-up, have a positive impact on employment. Recent analyses have shown that European countries differ in regulation, services and economic incentives of WAs (Ferri et al., 2016; Mallender et al., 2015). Based on the work by Ferri et al., 2016, we situated Estonia, Poland and Hungary as belonging to the group of countries where regulation is moderate relative to all the other EU countries. The three countries, however, differ in terms of how they have designed and implemented their WA policies. In all WAs are viewed as a responsibility of the central state and this is where 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, WA policy has not been discussed by social partners. While in Estonia, no specific platform exists for national level tripartite social dialogue, so social partners participate in national level social dialogue through a public consultation process, which was also used during the recent occupational disability reform. WA policy was not, however, discussed as part of the social dialogue during this reform. In Estonia and Poland, social partners are also 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. However, like tripartite bodies, the potential to influence government policy-making and implementation via these bodies is currently underutilised but shows potential in the future. The social partner role in disputing legally questionable or directly discriminatory stipulations in employment law should not be underestimated and one recent Polish example illustrates this. Trade union Solidarność was able, via the Constitutional Court, to agree on a seven-hour working day (extended to 8 hours, if requested by the employee) as a standard form of employment for people with an officially recognised disability. In sum, though social partners would first and foremost see that work accommodation is regulated by

central government instead of binding collective agreements, they have little used the potential of their institutions.

Several authors suggest lack of knowledge and information on WA and assistive technologies are among the typical barriers to their implementation at workplace level (Gold, Oire, Fabian, & Wewiorski, 2012; Heckl & Pecher, 2009; Nevala et al., 2015). Debates in workshops between social partner representatives reinforced this. We found knowledge sharing via information and consultation activities, including Works Councils and trade unions at workplace level, are currently an under-utilised resource. Knowledge sharing is important for a number of reasons. Firstly, social partners could contribute to making the employment rights and obligations of WAs effective by increasing the level of legal awareness and legal clarity around their provision in workplaces. Secondly, the challenge of influencing employers' and employees' behaviour towards WAs could be met by developing and agreeing joint disability management practices. Thirdly, sharing knowledge on WA practices with workplace level actors could be considered intervention in itself.

In "fragmented state centred" industrial relations regimes, the focus of collective employment relations is in the workplace and employee representation is supposed to be union based (European Union et al., 2016). However, in all the countries participating in the project there are multiple channels of employee representation. In Estonia, employees can be represented by a trade union and/or employee trustee. In Hungary and Poland, the main channel of workplace-level employee representation are trade unions and work councils. In all the countries, occupational health and safety representatives i.e. working environment council or working environment representatives, could play a positive role in WAs. Also, in all the countries, representation on bodies linked to European Works Councils or European Companies exist. In Estonia, employees do not have a right to be represented at board level. However, in Hungary employee representatives make up one third of the members of the supervisory board in companies with more than 200 employees, and in Poland, there are employee representatives (trade unions) at supervisory board level in state-owned and privatised enterprises. It follows that the potential role representatives could play in WAs is greater than low trade union density suggests (see also Table 2).

While existing initiatives are few, there are some good WA practices in all the three countries. Most notably, the Estonian Employers Confederation has informed its members about WA in a short article authored by an active labour market policy expert. In Hungary, at Semmelweis University, there is an action plan made by the trade union and employer that requires assessing and making proposals about the necessary accessibility for workers with limited working abilities. In Poland, the most remarkable intervention was compiling guidelines on work adaptation to address the requirements of disabled employees. In 2005-2007, as part of the Workplace Model of Protecting Equal Treatment for Disabled Persons in Employment in the Open Labour 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 foundation for future initiatives.

Information and Consultation Activities

Focusing on knowledge sharing activities, there were two types of closely related activities that were identified by social partners. Firstly, as employer and employee representatives' general awareness about WA is lacking, 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 reproduce the most crucial information on WA and be accessible from one place. The site would also feature experiences or stories of employers and employees negotiating and implementing accommodations. In the Hungarian workshops, social

¹ „Związkowa Promocja i Ochrona Równouprawnienia Osób Niepełnosprawnych w Zatrudnieniu” (ZORON), see <http://www.equal.org.pl/baza.php?M=10&PID=19&lang=pl> (accessed: 13-05-2017). Official website of the project, <http://www.zoron-equal.pl/>, no longer available at the time of preparing this report.

