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Social Partners' Responses and Actions

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ABSTRACT

Eleven Central and Eastern European (CEE) countries joined the European Union in 2004, 2007 and 2013. During the COVID-19 pandemic, social partners in CEE have been active in efforts to mitigate the negative consequences of the economic downturn; however, evidence on the scope, scale, and effects of their roles in shaping policy responses to the pandemic remains scant. This paper provides early evidence on the role of social partners in shaping job preservation policies, focusing on three main types: short-time working arrangements; wage subsidies; and flexible work arrangements. It presents the main characteristics of the industrial relations systems and main social partners are five CEE countries: Bulgaria, the Czech Republic, Poland, Romania, and Slovakia. Since the COVID-19 outbreak, social partners in Bulgaria have engaged in an intensive social dialogue leading to national-level agreements and have actively taken part in the formulation of job preservation measures.

JEL Classification: J08, J38, J5

Keywords: COVID-19 pandemic, short-time work, industrial relations systems, social partners, Kurzarbeit, wage subsidies, teleworking

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1 Introduction

Eleven Central and Eastern European (CEE) countries joined the European Union in 2004, 2007 and 2013. While one of the objectives of European integration – economic convergence – has been at least partly achieved between new and old member states, it has not been accompanied by convergence in industrial relations systems (Delteil & Kirov, 2016). In fact, the characteristics of Eastern European capitalism and its subtypes vary across new member states (Bohle & Greskovits, 2012). Nevertheless, most of these countries share the common trend of eroding trade union membership and influence. Despite these trends, the social models in CEE countries were able to generate some compromises and responded to economic crises in the post-enlargement period, such as the Great Recession of 2008. Political responses to these crises reflected national institutional settings (Johnstone et al., 2019), and the role of trade unions in shaping anti-crisis measures varied across EU countries and industrial relations systems (e.g., Geary, 2015; Kahancová, 2013). During the COVID-19 pandemic, social partners in CEE have been active in efforts to mitigate the negative consequences of the economic downturn; however, evidence on the scope, scale and effects of their roles in shaping policy responses to the pandemic remains scant.

Our study relates and contributes to an emerging literature on the roles of social partners in policy responses during the COVID-19 pandemic in 2020. Podvršič et al. (2020) study policy responses in the early stages of the pandemic in the export-oriented Central European countries including countries in this paper. Their study finds that social actors were selectively integrated in the creation of policy responses to the pandemic, depending on the political composition of the ruling coalition as well as the nature of the extant tripartite framework. The adopted policy responses deployed similar instruments (including short-time work provisions and tax and social security payment deferrals), and they varied in their scale and scope. Mueller and Schulten (2020) study short-time work arrangements across Europe and identify key criteria for their success in preserving jobs and maintaining decent incomes. We add to this literature by studying job-preserving policies in the under-researched CEE region.

This paper provides early evidence on the role of social partners in shaping job preservation policies, focusing on three main types: short-time working arrangements (e.g., *Kurzarbeit*); wage subsidies; and flexible work arrangements (e.g., teleworking). We present the main characteristics of the industrial relations systems and main social partners is five CEE countries: Bulgaria, the Czech Republic, Poland, Romania, and Slovakia. More specifically, we critically explore how social partners in these countries have been involved in designing and adopting job preservation policies responding to the COVID-19 economic crisis and increasing unemployment rates during 2020. We also focus on teleworking since this is a novel form of work organisation in the CEE countries as well as an important policy for preserving jobs during the current crisis (European Commission, 2020). However, while telework has been increasing massively since the beginning of the pandemic, social partners have had little to do with this process. At best, there have been cases of social dialogue at the company level.

The industrial relations systems in the CEE countries are characterized by a high fragmentation of social partners. In this paper we study whether the COVID-19 pandemic provided an opportunity for social partners to revitalize tripartite arenas and effectively engage in the preparation of job preservation schemes. We take insights from interviews with national-level social partners and desk research carried out in each country. Our findings indicate strong involvement of social partners in the design of short-term working schemes but less engagement in the introduction of teleworking as a novel form of work organization in CEE countries.

The reminder of this paper is organized as follows. First section begins with a preview of theoretical literature that provides background for our empirical strategy and to which we contribute. Next section we elaborate a mixed-method empirical framework based on case studies in an effort to map these very recent developments and triangulate the roles of social partners. Next section introduces the context, presents the case studies and comparatively evaluates them. We conclude by discussing the lessons learned and outlining key questions for further research.

2 Theoretical Background and Literature Review

This paper builds on theories of institutional change (Ost, 2000; Ost & Crowley, 2001) and restructuring regimes (Gazier, 2008; Bergström, 2019) to explore how, in the context of the COVID-19 pandemic, social partners in CEE have reacted to job preservation policies. In a broader sense, our study details industrial relations experiences from CEE countries in the context of the crisis. It also builds on punctuated-equilibrium theory (Baumgartner & Jones, 1993), postulating that the policy-making process is typically characterized by incrementalism, but when an era of policy stability is disrupted by a crisis (such as a pandemic), it may result in novel policies and new policy paradigms, including in employment and work organisation.

Institutional factors played an important role in shaping the evolution of social dialogue in the post-socialist countries of CEE aspiring to EU membership from the 1990s onwards. Implementation of tripartite institutions was a part of the *acquis* and as such had to be endorsed by the CEE countries (Vaughan-Whitehead, 2000). In a number of countries, for instance, Poland, the process dragged on (e.g., Gardawski, 2009), and in all required a *de facto* creation of employer organisations in a top-down manner. The results of such imitational institutional change have been assessed critically, with the famous ‘illusory corporatism’ thesis (Ost 2000, 2011; Woolfson & Kallaste, 2011) depicting tripartite bodies conceived under external pressure as a *façade* being frequently cited. The superficial nature of institutional change is well illustrated by the continuous crisis of collective bargaining, suffering from diminishing coverage rates and decentralisation, as well as on-going de-unionisation. In the accession states of CEE, which are portrayed as cases of ‘neoliberal’ (Baltic States) or ‘embedded neoliberal’ capitalism (Bohle & Greskovits, 2013), employer organisations have largely failed to become more than just business associations due to their inability to engage in genuine collective bargaining (e.g., Müller et al., 2019). In all CEE countries, trade unions were losing their associational and structural power, partly due to historical legacies (e.g., Crowley, 2004), partly due to inadequate capacity for re-inventing themselves in the context of rapid economic change (restructuring) (e.g., Czarzasty et al., 2014), and partly due to enduring 'labour quiescence' after the fall of self-proclaimed worker-states (Crowley & Ost, 2001). Given the circumstances, tripartite bodies became an institutional prosthesis for weak social partners who could exercise via that channel – albeit in an increasingly symbolic way – some impact on public policies.

This weak impact on public policy was also demonstrated during the post-communism period and during the economic crisis of 2008. However, according to Bergström (2019), some changes in restructuring regimes[2] were observed in CEE countries such as Bulgaria and the Czech Republic in the 2008–2009 period. These countries introduced short-term working schemes, mainly funded by the European Social Fund (ESF). In 2020, the role of the state in all the examined countries has changed in terms of restructuring regimes with the massive use of short-time work in the context of the COVID-19 pandemic. This major policy change in CEE, compared to previous periods, has opened several opportunities for social partners, despite their relative weakness, to negotiate short-time work arrangements.

These recent developments may cause a major disruption in the industrial relations realities. During the three decades following the fall of communism, the role of social partners to shape policies was additionally restrained by austerity policies promoted by the European Union and/or international financial institutions and the limited budgets of national governments. However, the situation in the context of the pandemic has suddenly changed. Governments in

[2] National restructuring regimes are defined in the literature as a combination of both 'law-based or informal adjustment mechanisms, and as measures controlled or adopted by a particular group of actors' (Bergström, 2014).

the region have mobilised European and some national resources and invested massively, as illustrated by the country cases below. Indeed, we hypothesise that the role of social partners in national politics was suddenly disrupted, providing them with new tools to impact policy-making. In this context, the theory of incrementalism may be useful. It postulates that policy-making is based on minor adjustments made by policymakers to respond to societal problems rather than on grand changes in policy designs or even implementing novel policies that would significantly differ from the status quo (Hayes, 2001; Lindblom, 1959). As a result of the uncertainty of outcomes and lack of agreement over fundamental values, policymakers opt for an incrementalistic strategy in policy-making and seek local solutions. Thus, given the complexity of problems and lack of information and knowledge, policymakers decide to adopt policy measures that are possible and practical, and whose consequences are more predictable (Atkinson, 2011). Eventually, policy agendas become stable and major policy changes thus occur as an outcome of the accumulation of smaller adaptations to policies. Baumgartner and Jones (1993) further postulate that the policy-making process is typically characterised by incrementalism, but the era of policy stability is disrupted by a crisis (such as armed conflicts, epidemics, and terrorist attacks), which results in novel policies and new policy paradigms. In this context, policymakers irregularly respond to new information and overcome institutional obstacles (Baumgartner et al., 2009), and then major policy changes occur as a response to extraordinary circumstances. Nevertheless, not all exogenous disruptions result in large-scale policy actions (such as a slow response to climate change), as institutional settings, and especially frictions within institutions, have an impact on the variation and strength of policy changes (Baumgartner et al., 2009; Lundgren et al., 2017). Therefore, the current health and economic crisis plays a pivotal role in shaping new policy paradigms in job preservation employment policies and speeding up both the massive use of government funded job preservation schemes and the introduction of novel forms of work organisation (such as teleworking) that enable private companies and public entities to adjust to adverse economic circumstances and to address different restrictions relating to business venues, lockdowns, and school closures affecting the childcare responsibilities of working parents.

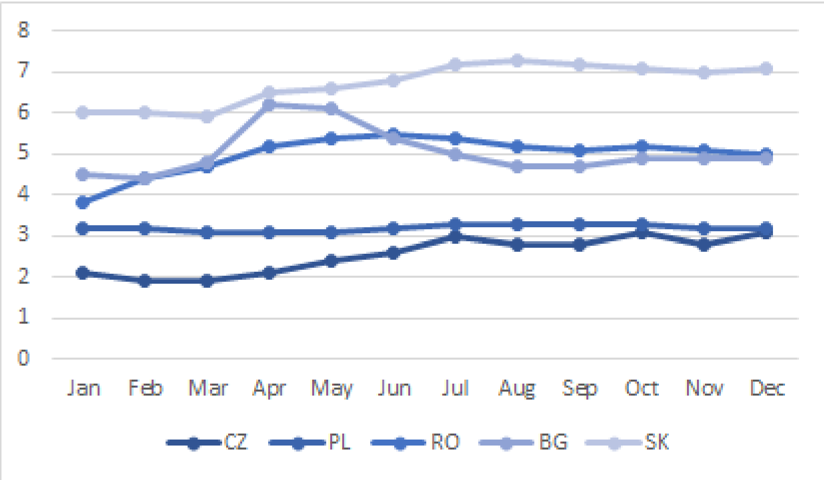
3 Methodology

To study institutional developments in CEE countries we employ mixed methods of analysis. The input from qualitative research (interviews with national-level social partners and desk research carried out in each country) provides insights about the role of social partners in policy-making for preserving jobs, at the macro and mezzo levels. We carried out 13 semi-structured interviews with representatives of trade union confederations and employer organisations in the five countries (three in Bulgaria (BG), two in Poland (PL), two in Slovakia (SK), two in the Czech Republic (CZ), and four in Romania (RO)).

4 The context of job preservation

Between 2015 and 2019, CEE countries encountered a positive economic growth accompanied with a decreasing unemployment rate. The COVID-19 pandemic has reverted these positive trends. Figure 1 depicts the varying patterns in unemployment development between countries in 2020. In Poland, unemployment essentially remained flat throughout the year. In contrast, unemployment grew most in the Czech Republic: from the low base of 1.9% in March to 3.1% in December, that is, by 1.2 percentage points or 60% over nine months. In Bulgaria, the rise in unemployment spiked from 4.8% in March to above 6% in April and May 2020, but remained below 5% until the end of the year. In the Czech Republic, Romania and Slovakia, the increase in unemployment was gradual and spread over several months.

Figure 1 Monthly unemployment rates (seasonally unadjusted), 2020



Source: own elaboration based on (Eurostat, 2021).

The COVID-19 pandemic has forced many employers to adopt remote work arrangements as a common form of work. However, surprisingly, policy measures to develop and implement effective teleworking arrangements have not been on the agenda of social partners in CEE countries. Teleworking has been left to individual bargaining or, in rare cases, social dialogue at the establishment level. Nevertheless, the spread of teleworking due to the outbreak of COVID-19 among workers in CEE countries was massive, in stark contrast to its low prevalence before 2020.