partners agreed to work with civil organisations to compile job registers that would be suitable for disabled people with different types of illnesses and impairments². Also, in the Hungarian case, it was recognised that trade unions officials and representatives would require disability sensitization training that would give them skills and knowledge required to interact and deal with people with disabilities with confidence and facilitate the integration of 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, 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 related to confederations and sectoral organisational capacity to empower employers and employee representatives at different levels of bargaining. As well as raising the general knowledge of WAs, capacity, it was discussed, needed to be improved via consultation frameworks. The Estonian case study resulted in an agreement between social partners to compile a section for the abovementioned website that would describe a toolbox that representatives could employ during workplace and sectoral level representation. An agreement was also made to discuss the know-how in up-coming trade unions and employers' representatives' seminars. However, it should be noted that no particular solution was proposed that would keep this knowledge sharing effective beyond the current action research project. In Hungary, social partners discussed how a committee within the sectoral union could be established to put WA 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 on WAs could be improved, we have seen the national social partners willing to propose amendments to, or development of, measures to stimulate WA. This included making proposals in tripartite social dialogue or dispute regulations. Regarding future steps, the social partners also suggested that changes needed to be made to the existing policy mix on WA, which needs to be negotiated with other policy makers and implementers.

Conclusions

Labour market participation 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 WA presumes individualised solution for particular employees at a particular workplaces, collective employment relations in its 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, WAs 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 WAs as a strategic industrial relations concern. Social partners potentially play a crucial role in ensuring that fitting work around individuals becomes a central feature of the labour market of tomorrow. Intra and extra organizational contingencies, including collective forms of co-determination, are relevant to establishing WAs, yet they are more often portrayed as a private concern, than of little 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 and this makes it difficult to set precedents, it is still crucial to establish collective knowledge around good practice.

² Still, the approach needs to take into account that not everyone with a medical condition has the same limitation or needs the same suitable terms of employment. Similarly, the approach must avoid that some jobs will become stigmatized and seen as low status and low paid.

Arguably, different industrial relations systems have institutional enablers and barriers that shape opportunities and practices of collective employment relations of WA. 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, Hungary, and found that social partner interventions to support WAs are highly dependent upon their capacity and available resources. Different economic and employment related issues are competing for the attention of social partners, especially in small countries like Estonia. Organisational capacity, therefore, limits active agency in different fields of employment simultaneously. This action project, which actively engaged with social partners allowed them to develop ideas relating to WAs, which 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 could not be described as featuring strong collective bargaining. Industrial relations in these countries are characterised by multi-channel representation at the workplace level and institutionalised social dialogue on national level. Currently, no binding collective agreements exist on WAs. However, regulation of occupational health and safety, which is more common, might be considered as the building block for future negotiations. 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 level, so the importance of workplace level representation and the negotiation of WAs could not be stressed enough. In the three countries, the multi-channel representation at the workplace level includes but is not limited to work councils, occupational health and safety specialists, occupational health and safety representatives, employee trustees. Empowering them by sharing knowledge on WAs practices is important. What is also required from sectoral and national level partners, is a willingness to mutually learn from the representation and consultation practices to ensure the dissemination of the best practice.

The industrial relations systems of participant countries have been described as state centred, where social dialogue with government employment policy makers is crucial but fragmented. The state is also the main regulator of WAs in these countries. It was, perhaps, not surprising that this was reflected in discussions with social partners who expected government to lead on matters of WAs. This cast social partners into a passive or reactive role, rather than being proactive. It is our recommendation that social partners should take the initiative and not only point at gaps and shortcomings in government WA 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 WA policies, however, 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 WA legislation in respect to corresponding ILO and EC regulations, they did identify a number of shortcomings in the design or implementation of national WA policy measures. We call on social partners to keep WAs on their agendas and proactively discuss WA measures with other policy makers and implementers.

References

- Bronchetti, E. T., & McInerney, M. R. (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. <https://doi.org/10.1177/0019793915570874>
- Burkhauser, R. V., Schmeiser, M. D., & Weathers II, R. R. (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, K. K. (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. <https://doi.org/10.1177/10442073040150020301>
- Clayton, S., Barr, B., Nylén, L., Burström, B., Thielen, K., Diderichsen, F., ... Whitehead, M. (2012a). 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. <https://doi.org/10.1093/eurpub/ckr101>