The share of jobs that could be done from home with existing technologies (Dingel & Neiman, 2020) in CEE countries is below the EU average of 36% (see Column 1 in Table 1). In Romania, only 22% of jobs are estimated to be plausibly performed at home, while the fraction of tele-workable employment ranges between 29-33% in other studied countries. Access to teleworking is greater among workers who use computers or electronic devices. Data from the EU survey on the use of information and communication technologies (ICT) among workers show that two-thirds of EU workers use ICT equipment at work but only a third of workers in Romania and Bulgaria and slightly over half of workers in the Czech Republic, Poland, and

Slovakia (see Column 2 in Table 1). The share of employed working from home regularly or at least sometimes before 2020 was 15% in Poland, around 10% in the Czech Republic and Slovakia, but below 2% in Bulgaria and Romania (see Column 3 in Table 1).

Table 1 Tele-workability and use of ICT at work (percent)

Country	Employment tele-workability	Use of ICT at work	Prevalence of teleworking in 2019	Teleworking in April 2020	Work from home in June/July 2020
	(1)	(2)	(3)	(4)	(5)
BG	29	39	1.2	27	27
CZ	33	56	10.3	37	45
EU-27	36	67	15.2	39	46
PL	33	52	15.0	31	38
RO	22	32	1.4	20	31
SK	29	52	9.7	31	32

Note: (1) figures adopted from Dingel and Neiman (2020); (2) the share of individuals who use computers, laptops, smartphones, tablets or other portable devices at work from Eurostat (variable isoc_iw_ap); (3) the share of employed working from home from Eurostat (variable lfsa_ehomp); (4) the share of workers who started to work from home as a result of the COVID-19 situation from Eurofound (2020a); (5) the share of workers indicating working from home from Eurofound (2020a). All shares in percentages. Individual weights are applied.

Source: Own elaboration based on (Dingel and Neiman, 2020; Eurostat, Eurofound; 2020a).

The spread of COVID-19 acted as an exogenous shock to work organisation and increased the prevalence of teleworking. The Eurofound’s Living, Working and COVID-19 survey (Eurofound, 2020a) identified 39% of workers in the EU working from home during the peak of lockdown restrictions. Rates below 30% were recorded only in four Member States, including Bulgaria (27%) and Romania (20%) (see Column 4 in Table 1). The follow-up survey found that working from home had increased to 46% in the EU in June/July 2020. The range of incidence in the CEE countries remains below the EU average and ranges between 27% in Bulgaria and 45% in the Czech Republic (see Column 5 in Table 1). The findings point to the lower use of ICT at work and lower prevalence of teleworking in CEE countries relative to the EU average.

We next summarize the main characteristics of the industrial relations systems and main social partners of the five countries (Table 2). While there are significant differences in terms of the fragmentation of social partners, the situation regarding power, measured by trade union density and collective bargaining coverage, clearly indicates a decrease compared to the situation ten years ago. Finally, there is a decentralization trend taking place in all the countries, and national level tripartism loses ground. Will the current crisis related to COVID-19 reinforce these trends? Or can it be an opportunity for social partners to revitalize tripartite arenas and impact public policies tackling job preservation?

Table 2 Industrial relations key characteristics

Country	Bulgaria	Czech Rep.	Poland	Romania	Slovakia
Collective bargaining coverage (%)	28 (2018)	50 (2016/2017)	13 (2019)	15 (2017)	24 (2015)
Trade union density	15 (2016)	11 (2018)	13 (2017)	21 (2018)	11 (2018)
Actors	2 main trade union confederations and 5 EO	1 main confederation and 1 EO	2 confederations and	5 TUs confederations and six EO	1 main confederation and 3 EOs, and the Federation of towns and municipalities
Bargaining	Bargaining at company and industry level. Company-level bargaining prevails	Sectoral (setting general points) and enterprise (more specific), but only one level applies in many workplaces	Single-employer level dominates	Company bargaining the most important Cross-industry bargaining prohibited	Collective bargaining alternates between company, multi-employer, and sectoral bargaining. The latter two are still dominant but the company level is increasingly important.

Source: Adapted from (Mueller et al., 2019; and Visser, 2021).

5. Country cases

Bulgaria

Since the COVID-19 outbreak, social partners in Bulgaria have engaged in an intensive social dialogue leading to national-level agreements and have actively taken part in the formulation of job preservation measures. As is well documented elsewhere (Kirov, 2019; Adascalitei & Kirov, forthcoming), in previous crisis situations, such as in 1996–1997 or 2008, the social dialogue in Bulgaria intensified and improved due to government efforts to legitimize its policy and employers' will to engage in dialogue.

The larger measure to address the pandemic, in terms of budget and impact, has been tailored to support job preservation: 'COVID-19: Income support for workers 60/40'. The so called '60/40' measure was introduced by the Bulgarian government as early as March 2020 to cover 60% of the wages of employees in affected sectors who would otherwise have been laid off (the overall amount of this measure has been estimated to be over 1.2% of 2019 GDP). In March-April 2020, '60/40' intended to cover companies whose activities were prohibited by restrictive measures related to COVID-19 and companies whose turnover decreased by 20% compared to the same period in 2019 . During the second wave of the programme (1 July - 30 September 2020), the measure focused on the hospitality industry, in particular targeting seasonal workers. The third wave of the '60/40' measure, which started in October 2020, covered almost all sectors, and continued throughout 2021 and the beginning of 2022.

Along with the more general '60/40' measure, Bulgaria introduced another measure targeted at supporting short-time work in tourism and travel: 'Measures for maintaining employment in transport and tourism'. This measure has been aimed at employers and self-employed in the transport and tourism sectors. Eligible applicants must prove at least a 20% drop in sales revenue and to pay taxes and social security contributions for 2019. Initially, the measure was set to last six months and to preserve the employment of at least 22,000 people. The total budget allocated to this measure was BGN 40 million (€20 million). This measure might be combined with measure ‘60/40’ to increase support to ‘80/20’. These measures are funded by the state budget and through ESF, by re-orientating other measures. Above all, the main instrument to tackle the crisis and preserve jobs has been through short-term unemployment schemes.

From the beginning, social partners took an active role in drafting measure ‘60/40’. This measure was discussed in detail within the National Council for Tripartite Cooperation (including government and representatives of the nationally-representative employers’ and trade union organizations). ‘60/40’ was supported by all social partners. Social partners not only provided opinions, but also initiated solutions such as the measure for the support of jobs in travel and tourism, which was proposed by the unions, supported by all social partners, and then adopted and implemented.

As early as March 2020[3], the largest trade union confederation (Confederation of Independent Trade Unions of Bulgaria – CITUB), supported the efforts of the Government and the Parliament of the Republic of Bulgaria to take urgent action in the state of emergency to protect the health and life of the nation and to preserve employment and production, as reasonably as possible, while ensuring conditions for survival. Employers’ organisations, alone or within their umbrella organisation the Association of Bulgarian Employers Organisations (AOBR), also supported the government measures.

Although social partners supported the measures for job preservation in general, they have been critical of certain aspects of the employment preservation policy. For example, CITUB underlined in late March that measures adopted by the government have been extremely insufficient in terms of scope and monetary value. According to the trade unions, a larger package of measures is needed to target all the affected sectors and categories of employees.

[3] https://knsb-bg.org/index.php/2020/03/23/pozicziya-na-knsb-otnosno-neobhodimite-merki-za-preodolyavane-na-negativnite-efekti-ot-zarazata-s-COVID-19-varhu-ikonomikata-i-pazara-na-truda/

Therefore, trade unions have lobbied not only for expanding the scope of the measures, but also for revising some relevant laws, for example, to increase the minimum unemployment benefit (from BGN 9 per day to BGN 17) or to permanently establish it at 60% of the minimum wage. As early as 17 March 2020, the largest employers organisation, the Bulgarian Industrial Association (BIA), published a position on the Draft Law on measures during the emergency, requesting state support for different compensations that will allow companies to preserve jobs[4]. In April 2020, the employer's association in Bulgaria published a joint statement of AOBR[5], requesting a 'better formulation of the '60/40' measures' and pushing for additional working time flexibility, for example, that 'the employer may establish, for the whole period of the state of emergency, or part of that period, part-time work for full-time employees'.

At the beginning of April, CITUB, and other employers' and trade union organisations, proposed new measures targeted at specific groups affected by the crisis to enter the second socio-economic package[6]. All the proposals submitted to the National Council for Tripartite Cooperation by the other social partners for new social and economic measures were compiled in a common package at the end of April 2020. Those proposals were then discussed with the government.

The high-level format of the social partners' involvement is illustrated also by the relatively regular meetings of the social partners' heads with the prime minister and the minister of finance in order to discuss the proposals for additional support for social groups affected by the crisis[7]. On 10 June, 2020, the social partners issued a joint statement asking the prime minister to discuss the economic and social measures to overcome the consequences of the COVID-19 pandemic, on which a consensus was reached between the social partners within the National

[4] https://www.bia-bg.com/standpoint/view/26668/

[5] https://www.bia-bg.com/standpoint/view/26866/

[6] https://knsb-bg.org/index.php/2020/04/07/plamen-dimitrov-pred-btv-predlagame-novi-merki-nasocheni-kam-konkretni-grupi-zasegnati-ot-krizata/

[7] https://knsb-bg.org/index.php/2020/04/13/do-kraya-na-mesecza-tristranniyat-savet-sthe-obsadi-nov-paket-ot-merki-za-podkrepa-na-ikonomikata/

Council for Tripartite Cooperation (the decision was taken at a meeting of the NCTS held on 21 May, 2020)[8].

As in previous crises, the COVID-19 pandemic has stimulated a social dialogue leading to wide national agreements. On June 17, 2020, social partners signed a National tripartite agreement[9] covering five main areas: business environment and economics, energy, the European Green deal, demography, and education and social protection. While these areas have not been directly related to the COVID-19 situation, the broad consensus was possible because of the crisis; rarely in the context of Bulgarian industrial relations has such a national agreement been reached.

After the summer of 2020, social partners maintained their consensus regarding the general approach to address COVID-19. They continued to negotiate specific details about the coverage, scope and application of the job preservation measures and other actions. For example, in November 2020, the largest Bulgarian employers organisation, BIA, again advocated for measures to timely support the impacted businesses, such as the establishment of a National Program for Support of Bulgarian Business Affected by Restrictive Measures, providing an opportunity to quickly receive compensation from the state[10]. One of the measures that should be covered by the National Programme may be support for companies' fixed costs.

Regarding telework, there have been limited collective bargaining and specific agreements at company level and no regulations introduced at the sectoral or national level.

[8] https://www.bia-bg.com/standpoint/view/27197/

[9] https://www.bia-bg.com/news/view/27221/

[10] https://www.bia-bg.com/standpoint/view/18517/

The Czech Republic

In March 2020, the Czech Ministry of Labour adopted an employment protection programme, called *Antivirus*[11], as a temporary short-time work scheme until the introduction of permanent legislation. Employers could apply for compensation in two programmes. The first programme granted partial compensation of payroll expenses (80%) due to reasons on the employee's side (quarantine order) or full compensations of payroll expenses to employers who had to close or significantly limit their operations because of a government order. To qualify for the compensation, the employer was required to strictly adhere to the Labour Code, pay a wage and mandatory contributions, and the employment contract could not be terminated. Employees with temporary work contracts were not eligible for compensation. The maximum compensation per employee per month was initially set at EUR 1,470 and increased to EUR 1,890 on October 1, 2020. Under the second regime, employers could apply for compensation of payroll expenses for obstacles to work due to the spread of coronavirus (e.g., restricted supply of materials, reduction in demand for services, workers absence due to a school closure). The amount of compensation ranged between 60 and 100% with a maximum threshold of EUR 1,100 per employee per month. In the Czech Republic, compensations are paid to employers after the end of the calendar month. In 2020, the *Antivirus* programmes paid more than EUR 8.2 billion in compensation to a quarter of employees in the Czech Republic. To further support employment, the government waived the social security payments by the employer (24.8% of the assessment base) for the months of June, July, and August in 2020. This programme was open to companies with less than 50 employees that had not reduced their staff by more than 10% relative to the situation at the end of March 2020. The *Antivirus* was a temporary short-time work scheme, but ultimately remained in operation for the maximum period of one year until February 2021. The Czech Government has yet to enact a permanent short-time work

[11] https://www.mpsv.cz/web/cz/antivirus

scheme that would define universal compensation rules for preserving employment whenever the Czech economy suffers a crisis similar to COVID-19.

According to the Czech Labour Code, telework can be established after mutual agreement between the employer and the employee. Only for one week in November was telework mandated by Government Decree 1102/2020; no other provisions on telework were made in 2020.