- Clayton, S., Barr, B., Nylen, L., Burström, B., Thielen, K., Diderichsen, F., ... Whitehead, M. (2012b). 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. <https://doi.org/10.1093/eurpub/ckr101>
- Cleveland, J. N., Barnes-Farrell, J. L., & Ratz, J. M. (1997). Accommodation in the workplace. *Human Resource Management Review*, 7(1), 77–107. [https://doi.org/10.1016/S1053-4822\(97\)90006-1](https://doi.org/10.1016/S1053-4822(97)90006-1)
- Coghlan, D., & Brannick, T. (2009). *Doing Action Research in Your Own Organization*. SAGE.
- Costa-Black, K. M. (2013). Core Components of Return-to-Work Interventions. In P. Loisel & J. R. Anema (Eds.), *Handbook of Work Disability* (pp. 427–440). Springer New York. Retrieved from http://link.springer.com/chapter/10.1007/978-1-4614-6214-9_26
- Dewa, C. S., Trojanowski, L., Joosen, M. C. W., & Bonato, S. (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. <https://doi.org/10.1177/0706743716632515>
- Esping-Andersen, G. (2013). *The Three Worlds of Welfare Capitalism*. John Wiley & Sons.
- European Union, European Commission, & Directorate-General for Employment, S. A. and I. (2016). *Employment and social developments in Europe 2015*. Luxembourg: Publications Office of the European Union.
- Ferri, D., Lawson, A., European Commission, Directorate-General for Justice and Consumers, Maynooth University, & University of Leeds. (2016). *Reasonable accommodation for disabled people in employment contexts a legal analysis of EU Member States, Iceland, Liechtenstein and Norway*. Luxembourg: Publications Office. Retrieved from <http://dx.publications.europa.eu/10.2838/53553>
- Foster, D. (2015). Devolution and disabled workers: the experiences of union equality representatives in Wales. *Industrial Relations Journal*, 46(2), 153–168. <https://doi.org/10.1111/irj.12096>
- Foster, D., & Fosh, P. (2010). Negotiating 'Difference': Representing Disabled Employees in the British Workplace. *British Journal of Industrial Relations*, 48(3), 560–582. <https://doi.org/10.1111/j.1467-8543.2009.00748.x>
- Freeman, R. B., & Medoff, J. L. (1984). What Do Unions Do. *Industrial and Labor Relations Review*, 38, 244.
- Gensby, U., Labriola, M., Irvin, E., Amick III, B. C., & Lund, T. (2014). A classification of components of workplace disability management programs: Results from a systematic review. *Journal of Occupational Rehabilitation*, 24(2), 220–241. <https://doi.org/10.1007/s10926-013-9437-x>
- Gold, P. B., Oire, S. N., Fabian, E. S., & Wewiorski, N. J. (2012). Negotiating reasonable workplace accommodations: Perspectives of employers, employees with disabilities, and rehabilitation service providers. *Journal of Vocational Rehabilitation*, 37(1), 25–37. <https://doi.org/10.3233/JVR-2012-0597>
- Hartnett, H. P., Stuart, H., Thurman, H., Loy, B., & Batiste, L. C. (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. <https://doi.org/10.3233/JVR-2010-0530>
- Heckl, E., & 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. Retrieved from ec.europa.eu/social/BlobServlet?docId=1957&langId=en
- Hirschman, A. O. (1970). *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Cambridge, Mass: Harvard University Press.
- Hogan, A., Kyaw-Myint, S. M., Harris, D., & Denronden, H. (2012). Workforce Participation Barriers for People With Disability. *International Journal of Disability Management*, 7(1), 1–9. <https://doi.org/10.1017/idm.2012.1>
- Huzzard, T., & Björkman, H. (2012). Trade unions and action research. *Work, Employment & Society*, 26(1), 161–171. <https://doi.org/10.1177/0950017011426314>
- Hyman, R. (2001). *Understanding European Trade Unionism: Between Market, Class and Society*. SAGE Publications.
- Kemmis, S., & McTaggart, R. (2005). Participatory action research: communicative action and the public sphere. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage Handbook of Qualitative Research* (pp. 559–603). Thousand Oaks, California, USA: Sage Publications. Retrieved from <http://researchonline.jcu.edu.au/26655/>
- Koshy, V. (2005). *Action Research for Improving Practice: A Practical Guide*. London: SAGE Publications Ltd.
- Kwan, H. C., & Schultz, I. Z. (2016). Work Accommodations: A Social Perspective. In I. Z. Schultz & R. J. Gatchel (Eds.), *Handbook of Return to Work* (pp. 271–288). Springer US. https://doi.org/10.1007/978-1-4899-7627-7_15