The short-time work scheme is acknowledged by all social partners in the Czech Republic as a more effective policy measure than unemployment insurance as it helps enterprises during periods of temporary economic downturn to maintain employment. Trade union associations and employers associations at the tripartite level actively participated in the law-making process coordinated by the Ministry of Labour and Social Affairs. The employer representatives proposed the following changes in the design of short-time work scheme introduced by the Ministry in September 2020: a minimum replacement rate of 70% (60% proposed by the Ministry); a compensation cap defined by 150% (100% proposed by the Ministry) of the average national wage; higher flexibility in hours worked per employee with a possible reduction of up to 80% in the calendar month; the assessment base defined by the average salary in the previous 3 (or more) months (1 month proposed by the Ministry).[12] Social partners mainly refer to the German experience and the provision of the German *Kurzarbeit* scheme in the adoption process.

In September 2020, the Act on Employment was adopted by the Czech Government, and the Lower House approved the first reading in October 2020. The legislative process regarding the short-time work scheme, originally planned to be effective from January 1, 2021, was hampered

[12] Statement of the Confederation of Employers 'and Entrepreneurs' Unions of the Czech Republic on the Bill Amending Act No. 435/2004 Coll., On Employment available at: https://ipodpora.odbory.info/dms/soubory/index?file=Stanovisko%20KZPS%2030924_20200902172829.docx

by disputes within the coalition parties[13] concerning the level of replacement rate and other provisions. The final version of the legislation remains uncertain. In December 2020, representatives of both trade unions and employer associations jointly called on lawmakers to adopt the short-time work scheme given that the *Antivirus* programme could run for a maximum of one year, at which point compensation to employers would end.[14]

Regarding telework, the Czech-Moravian Confederation of Trade Unions claims that working from home has reduced operational costs to employers during the pandemic, and it initiated a dialogue with employers concerning lump-sum compensation to employees for teleworking. There is no regulation proposed or adopted at the national level.

Poland

In the first months since the initial outbreak of COVID-19, the social dialogue in Poland was side-lined with little involvement of the social partners. In late 2020 and throughout 2021 the attitude of the government towards social partners became more cooperative and the general climate in social dialogue improved albeit not to the point marking any qualitative change. In general, all anti-COVID-19 policy measures have been designed and implemented single-handedly by the government. In symbolic terms, the attitude of the government towards social dialogue in 2020 was best exemplified by a clause included in the Anti-crisis Shield 1.0[15] (article 46) adopted in March 2020, by virtue of which the Prime Minister would gain the right to dismiss any member of the Social Dialogue Council (RDS), the central level tripartite body, if they commit an act of ‘misappropriation of the Council's activities, leading to the inability

[13] The Minister of Finance is a member of the ANO party, while the Minister of Labour is affiliated with the Czech Social Democratic Party.
[14] Statement of OS KOVO, available at: https://www.oskovo.cz/aktuality/odbory-i-zamestnavatele-chteji-kurzarbeit-od-1-ledna
[15] In 2020, the anti-crisis policy was introduced in a sequential way with a view to following the development in the public health crisis, and took the form of the so-called Anti-Crisis Shield. There were six waves of the Shield (marked as the Anti-Crisis Shield 1.0 to 6.0) by the end of the year.

to conduct transparent, substantive and regular dialogue between employee and employer organizations and the government'. All national-level social partners protested against the new regulations in a joint protest signed by all eight representative organisations. Social partners claimed that the new regulations violated the autonomy of the RDS and of social partners themselves (Protest, 2020). The controversy stirred by the regulations prompted the President of Poland to request the Constitutional Court to review their legality. Thus, while the regulation has been put on hold, the future of tripartism is still unclear. Furthermore, according to an advisor of one of the national trade union confederations, bipartite social dialogue in the age of pandemics can be described as 'being in shambles': there are no pandemic crisis-related accords above the enterprise level, even in the form of 'soft' recommendations or declarations.

Even before the relapse of the early pandemic phase in the summer of 2020, some signs of revival of the tripartite social dialogue could be seen. First and foremost, the government made some concessions to trade unions in April 2020 as a result of informal negotiations between the government and NSZZ Solidarność. In particular, the initial anti-union and anti-employee provisions of the draft Anti-crisis Shield 3.0 such as suspending collective agreements and company social funds due to 'economic hardship' experienced by the employer or giving employers the right to dismiss employees if the latter are known to have any other source of income apart from the contract of employment were dropped from the law which was eventually adopted. Moreover, in late September 2020, RDS met for the first time since the pandemic's initial impact, and nation-wide representative social partners were able to agree on several issues that translated into four bipartite (no countersignature of the government side) resolutions, concerning public aid to be provided to transport companies (Resolution 87), hardships faced by food-processing and tourism industries (Resolution 88), possible redundancies in the public administration (Resolution 89), automotive sector (Resolution 90), and changes in income tax regulations (Resolution 91). While this could be read as a sign of the social partners' capacity to speak with one voice, no impact on public policy ensued due to the government's lack of interest in endorsing the bipartite initiatives. This tendency was further reinforced by the fact that – according to social partners – the government ignored their proposals while drafting amendments to the Act on Social Dialogue Council (RDS).

In 2021 there were short-lived signs of the climate surrounding social dialogue improving such as the idea for a new social pact emerging in the middle of the year, with negotiations on permanent regulations concerning remote work being the point of departure. Nevertheless, the negotiations collapsed following the ousting of Deputy Prime Minister (Jarosław Gowin) – who had endorsed the idea with the intention of turning it into his own political vehicle – from the government in the summer of 2021. On the other hand, there were also numerous signs of deepening impasse in tripartism such as growing discontent of trade unions translating into relatively huge protests (by nurse unions and the energy sector workers) in May and June or side-lining of the social partners in the process of drafting the National Recovery Plan.

As far as the enacted anti-crisis policy measures are concerned, there are some – relatively weak but nevertheless present – references to social dialogue in the legal text, enabling employee representation to make impact on the new arrangements being introduced at the company level. For example, the short-time work scheme introduced in April 2020 states that a relevant agreement must be reached with 'employee representation' (which means not only trade unions/works council, but also a representative appointed in a 'way customary for the employer', if the former bodies are not present) in order to launch such a work-time arrangement. As for short-time working schemes, employers enduring economic difficulties (decrease in sales by at least 15% experienced over two consecutive months after 1 January 2020 due to the COVID-19 outbreak or by at least 25% experienced on a month-to-month basis after 1 January 2020 with no specific reason required) could request public aid due to the introduction of reduced working time (up to 20%, employee's reduced working time, still no less than 0.5 full-time working time, and the pay would not fall below the minimum wage). With the conditions met, the state would supplement wages up to 40% of the national average wage in Poland in the previous quarter.

Teleworking in Poland has been debated since the spring outbreak of COVID-19. The issue was temporarily regulated by the earliest, emergency regulation (preceding the Anti-Crisis Shield 1.0) at the beginning of March 2020. As remote work was generally well-received by both employees and employers, the idea of making the temporary solution permanent emerged. With the arrival of the second wave of the pandemic, the issue became even more urgent. The government stepped in with a proposal to integrate remote work and relevant regulations into the Labour Code. Initially, the idea was to replace the paper on telework with a new set of provisions on remote work. According to national statistics (GUS, 2020), as of October 2020, some 25% of the workforce stated they were engaged in remote work. The share of the workforce with home offices would not fall over time but grew even further: in November 2021 nearly 30% of working people inquired admitted to be doing their jobs remotely (COV-WORK 2022). Given that remote work is defined in vague terms – as the law stipulates only that an 'employer may request that the employee performs, for a definite period, work away from its permanent site (remote work), as long as the state of pandemic emergency or state of pandemics is in force for an additional three months after it ends' – a decisive resolution of the issue seems very urgent. It seemed that regulating remote work would propel negotiations on the social pact. Still following the collapse of the social pact idea, the issue of remote work (even though it has become a widespread phenomenon) has remained unresolved. As a result, the issue of remote work has not been regulated on permanent basis, so there is an essential question to be raised: what is going to happen when the state of pandemic is revoked, deactivating the provisional regulations?

Romania

The technical unemployment indemnity was introduced on 18 March 2020, during the early phase of the lockdown and was implemented in response to the unprecedented impact of the pandemic on the labour market and to calls from social partners for government support. A concerted effort by social partners called for 'urgent and exceptional policies to maintain the vital functioning of the economy and protect employees' (Cartel-Alfa.ro, 2020). Furthermore, a petition initiated on 13 March and signed by 50,000 employers called for the government to provide fiscal facilities and grants to firms who faced challenges due to the COVID-19 crisis. One of the key demands of employers was for the government to step in and subsidize companies that would maintain employment contracts during the pandemic (SmartBill.ro 2020). Several days later, the two automotive manufacturers that operate in Romania, Ford and Dacia, announced a temporary suspension of their operations as a result of the pandemic, and the move of their 20,000 workers to 'technical unemployment' (Mediafax, 2020a; 2020b). In addition, the government sought to avoid mass layoffs and prevent companies from losing their skilled labour force.

The measure builds on the experience accumulated during the global financial crisis when a similar policy was adopted by the government to support employment levels. At the time, the government waived social security contributions and income tax for employees whose activity was interrupted because of the crisis. However, a similar measure during the recent pandemic was deemed insufficient as many of the companies in the sectors most impacted by the pandemic, such as retail and hospitality, are undercapitalised and therefore would have been unable to pay the benefits. Furthermore, interviews suggest that the Government saw it necessary to step in as business activity was rescued because of the lockdown measures it adopted and not by a financial crisis.

The technical unemployment indemnity was followed up by a short-time working scheme which was put in place as of September 2020 for a period of three months. The scheme applies to establishments where at least 10% of the workforce is impacted and allows for a maximum 50% reduction of working time. Although hailed as a measure that could help protect employment by both unions and employers, its effectiveness at the time of writing is doubtful as subsidies through the scheme face significant delays.

Both trade unions and employer confederations reported that they have been consulted over various aspects of the design and implementation of the policy. However, evidence shows that the government was selective as to which of the suggestions from employers and trade unions to include.

Trade unions have been involved in the design of several elements of the policy. For example, at the request of the trade unions, a derogation from the Social Insurance law was introduced which stipulated that the entire time when the activity of an employee was discontinued is considered the contributory period for the unemployment insurance system.

which stipulated that the period of for which an employee has his activity discontinued is considered the contributory period for the unemployment insurance system. This was an important update of the policy as the generosity of the unemployment benefits in Romania is conditional on the length of the contributory period. Furthermore, social partners have been involved in re-designing the rules for implementing the policy. To apply for the technical unemployment indemnity, the initial policy required employers to submit a certificate of emergency from the Ministry of Economy and to prove a decrease in income in March of at least 25% compared to the average of the previous two months. The policy also capped the number of employees who could receive the allowance to 75%. These requirements were removed following discussions between social partners and the government. At the same time, consultations with social partners led to a reduction in the term set for the payment of benefits in the accounts of the employer for 30 to 15 days and the introduction of the requirement that employers transfer the net benefits into employees' accounts no later than 3 days after receiving the transfers.

Nevertheless, other demands by social partners have not been implemented. For example, both employer confederations and trade unions have advocated for introducing a requirement for employers to uphold employment contracts during or immediately after the temporary suspension of activity - a demand which was not adopted by government for the technical unemployment indemnity but was later added as a requirement to the newly-established short-term working scheme (BNS, 2020a). Another trade union demand that was not implemented by government concerned the harmonisation of technical unemployment and unemployment benefits so that the unemployment benefit levels would not fall below 50% of the value of the basic salary in the past six months. Furthermore, in April, trade unions pursued the extension of the coverage of the scheme to public sector employees, a demand which was rejected by the government.

On the employer side, two of the key suggestions were incorporated in the update of the policy. First, GEO 32/2020 (the first update of the GEO 30/2020) eliminated the threshold which specified that only 75% of the employees of the company can benefit from the measure. Second, GEO 32 also clarified that employers have the freedom to top up the allowance paid by the state from their own funds. However, other suggestions, such as the payment of net instead of gross benefits, have not been incorporated in the law.

Overall, social partners have evaluated the level of social dialogue and their involvement in policy design and implementation to be more extensive than usual. Trade unions reported that the government has broadly relied on their expertise and knowledge of the labour market to ensure that the crisis responses are effective. They also reported that ongoing consultation with the government has broadened the coverage and generosity of the technical unemployment policy. Employers also reported that the government has involved them in consultations regarding the design of the scheme but that their feedback was included in minor, technical details of the scheme.