- Lysaght, R., & Krupa, T. (2014). Employers' perspectives on workplace accommodation of chronic health conditions. In *Working Bodies: Chronic Illness in the Canadian Workplace* (pp. 91–113).
- Mallender, J., Liger, Q., Tierney, R., Beresford, D., Eager, J., Speckesser, S., & Nafilyan, V. (2015). *Reasonable Accommodation and Sheltered Workshops for People with Disabilities: Costs and Returns of Investments*. Brussels: European Parliament Policy Department. Retrieved from http://www.europarl.europa.eu/RegData/etudes/STUD/2015/536295/IPOL_STU%282015%29536295_EN.pdf
- McDowell, C., & Fossey, E. (2014). *Workplace Accommodations for People with Mental Illness: A Scoping Review*. Retrieved from <http://www.scopus.com/inward/record.url?eid=2-s2.0-84901539983&partnerID=40&md5=37d3496e80bdfcc5a122b2368fbab5d>
- McNiff, J. (2016). *Writing up your action research project*. London ; New York, NY: Routledge.
- Nevala, N., Pehkonen, I., Koskela, I., Ruusuvoori, J., & Anttila, H. (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. <https://doi.org/10.1007/s10926-014-9548-z>
- Põldis, E., & Proos, M. (2013). Kollektiivlepingud Eestis. *Sotsiaalministeeriumi Toimetised*, 1. Retrieved from 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. Retrieved from http://www.ccohs.ca/products/webinars/best_practices_rtw.pdf
- Pomaki, G., Franche, R.-L., Murray, E., Khushrushahi, N., & Lampinen, T. M. (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, N. J., Ross, A., Killackey, E. J., & Jorm, A. F. (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. Retrieved from <http://www.scopus.com/inward/record.url?eid=2-s2.0-84865601911&partnerID=40&md5=5cc9d68bf634a0287989d27763cfef5c>
- Schultz, I. Z., Winter, A., & Wald, J. (2011). Evidentiary Support for Best Practices in Job Accommodation in Mental Health: Employer-Level Interventions. In I. Z. Schultz & E. S. Rogers (Eds.), *Work Accommodation and Retention in Mental Health* (pp. 409–423). Springer New York. Retrieved from http://link.springer.com/chapter/10.1007/978-1-4419-0428-7_22
- Schur, L., Nishii, L., Adya, M., Kruse, D., Bruyère, S. M., & Blanck, P. (2014). Accommodating Employees With and Without Disabilities. *Human Resource Management*, 53(4), 593–621. <https://doi.org/10.1002/hrm.21607>
- Seing, I., Ståhl, C., Nordenfelt, L., Bülow, P., & Ekberg, K. (2012). Policy and Practice of Work Ability: A Negotiation of Responsibility in Organizing Return to Work. *Journal of Occupational Rehabilitation*, 22(4), 553–564. <https://doi.org/10.1007/s10926-012-9371-3>
- Solovieva, T. I., Dowler, D. L., & Walls, R. T. (2011). Employer benefits from making workplace accommodations. *Disability and Health Journal*, 4(1), 39–45. <https://doi.org/10.1016/j.dhjo.2010.03.001>
- Solovieva, T. I., & Walls, R. T. (2013). Implications of Workplace Accommodations for Persons With Disabilities. *Journal of Workplace Behavioral Health*, 28(3), 192–211. <https://doi.org/10.1080/15555240.2013.808079>
- Van Dalen, H. P., Henkens, K., & Wang, M. (2015). Recharging or retiring older workers? Uncovering the age-based strategies of european employers. *Gerontologist*, 55(5), 814–824. <https://doi.org/10.1093/geront/gnu048>
- Van Oostrom, S. H., Driessen, M. T., De Vet, H. C. W., Franche, R.-L., Schonstein, E., Loisel, P., ... Anema, J. R. (2009). Workplace interventions for preventing work disability. *Cochrane Database of Systematic Reviews*, (2). Retrieved from <http://www.scopus.com/inward/record.url?eid=2-s2.0-68749083639&partnerID=40&md5=99b9ff9f30947dfd674ebc20e8313a801>
- Welz, C., Fromm, A., Rodriguez Contreras, R., Boehmer, S., & European Foundation for the Improvement of Living and Working Conditions. (2016). *Mapping key dimensions of industrial relations*.
- Williams-Whitt, K. (2007). Impediments to disability accommodation. *Relations Industrielles*, 62(3), 405–432+565.
- Williams-Whitt, K., White, M. I., Wagner, S. L., Schultz, I. Z., Koehn, C., Dionne, C. E., ... Wright, M. D. (2015). Job Demand and Control Interventions: A Stakeholder-Centered Best-Evidence Synthesis of Systematic

Reviews on Workplace Disability. *International Journal of Occupational & Environmental Medicine*, 6(2), 61–78.