Slovakia

The Slovak Government has adopted a set of measures as a response to the current health and economic crisis that provided financial incentives to employers and self-employed with a purpose to preserve jobs (known as First Aid, First Aid +, First Aid ++). Wage subsidies presented a main policy tool to mitigate the adverse impact of the pandemic on the job market in Slovakia. The wage subsidy measures adopted as a response to the COVID-19 pandemic consists of two types of policy measures: (1) a financial allowance for preserving jobs at companies covering 80% of the gross wage for employees (in October 2020 changed to 80% of the labour costs) who do not work due to pandemic-related restrictions in business operations (based on a government order) or due to a decline in revenue encountered by the company, and (2) financial contributions to compensate a loss of income for self-employed persons whose income has been reduced. The measures aspired to preserve already existing jobs with standard employment contracts, while non-standard workers (workers with temporary contracts, seasonal or platform workers) were supported only poorly by the anti-pandemic measures.

These wage subsidy provisions are considered simplified versions of a short-time work scheme, responding to the consequences of the current crisis. The pandemic's impact on the Slovak labour market has triggered a discussion about the implementation of the German model of *Kurzarbeitsgeld* into Slovak law. In May 2021, the Act on Short-time Work Support was passed (to become effective from January 2022) to mitigate adverse economic impacts on companies and to preserve jobs in future crises. The financial support will be granted when business operations are restricted by external temporary factors preventing the work of at least one third of employees and for at least 10% of the weekly working time. The fund intends to compensate

60% of the average hourly gross wage for a maximum duration of 6 months within 24 consecutive months. Self-employed persons and public sector employees are excluded.

As a response to the pandemic and the need to facilitate teleworking, the amendment of the Labour Code in March 2020 (entered into force in April 2020) introduced occasional teleworking that may be temporarily ordered by the employer regardless of the employee’s consent. The order must meet two conditions: (i) the employee can perform job tasks from home, and (ii) job tasks do not have to be carried out at the official workplace or carrying out job tasks at the official workplace is risky. Nevertheless, teleworking may be ordered for a limited time. The employee also acquired the right to teleworking; the employee may ask for permission to telework unless there are no operational restrictions. Before the amendment, the law recognized solely permanent teleworking, which was based exclusively on a mutual agreement between the employee and the employer.

The amendment to the Labour Code in March 2020 also established other minor provisions relating to flexible work arrangements, specifically regarding (i) planning a work-schedule and (ii) scheduling vacation time. The employee must be informed about the altered work time-schedule at least two days beforehand, a time-schedule must then be valid for at least ten days. Regarding vacation time, the employer has the right to order vacation time for the employee at least 7 days before the vacation starts, instead of 14 days as before the 2020 amendment, but solely during the state of emergency.

The Confederation of Trade Unions (*Konfederácia odborových zväzov*) criticised the nature of several policies that have been adopted to mitigate negative consequences of the pandemic on the labour market, mainly (1) discriminatory features of the current wage subsidies; and (2) a provision to preserve a job was not included in the conditions of the *Kurzarbeitsgeld* policy.

Regarding wage subsidies, the representative of the Confederation pointed out that individuals taking care of children younger than 11 due to school closure received the pandemic caregiver’s allowance amounting to 70% of a net wage, while not-working employees received 80% of a gross wage[16].

In general, the Confederation does not consider current job preserving policy tools as effective, and support introducing short-time work in the Slovak legislative framework. Nevertheless, it objected that a provision to preserve jobs was not included in the regulation, which means that employers will not be obliged to preserve jobs, and, consequently, no time limit was established during which the employee cannot be dismissed[17].

Representatives of employers at the tripartite level criticised mainly the speed of aid provision and administrative costs incurred by companies in the process of applying for financial aid. From the beginning, the National Union of Employers supported introducing short-time work as a sustainable policy tool, given that the amount of social insurance contributions will not be increased[18]. In this respect, it seems that the employers' organisations representing especially the automotive industry, as a dominant industry in the country, played a pivotal role in dialogue over the adoption of a short-time work scheme. On the other hand, as part of the Economic Crisis Staff, the National Union of Employers pointed out that many companies did not apply for the wage subsidy due to administrative costs[19].

Additionally, the Confederation also objected to the legislative process and the lack of involvement of trade unions. According to the representative of the Confederation, specifically the policy measures adopted during the first wave of the pandemic were not discussed with the trade unions. In addition, in November 2020, the Government approved short-time work without discussing it at the tripartite level and, although the proposal was about to be discussed at the Steering Committee on Pension Reform, Social Insurance and Short-time Work (before

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[16] https://www.kozsr.sk/2020/04/11/rodicia-teraz-dostavaju-menej-ako-ti-ktori-nepracuju-nie-je-to-fer/

[17] Comments of the Confederation of Trade Unions on the Proposal on introducing short work scheme "Kurzarbeit" in the Slovak legal framework: https://rokovania.gov.sk/RVL/Material/25385/1

[18] https://www.ruzsr.sk/zamestnavatelia-kurzarbeit-ano-nie-vsak-za-cenu-rastu-odvodoveho-zatazenia

[19] https://www.ruzsr.sk/ruz-o-pomoci-statu-podnikatelom

the tripartite meeting), the Committee did not take place. Subsequently, the Confederation refused to participate in the tripartite meeting, claiming that the Ministry of Labour had excluded the Confederation of Trade Unions from a standard legislative process. As a response to the conflict, the Confederation launched a series of protest actions, including protest marches, open letters to representatives of the Government and Parliament, and an online campaign via social media channels[20].

A deepening conflict between the trade unions at the national level on one side, and the Government and employers associations on the other has resulted in attempts by the Government to diminish the role of the Confederation by amending the Labour Code. The objective of the amendment (approved only by the Government so far) should be to involve other organisations representing the rights of employees (trade unions and other non-governmental organisations) in social dialogue at the national level. At the same time, a condition of representativeness does not have to be met and the duration of membership is limited to one year[21]. In November 2020, the Confederation informed the European Commission about the steps taken by the Government[22]. The Federation of Employers Associations of the Slovak Republic, as a tripartite partner, backed the position of the Ministry of Labour in this respect. Importantly, the conflict between social partners was accelerated during negotiations about the minimum wage in August 2020.

[20]https://www.kozsr.sk/2020/11/26/koz-sr-oznamila-zaciatok-zbierania-podpisov-pod-peticiu-za-vyhlasenie-referenda-na-ochranu-prav-zamestnancov-a-zachovanie-postavenia-odborov-na-slovensku/
[21] https://www.kozsr.sk/2020/11/06/vlada-zasahuje-do-slobody-zdruzovania-a-autonomie-odborov/
[22] https://www.kozsr.sk/2020/11/05/koz-sr-informovala-europsku-komisiu-o-porusovani-socialneho-dialogu-na-slovensku/

Table 3 Overview of the job retention measures adopted in CEE

	Bulgaria	The Czech Republic	Poland	Romania	Slovakia
Job preservation measures	"The scheme "60/40" provides 100% allowance to employees and the contribution of state is 60%.	Programme *Antivirus* wage compensations (60-100%) for obstacles to work on the employee's or on the employer's side or other obstacles to work due to COVID-19. Maximum amounts are specified.	Anti-Crisis Shield wage compensations up to 40 % of the national average wage in the previous quarter.	Short-term working scheme with maximum allowance 75% of the national average wage in 2020.	Wage subsidy provisions, covering 80% of the gross wage for employees (in October 2020 changed to 80% of the labour costs)
Social partners' involvement in the formulation of job preservation short-term schemes	Active role	Active role	Relatively limited role	Active role, but selective use of social partners' suggestions	Relatively active role

	Bulgaria	The Czech Republic	Poland	Romania	Slovakia
Scope in 2020	EUR 0.4 billion, about 300,000 employees (about 10% of all employees)	EUR 8.2 billion in compensation to a quarter of employees in the economy	EUR 6.7 billion allocated to job preservation short-term schemes (of EUR 37 billion total spending under the Anti-Crisis Shield)	EUR 1.48 billion	EUR 0.271 billion allocated to two main job retention measures as part of First Aid packages
Anti-crisis measures as a % of GDP	6.8%	14%	13%	4%	7%
Teleworking and other flexible solutions	Individual arrangements. Rare cases of company-level social dialogue	Individual arrangements. Rare cases of company-level social dialogue	Individual arrangements. Rare cases of company-level social dialogue	Individual arrangements. Rare cases of company-level social dialogue	Individual arrangements. Rare cases of company-level social dialogue

Source: own compilation on the basis of the case studies when not indicated in a footnote.

6 Discussion and conclusion

This paper provides evidence on the role of social partners in shaping job preservation policies and measures in five CEE countries (Bulgaria, the Czech Republic, Poland, Romania, and Slovakia) in response to the COVID-19 pandemic. We critically explore and comparatively evaluate the policy responses in the background of the evolving role of industrial relations. The examined CEE countries took a relatively similar approach in addressing the COVID-19 pandemic, with governments adopting comprehensive job preservation measures relatively quickly (Table 3).

In 2020, the industrial relations developments in the studied CEE countries with respect to their role for shaping labour market and social policies focused on job preservation measures. Based on the punctuated-equilibrium theory, it can be argued that the current pandemic crisis has stimulated rapid changes in employment relations and the character of employment policies, particularly with the massive recourse to short-term work, the process supported by social partners, and with the introduction of teleworking as a novel form of work organisation in CEE countries. However, the role of social partners in the latter change remains unclear.

Based on our findings, the first similarity in terms of policy responses is the focus on short-term working schemes in all the countries covered. In contrast to some previous crises, the financial efforts of the governments have been considerable, and, measured by their financial size relative to GDP, broadly similar to those implemented in older member states. In all five countries, the dominant measure to preserve employment has been also similar, despite the differences in the percentages, sectors covered and so on. In this context, it is important to note that job losses due to COVID-19 have not been substantial in the region, in contrast to what was generally expected at the beginning of the pandemic. The policy choices of the governments seemed to be without much innovation, but rather with a degree of pragmatic imitation. In addition, the policies have been facilitated by EU support and the existence of financial levers (e.g., the transfer of ESF funds to anti-COVID-19 measures). In this situation of budgetary generosity, in most countries in the region, social partners were able to eventually engage in a meaningful dialogue and successfully contribute to the shaping of anti-crisis measures, preserving employment, as illustrated by the recent social partner agreements in Bulgaria in June 2020. In Poland, however, despite efforts of social partners at the central level to address challenges posed by the (post)pandemic crisis (expressed in several bipartite resolutions), the government has maintained a unilateral mode of policy-making, and even the potentially fertile ground for re-invigorating tripartism created by the urgent need to regulate remote work has thus far remained unexplored. This seems to confirm that the turn towards some kind of neo-etatism, whose first signs became visible in 2015 (Czarzasty and Mrozowicki, 2018), has continued.

Major policy changes have also taken place in short-time work schemes, especially in Slovakia and the Czech Republic. In these two countries, the COVID-19 pandemic and the economic decline have triggered policy discussions regarding implementation of the German model of *Kurzarbeitsgeld* in the legislation as a long-term policy solution to prevent job losses due to future (potential) crises. Finally, in a paradoxical way, social partners have focused their effort at the national level, where normally tripartite cooperation has a weak impact on policy. It remains ot be seen whether this is an exception or a new trend in industrial relations systems in these countries.

While social partners had a voice regarding short-term working schemes, this was not the case for teleworking. This can be evaluated as a missed opportunity because, even though Eurofound (2020b) finds that the CEE region has the lowest proportion of workers who started teleworking because of the COVID-19 pandemic, the extent of telework-able jobs is considerable and some groups of employees are particularly affected, as our analysis shows. While collective bargaining is mainly taking place at the establishment level in CEE, social partners, in the context of the pandemic, were focused on negotiating national level measures that could be visible in society. However, in doing so, they neglected the negotiation of flexible solutions at the sectoral and especially company levels, though there were isolated experiences, as reported in interviews, for example, in the Czech Republic. Furthermore, social partners in CEE countries have limited experience with teleworking and its strengths and weaknesses (e.g., health issues, the costs of teleworking to employees) as well as good practice examples of how to manage teleworking employees (work organisation), in contrast to the old member states. For these reasons, teleworking is not on the agenda and social partners rather focus on wage subsidies as low-hanging fruit.

In conclusion, the COVID-19 pandemic as a major disruptive event (or period) offered a window of opportunity to social partners in CEE. However, they have only made usage of short-term working, changing the usual practice of market-driven restructuring. In this respect, jobs have been preserved thanks to the relatively abundant supply of national and EU funding. However, there are limited indications that this policy change will have effects beyond the pandemic, except for the institutional adoption of short-time working scheme in the Czech Republic and Slovakia.

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